

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 22-054-CU	827 Elmhurst Rd	Conditional Use
Case 22-055- Appeal	1378 Margret	Appeal
Case 23-012-TSUB	930,946, & 970 North	Tentative Subdivision



DES PLAINES PLANNING AND ZONING BOARD MEETING
April 11, 2023
MEETING MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, April 11, 2023, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

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

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

ABSENT: None

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

A quorum was present.

Call to Order and Roll Call

Approval of Minutes: March 28, 2023

APPROVAL OF MINUTES

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

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

NAYES: None

ABSTAIN: Veremis

*****MOTION CARRIES****

PUBLIC COMMENT ON NON-AGENDA ITEM

None

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Applications

1. Address: 2777 Mannheim Road Case Number: 23-014-CU-TSUB

The petitioner is requesting the following items: (i) a conditional use permit to allow two drive-through uses on the subject property that is next to residential properties; (ii) a tentative plat of subdivision to consolidate the five existing lots into three lots of record; and (iii) and any other variations, waivers, and zoning relief as may be necessary.

PINs: 09331080120000, 09-33-108-013-0000, 09-33-108-014-0000, 09-33-108-022-0000, and 09-33-108-023-0000

Petitioner: GW Properties (Mitch Goltz), 2211 N. Elston Avenue, Suite 400, Chicago, IL, 60614

Owner: Gus Sutter, 2777 Mannheim Road, Des Plaines, IL, 60018

Date: April 3, 2023

To: Planning and Zoning Board (PZB)

From: John T. Carlisle, AICP, Director of Community and Economic Development
Jonathan Stytz, AICP, Senior Planner

Subject: Request to Continue 23-014-CU-TSUB: 2777 Mannheim Road

Due to the quantity of comments addressed by staff in the Official Review Letter, the petitioner has requested to continue the hearing at the Board’s regular meeting on Tuesday, April 25, 2023. We recommend the Board grant this request, which is attached.

Date: March 30, 2023

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

RE: 2777 Mannheim Road, Des Plaines – Meeting Continuance Request

Dear City of Des Plaines,
GW Properties is requesting a continuance to our Planning and Zoning Board meeting for the property referenced above. We respectfully request that this meeting be continued to the April 25, 2023, Planning and Zoning Board meeting. Regards,
Mitch Goltz
Principal
GW Properties

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Chair Szabo swore in Mitch Goltz from GW Properties.

Petitioner Goltz stated that they are planning to redevelop the La Cave Banquet Hall. They are requesting a continuation to April 25,2023. They are adjusting their plans and adding a third drive through to the site.

Chair Szabo asked if there are any audience members that are present for this project. No one came forward.

A motion was made by Board Member Catalano, seconded by Board Member Fowler to recommend approval to continue the case to the April 25, 2023 meeting.

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

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

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2. Address: 820-848 Lee Street

Case Number: 23-013-CU

The petitioner is requesting an amendment to a previously approved conditional use permit and variation, or a new conditional use permit and variation, whichever is necessary, related to the following items: (i) operating a Commercially Zoned Assembly Use in the C-5 Zoning District; (ii) operating a private elementary and high school in the C-5 Zoning District; and (iii) operating with a variation from the collective off-street parking requirements at the subject property; and any other variations, waivers, and zoning relief as may be necessary.

PINs: 09-17-425-029-0000, 09-17-425-030-0000, 09-17-425-031-0000, 09-17-425-032-0000, and 09-17-425-033-0000

Petitioner: Little Bulgarian School in Chicago, 832 Lee Street, Des Plaines, IL, 60016

Owner: Little Bulgarian School in Chicago, 832 Lee Street, Des Plaines, IL, 60016

Request to Continue 23-013-CU: 820-848 Lee St.

In order to address necessary comments related to their case, the petitioner has requested to continue the hearing at the Board’s regular meeting on Tuesday, April 25, 2023. We recommend the Board grant this request, which is attached.

Hi Samantha,

As you know, we represent the Little Bulgarian School in its application for a conditional use permit for a school and commercial assembly use at 820-848 Lee Street. Thank you for your review of the application, which has been noticed for a public hearing at the April 11, 2023, meeting of the Planning and Zoning Board. The Little Bulgarian School is in the process of working with you and other City staff to address certain comments and provide certain information in connection with its application. To facilitate that process and ensure that those matters are addressed before consideration by the Planning and Zoning Board, we respectfully request that the Planning and Board continue the public hearing to its next regularly scheduled meeting on April 25, 2023.

Thanks again for your work on this application. We look forward to continuing to work with the City on it.

Best,

Karl D. Camillucci

Partner

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Chair Szabo asked if the petitioner was present. They are not.

Samantha Redman, Associate Planner, stated that the petitioner has asked for a continuance to submit additional materials and finish their fire inspection.

Chair Szabo asked if any of the audience members are here for this case. Judy Fischer of 799 Graceland stated that she is curious about what they are planning on doing. Asked about whether there will be any construction and what the application is all about.

Ms. Redman stated the petitioner is looking for a Conditional Use permit that is an amendment from their original Conditional Use Permit from 2019. They are looking for an amendment of their 2019 Conditional Use permit for assembly uses for their school to allow for school related activities and cultural activities open to the public. The request is also for a conditional use permit for their private school and a parking variation. Ms. Redman stated that there is no proposed construction on the site.

A motion was made by Board Member Weaver, seconded by Board Member Veremis to approve the continuation of the case to the April 25, 2023 meeting.

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

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

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3. Address: 827 Elmhurst Road

Case Number: 22-054-CU

The petitioner is requesting a conditional use permit to operate an auto service repair use in the C-3 zoning district and any other variations, waivers, and zoning relief as may be necessary.

PIN: 08-24-100-031-0000

Petitioner: GW Properties (Mitch Goltz), 2211 N. Elston Avenue, Suite 400, Chicago, IL 60614

Owner: RDK Ventures, LLC c/o Mac’s Convenience Stores, LLC, P.O. Box 347, 4080 W. Jonathan Moore Pike, Columbus, IN 47201

Ward: #8, Alderman Shamoan Ebrahimi

Existing Zoning: C-3 General Commercial District

Existing Land Use: Vacant Lot (previous auto fuel station)

Surrounding Zoning:
 North: C-3 General Commercial District
 South: C-3 General Commercial District
 East: C-3 General Commercial District
 West: C-3 General Commercial District

Surrounding Land Use:
 North: Grocery Store (Commercial)
 South: Bank (Commercial)
 East: Grocery Store (Commercial) / Shopping Center (Commercial)
 West: Shopping Center (Commercial)

Street Classification: Elmhurst Road is classified as another principal arterial road.

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

Zoning/Property History: Based on City records, the subject property was used as an auto filling station until 2019. Since then, the fuel station has been demolished and the property has been vacant. The subject 20,099-square-foot (0.46-acre) vacant property is in the C-3 General Commercial district. The subject property fronts Elmhurst Road but is accessed via a single access point through the Jewel-Osco parking lot at 811 Elmhurst Road. As such, a cross-access agreement exists between the property owner—RDK Ventures, LLC c/o Mac’s Convenience Stores, LLC— and Jewel-Osco.

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The PZB conducted a public hearing on January 10, 2023, to review the conditional use application for the proposed auto service business and voted 5-0 to recommend approval to the City Council. However, before the City Council could consider the necessary approving ordinance, the petitioner informed City staff that they would need to alter the Site Plan in a way that affected circulation and was notably different than what was presented in the public hearing. The petitioner elected to withdraw that petition and resubmit the new Site Plan for the PZB’s new consideration and public hearing, for which due noticing has occurred pursuant to the Zoning Ordinance.

Project Description: Overview

The petitioner has requested a Conditional Use Permit to allow the construction of a new automotive service repair use, Strickland Oil, at 827 Elmhurst Road. An oil change business falls underneath an auto service repair use, which requires a conditional use permit in the C-3 district. While the proposed use has stayed the same, the proposed Site Plan and site access has changed from the original Site Plan heard by the PZB. The first plan utilized the one existing full access curb-cut off the Jewel-Osco property in line with the existing drive aisle on the Jewel-Osco parking lot for all access to and from the subject property. After conversations with Jewel-Osco, the petitioner provided a new submittal on March 22, 2023 that changes the originally proposed entrance/exit curb-cut to an exit-only curb-cut and creates a new entrance/exit curb-cut at the rear of the subject property as a second connection to the Jewel-Osco parking. As a result, the attached Site Plan, Landscape Plan, and Photometric Plan have been updated to reflect the new submittal for the subject property.

Proposed Development

The petitioner proposes to redevelop the subject property by building a new 1,700-square-foot, single-story building with surface parking area, dumpster enclosure, and freestanding monument sign. The proposed building consists of three service bays, a lobby area, unisex restroom, and office/waste oil storage area. The proposal includes the addition of both three-foot-wide foundation landscape areas around the north and south elevations of the building, and five foot-wide parking lot landscaping areas around the perimeter of the parking area as required in Sections 12-10-8 and 12-10-10 of the Zoning Ordinance. The new submittal has reduced the amount of proposed landscaping on the subject property. However, the minimum requirements have been met. New exterior lighting is also proposed for the new development as shown on the attached Photometric Plan. Section 12-12-10 restricts the amount of excess light that can bleed into surrounding properties based on the zoning of the properties surrounding the subject property. Since the subject property is surrounded by C-3-zoned properties, a maximum of 2.0 foot-candles is allowed. The attached Photometric Plan indicates that the exterior lighting will not exceed 1.3 foot-candles in conformance with the applicable regulations. The new submittal has resulted in a proposed third freestanding light post located next to the rear entrance/exit access point and north property line. While this does add more lighting on the subject property, the revised and attached Photometrics Plan

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indicates that the requirements have been met. The change in site access adjusts the overall circulation of the subject property, directing a majority of the exiting traffic to the far southwest corner of the Jewel-Osco property in line with the existing Jewel-Osco parking lot drive aisle but does provide a secondary exit at the rear of the building as shown in the revised and attached Site Plan. While this revised plan does provide two exits as opposed to the one proposed in the original plan, there may be concerns with the single entrance at the rear of the property regarding potential vehicle stacking on the Jewel-Osco property and lack of vehicle-pedestrian separation, which is a factor reviewed in accordance with the Site Plan Review standards. Nonetheless, the proposed driveway widths for both the one-way and two-way drive aisles meet the standards in Section 12-9-6 of the Zoning Ordinance. However, the PZB may wish to have the petitioner elaborate on the reason for this change, the anticipated benefits of this design, and how potential issues with its design have been addressed.

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 seven off-street parking spaces, including a minimum of one mobility impaired accessible parking space, are required. The Site Plan illustrates a total of 14 parking spaces, including one mobility-impaired accessible space, which meets this standard. All proposed standard parking spaces are proposed to be nine feet wide by 18-feet-long in conformance with Section 12-9-6 of the Zoning Ordinance. The one proposed accessible parking space is designed to be 18-feet-wide by 18-feet-long, which meets the standards in Section 12-9-8.

Business Operations

Strickland Oil proposes to operate from 8 a.m. to 7 p.m. Monday through Friday, 8 a.m. to 5 p.m. on Saturdays, and 10 a.m. to 5 p.m. on Sundays. Their services include stay-in-your-car oil changes, state inspections, tire rotations, air filter replacement, wiper blade replacement, and coolant and washer fluid refills. During normal operations, a total of 3-4 employees will be on site at a given time. Please see the attached Project Narrative for more information.

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 petitioner’s response to standards. The PZB may use this rationale toward its recommendation, or the Board may adopt its own.

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

Comment: Auto service repair is a Conditional Use, as specified in Section 12-7-3.K. of the Zoning Ordinance for properties in the C-3 General Commercial District.

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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 new businesses in Des Plaines. The addition of a new commercial development meets this intent while also repurposing a vacant lot along a major commercial corridor in 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 petitioner proposes to repurpose the property with a new commercial development designed to be consistent with and complementary to the surrounding commercial uses in the area. The proposed improvements, including landscaping, will transform the vacant property into a new use that will benefit the site from both a functional and aesthetic standpoint.

PZB Additions or Modifications (if necessary): _____

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

Comment: The proposed automotive repair use will not be hazardous or distributing to neighboring uses because all operations will be conducted within this building. The proposed landscape screening and exterior lighting is designed to minimize the impact on surrounding properties. In addition, the new business will provide new services to Des Plaines’ residents.

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 subject property was adequately served by essential public facilities and services when the previous auto filling station was in operation. The proposed auto service repair use will also be adequately served by public facilities and services as the existing access point from Elmhurst Road via the Jewel-Osco parking lot will remain unchanged. However, the changes in the access from the Jewel-Osco parking lot to the subject property will alter the access into the property by limiting all entering traffic to the rear of the subject property.

6. PZB Additions or Modifications (if necessary): _____

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7. 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 auto service repair facility will not create a burden on public facilities or be a detriment to the economic well-being of the community. When compared to the previous auto filling station, there is no anticipated increase in demand for public facilities as a result of the Conditional Use Permit for a new auto service repair use.

PZB Additions or Modifications (if necessary): _____

8. 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: The proposed auto service repair use is not anticipated to create additional traffic as compared to the previous auto filling station. None of the proposed activities occurring on site will be detrimental to the public. Staff has notified the petitioner of the required mechanical systems that will need to be installed to reduce the production of traffic, noise, smoke fumes, glare, and odors generating from this use.

PZB Additions or Modifications (if necessary): _____

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

Comment: The proposed auto service repair use will not create an interference with traffic on surrounding public thoroughfares. There will be no changes to the existing access point onto the property through the Jewel-Osco parking lot from Elmhurst Road that was utilized by the previous auto filling station.

PZB Additions or Modifications (if necessary): _____

10. 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 service repair use would not cause the destruction, loss, or damage of any natural, scenic or historic features since the site was already developed for the use of an auto filling station.

The petitioner will redevelop the site with a freestanding building and add landscaping and screening to improve the aesthetics of the property.

PZB Additions or Modifications (if necessary): _____

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

Comment: The proposed auto service repair use meets all other requirements of the Zoning Ordinance for the C-3 General Commercial District. No variations or additional actions are requested beyond the Conditional Use Permit.

PZB Additions or Modifications (if necessary): _____

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 for an auto service repair use at 827 Elmhurst Road. The City Council has final authority on the proposal. Consideration of the request should be based on a review of the information presented by the applicant and the findings made above, as specified in Section 12-3-4.E (Standards for Conditional Uses) of the Zoning Ordinance. If the PZB recommends and City Council ultimately approves the request, staff recommends the following conditions.

Conditions of Approval:

1. Vehicles related to the business cannot be stored or parked overnight on the surrounding streets.
2. No damaged or inoperable vehicles shall be parked or stored outside at any time.
3. A revised cross-access agreement between the ownership of the subject property and the property at 811 Elmhurst (Jewel-Osco) will be provided at the time of building permit approval and maintained throughout the operation of the conditional use.
4. 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.
5. That a Do Not Enter sign shall be installed at the front exit curb-cut and stop signs installed at both proposed exits on the subject property.

Attachments:

- Attachment 1: Location and Zoning Map
- Attachment 2: Site and Context Photos
- Attachment 3: ALTA/ACSM Land Title Survey
- Attachment 4: Petitioner’s Standards for a Conditional Use (*New Submittal on March 22, 2023*)
- Attachment 5: Petitioner’s Project Narrative (*New Submittal on March 22, 2023*)
- Attachment 6: Business Narrative (*New Submittal on March 22, 2023; Revised on March 31,2023*)
- Attachment 7: Site Plan (*New Submittal on March 22, 2023; Revised on March 31,2023*)
- Attachment 8: Floor Plan (*New Submittal on March 22, 2023*)
- Attachment 9: Elevations (*New Submittal on March 22, 2023; Revised on March 31,2023*)
- Attachment 10: Photometric Plan (*New Submittal on March 22, 2023; Revised on March 31,2023*)
- Attachment 11: Landscape Plan (*New Submittal on March 22, 2023; Revised on March 31,2023*)
- Attachment 12: Sign Plan (*New Submittal on March 22, 2023; Revised on March 31,2023*)

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Mitch Goltz from GW Properties represents this project and was previously sworn in. He stated that he was at the January 10, 2023 Planning and Zoning Board meeting for the Strickland Brothers proposal that passed unanimously. Since then, Jewel has requested a change to the site plan, including adding a secondary access point. This is the only change to the application. Both access points would be from the abutting Jewel-Osco parking, one entrance/exit curb-cut on the northeast corner of the site and one exit-only curb-cut on the northwest corner of the site.

Jonathan Stytz, Senior Planner, provided a recap of the changes since the last meeting. The main change is adding an additional curb cut to back of the property as requested by Jewel Osco. Mr. Stytz went over the presentation which included the old and new site plans. The floor plan and elevations are the same. Additional conditions have been added regarding signage – including stop signs and exit only signs to mitigate any issues with circulation.

Member Weaver asked if cars are pulling right up into the path of cars turning from Elmhurst Road. He asked if cars turning out of the facility have good sight onto Elmhurst Road to see who is coming in and out and if the cars are heading north on Elmhurst Road, heading into a conflict point, can see the cars coming from the site.

Mr. Stytz stated that there are existing trees, and a proposed monument sign may block the view.

Mr. Goltz stated that they do not feel that this is a concern. He stated that they looked at this with the tenant and our team. This site is not generating a lot of traffic and we were surprised by Jewel requesting this change. There is space to circulate around the rear. Cars will be able to look both ways to see.

Member Weaver stated there would be traffic from people pulling in and going into Jewel too, not just the oil change customers.

Mr. Goltz stated that there is an area with different traffic patterns at play. It is a not a high impact use with minimal traffic generated. It is 40 ft from the intersection of the parking lot.

Member Catalano asked if there is a stop sign leaving the site.

Mr. Goltz stated that they will have a Do Not Enter sign. If this was a drive-through restaurant, we would re-visit, but this use does not have a high impact on traffic.

Chair Szabo swore in Christine Newberry who represents Country Acres condos, behind the Jewel shopping center. She stated that there are two buildings that have existed for a long time and they are concerned about more traffic. Elmhurst Road is very dangerous right now because of all the entrances to the Subway, the condo entrance, Jewel, etc. The people pulling into the driveways ride in the central lane. There have been lots of accidents there and there is traffic generated by this use. It uses the same driveway as the Jewel. If cars go in there, and he is talking about entering in the back, the only thing in the back is an alleyway where trucks deliver to Jewel. There is no street or entryway, except for trucks going from Dempster Street to the back

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of the Jewel. She added that even if you put a stop sign in, people don't stop at signs in parking lots. She also asked if there will be overnight cars there, how will they get them in, and if there will be cars towed and left overnight. She asked if there will be places to park because of the existing concerns with another automotive shop located two blocks away. They are worried about property values, noise and congestion.

Chari Szabo asked if the petitioner can answer some of these questions.

Mr. Goltz stated that there is no overnight use, no parked vehicles, and it is low impact use. The previous gas station in this location was more intensive use than this. It has existing access and circulation throughout the site.

Chair Szabo asked when the Shell was knocked down and will this proposal take the same footprint as the gas station.

Member Veremis stated the gas station was demolished in 2019.

Mr. Goltz stated that the former footprint had a gas station with a convenience store. The amount of traffic going in and out of this facility will be considerably less. No overnight parking and no auto repair. This is limited to routine services as outlined in the packet.

Member Saletnik stated that this is an oil change facility. It is quick in and quick out and is different from auto repair.

Mr. Goltz confirmed that the proposed business is an oil change facility, not an auto repair.

A motion was made by Board Member Weaver seconded by Board Member Catalano to recommend approval of the Conditional Use to the City Council with the five conditions as recommended by staff.

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

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

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4. Address: 1378 Margret Street **Case Number: 22-055-APPEAL**
(continued from January 24, 2023 and February 28, 2023)

The petitioner is appealing a decision by the Zoning Administrator regarding the classification of a structure on the subject property as a trellis.

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

The subject of the appeal is a Zoning Administrator determination that a structure originally erected in 2022 at 1378 Margret Street is a trellis and subject to the rules of the Zoning Ordinance regarding trellises. Based on a recommendation from the PZB regarding zoning text amendments, the City Council passed Ordinance Z-6-23 on April 4, 2023. The Ordinance amended restrictions regarding trellises (e.g. height, width, minimum separation). Although the new regulations are in effect, City staff must conduct further investigation regarding the subject property. Therefore, I recommend the Board grant this continuance to the next regular meeting: April 25, 2023.

Attachments

Attachment 1: Petitioner’s Email Regarding Continuation of Hearing to April 25, 2023

1378 Margret Appellant; Request for Continuance

John,

We ask that you please continue our appeal to the April 25, 2023 meeting date.

Adam J. Findlay, J.D.

1378 Margret St Continuance

John Carlisle, CED Director stated that the Fence/Trellis text Amendment passed on the April 3, 2023 City Council meeting. The Petitioner has not fully withdrawn the appeal because it appears that the structure has been erected again. There is additional staff investigation into this case and if the determination of the appeal is still relevant. We learned about this late last week. The appellant asked for one more continuation to allow staff to have time to complete the investigation and see if the appellant sees if there is any purpose to it. It is necessary for staff to have more time with the rules.

Member Fowler asked to be reminded of the reason for the appeal.

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Case 23-012-TSUB	930,946, & 970 North	Tentative Subdivision

Mr. Carlisle stated that this is an appeal of my decision to classify this structure as a trellis. Staff through that process realized the most prudent policy action was to address the rules with a zoning text amendment. As with our recent observations, we have seen the structure is up. We need to decide if we are applying the old or new rules and if there needs to be a new determination. The timing is tricky. The person duly filed their appeal and wanted a clear answer on the implications of the new rule. As staff, we cannot answer questions about this structure at this point and need additional time to provide better advice.

Member Fowler asked if they put the structure up after they voted on the new trellis regulations.

Mr. Carlisle stated that it is possible it is grandfathered in but staff needs to be able to determine applicable rules.

Member Fowler stated that maybe we could be more lenient with residents, and let other petitioners have more leeway.

Member Weaver stated that we have residents with different opinions.

Mr. Carlisle stated that the neighbor is the appellant.

Member Saletnik asked if the appellant has legal counsel.

Mr. Carlisle stated that yes, the Appellant is represented.

No public comment.

A motion was made by Board Member Hofherr, seconded by Board Member Saletnik to approve the continuation to the April 25, 2023 meeting.

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

NAYES: None

ABSTAIN: None

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

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5.Address: 930, 946, and 970 North Avenue Case Number: 23-012-TSUB

The applicant has requested a Tentative Plat of Subdivision under section 13-2-2 of the Subdivision Regulations to re-initiate and ultimately complete consolidation of multiple existing lots into one.

PINs: 09-17-103-031-0000, 09-17-103-041-0000, 09-17-103-042-0000,
09-17-103-044-0000, 09-17-103-045-0000, and 09-17-103-048-0000

Applicant: Blue Sky Residence, LLC (Representative: Dan R. Pontarelli,
1204 E. Central Road, Arlington Heights, IL 60005)

Owner: Old Second National Bank Land Trust No. 7923 via Chicago Title Land Trust
Company (Beneficiary: Blue Sky Residence, LLC, 1204 E. Central Road,
Arlington Heights, IL 60005)

Ward: #3, Alderman Sean Oskerka

Existing Zoning: R-3 Townhouse Residential District (*previously a mix of R-1
Single Family Residential and M-2 General Manufacturing
Districts*)

Existing Land Use: Vacant (previously a manufacturing building and surface parking
areas and a single-family lot)

Surrounding Zoning: North: M-2 General Manufacturing District
South: R-1 Single Family Residential District
East: M-2 General Manufacturing / R-1 Single Family Residential
Districts
West: M-2 General Manufacturing / R-1 Single Family Residential
Districts

Surrounding Land Use: North: Factory (Manufacturing) / ComEd (Public Utilities)
South: Single Family Dwellings (Residential)
East: Multi-Tenant Industrial Building (Manufacturing) / Single
Family Dwellings (Residential)
West: Factory (Manufacturing) / Single Family Dwellings
(Residential)

Street Classification: North Avenue is classified as a local road.

Comprehensive Plan: The Comprehensive Plan illustrates the site as multi-family
residential.

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Zoning/Property History:

Based on City records, the subject property was originally multiple zoning lots spread across two different zoning districts: M-2 General Manufacturing for a manufacturing building and its parking area and R-1 Single Family Residential for the portion of land fronting on North Avenue. The subject property was owned by two different entities. Beginning in 2018, the current applicant pursued approvals for a 67-unit (one-bedroom units) senior living facility known as Blue Sky Residence. It was previously proposed in two steps. First, in 2018, a preliminary planned unit development (PUD); Tentative Plat of Subdivision to consolidate six lots of record and multiple zoning lots, into one; and a map amendment (rezoning) from the M-2 and R-1 zoning districts to the R-3 Townhouse Residential district. The proposal then received Final Plat and Final PUD approval from City Council in 2019, pursuant to Ordinance Z-30-19. At the time, the developer demolished the manufacturing building and cleared the subject properties but was unable to initiate building construction before the PUD approval expired. Further, the applicant did not record the Plat, deposit the required parkland dedication fee-in-lieu, or file any public improvement performance securities as may have been required. Section 13-2-10 of the Subdivision Regulations sets forth time limits on plat approvals, and the previous approval expired.

However, the rezoning of the subject properties to the R-3 district via Ordinance Z-30-18 is in effect for all of the subject property. Currently, the subject lots are vacant, and the applicant is intending to build a different multifamily residential project, pursuant to all requirements of the R-3 district and the Zoning Ordinance overall (i.e., height, use, density, minimum parking, etc.).

As stated above, the Tentative and Final Plat of Subdivision process was not completed, despite approvals in 2018 and 2019 respectively. The City approved real estate transfers in early 2019 for two sales of multiple zoning lots that were intended to be consolidated into one zoning lot that would comprise the site. Therefore, the applicant’s entity/land trust took title to all of the land. However, the City expected when approving the transfers that the consolidation would be completed. Therefore, the applicant is completing the process at this time to ensure they can proceed to permitting for their new project.

Project Description: Overview

The petitioner has requested a Tentative Plat of Subdivision to create one consolidated zoning lot and lot of record toward the construction of a new multi-family residential development in the R-3 district. “Dwelling, Multiple Family” is a permitted use in R-3 (Section 12-7-2, Table 1, of the Zoning Ordinance; P = Permitted Use).

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Uses	R-1	R-2	R-3	R-4
Dwelling, multiple-family			P	P

The existing addresses and their respective PINs are listed in the table below. The proposed subdivision, titled 946 North Subdivision, will consist of one 3.55-acre lot with all existing lots combined as shown on the Tentative Plat.

Address	PIN(s)	Lot Area(s)
930 North Avenue	09-17-103-045-0000; 09-17-103-048-0000	1,331 SF (0.03 acres); 10,038 SF (0.23 acres)
946 North Avenue	09-17-103-031-0000; 09-17-103-041-0000; 09-17-103-044-0000	42,697 SF (0.98 acres); 7,460 SF (0.17 acres); 33,863 SF (0.78 acres)
970 North Avenue	09-17-103-042-0000	58,788 SF (1.35 acres)

The proposed 3.55-acre lot allows for a maximum of 55 dwelling units, based on the minimum lot area of 2,800 square feet per dwelling unit. An excerpt of Section 12-7-2, Table 2, of the Zoning Ordinance is provided below for interior lots in all residential districts.

Bulk Controls	R-1	R-2	R-3	R-4
Maximum height	2½ stories to 35 ft	2½ stories to 35 ft	45 ft	80 ft
Minimum lot area, interior lot	6,875 sq. ft.	2,800 sq. ft. per DU	2,800 sq. ft. per DU	10,000 sq. ft.
Minimum front yard	25 ft	25 ft	25 ft	12 ft
Minimum side yard	5 ft	5 ft	Buildings 35 ft and under: 5 ft; Over 35 ft: 10 ft	5 ft, plus 2 ft for every 10 ft over 40 ft
Minimum rear yard	25 ft. or 20% of lot depth, whichever is less	25 ft. or 20% of lot depth, whichever is less	Buildings 35 ft and under: 25 ft or 20% of lot depth, whichever is less; Over 35 ft: 30 ft	Buildings 40 ft and under: 25 ft or 20% of lot depth, whichever is less; Over 40 ft: 25 ft, plus 2 ft for every 10 ft over 40 ft

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The PZB may ask the applicant to share how many units are proposed, how tall the proposed building will be, or any other project details; however, these are not required submittals for Tentative Plat review.

Building Lines and Easements

The 946 North Subdivision shows the following easements and building lines: (i) a new 25-foot front building setback line along North Avenue where the proposed subdivision abuts the street and behind single family dwellings where the proposed subdivision abuts residential properties; (ii) a 30-foot rear building setback line along the north of the proposed subdivision; (iii) a ten-foot side building setback line along both the west and east boundaries of the proposed subdivision; (iv) a ten-foot-wide water main easement throughout the proposed subdivision spanning from the west entrance to the east entrance and including 5-foot water easements spaced for fire hydrants; (v) a 35-foot ingress, egress, and public utility easement along the west property line to be terminated; (vi) a ten-foot-wide public utility easement along the eastern side of the subdivision to the street; (vii) a five-foot drainage and public utilities easement near the center of the proposed subdivision to be terminated; and (viii) a ten-foot-wide ComEd easement and Illinois Bell Telephone easement to be terminated.

Subdivision Process, Required Public Improvements

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

PZB Procedure:

Under Section 13-2-3 of the Subdivision Regulations, the PZB has the authority to approve, approve subject to conditions or deny the Tentative Plat. A Final Plat of Subdivision, to involve the review of more detailed engineering and public improvements, would be required at a later time. The Final Plat requires review and approval of both the PZB and the City Council.

Attachments:

- Attachment 1: Location and Zoning Map
- Attachment 2: Site and Context Photos
- Attachment 3: Boundary and Topographic Survey
- Attachment 4: Petitioner’s Project Narrative
- Attachment 5: Engineering Comments
- Attachment 6: Public Utility “Will-Serve” Letters
- Attachment 7: Tentative Plat of Subdivision

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Chair Szabo swore in Dan Pontarelli, petitioner for the project and Todd Shaffer, Engineer for the project from Haeger Engineering. Mr. Shaffar stated that the request is for approval of TSUB to consolidate six pins into a single lot of record and address various easements. This is a necessary step to move into the final plat for the project. He describes the existing and proposed site along with the proposed utilities, stormwater management facility, and the circulation pattern (two curb cuts on North Avenue). The proposed site plan is a three-story apartment building conforming to the R-3 zoning. It will have enclosed garages in the building footprint and surface parking. The connecting wing will serve as mechanical rooms and for fire sprinklers and for amenities in the apartment building. In the northwest is a flag lot between the single-family homes with more amenity spaces, specifically a landscaped area. Space is allotted for MWRD requirements.

Chair Szabo asked how many of the current board members were not on the board when this was previously heard saying that there may be additional questions as several of us heard this case 3-4 years ago.

Member Fowler asked if they have considered purchasing the homes affected by this as this is the strangest plat of survey. She also asked if the streets going in both directions, or will it be one way.

Mr. Pontarelli stated that we do not see why the drive cannot be two ways. It is wide enough. The idea of trying to assemble more properties has been considered but he does not see a need to acquire more land. He described the 5500 sq ft home in the middle, which is 15 years old. On the other side is a nice 50-year-old home. One home to the west too. We felt it can work well how it is.

Member Fowler asked if you could commit to something like a structure or barrier between the house to the west because there is a pool there in the back yard. Based on how the driveway curves out there, she is concerned with kids entering the driveway. She added that the petitioner had committed to something in this location, a landscaping area, guardrail, etc. with the previous project.

Mr. Shaffer stated that this is a transition parcel site. It was a manufacturing and residential site. When the previous petitioner came through, if the PUD expired, it would revert to R-3 zoning. You have the railroad on the north, manufacturing on the east. We have placed the drive aisle as far as we can from the existing residential. The stormwater management basin is a requirement from the MWRD. As you go to the west, between the houses, the park amenity will be available to the residents and the general public. As the road curves, we are perpendicular to North Ave and stormwater management is needed in this area. We are proposing a fence around the perimeter. We will work with staff on these safety concerns. This is a B6-12 curb, so it will be a barrier. There will be parkway trees, curb, and a fence present. The fence is 8' per City Code.

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Member Fowler asked if the petitioner would you also consider extra safety measures as discussed on the previous case on Elmhurst Road. She also asked if the development is age-restricted for individuals 55 and older.

Mr. Shaffar stated that this is a non-age restricted apartment. There are 51 apartments are proposed at this time. He asked if he can we go on the record that we will work with the City engineer.

Member Szabo stated that you may talk to them about speed bumps in this location.

Member Saletnik said that this is a roadway between a parking lot and a building. I don't see this as a high-speed travel way.

Member Catalano stated that I am a civil engineer. You cannot just put a guardrail in there.

Mr. Pontarelli said that we could put something there, such as an attractive landscape feature.

John Carlisle, CED Director, said that this has been productive back and forth. Your purview tonight is just to make sure it follows the subdivision ordinance. This is a by right project. Jonathan Stytz will review in greater detail. The site plan review for the apartment project will not come through your board because it doesn't require additional entitlements because it is a by right development. They need to consolidate the land and have this plat approved by you. The site plan review is completed by staff during the building permit process.

Member Veremis asked if this was approved previously – since it has now expired, why are we seeing it again?

Mr. Carlisle stated that Blue Sky development is no longer approved. On the screen is the concept site plan, it is not part of your packet, it is technically not within your decision-making power on the site plan. The consolidation was not completed with the previous project. Your purview is to make sure the plat meets the subdivision regulations. It is the board's role to approve that. It would come back for final review with the final plat when final design is ready.

Member Fowler asked if neighbors notified.

Mr. Carlisle stated that they were notified and there is only a requirement for a posted sign for a subdivision. No mailer or newspaper notice is required for a subdivision.

Member Saletnik asked if the final approval goes through council. There will be feedback then too.

Jonathan Stytz, Senior Planner gave the staff report. He explained the Tentative Plan. In 2018, a preliminary planned unit development (PUD), a Tentative Plat of Subdivision to consolidate six lots of record and multiple zoning lots, into one and a map amendment (rezoning) from the M-2 and R-1 zoning districts to the R-3 Townhouse Residential district were approved. The proposal then received Final Plat and Final PUD approval from City Council in 2019, pursuant to Ordinance Z-30-19. The construction was not done before the PUD entitlement expired. Mr. Stytz explains the previous Map Amendment from M-2 to R-3, allowing this type of apartment

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project to be permitted by right. Mr. Stytz went over the Location Map and Overview and site photos, The Tentative Plat of Subdivision explains the consolidation of six lots into one. Mr. Stytz reminded the Planning and Zoning Board of their options for action.

The PZB has the authority to approve, approve with conditions or deny the Tentative Plat. A Final Plat of Subdivision will be provided at a later time and it will include the review of more detailed engineering and public improvements.. The Final Plat requires review and approval of both the PZB and the City Council.

No public comment.

A motion was made by Board Member Saletnik seconded by Board Member Weaver to approve the Tentative Plat of Subdivision as recommended by staff.

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

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

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New Business:

1. Discussion of Potential PZB Workshop and Special Meeting

The PZB Rules of Procedure (Section 4.04) establishes that the Board may hold “workshop sessions as it determines to be necessary from time to time.”

Discussion: Staff has had preliminary discussions with a developer who is interested in having a public meeting to seek community input on potential projects for two separate sites. This public meeting would occur before the developer has due process rights under a formally filed petition and/or with the developer’s consent to employ this community meeting as the first step in the process, before formal public hearings. Senior City staff has discussed and believes the appropriate forum for this, given what may be proposed and the locations, is a meeting of the PZB. Further, hosting meetings can be interpreted to lie within the intent and purpose of the Board (Section 2-2-2 of the City Code), as the adopted PZB Rules of Procedure provide for “workshops.” Although the format is not prescribed, workshops are typically less formal and more flexible than a public hearing. Whoever presides over the workshop (i.e., Chair, Vice Chair) can outline the steps and set an agenda for what will occur. For example, all discussion and presentation *could* occur at the podium, similar to a regular meeting, or the developer could use easel boards and stations across the room to have multiple discussions about components of the projects. A key consideration is that ***no vote will be taken by the Board*** and also, neither the Board nor City are bound to the feedback provided. Nonetheless, staff believes a workshop will provide an optimal, upfront opportunity for community participation in the project and perhaps contribute to consensus-building and transparency from the early stages. The Rules of Procedure in Section 4.03 also allow for Special Meetings, or a meeting that might occur at a time or place different than Regular Meetings (2nd and 4th Tuesday of the month, City Hall). While staff recommends City Hall Council Chambers be the place, we suggest a different date, or special meeting, for the workshop. This will distinguish it from other development applications on a regular agenda. Staff will aid the Board in organizing and publicizing the meeting pursuant to the Open Meetings Act, and, less formally to “get the word out” to achieve the desired public participation.

PZB Action: Staff seeks feedback on potential format and Board availability for dates and times for a workshop.

Attachments

Attachment 1: Excerpt from Adopted Rules of Procedure

Section 3.03 Members. The PZB shall have seven Members, or such other number as may be established in the City Code. The Members shall be appointed to, serve on, and removed from, the PZB in the manner established in the City Code.

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Section 3.04 Officers. The PZB shall have a Chair, Vice Chair, and Secretary, all of whom shall be appointed as provided in the City Code. In the absence of the Chair and Vice Chair, the PZB shall elect a chair pro-tem to act as chair.

Section 3.05 Code of Ethics; Conflicts of Interest. The Members of the PZB shall be bound by the Code of Ethics set forth in Section 1-9-1. In addition, the Members of the PZB shall be bound by the Conflicts of Interest Provisions set forth in Article VIII below.

Article IV. MEETINGS

Section 4.01 Open Meetings Act. All meetings of the PZB shall be scheduled and held, and notice thereof shall be given, in the manner provided in the Open Meetings Act, 5 ILCS 120/1 et seq.

Section 4.02 Regular Meetings. PZB meetings shall be held on the second and fourth Tuesday of each month commencing at the hour of seven (7:00) P.M. in the City Council Chambers, and at such other times and places as may be called by the chair. The PZB shall establish a schedule of its meetings for each calendar year at the beginning of each calendar year in accordance with the requirements of the Open Meetings Act, 5 ILCS 120/2.03.

Section 4.03 Special Meetings. The PZB may conduct such special or emergency meetings as it determines may be necessary from time to time at the call of the Chair and in compliance with the Open Meetings Act, 5 ILCS 120/2.02.

Section 4.04 Workshops. The PZB may hold such workshop sessions as it determines may be necessary from time to time.

Section 4.05 Closed Meetings. The PZB may hold meetings or portions of meetings that are closed to the public, but only in compliance with the Open Meetings Act, 5 ILCS 120/2

Section 4.06 Quorum. No meeting of the PZB may be conducted without the presence of a quorum, which shall consist of a majority of the currently appointed PZB members.

Section 4.07 Attendance.

(a) A Member's unexcused absence without good cause shown from four PZB meetings in a six-month period shall be grounds for the Chair to recommend to the Mayor that the Member be removed.

(b) To help ensure the presence of a quorum at each meeting of the PZB, all Members of the PZB shall notify the Secretary, or his designee, if they are unable to attend any meeting of the PZB. Such notice shall be provided as far in advance as is practical under the circumstances.

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John Carlisle, CED Director stated that the Community Development Department is looking to work with the Planning and Zoning Board to hold Workshops when there are large construction project requests. The petitioner would be looking for general feedback. The workshop would be informative for the residents. The petitioner would bring the plan and the PZB would be the host and invite the residents. The City Manager likes the idea and thought the Planning and Zoning Board would be the best body to host the workshop. Ideas were discussed including presentations, displays, open communications, idea sharing and feedback. Communication ideas include creating a standalone website using Des Plaines communication channels to go to the whole community which includes social media, e-newsletter, and local access television.

For this workshop, May 9th is a regularly scheduled PZB meeting date which could be used since we do not have any cases scheduled. The PZB Chair would be the lead facilitator and the developer would put together the presentation. In terms of meeting style, the PZB provided recommendations including starting with an introduction, then break out into an open house style and then a wrap up which would include getting and giving feedback. The developer could pull together the comments and it could be part of the project file.

ADJOURNMENT

The next scheduled Planning & Zoning Board meeting is Tuesday April 25, 2023.

Chairman Szabo adjourned the meeting by voice vote at 8:55 p.m.

Sincerely,
 Margie Mosele, Executive Assistant/Recording Secretary
 cc: City Officials, Aldermen, Planning & Zoning Board, Petitioners