

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal



DES PLAINES PLANNING AND ZONING BOARD MEETING
April 25, 2023
DRAFT MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, April 25, 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, Szabo

ABSENT: Weaver

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

Chair Announcement: The public hearing regarding an appeal at 1378 Margret Street has been withdrawn by the appellant and will not be heard this evening.

APPROVAL OF MINUTES FROM APRIL 11, 2023

A motion was made by Board Member Fowler, seconded by Board Member Veremis to approve the meeting minutes of April 11, 2023.

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

NAYES: None

ABSTAIN: None

*****MOTION CARRIES ****

PUBLIC COMMENT ON NON-AGENDA ITEM

- None

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

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

Ward: #6 Alderman Malcolm Chester
(Alderman-elect Mark Walsten after May 1,2023)

Existing Zoning: C-3 General Commercial District

Existing Land Use: Restaurant and Banquet Hall (Commercial)

Surrounding Zoning: North: C-3, General Commercial District
South: C-3, General Commercial District
East: R-1, Single Family Residential District
West: Commercial (Village of Rosemont)

Surrounding Land Use: North: Car wash (commercial)
South: Commercial restaurant and retail development under construction, also by GW Properties
East: Railroad; then Greco Avenue and single-family residences
West: Hotel (Commercial) in Village of Rosemont

Street Classification: Mannheim Road is an arterial road under IDOT jurisdiction.
Pratt Avenue is a local road.

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

Zoning/Property History: Based on City records, the subject property was annexed into the City in 1956. It was originally utilized as an office and warehouse building for Marland Oil Company until 1979, when the building was demolished, and the site was cleared. In 1990, the footing and

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

foundation was constructed for café La Cave, and a year later the restaurant/banquet hall was fully built out. The property has been utilized as a restaurant and banquet hall since.

Development Summary:

Developer GW Properties, which is under construction for a multi-building restaurant-and-retail development on the *southeast* corner of Mannheim and Pratt (Outback Steakhouse, First Watch, Five Guys), is now also proposing a full redevelopment at the northeast corner—the former Café La Cave site. The proposed development is three new restaurants (“Class B” under the Zoning Ordinance) with indoor and outdoor seating and drive-throughs. The information for each proposed business is summarized below and described in detail in the attached Business Narratives.

- Guzman Y Gomez is a fast-casual restaurant proposed for the one-story stand-alone 2,850-square foot building positioned on the northern lot (Lot 1) of the commercial development. Their anticipated hours of operation are from 7:00 a.m. to 10:00 p.m. daily with five to ten employees on site at a given time. The building is designed with predominately brick material of varying colors, metal canopy structures, and an Exterior Insulation and Finish System (EIFS) accent.
- Cava is a fast-casual Mediterranean restaurant proposed for the one story stand-alone 2,500-square foot building positioned in the center of the commercial development along Mannheim (Lot 2). Their anticipated hours of operation are from 10:45 a.m. to 10:00 p.m. daily with five to ten employees on site at a given time. The building is designed with predominately stucco material and finished wood accent.
- Raising Canes is a quick-service restaurant proposed for the one-story 3,300-square-foot building positioned on the southern lot (Lot 3) of the commercial development at the northeast corner of Mannheim and Pratt. Their anticipated hours of operation are from 9:30 a.m. to 1:30 a.m. Sunday through Thursday and 9:30 a.m. to 3:30 a.m. Friday to Saturday. There are expected to be eight to fifteen employees on site at a given time. The building is designed with predominately brick material of varying colors, finished wood accents, concrete masonry units, and metal canopy structures throughout.

Tentative Plat of Subdivision

Request Summary: Overview

The subject property consists of five lots of records in the C-3 district totaling 2.39 acres, all under the address of 2777 Mannheim Road. The petitioner has requested a Tentative Plat, titled 2777 Mannheim Road Subdivision, to consolidate the existing five lots into three as shown on the attached Tentative Plat and detailed in the table below.

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

Lot	Lot Type	Lot Width	Lot Depth	Lot Area
Lot 1	Interior	125 feet (west); 140 feet (east)	208 feet (north); 244 feet (south)	29,740 SF (0.68 acres);
Lot 2	Interior	123 feet (west); 126 feet (east)	244 feet (north); 277 feet (south)	31,835 SF (0.73 acres);
Lot 3	Corner	125 feet (west); 143 feet (east)	277 feet (north); 288 feet (south)	42,869 SF (0.98 acres)

The subject property’s unique shape is narrower on the north and gradually widens as it continues south. Thus, while the proposed lot widths are similar, the lot depths and areas increase substantially from proposed Lot 1 to proposed Lot 3. Nonetheless, all proposed lots meet the minimum lot depth requirement in Section 13-2-5.R of the Subdivision Regulations. Note that there are no lot width or lot area requirements for commercial districts.

Building Lines and Easements

The proposed subdivision shows the following building lines and easements: (i) a new 5-foot front building setback line along the west property line for all proposed lots where the proposed subdivision abuts Mannheim; (ii) a 25-foot rear building setback line along the east property line for all proposed lots of the subdivision; (iii) a five-foot side building setback line along the south of Lot 3, where the proposed subdivision abuts Pratt; and (iv) a new ten-foot-wide public utility and drainage easement extending throughout the development.

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.

Chapter 13-3 allows the City to require various right-of-way improvements based on criteria such as traffic and effect on adjacent properties. The attached Engineering memo explains that the project will require: (i) widening Pratt Avenue within existing right-of-way to allow a new turn lane from Pratt to Mannheim; and (ii) per IDOT comments, a widening of Mannheim Road for a center turn lane along the development’s west frontage, enabling left turns from southbound Mannheim to eastbound Pratt.

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

Conditional Uses

Request Summary: Overview

The proposal includes three separate Class B restaurants, each with its own drive-through facility. “Restaurant, Class B” is a permitted use in the C-3 district. However, drive-through facilities on lots adjacent to residential properties require a conditional use permit. Although the properties are separated from the residential homes on Greco Avenue by both the Greco right of- way and the railroad right-of-way, research indicated that in this area, specifically for the Starbucks at 2655 Mannheim, a conditional use for a drive through was required by previous zoning administration. Further, the proposed drive-throughs are sited on the eastern portions of the properties, putting them closer to the residential lot lines than if they were on the other side of the lots or separated by a building or other development barrier (provided, however, that all of the drive-throughs would be well screened because of the railroad sound wall and the trees in the Greco right of way).

The table below summarizes the allowance of both uses identified above across all commercial districts (Section 12-7-3, Table 3, of the Zoning Ordinance; where P = Permitted Use and C = Conditional Use). As identified in Note 2, drive-through facilities are permitted only as an accessory use to a principal use, such as a restaurant. As the restaurant buildings will serve as the principal use on each lot for this development, this requirement is met.

Use	C-1	C-2	C-3	C-4	C-5	C-6	C-7
Drive-Through Facility (located adjacent to residential use)		C ¹³	C ²	C2	C ^{2,10}		
Restaurant, Class B		P ²¹	P	P	P		P ⁶

Notes:

- 2. When an accessory use only.
- 6. When incorporated within, or accessory to, an office/hotel use.
- 10. Except on Miner Street, Ellinwood Street or Lee Street.
- 13. When an accessory use to a financial institution.
- 21. The total space/use is up to 2,500 square feet and is accessory to an office building/hotel.

All three lots will abut Mannheim on the west and the railroad tracks on the east. However, Lot 3 will also abut Pratt to the south. As a result, the designated front yard for all three lots will be the west property line along Mannheim, making the east property line the rear yard, and the north and south property lines the side yards.

Building Design Standards

All new construction must adhere to Section 12-3-11 of the Zoning Ordinance, which specifically focuses on transparency and exterior building materials. Plans submitted at this time show each of the three buildings will meet the exterior building material

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

standards. However, the transparency regulations that will need to be addressed at time of building permit, or the proper relief would need to be obtained.

Proposed Site Plan

The attached Site Plan identifies the proposed improvements for all three lots in relation to access, circulation, parking, building footprints, outdoor seating areas, dumpster enclosures, and drive-through stacking. Note that the Site Plan refers to Lot 1 as Lot C, Lot 2 as Lot B, and Lot 3 as Lot A. For consistency, this report will refer to the proposed lots by their number on the Tentative Plat.

- **Access:** The subject property currently contains three access points (driveway curb-cuts)—two from Mannheim and one from Pratt. The proposal alters the site access by removing the northernmost curb-cut off Mannheim and adding a second curb-cut on Pratt. On the Pratt side, the changes align with curb-cuts for the under-construction commercial development at the southeast corner of the Mannheim-Pratt intersection. On Mannheim, the plan removes a curb-cut that is close to another; removing curb-cuts is generally viewed as a best practice. Lots 2 and 3 will have direct access onto Mannheim or Pratt. However, access to Lot 1 will require access through either Lot 2 or 3 via a cross-access easement. It is also important to note that the proposed changes on the access from Mannheim will require an Illinois Department of Transportation (IDOT) permit. IDOT’s comments related to the proposed development are summarized in the *Traffic Study and IDOT Comment* section.

- **Circulation:** The lots in the proposed development are designed to be cohesive and connected so that motorists and pedestrians can pass through any of the lots to reach their destination. Each lot contains a 24-foot-wide east-west two-way drive aisle for circulation and parking access on the individual lots. However, two 24-foot-wide north-south two-way travel drive aisles are also proposed not only to provide direct access to additional parking spaces but also to provide direct connections to the other lots. The proposed drive aisle widths exceed the 22-foot-minimum-width requirement in Section 12-9-6.B of the Zoning Ordinance.

- **Drive-Through Stacking:** Given that all three restaurants will utilize drive-through facilities in their operations, appropriate drive-through stacking spaces are required. Section 12-9-4 of the Zoning Ordinance requires that all drive-through facilities provide a minimum of six stacking spaces per facility plus one stacking space per waiting area provided as part of the facility. The attached Site Plan indicates that all three restaurants will contain a single drive-through facility with seven or more stacking spaces provided in Conformance with this section.

- **Parking:** Ninety-degree off-street standard and accessible parking spaces are provided for each lot as identified in the table and illustrated on the attached Site Plan. Under Section 12-9-7 of the Zoning Ordinance, Class B restaurants are required to provide one parking space for every 50 square feet of net floor area, or one parking space for every

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

four seats, whichever is greater, plus one parking space for every three employees. Sections 12-9-6.B and 12-9-8 of the Zoning Ordinance require a minimum of 8.5 feet in width and 18 feet in depth for standard spaces and a minimum of 16 feet in width and 18 feet in depth for accessible spaces. The attached Site Plan indicates that the proposed parking spaces met or exceed these requirements.

Off-Street Parking	Required Spaces	Provided Spaces
Lot 1 (Guzman Y Gomez)	22 standard spaces; 2 accessible spaces	29 standard spaces; 2 accessible spaces
Lot 2 (Cava)	24 standard spaces; 2 accessible spaces	38 standard spaces; 2 accessible spaces
Lot 3 (Raising Canes)	23 standard spaces; 2 accessible spaces	45 standard spaces; 2 accessible spaces

• **Building Footprints and Setbacks:** The attached Site Plan and respective civil plans for Lots 1-3 (also attached), identify the positioning and dimensions of the proposed building on each lot. Section 12-7-3.L of the Zoning Ordinance requires that commercial properties meet certain bulk controls as identified in the table, which are met by the proposed development. Note that there are no building coverage or lot coverage restrictions for the commercial districts and that a larger building setback distance is required for the rear (east) property line because it is adjacent to residences.

C-3 District Bulk Controls	Required	Proposed Buildings		
		Lot 1	Lot 2	Lot 3
Maximum height	45 Feet	28 Feet	19 Feet	23 Feet
Minimum front yard (Adjacent Other)	5 Feet	89 Feet	95 Feet	64 Feet
Minimum side yard (North, Adjacent Other)	5 Feet if abutting street	31 Feet	33 Feet	28 Feet
Minimum side yard (South, Adjacent Other)	5 Feet if abutting street	54 Feet	57 Feet	62 Feet
Minimum rear yard (Adjacent residential)	25 Feet	51 Feet	114 Feet	146 Feet

• **Outdoor Seating Areas:** Each of the three proposed restaurant developments includes an outdoor seating area facing Mannheim as identified in the table below. Note that the outdoor seating areas are not factored into the required off-street parking calculation.

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

Outdoor Seating	Lot 1	Lot 2	Lot 3
Seating Area (SF)			
• Indoor	~918 SF	~1,013 SF	~900 SF
• Outdoor	~522 SF	~383 SF	~157 SF
• Total	~1,440 SF	~1,396 SF	~1,056 SF
Seating Area (number of seats)			
• Indoor	~50 seats	~44 seats	~36 seats
• Outdoor	~15 seats	~13 seats	~7 seats
• Total	~65 seats	~57 seats	~42 seats

• **Pedestrian access to public sidewalks:** Lot 3 (Raising Canes) has two sidewalk connections through the parking lot, one to each Mannheim and Pratt sidewalk. However, Lots 1 and 2 do not. A recommended staff approval condition is that these connections be added. Because the parking proposed around all three uses would exceed the required minimums, a loss of potentially 3-4 standard spaces would not create a deficiency, either practical or code, in staff’s opinion.

• **Dumpster Enclosures:** Dumpsters and their respective enclosures have been proposed for all three lots, positioned towards the back near the drive-through entrances. Section 12-10-11 of the Zoning Ordinance requires all dumpsters that are stored outside to be improved with a four-sided enclosure constructed of a solid wood or masonry fence a minimum of six feet—but no more than eight feet—in height. Elevation drawings will be required at time of building permit to ensure that all requirements are met for the dumpster enclosures.

The proposed development involves the installation of new exterior lighting, which must comply with the environmental and performance standards for lighting in Section 12-12-10 of the Zoning Ordinance summarized below. Based on the attached Photometric Plans, the maximum horizontal foot-candles given off by the neighboring property as measured at the abutting property line for all proposed lots meets this requirement.

Districts	Maximum Foot-Candles Allowed	Highest Proposed Measurement at Property Line (in foot-candles)		
		Lot 1	Lot 2	Lot 3
Single Family Residential	0.1	0.0 (East)	0.0 (East)	0.0 (East)
Commercial	2.0	0.4 (North); 1.8 (South); 1.0 (West)	0.3 (West)	1.2 (North); • (South); • (West)

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

Traffic Study and IDOT Comments

The petitioner provided the attached Traffic Study from KLOA to analyze the anticipated impact the proposed development would have on traffic and the surrounding roadway network. Overall, the study concluded: (i) the proposed development will be consistent and compatible with existing traffic volumes and patterns in the area; (ii) there is no substantial net new traffic generated by the development; (iii) the internal circulation allows for adequate access and dispersion of traffic entering, exiting, and navigating the development; and (iv) that wayfinding, stop, and do not enter signs be installed to direct traffic.

This study did not recommend any roadway improvements on either Pratt or Mannheim. However, the Public Works and Engineering (PWE) department determined that a three-lane cross-section shall be provided Pratt to facilitate traffic flow and prevent back-up from west to east, toward the railroad tracks. The petitioner’s attached Civil and Site Plans illustrate this requirement.

In addition, IDOT has required that Mannheim is widened in order to add a left- turn lane into the development for both curb-cuts off Mannheim. The petitioner is working with the City to address this comment, with a final resolution likely decided by the time of Final Plat submittal. Nonetheless, staff recommends an approval condition at this stage that the final development plans satisfy all permitting requirements of relevant agencies, specifically IDOT and the City.

Photometric Plan

The proposed development involves the installation of new exterior lighting, which must comply with the environmental and performance standards for lighting in Section 12-12-10 of the Zoning Ordinance summarized below. Based on the attached Photometric Plans, the maximum horizontal foot-candles given off by the neighboring property as measured at the abutting property line for all proposed lots meets this requirement.

Districts	Maximum Foot-Candles Allowed	Highest Proposed Measurement at Property Line (in foot-candles)		
		Lot 1	Lot 2	Lot 3
Single Family Residential	0.1	0.0 (East)	0.0 (East)	0.0 (East)
Commercial	2.0	0.4 (North); 1.8 (South); 1.0 (West)	• (North); • (South); 0.3 (West)	1.2 (North); • (South); • (West)

Traffic Study and IDOT Comments

The petitioner provided the attached Traffic Study from KLOA to analyze the anticipated impact the proposed development would have on traffic and the surrounding roadway

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

network. Overall, the study concluded: (i) the proposed development will be consistent and compatible with existing traffic volumes and patterns in the area; (ii) there is no substantial net new traffic generated by the development; (iii) the internal circulation allows for adequate access and dispersion of traffic entering, exiting, and navigating the development; and (iv) that wayfinding, stop, and do not enter signs be installed to direct traffic. This study did not recommend any roadway improvements on either Pratt or Mannheim. However, the Public Works and Engineering (PWE) department determined that a three-lane cross-section shall be provided Pratt to facilitate traffic flow and prevent back-up from west to east, toward the railroad tracks. The petitioner’s attached Civil and Site Plans illustrate this requirement. In addition, IDOT has required that Mannheim is widened in order to add a left turn lane into the development for both curb-cuts off Mannheim. The petitioner is working with the City to address this comment, with a final resolution likely decided by the time of Final Plat submittal. Nonetheless, staff recommends an approval condition at this stage that the final development plans satisfy all permitting requirements of relevant agencies, specifically IDOT and the City.

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

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

Comment: The proposed development includes three Class B restaurants with drive-through facilities. A drive-through facility 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.

PZB Additions or Modifications (if necessary): _____

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

Comment: The Comprehensive Plan illustrates this property as commercial. The Comprehensive Plan strives to foster growth and redevelopment of existing commercial corridors to retain existing businesses in Des Plaines. The subject property is large, and the existing restaurant and banquet hall is vacant after the closing of Café La Cave. This provides a prime opportunity for the redevelopment of the site. The proposed restaurant development with drive-through facilities meets this intent of the Comprehensive Plan while also repurposing a vacant space along a major commercial corridor in Des Plaines.

PZB Additions or Modifications (if necessary): _____

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

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

Comment: The property is located on a commercially zoned property along an established commercial corridor in Des Plaines and is surrounded on all sides by commercial development except the east where the Metra railroad and residences are located. The buildings and related drive-through facilities in the proposed development are designed to be harmonious and consistent with existing commercial developments along this corridor, many of which contain drive-through facilities and are adjacent to residential development to the east.

PZB Additions or Modifications (if necessary): _____

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

Comment: The existing property contains a restaurant and banquet hall, of which all activities occur inside the building. While the subject property will be redeveloped for three separate restaurant uses and drive-through queuing will occur at the rear of the property, the primary use on the subject property will remain commercial. In addition, the railroad located directly east of the subject property provides a separate buffer between the proposed development and existing residences.

PZB Additions or Modifications (if necessary): _____

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

Comment: The existing restaurant and banquet hall is adequately served by three curb-cuts (two off Mannheim and one-off Pratt). The proposed development proposes closing one of the existing curb-cuts on Mannheim and adding one on Pratt, maintaining three total curb-cuts for access. All curb-cuts are designed to be full-access. However, additional public improvements, including roadway widening on Pratt and Mannheim, will be necessary to obtain IDOT and City right-of-way permitting approval. The subject property is adequately served by essential public facilities and services, which the proposed development will not alter. However, the attached Tentative Plat identifies the new utility connections and easements proposed for the development.

PZB Additions or Modifications (if necessary): _____

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

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 drive-through facilities and restaurants overall will provide a net economic benefit for the City, residents, and visitors by providing additional services and tax revenue over the long term.

PZB Additions or Modifications (if necessary): _____

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

Comment: Although drive-through facilities inherently consist of auto traffic and require vehicle turn movements, the attached Traffic Study points out that instead of generating new traffic, the businesses are likely to capture existing traffic to be their customers. Without question, the traffic counts in the area Mannheim Road, close to O’Hare and Allstate Arena—are part of what makes the site appealing to the potential tenants. However, the Public Works and Engineering Department comments in its attached memo that it does not believe the peak traffic volumes from Allstate Arena events have been fully modeled and analyzed. Nonetheless, the required public improvements—specifically the turn lanes on both Mannheim and Pratt—are intended to control and manage traffic demand and should be adequate to serve the development. In addition, the design of the restaurant lots, location of the proposed drive-through facilities, and provided landscaping/screening on the subject property as a whole, will effectively reduce the production of noise, smoke fumes, glare, and odors generating from this use. The proposed public improvements, especially roadway widenings, will assist in managing and circulating traffic volumes throughout the site.

PZB Additions or Modifications (if necessary): _____

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

Comment: The drive-through facilities are designed and positioned on the rear of each lot with the intention of minimizing any inference with off-street parking and drive aisles throughout the site. In addition, the public improvements included with this proposal will further minimize traffic inference on surrounding roadways by providing left turn lanes off Mannheim and Pratt.

PZB Additions or Modifications (if necessary): _____

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

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

Comment: The subject property is already developed with a large restaurant and banquet hall. As such, the proposed redevelopment will not result in the destruction, loss, or damage of any natural, scenic, or historic features of the site. In fact, the attached Landscape Plans indicate that additional natural features, such as trees, shrubs, and perennials, will be installed throughout the subject property, where there is currently minimal landscaping present.

PZB Additions or Modifications (if necessary): _____

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

Comment: The proposed drive-through facilities will meet all other requirements of the Zoning Ordinance for the C-3 General Commercial District provided all operational and physical (i.e. installation or construction-related) conditions are met.

PZB Additions or Modifications (if necessary): _____

PZB Procedure and Recommended Condition: Given the separate conditional use and tentative plat requests, the PZB shall take two motions. First, pursuant to Section 13-2-3 of the Subdivision Regulations, the PZB may vote to approve, approve with conditions, or deny the Tentative Plat of Subdivision. In regard to the conditional use request, the PZB may vote to *recommend* approval, approval with conditions, or denial of the conditional use for the drive-through facilities. If the PZB chooses to recommend approval for the conditional use request, staff recommends the following conditions.

Recommended Conditions of Approval:

1. All proposed ground- and building-mounted signs must comply with all provisions of Section 12-11, or the petitioner must obtain necessary relief, such as but not limited to variation or approval of a conditional use for localized alternative sign regulations (LASR).
2. All proposed buildings must comply with all provisions of Section 12-3-11, or the petitioner must obtain necessary relief, such as a variation.
3. A lighting plan labeling all building-mounted and freestanding light fixtures and providing photometric details must be submitted and approved with the building permit.
4. Grading/drainage and other on-site infrastructure details are provided to the satisfaction of the Public Works and Engineering Department with the submission of the Final Plat of Subdivision.
5. Final engineering plans are prepared to fulfill requirements of the Public Works and Engineering Department and IDOT, and to illustrate all required public improvements, including but not limited to: (i) widening of Mannheim Road and installation of a left-turn lane for access onto the proposed development and Pratt Avenue pursuant to IDOT

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

requirements; (ii) Pratt Avenue widening to accommodate both left- and right-turn lanes to Mannheim; and (iii) water main replacement on the west side of the development.

6. Marked pedestrian paths between the buildings and public sidewalk shall be provided for the buildings on Lots 1 and 2.
7. Commercial off-site parking, such as parking for Allstate Arena events or O'Hare travelers, shall not be permitted.

Attachments:

- Attachment 1: Location/Zoning Map
- Attachment 2: Site and Context Photos
- Attachment 3: ALTA/NSPS Land Title Survey
- Attachment 4: Responses to Standards for Conditional Uses
- Attachment 5: Project Narrative
- Attachment 6: Business Narratives
- Attachment 7: Site Plan
- Attachment 8: Floor Plans
- Attachment 9: Elevation and Signage Plans
- Attachment 10: Civil Plans
- Attachment 11: Photometric Plans
- Attachment 12: Landscape Plans
- Attachment 13: Nicor "Will-Serve" Letter
- Attachment 14: Tentative Plat of Subdivision
- Attachment 15: Engineering Memo
- Attachment 16: Traffic Impact Study without appendices

Chair Szabo swore in Mitch Goltz from GW Properties. Mr. Goltz stated that he was here a few weeks ago, excited to be here with our third project in Des Plaines. They own the property across the street with Outback Steakhouse, Five Guys, and retail space. We are purchasing Café La Cave Banquet Hall with three lots – Raising Cane’s (a representative is here tonight), Cava Mediterranean, and Guzman Y Gomez. They are looking for a Conditional Use for the drive-throughs.

Mr. Goltz provided an aerial of the site. He stated that elevations have been provided to the city for all of the proposed retail sites. He provided a proposed rendering for a similar site they developed in Grayslake. He provided a refresher for the Mannheim Pratt project across the street from this project. Construction is going on now, then we will turn to the tenants to complete their construction, and they are looking forward to having things complete in the fall. Mr. Goltz provided combined aerial and stated that they are working closely on some roadway improvements on Pratt and Mannheim to allow these uses. Each parcel will have its own parking on site and some cross access on site. He stated that this will be a great improvement to Mannheim and will transform the area into a thriving retail corridor.

Member Hofherr said that they mentioned a proposed new development on the SW corner of Mannheim and Pratt. Is it SW or SE?

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

Mr. Goltz stated that it is SE, sorry, that's correct.

Chair Szabo stated that he is glad to see you have more than adequate parking. That could be a problem with three restaurants there. What will happen with snow?

Mr. Goltz stated that snow will be removed and there is an area for snow dumping along the railroad tracks. We do have a lot of parking. Each tenant uses innovative design for drive-throughs; with a lot of two lanes of stacking drive-throughs versus one, we see a lot of people using those versus parking and going in, so they have less demand for parking. We will have enough parking and area for snow dumping if it snows.

Member Catalano stated that I don't know if this is a question for staff or the applicant. Public Works brought it up that the traffic study did not address traffic for All State arena. That seems like a huge omission. Is that addressed in any way? I live down here, traffic in the evenings is not lean. It starts backing right into peak hours. He asked if there is any follow up from Public Works.

John Carlisle, CED Director, stated that there is an engineering memo in your packet. From the staff's perspective, the study is not perfect and should have modeled that in more detail, that was the engineer's comment. Two agencies have weighed in on this project to make the roadway circulation work. A requirement is from the engineering department that Mannheim should have a left and a right out and widened 2 ft to accommodate that. Bigger comments came into the City from IDOT about Mannheim. There is extra width there that will accommodate the comments. It is a big, recent comment. From the staff's perspective, even if the modeling of the traffic study is not correct now, IDOT and the City have looked at this and believe improvements will be required, regardless of whether there is a study.

Mr. Goltz stated they just received IDOT comments after four months. They propose a right turn line from Mannheim onto Pratt and left lane onto Pratt. There is a suicide lane on Mannheim now- they would like to see a full turn lane onto Pratt.

Member Catalano asked about Southbound left. South of Pratt there will be a right turn lane into Pratt, will that continue?

Mr. Goltz stated that past the intersection, no, you wouldn't normally see that. A lot of access and entries will be coming off the Pratt entrance. During peak hours, there will not be a lot of overlap with the arena.

Member Catalano stated that you will not get traffic into your development during the start of the show. With Dunkin' and McDonald's, there is a turn lane out that you can merge into. Those two lanes are blocked if people want to leave the site. I don't know why the police let them turn there. I get caught in that traffic all the time.

Mr. Goltz stated I am not sure there is a way to accommodate this; there will always be traffic from this use. I am not necessarily saying IDOT is correct, but we have worked closely with staff.

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

Member Catalano stated if you have the right turn through your property on Mannheim, it would work better, north of Pratt. You will have it south.

Mr. Goltz stated there is only so much Right of Way for turn lanes. IDOT said it is better to widen and have additional space. Half an hour before a show starts, you're not going far.

Member Veremis stated if you are going north, you are more likely to turn down Pratt. You have two curb cuts on Pratt and only one on Mannheim.

Mr. Goltz stated we will reuse the one existing access point and then have the two on Pratt.

Chair Szabo asked if there were any further questions.

Jonathan Stytz, Senior Planner, provided the staff report. He gave an overview of the project, explained the Tentative Plat of Subdivision and the three drive throughs. Mr. Stytz provided a Location Map, explained five lots condensed into three. He explained the Site Photos, the three restaurant locations and areas for the drive-thru. He explained the proposed Site Plan and Uses and Bulk Matrices. Restaurants are permitted in the C-3 District, however the three drive-throughs will require Conditional Use. New subdivision proposal discussed and how the three lots would be laid out. Mr. Stytz went over the Traffic Study from KLOA. The petitioner has already incorporated the Public Works and Engineering comments.

Mr. Stytz stated for tonight, given the separate conditional use and tentative plat requests, the PZB shall take two motions. First, pursuant to Section 13-2-3 of the Subdivision Regulations, the PZB may vote to approve, approve with conditions, or deny the Tentative Plat of Subdivision. In regard to the conditional use request, the PZB may vote to *recommend* approval, approval with conditions, or denial of the conditional use for the drive-through facilities. If the PZB chooses to recommend approval for the conditional use request, staff recommends the following conditions.

Recommended Conditions of Approval:

- All proposed ground- and building-mounted signs must comply with all provisions of Section 12-11, or the petitioner must obtain necessary relief, such as but not limited to variation or approval of a conditional use for localized alternative sign regulations (LASR).
- All proposed buildings must comply with all provisions of Section 12-3-11, or the petitioner must obtain necessary relief, such as a variation.
- A lighting plan labeling all building-mounted and freestanding light fixtures and providing photometric details must be submitted and approved with the building permit.
- Grading/drainage and other on-site infrastructure details are provided to the satisfaction of the Public Works and Engineering Department with the submission of the Final Plat of Subdivision.
- Final engineering plans are prepared to fulfill requirements of the Public Works and Engineering Department and IDOT, and to illustrate all required public improvements, including but not limited to: (i) widening of Mannheim Road and installation of a left-turn lane for access onto the proposed development and Pratt Avenue pursuant to IDOT

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

requirements; (ii) Pratt Avenue widening to accommodate both left- and right-turn lanes to Mannheim; and (iii) water main replacement on the west side of the development.

- Marked pedestrian paths between the buildings and public sidewalk shall be provided for the buildings on Lots 1 and 2.
- Commercial off-site parking, such as parking for Allstate Arena events or O’Hare travelers, shall not be permitted.

Member Fowler asked with the drive-through, I don’t understand just having the one exit on Mannheim. Why is there no second exit? For the restaurant to the north, you have to go around or turn around and go out. Cava, the drive-through will cause a lot of backups.

Mr. Goltz stated Cava is a drive-through, but it is operating as a pickup for order ahead. Guzman will not be as busy, but it is showing how many cars it could possibly have. The limiting of exits is to guide traffic where we want it to go. The Cava plan is a drive-through but it is intended to be more like a Chipotle. You order ahead and pick it up, like curbside pickup. We reviewed the plan with the city, IDOT, and tenants who have opened these across the world. Our plan forces cars in a certain direction. Raising Canes will likely have more stacking than the others. This is what you will see with drive-throughs in the future, this type of design.

A motion was made by Board Member Saletnik, seconded by Board Member Hofherr to approve the Tentative Plat of Subdivision.

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

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

A motion was made by Board Member Hofherr, seconded by Board Member Saletnik to recommend approval of the Conditional Use with the seven recommended conditions of approval.

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

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

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

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.

PIN: 09-17-425-029-0000, 09-17-425-030-0000, 09-17-452-031-0000, 09-17-425-032-0000, 09-17-425-033-0000

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

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

Ward Number: #2, Alderman Colt Moylan

Existing Zoning: C-5, General Commercial

Surrounding Zoning: North: C-5, Central Business
South: C-5, Central Business
East: R-4, Central Core Residential and C-5, Central Business
West: C-5, Central Business

Surrounding Land Uses: North: Office Building
South: Office Building
East: Townhomes and Religious Use
West: Condominiums

Street Classification: Lee Street is an arterial street.

Comprehensive Plan : The Comprehensive Plan illustrates this site as Institutional.

Property/Zoning History: This site is zoned C-5 and includes five parcels. 832 Lee Street includes the Little Bulgarian School building and the associated parking lot, which was completed in 2021. 842 and 848 Lee Street are two single-family houses that the Little Bulgarian School owns and operates as rentals. In 2019 Ordinance Z-12-19 (see attached) granted the subject property conditional use permits to operate as a commercially zoned assembly use and a private school for

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

high school students and a major variation to the parking requirement. The parking variation allowed for the total required parking to be reduced from 73 to 63 spaces. After Z-12-19 was approved and signed by the petitioner, the petitioner submitted a business registration application to the City. In accordance with the approved conditions of approval and the signed unconditional agreement of consent, the petitioner is limited to assembly uses related to:

- a.) Community services
- b.) Recreational and social activities
- c.) Private school and adult education lessons
- d.) Office uses directly related to the Little Bulgarian School Organization

The petitioner submitted a business registration application in July 2019 to operate their uses from this location. The City required the petitioner to sign an affidavit restricting uses to those related to the school. However, the Petitioner did not approve of the restrictions in the affidavit and thus refused to sign the document. During this business registration process, the property was inspected several times by the building, zoning, and fire departments to determine if the site is compliant with applicable zoning, fire and building codes. The property passed all inspections on April 19, 2023. Because the affidavit was not signed, however, no business registration has been issued for the uses on this property.

The petitioner has been issued several violations for operating in this location without a business registration. The first violation was issued for operating in conflict with their conditional use in December 2021, when it was discovered that large events were held on the site without a business license allowing for the assembly use. A second violation was issued in March 2022 for operating without a business license and hosting events with liquor without proper City approvals. Three administrative hearings were held regarding this case. The City Attorney and staff met with the petitioner in February 2023 to discuss how to proceed.

Project Description:

The petitioner has submitted this application to amend the conditional use to allow for assembly uses related and unrelated to the school to be held on their property. The petitioner and property owner, Little Bulgarian School (LBS), is requesting a conditional use for the following:

- 1.) Allow commercially zoned assembly uses at 832 Lee St., open to the public and not restricted to the school activities. These events may include athletic events, performances, fundraisers, cultural events, or other events. The petitioner requests that the school be able to rent or lend facilities to third parties that:
 - a) Support and promote the school.
 - b) Celebrate, promote, support, and educate about Bulgarian culture, arts, and history.
 - c) Support and promote civic education, volunteerism, and community engagement.

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

d) Support the activities of community residents and other community, educational, and cultural groups, and organizations.

2.) Allow for a private school for students of all ages (elementary, high school, adult classes) to operate seven days a week.

Proposed Uses and Hours of Operation

The petitioner does not have any plans to alter the interior or exterior of any of the properties at 820-848 Lee Street. All proposed uses will be located inside the building.

The below table provides an outline of approximate days and times of programming in the building. As stated in the Petitioner’s Narrative and Response to Standards, the specific programming will vary depending on demand, available resources, seasonality, or other factors. Some activities may occur simultaneously on the site, either when the programming is complimentary (i.e., a preschool recital during the weekday preschool) or when there will not be a conflict with other uses of the facilities. Efforts will be taken by the petitioner to program in a way that does not overburden the facility. A condition of approval states the fire occupancy load cannot be exceeded at any time in the building, requiring the petitioner to ensure any activities rescheduled in a way that does not violate any fire codes.

Use	Types of Activities	Hours of Operation	Spaces Utilized	Maximum # of Occupants
Assembly uses ¹	Athletic events, fundraisers, performances, cultural events, other events relevant to mission of school	Monday through Thursday, 5 p.m. to 10 p.m. Friday & Saturday, 11 a.m. to 3 p.m. or 5 p.m. to 11 p.m., Sunday, 11 a.m. to 3 p.m. or 5 p.m. to 10 p.m.	Gym, library	254 in the gym (fire occupancy limit for gym, balcony, and stage combined) + 10 in library (for special events)
Private School ¹	Weekend classes	Saturday and Sunday, 9 a.m. to 3 p.m.	Classrooms, craft space, library, gym	200 students + 15 teachers / staff members
	Weekday Preschool	M-F, 7 a.m. to 4 p.m.	Classrooms, craft space,	60 students over three sessions (12-

Case 23-014-CU-TSUB
 Case 23-013 -CU
 Case 23-019-V
 Case 22-055- Appeal

2777 Mannheim
 820-848 Lee
 1773 Webster
 1378 Margret

Conditional Use & Tentative Subdivision
 Conditional Use
 Variation
 Appeal

			library, gym	20 students per session) + 2 staff members
	Weekday After School	M-F, 5:30 p.m. to 8 p.m.	Classrooms, craft space, library, gym	60 students over three sessions (12-20 students per session), two instructors + 90 adults and two instructors
	Weekday school ²	M-F, 7 a.m. to 4 p.m.	Classrooms, craft space, library, gym	200 students + 15 teachers / staff members
Office	Organization related office and meeting activities	As needed, during operating hours of the school	Offices	Varies
Other Recreational Use	Gym use by local basketball group	Upon request, subject to availability	Gym	234 in the gym (fire occupancy limit for gym and balcony combined)
Single family residences ³	Residential rental	N/A	Houses	N/A
¹ Requires conditional use ² Estimate from approximate weekend school enrollment. LBS is exploring this option and has not obtained necessary state licensing yet to operate this type of school. ³ Rental properties unassociated with school and assembly use activities.				

Drop-Off and Pick-up Operations

Most students participating in classes or programs will likely be dropped off and picked up by parents. The 2019 KLOA Traffic Study provided guidance on how to reduce conflicts on the site and improve traffic flow, stating that pick-ups and drop-offs should not occur in the front of the building along Lee St. Rather, students should be dropped off in the rear of the building, using the alley for access. Any staff members or older students parking at the site should be instructed to enter from the Lee Street entrance to the northmost parking lot.

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

Off-Street Parking

Pursuant to Section 12-9-7, commercially zoned assembly uses for community centers are required to provide one space for every 200 square feet of gross activity area. The proposed private school would require one space for each classroom, plus one space per 200 square feet of area devoted to offices, plus one space for every six students based on maximum enrollment. The definition of “floor area” in Section 12-13-3 allows certain spaces such as restrooms, mechanical rooms, hallways, and a percentage of storage areas. The table below reflects the floor area of the building. Note the single-family residences are excluded from this calculation, as they each have their own parking areas that satisfy requirements and will not be using the LBS parking lot.

Use	Floor Area	Required parking²
Assembly uses community centers, banquet halls and membership organizations	3678.5 square feet ¹	19 spaces
Private School	13 classrooms	13 spaces
	Max enrollment: 200 students	+ 2 spaces
	Offices: 309 square feet	+ 34 spaces
	Total	67 spaces
¹ Excludes floor area for mechanical room and a percentage of storage areas		
² Spaces rounded up to next whole number		

During the previous entitlement process in 2019, it was determined 73 spaces were required to meet the anticipated parking demand. Since 2019, the petitioner has achieved a better understanding of how building spaces will be used, and thus submitted a more detailed floor plan to city staff for review. The updated floor plan (including square footage of storage and mechanical areas) allows a greater portion of the building to be excluded from the parking calculation, and thus reducing the amount of necessary parking from 73 to 67 spaces. The parking variation from the original Z-12-19 that reduced the required parking from 73 to 63 spaces is still valid and applicable. *However, because the new conditional use request envisions more frequent and potentially larger events, and therefore potential peaks in parking demand, the PZB and/or City Council may find parking to be relevant in its consideration.*

In addition to the 63 spaces available for the property, a parking agreement allows the petitioner to use 28 parking spaces at 854 Lee Street (Immanuel Lutheran Church’s west parking lot) during the hours of 6:39PM to 11:30PM Monday through Friday and Saturday from 1:30PM to 11:59PM and Sunday from 1:30PM to 11:30PM (Refer to attachment). The parking agreement is

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

active until August 31, 2025, with terms allowing for renewal after this date. The additional spaces would be able to accommodate any excess parking demand for either the assembly use or school during the noted hours.

Standards for Conditional Use

The following is a discussion of standards for zoning amendments from Section 12-3-4(E) of the Zoning Ordinance. Rationale for how the proposed amendments may or may not satisfy the standards is provided below and in the petitioner’s response to standards. The PZB may use this rationale toward its recommendation, or the Board may make up its own.

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

Comment: Commercially zoned assembly use and private schools require a conditional use permit in the C-5 Zoning District.

PZB Additions or Modifications (if necessary): _____

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

Comment: The 2019 Comprehensive Plan illustrates this area to be used for institutional uses. Institutional uses include the proposed school and community organizations associated with this request.

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: No alterations to the building are proposed with this application, thus there will be no changes to appearance that would affect the character of the neighborhood.

PZB Additions or Modifications (if necessary): _____

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

Comment: All activities will occur inside the existing building and will be minimally disruptive to the neighborhood. Parking will be accommodated by the sixty-three spaces provided on site. A parking variation was granted in the previous conditional use process to allow a reduction from 73 to 63 spaces. Based on the petitioner’s narrative, it does not appear the new activities proposed will be greater in intensity than the previous uses approved by the 2019 ordinance. Staff does not anticipate any concerns with the proposed uses interfering with the parking equilibrium of the neighborhood. The 2019 traffic study

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

indicates the traffic generated by this use will not substantially be affected by the proposed uses in this area. For the school activities, the most intensive traffic generation will be during pick-up and drop-off. However, the traffic study does not take into account the proposed assembly uses – for which there are at least 14 events listed (see narrative) - but focuses solely on school uses. The petitioner is currently working with a traffic engineer to update the traffic study.

At the time of the report writing, adequate information for staff to assess traffic impact based on the combination of uses is not available. A recommended condition of approval states an updated traffic study must be provided and reviewed by city staff prior to the case appearing before City Council, to provide an adequate understanding to decision-makers regarding the impact of this use to the neighborhood. *However, the Board may choose to ask the petitioner to answer questions or present evidence related to traffic before voting on a recommendation to the Council, regardless of the recommended conditions.*

PZB Additions or Modifications (if necessary): _____

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

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

PZB Additions or Modifications (if necessary): _____

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

Comment: The proposed use would neither create a burden on public facilities, nor would it be a detriment to the economic well-being of the community.

PZB Additions or Modifications (if necessary): _____

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

Comment: All activities are proposed to occur inside the building and will not involve any processes or activities that will be disruptive to the neighborhood. Any uses must be in compliance with the Environmental Performance Standards in Chapter 12 of the Zoning Ordinance. Noise level for any activities on the site will be regulated by Section 6-2-7 of

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

the Police Regulations in the City’s municipal code. Refer to Standards 4 and 8 for discussion on traffic impacts.

PZB Additions or Modifications (if necessary): _____

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

Comment: Vehicular access will continue to be provided through Lee Street, to the north parking lot, and the alley for pickups and drop-offs of students or parking in the rear of the building, as stated in the attached Petitioner’s Narrative and Responses to Standards. Particularly because the petitioner is seeking an entitlement for up to 200 daytime students, the use of the Lee Street curb may not be sufficient. The site plan does not include a designated off-street pick-up or drop-off area. At this time, adequate information to assess traffic impact based on the combination of uses is not available. The 2019 traffic study indicates the traffic generated by this use will not substantially be affected by this use in this area. However, the traffic study does not take into account the proposed assembly uses but focuses solely on school uses. Staff comments on this standard are consistent with Standard No. 4.

PZB Additions or Modifications (if necessary): _____

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

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

PZB Additions or Modifications (if necessary): _____

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

Comment: The proposed uses comply with all applicable requirements as stated in the Zoning Ordinance.

PZB Additions or Modifications (if necessary): _____

PZB Procedure and Recommended Conditions: Pursuant to Sections 12-3-4(E) of the Zoning Ordinance, the PZB may vote to *recommend* approval, approval with modifications, or disapproval of the conditional use. The City Council has final authority over both requests. However, should the PZB recommend approval of the conditional use, staff suggests the following conditions for the conditional use request.

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

Conditions of Approval:

1. The operation of the commercially zoned assembly and private school uses shall be located only within the School Building at 832 Lee Street. The Single-Family Homes shall not be used for commercially zoned assembly or private school uses.
2. Any expansion for any use shall require the Petitioner to obtain an amendment to the Conditional Use Permits.
3. The Subject Property shall only be used as a commercially zoned assembly use for uses related to the school or open to the public that meet any of the following goals of the School:
 - a. Support and promote the School.
 - b. Celebrate, promote, support, and educate about Bulgarian culture, arts, and history.
 - c. Support and promote civic education, volunteerism, and community engagement.
 - d. Support the activities of community residents and other community educational, and cultural groups, and organizations.
4. The maximum number of people in any space shall not exceed the maximum occupancy load prescribed by the Fire Department. Every room or space that is an assembly occupancy shall have the occupant load of that room or space posted in a conspicuous place, near the main exit.
5. No alcohol shall be served during any event unless approved by the City of Des Plaines, as required by the Fire Department. Any food service preparation for any member shall come from a commercial grade kitchen.
6. The Petitioner shall maintain the Parking Lease Agreement as long as the Subject Property is used for commercially zoned assembly use and a private school. Any amendment to the Parking Lease Agreement shall be approved by the Director of Community and Economic Development.
7. An updated traffic study addendum detailing the traffic impacts of the proposed assembly uses must be submitted for review by city staff prior to the case appearing before the City Council.

Attachments:

- Attachment 1: Location Map
- Attachment 2: Site and Context Photos
- Attachment 3: Project Narrative and Responses to Standards
- Attachment 4: 2019 Traffic Study Prepared by KLOA
- Attachment 5: Parking Agreement for 854 Lee Street
- Attachment 6: Site Plan
- Attachment 7: Floor Plan
- Attachment 8: Original 2019 Ordinance – Z-12-19

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

Chair Szabo swore in Karl Camillucci, Partner at Taft Law Firm, Attorney for the Petitioner. Mr. Camillucci explained the application which includes an amendment to two existing conditional use permits that were approved in 2019. This is a former school building. The proposed changes would be to update and clarify the assembly and school uses. They would like to amend their Conditional Use Permit to come into compliance.

A background on the Little Bulgarian School was given. Little Bulgarian School would like to grow to allow general community events, volunteer work and a cultural center. They are a community and cultural center that strives to educate people on Bulgarian culture. The current Conditional Use permit Z-12-19-were passed in 2019. This authorizes a combination of commercial zoned assembly uses and a private school. It also authorized a variation for off street parking. There are no proposed improvements or building changes to the site. Little Bulgarian school submitted a table of current and proposed programming and activities that would be conducted at the school. Someday, they would like to have a full-time day school for up to 200 students. They would like to include weekday and weekend classes and after-school programming. They are also looking to have assembly uses with third parties and have special events, but they will not have a commercial offering of the space. Mr. Camillucci also states that while they understand why the staff asked for maximum occupancy of the space to determine the intensity of the use, the school presently does not have plans to have as many people (students or attendees) as listed in the staff report.

For the traffic and parking considerations, they would like to amend the condition of approval related to the traffic study. They feel that they have ample parking. They feel the current 63 parking spaces far exceeds the current demand. They also have access to 28 additional spaces. The traffic study did not discuss the assembly uses; however the petitioner notes no traffic issues with access points on Lee Street and the alley. The traffic study recommends the use of the alley for drop off and pickups. Little Bulgarian School would like to have condition #7 be removed since the traffic study showed no impact to current conditions.

Member Fowler asked if they have a formal agreement with the Emmanuel Lutheran Church for the additional parking?

Mr. Camillucci stated they do have a formal agreement and it is in the packet.

Member Veremis asked about past violations where liquor was served at events.

Mr. Camillucci stated that they had a misunderstanding about alcohol at past events, and they will make sure they have proper licensing before having a special event with alcohol.

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

Member Catalano stated that there have been several citations at this site including not having a business license. Will Little Bulgarian School comply with the suggested conditions of approval if the Conditional Use passes? Also have all the past code violations been corrected?

Mr. Camillucci stated that all past violations have been corrected and they plan to get their business registration. They are here to get the amendment to document more clearly what is allowed with the conditional use permit and operate in compliance with city ordinances.

Member Veremis asked how many students attended the school when it was a full-time school and how often will they hold large events and how many people attend them?

Member Fowler stated that in its hay day there were about 150-175 students at the school. There was never an issue with drop off and pick up. She stated that in her opinion she does not believe they need to do another traffic study. She stated that she would propose we drop Condition #7.

Mr. Camillucci stated that they would hold 1-2 large events a month and could have around 100-150 people in attendance. We have worked with the city and agree upon the maximum occupancy for each space.

Chair Szabo asked why condition #5 “Any food service preparation for any member shall come from a commercial grade kitchen” is so specific? What about bake sales?

Chair Szabo swore in George Petrov President of the Board of Little Bulgarian School. Mr. Petrov stated that in 2019 the building had an old kitchen. The old kitchen would not meet standards, so it is not utilized.

Samantha Redman, Associate Planner stated that this is a standard condition for this type of assembly use. Since they do not have a commercial kitchen serving food would be a health code issue. Without a commercial kitchen they could not prepare food, serve hot lunch etc.

John Carlisle CED Director stated that this is a carryover from the original 2019 conditional use. The Board has the opportunity to recommend something different. He believes food service preparation means hot preparation on site. A commercial grade kitchen is a code compliant kitchen. It would have to pass the health inspection under all relevant local/county/state health codes.

Mr. Petrov stated that they do not provide hot lunches. The students bring their own lunches. The special events are catered. Their current kitchen is not up to the current code.

Ms. Redman, Associate Planner, gave the staff report. She explained the Location Map and site photos. She provided photos of the rear area that would be used for school pick up and drop offs. Ms. Redman gave the background on their Zoning Ordinance from 2019- Z-12-19 which

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

approved a conditional use for assembly and private school and a parking variation. Ms. Redman reiterated that they do not have a business registration, but they are working on getting it. She explained their current floor plans. She explained the Conditional Use request for Private Elementary and High School for 7 days a week. For the assembly use they are proposing to include athletics, performance, fundraisers, cultural and other relevant events. The current fire occupancy for the assembly use areas is 254 people. The parking variation from the previous ordinance is still in effect, allowing for the existing 63 spaces to satisfy the off-street parking requirements. Emmanuel Lutheran Church also has 28 parking spaces available. The reason the Traffic Study is needed is because an assembly use study was never done.

Ms. Redman stated that for tonight - pursuant to Sections 12-3-4(E) of the Zoning Ordinance, the PZB may vote to *recommend* approval, approval with modifications, or disapproval of the conditional use. The City Council has final authority over both requests. However, should the PZB recommend approval of the conditional use, staff suggests the following conditions for the conditional use request.

Conditions of Approval:

1. The operation of the commercially zoned assembly and private school uses shall be located only within the School Building at 832 Lee Street. The Single-Family Homes shall not be used for commercially zoned assembly or private school uses.
2. Any expansion of any use shall require the Petitioner to obtain an amendment to the Conditional Use Permits.
3. The Subject Property shall only be used as a commercially zoned assembly use for uses related to the school or open to the public that meet any of the following goals of the School:
 - a. Support and promote the School.
 - b. Celebrate, promote, support, and educate about Bulgarian culture, arts, and history.
 - c. Support and promote civic education, volunteerism, and community engagement.
 - d. Support the activities of community residents and other community educational, and cultural groups, and organizations.
4. The maximum number of people in any space shall not exceed the maximum occupancy load prescribed by the Fire Department. Every room or space that is an assembly occupancy shall have the occupant load of that room or space posted in a conspicuous place, near the main exit.
5. No alcohol shall be served during any event unless approved by the City of Des Plaines, as required by the Fire Department. Any food service preparation for any member shall

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

come from a commercial grade kitchen.

6. The Petitioner shall maintain the Parking Lease Agreement as long as the Subject Property is used for commercially zoned assembly use and a private school. Any amendment to the Parking Lease Agreement shall be approved by the Director of Community and Economic Development.
7. An updated traffic study addendum detailing the traffic impacts of the proposed assembly uses must be submitted for review by city staff prior to the case appearing before City Council

Member Saletnik stated that #4 is a life safety code. He believes that there can be changes to #5 He would propose that it state - no on site food preparation is allowed, however off-site prepared food is allowed to be served. He would like more information on #7- how often do you have large assemblies, how large are they and what do you see that turning into in the future? And when you have the events- when are they held?

Chair Szabo swore in Lubomir Krovlev, Board Member of the Little Bulgarian School. Mr. Krovlev stated that large events stopped once they found out they were not allowed without a permit. When they have large events, they usually have between 80-90 people. The large events are fundraisers for the not-for-profit organization. They expect the same amount of attendance for events moving forward. The events are typically on Saturday after 7 pm and ending by 11 pm.

Chair Szabo asked about renting the gym for the neighborhood basketball players.

Ms. Redman stated that the Conditional Use includes the use of this area for the athletic events, as the ordinances is supportive activities of community residents and other community educational or cultural groups and organizations.

A motion was made by Board Member Saletnik, seconded by Board Member Fowler to approve the conditional use permit with the following changes made to the conditions of approval. Eliminate Condition # 7. Modify Condition #5 to state:

No alcohol shall be served during any event unless approved by the City of Des Plaines, as required by the Fire Department. On premises food preparation is not allowed; however, food prepared off premises may be served on premises.

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

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

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

3. Address: 1773 Webster

Case Number: 23-019-V

The petitioner is requesting Major Variations to allow an 11-foot-tall and 50-foot-wide trellis in the interior side yard at 1773 Webster Lane where a maximum height of six feet and a maximum width of eight feet are permitted.

- Petitioner:** Demetrios and Isabelle Giokaris, 1773 Webster Lane, Des Plaines, IL 60018
- Owner:** Demetrios and Isabelle Giokaris, 1773 Webster Lane, Des Plaines, IL 60018
- PIN:** 09-29-101-022-0000
- Ward:** #5, Alderman Carla Brookman
- Existing Zoning:** R-1 Single Family Residential district
- Existing Land Use:** Single Family Residence
- Surrounding Zoning:** North: R-1 Single Family Residential district
South: R-1 Single Family Residential district
East: R-1 Single Family Residential district
West: R-1 Single Family Residential district
- Surrounding Land Use:** North: Single Family Residence (Residential)
South: Single Family Residence (Residential)
East: Single Family Residence (Residential)
West: Single Family Residence (Residential)
- Street Classification:** Webster Lane is classified as a local road.
- Comprehensive Plan:** The Comprehensive Plan illustrates the site as residential.
- Zoning/Property History:** Based on City records, the subject property was annexed into the City in 1953 and has been used as a single-family residence.

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

Background: *Structure Installation and Enforcement*

The existing structure is located along the north property line and spans 50 feet from the residence to the frame shed as shown on the attached Plat of Survey/Site Plan. This structure was installed without a permit in November 2022. On November 17, 2022, a complaint was filed regarding the structure in question, and Code Enforcement visited the property on November 18, 2022, to investigate. Based on the findings, code enforcement sent the property owner a letter informing him that the structure did not meet either the fence or trellis limitations of the Zoning Ordinance. Even though the rules have since been amended (Ordinance Z-6-23, see further discussion later in this report), the structure would not have complied with height limitations under the old rules. On November 23, 2022, staff informed the petitioner of the determination and identified that the existing structure shall be removed and replaced with a structure that conforms to trellis or fence rules or apply for a variation.

Variation Request

On December 8, 2022, the petitioner informed staff of the intent to pursue a minor variation for height of the structure. By March 6, 2023, a complete submittal was provided to staff for the variation request, and the petitioner seeks to have a structure that would be defined as a trellis (see attached drawings); provided, however, that the trellis would be taller and wider than is allowed. Therefore, approval of relief is necessary.

Recent Text Amendments for Fences, Trellises, and Arbors

On April 3, 2023, text amendments to clarify regulations and add terms for fences, trellises, and arbors were approved through Ordinance Z-6-23. The following definitions have been established for fence and trellis structures:

- **FENCE:** A structure used as a barrier or boundary to enclose, divide, or screen a piece of land. The term “fence” includes fences, walls, and other structural or artificial barriers that function as a wall or a fence. For the purposes of this Title, the term "fence" does not include arbors, trellises, or naturally growing shrubs, bushes, and other foliage. Fences must be made of wood, vinyl, metal, masonry, or a combination thereof. The height of a fence is measured from the immediately adjacent finished grade to the highest point of the fence.
- **TRELLIS:** A freestanding structure with latticework intended primarily to support vines or climbing plants. The height of a trellis is measured from the immediately adjacent finished grade to the highest point of the trellis.

In addition to the new definitions, a summary of the new trellis regulations—as they relate to the petitioner’s request—are below.

- **Location:** Trellises are permitted in all required front, side, corner-side, or rear

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

yards or the buildable area with some limitations.

- **Height:** Allows trellises up to six feet in height in the interior side yards;
- **Width:** Trellises cannot exceed 8 feet in width;
- **Material:** Trellises must be constructed of wood, wrought iron, vinyl, or similar decorative material; and
- **Separation:** Trellises may not be attached to or located less than six feet from other trellises.

Even though the structure existing on the subject property was constructed prior to the approval of these amendments, the structure in question was not "...otherwise lawful..." (Section 12-5-6) and therefore could not be legally nonconforming. The structure, both existing and as proposed with this application (altered), is subject to the new standards.

Project Description: *Overview*

The petitioners, Demetrios and Isabelle Giokaris, have requested major variations to allow an 11-foot-tall and 50-foot-wide structure with a 4-foot-long overhang (into the subject lot, not over the lot line). Sketch plans for the proposed structure are attached. The petitioner intends to alter the existing structure so that it would match the proposed plans and be classified as a trellis. The subject property consists of a 18,014-square-foot (0.41-acre) lot with a 2,365-square-foot, two-story brick house, one frame shed, concrete stoop areas, a wood deck, and concrete driveway connecting to Webster as shown in the attached Plat of Survey/Site Plan. The existing structure is currently solid and positioned one foot off the property line in the interior side yard directly next to an existing fence as shown on the Photos of Existing Conditions.

Intended Adjustments to Existing Structure

In the Responses to Standards, the petitioners claim that the addition of the solid structure was necessitated by nuisances caused by their next-door neighbor to appropriately screen them from the neighbor’s property. They also indicate that the proposed structure would be utilized as a support for climbing plants. However, both the existing solid composition of the structure and horizontal boards starting approximately 6 feet above the ground at the top of the existing 6-foot-tall fence prevent any plantings from growing on or attaching to the structure for support. Therefore, as shown on the plans, the petitioner intends to remove every other (i.e. alternating) horizontal board on the structure and extend this pattern down to grade in order to create openings for climbing plants and meet the classification of a trellis. There are no plans to reduce the height or width of the structure, requiring variations from Sections 12-7-1.C and 12-8-14.B.1 of the Ordinance.

PZB Considerations

Based on the substantial size, positioning, and design of the structure in question, the PZB may wish to analyze if the true intent/utilization of the structure, as

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

proposed to be designed, is more to serve as a barrier to screen the petitioner’s property from view from the neighbor instead of a structure for the primary purpose of providing support for climbing plants. Further, the PZB may inquire as to what plantings the petitioner intends to install on the property that necessitate an 11-foot-tall, 50-foot-wide trellis structure, or namely why alternative plantings that do not need support from other structures were not installed in its place. Nonetheless, see staff’s analysis of the variation standards.

Variation Findings: Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. Rationale for how the proposed amendments would or would not satisfy the standards is provided below and in the attached petitioner responses to standards. The Board may use the provided responses as written as its rationale, modify, or adopt its own.

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

Comment: Considering the other opportunities available, the zoning challenges encountered do not rise to the level of hardship or practical difficulty. The petitioner argues that the nuisances caused by their neighbor require the installation of the structure in question to serve as buffer screening between the two properties. This is further enforced by the size and design of the existing structure extending 50 feet between the existing shed and residence. Approval would allow a structure that is almost double the allowable height and six times the allowable width. Through either testimony in the public hearing or via the submitted responses, the Board should review, question, and evaluate whether a hardship or practical difficulty exists.

PZB Additions or Modifications (if necessary): _____

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

Comment: The subject property is a typical rectangular, interior lot that is neither exceptional to the surrounding lots nor contains unique physical features that prevent the petitioner from complying with the appropriate regulations. It has been noted that there have been reoccurring nuisances generated by the neighboring property. However, *these are conditions of the neighboring property abutting the petitioner’s property—not unique physical conditions of the subject property itself*, which is the basis of this variation standard. As there are ample opportunities for the petitioner to locate a code-compliant trellis or trellises on the subject property, the request for an 11-foot-tall and 50-foot-wide trellis appears to be more of a personal preference of the property owner instead of a

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

definable physical condition.

PZB Additions or Modifications (if necessary): _____

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

Comment: As there is no definable unique physical condition of the subject property itself, it is noted that the property attributes as they relate to size and location were not caused by the petitioner. However, the development of the deck and 11-foot-wide and 50-foot-wide barrier-type structure was directly constructed by the petitioner, and any perceived unique physical conditions or hardships created from these items are a direct result of the actions of the property owner.

PZB Additions or Modifications (if necessary): _____

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

Comment: Carrying out the strict letter of this code for height and width restrictions of a trellis structure does not deprive the property owners of substantial rights. First, while homeowners are able to construct trellises, as permitted by the trellis regulations, having the ability to construct a trellis in and of itself is not a right granted to property owners. Enforcing the trellis height and width requirements does not deny the property owners from constructing a trellis on their property but requires said trellis structure to conform with the applicable requirements that apply to any trellis structure installed throughout the City.

Given the initially installed, existing 11-foot-tall and 50-foot-wide structure on the subject property, as illustrated in the attached Photos of Existing Conditions, and the petitioner’s rationale that the structure in question is necessary to address perceived nuisances from a neighboring property, the PZB may discuss whether the true intention of this structure is more to provide a substantial barrier between the two properties rather than providing support for climbing plants. Even if solely for the intention of supporting climbing plants, the PZB may ask itself if the ability to install a structure at this scale is a right to which Des Plaines property owners are entitled given there are available alternatives to achieve the functional needs of a trellis.

PZB Additions or Modifications (if necessary): _____

- 5. Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right**

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot.

Comment: Granting this variation may, in fact, provide a special privilege for the property owner not available to other single-family residential properties. Variation decisions are made on a case-by-case, project-by-project basis upon applying the variation standards. In those evaluations, the determining body (e.g. PZB and/or City Council) usually determines the applicant has exhausted design options that do not require a variation. In this case, there are different design options, sizes, and positions for a trellis structure on the subject property, none of which warrant the substantial size of the structure in question. Granting a variation for this design at this location, when other viable options are available throughout the property, could be too lenient and tread into the territory of allowing a special privilege.

PZB Additions or Modifications (if necessary): _____

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

Comment: On one hand, the project would allow re-investment into a single-family home, which the Zoning Ordinance and Comprehensive Plan want to encourage. However, the existing structure is solely for the benefit of the property owner and is not consistent with any general and specific purposes of the Comprehensive Plan. For one, the structure is 50-foot-wide, extending from the residence to an existing shed, resembling a fence/barrier more than any standard trellis structure. Further, the petitioner references Section 12-10-1 of Chapter 10, “Landscaping and Screening”, of the Zoning Ordinance related to the purpose of the landscaping requirements in their responses to standards. A trellis structure is not, by definition, natural foliage utilized to meet the landscaping requirements detailed in this section nor is a trellis mentioned in the section as a means to satisfy the landscaping requirements. Instead, a trellis is a built structure which purpose is decoration and support for climbing plants. Conversely, a fence structure is referenced several times in the aforementioned section as a means to appropriately screen non-residential uses from residences. This code section reference by the petitioner clarifies the intention and use of the structure in question as a screening mechanism—similar to a fence—under the guise of a trellis. In addition, the existing structure is solid with horizontal boards starting approximately 6 feet above grade, which does not provide support for climbing plants. Even the proposed alterations to the structure appear to be more focused on maintaining the barrier-like presence of the structure rather than serving the purpose of a trellis. Nonetheless, the existing barrier-type structure is not harmonious with other residences in the R-1 district and does not meet the regulations for either trellis or fence structures. There are reasonable options for designing a trellis structure to create an adequate space for the growing of various plant material without the height and width of the existing structure in question.

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

PZB Additions or Modifications (if necessary): _____

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

Comment: There are several alternatives to the height and width variations being requested. The code allows for the installation of multiple trellis structures on the property, with a minimum 6-foot-separation between structures. It also allows for various trellis heights based on the trellis location on the property, restricting trellis height to 6 feet or less in required yards but allowing a maximum trellis height of 8 feet in the buildable area. In addition to the above improvements, natural plantings can also be added to provide a natural barrier between the properties as sought by the petitioner. In short, there are ample alternatives available based on the regulations, not just for trellis structures in which multiple designs and locations are available based on the regulations, but also other improvements such as landscaping. The PZB may wish to ask why certain alternative designs are not feasible.

PZB Additions or Modifications (if necessary): _____

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

Comment: The approval of the height and width variations may provide relief for the petitioner given their current proposal for the existing structure installed on site. However, staff argues that the alleged hardship related to nuisances from a neighboring property could be satisfied with alternative proposals that better utilize the physical characteristics of the property, incorporate trellis structures in a cohesive and harmonious way with the neighboring built environment, and meet the appropriate requirements. And while the minor adjustments to the existing barrier-type structure may be more convenient and less intensive than the alternative plans, these are not factors in staff’s analysis that demonstrate a true hardship or practical difficulty. The PZB may determine if the measure of relief is appropriate or necessary in its recommendation.

PZB Additions or Modifications (if necessary): _____

PZB Procedure and Recommended Conditions: Under Section 12-3-6(F) of the Zoning Ordinance (Major Variations), the PZB has the authority to recommend approval, approval subject to conditions, or denial of the request to City Council. The decision should be based on review of the information presented by the applicant and the standards and conditions met by Section 12-3-6(H) (Findings of Fact for Variations) as outlined in the Zoning Ordinance. If the PZB recommends approval of the request, staff recommends the following conditions.

Conditions of Approval:

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

1. No easements are affected, or drainage concerns are created.
2. The structure must be freestanding without any attachment to existing structures on the property.
3. All appropriate building permit documents and details, including dimensions and labels necessary to denote the addition, must be submitted and approved for the proposed project. All 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 and life safety codes.

Attachments:

- Attachment 1: Location and Zoning Map Petitioner's
- Attachment 2: Site & Context Photos
- Attachment 3: Existing Condition Photos
- Attachment 4: Responses to Standards for Variation
- Attachment 5: Plat of Survey and Site Plan
- Attachment 6: Trellis Sketches

Chair Szabo asked if the petitioner was present.

Jonathan Stytz, Senior Planner stated that the petitioner at 1773 Webster formally withdrew their Variation request. This withdrawal came in today.

Case 23-014-CU-TSUB	2777 Mannheim	Conditional Use & Tentative Subdivision
Case 23-013 -CU	820-848 Lee	Conditional Use
Case 23-019-V	1773 Webster	Variation
Case 22-055- Appeal	1378 Margret	Appeal

New Business:

1. Discussion of Potential PZB Workshop and Special Meeting

John Carlisle, CED Director stated that the developer/interested party in the two developments were looking to hold the workshop but will not be ready for May 9, 2023. They asked if the board could start thinking about other days that might work. Many of the Board members stated that Tuesday, Wednesday, and Thursdays seem like the best days. Mr. Carlisle thought we could hold a special meeting on a non PZB meeting day since it might be a long meeting otherwise.

ADJOURNMENT

The next scheduled Planning & Zoning Board meeting is Tuesday May 9, 2023.

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

Sincerely,

Margie Mosele, Executive Assistant/Recording Secretary

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