

Case 23-054-MAP-V	1625 Linden Street	Map Amendment Variation
Case 23-051-FPUD_CU-LASR	2991-3025 Mannheim,	Final Planned Unit Development &
	3041 Orchard & 1620-1630 Higgins	Conditional Use -LASR
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DES PLAINES PLANNING AND ZONING BOARD MEETING
September 12, 2023
DRAFT MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, September 12, 2023, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

Chair Szabo called the meeting to order at 7:03 p.m. and roll call was established.

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

ABSENT: None

ALSO PRESENT: John Carlisle, AICP, Director of Community & Economic Development
 Ryan Johnson, Asst. Director of Community & Economic Development
 Jonathan Stytz, AICP, Senior Planner
 Samantha Redman, Associate Planner
 Margie Mosele, CED Executive Assistant

A quorum was present.

Call to Order and Roll Call

Approval of Minutes: August 22, 2023

APPROVAL OF MINUTES

A motion was made by Board Member Fowler, seconded by Board Member Hofherr to approve the meeting minutes of August 22, 2023.

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

NAYES: None

ABSTAIN: Weaver

*****MOTION CARRIES****

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PUBLIC COMMENT ON NON-AGENDA ITEM

Chair Szabo asked if anyone was here to discuss items not on the agenda. Multiple person raised their hands.

Paul Beranek from 512 Arlington. He wanted to thank the PZB for the work they do. It is time consuming and takes a lot. He stated he has seen your recommendation ignored by the City Council and doesn't understand why we have this committee if they will not heed what you have to say and take that under advisement. It has seemed weird to us for a long time. I don't get it. Just one person's opinion. Thank you.

Marian Cosmides asked to walk down memory lane and talk about 622 Graceland. She said her perception is you serve as an advisory and consultation group for the City Council. You are the conscience of the City Council, making sure they adhere to the zoning ordinance. She said you did not recommend the 622 Graceland, with neither side in support or against. This does not speak to the people of Des Plaines' feelings. She said we have sent out flyers, petition signatures, talked to people at events, houses of worship, and businesses. All spoke against the project and sought restaurant or retail or other uses instead. We did not support another high density building downtown. Any alternatives to the historic neighborhood gateway have not been listened to. The developer is requesting to be let out of the agreement to not purchase the dance building and park. On June 14, Saletnik emphasized the dance building should be included in the project. She said we feel disregarded and jerked around as the opposition to this project. She said Joe Taylor is looking for a way to eliminate costs to make it more profitable. What has not changed is the inappropriateness of the suitability of this project of the site. The owner of the dance building will now have an 80-foot wall next to his place. He has been jerked around too. The train company said the building needs to be located further away. What has also not changed is the unsuitability for the scale of the building in this neighborhood. A neighbor who is an architect that works in Mt Prospect said this would not be approved on most sites less than 2 acres. There was an exploratory meeting for the park proposed and images probing residents on what needs to go in that space. She said asked why the City is making the profitability of the developer's project a priority and why the developer is not held to his commitments. As the trusted advisors, I would like for you to represent the conscience of the community and I ask if the project comes to a vote to not recommend the project.

Jim Hansen discussed how the neighbors have been in opposition. He thinks bringing people to the City is a good thing but putting them on this piece of property is a bad idea. He sees red flag after red flag. This is not the right project for that space. FHA taking extra time to approve financing because they couldn't believe it was that close to the train tracks, had to do extra sound studies. He said we believe it was bait and switch with the park space. Now he makes a desperate deal, it was very expensive to buy the dance building. Joe Taylor told the City Council originally that he would not back out. We want to see development coming to Des Plaines, we want to see things built the right way, the safe way. He said I can tell you based on what we have seen with his prior project, Welkin, this is not about quality. This is about cost and cutting corners. These are luxury apartments downtown. He will demand high-end money for these rents and will do the minimum he can get away with. I don't blame him for that, I blame the city for

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that. This is where we start holding the line. Back in June, you said you couldn't recommend it or support it. Nothing has changed really. It changed when they were going to add the dance building; no one really wanted the park there, but this is what everyone agreed too, and he was more comfortable. Most of the board are familiar with construction. He asked that we think about the developer not acquiring the dance building on Webford Avenue. How will they stage construction? Where will the trucks go? We can't put it on Graceland. Webford is one of the narrowest streets in the area. This is another red flag. They said they will force this 7-story, 131 apartment building on less than an acre. For a formal PUD, it would not be allowed because it must be 1 acre of land. It is not 1 acre. It is close, but it is not. He asked that the PZB take that into advisement. This will be on an agenda soon. He stated that he will have some medical stuff, so won't be able to speak later, but he wants to talk to you and make sure you continue what you want to do with the city. He thinks you did a great job with Contour Saw, staying within the look and considering neighborhoods. They want something that fits and doesn't have an 80-foot wall from someone's front door. Look at the Charlotte downtown fire with a building that was under construction. He doesn't see a risk after it is sprinklered; but during the winter you can't have sprinkler systems charged and it is vulnerable during construction. It will be very close proximity to the dance building, R-4 buildings, and R-1 buildings. We want development, it is exciting to bring more people and revitalize downtown but this project has no chance to do that on its own. Thank you.

Deb Lester from 596 Webford said she wants to echo the sentiments of the neighbors. She served on another city board for 13 years. The time and dedication you have is appreciated. She said we thank you for that and for listening to us. As neighbors said, we see this coming up again with the 622 project. She stated she is a reader, she reads the whole City Council and PZB packets. She goes back to the purpose of your board. Your zoning decisions are designed to promote general health, safety and general welfare and regulate the intensity of use for each lot, compatibility and protect the scale and character of existing redevelopment and protect from the encroachment from new development.

She asked John Carlisle if there are any further developments with the Prairie Lee property.

John Carlisle stated that public comment is for the board but if the board would allow it, he will answer. Yes, the staff has consulted most recently with another developer. In the recent conversation they sounded close to a real estate contract. It is C-5 zoned so multiple family is permitted above the ground floor with some commercial, publicly accessible greenspace. There is not a formal petition for this yet. He recommends that when there is, depending on approval and relief, he encouraged them to participate in a PZB workshop. He thinks that would be good and bring a concept that is not fully done, but a body can comment. There are entities that have developed a contract on that land who didn't get that far and the due diligence expired and they never put forth formal plans.

Member Fowler asked how large is that property.

John Carlisle stated it is both sides of the alley totaling 2.5 acres.

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Deb Lester asked if they potentially could have another building at least the size of Welkin there. One of her concerns is the traffic study originally done for this building and that it should be revamped because it was done during COVID. Since that time, things have changed. There is a new PULSE bus coming that has 71 runs a day and won't replace the regular 250 bus. There are approvals for up to 200 students in the area, the Little Bulgarian School and Islamic schools will have hundreds of students. Metra has added 12 more trains, 6 more in the morning and 6 in the evening. Trains go down 78 times a day, stopping traffic, and all the buses have to stop at the tracks. She stated the potential for Prairie and Lee and Contour Saws should be considered. When you walk, you have a different perspective. The neighbors walk and we see all the issues with Welkin, the cave in with the water main, the developer had the luxury of blocking off Ellinwood for the entire time he was building the project. That can't happen on a residential street. That is not fair for the neighbors and there are safety issues. We see people who live in the building having issues, water dripping on the sidewalk, no one seems to care. Ice doesn't dissipate from the buildings shadow now. She stated her request is that you ask for a realistic, independent traffic study and take all of these new items that have potential, including Prairie and Lee at the highest use, to be considered in that traffic study.

Tom Lovestrand from 570 Webford said it appears the 622 Graceland project will be returning to the PZB soon, without the dance building. The change to C-5 zoning provides benefits to the developer but should carry responsibilities. One of those is public safety, including fire safety. Everyone has seen the trend towards high rise apartment projects in Des Plaines. Less attractive, less permanent, but profitable. As a recent City document shows, the zoning ordinance is "less strict than neighbors", should it be like that? The document he handed out provides information about the fire memo for this property. Option A was not possible because of the pool and shadow. Option B left no room for access. 4 months later in May of 2022, Fire Chief Anderson provided a memo to City staff that said the plans left no access to the left side of the building. The fire staff provided some alternate building options. His memo continued that the developer modified the plan. Council packets were not changed. Was the fire access road the plan revision accepted? In July 2022, Alderman Chester said they were working with the developer and this agenda also dealt with the sale of the city owned parking lot. This item was postponed. Was Alderman Chester speaking about this parking lot sale for this developer? A video of the Charlotte fire showed the volume, size of fire, and there is a link on the paper he handed the board. It is 2 minutes long - stunning. Remember the call at the end of the video to fix the "collapse zone". What is the collapse zone in Des Plaines? The tracks? Historic bungalows? The Welkin? He asked to stop accommodating every request and put safety first here. The gentleman in the audience also mentioned the vulnerability during construction. In Oak Brook Terrace, there was an issue after a lightning strike caused a fire when there were tenants already living there – it is not just a risk during the construction phase.

Chair Szabo asked if anyone else was here to discuss items not on the agenda. No one raised their hands.

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Applications

1. **Address:** 1625 Linden Street **Case Number:** 23-054-MAP-V

The petitioner is requesting the following under the Zoning Ordinance: (i) a zoning map amendment from R-2, Two-Family Residential to R-3, Townhouse Residential; (ii) a variation to the minimum lot area requirement; (iii) a variation from the off-street parking requirement; and (iv) any other variations, waivers, and zoning relief as may be necessary.

PIN: 09-28-101-085-0000

Petitioner/Owner Valerie Walski-Garza, 1625 Linden Avenue, Des Plaines, IL 60018
(Represented by: Gene S. Bobroff, 701 West Golf Road, Mount Prospect, IL 60056)

Ward Number: #2, Alderman Colt Moylan

Existing Zoning: R-2, Two-Family Residential

Surrounding Zoning: North: C-3, General Commercial
South: R-2, Two-Family Residential
East: R-2, Two-Family Residential
West: R-2, Two-Family Residential

Surrounding Land Uses: North: Commercial buildings
South: Duplexes
East: Duplexes
West: Duplexes

Street Classification: Linden Street is classified as a local road.

Comprehensive Plan: Single Family Residential is the recommended use for this property.

Property/Zoning History:

The property was originally developed in the 1960s with a two-unit building at the same time as the two-unit buildings to the south (1633 and 1641 Linden Street). No records were discovered by staff indicating this property or adjacent properties ever received zoning relief that would allow for more than two dwelling units per property, which is what the current R-2 zoning allows. No building permits were provided by the property owner, and staff did not discover any records permitting the conversion of the “garden unit” into a dwelling unit. Regardless, the Petitioner’s Narrative and Response to Standards states that the property has operated as a three-flat and the

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associated requests are to continue to operate all three dwelling units. No rental licenses exist for this property, either current or historically.

It is not unprecedented for a property in this area of Des Plaines with similar architecture to request a map amendment and variation to allow for three-flat. In 1983, a nearly identical zoning map amendment and variation case was submitted for 1985 Illinois Street, seeking to legalize a garden unit (a third dwelling unit) constructed without zoning or building approval; within the minutes of the case reviewed by the Zoning Board of Appeals, the buildings at 1625, 1633 and 1641 Linden Street were used as examples by the petitioner of other similar three-flats in the two-family residential zoning district. However, the Board denied the request for relief and stated that the Linden Street units should be reported to the City if they are exceeding the allowable dwelling units per the zoning district. This information is provided for background only and does not bind the Board or City Council to a decision, as the evaluation of the current request is based on the standards for amendments and legislative policy discretion.

Project Description:

The petitioner is Valerie Walski-Garza, represented by Attorney Gene Bobroff. They are requesting a zoning map amendment from R-2, Two-Family Residential to R-3, Townhouse Residential. Variations for parking and reducing lot area are necessary zoning relief to allow for the use of this property as a three-unit, or “three-flat,” residential building.

Illegal Versus Legal Non-Conforming Uses

Within the Petitioner’s Response to Standards, they state the intent of the requests is to “permit the legal use of the property” with the three dwelling units. Section 12-5-5 allows “lawfully existing nonconforming uses” to persist as long as otherwise lawful; i.e. if the property was permitted as a three-flat per prior zoning rules or relief, it would be permitted to continue to operate as such. However, for this property to have been considered a “legal non-conforming use” the use must have previously been allowed by the Zoning Ordinance in effect when the use was established.

The zoning for this property has remained consistently “duplex” or “two-family” throughout history, with the first zoning of the property appearing on the 1946 Zoning Map, classifying this area as “AA – Duplex.” Although the name of this zoning district has changed over the decades from “AA - Duplex” to “R-3, Two-Family Residence” to the current zoning “R-2, Two-Family Residence,” it has remained zoned for two-unit dwellings rather than three-units throughout its existence. Although staff could not locate City records with the original building permit for this property, per historic aerials, this property was likely constructed in the early 1960s.¹ The 1960

¹ Historic Aerials, 1961 Aerial, historicaerials.com

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Zoning Ordinance was in effect when constructed and did not permit more than two dwelling units on a property with R-3, Two Family Residence zoning.

Without documentation demonstrating the three-unit use was established legally, it cannot be classified as a “legal non-conforming use.” Therefore, the zoning map amendment and variations are necessary to allow for the intended use of this building. In addition, no building permits are on record for the conversion of the basement into a “garden unit.”. Unless a previous building permit is provided demonstrating this conversion was performed with City approval, the unit will be required to be updated to meet International Building Code (IBC) requirements and pass a building inspection prior to the issuance of a rental license (Section 4-17-1 of the City Code).

Zoning Map Amendment Overview

The purpose of a zoning map amendment is to determine whether an existing zoning district is suitable for a location and, if not, which zoning district would be more suitable, given the context of the neighborhood, city goals, and local, state, and national development trends.

Although a specific project can be considered alongside any zoning application, zoning change deliberation often looks at a property at a larger scale within the neighborhood and city. A Site Plan Review, as required by Section 12-3-2, was performed for this property. The Site Plan Review contributes to the overall assessment of a zoning map amendment. Refer to the Site Plan Review section of this report.

R-2 Zoning and Suitability of the Site for Proposed R-3 Zoning

The below table provides a comparison of the types of residential units permitted per various zoning districts. The R-2, Two-Family Residential district limits the number of dwellings to two units per parcel. To allow for more than one or two residences on this property, the property would need to have the zoning changed to a higher density zoning, like R-3, Townhouse Residential.

Note the R-2 zoning district is the only zoning which allows for two family dwellings, defined as “residential building[s] containing two dwelling units entirely surrounded by open space on the same lot” (Section 12-13-3). The “townhouse” definition does not match what is proposed for the site, per Section 12-13-3. A three-unit building is neither a two-family dwelling nor a townhouse; it is a multiple family residential dwelling. Multiple family residences are defined as, “residential building(s) containing three or more dwelling units.” Therefore, if re-zoned to R-3, where multiple family dwellings *are* allowed but two-family dwellings are *not* allowed, the property would not be able to de-convert any of the three units and continue to be a permitted use in this zoning district. In other words, choosing to rezone the property represents a commitment that the building will be used for three units.

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Residential Districts Use Matrix				
<i>Use</i>	<i>R-1</i>	<i>R-2 (Current)</i>	<i>R-3 (Proposed)</i>	<i>R-4</i>
Single Family Detached	P	C*	C*	C*
Townhouse	Not permitted	Not permitted	P	P
Two-family	Not permitted	P	Not permitted	Not permitted
Multiple Family	Not permitted	Not permitted	P	P

*Note: Only applies to single-family detached dwellings that were lawfully constructed prior to August 17, 2020 and are located in a zoning district other than R-1.

The R-2 Two-Family and R-3 Townhouse Residential districts have different size and setback requirements. The table below provides a comparison.

R-2 Versus R-3 Bulk Standards		
<i>Bulk Controls</i>	<i>R-2</i>	<i>R-3</i>
Maximum height	2 ½ stories to 35 ft	45 ft
Minimum front yard	25 ft	25 ft
Minimum side yard	5 ft	Buildings 35 ft. and under: 5 ft. Over 35 ft.: 10 ft.
Minimum rear yard	25 ft or 20% of lot depth, whichever is less	Buildings 35 ft. and under: 25 ft. or 20% of lot depth, whichever is less Buildings over 35 ft.: 30 ft.
Minimum lot width	45 ft.	45 ft.
Minimum lot area	2800 sq. ft. per dwelling unit	2800 sq. ft. per dwelling unit

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Bulk Standards of Existing/Proposed Use

Below provides a comparison of what the requirements are for the new zoning district and what is existing/proposed at the property.

R-3 – Townhome Residential District Bulk Standards		
<i>Bulk Controls</i>	<i>Maximum Allowed</i>	<i>Existing</i>
Maximum height	45 ft	≤ 35 ft
Minimum front yard	25 ft	25 ft
Minimum side yard	Buildings 35 ft. and under: 5 ft. Over 35 ft.: 10 ft.	5 ft.
Minimum rear yard	Buildings 35 ft. and under: 25 ft. or 20% of lot depth, whichever is less Buildings over 35 ft.: 30 ft.	40 ft 8 inches
Minimum lot width	45 ft.	50 ft
Minimum lot area	2800 sq. ft. per dwelling unit	2101 sq ft per dwelling unit ¹

¹ Calculation: Total Lot Area divided by Proposed Units. Variation requested to provide relief from this requirement.

Variation Requests

Variations to lot area and parking are necessary for this property to be used in the manner envisioned.

Off-Street Parking

The off-street parking requirement for a multiple-family building (any residential building with three or more dwelling units) in the R-3 district is two parking spaces per dwelling unit. Per the

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Petitioner’s Narrative, three off-street parking spaces are provided via garage and attached carport. Six off-street parking spaces would be required, so a major variation is requested to provide relief from this requirement. On-street parking is available on Linden Street; however, within the Zoning Ordinance, only off-street parking can count towards fulfilling the parking requirement. On-street parking cannot be reserved for specific properties. Linden is a one-way street (southbound) with parking allowed only on the east side of the street – where the subject property is – but not on the west side.

It is important to note the existing property does not meet the current or previous parking standards, per the Petitioner’s Narrative. The 1960 Zoning Ordinance in effect during the construction of these buildings also required two off-street spaces per dwelling unit. However, if the fence in the rear of the property was removed or the gate extended, there is sufficient hard surface to fit an additional vehicle. Although staff does not have the original construction plans for the property, it is probable the garage and the additional concrete area next to the garage were used to satisfy parking requirements.

Minimum Lot Area

The zoning district of a property determines the required minimum lot area. Particularly when expressed as a “per unit” ratio, this rule is intended to control density. For both the R-2 and R-3 zoning districts, 2,800 square feet must be provided per dwelling unit. To calculate whether it meets this requirement, the total lot area is divided by the number of dwelling units. See the table below for calculations for this site, depending on the zoning district. A variation is necessary if the property is re-zoned to R-3, but a variation is not required for any development of the property consistent with the existing R-2 zoning.

	<i>R-2 (Existing)</i>	<i>R-3 (Proposed)</i>
Existing Lot Area	6,304 sq ft	
Minimum lot area	2,800 sq ft per dwelling unit	2,800 sq ft per dwelling unit
Total Units	2 dwelling units	3 dwelling units
Total Required Lot Area	5,600 sq ft	7,200 sq ft

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Site Plan Review

Pursuant to Section 12-3-7.D.2 of the Zoning Ordinance, a Site Plan Review is required for all map amendment requests to assess how the request meets the characteristics identified in Section 12-3-2, which are listed below along with staff’s assessment of each in relation to the current site plan provided by the petitioner, located in the Plat of Survey/Site Plan attachment.

Site Plan Review	
<i>Item</i>	<i>Analysis (based on Proposal)</i>
The arrangement of structures on the site	<ul style="list-style-type: none"> Existing building is placed the same distance from the front lot line as the adjacent buildings.
The arrangement of open space and landscape improvements	<ul style="list-style-type: none"> Adequate landscaping is provided in the front yard. The rear yard is entirely impervious surface, which does not violate any zoning rules in this case but is not an ideal or best-practice design. A chain link fence is provided around the building, which meets zoning requirements in most locations. However, the fence along the alley is a combination of chain link and metal sheeting which is not the ideal material visually, but does not violate zoning rules.
The adequacy of the proposed circulation system on the site	<ul style="list-style-type: none"> Garages facing the alley provide vehicular access with limited conflict points with pedestrians and motorists. A walkway is provided from the front and side doors to a public sidewalk. Parking would not meet the off-street parking requirements of Section 12-9-7. Three spaces are provided where six are required. However, on-street parking is available and the property is in close proximity to a bus stop for PACE 230, a route providing access to the southern portion of Des Plaines and a 10-minute ride to the Des Plaines Metra Station. Providing “parking light” housing, where a household may be limited to one car instead of multiple, encourages the use of alternatives.
The location, design, and screening of proposed off-street parking areas	<ul style="list-style-type: none"> Off-street parking is located at the rear of the property facing the alley. The parking is screened by the building and the front yard.

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The adequacy of the proposed landscaping design on the site	<ul style="list-style-type: none"> • No additional landscaping is proposed. The front yard landscaping is proposed to remain.
The design, location, and installation of proposed site illumination	<ul style="list-style-type: none"> • No additional lighting is proposed for the site. No compliance issues have been identified with the lighting at this property.
The correlation of the proposed site plan with adopted land use policies, goals, and objectives of the comp. plan	<ul style="list-style-type: none"> • The Comprehensive Plan illustrates this area for single family residential uses, which could include both single-family detached and attached (i.e. a two-family dwelling). • However, the proposed plan supports the following goals: <ul style="list-style-type: none"> ○ Goal 4.1. Ensure the City has several housing options to fit diverse needs. ○ Goal 4.3 Provide new housing at different price points

Summary of Public Comment

Neighbors to the south with nearly identical buildings, built in staff’s estimation at about the same time and perhaps even the same builder, have stated opposition to the request. Refer to Public Comment Attachment for details. Note since the public comment was provided, the neighbors were contacted by staff to clarify the only property subject to this zoning map amendment request is 1625 Linden and that any other properties would need to receive permission from the property owner prior to processing of a zoning application.

Standards for Zoning Map Amendment:

The following is a discussion of standards for zoning map amendments from Section 12-3-7.E of the Zoning Ordinance. Rationale for how well the proposal addresses the standards is provided below and in the attached petitioner responses to standards. The Board may use the provided responses as written as its rationale, modify, or adopt its own.

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

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Comment: The Comprehensive Plan illustrates this area for single family residential uses, which could include both single-family detached and *attached* (i.e. a two-family dwelling). However, the Plan states that zoning in this area should updated to permit townhomes and rowhomes.² This R-3 zoning would allow for these types of developments. In addition, the proposed amendment and development is supported by several goals from the Housing chapter of the Comprehensive Plan, including: Goal 4.1. Ensure the City has several housing options to fit diverse needs and Goal 4.3 Provide new housing at different price points.

PZB Additions or Modifications (if necessary): _____

2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development;

Comment: The subject property is within a neighborhood of R-2 zoning and proximate to the commercial corridor along Oakton Street. In terms of compatibility, a higher density residential use is well suited in close proximity to Oakton Street and close to numerous services within walking, biking, or transit distance. However, the size of the property (6,304 sq. ft. or 0.14 acres) limits development potential to increase density without substantial zoning relief and faces limitations in terms of parking.

PZB Additions or Modifications (if necessary): _____

3. Whether the proposed amendment is appropriate considering the adequacy of public facilities and services available to this subject property;

Comment: Staff anticipates adequate public facilities and services would be provided if this property were re-zoned to allow for additional dwelling units on this property.

PZB Additions or Modifications (if necessary): _____

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

Comment: The proposed map amendment would allow for opportunities for additional residential units of different types in an area with facilities and services that can accommodate this. The proposed use of the building will legally add an additional dwelling unit but will not involve any foreseeable

² [Des Plaines Comprehensive Plan](#) (2019), pg. 8

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additional expansion or construction, and will allow the property to continue to be used how it has been used in the past, albeit without explicit permission in terms of zoning and building.

PZB Additions or Modifications (if necessary): _____

5. Whether the proposed amendment reflects responsible standards for development and growth.

Comment: As discussed in Standard 1, this area adjacent to Oakton Street is encouraged to have additional housing options including townhomes or multiple family residences, which are permitted by right in the proposed zoning district. However, re-zoning one property to R-3 in an island of R-2 and C-3 does not demonstrate responsible decisions for development and growth. Rezoning a property of this size would be inadequate for a larger scale residential development without a significant amount of zoning relief and would seem to demonstrate a special privilege for one property owner. The property is landlocked by a residence to the south and a public alley to the north and east, further limiting development potential.

PZB Additions or Modifications (if necessary): _____

Standards for Variation:

Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. Rationale for how the proposed amendments would or would not satisfy the standards is provided below and in the attached petitioner responses to standards. The Board may use the provided staff comments 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: Without the variations for parking and lot area, the property would be unable to operate as a three-unit building. The inability to rent or use the basement as a dwelling unit does not constitute a “hardship.” The property never received zoning relief that allowed for this use in this location and it can continue to operate as a two-flat, if the variations and the zoning map amendment are not approved.

Through either testimony in the public hearing or via the submitted responses, the Board should review, question, and evaluate whether a hardship or practical difficulty exists.

PZB Additions or Modifications (if necessary): _____

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

Comment: The subject property is a typical rectangular lot that is neither exceptional to the surrounding lots nor contains unique physical features that prevent the petitioner from complying with the appropriate regulations. This property is nearly identical to the residence to the south, 1633 Linden Street, which has been able to operate as a two-flat, as a permitted use in this zoning district, and has not required variations to meet requirements.

PZB Additions or Modifications (if necessary): _____

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

Comment: Any perceived unique physical conditions or hardships created from these items are a direct result of the actions of the property owner. The property owner is seeking to continue operation of a third dwelling unit where only two have been permitted per zoning throughout its history. If the property owner were to de-convert the third dwelling unit and operate the residential building as a two-flat, no variations would be necessary.

PZB Additions or Modifications (if necessary): _____

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

Comment: The rights denied to the property owner would be the ability to use an additional dwelling unit in the building. However, the existing zoning does not restrict the property from having two residential units. Denying the variations would not allow the use of the third unit and, if re-zoned, would result in the building not meeting R-3 requirements.

PZB Additions or Modifications (if necessary): _____

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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: Granting this variation may, in fact, provide a special privilege for the property owner not available to other properties in this zoning district. As mentioned, the neighbor to the south has been able to operate as a two-flat without requiring a zone change or variations. Variation decisions are made on a case-by-case, project-by-project basis upon applying the variation standards. In those evaluations, the determining body (e.g., PZB and/or City Council) usually determines the applicant has exhausted design options that do not require a variation. The PZB may ask the petitioner to explain whether they have exhausted other alternatives.

PZB Additions or Modifications (if necessary): _____

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

Comment: The variations would allow for an additional residential unit in an area identified as suitable for increased density (Oakton Street) in Comprehensive Plan. With the variations sought, it would meet all applicable requirements for the R-2 zoning district.

PZB Additions or Modifications (if necessary): _____

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

Comment: In this case, one clear remedy is to not use this building as a three-flat or to provide a design solution that increases off-street parking. A solution to request less parking relief is to move the fence or extend the gate next to the garage to allow for the parking of one additional vehicle on the available concrete pad, creating four off-street parking spaces rather than three (Refer to Site Photos). There is no other remedy for the lot area variation, if the re-zoning of this site is approved for R-3; this property is landlocked with no readily available opportunities to acquire additional property. The PZB may wish to ask why certain alternative designs are not feasible for the parking area.

PZB Additions or Modifications (if necessary): _____

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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: Combined with the zoning map amendment from R-2 to R-3, the variations requested provide the minimum relief necessary.

PZB Additions or Modifications (if necessary): _____

PZB Procedure and Recommended Conditions: Under Section 12-3-7.D (Procedure for Review and Decision for Amendments) of the Zoning Ordinance, the PZB has the authority to *recommend* that the City Council approve or deny the above-mentioned zoning map amendment. Section 12-3-6.F of the Zoning Ordinance (Major Variations), the PZB has the authority to *recommend* approval, approval subject to conditions, or denial of the request to City Council. 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 12-3-7.E (Standards for Amendments) and Section 12-3-6.F (Standards for Variations) of the Zoning Ordinance. If the PZB recommends and City Council ultimately approves the request, staff recommends the following condition on approval of the variation.

1. Prior to issuance of rental license, property owner must provide either evidence of previous permits converting the basement unit to meet building code requirements, or pass a City building inspection demonstrating sufficient compliance with applicable International Building Code for a new unit of this type.

Attachments:

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

Chair Szabo Swore in Gene Bobroff, Attorney for the petitioner and Pete Gialamis, Realtor. Mr. Bobroff described the petition to amend 1625 Linden from R-2 to R-3, a major variation for minimum required lot area and a major variation from the off-street parking requirement. He stated that his client purchased the property in 1984. He stated that the family has always used the property as a three-unit dwelling. The property has three utilities, three garbage cans, three boilers and three mailboxes. The house is now on the market, and they discovered it is zoned R-2. The neighbors have the same home style of home, built at the same time. One neighbor purchased their home in 2007 and the other in 2016. Both real estate listings for the neighboring properties state there are three dwellings. Mr. Bobroff stated that the homes have been

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there for 54 years in a questionable zoning district. He stated one of the concerns is parking. The current lot has a two-car garage and two-car carport. There is also parking on Oakton and Linden.

Mr. Gialamis stated that it looks like the zoning is confused based on what the building is. There are entrances in the front and back and an egress for three units. All indications show this is a three flat. He handed out comparable real estate listings for five neighborhood homes with similar looks and units. He stated that the petitioner’s home is not correctly zoned. He stated that in 1987 the petitioner’s grandfather purchased the home and used it as a three-flat.

Member Veremis asked if the property was listed as a three unit in 1987 and why the other neighbors did not want to be included in this request.

Mr. Gialamis stated the petitioner did not have the documentation from her grandfather. He stated he believes the other neighbors didn’t want to be included because they are worried about taxes.

Member Catalano asked if staff have been to the site and if code enforcement has been called if there are rental violations.

Samantha Redman, Planner, stated that staff have been out to look at the homes. She stated she will go into detail in her staff report. She noted that if the units are used for family, then a rental license is not needed.

Mr. Gialamis stated that the new buyers would like to rent the units and they would get rental license.

Samantha Redman, Planner gave the staff report. She described the request and gave a presentation which includes the Location Map and Description. She displayed Site Photos including the front and rear view of existing buildings and the three similar buildings. She gave some background on the buildings that were built in the 1960s. Ms. Redman discussed the requests which are 1. Zoning Map Amendment from R-2 (Two-Family) to R-3 (Townhouse), 2. Major Variation to reduce require minimum required lot area from 7,200 square feet to 6,304 square feet (existing size) and 3. Major Variation to reduce required off-street parking from six spaces to three spaces. Ms. Redman described a chart for R-2 vs R-3 Zoning. She explained the variation requests for parking and lot area. She discussed the standard for the variation requests. She explained the PZB Considerations which includes two actions:

1. Recommend approval, continuance, or denial of zoning map amendment from R-2 to R-3
Note: Zoning Map Amendments do not have “conditions of approval”. The variation has conditions.
2. Recommend approval, approval with conditions, continuance, or denial of major variations for parking and lot area.

She stated the staff recommended condition:

Prior to issuance of rental license, property owner must provide either evidence of previous permits converting the basement unit to meet building code requirements or pass a City building inspection

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demonstrating sufficient compliance with applicable International Building Code for a new unit of this type.

Member Saletnik stated that the floor plan has a full staircase. He said it was built as a three unit in 1960 and there are full kitchens and bathrooms on the lower level. He stated it has the classic look of a three flat.

Member Weaver stated that this is kind of a mess. He stated the three properties look and feel like three flats. They are all the same building done three times. So, it looks like two family neighborhood with three odd properties. He asked why we would redraw the zoning map for one building. He asked if it was logical for only one building to change the zoning.

Member Fowler asked if the property sizes were all the same. She asked in 1960 would these buildings conform to a two unit or would it conform to a three unit because of square footage.

John Carlisle, CED Director stated that the last rewrite was in 1998. The 2,800 square foot rational was used for a two-unit building.

Member Weaver asked if an area is zoned R-2 or R-3, does every property have to follow the bulk standards. He asked if there could be a mix of two- and three-unit buildings. He stated that different people at different times move to the same area. He wondered why the Zoning Ordinance chose to segregate uses like this, instead of allowing a mixture of two-family and three-family buildings.

Member Saletnik stated that this is a classic garden apartment. He said he would like to see the original permits.

Member Veremis stated when she looked at the address, she noticed that the garden apartment window is original to the build of the home, and it was not added on. She asked if the other buildings have rental licenses.

Ms. Redman stated that one building does not have rental licenses but the other has two rental licenses and the owner lives in the third unit.

Chair Szabo stated that he believes the petitioners are trying to do what is right for the City of Des Plaines. He believes this is a three unit building and the petitioner is trying to have it zoned correctly. Member Weaver asked about parking and discussed how the City shouldn't be encouraging additional impervious surface. He stated that a three flat with 3 or 4 spaces and it has worked without causing issues. He said people have lived in these buildings for 60 years without needing 6 parking spaces.

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A motion was made by Board Member Catalano, seconded by Board Member Veremis to recommend to City Council to approve the Zoning Map Amendment as requested from R-2 to R-3.

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

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

A motion was made by Board Member Catalano, seconded by Board Member Veremis to recommend approval to the City Council with the conditions as stated for Major Variations for both off-street parking and lot area.

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

*****MOTION CARRIES ****

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- 2. Address:** 2991-3025 Mannheim Road, 3041 Orchard Place, and 1620-1630 W. Higgins
Case Number: 23-051-FPUD-CU-LASR (*continued from August 22, 2023*)

The petitioner is requesting the following under the Zoning Ordinance: (i) a major change to a Final Planned Unit Development (PUD) for the Orchards at O’Hare PUD, including exceptions; (ii) a conditional use for an amended Localized Alternative Sign Regulation (LASR); and (iii) any other variations, waivers, and zoning relief as may be necessary.

PIN: 09-33-305-018-0000, 09-33-305-019-0000, 09-33-305-020-0000,
09-33-305-023-0000, 09-33-305-024-0000, 09-33-305-025-0000

Petitioner: Rehan Zaid, 1375 Remington Rd, Ste E, Schaumburg, IL 60173
(Owner/Authorized Agent)

Owners: Orchards Lot 5, LLC; Orchards Lot 6, LLC; Orchards Lot 7, LLC;
Prominence O’Hare, LLC; and DP Higgins, LLC (Manager: Rehan Zaid, 1375
Remington Rd, Ste E, Schaumburg, IL 60173)

Ward: #6, Alderman Mark Walsten

Existing Zoning: C-3, General Commercial District

Existing Land Uses: Hotel (commercial) with attached restaurant under construction (commercial),
Convenience Mart Fueling Station with accessory food and beverage (commercial),
Multi-Tenant Commercial Building (Commercial)

Surrounding Zoning: North: C-3, General Commercial District (City of Des Plaines)
South: Commercial (D) (Village of Rosemont)
East: C-2, Limited Office Commercial District / C-3 General Commercial
District (City of Des Plaines)
West: C-3 General Commercial District (City of Des Plaines) /
Commercial (D) (Village of Rosemont)

Surrounding Land Use: North: Commercial restaurant and retail development under construction
South: Class B Restaurant in City of Des Plaines (Commercial); Two
Hotels and Class A Restaurant in Village of Rosemont (Commercial)
East: Railroad; then Multi-tenant Office Building (Commercial)
West: Hotel (Commercial) in Village of Rosemont

Street Classification: Mannheim and Higgins Roads are arterial roads under Illinois Department
of Transportation (IDOT) jurisdiction.

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

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Zoning/Property History:

Based on City records, the eight lots comprising the subject property were annexed into the City in 1956 as vacant lots. A portion of the subject property was originally utilized as an office and warehouse building until 2010, when the building was demolished and the site was utilized as parking lot.

On August 1, 2016 via Ordinance Z-18-16, City Council approved a Final PUD with a height exception and a Final Plat of Subdivision consisting of a hotel (Lot 3), a freestanding Class A restaurant (Lot 5), an automotive service station with two food services (Lots 6 and 8), and a car wash (Lot 7). Out of the eight-lot subdivision, Lots 1, 2, and 4 were not included in the original PUD. Ordinance Z-18-16 required certain conditions, among others, related to signs and any future adjustments to the approved PUD. All signs on the PUD would require a LASR through Section 12-11-8 of the Zoning Ordinance, and any proposed changes to uses within the PUD would be a major change requiring City Council approval pursuant to Section 12-3-5.G of the Zoning Ordinance. As such, in 2017 the petitioner applied for a conditional use for a LASR, which was approved by City Council on June 18, 2018 through Ordinance Z-18-18. The LASR request included a variety of different wall, monument, pole, directional, and canopy signs. Lots 3, 6, and 8 were developed and improved with the approved signs. However, Lots 5 and 7 have not yet been developed.

The most recent application associated with this property was in 2019, where the petitioner requested to amend both the original PUD and LASR sign plan approvals was submitted to develop Lot 1 of the subdivision with a one-story commercial building with two tenant spaces, a drive-through, and separate surface parking area. These proposed amendments were approved by City Council on April 1, 2019 through Ordinance Z-5-19, and all associated improvements have been completed on Lot 1.

Development Summary:

The Orchard’s at O’Hare Petitioner, Rehan Zaid, which is an owner and authorized agent for all of the ownership entities within the Orchards at O’Hare campus, is proposing a major change to the existing PUD to develop Lot 5 of the PUD with a Class B restaurant and EV Charging spaces. Lot 5 is 41,514 square feet in size, located along Mannheim Road on the west of the PUD, and is currently improved with a partial surface parking area.

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There are no proposed changes to the dimensions or size of Lot 5. Instead, the petitioner looks to develop the existing site with the Class B restaurant and a surface parking area with a mixture of standard and EV charging parking spaces as illustrated on the attached Site Plan for Lot 5. Information for each proposed business is summarized below and detailed in the attached Business Narratives.

- Popeyes is a fast-casual restaurant proposed for the one-story stand-alone 2,523-square-foot building positioned on the north of Lot 5. Their anticipated hours of operation are from 10:00 a.m. to 12:00 a.m. Sunday through Thursday and 10 a.m. to 1 a.m. on Friday and Saturday. A maximum of 12 employees will be on site at a given time. The building is designed with predominately brick material of varying colors.
- Tesla is a manufacturer of EVs and EV charging equipment and is proposing 52 Tesla EV charging spaces for the southern portion of Lot 5. The charging stations are open 24/7 and are staffed remotely via a 24/7 customer service support line.

MAJOR CHANGE TO PUD

Request Summary:

Overview

The petitioner is requesting a Major Change to PUD to allow for the construction of a Class B restaurant and EV charging parking spaces on Lot 5 of Orchards at O’Hare. The current PUD (originally approved in 2016 and last amended 2019) permits a Class A—or primarily sit-down service—restaurant, the hotel, fueling station with two food services, and the two-unit commercial building approved in 2019 are not proposed to change, other than the sign details for the restaurant planned for the hotel (Cilantro Taco/Ostras). The Final PUD plan is proposed to be revised to illustrate and allow the proposed Class B—or primarily quick-service restaurant—with drive-throughs on the northern portion of Lot 5 and the designated EV charging area on the southern portion of Lot 5. The petitioner now proposes:

- Construction of an approximately 2,523-square-foot Class B restaurant with an outdoor seating area, two drive-throughs, and a total of 48 traditional off-street parking spaces, including two accessible spaces;
- Construction of 52 EV charging off-street parking spaces, including three accessible EV charging spaces, which may serve the newly proposed restaurant or other uses on the campus; and
- Construction of water, electric, gas, communication, and sanitary utilities for Lot 5 and necessary connections.

Site Access

There are currently two indirect means of access to Lot 5: to the north from Mannheim Road through Lot 6, and to the south from Higgins Road (via local street Orchard Place) through Lot 3. Neither Lot 5 or Lot 6 are subject to change as part of this request. The proposed lot configuration

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will utilize the existing access points while also providing multiple 24-foot-wide, two-way travel drive aisles around Lot 5. The drive aisles for Lot 5 provide access to all sides of the proposed restaurant building and EV charging posts as shown on the attached Fire Truck Turning Radius diagram. The drive aisles meet the width standards for fire truck access and have been approved by the Fire Prevention Bureau.

Off-Street Parking Areas and Requirements

The off-street parking requirements of Sections 12-9-7 and 12-9-8 of the Zoning Ordinance are based on the proposed Class B restaurant use since the EV charging spaces are accessory to the restaurant use:

- Pursuant to Section 12-9-7, Class B restaurants require one off-street parking space for every 50 square feet of net floor area, or one space for every four seats, whichever is greater, plus one space for every three employees.
- Pursuant to Section 12-9-8, the required number of accessible parking spaces is determined by the total number of parking spaces available on the site.

The proposed restaurant building is 2,523 square feet of gross floor area with approximately 683 square feet of net floor area for the dining area and 24 seats. Given the parking requirements above, the number of parking spaces required based on the dining area are greater than the number of parking spaces required based on the number of seats, yielding a total of 14 required spaces. The proposal includes the installation of 52 EV charging spaces, including three EV spaces, is allowable under parking rules since these spaces are above and beyond the parking minimum. The attached Site Plan for Lot 5 indicates that a total of 100 off-street parking spaces are proposed for Lot 5—48 traditional, serving the restaurant, and 52 for EV charging. Together these require a minimum of four accessible parking spaces. A total of five accessible parking spaces are proposed for Lot 5—two serving the restaurant and three serving the EV charging posts—which meets this standard.

Drive-Through Facility

The proposed Class B restaurant includes a drive-through facility, which is a permitted use on the subject property given its C-3 zoning designation and that it is not adjacent to residential. Pursuant to Section 12-9-4 of the Zoning Ordinance, each drive-through facility must provide a minimum of six stacking spaces plus one stacking space per waiting area provided. Based on the Lot 5 Orchards at O’Hare Site Data Summary Table on the attached Site Plan for Lot 5, the total number of stacking spaces provided for both drive-through facilities is ten, which meets this requirement. However, the width of the drive aisle is 11 feet, which does not meet the minimum 12-foot-width requirement and requires a PUD exception.

Off-Street Loading Requirements

Section 12-9-9 of the Zoning Ordinance requires that for any new commercial building, loading shall be provided, with 50,000 square feet of gross floor area as the basis for the number of loading

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spaces. The petitioner’s submittal does not designate or label a loading space. Further, the Section establishes that the standard size of a loading space is 35 feet long by 15 feet wide. Section 12-9-9.A. does state, however, that the dimensions for a loading space may be “...otherwise specified....” The PZB should invite the petitioner in the public hearing to explain the restaurant’s anticipated loading operations, in particular size of expected vehicles and frequency of deliveries. The Board may specify that standard-width (9 feet) and length (18 feet) parking space(s) would suffice as required loading space(s), provided they are signed and marked as such.

Landscaping Improvements

The original approving ordinance for the Orchards at O’Hare PUD—Ordinance Z-18-18—includes a landscape plan for Lot 5 of the PUD. However, the proposal includes amending the proposed landscaping for the lot to accommodate the restaurant and EV charging spaces. The attached Landscape Plan for Lot 5 illustrates foundation landscaping (to address Section 12-10-10) for the restaurant as well as designated perimeter and interior parking lot landscaping areas (Section 12-10-8). However, the plan does not fully meet the width and planting requirements for the perimeter parking areas or the planting requirements for the interior landscape bed in the middle of the EV charging area, each requiring a PUD exception.

Anticipated Impact of Tesla Charging Location

Staff requested that the petitioner provide information related to the anticipated kilowatt usage of the EV charging area to determine its potential impact on utilities. Based on kilowatt usage on an existing EV charging location, which has been scaled up to 52 EV charging posts to match the proposal on Lot 5—Tesla has provided the anticipated energy forecast below:

	kWh	Max Demand kW
Apr	472402.45	3302.39
May	489608.02	3514.88
Jun	631355.83	3510.38
Jul	652568.85	3931.26
Aug	666821.36	3804.55
Sept	618319.54	3850.60
Oct	613765.56	3937.51
Nov	622555.61	3680.01
Dec	672116.05	3646.25
Jan	572866.59	3747.96
Feb	652704.08	3475.37
Mar	713870.20	3622.73

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Based on the information provided by Tesla, staff calculated a range of estimates for the anticipated utility revenue under the Municipal Utility Tax (15-3-3 of the City Code), summarized in the table below.

EV Charging Company	Lowest Projected kWh usage	Mid-level Projected kWh usage	Highest Projected kWh usage
Tesla Superchargers	472,402 kWh per month or \$161,443	622,555 kWh per month or \$207,342	713,870 kWh per month or \$237,293

*Scenario involves 52 Tesla Superchargers per the plans in the slide deck provided and email correspondence.

*These numbers are approximate and may be subject to change.

CONDITIONAL USE LASR

Request Summary:

Proposed Sign Plans

The proposal includes a request to amend the existing LASR for the Orchards at O’Hare PUD based on the proposed uses on Lots 3 and 5. The proposal intends to retain most of the signs approved for Lots 3, 5, 6, and 7 through Ordinance Z-18-18 and all signs approved for Lot 1 through Ordinance Z-5-19 as summarized below and illustrated in the attached Combined Sign Plans for Lots 1, 3, 5, 6, and 7.

- **Multi-Tenant Monument Signs:** The existing PUD currently contains two 17-foot-tall, 138-square-foot multi-tenant monument signs—one of which located on Lot 1 and the other on Lot 5. The proposal includes the installation of three tenant panel signs—Popeyes, Cilantro Taco, and Ostras—into existing slots in the sign without any changes to the sign size, location, or structure.
- **Lot 1 (Commercial building with two tenant spaces) Sign Plan:** Aside from the minor tenant panel changes on the multi-tenant monument sign, the proposal intends to retain all existing ground signs (directional, menu board, clearance bar) and building wall signs.
- **Lot 3 (Hotel and the Cilantro and Ostras Restaurants) Sign Plan:** The existing hotel signs are not subject to change. However, the proposal does include new signs for the proposed Cilantro and Ostras restaurants located in the hotel including two wall signs for both restaurants on the south and west hotel building elevations and a single wall sign for both restaurants on the north hotel building elevation. An electronic message board (EMB) pole sign is also included for Lot 3 in the attached Combined Sign Plans for Lots 1, 3, 5, 6, and 7 document. This sign is intended to be visible from the I-90 Tollway. *Note this sign was approved through Ordinance Z-18-18, but it has not yet been constructed on site.*

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- Lot 6 (BP Station, Dunkin, and Which Wich) Sign Plan:** The existing BP fuel monument sign, which was rebranded through a building permit approved in 2018, and the convenience mart fueling station—including Dunkin Donuts signs—are not subject to change as part of this request. However, the proposal does request additional signs for both the gas station canopy and Dunkin Donuts:
 - Ordinance Z-18-18 approved two canopy signs for the gas station canopy measuring 27 inches in height. Although the existing fuel station canopy includes three canopy signs at 48 inches in height, which are requested for the amended LASR.
 - Ordinance Z-18-18 approved a 32-square-foot menu board sign for Dunkin Donuts located behind the convenience mart building. However, the existing menu board structure is approximately 27 square feet and includes a canopy structure over the ordering area, which are requested for the amended LASR.
- Lot 5 (Popeyes and Tesla) Sign Plan:** Aside from the minor tenant panel changes on the multi-tenant monument sign, the proposal includes the addition of many new ground and building signs for the development of the new restaurant use and EV charging spaces on site, which are summarized in the table below. Note that there are no specific ground or building signs for the EV charging spaces. However, pavement markings will be provided to indicate all EV charging spaces.

Sign ID*	Sign Type	Sign Location	Sign Area**
N1	Wall	West (front) elevation	53 SF
N2	Wall	South (side) elevation	33 SF
N3	Wall	North (side) elevation	26 SF
N4	Wall	East (rear) elevation	26 SF
N5	Wall	West (front) elevation	18 SF
N6	Wall	South (side) elevation	95 SF
N14	Wall	North (side) elevation	32 SF
N15	Wall	North (side) elevation	32 SF
N16	Wall	North (side) elevation	32 SF
N17	Wall	South (side) elevation	32 SF
N18	Wall	South (side) elevation	32 SF
N22	Directional	North Entrance to Lot 5	10 SF
N23	Directional	North of Drive-Through Lanes	10 SF
N24	Directional	Entrance of Drive-Through Lanes	10 SF
N25	Directional	East of Drive-Through lanes	6 SF
Total Sign Area (Lot 5):			447 SF

*Items N7-N13 and N19-N21 are not classified as signs and are not included in this table.

**Sign areas rounded to the nearest whole number.

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PUD Findings of Fact:

The following is a discussion of standards for PUDs from Section 12-3-5 of the Zoning Ordinance. Rationale for how well the proposal addresses the standards is provided in the attached petitioner responses to standards. Although staff has not provided a comment on each individual standard, in general the Major Change to PUD is supported by the Comprehensive Plan and other City goals to support economic development at this site, in this general area of Des Plaines, and in the city overall. The newly proposed uses are complementary to the existing uses already established and are logical considering the development’s proximity to O’Hare Airport. The Board may use staff’s rationale, the petitioner’s provided responses, or can , modify or adopt its own.

1. The extent to which the Proposed Plan is or is not consistent with the stated purpose of the PUD regulations in Section 12-3-5.A of this title:

PZB Additions or Modifications (if necessary): _____

2. The extent to which the proposed plan meets the prerequisites and standards of the planned unit development regulations:

PZB Additions or Modifications (if necessary): _____

3. The extent to which the proposed plan departs from the applicable zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to the density, dimension, area, bulk, and use and the reasons why such departures are or are not deemed to be in the public interest:

PZB Additions or Modifications (if necessary): _____

4. The extent to which the physical design of the proposed development does or does not make adequate provision for public services, provide adequate control of vehicular traffic, provide for, protect open space, and further the amenities of light and air, recreation and visual enjoyment:

PZB Additions or Modifications (if necessary): _____

5. The extent to which the relationship and compatibility of the proposed development is beneficial or adverse to adjacent properties and neighborhood:

PZB Additions or Modifications (if necessary): _____

6. The extent to which the proposed plan is not desirable to physical development, tax base, and economic well-being of the entire community:

PZB Additions or Modifications (if necessary): _____

7. The extent to which the proposed plan is in conformity with the recommendations of the 2019 Comprehensive Plan:

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PZB Additions or Modifications (if necessary): _____

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

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

Comment: The proposed development includes signs in a quantity and size that require a LASR. A LASR is a Conditional Use, as specified in Section 12-11-8 of the Zoning Ordinance for multi-building commercial developments.

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 redevelopment of Lot 5 of the Orchards at O’Hare PUD requires the installation of appropriate signs to direct motorists and pedestrians to/from and throughout the site. The Comprehensive Plan strives to increase commercial development along major corridors like Mannheim Road as well as increase wayfinding for motorists and pedestrians alike. The proposed sign plan includes updates to existing site-wide multi-tenant monument signs to adequately identify each proposed restaurant use in this development and reduce the number of individual ground signs in the development. A great deal of building-mounted signs are proposed throughout the development. However, it can be argued that many of these signs provide proper wayfinding for motorists and pedestrians as they access the site.

PZB Additions or Modifications (if necessary): _____

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

Comment: The proposed Conditional Use for a Localized Alternative Sign Regulation requests additional signage to assist in the identification of each restaurant user to help both motorists and pedestrians navigate the property. The proposed development is similar to existing commercial developments in the area—especially the multi-building commercial development on the southeast corner of Mannheim and Pratt—and the proposed signs are generally harmonious to these surrounding developments.

PZB Additions or Modifications (if necessary): _____

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

Comment: Many of the proposed signs are not hazardous or disturbing to the existing neighboring uses as a majority of all signs are directed towards public streets or other commercial properties. All signs will meet all required performance standards as outlined in Section 12-11-6(B) of the Zoning Ordinance.

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 proposed signs have no effect on essential public facilities and services. Instead the new signs will improve wayfinding services throughout the site for motorists and pedestrians alike.

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 signs would not create a burden on public facilities, nor would they be a detriment to the economic well-being of the community. The signs are intended to share information and help visitors safely and easily access the site.

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: The proposed signs will not create additional traffic or noise that could be detrimental to surrounding land uses. Instead the signs will help better direct and circulate traffic throughout the site.

PZB Additions or Modifications (if necessary): _____

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

Comment: The proposed signs will not create an interference with traffic on surrounding public thoroughfares but rather establish building identification and wayfinding for motorists and pedestrians.

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:

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Comment: The proposed new signs would not cause the destruction, loss, or damage of any natural, scenic or historic features of major importance. The signs will be used to enhance a site that is already developed.

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: All signs will comply with setback, landscaping, and performance standards in the Ordinance.

PZB Additions or Modifications (if necessary): _____

PZB Procedure and Recommended Condition: Given the separate conditional use for LASR and major change to final PUD requests, the PZB should take two motions. First, pursuant to Section 12-3-5 of the Zoning Ordinance, the PZB may vote to *recommend* approval, approval with conditions, or denial of the amended Final PUD. The request includes exceptions for:

- Perimeter parking lot landscaping, illustrated in the attached plans, that does not meet the minimum perimeter landscape bed width requirements of Section 12-10-8.B.
- Interior parking lot landscaping, illustrated in the attached plans, that does not meet the minimum size and landscape material requirements of Section 12-10-8.A.
- Drive-aisle width of the drive-through stacking lane, proposed as 11 feet wide where 12 feet is required, pursuant to Section 12-9-6.B.

In regard to the conditional use LASR request, the PZB may vote to recommend approval, approval with conditions, or denial of the conditional use pursuant to Section 12-11-8 of the Zoning Ordinance. If the PZB chooses to recommend approval the LASR, staff recommends the following conditions.

Recommended Conditions of Approval:

1. A three-foot landscape bed in all directions must be provided at the base of all freestanding signs. All landscape beds must be comprised of low-lying evergreen shrubs, perennials, and annuals.
2. Structural design plans shall be provided for all signage at time of building permit.

Attachments:

- Attachment 1: Location/Zoning Map
- Attachment 2: Site and Context Photos
- Attachment 3: Boundary and Topographic Survey of Lot 5
- Attachment 4: Site Condition Photos of Lot 5
- Attachment 5: Aerial Exhibit of Lot 5
- Attachment 6: Petitioner’s Responses to Standards for Conditional Uses and PUDs
- Attachment 7: Business Narrative and Qualifying Statement for Popeyes

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- Attachment 8: Business Narrative for Tesla
- Attachment 9: Site Plan for Lot 5
- Attachment 10: Engineering Plans for Lot 5
- Attachment 11: Amended PUD Plat (includes PUD Site Plan)
- Attachment 12: Landscape Plan for Lot 5
- Attachment 13: Photometric Plan for Lot 5
- Attachment 14: Architectural Plans for Popeyes
- Attachment 15: Architectural Plans for Tesla
- Attachment 16: Public Works and Engineering Memo
- Attachment 17: Fire Truck Turning Exhibit for Lot 5
- Attachment 18: Combined Sign Plan for Lots 1, 3, 5, 6, and 7

Chair Szabo swore in Todd Shaffer, Engineer for the Petitioner. Mr. Shaffer explained the scope of the petition. He explained the Orchards of O’Hare Subdivision. Mr. Schaffer stated right now the car wash lot is not on the agenda tonight. It is going to remain as a proposed car wash. What has been on the agenda tonight has been a major amendment to Lot 5. This is the lot north of the McDonald’s, south of the BP gas station. The original approval was for a class A sit down restaurant, an Outback Steakhouse at the time. That Lot has sat undeveloped. The applicant approached the City to utilize for parking, for excess parking at the hotel. That is what exists today, a vacant building with parking around the perimeter. Mr. Shaffer said historically, there was a PUD amendment for Lot 1, where the Panera Bread is. That was on the original approval in 2015. In 2019, the PUD amendment was approved for the Panera; all of that is constructed except the monument sign which is yet to be constructed. There is a petition for Popeye’s. The parking is in conformance with the City code. Handicap parking is provided for each use. Each use is broken into the lease line, which is Tesla’s property lease and Popeye’s property. If you look at Popeye’s on its own, we are in conformance.

Mr. Shaffer stated there are 52 proposed Tesla charging stations. On the other portion is a drive through fast-food restaurant. The utilities have already been brought to the site, meaning dry and wet utilities. The project does need to get an MWRD permit. In the event that Tesla comes in first, they have provided the City information that shows an MWRD is not required at that point. The building and sanitary sewer construction requires an MWRD permit. The petitioner would work with City staff and Popeye’s for an MWRD permit at that time.

Mr. Shaffer stated the other part of the PUD is on Lot 3, which was proposed to be an outdoor patio/sit down area. Cilantro will be petitioning the City for the permit soon. In essence with the PUD amendment approval, the only undeveloped portion is the carwash site, otherwise it would be a fully developed property. There are a couple of exceptions noted in the staff report. Those exceptions are acceptable to the team from the standpoint of perimeter landscaping – landscaping it’s needed because the Tesla charging equipment is behind the curb and encroaches on the existing 7-foot setback. They are holding this area for Popeyes and accessible spaces around the charging stations. On the South side, the charging stations

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are also encroaching in the landscaping. There is landscaping between the C-wall and the Tesla equipment. The other exception has to do with the center island landscaping. There is a lot of electrical equipment that needs clearance and access for the chargers and that limits the landscaping. Exception request 3 is regarding an 11-foot-wide drive aisle versus 12 feet. They worked with City staff on accommodating the 12 feet, which we could do, but we would like a concrete median separating the two-way traffic, with cars pulling in and out of the charging stations. This prevents collisions with cars in the drive through.

Mr. Shaffer stated that this LASR was approved by the prior PUD. Some of it was built, some of it not built but approved. It was a chore to gather all the signage from 2015 to now and determine what was built. There is a large package in your packet that summarizes that information. He stated he will go from easy to difficult. The easy part is lot 1 where the signage was fully approved. The only change proposed on Lot 1 was the shared monument sign. All they are doing is modifying the panels to accommodate the new tenants. These signs were presented to the City as blank panels. They are completing all the panels now. You will notice the car wash graphics are consistent with what was previously approved for Lot 7, not built yet. This sign here is also a sign for the Tesla/Popeye's lot. It is in the same location as the previous sign. Same height, width and just changing the panels. In the gas station mart – everything you see today is remaining.

A couple of things have changed since the original PUD. The original PUD was a Citgo. There was a change in user to BP requiring different branding. The City permitted the canopy sign and the monument sign with the BP logo and the Dunkin Donuts sign. The other thing – we can't tell you when the Dunkin' Donuts awning was installed. That was not documented in the original PUD but we are adding it to the amendment. It is a simple awning that exists now. On the east side, there is a clearance bar and menu board. Those exist today and we have included them with our request to formally permit them in the PUD. Lot 5 includes all new signs because we are going from an unknown tenant to a known tenant. Tesla does not include any signage that is part of the LASR. Popeye's has signage included with your packet. It is part of their branding. Popeye's can talk about any questions they have about the signage proposed. This includes proposed the clearance bar, menu boards, and other signage for wayfinding to the drive thru. The next lot is the hotel. The signage approved as part of the hotel is the Holiday Inn that exists today. What is coming in front of you is the graphics for the two restaurant users – Cilantro and the Ostras. Here are the graphics on various locations on the building. Also, the signage you would typically see for the entrances. That is all part of your package. The other sign is the pylon sign facing I-90 that was previously approved, never built, and still part of the package to consolidate into one nice packet. If there is an amendment moving forward, it is an amendment to this packet before you. That is a pretty comprehensive summary of the LASR. There are two conditions of approval, one for landscaping around signs and structural design plans submitted at time of permit. We have no issues with these conditions.

Member Weaver said when he was out there today, he noticed at the south end there is construction going on in a curvilinear extension and asked if that would be one of the restaurants.

Jonathan Stytz, Senior Planner, said that is build out for the restaurants. There are separate spaces for each restaurant including outdoor seating areas. Both at the south end on the lower level.

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Member Weaver said he is having trouble understanding Lot 4.

Todd Shaffer stated that it is the creek. The City of Des Plaines owned the land. Willow Creek is a major stormwater management conveyance system. Lot 2 and Lot 4 were retained for stormwater management and can't be developed.

Member Weaver asked if MWRD and the Army Corps of Engineers have jurisdiction.

Mr. Shaffer said yes, the City is aware they would need to work with those entities to develop that area.

Chair Szabo said I have a question out of left field. This area has flooded several times, but is not familiar with the Tesla charging apparatus. If we get a 30-year flood, what happens to the charging equipment?

Mr. Shaffer said I will speak from the engineering perspective. The stormwater storage is in the creek and there is also a compensatory storage that stores water.

Mike Lovestrand, Tesla representative, stated the charging equipment is designed and rated for outdoor use, rain or storms. We can remotely shut down the site and if we get concerns we will shut it down.

Member Veremis asked if Tesla charges people for the charging and if Des Plaines gets any tax off the charging.

Mr. Lovestrand from Tesla stated that information was provided in the packet.

Jonathan Stytz, Senior Planner, gives the staff presentation. He explains the Major Change to Final Planned Unit Development (PUD) and Conditional Use for an Amended Localized Alternative Sign Regulation (LASR) at 2995-3001 Mannheim Road, 3401 Orchard Place, and 1620-1630 Higgins Road. He described the Local Map and Background, displayed Site Photos, and the Project summary for Lot 5 which includes a major change to a Final PUD to allow the construction of a Class B restaurant and EV charging spaces for Lot 5. And a major change to a LASR for updates of the multi-tenant monument signs, new signs for the Lot 5 development, and additional signs on Lot 6. He explained the Major Change to a Final PUD. He displayed the Amended PUD Plat. He explained the Conditional Use LASR. He displayed the overall Sign Plan on all lots. He went through the Multi-tenant Monument Sign Plan, Lot 3 Sign Plan – North Elevation, West Elevation and South Elevation. He explained the Lot Sign Plan Site Map with West and North Elevations and Ground Signs.

He stated the requested PUD exceptions for PZB's consideration: (i) Perimeter parking lot landscaping, illustrated in the attached plans, that does not meet the minimum perimeter landscape bed width requirements of Section 12-10-8.B; (ii) interior parking lot landscaping, illustrated in the attached plans, that does not meet the minimum size and landscape material requirements of Section 12-10-8.A; and (iii) drive-aisle width of the drive-through stacking lane, proposed as 11 feet wide where 12 feet is required, pursuant to Section 12-9-6.B. He also stated the staff Recommended Conditions:

1. A three-foot landscape bed in all directions must be provided at the base of freestanding signs. All landscape beds must be comprised of low-lying evergreen shrubs, perennials, and annuals.
2. Structural design plans shall be provided for all signage at time of building permit.

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He stated the two actions for the PZB’s consideration tonight for which the PZB is a recommending body: (i) Major Change to PUD; and (ii) Conditional Use for LASR.

Member Catalano asked when is the carwash going to be built. Mr. Shaffer stated that are no imminent plans right now to construct the car wash.

A motion was made by Board Member Weaver seconded by Board Member Hofherr to recommend approval of the amended the Final Planned Unit Development with the three exceptions as listed in the staff report which includes:

1. Perimeter parking lot landscaping, illustrated in the attached plans, that does not meet the minimum perimeter landscape bed width requirements of Section 12-10-8.B.
2. Interior parking lot landscaping, illustrated in the attached plans, that does not meet the minimum size and landscape material requirements of Section 12-10-8.A.
3. Drive-aisle width of the drive-through stacking lane, proposed as 11 feet wide where 12 feet is required, pursuant to Section 12-9-6.B

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

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

A motion was made by Board Member Weaver seconded by Board Member Hofherr to recommend approve the Conditional Use LASR request with the two conditions of approval as drafted by staff.

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

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

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3. Address: 1345 E. Golf Road and 16 Mary Street **Case Number:** 23-053-CU-FPLAT-V

The petitioner has requested the following items: (i) a conditional use for an Outdoor Bulk Material Facility in M-2 District; (ii) a conditional use/amended conditional use for a Childcare Center in M-2 District; (iii) variation from required front and side yard setbacks; (iv) variation from the parking lot landscaping requirements; (v) variation from the height and screening requirements for materials in an Outdoor Bulk Material Facility, relative to the height of the property’s screening wall; (vi) variation from the maximum foot-candle lighting requirement; (vii) a combined Tentative and Final of Subdivision to consolidate all lots into one; and (viii) and any other variations, waivers, and zoning relief as may be necessary.

Petitioner: Pasque Mauro, 1269 E. Golf Road, Des Plaines, IL 60016

Owner: 1345 Golf / 16 Mary LLC (Representative: Pasque Mauro, 1269 E. Golf Road, Des Plaines, IL 60016)

PINs: 09-17-200-026-0000; -027; -039

Ward: #1, Alderman Mark A. Lysakowski

Existing Zoning: M-2, General Manufacturing District

Existing Land Use: Multi-tenant building with active childcare center

Surrounding Zoning:

- North: I-1, Institutional District
- South: M-1, Limited Manufacturing District
- East: C-2, Limited Office Commercial District
- West: C-2, Limited Office Commercial District

Surrounding Land Use:

- North: Hospital (Institutional)
- South: Maine Township Highway Commission (Industrial)
- East: Watch Manufacturer (Industrial); Electrician (Commercial)
- West: Material Supply Business (Industrial)

Street Classification: Golf Road is an other principal arterial, and Mary Street and Redeker Road are each local streets.

Comprehensive Plan: The subject property is illustrated as Commercial Industrial Urban Mix.

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Zoning/Property History:

Based on City records, portions of the subject property—comprised of three parcels—were annexed into the city between 1965 and 1973 with a building, off-street parking area, and open space. Around the early 2000s, a commercial radio service facility, or cell tower, was installed on the property and has been in operation ever since. In 2014, a conditional use was approved for a childcare center on the subject property, and the business, See Me Grow and Learn, began operations in 2015. In 2018, a conditional use amendment was approved to expand the childcare center in the existing building. The childcare is still in operation on the subject property. There have also been various manufacturing, warehouse, or production uses that have operated out of the remaining building space not occupied by the childcare center. One recent business was Chromatech printing (the building is sometimes called “the old Chromatech.”) However, these other businesses ceased operations in March 2023, making the childcare center the only active business on the subject property at this time.

The three lots under 1345 E. Golf Road and 16 Mary Street recently underwent a map amendment approved through Ordinance Z-15-23 to rezone all parcels to the M-2 General Manufacturing district to match the zoning of the 1331 E. Golf Road lot and make all collective lots eligible for an outdoor bulk material facility use, which is only permitted through a conditional use in the M-2 district. In addition, a text amendment was approved through Ordinance Z-14-23 to allow childcare centers in the M-2 district with a conditional use permit.

Project Description: *Overview*

The subject property consists of four lots totaling 3.17 acres.

Address	PIN(s)	Size
1331 E. Golf Road	09-17-200-055-0000	41,584 SF / 0.95 acres
1345 E. Golf Road / 16 Mary Street	09-17-200-026-0000	26,327 SF / 0.60 acres
	09-17-200-027-0000	1,371 SF / 0.03 acres
	09-17-200-039-0000	69,196 SF / 1.59 acres

The subject property is improved with a one-story, 27,500-square-foot building and three off-street paved parking areas: one directly east of the building, where spaces are directly connected to the Mary Street right-of-way; one north of the existing building at 1345 E. Golf Road/16 Mary Street along Golf Road; and one on the northern portion of 1331 E. Golf Road along Golf Road. Additionally, there is a cell tower, two unpaved storage areas (one at 1331 E. Golf Road and the other at 1345 E. Golf Rd/16 Mary Street), and outdoor activity area for the childcare center as shown on the attached ALTA/NSPS Land Title Survey.

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The petitioner proposes to retain the existing childcare center use and locate a new outdoor bulk material facility use, defined below, which would be consolidated through the subdivision process as one cohesive development on a single lot of record.

OUTDOOR BULK MATERIAL FACILITY: An establishment used or occupied for the primary purposes of outdoor construction material storage, acceptance and transfer of landscape debris and stone or concrete crushing operations. This definition does not include the uses of warehouse, trade contractors, commercial storage, contractor's storage yard and commercial truck parking lot. "Outdoor bulk material facility" does not include any use otherwise listed specifically in a zoning district as a permitted or conditional use.

Proposed Improvements

The proposal includes on-site improvements including (i) the removal of the existing non-paved area and outdoor activity area for the childcare center on the subject property and the development on 1331 E. Golf Road as shown on the attached Demolition Plan; and (ii) the installation of outdoor storage bins, paved operations/parking areas, upgraded site access points, and new outdoor activity area for the childcare center as shown on the attached Site Plan. The existing building, cell tower, and on-street parking areas along Mary Street would be retained as part of this project, with some parking lot upgrades proposed.

There are also off-site improvements including (i) the removal of the two-existing curb cuts off Golf Road and their replacement with a new three-lane, full access curb cut onto Golf Road; (ii) the removal of an existing curb cut off Mary Street; (iii) the upgrading of the existing curb-cut on Redeker Road with a new three-lane, full access curb-cut; and (iv) the removal of the existing concrete median on Golf Road and its replacement with a new left-turn lane as shown on the attached Demolition Plan and attached Site Plan.

Future Requests

The petitioner is also requesting a combined Tentative and Final Plat of Subdivision to consolidate the existing lots into one lot of record. The petitioner intends to present to the Board separate Tentative Plat and Final Plat documents, along with Final Engineering Plans and Engineer's Estimate of Probable Cost (EOPC) for improvements. This submittal will contain the required information pursuant the Subdivision Regulations with approval from the Public Works and Engineering (PWE) Department. To allow additional time to prepare the appropriate document and receive PWE approval, the petitioner is looking to continue the combined Tentative and Final Plat of Subdivision request to the September 26 meeting.

CONDITIONAL USES

Request Description: *Overview*

The proposal includes an amended conditional use for the existing childcare center, See Me Grow and Learn, and a new conditional use for the proposed Outdoor Bulk Material Facility use. The

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proposed Outdoor Bulk Material Facility use does not currently exist on site and therefore requires a conditional use permit pursuant to Section 12-7-4.G of the Zoning Ordinance, as identified in the table below.

The childcare center use on the subject property currently has a conditional use, which was last amended January 2, 2018 through Ordinance Z-1-18. The subject property was recently rezoned to the M-2 district, and the petitioner’s proposal includes the relocation of the existing outdoor activity area—a space that is required for all childcare centers pursuant to Section 12-8-7 of the Zoning Ordinance—to allow for the new access drive off Golf Road for the Outdoor Bulk Material Facility use. Section 12-8-7.B.2. does not allow affixed play equipment in the required side yard, but the proposed site plan (attached) shows the play area in the required front yard, behind both an interior fence (“decorative crayon picket fence”) and the property’s larger proposed screening wall, which is what will be visible from Golf.

A childcare center is now possible in the M-2 district as a conditional use based on approved text amendments earlier this year. As such, the petitioner is looking to amend the conditional use to reflect the revised Site Plan and align with the zoning change. No other changes are proposed for the childcare center at this time.

The table below summarizes the allowance of both uses identified above across all manufacturing districts (Section 12-7-4, Table 5, of the Zoning Ordinance; where P = Permitted Use and C = Conditional Use).

Use	M-1	M-2	M-3
Center, Childcare		C ⁷	
Outdoor Bulk Material Facility		C ⁴	

Notes:

- 4. Outdoor bulk material storage shall only be allowed on the 1200 and 1300 blocks of East Golf Road. All outdoor storage areas shall be completely screened with either a solid masonry or wood fence and no outdoor materials shall exceed the height of the solid fence.
- 7. Only allowed as a secondary principal use and only when the primary principal use has twenty or more personnel employed on site.”

Building Design Standards

While the existing building is proposed to be retained as part of this request, the petitioner intends to make aesthetic changes to all four facades of the building, which must adhere to Section 12-3-11 of the Zoning Ordinance. The existing face brick on the building’s exterior is proposed to be painted but none removed. The proposal includes plans to remove the existing glass block windows and replace them with new windows and aluminum frames. It also consists of the removal of an existing door on the east side of the building and new wall section constructed of face brick in its

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place as well as the installation of new doors on the west side of the building. As face brick and metal are both permitted ground story materials for an industrial building, this requirement will continue to be met. There are no blank wall limitations required for industrial buildings, but a 20 percent window requirement for all office areas. However, the existing building contains several windows all four building elevations meeting this requirement.

Proposed Site Plan

The attached Site Plan identifies the proposed improvements for the subject property in relation to access, circulation, parking, and building footprints:

- **Access:** The subject property abuts streets on three of its four sides and currently contains four access points (driveway curb cuts)—one from Golf Road, two from Mary Street, and one from Redeker Road. The proposal alters the site access by removing the northernmost curb cut off Mary Street and upgrading two existing curb cuts, one at Golf Road and one at Redeker Road. The subject property will have direct access onto all three streets it abuts. It is also important to note that the proposed changes on the access from Golf Road will require an Illinois Department of Transportation (IDOT) permit.
- **Circulation:** The attached Site Plan illustrates the proposed circulation for the outdoor bulk material facility, which is designated for the western portion of the subject property. Patrons visiting the site will be able to access this portion of the property through the upgraded northern entrance off Golf Road and upgraded southern entrance off Redeker Road. Both entrances will include a three-lane cross section. The access drive throughout the western portion of the subject property opens up to a passenger vehicle parking area and separate truck loading area for larger vehicles. The proposed drive aisle widths exceed the 22-foot-minimum-width requirement in Section 12-9-6.B.
- **Parking:** There are existing ninety-degree off-street parking spaces located north of the building that will be removed. However, there are no proposed changes to the existing off-street parking area and access off Mary Street for the childcare center. A new off-street parking area is proposed for the outdoor bulk material facility use as illustrated on the attached Site Plan. Under Section 12-9-7, the following off-street parking requirements apply:
 - Childcare Centers require one space for every 15 children under care plus one space for every employee. The attached Project Narrative confirms that 77 children and 13 employees are included with the daily operations of the childcare center requiring a total of 19 off-street parking spaces, including a minimum of one accessible space.
 - Outdoor Bulk Material Facilities require one space for every 3,000 square feet of outside area dedicated to outdoor bulk material storage and one space for every 1,000 square feet of gross floor area of any building or structure serving this land use. The 30,550 square feet of outdoor bulk material storage area and 18,850 square feet of office/showroom area proposed requires a total of 30 off-street parking spaces, including a minimum of two accessible spaces.

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Sections 12-9-6.B and 12-9-8 of the Zoning Ordinance require a minimum of 8.5 feet in width and 18 feet in depth for standard spaces and a minimum of 16 feet in width and 18 feet in depth for accessible spaces. The attached Site Plan indicates 49 off-street parking spaces, and amending the site plan to comply with the amount of required accessible parking is a recommended condition.

- Building Footprints and Setbacks:** The attached Site Plan indicates that the size and location of the existing building will not change. However, the existing building does not meet the front (north) or side (east) setback requirements for the M-2 district, requiring variations. The building’s interior will remain the same for the portion occupied by the childcare center but will be retrofitted for the new outdoor bulk material facility as illustrated in the attached Architectural Plans.

Lighting and Photometric Plan

The proposed development involves the installation of new exterior lighting along the west building elevation and along the western perimeter of the outdoor bulk material storage area. These are subject to the environmental and performance standards for lighting in Section 12-12-10 of the Zoning Ordinance. Based on the attached Photometric Plan, the horizontal foot-candles that would be given off along the west property line from the proposed light poles will exceed the maximum allowable.

The Board should discuss in the hearing the proposed lighting plan with the petitioner’s team, consider the neighboring use (an auto body repair shop that is a nonconforming use in the C-2 district), and determine whether recommending approval of relief – either full or partial – is appropriate. If the Board decides to recommend approval, staff recommends conditions related to ongoing enforcement and monitoring (see the conclusion of this report under “Approval Conditions”).

Districts	Maximum Foot-Candles Allowed	Highest Proposed Measurement at Property Line (in foot-candles)
Commercial	2.0	0.0 (East); 9.6 (West)*

****Indicates that the requirement is not met.***

Traffic Impact Study

The petitioner provided the attached Traffic Impact Study from Kimley Horn to analyze the anticipated impact the proposed development would have on traffic and the surrounding roadway network. Overall, the study concluded that the following improvements should be installed to accommodate the proposed redevelopment: (i) a westbound left-turn lane on Golf Road to access the subject property from the north with a three-lane cross section, including one lane for inbound traffic and two lanes for outbound traffic; and (ii) a restriping of the existing median on Golf to provide a two-way left-turn lane and provide a three-lane cross section on 1269 E. Golf Road

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(Access 1269).³ The *Turning Lane Modification* sheet in the attached Select Engineering Plans indicates the proposed roadway improvements for Golf Road, which will need to be approved by IDOT.

Concrete Crusher Operation

The proposal includes the occasional operation of a concrete crusher on the subject property that is currently in use at the petitioner’s existing use at 1269 E. Golf Road. While the petitioner provided the attached Concrete Crusher Specifications, the PZB may wish to ask how its effects on other uses on the property and other properties can be mitigated.

STANDARD AND MAJOR VARIATIONS

Request Description: *Overview*

The petitioner is seeking multiple necessary variations related to the uses and structures proposed on the site. Two of the requests are Standard Variations, upon which the PZB may make a final decision. Three others are Major Variations, upon which the PZB should *recommend* but the City Council will make the final decision on the requests.

Item	Code Section	Requirement	Proposal
<i>Standard Variations</i>			
Required front yard setback	12-7-4.H	65 feet	Approx. 34 feet
Required side yard setback	12-7-4.H	50 feet	Approx. 30 feet
<i>Major Variations</i>			
Outdoor materials exceeding the height of the solid screening wall	12-7-4.G., Table 5, Note 4	All outdoor storage areas shall be completely screened with either a solid masonry or wood fence and no outdoor materials shall exceed the height of the solid fence.	Screening wall will be mostly 8 feet, with small segments of 10 feet (subject to approval of minor variation); proposed storage bins are 12 feet, with materials up to 12 feet
Interior Parking Lot Landscaping	12-10-8.A	Not less than 5% of interior parking lot area is improved with landscaping	No proposed interior parking lot landscaping

³ The petitioner also owns and currently operates an outdoor bulk material facility use at 1269 E. Golf Road.

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Lighting Maximum Footcandles (West Lot Line)	12-12-10	No more than 2.0 foot-candles	Up to 9.6 foot-candles
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Conditional Use Findings: Conditional Use requests are subject to the standards set forth in Section 12-3-4(E) of the Zoning Ordinance. Rationale for how the proposed conditional uses would satisfy the standards is in the attached petitioner responses to standards. The Board may use the provided responses as written as its rationale, modify, or adopt its own.

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

PZB Additions or Modifications (if necessary): _____

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

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:

PZB Additions or Modifications (if necessary): _____

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

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:

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:

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:

PZB Additions or Modifications (if necessary): _____

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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:

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:

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:

PZB Additions or Modifications (if necessary): _____

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

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

PZB Additions or Modifications (if necessary): _____

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

PZB Additions or Modifications (if necessary): _____

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

PZB Additions or Modifications (if necessary): _____

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

PZB Additions or Modifications (if necessary): _____

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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.

PZB Additions or Modifications (if necessary): _____

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

PZB Additions or Modifications (if necessary): _____

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

PZB Additions or Modifications (if necessary): _____

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

PZB Additions or Modifications (if necessary): _____

PZB Procedure and Recommended Conditions: Under Sections 12-3-4.E (Procedure for Review and Decision for Conditional Uses) and 12-3-6.E (Procedure for Review and Decision for Variations of the Zoning Ordinance, the PZB has the following authority:

- To *recommend* that the City Council approve, approve with modifications, or deny the above-mentioned conditional use/amended conditional use requests for the childcare center and outdoor bulk material facility;
- To *approve* the Standard Variation requests for the property related to the required front and side yard setbacks in the M-2 District; and
- To *recommend* that the City Council approve, approve modifications, or deny the Major Variation requests related to the material height relative to the height of the screening wall, parking lot landscaping, and proposed lighting at the west lot line.

Conditions of Approval:

1. The number of required designated accessible parking spaces are provided based on 12-9-8 of the Zoning Ordinance and the Illinois Accessibility Code
2. All materials within the storage bins will not exceed bin height or be visible from a public street.
3. Compliance with the Photometric Plan is subject to ongoing monitoring and enforcement.

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Under Title 13 of the City Code (Subdivision Regulations), the Board is the approving body for a Tentative Plat of Subdivision and the recommending body for a Final Plat of Subdivision. The petitioner has made a joint request and is seeking Board continuation to September 26, 2023.

Attachments:

- Attachment 1: Location Map
- Attachment 2: Site and Context Photos
- Attachment 3: Photos of Existing Conditions
- Attachment 4: Petitioner’s Responses to Standards for Conditional Uses and Variations
- Attachment 5: ALTA-NSPS Land Title Survey
- Attachment 6: Project Narrative
- Attachment 7: Site Plan
- Attachment 8: Architectural Plans
- Attachment 9: Landscape Plans
- Attachment 10: Photometric Plans
- Attachment 11: Traffic Impact Study without Appendices⁴
- Attachment 12: Roadway Turning Exhibit
- Attachment 13: Sample of Proposed Concrete Wall Section
- Attachment 14: Concrete Crusher Specifications

Chair Szabo swore in Attorney Shkurti and Engineer Doland. Mr. Shkurti said he is here as the attorney and our applicant who represents the property owner and the business and the engineer. This business has been located here since before the current zoning code in 1998. He stated they were here before the board at the end of June. They asked at that time for two things: 1) amend the map for the zoning of 1345 E Golf Rd and 16 Mary St from C-3 to M-2 which was recommended by the board and approved by City Council; and 2) which was to permit childcare centers in the M-2 district as a secondary use. The condition attached to that was that the principal business with a certain number of employees.

Mr. Shkurti thanked the staff for working on the applications, most of this information is in the staff packet. They submitted 2 conditional use applications and 8 variation applications. They have worked with staff to group the standard and major variations. DMS is seeking to expand the operations into a consolidated parcel, 1331 Golf Rd which has always been M-2, together with 1345 Golf and 16 Mary St. Those are not consolidated yet and would be up for your approval. They haven’t decided yet the street address yet and later, within 2 weeks, you might see them again and we will be submitting what is expected to be the final and tentative plat of subdivision which will include various staff comments which we could not complete before tonight. The DMS vision is to eventually join this consolidated parcel with 1269 E. Golf Road. There are a few parcels to the west they do not own yet, but that is the plan. The first conditional use is for an outdoor bulk material facility, just like the one that exists already on Golf Rd. They also want to

⁴ A full copy is available by request to the Department of Community and Economic Development.

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amend the existing conditional use for the childcare center that currently operates on our site. They will discuss with them the condition of the Conditional Use to relocate the playground to the north portion of the building. The business has about 8,500 square feet of space. The staff report explains what the bulk material facility is. The primary purpose is the wholesale construction and storage for concrete. The definition does not include warehouse, trade contractor, commercial trucking parking lot, etc.

This is the theme of the explanations for relief. All these lots are through lots. They have property lines from Golf and Redeker Rd. With Mary Street, there are three lots. Once it is consolidated, it will be by itself a through lot and exposure on three sides. In addition to that, it becomes a very large lot. That is a theme throughout the applicants. These parcels are unique because it is one of the only places this use can exist. City Council approved the requests from the last petition. The staff memo provides an explanation about the existing operations. The current owner has confirmed that the daycare is in conformance at this facility. The only change we are making is the location of the playground. As they mentioned earlier in the project narrative, there are several details. For the CU, there are 10 standards. The variations we will discuss together.

The first standard for CU, we comply with the code in this respect. For the second standard, this CU is in conformance with the objectives of the City; this area is in need of additional economic development. The staff memo mentions economic development is necessary. It was originally designed for Manufacturing. Several parcels were converted into commercial zoning. We are bringing economic investment into the area. The development will be 2.5 million dollars. We are maintaining the existing zoning and we are consolidating fragmented parcels and those will soon be one.

The Conditional Use is designed, constructed, and operated to be harmonious with the general character. That is what is going on really. At 1269 and 1267 E. Golf Road are manufacturing uses. This use is not hazardous or disturbing to these facilities. These have been operating since before the existing zoning code and plan to be there for many years. There will be no hazard to the surrounding environment there. They will erect a wall 500 ft long and eventually that wall will join 1269 E. Golf Road at that point in the future. That is about 12 inches thick. The sheer size of the walls will enhance the appearance and serve as a sound absorption. The key item here is whether the two businesses can exist. As you can see from the site plan, the playground area. There will be a path from the western wall and move against the building. They will have accessible parking. On the north side, they will have a picket fence and bollards. The main driveway into the business is being constructed and it must match the driveway to the north of the hospital. There will be a protective wall.

The distance between the closest storage area and the facility will be 170 feet distance. Concrete crushing will only be in this location when the childcare center is closed and will be 250 feet from the school. The students and any occupants of the facility will only hear noises the same decibel as a normal conversation or a vacuum cleaner. In addition to not disturbing the neighbors, they also have all these storage bins on concrete blocks. They are 4x4x2 and are relocatable. They are about 2 feet wide each and they serve as great noise/sound barriers and vibration barriers. They absorb most of the activity that goes on there.

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In terms of taxing public facilities or services, they will not create additional expenses or burden. No tax breaks or TIF funding is requested. The project narrative discusses how DMS will take precautions to reduce disturbance with a machine that reduces noise levels and some machinery would only occur on Saturdays. DMS also has a fleet of water trucks and tanks to prevent dust and air pollution. DMS has a contract with Republic for waste management. The existing business at 1269 E. Golf Road takes in landscape yard waste which is twigs, branches, etc. and removed to designated spots off site.

The Conditional Use will not create interference with traffic. The property at 1331 E. Golf Road has an accessway and there is another access at 1345 E. Golf Road. They are currently accessing the existing parking lot through Mary Street. That accessway will be closed. They will have one main access way, two lanes out, one lane in. They anticipate 2-way traffic. There are 16 spaces, one marked as accessible spaces. There will also be an accessway for people to walk in. The rest of the building is vacant with some storage. This will be re-modeled for a million dollars. The eventual plan is to occupy the entire building with this business; the daycare has an active lease, and they would like to remain.

In that regard, those are the key aspects you can consider with respect to the conditional uses. With respect to the last two standards for conditional use, they can meet both of these. In terms of standard variations, when it was re-zoned, the lots were not conforming with the M-2 district. They are short in terms of setbacks. They are not modifying the outer perimeter. The unique conditions are that this is a big lot with a building existing there, and with through lots that limit the applicant to comply. Those are the two standard variations, and you are the ruling authority.

When they submitted the applications, they had concerns. With the front-line setback, they referred to it as 5 feet. The wall will be 8 feet tall, and they are concerned it is near the property line. They have learned the wall is considered a fence. They also had a question about how close the storage bins will be because they will be in the front yard. Those are minor variations the director can rule on. The major variations are as follows. The wall along this length, this stretch of Golf Rd. On both sides of the access way, the wall will be 10 feet tall. They would like permission to build those portions of the wall going 10 feet because they will increase safety for both the public and customers and the school that operates here. The hardship here is that we have all these lots that are very large and consolidated over 3 acres. There is no other way for us to create viable business operations here because the storage age must encapsulate the perimeter of the lot. They have the storage against the wall. The first major variation is that the storage on the protective wall be 10 feet tall.

The second major variation is the 7 storage bins along the western lot, 2 more, for a total of 9 storage units and these will be 12 feet tall. The public could see these storage walls. That is the major variation. This is one of the last lots where this type of activity can occur. The walls enhance safety for the workers and the public. The fact they will be visible from Golf Rd. The next major variation is along the western side of the walls, there will be 7 lightbulbs shining light onto storage bins. The business operation for the facility will be open to the public from 6 am to 6 pm. Workers could be there as early as 5 am and during those hours they need some light. Because the lots to the west of the property are zoned C-2, the luminosity of the lights need to be 2-foot candles or less. According to the photometric plan, the brightness varies. The

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maximum observable would be 2-foot candles. They will have crew members servicing customers that need these lights, and the lights can be dimmed down. In terms of the lights being too bright they shouldn't. They are enhancing safety for the neighbors. The interior landscaping is also a major variation. They have only a few areas of landscaping which is primarily along the west of the building. The activity they are proposing is not conducive to landscaping. They are improving the lots in such a way we are cutting more than half the accessways onto the roads. Traffic will have more consolidated access throughout the site. The package we submitted was 140 pages long. These variations are 1-8 in our package. Those are the condensed variations. The civil engineer is here if you have questions for either.

Member Fowler stated I do want to say it looks really nice with the wall. I don't understand the 6 am to 6 pm. I thought it was 7 to 4.

Mr. Shkurti stated sometimes they have people in at 6 and sometimes we have stragglers in the evening.

Chair Szabo asked about the play area for the children and how the petitioner can assure that this will be a safe area with the trucks going by onto Golf Rd.

Mr. Shkurti said this portion of the wall will be 10 feet tall. Concrete, 12 inches thick, 10 feet tall. Originally, we wanted to extend the wall further down.

Jason Doland, Engineer, said that along the north wall will be pipe bollards provided there. The daycare owner wanted to keep the branding versus the fence.

Chair Szabo asked what would happen if a car went out of control.

Mr. Doland stated that the bollards are filled with concrete. They are spaced less than 6 feet apart, filled with steel and concrete so a car can't fit through.

Chair Szabo: By the City's photographs, this property is just immensely improved from what it was 20 years ago. It is a nice upgrade. I must add it to the applicant. Even the empty warehouse that will be office space, it is very clean and not rundown.

Member Catalano asked where are the level of service for future conditions in the traffic study. You have an existing level of service, but no future.

Mr. Doland said in the project narrative on page 90, they pasted the site generated projections. The estimated traffic is from 165 to 250 vehicles per day. We copied and pasted that.

Member Catalano: That just tells me the numbers of traffic. The engineer knows what I am asking for is the level of service. It is normally in the report next to the existing. [discussion trying to figure out the page number]. We don't have all the pages in the report.

Jonathan Stytz, Senior Planner, pulled up page 125 of the Kimberly Horn report.

Mr. Stytz went over the staff report. He explained the petition for a Conditional Uses and Variations at 1331-1345 E. Golf Road and 16 Mary Street for (Des Plaines Material + Supply, See Me Grow & Learn)

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He displayed the Location Map and Background. He explained the Site Photos. Mr. Stytz explained the Project Overview. Petitioner’s long-term goal for the property is the redevelopment for use as an outdoor bulk material facility while retaining the childcare center (site plan to relocate playground). He provided an overview of the entitlements for this project which include 1. Previous Requests: Map and Text Amendment (both approved) 2. Current Requests: Conditional Uses and Variations. 3. Future Requests: Tentative and Final Plat of Subdivision. He explained the Conditional Use Requests which include request 1. Allow a new Outdoor Bulk Material Facility on the subject property. 2. Amend an existing conditional use for a childcare center currently operating on the subject property. He explained the Manufacturing Use Matrix and the Manufacturing Bulk Matrix. Mr. Stytz went over the Site Plan Review including the Proposed Site Plan. He Explained the Variation Request and the Photometric Lighting.

Mr. Stytz explained the PZB Considerations which include Staff Recommended Conditions: 1. Accessible parking – number of spaces provided – in accordance with both local and state requirements. 2. All materials within the bins shall not exceed the bin height or be visible from a public street, and 3. Compliance with the Photometric Plan is subject to ongoing monitoring and enforcement. He added that the PZB may wish to get additional information from the petitioner regarding the positioning and wattage of all proposed exterior lighting and if it deems necessary, the PZB may add a condition requiring shielding of the light fixtures and/or adjustment of the existing Photometric Plan. He explained the PZB Actions as follows:

- Approving Body for:
 - Variation for front yard setback
 - Variation for side yard setback.
- Recommending body for:
 - Conditional Use for an Outdoor Bulk Material Facility
 - Conditional Use for a Childcare Center
 - Variation for Outdoor Material Height Relative to Fence/Wall
 - Variation for Interior Parking Lot Landscaping
 - Variation for Lighting Maximum Foot-Candles

Member Weaver: It seems we have several lists of the variations, you have the list 3 slides before, the list on page 7, and 7 exhibits from the petitioner. They are all similar. If I were to make a motion, which would I refer to.

Mr. Stytz stated that the table in the staff report on page 7, it focuses on what is germane to your request. The minor variations are not listed.

Member Saletnik stated the ones for the zoning administrator for approval are minor.

Chair Szabo asked the petitioner if his neighbor to the west been informed of the lighting situation.

Mr. Shkurti stated that he is not sure about that, but he gets there at 8 a.m. It is an auto body shop. The second page of the photometric plan shows. The light poles are right next to the property line and has

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dimmers on them. The max capacity is shown on the plan. If there are complaints, we can dim them down. It is built into the lights. We haven't heard anything from the neighbor. If we do hear the light is too bright, we can dim them down. The plans contain the maximum level of foot candles. I am trying to foresee any problems that could arise.

Chair Szabo asked if the neighboring property owner would have issues since he is done by 5 p.m.

Mr. Shkurti said: Yes, and it is safer to have the lighting for him.

Member Saletnik asked if everyone is ok with the verbiage for the condition about the photometric plan, I am ok with it. It is more than dimming, it can be changed with a light swivel too. I am less concerned with Mary St. What about a bright light pointing into the Road on Golf?

Mr. Shkurti said that the lights are pointed downwards, not up. If there is any issue with the lights, then they will dim them. Time will tell. If they must dim the one pole on Golf, we will dim that. There are 7 poles and the northmost would be most likely to create the problem, and we are open to fixing it if that becomes an issue. These are the potential maximum levels.

Member Weaver said it seems the first condition of approval applies to the conditional use recommendation. The second and third applies to the major variations. Would staff agree?

John Carlisle, CED Director, said I will say that is correct. In all likelihood, City Council will consider one ordinance, and conditions are enforceable the same way on both actions.

Member Weaver stated we could put all three conditions of approval on all of them.

Mr. Shkurti noted the foot candles on Golf Rd are lower.

Mr. Carlisle stated staff did note what the petitioner noted here. Traffic hazards are something that we would flag. We didn't note any concerns there.

Mr. Shkurti said they have higher levels pointing at the parking lot, which is what we need.

A motion was made by Board Member Weaver seconded by Board Member Catalano to approve the standard variation requests for the property related to the required front and side yard set backs in the M2 District which was shown on page 7 of the staff report.

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

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

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A motion was made by Board Member Weaver seconded by Board Member Fowler to recommend to City Council approval of the proposed Conditional Use for the childcare center and outdoor bulk material facility subject to the staff’s conditions of approval.

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

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

A motion was made by Board Member Weaver seconded by Board Member Hofherr to recommend to City Council approval of the major variation requests including outdoor materials, interior parking lot landscaping, and the lighting footcandles listed in the table on page 7 subject to the conditions of approval drafted by staff.

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

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

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4. **Address:** Citywide

Case Number: 23-043-TA

(continued from July 25, 2023 and August 22, 2023)

The City is proposing text amendments to the Zoning Ordinance related to accessory structure definitions and regulations, and any other amendments as may be necessary.

PINs: Citywide

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

Owner: n/a

Request Description: The City of Des Plaines is proposing amending the Zoning Ordinance to clarify regulations for detached parking structures based on use, to increase the maximum area for accessory structures except detached garages and carports, and to amend the accessory structure definition.

Background

Chapter 8 of the Zoning Ordinance, “Accessory, Temporary, and Specific Use Regulations,” was created to identify and differentiate regulations for both uses and structures that are either: (i) incidental and subordinate to a principal use or structure in the same zoning lot (e.g., detached garages and sheds); (ii) temporary in duration and construction (e.g., tents and yard sales); or (iii) are sensitive uses requiring tailored regulations (e.g., cannabis business establishments and residential care homes). The scope of the proposed amendments focus on the first of these—accessory structures—which are currently defined in Section 12-13-3 as follows:

ACCESSORY STRUCTURE: A structure which is detached from a principal structure and is located on the same zoning lot and incidental and subordinate to the principal structure. Accessory structures are characterized by having a solid roof, and include, but are not limited to, detached garages, sheds, greenhouses, and gazebos. Accessory structures may not exceed the height of the principal structure.

As identified in the definition, an accessory use is intended to be incidental to the principal use or structure served (i.e., accompanying but not a major part of the property). For example, a detached garage is incidental to a single-family residence (e.g., provides covered parking for the residents) but a garage is smaller in area and height than the residence and not occupied as much. Due to the incidental nature of accessory structures, the Zoning Ordinance does not permit the construction of an accessory structure without the prior construction of a principal use or structure. Zoning also requires that accessory structures are (i) operated and maintained under the same ownership and on the same lot, or adjoining lots, as the principal use or structure and (ii) subordinate in height, area, bulk, and location to the principal use served.

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Section 12-8-1.C also identifies the general bulk regulations for accessory structures in all zoning districts with specific height, setback, location, size, and quantity restrictions. There are two main categories of accessory structures identified: (i) detached garages and carports; and (ii) other accessory structures (e.g., sheds, pergolas, gazebos, etc.). These categories share regulations related to height, setbacks/minimum distance from lot lines (with some exceptions), and location, but differ in regard to *quantity of structures* and *size permitted*. In regard to quantity, the Zoning Ordinance allows for up to two accessory structures on any property; however, only one garage (attached or detached) is permitted. In the case of a property with a detached garage or carport, one other accessory structure is permitted. In regard to size, a detached garage or carport can be up to 720 square feet in area—on all residentially zoned lots, regardless of their use—while other accessory structures are limited to 150 square feet in size.

Accessory Structure Definition

The current accessory structure definition describes an accessory structure’s incidental and subordinate relation to a principal use, how these uses are characterized (e.g., having a solid roof), and provides a non-exhaustive list of types of accessory structures (e.g., detached garages, sheds, greenhouses, and gazebos). However, the definition does not list many of the most common types of accessory structures—such as pergolas or carports—and does not fully encompass all of the characteristics of accessory structures—especially structures such as pergolas which can have semi-open roofs—even though it is intended. As such, staff is proposing to amend the definition to clarify that both flat and semi-open roofed structures are all classified as accessory structures. The proposed amendments also add *pergolas* and *carports* to the list of accessory structures specifically identified in the definition. While the list is still non-exhaustive and is intended to remain so, the addition of these two accessory structures helps to further clarify what is classified as an accessory structure, especially commonly installed accessory structures such as a pergola.

Accessory Structure Bulk Regulations

The current bulk regulations in Section 12-8-1.C appear to contemplate only (i) a single- or two-family dwelling or (ii) a non-residential lot. They do not consider the possibility for detached garages serving townhouses or multifamily. As such, the staff is proposing to differentiate regulations for accessory structures based on the principal use of the property. The proposed amendments split subsection C of Section 12-8-1 into three separate portions: (i) Single-Family Residential and Two-Family Residential uses; (ii) Townhouse Residential and Multifamily Residential uses; and (iii) Non-Residential uses. In addition, some regulations are reorganized into table format.

- ***Single-Family Residential and Two-Family Residential Uses:*** Aside from one proposed change, staff intends to retain the existing bulk accessory structure regulations in Section 12-8-1.C for these types of uses given that these regulations are appropriate for lower density residential developments. The proposed change intends to increase the size allowance for accessory

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structures—excluding detached garages and carports—to 200 square feet. Staff’s observance and attached Accessory Structure Research indicates that many pre-fabricated accessory structures like sheds, gazebos, and pergolas are greater than 150 square feet (the current size restriction) but are below 200 square feet (proposed size restriction). As such, the proposed amendments adjust the size allowance for these types of structures.

- ***Townhouse (Single-Family Attached) Residential and Multi-Family Residential Uses:*** Staff proposes to create a new subpoint and table to regulate accessory structures for higher density residential uses. The table splits accessory structures into three separate categories: (i) single-story detached garages and carports; (ii) multiple-story detached parking garages; and (iii) other accessory structures (e.g., sheds). The allowance for both single-story and multi-story garage structures provides flexibility for both existing and proposed residential developments. They also could encourage denser off-street parking designs with a smaller overall footprint than a surface lot.
 - Single-Story Detached Garage or Carport Structures: The proposed height and setback regulations for a single-story detached garage or carport would mirror the existing height and setback regulations for accessory structures in Section 12-8-1.C. However, the amendments would not restrict the number of single-story detached garage and carport structures permitted on a single lot. Instead, it would restrict the collective area of all garage and carport structures on site to 25 percent of the total lot area or less. For detached garage and carport structures that exceed 720 square feet in area, the Building Design Review standards in Section 12-3-11 of the Zoning Ordinance would apply.
 - Multiple-Story Detached Parking Garage Structures: Similar to single-story detached garages and carports, multiple-story detached parking garages would (i) be limited by the collective area of all multiple-story detached parking garage structures—not to exceed 25 percent of the total lot area—instead of by a specific number of structures and (ii) would also be subject to the Building Design Review standards in Section 12-3-11 of the Zoning Ordinance if in excess of 720 square feet in size. However, multiple-story detached parking garage structures would have higher minimum setback requirements than other accessory structures given their greater height allowance of 45 feet (compared to the maximum height of 15 feet for all other accessory structures including single-story detached garages and carports). The greater height allowance is necessary to allow a parking garage structure with multiple stories but also appropriate given that the maximum height allowance for principal structures in the R-3 Townhouse Residential district is also 45 feet. Given this height allowance, the proposed amendments would require multiple-story detached parking garages to be located behind the front building line of the principal structure and a minimum of ten feet from all other property lines in order to provide a greater separation between this structure and property lines. The amendments also set a requirement that any such garage would have to be shorter than any principal structures served to retain the spirit of an “accessory” structure.

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- Other Accessory Structures: All other accessory structures—excluding detached garages and carports, so for example, sheds, pergolas, and gazebos—would follow the existing height, setback, and quantity standards in Section 12-8-1.C; the rules would be unchanged except to allow a maximum area of 200 square feet in size.
- ***Non-Residential Uses:*** Staff proposes to create a second new subpoint and table to regulate accessory structures for non-residential uses. The table setup is identical to the proposed table for the townhouse residential and multifamily residential uses with the three separate accessory structure categories—single-story detached garages and carports; multiple-story detached parking garages; and other accessory structures—but with two main differences. Section 12-8-1.C of the Zoning Ordinance currently has a separate section devoted to bulk regulations for detached garages and carports on lots in non-residential zoning districts, which allows for a larger detached garage or carport area based on whether the subject lot is less than 20,000 square feet in size or more. In addition, it requires said detached garage or carport structures to be setback a minimum of ten feet from all side and rear property lines. Staff intends to keep these distinctions given the varying sizes of non-residential lots throughout Des Plaines and the varying uses that operate or could operate at these locations.
 - Single-Story Detached Garage or Carport Structures: The proposed bulk regulations for a single-story detached garage or carport would match the existing standards in Section 12-8-1.C regarding height (maximum of 15 feet), setbacks (minimum of 10 feet), and size (maximum of 920 square feet on lots 20,000 square feet or more in size and a maximum of 720 square feet on lots less than 20,000 square feet). A maximum of one single-story detached garage or carport structure would be permitted on a lot with a non-residential use to match the existing standards.
 - Multiple-Story Detached Parking Garage Structures: The standards for multiple-story detached parking garage structures would match the height (maximum 45 feet), setbacks (minimum 10 feet), and size (25 percent of the total lot area, regardless of the specific lot size)—as proposed for townhouse residential and multi-family residential uses—but with three distinctions. The first distinction deals directly with the location of the subject lot. When located on a lot that abuts a residential zoning lot, the height of multiple story detached parking garage cannot exceed the maximum height of the abutting residential district. For example, this type of structure located on a lot next to an R-1 Single Family Residential district would be limited to 2½ stories or 35 feet in height, which is the maximum height allowance in that residential district. The second distinction relates to Building Design Review Standards in Section 12-3-11 of the Zoning Ordinance. While the proposed amendments require that all single-story detached garages or carports and multiple story detached parking garages in excess of 720 square feet must comply with the Building Design Review Standards, this is not a requirement for these types of structures on lots with non-residential uses. The final distinction relates to the maximum quantity allowed. A maximum of one multiple story detached parking garage structure would be permitted on a lot with a non-residential use to match the existing standards.

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- Other Accessory Structures: All other accessory structures—excluding detached garages and carports—would follow the existing height, setback, and quantity standards in Section 12-8-1.C, but would be allowed to be up to 200 square feet in size.

Proposed Amendments

The full proposed amendments are attached and are summarized below:

Section 12-3-11, Building Design Review: Revise the list of activities that trigger the adherence to the Building Design standards to include certain accessory structures mentioned in Section 12-8-1.C.

Section 12-8-1, Accessory Uses and Structures: Split subsection C of this section into three portions with specific regulations in each:

- (i) Single-family Residential and Two-family Residential uses
 - Indent existing bulk regulation standards; and
 - Amend the maximum size allowance for accessory structures—excluding detached garages and carports—to 200 square feet.
- (ii) Townhouse Residential and Multifamily Residential
 - Create new table and specific bulk regulations for three different accessory structure types: (i) single-story detached garages and carports; (ii) multiple story detached parking garages; and (iii) other accessory structures (e.g., sheds).
- (iii) Non-residential uses
 - Create new table and specific bulk regulations for three different accessory structure types: (i) single-story detached garages and carports; (ii) multiple story detached parking garages; and (iii) other accessory structures (e.g., sheds).

Section 12-13-3, Definition of Terms: Amend the *Accessory Structure* definition to include structures with semi-open roofs (such as pergolas) and add additional items to the non-exhaustive list of accessory structure examples.

Standards for Zoning Text Amendment:

The following is a discussion of standards for zoning amendments from Section 12-3-7.E of the Zoning Ordinance. The PZB may recommend the City Council approve, approve with modifications, or deny the amendments. The PZB *may* adopt the following rationale for how the proposed amendments would satisfy the standards, or the Board may use its own.

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1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan, as adopted and amended from time to time by the City Council;

These amendments help clarify and expand on the bulk regulations for accessory structures throughout the City by creating separate regulations for all use categories that are tailored to the scale and intention of those uses. They also provide additional options for existing and proposed developments in regard to storage, off-street parking, and overall site design—especially in denser areas of the City—which the Comprehensive Plan intends to capitalize on to achieve better and more sustainable developments.

PZB Additions or Modifications (if necessary): _____

2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development;

The proposed amendments allow for further flexibility for various accessory structures regardless of the lot size, use, and location. The amendments focus on promoting denser parking structures to reduce impervious coverage on lots with either residential or non-residential uses. However, they also provide additional clarification on the specific standards for accessory structures based on their type and use, which is something that the current zoning ordinance does not fully identify. The amendments are tailored to minimize impacts of storage and parking structures on neighboring properties regardless of their location.

PZB Additions or Modifications (if necessary): _____

3. Whether the proposed amendment is appropriate considering the adequacy of public facilities and services available to this subject property;

The proposed amendments would allow for additional options for both storage and parking on properties throughout the City that may require additional public facilities and services for an individual site based on their use and design. However, these amendments would still require site plan review and adherence to applicable municipal codes to ensure that any improvements are compliant and are adequately serviced.

PZB Additions or Modifications (if necessary): _____

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

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It is not anticipated that the proposed amendments will have any adverse effect on surrounding properties. Instead, the flexibility provided with these amendments encourages reinvestment in properties and can lead to new uses or improvements to existing uses that benefits the City and its residents.

PZB Additions or Modifications (if necessary): _____

5. Whether the proposed amendment reflects responsible standards for development and growth.

The proposed text amendments facilitate a path towards responsible standards for development and growth for all uses and properties by establishing a clear and streamlined permitting path for additional parking and storage options that promote better design of both residential and non-residential developments.

PZB Additions or Modifications (if necessary): _____

PZB Procedure and Recommendation: Under Section 12-3-7 of the Zoning Ordinance, the PZB has the authority to *recommend* that the City Council approve, approve with modifications, or deny the above-mentioned amendments. The Board should clearly state any modifications so that its recommended language can be incorporated in the approving ordinance passed on to the Council, which has final authority on the proposal.

Attachments:

- Attachment 1: Accessory Structure Research⁵
- Attachment 2: Photos of Detached Garages Serving Multifamily Development (The Parker, Park Ridge, IL)⁶
- Attachment 3: Proposed Amendments

Samantha Redman, Planner went over the staff report. She explained the Zoning Text Amendments Related to Accessory Structure Definition and Regulations which was continued from July 25, 2023. She explained the research and the data from the Northwest Municipal Conference. She said after thinking it through with staff, looking at the current staffing workload, and the urgent needs, they wanted to scale back the amendments. In the future they would like to explore some of the items from the last iteration of the text amendments, including parking structures for higher density residential uses and commercial

⁵ Source: Home Depot and Lowes websites, obtained July 18, 2023.

⁶ Source: Google Streetview, obtained July 21, 2023.

Case 23-054-MAP-V	1625 Linden Street	Map Amendment Variation
Case 23-051-FPUD_CU-LASR	2991-3025 Mannheim, 3041 Orchard & 1620-1630 Higgins	Final Planned Unit Development & Conditional Use -LASR
Case -053-CU-FPLAT-V	1345 Golf, 1269 Golf & 16 Mary	Conditional Use, Final Plat of Subdivision, Variation
Case 23-043-TA	Citywide	Text Amendment

uses. But at this time, we want to talk about the definition of accessory structures and the maximum size allowed for accessory structures that are not detached garages and carports.

She explained the background and purpose for the amendments. The existing accessory structure definition does not fully describe and account for all types of accessory structures: 1. Characterizes accessory structures as structures with solid roofs (does not account for pergolas and similar structures with semi-open roofs) and 2. Does not list some of the types of accessory structures (does not list pergolas or carports) Updating the definition provides additional clarification as to how accessory structures are classified. Accessory structures (other than garages/carports) are limited to 150 square feet in Section 12-8-1.C. The justification for amendments includes 1. Most municipalities (NWMC survey data) regulate accessory structure size, and many allow larger accessory structures and 2. Staff often receive requests for larger accessory structures, and it is increasingly common for people to spend money and efforts on yard improvements. Staff seek to be more permissive with size requirements to reflect these trends. She went over the research and results from the NWMC. Ms. Redman went over the proposed amendment definition which is Accessory Structure is a structure which is detached from a principal structure and is located on the same zoning lot and incidental and subordinate to the principal structure. Accessory structures are characterized by having a solid or semi-open roof, and include, but are not limited to, detached garages, carports, pergolas, sheds, greenhouses, and gazebos. Accessory structures may not exceed the height of the principal structure. Ms. Redman explained the Proposed Amendment – 12-8-1.C. Staff proposes an increase in size to 225 square feet (applies to residential AND nonresidential) for non-garage/carport structures. She discussed the existing provisions protecting the character and scale which include ...

- Limitations to building coverage for residential properties in R-1 and R-2 districts (30% for interior lots, 35% for corner lots).
- Required separation (5 feet from side and rear lot lines)
- Maximum rear yard coverage for R-1 (60% of rear yard)

Ms. Redman stated PZB can recommend approval, approval with modifications, or denial of the proposed amendments.

Member Weaver stated he likes it. He thinks its an improvement and it avoids some of the issues we had last time.

Member Saletnik said this receives his thumbs up.

Member Fowler stated that she would like to acknowledge what a great job the Northwest Municipal Conference did.

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A motion was made by Board Member Weaver, seconded by Board Member Saletnik to recommend to the City Council approval of the proposed Zoning Text Amendment as drafted by staff in attachment 2.

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

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

ADJOURNMENT

The next scheduled Planning & Zoning Board meeting is Tuesday September 26, 2023.

Chairman Szabo adjourned the meeting by voice vote at 10:07 p.m.

Sincerely,
 Margie Mosele, Executive Assistant/Recording Secretary

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