

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

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

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

PRESENT: Hofherr, Saletnik, Weaver, Szabo

ABSENT: Catalano, Fowler, Veremis

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

A quorum was present.

Call to Order and Roll Call

APPROVAL OF MINUTES FROM June 27, 2023

A motion was made by Board Member Weaver seconded by Board Member Saletnik to approve the meeting minutes of June 27, 2023.

AYES: Weaver, Saletnik, Szabo

NAYES: None

ABSTAIN: Hofherr

*****MOTION CARRIES ****

PUBLIC COMMENT ON NON-AGENDA ITEM

- None

1. Address: 1065 Lee Street

Case Number 23-035-CU

The petitioner and contract purchaser, Krzysztof Bernatek, is proposing a conditional use to allow for auto service repair and motor vehicle sales at 1065 Lee St

PIN: 09-20-214-002-0000

Petitioner: Krzysztof Bernatek, 2017 De Cook Ave., Park Ridge, IL 60068

Owner/Property Control: Centrust Bank, 385 Waukegan Rd., Northbrook, IL 60062

Ward Number: #3, Alderman Sean Oskerka

Existing Zoning: C-3, General Commercial

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

Surrounding Land Uses:
North: Parking lot
South: Commercial building
East: Commercial buildings
West: Railroad tracks

Street Classification: Lee Street is classified as a major road under jurisdiction of the Illinois Department of Transportation (IDOT).

Comprehensive Plan: Commercial is the recommended use for this property.

Property/Zoning History:
The property currently consists of a commercial building and a gravel parking area to the east. For several decades, Midwest Automotive operated at this property until closing in 2020. In 2001, a conditional use was granted to sell four motor vehicles on the site. In 2019, an amendment to the conditional use allowed for the sale of up to ten motor vehicles on the property; however, in 2020, the conditional use for motor vehicle sales was rescinded due to a number of code violations. Specifically, vehicles were parked on the adjacent lot (parking lot for 1062 Lee), vehicles

unassociated with the business were stored in the rear parking lot, and landscaping required by the previous conditional use was never installed. Since the closure of the business in 2020, several additional code enforcement issues have emerged, including debris stored on the site and the parking of trucks unassociated with a business in the rear gravel parking area.

Project Description:

The petitioner and contract purchaser, Krzysztof Bernatek, is proposing a conditional use to allow for auto service repair and motor vehicle sales at 1065 Lee St.

Proposed Use and Business Operation Details

Justpol Automotive is a proposed new auto service repair business. Currently the petitioner owns Kris Touhy Auto, which consists of two automotive repair businesses accessory to gas stations at 8801 Waukegan Road in Morton Grove and 5035 West Touhy Ave in Skokie. Currently, Kris Touhy Auto provides auto service repair (including tire replacement and repair, oil changes, and other activities associated with auto service repair) within gas stations. The petitioner intends to operate their first stand-alone auto service repair business at 1065 Lee St.

Six bays in the building will be used for auto repair; the office area will be used for general administrative duties as well as a waiting room and an area to display products for sale to auto repair customers. Per the petitioner, any retail activities will be associated with the auto service repair customers. No auto body repair will occur on this property.

Motor vehicle sales are a conditional use allowed within the C-3 Zoning District if they exceed 25,000 square feet. This property is 31,326 square feet. The motor vehicle sales will consist of five spaces, as noted on the Site Plan attachment. The petitioner may choose to expand the number of spaces used for motor vehicle sales in the future, after the rear parking lot is improved; expanding the number of sale spaces will require amendment to the conditional use.

Improvements to the Site

As discussed in the Property/Zoning History of this report, the property was previously an auto service repair business with long-term operations. Limited interior renovations are necessary to make the site suitable for the repair of vehicles in this location. Six repair bays are located within the building.

Proposed exterior improvements will include restriping and resurfacing of the parking lot, including adding two accessible spaces (as required by Section 12-9-8). The petitioner also plans to remove gravel from the rear parking area and pave an asphalt driveway in the back of the property leading to the dumpster enclosure and the rear overhead doors. Any unpaved areas on the property, including the remainder of the gravel parking lot in the rear, will be covered with grass, wood mulch, or other plant materials, as required by Section 12-10-6.A. Several suggested conditions of approval involve these property improvements, which per the site plan are intended to enhance the rear of the property and lessen the amount of hardscape (parking surface) in favor of increasing the amount of landscaped area.

Impact to Neighborhood

Noise and odor associated with this site will be typical of an auto service repair use, which is the historical use of this property. The proposed hours of operation will be 8:00 a.m. to 5:00 p.m., Monday through Friday, Saturday 8:00 a.m. to 12:00 p.m. The proposed number of employees will be 10 or fewer. No additional entrances are proposed at this site; access will be provided by the existing two driveways.

A traffic study was not requested by staff, as the scale of this operation is the same as the previous use in this location and no known issues with traffic were communicated by Police or Code Enforcement surrounding the business that previously operated at this site. However, several violations were issued for the previous business, as discussed in the Property/Zoning History section of this report. Several suggested conditions of approval were written to provide assurances this conditional use will not result in additional violations if this type of use is reinstated.

Parking

The below table provides an overview of required and provided parking for this building and uses. After improvement of the rear parking area, additional parking spaces will be added to the total; however, the petitioner does not have specific plans. If additional display spaces are requested in the future, the petitioner would be required to amend the conditional use, as specified in the suggested conditions of approval.

Use	Requirement	Total Required	Total Proposed
Automotive service repair	2 spaces per service bay, plus 1 space for every 200 square feet of accessory retail	6 service bays = 12 spaces 1425 sq ft of office = 8 spaces 20 spaces	21 spaces
Motor vehicle sales	1 space for every 500 square feet of showroom and office floor area, plus 1 space for every 20 vehicle display spaces (required off street parking spaces cannot be occupied by motor vehicles for sale or for lease)	5 vehicle display spaces No showroom or office specifically for the motor vehicle sales 0 required spaces	5 vehicle display spaces
Accessible Spaces	Parking lots with 21 to 50 spaces require 2 spaces	2 accessible spaces	2 accessible spaces
Total Spaces:		<u>Required</u> 20 off-street parking spaces 2 accessible spaces	<u>Proposed</u> 21 off street parking spaces* 5 display spaces for motor vehicle sales 26 total spaces
*Includes accessible spaces			

Most vehicles will be repaired and returned to the customer within 24 hours, per the petitioner. A suggested condition of approval would require all inoperable vehicles to be placed inside the building or in the rear parking lot only in striped spaces that would comply with the dimensional requirements of the Zoning Ordinance.

An additional suggested condition of approval acknowledges issues with the former auto service repair business using the adjacent parking lot to park vehicles. This parking lot on 1062 Lee Street is owned by a separate property owner and may not be used to park or store vehicles. The suggested condition of approval requires signage indicating parking areas for the auto repair business and stating that no parking is permitted on the adjacent property.

Standards for Conditional Use

The following is a discussion of standards for conditional uses from Section 12-3-4(E) of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is

provided below and in the petitioner's response to standards. The PZB may use this rationale toward its recommendation, or the Board may make up its own.

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

Comment: Auto service repair and motor vehicle sales (on properties greater than 25,000 square feet) are conditional uses within 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 2019 Comprehensive Plan illustrates this area to be used for Commercial. This business would bring commercial activity into this area; several buildings in this corridor are vacant, and revitalization with new businesses would be beneficial to the vitality of this area of Lee Street.

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: Many suggested conditions of approval are included with this case to provide assurances about the use being compliant with applicable zoning requirements, including requiring improvements to the parking lot, removal of gravel from the rear parking area, and providing landscaping around the pole sign and in front of the building or parking lot. No modifications to the exterior of the building are proposed.

PZB Additions or Modifications (if necessary): _____

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

Comment: As discussed in the Petitioner's Response to Standards, the business will operate Monday through Friday 8:00 a.m. to 5:00 p.m., and Saturday 8:00 a.m. to 12:00 p.m. The property is within an existing commercial area, with no residences directly adjacent. See the Petitioner's Narrative and Response to Standards for additional information about business operations. The suggested conditions of approval surrounding the location of parking, storage, disposal of materials, and landscaping are meant to provide assurances that limit any disturbance or nuisance to the neighborhood, either through the business operations or aesthetics of improvements.

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. Prior to business registration approval, the petitioner must provide a waste oil agreement to the Fire Prevention Bureau and undergo an inspection of the building by the fire, building, and zoning divisions to determine compliance with this conditional use and all applicable local, state and federal regulations.

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

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: Traffic generated by these uses will be consistent with the amount of traffic previously generated at this site, and staff believes the existing street network can accommodate the traffic for this use. This auto service repair use would result in the same amount of fumes, noise, and odors as other similar businesses, including the former business at this location.

The petitioner indicates in their narrative and response to standards that any hazardous materials generated by this use (oil, tires, etc.) will be properly handled and meet city, state, and federal requirements. Used tires are picked up by a third-party tire disposal company every other week, per the petitioner's response to standards. A suggested condition of approval states where used tires may be located and requires the petitioner to provide to staff a copy of this tire disposal company contract.

No underground storage tanks (UST) are proposed for this property; a previous used oil tank was located on this site and removed in 1990, per the State Fire Marshall UST Database.

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: Access to the building will continue to be provided by two existing driveways along Lee Street. Traffic generated by these uses will be consistent with the amount of traffic previously generated at this site, so a traffic study was not requested by staff. Staff believes that the existing street network can accommodate the traffic for this new use, as the intensity is not increased compared to the previous use at this location.

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. Several proposed improvements and related suggested conditions of approval are proposed that would bring this property into closer conformance with requirements, including providing handicap accessible parking spaces, landscaping, and removal of non-permitted landscaping material (gravel) from the rear parking area.

PZB Additions or Modifications (if necessary): _____

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

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

Recommended Conditions of Approval:

1. No motor vehicles unassociated with the petitioner's business operations may be parked in any of the parking areas associated with the property.
2. Except for operable motor vehicles, no materials or supplies related to this use may be stored outside the building or the dumpster enclosure. Prior to business registration, all debris must be removed from the property, including the rear parking area.
3. All used tires must be located inside a building or within a permitted accessory structure. A contract indicating at minimum biweekly pickup of used tires must be provided to Community and Economic Development staff prior to approval of business registration. This tire disposal contract must be active if the auto service repair use is active on this property.
4. Any vehicles related to this use must be stored on this property, on a dust-free hard surface. Any inoperable vehicles must be located inside the building or placed in the rear parking/driveway area, in which case the rear driveway area must contain striped parking spaces that satisfy all dimensional requirements of Chapter 12-9 (Off-Street Parking and Loading).
5. Identification and directional signs must be located on site noting the locations available for customers of the proposed business at 1065 Lee and noting that parking on the adjacent parking lot at 1062 Lee is prohibited.
6. Parking on the adjacent parking lot at 1062 Lee St is strictly prohibited, until and unless the petitioner acquires or leases this property, in which case the additional parking would be an expansion, and an amended conditional use would be required.
7. Motor vehicle sales requires a state dealer license. Prior to issuance of building registration, petitioner must obtain license; the City will cooperate in prerequisite process, such as signing the Certificate of Proper Zoning.
8. No more than five motor vehicles may be displayed for sale on site at one time. Through signs, striping, or a combination, these five spaces should be identified and reserved. Additional display spaces would require an amendment to the conditional use. Sufficient spaces to meet the minimum off-street parking requirements shall be provided on the property at all times.
9. All parking areas must be paved, striped, and landscaped according to all applicable Zoning Ordinance standards. Accessible parking spaces shall be located on site to meet accessibility standards pursuant to Section 12-9-8 and Illinois Accessibility Code. The petitioner may revise the site plan approved with this conditional use to adjust striping and landscaping; provided, however, the final plan includes the minimum number of spaces for this use.
10. Three feet of landscaping must be provided around the base of the existing pole sign, pursuant to Section 12-11-4.G. Landscaping or landscape planter boxes must be added to the street-facing portion of the building or parking lot prior to business registration.
11. A parking lot permit to reflect the site plan must be issued prior to business registration. The petitioner may revise the site plan approved with this conditional use; however, the paved area in the rear, if intended to be used for any parking, must meet dimensional requirements pursuant to Chapter 12-9. This permit must indicate all gravel will be

removed from the property and be replaced by an approved landscaping material (turf, wood mulch, or other plant materials), pursuant to Section 12-10-6.

Attachments:

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

Chair Szabo swore in petitioners, Christian Bernatek and Krzysztof Bernatek for 1065 Lee Street.

C. Bernatek stated that they are requesting two conditional use permits for Auto Repair and Auto Sales. He stated that they started their business in Park Ridge in 2005. They have since moved to two locations, one in Skokie and one in Morton Grove. They would like to merge the businesses under one roof in Des Plaines. He stated that they are mechanics, and they usually have the vehicles 1-2 days. Mr. C. Bernatek stated that they plan to resurface the front parking lot, refinish the stucco in the front, add two accessible parking spaces in the front. He plans to add landscaping. He proposes a driveway to access the two doors in the back. The rest of the area would be wood chips or other landscaping. He stated that the dumpster would be enclosed in the back. He discussed the site plan.

Chair Szabo asked where the dumpster would be located?

C. Bernatek stated they plan to put the dumpster in the back on a concrete pad. He plans to have the dumpster hidden.

Member Weaver asked about the parking space lines on the site map. He asked if the two accessible parking spots are in the front of the building. And if the alley is in the right of way and would be used for the garbage truck to get to the dumpster? He asked if he was planning to use the 8 feet of public way?

C. Bernatek stated that there would be two accessible parking spaces in the front and there would be parking on the side as well. He stated that he has 30 feet from the building allowing a driving area. The alley was used as a street in the past it dead ends into the railroad. No one uses it unless they are accessing the properties.

Member Hofherr asked how many vehicles do you anticipate inside and outside the business? He also said that the front of the business has spaces. Would the side spaces be used for employees?

K. Bernatek stated that they will have enough parking. He stated they could have between 5-10 vehicles at a time. Their goal is to have 50-75% of allowable spaces used. He stated that the

North end is designated for the front spaces. The bay doors will be used for customers and the side areas would most likely be used for employees.

Samantha Redman, Planner gave the staff report. She explained the two Conditional Use requests for 1065 Lee Street. One is for Auto Services and the other is for Motor Vehicle Sales. She gave a presentation explaining requests. The location is zoned C-3. She went over the site photos showing the bays, dumpster, and parking lots. Ms. Redman gave the background of the property. She explained the Conditional Use for Motor Vehicle Sales in C-3 requires 25,000 square feet. The petitioner has over 31, 00 square feet. She stated that the parking lot will need to be resurfaced and restriped. There are already parking spaces. They could request to vacate the alley in the future. They will also need to add landscaping. They will need to add accessible parking spaces. They currently have 6 bay spaces. There is a gravel parking lot in the rear that is not allowed in Des Plaines. There are plans to remove the gravel and redo the parking lot. There is currently a driveway in the back for the dumpster and bay door. There are 11 suggested Conditions of Approval.

Chair Szabo asked if the petitioner is aware of all the recommended conditions and if they have a problem with any of them.

C. Bernatek stated that they do not have a problem with any of the conditions.

Member Weaver asked about Condition 11, stating the petitioner may revise the site plan approved with this conditional use; however, the paved area in the rear, if intended to be used for any parking, must meet dimensional requirements pursuant to Chapter 12-9. This permit must indicate all gravel will be removed from the property and be replaced by an approved landscaping material (turf, wood mulch, or other plant materials), pursuant to Section 12-10-6. Member Weaver asked that if they have the ability to remove the gravel without needing to improve the parking lot. Ms. Redman stated yes, they will need to removal the gravel but do not need to get a full parking lot permit to do this; the intent with the condition is to provide flexibility.

Chair Szabo asked the audience if anyone is in favor or opposes this request. – No responses.

A motion was made by Board Member Weaver, seconded by Board Member Hofherr to recommend that the City Council approve the Conditional Use permit with the eleven conditions drafted by staff.

AYES: Weaver, Hofherr, Saletnik, Szabo
NAYES: None
ABSTAIN: None

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

2. Address: 733 Lee Street

Case Number: 23-038-TA-CU-V

The petitioner is requesting the following under the Zoning Ordinance (summarized): (i) text amendments to allow a “School – Private, Elementary and High” in the 700 block of Lee Street in the C-5 Central Business District, with a conditional use permit, where currently such schools are allowed only in the 800 block of Lee; (ii) a conditional use to operate such type of school at 733 Lee, or an amendment to the conditional use granted by Ordinance Z-024-10, whichever is necessary; (iii) a conditional use for commercially zoned assembly; and (iv) variations that address various existing structure, sign, and site conditions; the recording requirement for collective parking agreements; and proposed partial compliance with parking lot landscaping requirements.

PIN: 09-20-200-042-0000, 09-20-200-006-000

Petitioner: ICCD Academy NFP, 733 Lee St., Des Plaines, IL, 60016
(Authorized agent/representative: Mark Daniel, Daniel Law Office,
17W733 Butterfield Road, Unit F, Oakbrook Terrace, IL 60181)

Owner: Trustee of Trust No. 16505, Parkway Bank and Trust Co.,
4800 N. Harlem Ave., Harwood Heights, IL 60706
(Beneficiary: ICCD Academy, NFP)

Ward Number: #2, Alderman Colt Moylan

Existing Zoning: C-5, Central Business District

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

Surrounding Land Uses: North: Office building, City-owned library parking garage
South: Financial institution (Old National Bank) and parking lot
East: Private school
West: Vacant site

Street Classifications: Lee Street is an arterial roadway (IDOT jurisdiction);
Prairie Avenue and Center Street are collectors (local jurisdiction).

Comprehensive Plan : The Comprehensive Plan illustrates this site as Higher Density Urban Mix with Residential.

Property/Zoning History:

This subject property/zoning lot is 33,177 square feet (just greater than .75 acres) and consists of two parcels. The lot is separate from both the small triangular lot and building at 1445 Prairie (not connected), as well as the lot and building at 749 Lee (currently Old National Bank; also not connected). The building on the subject property consists of three usable floors: a basement, first floor, and second floor. In addition, there is a surface parking lot in the east (rear), currently striped with 38 parking spaces per the Plat of Survey, accessible from Center Street. In 2010, Ordinance Z-024-10 (see attached) granted the subject property a conditional use to operate a school. This approving ordinance was requested at the time by Plato Academy, which occupied the building for several years before moving to 915 Lee Street. Plato shared the building with office tenants, notably the Greek American Restaurant Association. When Plato vacated, the office use remained. The petitioner purchased the property in 2022.

The petitioner approached staff in 2022 about opening Islamic City Center of Des Plaines Academy (ICCDA). The current Zoning Ordinance does not allow private schools in the 700 block of Lee (restriction was put in place in 2018). However, staff reviewed with the General Counsel and determined that the approving conditional use ordinance was written to run with the property and could be transferred to the same use – a private school – even though the new owner/operator was different than the original petitioner. Further, Section 12-3-4.H.3 states, “...a conditional use shall be deemed to relate to, and be for the benefit of, the use and lot in question, rather than the owner or operator of such use or lot.” Therefore, the petitioner has been utilizing the conditional use for their operations and building, bound to the restrictions of being a legal nonconforming use (Section 12-5-5) and adherence to all conditions and limitations of the 2010 approval. The City and the petitioner entered into an agreement, dated August 30, 2022, which reinforced that all conditions and parameters of the approving ordinance would apply to ICCDA. These parameters included (i) using only portions of the floor plan illustrated in the approving ordinance for school purposes; (ii) limiting enrollment to no more than 60 students, as this was represented by Plato Academy when they received the original approval; (iii) maintaining unobstructed windows, except for uniform, non-permanent window treatments; and (iv) remaining willing to work with the City if any traffic issues arise. The City issued a business registration in September 2022 to allow school occupancy for the 2022-2023 academic year, and the school subsequently opened. They are now requesting approvals to operate in a larger portion of the building with more students, and to have non-accessory worship and religious activities (“commercially zoned assembly”).

TEXT AMENDMENT

Request Description:

The petitioner, ICCDA, is requesting to amend Section 12-7-3.K of the Zoning Ordinance, specifically the Commercial Districts Use Matrix. Currently in the C-5 District, conditional use permits allow private schools only in the 800 block of Lee Street (currently the Little Bulgarian School/Center is in this block). This limitation was established in June 2018 (Ordinance Z-17-18). The requested text amendment would extend the possibility of private schools to the 700 block of Lee Street, but a conditional use would still be required, which means the PZB would hear and review and the City Council would have to approve any request for such school. The following are the proposed amendments (additions are **bold, double-underlined**; deletions are ~~struckthrough~~):

“12-7-3: COMMERCIAL DISTRICTS REGULATIONS:

K. Commercial Use Matrix:

TABLE 3
COMMERCIAL DISTRICTS USE MATRIX

P = Permitted use
C = Conditional use permit required

	C-1	C-2	C-3	C-4	C-5	C-6	C-7
Schools, private - elementary and high school					C15		

Notes:

15. For properties with frontage located on the 700 block and 800 block of Lee Street only. **Provided that there is an elementary or high school, the school may also operate kindergarten and pre-kindergarten programs accessory to the school.**

***”

CONDITIONAL USES / AMENDED CONDITIONAL USE

Request Description:

The petitioner is requesting two conditional use permits: (i) a private school, as the primary principal use; and (ii) a commercially zoned assembly as a secondary principal use. In the event the requested text amendment is not approved, ICCDA requests consideration of an amendment to the original conditional use to achieve the desired expansion of school operations.

Private school

The petitioner has operated ICCDA at the property since September 2022. They completed their first fall-to-spring main academic year in June 2023 and are currently providing summer programming. The school’s mission includes a traditional academic and religious curriculum, meaning that worship activities involving students, families, and staff are intrinsic and accessory to the school. Assuming the proposed text amendment is approved, the petitioner is seeking a new conditional use to entitle ICCDA specifically and to allow the organization to expand both student enrollment and the portions of the building that may be used for school purposes (i.e., basement and the second floor). In summary, the petitioner’s statement and plans request and depict the following:

- An allowance of *up to* 233 students, pre-K through eighth grade, exclusive of volunteers and staff
- An expanded number of classrooms (20, including art rooms and science or other labs), on both the first and second floors
- An auditorium on the second floor and prayer/worship area(s) in the basement; these areas would be part of the daily school curriculum but also serve as the proposed commercially zoned assembly area (see separate discussion later in the report).

This table outlines approximate days and times of programming in the building.

Activity	Days/Purpose	Time
General school hours	Monday-Thursday	8 a.m.-4 p.m.
	Friday	8 a.m.-2 p.m.
	Saturday-Sunday	9 a.m.-2 p.m.
General before-school program	Weekdays	7-8 a.m.
General after-school program	Monday-Thursday	4-6:30 p.m.
	Friday	2-6:30 p.m.
General staff & janitorial arrival	Weekdays	5:30-7:30 a.m.
Planned Drop-off Period	Weekdays	7:30-8:45 a.m.
	Saturday-Sunday	8:30-9:30 a.m.

Planned Pick-up Period	Monday-Thursday	3:30-4:30 p.m.
	Friday	1:30-2:30 p.m.
	Saturday-Sunday	1:30-2:30 p.m.
Ramadan (Iftar)	Assembly*	6-10:30 p.m.

**A secondary principal use, not necessarily accessory to the school*

Drop-off and Pick-up Operations

The petitioner has provided a detailed description and graphical depiction of drop-off and pick-up of students, using the property's on-site parking lot, with vehicles entering from and exiting to Center Street. In a typical day, the combined drop-off and pick-up duration is two hours and 15 minutes, and per the provided table and description, and the periods would not overlap with staff arrival and departure. ICCDA employees would be assigned parking spaces in locations that would have the least potential conflict with the temporary lanes. The drop-off and pick-up locations within the parking lot intuitively allow the younger students and their parents the nearer positions to the door, and the plan identifies that staff from the school would be outside the building during the periods to help manage the flow.

The attached plan includes observations, data, and projections prepared with the engineering firm KLOA and grounded in the makeup of the current student population. Because of the school's tendency to enroll multiple students from a single family, the petitioner expects that the number of vehicles circulating through a pick-up or drop-off would not exceed half, or 50 percent, of the enrollment. Further, they project that approximately 15 percent of students will walk to school. Finally, the petitioner expresses willingness to work with the Police Department to the extent necessary or required. It is worth noting Police and other City staff do not support the incorporating *on-street* loading on any of the adjacent streets: Lee, Prairie, or Center. However, it is also worth noting that upon receiving this comment in staff review prior to the public hearing, the petitioner revised their plans to make the fullest and most deliberate possible use of their parking lot and drive aisles.

Building Safety and Occupancy

The greatest challenge in allowing the desired student enrollment in staff's view is not the external factors surrounding parking and traffic but instead the remodeling or retrofitting the building such that classrooms and all school-occupancy spaces have sufficient hallway widths to provide means of egress. In the past, this building has been a mix of school and office occupancies; it is now proposed to be school and assembly (worship). The Building Division has worked extensively with the petitioner's architect to advise on floor plans with dimensions that could allow the occupancy to approach what the petitioner desires. However, while the attached floor plans are provided for zoning consideration, they should not be considered building permit-ready drawings. In fact, staff recommends a condition that while the maximum desired student enrollment of 233 could eventually be reached in the future under conditional use approval, the occupant load of the building cannot exceed the maximum established by the Chief Building

Official and Fire Prevention Bureau; plans may be altered, and the occupant load may be increased, if required alterations are made.

Commercially Zoned Assembly

The petitioner describes certain activities that would be open to the public beyond ICCDA students, families, staff, and volunteers, particularly during holy periods during the calendar year. These activities are less frequent than the daily school operation, occupy only portions of the building (basement prayer areas, second-floor auditorium) and are therefore subordinate to the primary principal use; however, they are not incidental/accessory to the school, so the assembly activity is categorized as a secondary principal use and must be approved via a conditional use. No text amendment is required, as commercially zoned assemblies are already established as a conditional use in the C-5 District, without any additional prerequisites or restrictions.

The Iftar, or daily fast-breaking evening meal during the annual holy period (approximately one month) of Ramadan, is identified as the main time during the year when commercially zoned assembly would occur. In addition, the petitioner notes that on Fridays, the building would host Jumu'ah prayers, which may occasionally be open to the public—although the statement attests when open to the public, the Jumu'ah would not overlap with school activities. The Board may wish to ask the petitioner to explain how the overlap would not occur if the submitted schedule shows the school being open on Fridays. Further, the PZB may ask the petitioner to clarify how the food component of Iftar will occur (i.e., food brought from the outside versus prepared on site). Language within the petitioner's statements indicates no food would be prepared on site.

The basement prayer/library area spans two rooms and is 2,904 square feet per the submitted floor plan. It does not have fixed seating but lists a maximum occupancy of 194 people. The second-floor auditorium is 903 square feet and proposed to have a maximum occupancy of 60 people (presumably through fixed seating). Collectively, these are the proposed assembly use areas.

Off-Street Parking (Both Uses)

The petitioner's plans show a restriped parking lot that actually increases the number of spaces from the current striping: from 38 currently to 42. The addition stems from the ability to design the accessible parking area more efficiently because of recent updates to the Illinois Accessibility Code. Further, the property lies in the C-5 District. Section 12-9-1 instructs "... no off-street parking shall be required for the first two thousand five hundred (2,500) square feet of a use...in the C-5 central business district." The petitioner is proposing two principal uses – private school (primary) and commercially zoned assembly (secondary) – and the sum of both minimums will establish the overall minimum. However, Ordinance allows the 2,500-square-foot deduction from each use. The rationale is that as the central business district C-5 is different from other areas of Des Plaines because of the availability of public parking garages and public transportation, as well as residential density that lends itself to households walking and having a reduced need to drive and park.

The table on the following page breaks down the minimum requirements for both a private school and a commercially zoned assembly, which must be summed to determine the total requirement. In summary, the total requirement is 39 spaces, and 42 are proposed to be provided, after parking lot improvements (restriping, addition of landscape island), so the requirement would be met. However, the submittal does not contain a description of the projected attendance of the assembly events. The floor plans establish a maximum occupancy of 60 people in the auditorium and 194 in the basement prayer/library area, but the petitioner may not intend to have or project this many attendees. Although the petitioner expressed potential assembly occupancy in their attached Cover Statement – specifically in their proposed conditions – the PZB may wish to ask the petitioner to more clearly identify the potential number of people expected for an assembly.

Use, Required Ratio	Floor Area	Required parking
Private School (in this case “Elementary School”): 1 space for each classroom, plus 1 space per 200 square feet of area devoted to offices	Office: (all excluded because of C-5 District) 20 classrooms	20 spaces
Commercially zoned assembly (in this case, “Place of Worship”): 1 space for every 5 seats in the main auditorium, sanctuary, nave or similar place of assembly and other rooms ... which are to be occupied simultaneously. In cases where there is no affixed seating, 1 space shall be provided for every 60 square feet of floor area.	Assuming maximum number of seats in the auditorium (60): 12 spaces. Assuming simultaneous occupancy of the prayer area: 2,904 square feet – 2,500 square feet for C-5 exemption = 404 square feet / 60 = 6.73 spaces (rounds up to 7)	12 for auditorium + 7 for prayer area = 19 spaces
	Total Required	39 spaces
	Total Proposed	42 spaces

Finally, regarding the refuse/dumpster, the existing dumpster is nonconforming, as it not enclosed. The site plan shows building a dumpster enclosure, which should bring the structure into conformance. The height and materials of the enclosure are not indicated on the site plan but would be regulated by Section 12-10-11.

VARIATIONS

Request Description:

The petitioner is electing to seek several variations related to existing conditions of the building and property, specifically its required yards (setbacks), parking lot, on-site and off-site/parkway landscaping, and signs. For this irregular corner lot, the front yard extends from the west lot line where it abuts Lee, the rear yard extends from the east lot line (Center), and there are three side yards: from the south lot line, which borders the Old National Bank parking and drive-through area; from the north lot line, which abuts Prairie; and from the west lot line portion that does not abut Lee but instead separates the ICCDA parking lot from the Old National parking lot. Based on real estate listing information,¹ the building was built originally in 1957 and renovated in 1977. Not surprising, the building is a nonconforming structure in multiple ways. While the variations requested may not be essential to entitling the operation of the school or assembly, they allow the petitioner to retain certain physical characteristics and make reasonable enhancements but not comply strictly with current Ordinance requirements. In particular, with the existing parking lot nonconforming regarding various minimum curb and landscaping uses, adding new striped spaces to it could be considered intensifying the nonconformity and requiring a full upgrade to strict adherence. Therefore, the petitioner is seeking variation to allow a partial upgrade – notably installing a landscape island down the middle of the central double-loaded parking stalls – but not installing perimeter buffer strips at the south or west lot lines. The necessary variation requests are listed in the following table:

Section	Requirement	Proposed	Type of Variation
12-7-3.L, Table 4	5-foot minimum side yard on the north lot line (Center Street)	Existing condition: 2-foot minimum side yard	Standard
12-9-3.A.4	Collective parking agreements shall be recorded.	n/a*	Major
<i>*The petitioner requested relief from having to record a collective parking agreement, but their site plan shows the parking minimum would be met on site; therefore, petitioner has not submitted a collective parking agreement.</i>			
<i>Related to Parking Lot Design and Landscaping</i>			
12-9-6.D.	Install curb at least 3.5 feet from property lines at the parking lot perimeter.	Existing conditions: The south and west perimeters would not have curb.	Major

¹ Loopnet (2023). Accessed July 6, 2023 at <https://www.loopnet.com/Listing/733-Lee-St-Des-Plaines-IL/3989538/>

12-10-7	Parkway landscaping/trees with species and amounts as specified (applies here only in a small portion at near the corner of Prairie and Center)	Existing conditions in the area where the regulation is relevant.	Major
12-10-8.B.	Install perimeter parking lot landscaping at the south and western edges of the parking lot/lot lines	As shown in the site plan, install an interior landscape island but do not install perimeter landscaping at the south and west edges of the parking lot.	Major
<i>Related to the Existing Pole Sign near Center</i>			
12-11-4.G	Pole and monument signs shall be required to provide and maintain landscaping at the base of the sign	Existing conditions: no landscaping	Major
12-11-5.A.	No pole sign shall be constructed closer than five feet (5') from any property line.	Existing conditions: sign installed at lot line	Major

Standards for Text Amendments:

The following is a discussion of standards for zoning amendments from Section 12-3-7.E of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is provided here and also in the attached Petitioner’s Responses to Standards for Text Amendments. The PZB may use the statements below, use the petitioner’s responses, or adopt its own rationale.

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

Comment: Although the Comprehensive Plan illustrates the 700 block of Lee Street as “Higher Density Urban Mix with Residential,” a school use can (i) provide the kind of regular, daily activity that bolsters the Central Business District and (ii) provide a nearby educational option for the many (and growing number) of nearby households.

PZB Modifications (if any): _____

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

Comment: The amendments appear to be compatible because they reflect existing conditions on the east side of Lee Street. On the west side, the property is vacant and ripe for redevelopment, but the amendments would not automatically entitle a school; they simply expand the possibility for the conditional use process. The City would not be bound to approve a conditional use on, for example, the 750 Lee Street property on the west side of the street.

PZB Modifications (if any): _____

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

Comment: The hub for services that private schools may need (e.g., Police, Fire) are concentrated in the Central Business District already. The 700 block is directly adjacent to the 800 block, where a conditional use for private schools is already possible.

PZB Modifications (if any): _____

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

Comment: The proposed amendments are not likely to bring a wave of private schools, and they reflect existing conditions, so there is not expected to be an effect on property values.

PZB Modifications (if any): _____

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

Comment: Expanding the conditional use possibility for private schools in the C-5 District merely provides another option for development but does not automatically entitle their development or operation. The City would have the opportunity to review and authority to approve or deny specific requests.

PZB Modifications (if any): _____

Standards for Conditional Use

The following is a discussion of standards for conditional uses from Section 12-3-4(E) of the Zoning Ordinance. Rationale for how the proposed amendments may or may not satisfy the standards is provided below and in the petitioner’s response to standards. For certain standards, comments are split between the consideration of the private school (“school”) and the commercially zoned assembly (“assembly”). 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 (school): This is pending the outcome of the proposed text amendment. However, the conditional use via Ordinance Z-024-10 dates to a time when private schools were an established conditional use at this subject property.

Comment (assembly): Yes, the requested use is a conditional use in the C-5 District.

PZB Modifications (if any): _____

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

Comment (school and assembly): The 2019 Comprehensive Plan illustrates this site to be used for high-density urban mix with residential. However, the Plan also dedicates a chapter to strategies to enhancing downtown Des Plaines and inspiring visitation and commercial activity. A daily use such as a school brings people downtown every day and builds downtown visitation into their routine, which makes it possible they will also patronize businesses downtown, such as a grocery store, retail store, restaurant, dry cleaner, doctor's office, or services establishment.

PZB Modifications (if any): _____

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 (school and assembly): Any exterior alterations proposed with this application would, if anything, enhance the property and character of the area.

PZB Modifications (if any): _____

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

Comment (school): The petitioner has provided a thorough pick-up and drop-off plan, which utilizes their parking lot, to address the proposed increase in enrollment. Staff has not received any complaints about the current ICCDA's operation since September 2022, albeit with a notably smaller enrollment than what is proposed.

Comment (assembly): The Board may consider whether having a potential spike of additional traffic and activity during essentially one month of the year for a few hours at a time and on occasional Fridays rises to the level of being "hazardous" or "disturbing."

PZB Modifications (if any): _____

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 (school and assembly): 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 Modifications (if any): _____

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 (school and assembly): While the petitioner is offering to collaborate with City staff and departments, such as Police, Fire, and Building/CED, staff does not interpret these as being obligatory activities. On the contrary, staff expects that approved conditionals uses would set reasonable conditions and expectations and set the stage for long-term compliant occupancy and operation.

PZB Modifications (if any): _____

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 (school and assembly): All activities are proposed to occur inside buildings, aside from those driving, walking, or otherwise getting to and from the doors of the building. All uses must be in compliance with the Environmental Performance Standards in Chapter 12 of the Zoning Ordinance.

PZB Modifications (if any): _____

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 (school): While the increased enrollment will inherently bring more vehicles to the area, the spikes will be short and should be managed to prevent stacking into Center Street (i.e., a queue that blocks or impedes traffic). Observations reported by the petitioner in their submittal, as well as anecdotal observations by staff, indicate that there is additional capacity on adjacent streets during daytime school hours.

Comment (assembly): The Board may consider asking the petitioner to commit to methods to encouraging carpooling, using non-motorized transportation (walking and parking), or, if driving, utilizing nearby public parking garages (i.e., Library Garage, immediately north on Prairie, or 1425 Ellinwood/Welkin garage approximately 1/2 block to the north on Lee).

PZB Modifications (if any): _____

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

Comment (school and assembly): The subject property is within an already development building and thus would not result in the loss or damage of natural, scenic, or historic features.

PZB Modifications (if any): _____

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

Comment (school and assembly): The proposed uses would comply with all applicable requirements as stated in the Zoning Ordinance.

PZB Modifications (if any): _____

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 proposal addresses the standards is provided in the attached petitioner responses to standards, with some comments from staff below. The Board may use the provided responses 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: See petitioner’s responses to standards.

PZB Modifications (if any): _____

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 an irregular shape, having a lot line fronting on three different streets while also being a corner lot. In staff's view, this is truly unique. See petitioner's responses to standards for more.

PZB Modifications (if any): _____

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: The petitioners did not create the unique shape and dimensions of the lot. See petitioner's responses to standards for more.

PZB Modifications (if any): _____

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: See petitioner's responses to standards.

PZB Modifications (if any): _____

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

Comment: See petitioner's responses to standards.

PZB Modifications (if any): _____

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: See petitioner's responses to standards.

PZB Modifications (if any): _____

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: See petitioner’s responses to standards.

PZB Modifications (if any): _____

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: See petitioner’s responses to standards.

PZB Modifications (if any): _____

PZB Procedure and Recommended Conditions: Because of the multiple requests, staff recommends the Board take multiple motions: (i) recommendation on the proposed text amendment; (ii) recommendation on the proposed conditional use for private school/amended conditional use through Z-024-10; (iii) recommendation on the proposed commercially zoned assembly; (iv) a final vote on the standard variation regarding the required side yard; and (v) a recommendation on all other requested variations, which the Board could consider with one motion or individually.

TEXT AMENDMENT

Pursuant to Section 12-3-7(E) of the Zoning Ordinance, the PZB may vote to *recommend* approval, approval with modifications, or denial of the proposed text amendment. The City Council has final authority over the request.

CONDITIONAL USE / AMENDED CONDITIONAL USE FOR PRIVATE SCHOOL

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

The petitioner suggested conditions in their attached Cover Application Statements. The Board may review them, but staff does not recommend their verbatim use, with particular concerns about (i) the reference to 36 parking spaces, when the minimum requirement (with both uses active) is 39, and (ii) a temporary occupancy allowance through 2028 pending hallway-width changes. Instead, should the PZB recommend approval of the conditional use, staff suggests the following conditions:

Recommended Conditions of Approval

1. Notwithstanding the desired maximum number of users, the occupancy load for the building and all rooms utilized by the use shall not exceed the maximum set by the Fire Department and Chief Building Official. This maximum may be increased only through permitted construction and alterations; provided, however, the total attendees shall not exceed the numerical limit set through this conditional use approval. Every room or space that is an assembly occupancy shall have the occupant load of that room or space posted in a conspicuous location, near an exit.
2. The petitioner shall complete the parking lot restriping and landscape project shown on the site plan within 12 months of approval.
3. No on-site food service shall occur unless a code-compliant commercial-grade kitchen were to be installed.
4. Any building or use expansion shall require the Petitioner to obtain a conditional use amendment.

CONDITIONAL USE FOR COMMERCIALLY ZONED ASSEMBLY

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

However, should the PZB recommend approval of the conditional use, staff suggests the following conditions:

Recommended Conditions of Approval

1. Notwithstanding the desired maximum number of users, the occupancy load for the building and all rooms utilized by the use shall not exceed the maximum set by the Fire Department and Chief Building Official. This maximum may be increased only through permitted construction and alterations; provided, however, the total attendees shall not exceed the numerical limit set through this conditional use approval.
2. Commercially zoned assembly activities, or those worship activities not accessory to the private school, shall occur at different times.
3. The petitioner shall complete the parking lot restriping and landscape project shown on the site plan within 12 months of approval.
4. No on-site food service shall occur unless a code-compliant commercial-grade kitchen were to be installed.
5. Any building or use expansion shall require the Petitioner to obtain a conditional use amendment.
6. The petitioner will publicize on its website and actively distribute to its audience a map of nearby public parking garages, with summary instructions and directions on how to access and any hourly or time restrictions.

VARIATIONS

The petitioner is requesting one standard variation and multiple major variations. Pursuant to Section 12-3-6.F of the Zoning Ordinance, the PZB may vote to approve, approve with modifications, or deny the Standard Variation to reduce the required side yard.

Then the Board may consider pursuant to Section 12-3-6.G a vote to *recommend* approval, approval with modifications, or denial of the Major Variations. The City Council has final authority over the request. Staff does not recommend conditions for the variations.

Attachments:

- Attachment 1: Location and Aerial Map
- Attachment 2: Site and Context Photos
- Attachment 3: Plat of Survey
- Attachment 4: Ordinance Z-024-10²
- Attachment 5: Responses to Standards for Text Amendment
- Attachment 6: Responses to Standards for Conditional Use
- Attachment 7: Responses to Standards for Variation
- Attachment 8: Application Cover Statements, Operational Plan (collectively the Project Narrative)
- Attachment 9: Stacking, Circulation, and Pick-Up/Drop-Off Plan (with projections and data)
- Attachment 10: Site Plan
- Attachment 11: Floor Plans

Chair Szabo swore in Mark Daniel, Attorney for the petitioner, Jose Pareja, Architect for the petitioner and Nayeem Syed, President of the School and Board and petitioner for the project. Mr. Syed gave some background on the school. He stated that they want to expand the building and school. They want to have the Islamic school and academy. Prayer is part of the curriculum. To operate the school and maintain the building, they cannot afford to maintain the building with the existing number of students and need more enrollment. They think there will be more apartments occupied and stores shopped at in this area by the new occupants of the building.

Mark Daniel stated that they are in this process later than they hoped with opening the school. They hope to have PZB recommendation after going through the history. This was an office building that was previously occupied by the Greek American Restaurant Association. All the first floor was used for school services. There were assumptions made prior to the office building being purchased that caused a fire drill with the city to allow a temporary certificate of occupancy. They knew they would have to convert the second floor a bit, but they entered a temporary occupancy with the city to cap the students at 60. He gave a memo for KLOA that were consulted about student drop off and traffic counts. They did this during a busier time of year when more students were in cars. At the end of the year, parents and kids bring more things

² 2022 compliance agreement between City and owner/petitioner available upon request to City staff.

home in cars and there is less walking. KLOA had a projected vehicle count the last 2 days of school. There was less in the afternoon because ICCD has a half day program.

He stated that they want to preserve the pole sign. It turns in towards the property, so it does not obstruct the sidewalk. They intend to reface and paint the sign. There is a city improvement adjacent to the sign. There is a landscaping improvement that abuts the parking lot too.

Mr. Daniels stated there is a prior conditional use for a school, but it was for the first floor only. Every variation we are asking for existed in 2010. The parking lot, sign, and property conditions are all existing with these variations. In 2022, there were reductions agreed to. From the petitioner's perspective, it is a reduction. ICCD had a conditional use for only part of the first floor. They are looking to accomplish a few things. The first thing is to get the school entitled for the whole building. It is a two-story school with a worship area in the lower level. On the second floor, there is a large classroom, and they want to create a larger auditorium. Otherwise, it is all classrooms, computer labs, art labs, kitchen/eating area. Those are all generally on the first floor. As far as the auditorium is concerned and how they phase things, in 2022 they didn't have a lot of choices. They didn't want to appeal city staff's decisions, they needed staff's help otherwise the students would have lost their school.

Mr. Daniel stated the conditional use is phrased as either new permit or amending the permit. This is a fallback. They are asking for a text amendment. Schools are only allowed on the block with the Little Bulgarian School. They are hoping the City will add schools to the permitted uses on this block. They anticipate building up over time. All these numbers are dependent on permitting, life safety, etc. These numbers on the screen are permit issues that we are dealing with. Those are estimations. They may not get to 233, but it might be 228. It depends on how permitting goes.

He stated the text amendment is common sense. A lot of schools have a pre-k and a kindergarten program. In the code we propose that you add specifically that language – that if they have an elementary school, they can operate pre-k and K in the same place. Right now, ICCD operates pre-K, K and 1-8. That is the text amendment. They changed “located on” to “frontage”. The amendment is consistent with the comprehensive plan. They have reached out to a consultant that showed there is a vacancy rate of 22% for certain office types in this area. This is an office building. This building is Class A Office but once rehabbed it probably falls into the Class B category. The occupancy in Class B are greater and the sublets are less available.

Mr. Daniels said the office use is slow to recover. The petitioner views this case as a way to get folks downtown. You can expect a good number of families to use downtown associated with this school. The C-5 and R-4 districts are focused on multifamily residential. They have townhomes directly to the south and the other side of the street. They have condos and apartments in every direction. It makes sense to have supportive uses in C-5. Some of the kids will want to go to a private school and it makes sense as a supportive use for those residents.

Typically, you try to locate schools on collectors or arterials. In the past in planning, in a subdivision, you would take land for a school. Because all the land is built up, that doesn't happen often, larger schools can be on arterials and smaller schools on collectors. Lee St is an

important arterial in town and Prairie Ave is a collector. As far as the amendment is concerned, the amendment is reflective of the use that has been there since 2010. There is a collection of uses downtown that include a lot of institutional uses. They have a history of schools across the street with St. Mary's. St. Mary's Church is still there. At the bottom of the map [referring to slide] Plato Academy moved. Little Bulgarian School is nearby, as well as the history center and the library. This area is used to this type of traffic during the day. Those big parking lots are for people to park downtown. Some of the surface parking is under private ownership too.

Mr. Daniels stated as far as trends in the area, you have your retail situated along the Metra line, with service uses along Lee St. They are not interrupting a service corridor –Lexington Townhouses and the bank are neighbors (they have been terrific to work with for our applicant). This is a good adaptive re-use of a building, even if it was a new school today. To the extent the students use the library, they have end of the day classes where one class is engaged in library enrichment and that supports the property value. More traffic leads to more service traffic in the area. Those greater ADTs are supportive of retail uses.

Mr. Daniel stated that this text amendment is responsible planning – it is still a conditional use. You evaluate each case on its merits. They are at the end of the block, not technically defined as a through or corner lot, but it looks like both. They fall through some cracks in the definition of code, but they are at the end of the block. It might be a different story if we were not at the end of the block or closer to Little Bulgarian. That is the core responsibility of keeping this use as a conditional use with this text amendment. Schools are one of the most important assets in Des Plaines.

Mr. Daniel said they use the “up to 233 number” for students, but Allen (building official) will have a big say in that. In terms of occupancy, they are aiming for use of the entire building. Parking modifications they are looking at are fairly minimal. The handicap parking is outdated and oversized. They can increase parking to 42 spaces, we have 38 right now. They would re-stripe the lot. The plan in the packet shows a landscape island in the middle of the parking lot between two rows of parking. With respect to the landscape island, we would like to stripe that first. If staff demands landscape on the island, they will do that. We will have phasing of modifications to the building over time. Ultimately, they will have a larger auditorium. The main entrance – there will be a slight change here. They will not be using the entrance at all. The Lee St entrance will be the accessible route to the building; appropriate plans will be made for that. If there is an accessibility challenge, they believe most parents will take them through the opposite side of the building. For the conditional use for the school and assembly – they will not be operating simultaneous. If school is in progress, you will not have commercial district assembly. The assembly use is different from the school and will not operate simultaneously.

He touched on the student loading areas. There are notes in the staff report too. The bank has been a great neighbor, they have used the parking for non-bank hour parking. They confirmed with Old National that they still have the relationship to use it during non-banking hours. The fifth request is asking to waive the collective parking agreement. It is a large property, capable of further development. Their plans show they can load and unload and park in full compliance with the ordinance. With the morning and afternoon loading, we will satisfy the code standards.

The most common use of Old National will be during Ramadan, the 30-day period that gets earlier and earlier every year per the calendar. Iftar is the dinner that breaks fast; these events can occur with the school or outside people. You can have people worship in the basement and people like me who will remain in the auditorium and not pray. That would be the most intensive use. That goes from 6:30 to 10:30. It is later in the summer months and ends earlier in the winter months (it is timed by the sunset).

Mr. Daniels stated as far as the use of Old Second, the school has already had assembly uses where they have used the lot and worked well. However, they meet the parking requirements and do not need the collective parking requirements, but they wanted to put this in just in case we come up shy with the parking requirements. There is a direct route through the bank parking lot to the building. It extends along the dumpster in the plan. As far as the conditional use standards are concerned, there are two bases: the first is the 2010 ordinance, possibly being amended. For more clarity, they think we could have a new conditional use. The other conditional use is the assembly use. They are in the position where they would meet higher density needs downtown. You talk about the importance of institutions in the comprehensive plan. The older churches are all included in the comprehensive plan and all these private schools in the area do contribute too.

He stated there is history of schools here, with Plato in this location and in the last year with us in this building. They did use KLOA to do projections/traffic although they have not had issues. Center Street is either residential or institutional. You do have a rear exit for Old National and a small house that might be used for business on Center Street, but it is similar to streets near Elmhurst, on the right a public school and the left a private school. I asked staff to ask the police department to help with street drop offs. The street is not that busy for drop offs. The police and KLOA agreed that drop off should be done on site instead. They can pull in all the traffic from center and have a wide enough drive aisle and load vehicles into the property and have the students exit the vehicles according to a loading plan. Certainly, they can handle a large amount of traffic with three lanes and capacity on Prairie. Approaching the school is one lane, expanding to two towards the library.

Mr. Daniels said you could have between 60-200 people based on occupancies, but there is a difference between building and zoning. For school assembly, nothing out of the ordinary. He said he is Catholic, he went to a Catholic middle school, we worshipped and prayed in the school. It is no different here, but it is on different floors. He mentioned the ADA route. There is a clothes donation box they would like to keep open for the safety of donations and not enclose with the dumpster. In the top right, they note no use of Prairie (referring to site plan on slide). They have a deferred landscape curb that we will install once staff have told us to do it. They want to first get a handle of student loading before landscaping. For student loading we do want to meet with staff and the police annually, so they know our plan and ebb and flow.

The pole sign was mentioned – down the road, it will be a monument sign. Old National has a monument on its building. They would not want to put it on our driveway. There was a parking space that we eliminated during planning, to aid pedestrian traffic. They have the option for a right in/right out if needed.

Mr. Daniel discussed the hours of the day – Uses will not be simultaneous for the school and worship. The prayer will generally be between 12:30 and 2:30. The school closes for an hour before this prayer happens because they need time for people to get into the building. Classes would end and there would not be an after-school program. He mentioned Iftar during Ramadan. As far as the hours during the day, these are estimated. For the purposes of this hearing, they are showing they can handle student loading without relying on Old National. Our analysis is only based on our property – right in, right out and two lanes with 20 ft vehicles. When preparing this slide, he used what he learned in facility planning. They say you should unload in groups of 3. KLOA says it might be easier to load in 6-7. They can fit 6-7 in the lot, have those pull out, and pull the next 6-7 in. They have 11 cars behind the 6 or 7 actively loading. 6-7 come in, children exit the vehicle, once they are clear, the students pull out. They can be directed to a “reserve space” if needed. Any spaced with a D is a drop space [referring to site plan on screen]

He explained how they stick with the 2-3 minute drop off. If half the kids are released at one time and not another, how do we guarantee parents arrive at the same time? There are apps on your phone where ICCD can at any given moment tell the parent when to pick up their child. The parents then come in at that time. If you have children in the same grade, one is in the later grade, you can load them all in the cars. Right now, they park in the spaces and take the kids out. They will not be doing that with the 200 students. This is handled by teachers and volunteers. Where do they park? The E spaces. A lot of the teachers and volunteers have kids at the school. The table here is an interval for the 6-7 cars [referring to slide]. During the noon period, people may be able to park on site. In the afternoon drop off, it is not a peak hour, and it is 50 minutes in the worst-case scenario.

Mark Daniel said they don't share plans too publicly of schools, they are on file with staff. The auditorium is on this slide [Phased Auditorium Expansion Slide]. The capacity of 233 is based on this whole area being an auditorium and not classroom space. We are setting a cap for the analysis. The other assembly space is in the lower level. There are a few numbers there, 52 and 142 [worship and reflection slide]. The use of the area – there are bookcases along the back wall. We anticipate 145-165 people, even though the building occupancy is higher. There is no food or service in this area. People worshipping would move upstairs, this area downstairs is only for reflection. It is a more passive use. The basic standards for conditional use – there is no disturbance from a school in this area. You might see students walking to the library, but there are crosswalks and sidewalks to this area. No demand on public services. They will not interfere with the PACE bus stop. No offensive activities. This was planned for these uses from a parking perspective. The office use can generate traffic and parking demand. You can see the stacking and movement. They are getting cars off the street where no traffic will be blocked.

He stated they are preserving the building because they are asking for variations for the existing building. The 42 parking spaces is more than the school and assembly uses. He makes the note here that if you are willing to allow us to stripe the landscape island in the parking lot, they will install when the city demands it. They need to re-stripe to get to 42 spaces.

He said for the conditional use for a commercial district assembly, there is not much difference in the styles of assembly. [Reading the Conditional Sue for Commercial District Assembly Slide]. A

lot of the same planning occurs that is discussed with the school. Nothing hazardous. Similar conclusions to the school. For the record – they would like the school conditional use to run with the land. For the commercial district assembly, they are planning and contemplating where it will occur; they are ok with this running with the school because the new use could have a different type of assembly use. The Islamic Community Center is something many people from this school belong to; this is not a replacement for the mosque. Please note the Iftar timeframe towards the end – people start to leave around 9:30. 10:30 is when it ends. The time it is most busy is summer solstice.

KLOA is not here tonight to speak, but they will continue working with the petitioner. If they did not get approval by council, they will get an agreement from Old National to get a collective parking agreement and talk about daytime loading and unloading. KLOA will help with that, and they will help with the student loading plan. They use a lot of care in our student loading. Everyone has a radio. Teachers and students advance based on the time in that app. Teachers check students in and out, it is a very meticulous careful process. You have intervals where you have these cars coming in. These are accounted for by groups of classes. PreK and K come in first.

On the variations sought, it is similar. They ask you to preserve what they have. There is hardship with the existing building. They did not plan the site. Prairie was widened after the building was constructed and that is why they are short on setbacks and landscaping. They have multiple front yards, but the code will not define it as a through lot because it is offset. Existing conditions are what we are dealing with. They are not increasing the non-conformity in any respect.

Jose is the architect and will answer any questions. It is important to note the one issue staff will discuss during permitting is the dumpster location. In this photo [on screen] where the cement pad is to the entrance of the property, that is where the dumpsters are now (unscreened). The dumpster in the plan they are proposing is going to be about midway along the parking spaces [on screen]. The relocation south will not be an issue for any reviewer of the plan for substantial conformity.

He has worked with the applicant continuously since April and in July, August, September. The building is a good building for a school of this sort and capable of interior remodeling. Something to remember about schools – children don't forget the area they went to school; they remember all the locations and when they are older, they go back even if they are in a different location. It puts downtown in the minds of hundreds of students over the years. I am happy to answer questions.

Mr. Syed, Petitioner stated they need to use the entire building and they want to work with the city to have a good relationship and make this happen.

John Carlisle, CED Director, gave the staff report. He explained that the petitioners, ICCDA, is requesting to amend Section 12-7-3.K of the Zoning Ordinance, specifically the Commercial Districts Use Matrix. Currently in the C-5 District, conditional use permits allow private schools only in the 800 block of Lee Street (currently the Little Bulgarian School/Center is in this block).

This limitation was established in June 2018 (Ordinance Z-17-18). The requested text amendment would extend the possibility of private schools to the 700 block of Lee Street, but a conditional use would still be required, which means the PZB would hear, and review and the City Council would have to approve any request for such school. Mr. Carlisle went over the Location and Map including Lot Area, Previous and Existing Owners and the Building Exterior. He explained the Site Photos with her proposed Textament. He explained the Site Plan including trash enclosure, parking plan and landscape island. He explained the Existing Aerial and Parking Requirements. Mr. Carlisle explained Principal and Accessory Uses for the property. There is also a Primary Principal use which is the school and a Secondary Principal Use which is the Assembly and an Accessory Use which is for religious functions related to the school. He discussed Commercially Zoned Assembly, maximum occupancy and parking requirements.

Mr. Carlisle discussed the Four Recommended Conditions of Approval for the
CONDITIONAL USE / AMENDED CONDITIONAL USE FOR PRIVATE SCHOOL

1. Notwithstanding the desired maximum number of users, the occupancy load for the building and all rooms utilized by the use shall not exceed the maximum set by the Fire Department and Chief Building Official. This maximum may be increased only through permitted construction and alterations; provided, however, the total attendees shall not exceed the numerical limit set through this conditional use approval. Every room or space that is an assembly occupancy shall have the occupant load of that room or space posted in a conspicuous location, near an exit.
2. The petitioner shall complete the parking lot restriping and landscape project shown on the site plan within 12 months of approval.
3. No on-site food service shall occur unless a code-compliant commercial-grade kitchen were to be installed.
4. Any building or use expansion shall require the Petitioner to obtain a conditional use amendment.

Mr. Carlisle discussed the six Recommended Conditions of Approval for the
CONDITIONAL USE FOR COMMERCIALLY ZONED ASSEMBLY

1. Notwithstanding the desired maximum number of users, the occupancy load for the building and all rooms utilized by the use shall not exceed the maximum set by the Fire Department and Chief Building Official. This maximum may be increased only through permitted construction and alterations; provided, however, the total attendees shall not exceed the numerical limit set through this conditional use approval.
2. Commercially zoned assembly activities, or those worship activities not accessory to the private school, shall occur at different times.
3. The petitioner shall complete the parking lot restriping and landscape project shown on the site plan within 12 months of approval.
4. No on-site food service shall occur unless a code-compliant commercial-grade kitchen were to be installed.
5. Any building or use expansion shall require the Petitioner to obtain a conditional use amendment.

6. The petitioner will publicize on its website and actively distribute to its audience a map of nearby public parking garages, with summary instructions and directions on how to access and any hourly or time restrictions.

Chair Szabo asked how many spaces are the Welkin development and the library?

John Carlisle stated he believe the Welkin is 79, but is not certain, and he is not sure recollect about the library. I

Member Saltenik asked the petitioner about the motivation for the landscaping variation. Why not put in the landscape buffer in the parking area?

Mark Daniel stated the history with parking in the property is that parents would park in the spaces and pull through. They have the circulation plan, but it will allow the school to have some flexibility to figure out how the site flows and provide the option to discuss.

Member Saletnik asked if there is still a lack of confidence about the current scheme working, then why do they want to have flexibility to change it? Why the reluctance?

Mark Daniel stated they don't have a problem installing it, that is not the issue. They will not have enough demand for a few years that would require that.

Member Weaver said I am very happy with the plan for the building. I am certainly fine with having the Islamic School there. You put a lot of thought in how to make it work and the growth plan. However, one thing bothers him and maybe this comes from the City. In a number of number of materials there is a discussion about people in this high-density urban development walking places. Some portion of the students will walk to the location. Yet, Member Weaver finds this plan, which he sees over and over again in suburban planning, is really hostile to pedestrians and walking. The only place you can safely walk in this area are the city sidewalks of Center St, Prairie Ave, Lee St, and that one green stripe you have. If you look at the Old National Site, you have to walk through parking and traffic to go into the bank. The whole bank is centered on the parking lot. They have a door on Lee St, but they have blocked the door. You are supposed to walk through this. Adults going to the bank, no big deal and hope we don't get hit. Here, we are dealing with children. The site is devoid of places to walk. There is no connection to Center St. If someone drops their kids off on Center St or Prairie, they have to walk through the vehicular entrance to the parking areas. It seems really hostile to pedestrian movement, not terribly safe, and we think that the problem is that cars are the solution and use a Spot Hero plan for loading/unloading. You are assuming in our suburban downtown that you have to drive. This is not limited to your plan. There is a lot of good thought done with this, he wishes the school well, but we are guaranteeing no one will walk. Member Weaver is disturbed by that and maybe that is the direction the City points people to.

Mark Daniel stated for zoning purposes, they want to show they can take in all the traffic. They don't talk about our 25% walking. In the submittal, you will see the table with far fewer vehicles coming in the morning and afternoon periods. That relies on 50% have multiple children in the family, 25% walking. For the purposes of zoning, they had to show it could handle traffic

without creating a nuisance. I understand the walkability concern. He stated, in our experience, the parents pay attention to the app. I can't tell you it will pour rain one afternoon and everyone needs a car. You have the worst-case scenario presented. They are showing what would happen if they were all driving.

Member Weaver said the accessible path, you have people going through the back door to the school. The entrance is in the back, theoretically, if you had a wheelchair, you would have to go through the front. Over time, the school will find they need to lock the door because they can't monitor it.

Mark Daniel stated that it has to be monitored. It must be open by federal law.

Member Weaver asked - Is that a paid employee or a volunteer?

Mark Daniel said there is a collection of administrative office people and volunteers.

Mr. Syed stated they have an armed security guard on site, and he will monitor the building.

Member Weaver said this is the high price of making people arrive with cars in the back. It is unfortunate. Shopping centers are also very hostile to pedestrians.

Mark Daniel stated they have a walking aisle on two sides of the parking lot.

Member Weaver said I do think the City ordinance drives you to do this. I don't see a way out of this. You are using every sq ft for vehicular circulation. How would the sidewalk at the top connect to Center Street? There is the most minimum space for walking. It solves your required minimums; the result of the required minimums is that you end up with almost no pedestrian space.

Mark Daniel: There is a city improvement along the Center Street lot line that is pretty thick.

Member Weaver said you have a retaining wall there.

John Carlisle stated the petitioner amended their floor plans with the Lee Street to make it the accessible route to public transportation. You may want to ask the petitioner how the walkers are arriving on foot. They might cross Lee Street to get to that door.

Chair Szabo asked where the retaining wall on Center Street is? And asked if they could put a cut in there somewhere and have a stair go up where the residence used to be with the former bike shop.

Mark Daniel stated that if you look at the main entrance and the gym – the gym extends on the east side of the building. If you exit going westbound, there is a doorway going to the sidewalk, door 2 and 3.

Member Weaver stated that it has a huge, sloped step and concrete. And that is definitely not an accessible route.

Mark Daniel said it has to be the shortest route to the bus station.

Member Weaver stated chances are since you don't have high school students, no one is getting off a PACE bus, but some people with limitations to their walking abilities could potentially come through that side. There is a lot of difficulty getting to the back of the building, whether crossing Lee Street, the parking lot, the Old National Bank. There is no way for someone with mobility impairments to get them in.

Mark Daniel stated the requirement would be that it needs to be a level grade. The access issue - we wanted to avoid impact to that bus stop. The standards do avoid having us change Lee Street. As we sit with Staff and the Police Department, we can have a parent monitor the Lee Street entrance. The parents can monitor that doorway. We are trying to show that we can meet the standard.

Member Weaver said I don't see a way to accomplish walkability for this project. I don't want to vote it down for that. I am disappointed in a lot of places approach to walkability. I have no problems with the school. I think the walkability here is poor and a lot of poor walkability in Des Plaines.

Chair Szabo stated I think it is important to voice your concerns in the record. Any other questions from the board? Anyone in the audience with questions or in favor or objecting. Can I see a show of hands for people objecting? [no hands]

Chair Szabo swore in Daniel Cartalucca, neighbor of the property. He said we are the little triangular building on the corner. We are able to get that re-zoned in the past for the residential use. Tom Weaver and Mr. Cartalucca discussed walkability in the area. We live next door to the building and have since 1993. That greyed out corner on the site plan would be a perfect location for a cut in the wall and make stairs to where Prairie meets Center, with the landscape area there. There used to be a bus bench there and people would use that to step into the parking lot. There is already an existing sidewalk along that building to that location. If they did a staircase there, it would allow people to come from the library rather than walk toward the vehicular entrance. It seems like that would be a logical place. We watched the old brick veneer crumble for a few years, that wall could be dodgy, but it would be a good location for the stairs. We are neighbors of this project and the previous Plato Academy and we are in favor.

Mr. Paeja, Architect for the project stated looking at the area, from the paving it leads to the sidewalk. No pedestrian would be crossing vehicular traffic if that was done. We want anyone who needs to use the ramp to not have to go through the building to leave. That is a way to have people access the street without having them transverse traffic, but that is on city property.

Chair Szabo stated that if the owner is in favor, that would be a big plus.

Daniel Cartalucca: Plato was there, the kids would use the library and playground and would climb that wall. It would be safer to have that here.

Chair Szabo swore in Azif Hussain. He stated I am in favor of the school and the mosque, but with a few exceptions. Security is extremely bad. My three kids went to the school last year. I have given \$50,000 to the school myself. I am very disappointed. Before they make a plan for the mosque, they must have a good security program. Anyone can go to the basement. Doors are

locked all the time upstairs. There is no security often at the site and it is a dangerous situation. The owner of the building has sent me an email about how this would be unsafe, he offers to send the email to the board. You can go anywhere in the building. I have asked several times for a security officer.

There are many issues with the parking lot besides security. He is in favor of the school and mosque with security improvements, with a separate door from the mosque so no one can enter from school to mosque, mosque to school. Many members of the school agreed it is a safety concern and no one has done anything about it. I can take a camera and show you that you can go anywhere in the building.

Chair Szabo stated a possible solution for security might be some kind of closed-circuit camera system to see who is coming and going even if they are not at their posts. That is something the petitioner can discuss with the City.

Mr. Hussain stated I believe there should be a separate entrance for the mosque and the school. It could be a dangerous situation and it needs to be addressed before the school can be in the same building as the mosque.

Chair Szabo swore in Irfan Mohammed. He stated that he is one of the founders of the school. As a board member and parent, we cannot compromise. We are new and we are not sure how to get into the Des Plaines system. We have security doors and alarms and have cameras. We are still figuring out how to make it one entrance/exit and be reasonable to everyone. He is glad you have opened the Prairie entrance. School is segregated from walkers. We haven't seen anyone come without our permission. The school knows who is coming and going, everyone must have an appointment to come into the building. That is the policy. Door 2 and 3, it is possible to separate entrances/exits to the school and mosque.

Mr. Daniel stated they have a computerized door and have a camera already installed. They have a prayer hall open to the public and for the school. There is always room to improve and they are enforcing security with a security guard. The school is planning to have new security for next year.

Mark Daniel wanted to note for the record that they had no problem with conditions recommend by staff.

A motion was made by Board Member Weaver, seconded by Board Member Hofherr to recommend that the City Council the changes to the Text Amendment that involve the 700 Block of Lee Street as drafted by staff.

AYES: Weaver, Hofherr, Saletnik, Szabo
NAYES: None
ABSTAIN: None

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

A motion was made by Board Member Weaver, seconded by Board Member Hofherr to recommend that the City Council amend the Conditional Use Permit for the Private School Use with the four recommend conditions of approval drafted by staff.

AYES: Weaver, Hofherr, Saletnik, Szabo
NAYES: None
ABSTAIN: None

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

A motion was made by Board Member Weaver, seconded by Board Member Hofherr to recommend that the City Council approves the Conditional Use for the Commercially Zoned Assembly with the six conditions of approval drafted by staff.

AYES: Weaver, Hofherr, Saletnik, Szabo
NAYES: None
ABSTAIN: None

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

A motion was made by Board Member Weaver, seconded by Board Member Hofherr to APPROVE the required minimum side yard on Center Street from five feet to two feet.

AYES: Weaver, Hofherr, Saletnik, Szabo
NAYES: None
ABSTAIN: None

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

A motion was made by Board Member Weaver, seconded by Board Member Hofherr to recommend that the City Council approves the five Major Variations involving 12-9-6.d, 12-10-7, 12-10-8.b, 12-11-4.g and 12-11-5.a .

AYES: **Weaver, Hofherr, Saletnik, Szabo**
NAYES: **None**
ABSTAIN: **None**

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

Member Weaver stated that he left out the major variation for the collective parking agreement. He encourages ICCD to keep working with the Old National Bank. He thinks it would be great if you can make good use of all the extra asphalt that is available after hours.

Mark Daniel asked if they could leave that pending and work something out with Old National Bank, could they avoid a reapplication?

John Carlisle stated that the board has made their motion and City Council can make other recommendations.

Chair Szabo asked that minutes include the recommendation in this meeting to add a walkway off Center Street at the corner of Prairie and Center., so they can utilize the sidewalk that runs behind 1445 Prairie Avenue. Strongly recommended.

ADJOURNMENT

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

Chairman Szabo adjourned the meeting by voice vote at 9:10 p.m.

Sincerely,

Margie Mosele, Executive Assistant/Recording Secretary

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