



## Planning and Zoning Board Agenda November 14, 2023 Room 102 – 7:00 P.M.

### **Call to Order and Roll Call**

**Approval of Minutes**, October 24, 2023

**Public Comment:** For matters that are not on the agenda

### **Pending Applications:**

1. **Address:** 1775 Elm Street

**Case Number:** 23-063-V

The petitioner has requested a standard variation to vary from the building coverage requirements to allow for construction of a garage that would result in building coverage in excess of 30 percent for an interior lot, and any other variations, waivers, and zoning relief as may be necessary.

**PIN:** 09-29-211-066-0000

**Petitioner:** Gene Johnson, 1775 Elm Street, Des Plaines, IL 60018

**Owner:** Gene Johnson, 1775 Elm Street, Des Plaines, IL 60018

2. **Address:** 2174 S Chestnut Street, Unit A

**Case Number:** 23-062-V

The petitioner has requested a standard variation from setback requirements to allow a patio in the required front yard, and any other variations, waivers, and zoning relief as may be necessary.

**PIN:** 09-29-409-193-0000

**Petitioner:** Martha Garcia, 2174 Chestnut Street, Unit A, Des Plaines, IL 60018

**Owner:** Martha Garcia, 2174 Chestnut Street, Unit A, Des Plaines, IL 60018

## **New Business**

1. Approval of 2024 Planning and Zoning Board Meeting Calendar

**Next Agenda:** Next meeting on November 28, 2023

City of Des Plaines, in compliance with the Americans With Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in the meeting(s) or have questions about the accessibility of the meeting(s) or facilities, contact the ADA Coordinator at 847-391-5486 to allow the City to make reasonable accommodations for these persons. The public hearing may be continued to a further date, time and place without publication of a further published notice such as this notice.



**DES PLAINES PLANNING AND ZONING BOARD MEETING  
October 24, 2023  
MINUTES**

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, October 24, 2023, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

Chair Szabo called the meeting to order at 7:01 p.m. and roll call was established.

PRESENT: Szabo, Hofherr, Weaver, Catalano, Saletnik, Veremis  
ABSENT: Fowler  
ALSO PRESENT: Ryan Johnson, Assistant CED Director  
Jonathan Stytz, AICP, Senior Planner  
Samantha Redman, Senior Planner  
Stewart Weiss, Legal Counsel, Elrod Friedman LLP

A quorum was present.

**APPROVAL OF MINUTES**

A motion was made by Board Member Hofherr, seconded by Board Member Catalano to approve the meeting minutes of October 10, 2023.

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

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

**PUBLIC COMMENT ON NON-AGENDA ITEM**

There was no public comment.

**Pending Applications:**

1. Address: 900 Graceland Avenue and 1217 Thacker Street  
Case Number: 23-039-MAP-PUD-TSUB

The petitioner has requested the following items: (i) a Map Amendment to rezone from M-2 General Manufacturing to R-3 Townhouse Residential District; (ii) a Preliminary Planned Unit Development (PUD) with exceptions; (iii) a Tentative Plat of Subdivision to consolidate eight lots into two lots; and (iv) any other variations, waivers, and zoning relief as may be necessary.

PINs: 09-20-105-016-0000, 09-20-105-017-0000, 09-20-105-020-0000, 09-20-105-021-0000, 09-20-105-022-0000, 09-20-105-023-0000, 09-20-105-024-0000, 09-20-105-045-0000

Petitioner: Luz and Associates #1, LLC, 2030 West Wabansia Avenue, Chicago, IL 60611

Owner: Contour Saws, Inc., 100 Lakeview Parkway, Ste. 100, Vernon Hills, 60061

Ward: #3, Alderman Sean Oskerka

Existing Zoning: M-2, General Manufacturing

Existing Land Use: Unoccupied manufacturing building

Surrounding Zoning: North: M-1, Light Manufacturing and R-1, Single Family Residential  
South: R-4, Central Core Residential and C-3, General Commercial  
East: R-1, Single Family Residential and R-4, Central Core Residential  
West: Railroad and M-1, Light Manufacturing

Surrounding Land Uses: North: Manufacturing building and single-family detached residences  
South: Multi-family residential buildings and vacant parking lot (proposed multi-family residential on this property)  
East: Railroad and manufacturing buildings  
West: Single-family detached and multi-family residential buildings

Street Classification: Graceland Avenue is classified as a major road and under the ownership of the Illinois Department of Transportation (IDOT); Thacker Street is classified as a secondary road and is under the ownership of the City of Des Plaines.

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

Property/Zoning History: The subject property was previously the site of Contour Saws, a manufacturing facility operating from the 1960s to 2020. The property is currently improved with an approximately 105,000 square foot manufacturing facility, consisting of several joined buildings to create one large two-story building. The remainder of the property consists of surface parking.

Sanborn maps from the 1920s indicate this site was previously a subdivision with half acre tracts of land with single-family detached residences.<sup>1</sup> In the early 1960s the Contour Saws facility began operating at this site, using existing buildings and constructing additional buildings. Functionally, the facility is one joined building, including an original residence from the 1920s subdivision previously used for the office of Contour Saws. Zoning between the late 1920s and present day has shifted from residential to commercial to manufacturing on this property. The property is currently owned by Contour Saws and is unoccupied.

On September 20, 2022, a No Further Remediation (NFR) letter was issued for the property from the Illinois Environmental Protection Agency (IEPA). An NFR letter signifies that, while the site may have previously contained contaminants that exceeded state or federal limits, the IEPA does not deem this site to constitute a significant risk of harm. The NFR letter was pursued in response to a Phase II environmental review completed in 2016 indicating presence of contaminants in soil and groundwater, associated with the previous use at this property.

After review of a Remedial Action Plan prepared in 2022, an NFR Letter was issued by IEPA stating the property is approved for residential, commercial, or industrial land use. However, any NFR letter typically specifies actions necessary for safe use of the property. For this property, the controls include the development of a safety plan for construction of the building to limit worker exposure, and the necessary asphalt/concrete barriers and types of foundation necessary for buildings. All of the controls must be maintained to maintain the certification of the NFR; if any violation of the controls is observed, the letter will be voided and enforcement actions would be implemented by the IEPA. The petitioner is aware of the NFR Letter and designed the project to be compliant with all the controls required to be in place.

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<sup>1</sup> 1924 Sanborn Map of Des Plaines

Project Description:

*Overview*

The petitioner is Luz and Associates, which is the contract purchaser of the subject property, along with the Contour Saws parking lot on the other side of Graceland. They are proposing to build a 50-unit townhouse development and a private, publicly accessible park on the property.

*Proposal*

The proposal includes the removal of all existing buildings and structures to redevelop the subject property into a 50-unit townhouse Planned Unit Development (PUD). The proposed development consists of eight separate three story townhouse buildings with various numbers of units depending on the building. A publicly accessible, privately owned park is proposed at the north corner of the development with landscaped areas throughout the development. Refer to Architectural Plan attachment. The anticipated unit mix will be 33 three-bedrooms and 17 two-bedrooms, with a unit size ranging from approximately 2,200 to 2,500 square feet each. Refer to Floor Plan attachment. Each unit will have a two-car, attached garage and thirteen surface parking spaces are provided for guests on the site.

**MAP AMENDMENT**

Request Description:

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 the conceptual project at this site. The Site Plan Review contributes to the overall assessment of a zoning map amendment, demonstrating the feasibility of a specific project with this zoning. Refer to the Site Plan Review section of this report and associated attachments.

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

The M-2, General Manufacturing zoning district is intended to accommodate a diversity of industrial uses. Out of all of the industrial districts, M-2 permits the largest number of different uses, allowing for 23 uses permitted by right (meaning no zoning

entitlement process) and 24 conditional uses. A broad variety of uses are allowed by right, including light and heavy manufacturing, warehouses or distribution facilities, or food processing establishments.

Few available properties exist in Des Plaines with the range of transit, recreational, and commercial opportunities available within walking distance, making this site an ideal location for additional residential versus commercial or manufacturing development. Within a half-mile of the property (an approximate 8–15-minute walk for the average person<sup>2</sup>), the following services are available. Refer to Amenities and Services Map attachment for further details.

Service	
Transit	Des Plaines Metra Station platform; Pace Bus Stops for Lines 226, 230, and 250, and the PULSE Dempster Line
Downtown Commercial Area	Restaurants, grocery store, retail/personal services including dentist, optometrist, urgent care, physical therapist, private gym, and salons
Schools (private and public)	Central Elementary School, Willows Academy, Little Bulgarian School, Islamic City Center of Des Plaines Academy
Parks	Centennial Park, Central Park, Paroubeck Park, Potowatomie Park
Public Buildings	Library, City Hall

A change to the zoning would be necessary to allow residential uses on this property. No residential uses are permitted within the M-2 zoning district. An analysis of the various options for residential zoning districts is necessary to determine what is best suited for this site. Below is a table of residential zoning districts and the residential uses permitted within them.

A change to the zoning would be necessary to allow residential

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<sup>2</sup> Bohannon, R. W. (1997). Comfortable and maximum walking speeds of adults aged 20-79 years: reference values and determinants. *Age and Ageing*, page 17.

uses on this property. No residential uses are permitted within the M-2 zoning district. An analysis of the various options for residential zoning districts is necessary to determine what is best suited for this site. Below is a table of residential zoning districts and the residential uses permitted within them.

<b>Residential Districts Use Matrix</b>				
<i>Use</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>
Single Family Detached	P	C*	C*	C*
Townhouse	Not permitted	Not permitted	P	P
Two-family (duplex)	Not permitted	P	Not permitted	Not permitted
Multi-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-1 and R-2 zoning districts would restrict the density of residential units at the property, limiting the development potential. As the name suggests, the R-1, Single Family Residential district limits the number of dwelling units to one dwelling unit per parcel. The R-2, Two-Family Residential district similarly limits the number of dwellings to two units per parcel. To allow for more than one or two residences on this 3.13-acre property, the property would need to be subdivided. If the property were subdivided to meet the R-1 or R-2 bulk standards, it is unlikely the property could produce 50 units, even with a planned unit development. Comparatively, a townhouse or multi-family development would supply a greater number of units in the same amount of space, creating a more efficient and economical option for this location. For the contemplated project, the R-3 zoning district was selected by the petitioner because this zoning best fits the intended scale and purpose of the development.

*Demographic Trends and Accommodating an Aging Population*

The existing housing stock throughout the city is predominantly single-family residential and the Comprehensive Plan states it is a goal to maintain this stock of high-quality single family residential property within the city. However, the detached single family housing type is an increasingly unaffordable product for many existing and future residents. In comparison, townhouses provide additional housing stock at a more financially attainable scale due to the smaller size and reduced maintenance cost.



An important goal of 2019 Comprehensive Plan is to provide avenues to allow residents to age-in-place and improve accessibility. As of 2015, the percentage of Des Plaines residents 50 or older was 40.2%, compared to the regional average of 31.4%.<sup>3</sup> According to the U.S. Census Bureau, this percentage is likely to grow, with one in five Americans at retirement age by 2030.<sup>4</sup> Households approaching retirement are frequently interested in downsizing to limit maintenance costs and reduce monthly housing costs to meet limitations of fixed incomes. Supplying a diverse housing stock in this area provides the option for seniors to continue living within the city. A residential development in this location would be close enough to facilities and services for an aging population to independently complete activities of daily living, with many amenities available within walking or transit distance.

With these considerations regarding the location of the property near multi-family properties and zoning, the proximity to numerous private and public services, and the goals of the Comprehensive Plan focused on providing diversity of housing stock and providing accessible and attainable options for residents, senior or otherwise, the R-3 zoning district is a suitable fit for this property.

#### Site Plan Review

##### *Proposed Project Overview*

The petitioner proposes 50 townhouse units, including 33 three-bedroom units and 17 two-bedroom units and a publicly accessible, private park space. The proposed development is one of two for the former Contour Saws properties. The parking lot of the former Contour Saws facility is proposed to be a 56-unit multifamily development; a petition to change the zoning from C-3 to R-4 was recommended for approval by the Planning and Zoning Board (PZB) on July 25, 2023.

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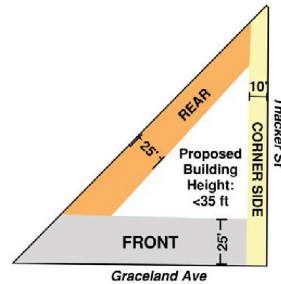
<sup>3</sup> Des Plaines 2019 Comprehensive Plan, Page 32

<https://www.desplaines.org/home/showpublisheddocument/162/637612522934400000>

<sup>4</sup> U.S. Census Bureau (2018) *Older People Projected to Outnumber Children for First Time in U.S. History*,

<https://www.census.gov/newsroom/press-releases/2018/cb18-41-population-projections.html>

This type of development is a permitted use in the proposed R-3 Townhouse, with a PUD. The below diagram illustrates staff's interpretation of where the required yards are located for this property, as noted in Section 12-7-2 and defined in Section 12-13-3.



<b>R-3 -Central Core Residential District Bulk Standards</b>		
<i>Bulk Controls</i>	<i>Required</i>	<i>Proposed</i>
Maximum height	45 ft.	34 ft.
Minimum front yard	25 ft.	12 ft. <sup>1</sup>
Minimum corner side	10 ft.	10 ft.
Minimum rear yard	25 ft.	25 ft.
Minimum lot width	55 ft.	516.72 ft
Minimum lot area	2800 sq. ft. per dwelling unit * 50 units = 140,000 sq. ft.	130,406 sq. ft. <sup>2</sup>

<sup>1</sup> Exception request with PUD to reduce required front yard.

<sup>2</sup> Exception request with PUD to reduce minimum lot area. Publicly accessible private parking lot excluded from total lot area.

*Site Plan Review Standards*

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 Site Plan attachment.

<b>Site Plan Review</b>	
<i>Item</i>	<i>Analysis (based on Proposal)</i>
<p>The arrangement of structures on the site</p>	<ul style="list-style-type: none"> <li>• Places buildings along the street frontage, rather than garages or surface parking. The design presents better cohesion with the buildings surrounding it by placing the building at approximately the same distance from the property line as the existing building and the adjacent existing and proposed multi- family buildings. The proximity of the building to the street also provides better surveillance within the neighborhood, with windows facing the residential neighborhood and providing additional “eyes on the street.”</li> <li>• The design of each townhouse includes a two car, attached garage, providing covered parking in a more compact manner than surface parking. Guest spaces are located in the center of the property. The site layout minimizes view of the parking area and interior roadway, with the buildings as the primary focus along the street.</li> <li>• A subdivision is requested as part of this request. Improvements deemed necessary in the area adjacent to a subdivision can be required pursuant to Section 13-3-2.L. The improvements required to serve this development are discussed in the Public Works and Engineering (PWE) Department Memo attachment. Improvements are required prior to completion of the development or within 2 years of the recorded subdivision. A summary of the improvements includes replacement of a water main in a portion of Graceland Avenue, construction of pedestrian bump out and flashing pedestrian signage at the intersection of Thacker and Laurel, replacement of a streetlight on Graceland Avenue, and grinding and resurfacing Thacker Street as well as replacement of any damaged public sidewalk.</li> </ul>
<p>The arrangement of open space and landscape improvements</p>	<ul style="list-style-type: none"> <li>• Landscaping is provided around and within the development meeting zoning requirements. In addition, a park space is proposed, as noted on the plans and the Park Concept Plan attachment. Refer to Landscape Plane attachment for details on landscaping.</li> <li>• Parkway trees and landscaping proposed along Graceland Avenue, where none currently exist.</li> <li>• A Solid wood fence is proposed along the railroad track to screen the railroad from the development. A condition of approval requires an open fence at the northwest corner of the park to alleviate any sight obstruction between the railroad and Thacker Street.</li> </ul>

<p>The adequacy of the proposed circulation system on the site</p>	<ul style="list-style-type: none"> <li>• Several driveways will be closed along Graceland Avenue, with one driveway entrance/exit proposed on Graceland Avenue and one along Thacker Street. The existing driveway along Thacker is not aligned with Laurel Avenue. The proposed plan aligns the driveway to this street. The closure of these extra driveways and replacement with a parkway and walkway improves safety and comfort of pedestrians along Graceland and Thacker.</li> <li>• Pedestrian circulation is provided by numerous walkways from Graceland and Thacker from each unit to the existing public sidewalk or to sidewalks within the development. The proposed plan includes bump outs at the intersection of Thacker and Laurel to improve pedestrian safety to and from the publicly accessible park and the adjacent neighborhood.</li> <li>• Vehicular circulation is provided by interior, private roads accessed from two driveways, one along Graceland Avenue and one along Thacker Street. The roads are 26 feet in width, exceeding the maximum required width (22 ft) for a two-way drive aisle per Section 12-9-6.</li> <li>• Parking meets the off-street parking requirements of Section 12-9-7, providing two spaces per residential unit (50 garage spaces) and one space per four units (13 guest spaces, in surface parking area) which is the minimum required amount.</li> <li>• It is anticipated, as discussed in the petitioner's response to standards and the provided traffic study, that the proximity of the site to numerous transit options and a bike route along Thacker St, will reduce dependence on automobiles for this project.</li> </ul>
<p>The location, design, and screening of proposed off-street parking areas</p>	<ul style="list-style-type: none"> <li>• Attached garages are proposed with each unit, facing interior, private roads within the development rather than connecting to the street. The proposed site is situated in such a way that guest parking is located in the middle and has minimal visibility from Graceland Avenue and Thacker Street. Landscaping is provided along driveways.</li> </ul>
<p>The adequacy of the proposed landscaping design on the site</p>	<ul style="list-style-type: none"> <li>• All required landscaping in terms of foundation landscaping, parkway landscaping, and overall site landscaping are provided (pursuant to Sections 12-10-6, 12-10-7 and 12-10-10). Landscaping, either turf, bushes or trees are provided throughout the development. Refer to Landscape Plan.</li> <li>• The park along Thacker Street is proposed to be a publicly accessible park space, providing additional landscaping and recreational opportunities.</li> </ul>

<p>The design, location, and installation of proposed site illumination</p>	<ul style="list-style-type: none"> <li>• Photometric plan demonstrates conformance with Section 12-12-10, with no more than 0.2-foot candles spilling over the property line in any location, well within the limits of the zoning ordinance.</li> <li>• The parking lot is properly illuminated, with at least 0.1 footcandles in any parking area, meeting requirements of Section 12-9-6.G. A condition of approval is to provide additional illumination at the driveways entering the development on Graceland Avenue and Thacker Street.</li> </ul>
<p>The correlation of the proposed site plan with adopted land use policies, goals, and objectives of the comp. plan</p>	<ul style="list-style-type: none"> <li>• Does not fit the manufacturing use illustrated by the Comprehensive Plan; however, the 2019 plan was written under the assumption that the Contour Saw facility would continue operating.</li> <li>• The proposed plan supports the following goals (refer to M-2 Zoning and Suitability of the Site for Proposed R-3 Zoning section of this report for further details): <ul style="list-style-type: none"> <li>○ Goal 4.1. Ensure the City has several housing options to fit diverse needs.</li> <li>○ Goal 4.3 Provide new housing at different price points.</li> </ul> </li> <li>• In addition to housing goals, the proposed development meets economic goals of the city by providing additional property tax revenue compared to the existing use of the site. Refer to the Tax Projections attachment.</li> <li>• The creation of a separate parcel for a privately owned, publicly accessible park provides additional recreational opportunities, which is supported by the Comprehensive Plan.</li> </ul>

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Effort to improve community engagement and transparency surrounding new, large developments within Des Plaines, the City provided numerous opportunities for residents to review the proposal and provide input. To provide regular project updates, a webpage on the city website was created: [desplaines.org/contourplace](https://desplaines.org/contourplace). On June 6, 2023, the Planning and Zoning Board hosted a public workshop to provide the developer, board, and the public an opportunity to review plans and provide input into the proposed development at this location and the former Contour Saws facility to the north of this property. During the July 25, 2023 PZB meeting, the petitioner provided an updated site plan depicting townhouses instead of multi-family residential buildings. The project webpage was launched prior to the PZB workshop to share details about the proposed projects and includes a public input form to continuously gather community comments. Refer to Public Comment attachment for all public comments.

**PLANNED UNIT DEVELOPMENT (PUD)**

Request Description:

*Overview*

The proposed development includes eight separate “principal buildings.” Section 12-13-3 of the Zoning Ordinance defines a “principal building” as “a nonaccessory building in which a principal use of the lot, on which it is located, is conducted.” Pursuant to Section 12-7-1.A, not more than one principal building or structure can be located on a zoning lot, except in certain cases. In this circumstance, a planned development, as defined below, is the only case suitable for the proposal.

“A development occurring on a parcel under single ownership or unified control which is developed as a unit and includes two (2) or more principal buildings or uses and is processed under the planned development procedure of this title” (Section 12-13-3).

The purpose of a PUD is to promote a unified development by providing flexibility in development standards to accommodate site conditions and encourage innovative use of land. Certain characteristics are required by Section 12-3-5.A of the Zoning Ordinance, which are listed below along with staff’s assessment of each in relation to the attached Preliminary PUD Plat provided by the petitioner.

<b>Preliminary PUD Plat Review</b>	
<i>Item</i>	<i>Analysis (based on Proposal)</i>
A maximum choice in the types of environments available to the public by allowing a development that would not be possible under the strict application of the other sections of this title	Allows for construction of a development on an irregularly shaped parcel and provides an additional housing option with increased density and multiple principal buildings that is not permitted without a PUD in the Zoning Ordinance.
Permanent preservation of common open space and recreation areas and facilities	Creates a publicly accessible, private park where none exists currently. Landscaping and open space is provided around and between residential units and the private road as well as along Graceland Avenue, where landscaping was limited or non-existent before.
A pattern of development to preserve natural vegetation, topographic and geologic features	No significant natural vegetation, topographic or geologic features exist on site that would be beneficial to maintain. However, allowing for additional buildings breaks up the site so landscaping can be provided between buildings and sufficient area is available for a park and open space.
A creative approach to the use of land and related physical facilities that results in better development and design and the construction of aesthetic amenities	Building design/layout provides a defined separation between paved areas and common space; provides adequate screening between these areas and neighboring lots.
An efficient use of the land resulting in more economic networks of utilities, streets and other facilities	Reduces curb cuts onto both streets and ties into existing utilities and facilities.  The traffic study provided by the petitioner (refer to attachments) did not indicate any substantial impact to traffic in the area compared to the manufacturing use previously operating in this location for decades.

<p>A land use which promotes the public health, safety, and general welfare</p>	<p>Transforms a presently vacant site with dilapidating manufacturing structures to create a use that includes more visual appeal, additional landscaping and recreational opportunities, and adds additional residential housing stock in a suitable area.</p>
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*Prerequisites: Location, Ownership, and Size*

PUDs are authorized in all zoning districts in the City subject to the regulations in Section 12-3-5 of the Zoning Ordinance and are required to be under single ownership and/or unified control. While the subject property is currently not owned by the petitioner, the petitioner does intend to take ownership of the property upon approval of the requests in this application. Because the development will involve rental units with one property management and maintenance entity, a Homeowner’s Association (HOA) is not required at this time; however, a condition of approval states if the development is subdivided into separate, fee-simple townhouse units, an HOA must be established to manage and maintain the proposed PUD.

*PUD Bulk Exceptions*

As identified in the R-3 Bulk Regulations table, the proposal does not meet the minimum front yard size and does not meet the minimum lot area, requiring a PUD exception from Section 12-3-5.C.2 (Perimeter Yards) and Section 12-3-5.C. The exceptions allow for a development that efficiently uses the irregularly shaped parcel in a way that would not be possible under the strict application of the code.

*Parking Requirement*

Pursuant to Section 12-9-7, a townhouse (single-family attached) residential use requires a minimum of two off-street parking spaces per dwelling unit plus one common guest space for every four dwelling units. The proposed 50-unit PUD requires a minimum of 100 off-street parking spaces and 13 common guest spaces. The attached PUD Site Plan indicates two covered off-street garage spaces for each unit and guest parking provided by thirteen standard spaces, including one accessible space in an interior parking area of the development.

**TENTATIVE PLAT OF SUBDIVISION**

Request Description:

*Overview*

The proposal includes a consolidation of the property from eight lots to two lots. One lot will be 130,406 square feet, proposed to be developed with the townhouses and associated structures. A second lot, 6,182 square feet, is proposed to be a publicly accessible, private park space. The attached Tentative Plat of Subdivision, titled 1217 Thacker Street Consolidation, shows the location and boundaries of each lot.

### *Easements*

The Tentative Plat shows both existing and proposed easements. Proposed easements include storm sewer, watermain, sanitary sewer, and a general public utility and drainage easement, depicting both drainage on the site and the proposed unground vault to accommodate stormwater.

### *Subdivision Improvements*

The Department of Public Works and Engineering (PWE) has provided comments (attached) based on the submittal. The memo states the following is required with this subdivision, to be finalized at the final plat of subdivision stage:

1. Grind and re-surface eastbound lane on Thacker Street.
2. Add 8" water main to replace 4" water main along a portion of Graceland Avenue.
3. Add pedestrian crosswalk crossing on Thacker Street including a bump-out, striping, and Rectangular Rapid Flashing Beacons (RRFB).
4. The sole streetlight along Graceland Avenue must be replaced and electrical conduit undergrounded. The petitioner will work with staff and ComEd to coordinate this replacement.

Section 13-3-2 of the Subdivision Ordinance discusses required improvements for subdivided properties and timelines for the improvements. Improvements are approved by the City Council during the final plat of subdivision process and financial guarantees for improvements are included within the resolution.

In addition, Section 13-4-2 of the Subdivision Ordinance discusses dedication of park lands and/or fees in lieu for subdivisions. The publicly accessible, private park will count for a portion of the required park land dedication and any remainder will require a fee in lieu, to be calculated at the time of final plat of subdivision, approved by the Park District, and included with the final approved City Council resolution to subdivide the property.

Note the petitioner's request is for a Tentative Plat only at this time. The steps for Final Plat are articulated in Sections 13-2-4 through 13-2-8 of the Subdivision Regulations. The Final Plat of Subdivision will occur at a later date and will be a concurrent process with the Final PUD plat. All necessary dedications, fees, and necessary improvements will be outlined in the final subdivision resolution.



## **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;**

The Comprehensive Plan was written in 2019 when the Contour Saws facility was still operating. Due to the manufacturing facility's longstanding operations in Des Plaines, the Comprehensive Plan did not envision this area to be used for anything else. However, the proposed amendment and development would meet 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. to "Demographic Trends and Accommodating an Aging Population" and "M-2 Zoning and Suitability of the Site for Proposed R-3 Zoning" sections of this report for further details. In addition to housing goals, the proposed development meets economic goals of the city by providing additional property tax revenue compared to the existing use of the site. Refer to the Tax Projections attachment.

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

The subject property is adjacent to R-4 zoning to the northeast and south and is close to several multifamily developments. The area is in close proximity to numerous services within walking, biking or transit distance. Refer to Amenities and Services Map attachment. Any proposed development would need to meet all building material and design requirements outlined in Section 12-3-11 – Building Design Review, including requirements for face brick, which will be similar in material to the many adjacent single family and multi-family residential buildings in this neighborhood.

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

An engineering and utility plan was prepared with this application. Based on the provided site plan, City engineering staff did not indicate any concerns with the adequacy of public facilities or services being available to meet the needs of this proposed development.

A traffic impact study was provided with this application to assess impacts of the proposed development (Refer to Traffic Study attachment). The study indicated the traffic generated by this use would not create a significant impact on the surrounding street network.

It is important to note the previous use of this property was a manufacturing use, including a parking lot on site with a large loading/unloading dock into the facility, approximately 25 parking spaces on site, and over one hundred spaces in a surface parking lot across the street (Site B of this development), while the proposed residential development provides 90 spaces within attached garages on the townhouses and 16 guest spaces. At minimum, this development brings less potential for vehicles to be travelling in and out of the site at peak hours versus large trucks delivering or picking up in the loading dock and over one hundred employees of a manufacturing facility. Parking meets the off-street parking requirements of Section 12-9-7, providing 106 spaces, which is in excess of the minimum required amount.

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

The proposed map amendment would allow for residential uses on a property that has been zoned manufacturing within a residential area for decades and operated as a more intensive use in the past. A building that provides additional residential options for the area and follows the Building Design Standards outlined in the Zoning Ordinance creates a more appealing urban design for the neighborhood versus a large manufacturing facility.

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

The current use of this property is a vacant manufacturing facility that is unlikely to be filled with another similar manufacturing business. Providing a residential use for the property, particularly a use that capitalizes on the close proximity to downtown Des Plaines and the various amenities associated with the area, would present a more efficient and effective way to use this property. As discussed in the Demographic Trends and Accommodating an Aging Population section, the City needs to promote opportunities that increase housing stock for a diversity of populations in the area, both in the short term and long term. Amending the zoning district for this property, regardless of the proposed project, provides an additional opportunity to construct a townhouse development, a transitional density development between single family residential and multi-family residential buildings and with the necessary services to support this type of use.

**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 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 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:**

The proposed townhouse PUD generally aligns with the stated purposes of PUDs as analyzed in the Preliminary PUD Plat Review table above with a proposed multiple principal building development, designated open spaces and landscaping and separate vehicular and pedestrian areas, all of which foster public health, safety, and general welfare for residents. Refer to Petitioner's Response to Standards for a full analysis of how the development meets each standard.

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

The proposal meets the ownership/unified control and size requirements in the Zoning Ordinance.

**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:**

The proposal meets the majority of the bulk regulations in Section 12-7-2.J of the Zoning Ordinance (See Site Plan Review section above) but requires exceptions from the required front yard and the 2,800-square-foot minimum lot area requirement. The proposed density is a moderate density compared to the surrounding single-family and multi-family developments in the area, providing additional housing stock in the City. The front yard building setback deficiency is located on the south side of the lot, which faces existing and proposed multi-family residential developments with an R-4 zoning and has a smaller required front yard than the R-3 zoning district of this proposed project. Proposed landscaping along the parkway and around the perimeter of the proposed townhouse PUD

provides a buffer between this property and any adjacent uses. In addition, the proposed development improves the current conditions of the subject property.

**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:**

The proposed design of the townhouse PUD and layout of residential buildings allows for recreational space on property, reduces the number of curb cuts, concentrates vehicular traffic in the center of the development, and encourages pedestrian activity on Graceland Avenue and Thacker Street by extending walkways from each townhouse to the public sidewalk.

Refer to the Traffic Study for details on anticipated traffic impact. The development is not anticipated to generate traffic that exceeds the amount of traffic previously generated for the industrial development at this property. In addition, no changes are proposed to the adjacent railway and at grade crossings. Questions were raised from members of the community about the proximity of the development to the rail line. The development is not proposed to be any closer than the existing development to the railroad track, and much of the area adjacent to the track is proposed to be open space. There are two at grade crossings adjacent to the property. Per documents from the Federal Railroad Administration crossing inventory, 22 trains a day (on average) pass along the rail line adjacent to the property. Accident history at these crossing indicates a total of five accidents associated with the crossing have occurred since 1975, and no accident reports have been filed within the last decade<sup>5</sup>.

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

The proposal creates a moderate density residential development compared to the surrounding single-family and multi-family developments in the area, creating a transitional density on this property and providing additional housing stock in the City. The proposed development redevelops an industrial property--that no longer fits within this residential neighborhood and is near the commercial areas in downtown Des Plaines--and provides transit options to support the economic vitality of the area.

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

The proposal would provide additional housing stock that helps to increase the tax base for the City and improve the economic well-being of Des Plaines. It would also provide extra economic benefit through utility and public service fees that are currently not eligible for the subject property at this time. Refer to the Real Property Tax Base Impact attachment provided by the petitioner.

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

The proposal increases housing stock and creates additional housing options for residents, which aligns with the housing goals and objectives of the Comprehensive Plan. It also redevelops an unoccupied industrial property in an area close to commercial and transit opportunities, which is promoted by the Comprehensive Plan.

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<sup>5</sup> Federal Railroad Administration Office of Safety Analysis – Crossing Inventory and Accident Reports for Crossings 689657J and 689658R - Revision Date 07/05/2023; accessed from <https://safetydata.fra.dot.gov/OfficeofSafety/PublicSite/Crossing/Crossing.aspx>

### **PZB Procedure and Recommended Conditions:**

Under Section 13-2-3 (Planning and Zoning Board's Procedure) of the Subdivision Regulations, the PZB has the final authority to approve, approve with conditions, or deny the Tentative Plat of Subdivision request at 900 Graceland Avenue and 1217 Thacker Street.

Under Section 12-3-5.D.2.c (Procedure for Review and Decision for PUDs) and 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, approve with modifications, or deny the Map Amendment and Tentative Planned Unit Development (PUD) at 900 Graceland Avenue and 1217 Thacker Street. The City Council has final authority on these requests.

The PZB should take the following motions. The zoning motions can be combined or taken individually:

#### *Zoning Recommendations to City Council*

- A motion pursuant to Section 12-3-7.E of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the proposed Map Amendment;
- A motion pursuant to Section 12-3-5.E of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the request for a Conditional Use for a Preliminary PUD, with exceptions for minimum required front yard and minimum lot area; and

#### *Subdivision Approval (Tentative Plat)*

- A motion pursuant to Section 13-2-2 of the Subdivision Regulations to approve, approve with conditions, or deny the Tentative Plat of Subdivision.

If the PZB recommends approval, staff recommends the following conditions for the Tentative PUD.

### **Conditions of Approval:**

1. In the event the property is sold, and a property owner desires to sell separate, fee-simple townhouse units, a Plat of Subdivision will be necessary to create separate lots and a Homeowner's Association or similar unified control entity must be established along with any covenants, conditions, and restrictions governing maintenance of common areas.
2. At time of submission for final subdivision and PUD plat, all public improvements must be noted on plans and all engineering comments addressed to the satisfaction of the Director of Public Works and Engineering.
3. At time of submission for final subdivision and PUD Plat, the landscape plan must be revised in the park area closest to Thacker Street between Laurel Avenue and the railroad track. Bushes and a semi- open fence (wrought iron or chain link) should be placed around the north corner of the proposed park to allow visibility for traffic from Thacker Street.

4. At time of final subdivision and PUD Plat, the photometric plan must be revised to include lighting at the entrances of both driveways. Any new lighting must be in conformance with Section 12-12-10 of the Zoning Ordinance.
5. Each townhouse unit shall have separate water and sanitary sewer services.
6. All electrical lines on the property must be installed underground.

Chair Szabo swore in Rolando Acosta, Attorney, Keith Lee, Architect with FitzGerald Architects and Javier Millan, KLOA representative.

Mr. Acosta presented an overview of the proposed project.

Mr. Lee reviewed the site design. The proposed development consists of 50 townhomes: 33 two-bedrooms and 17 three-bedrooms. All townhomes are three stories with an internal garage. Parking on the interior of the development limits the need for curb cuts. One curb cut aligns with the existing street across Thacker Street, which is Laurel Avenue. Because the townhomes are front facing there will be more 'eyes on the street'. A park is proposed for the north side of the property and parkway trees will be added along Graceland Avenue. Most of the material used is brick, with limited fiber cement. The façade is undulating with alternating colors and changing angled rooflines.

Mr. Millan explained that the traffic study was conducted in the morning and evening, at 10 locations, during the peak hours of 8:00-9:00 a.m. and 4:45-5:45 p.m. The study also included the railroad crossing at Graceland Avenue. During the morning peak hours, there were three crossing events. During evening peak hours there were four railroad crossing events. Traffic did not back up beyond Laurel Avenue in the morning but did once in the evening for a duration of 45 seconds.

Mr. Acosta highlighted the proposal. There are few sites available for such a proposal. This proposal meets the Comprehensive plan goals for differentiated housing. Building to the R-3 with 11' less building height than that code would allow and with a reduction of the required lot square footage. If the park could be included – and it can't because it's a separate subdivision – it would be just 2% less than the requirement of square footage space. The current improvements are almost all building and pavement. They are providing the park, plus publicly available improvements such as a bump out pedestrian crossing on Thacker Street that includes signage with flashing lights, replacement light with buried electric on Graceland Avenue, among other improvements planned. The 113 parking spaces meet all the City of Des Plaines requirements.

Member Weaver questioned how long the developer will be involved once the project is completed. Mr. Acosta explained that the petitioner plans to build and own the development. The development will be managed by a third-party property management company after construction is complete.

Senior Planner Redman highlighted items from a slide presentation.

Mr. Millan answered questions asked by Member Catalano.

Member Veremis asked if the apartments at Graceland Avenue and Webford Avenue were considered in the traffic study. Mr. Acosta responded that the development was not included specifically, because they were not aware of it, but the study does factor in additional traffic generated by future projects.

John Jossund, 926 S. Graceland Avenue, is a representative of Owl Lumber located next to the proposed development and has been at that location for 34 years. Mr. Jossund is concerned that residents may complain about the noise from the lumber company. There is a dust collector that sounds like a jet engine in the morning.

Rick Wilson, 1340 E. Walnut Avenue, opposes the development for two reasons: density and traffic. Mr. Wilson asked if the pedestrian bump out on Thacker Avenue will cause loss of a traffic lane. Ms. Redman responded that it would not and reviewed the exhibit on the slide.

Oscar Hernandez, 1095 Oakwood, does not feel that the traffic study is accurate. The study addresses the Metra trains, but not the freight trains that back up traffic. Mr. Hernandez addressed speeding in the area and does not believe that renters have the same at stake as an owner.

Hannah Pair, 774 Arlington Avenue, provided videos of the trains to staff and explained that there is a loud noise when the train goes over the crossing. Ms. Pair also expressed concern over a transformer that is located too close to the buildings, pet owners not picking up after their pets, and requested a sign be erected on the corner for a pedestrian crossing.

Govana Baig, 880 Lee, stated that she understands that noise is always a challenge for the builder, however particular material and landscaping can be used to minimize the sound. She approves of the development; townhomes typically attract middle-class families with jobs, not short-term renters.

Mary Scanlon, 828 Graceland, is concerned about the additional traffic and the fact that the units are rentals. Ms. Scanlon would prefer a development geared towards senior citizens and believes that the traffic study is inaccurate. The crossings are closed for more than 51 seconds when a Metra train passes the crossing.

Joe Weber, 944 Margaret Street, would like the Planning and Zoning Board to consider more open space as further developments come into the City.

Ahmed Kadir, 880 Lee Street, approves the project because of the law of supply and demand and the stability to property taxes. Less restrictive zoning in the past has made Des Plaines more affordable than our neighboring towns. Mr. Kadir believes they should continue to allow these projects and ignore the vocal minority. This proposed development decreased from 100 down to 50 units already, lessening the traffic.

Francine Grossi, 1591 E Thacker, requested the website address for this project. Ms. Redman informed the public that if anyone has a comment to please send her an email or enter it through the public input form on [desplaines.org/contourplace](http://desplaines.org/contourplace). All comments go directly to staff so the comments will be incorporated with staff review and included in the PZB staff report packet.

Mr. Acosta responded to the questions from the public. The traffic study showed that there will be 38 fewer vehicular trips in the morning, 56 fewer in the afternoon, 242 trips fewer in a week than if Contour Saws reopened, or if there was another commercial/industrial use at the location. A greenbelt and a fence will separate the townhomes from Owl Lumber.

Mr. Millan explained that this project will produce 50% less traffic during the peak hours and 35-40% less on a daily basis than it would be for industrial or commercial use. No accidents are reported from 2018 to 2022 at Thacker Street and Laurel Avenue. Unfortunately determining traffic from freight trains is difficult since they are not on a time schedule. Only Metra trains were included as part of the traffic study.

Member Saletnik asked what the size of a condo was in the initial plan compared to the new townhome proposal. Barry Sidel, Petitioner, was sworn in. The original plan was comprised of 122 apartments of 800-900 square feet and a 4-5 story building. The townhouses have an average size of 2,000-2,200 square feet including the garage. The monthly rent is \$3,800 to \$4,000. A property management company will take care of the property. Mr. Sidel is looking for long-term renters; it costs too much to be without a tenant.

Member Saletnik would like the interiors reworked. He has concerns with the master bedroom being too small and a lack of storage.

Member Veremis said the townhomes that she's recently toured are similar, not very large, and that this is common in the market right now.

Mr. Sidel responded that this is the same layout as an apartment of that size. The pricing has to be matched with square footage. If there is more square footage, then the cost will go up. These are priced and designed for the market, but he will take these concerns into account and discuss this with his architect.

**A motion was made by Board Member Weaver, seconded by Board Member Catalano pursuant to Section 12-3-7.E of the Zoning Ordinance to recommend approval to the City Council a Map Amendment for 900 Graceland Avenue and 1217 Thacker Street.**

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

NAYES: None

ABSENT: Fowler

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

**A motion was made by Board Member Weaver, seconded by Board Member Catalano pursuant to Section 12-3-5.E. of the Zoning Ordinance to recommend approval to the City Council a Conditional Use for a Preliminary PUD, with exceptions for minimum required front yard and minimum lot area with the conditions in the staff report.**

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

NAYES: None

ABSENT: Fowler

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

**A motion was made by Board Member Weaver, seconded by Board Member Catalano pursuant to Section 13-2-2 of the Subdivision Regulations to approve the Tentative Plat of Subdivision**

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

NAYES: None

ABSENT: Fowler

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

**2. Address: Citywide**

**Case Number: 23-061-TA**

The City of Des Plaines is proposing amending the Zoning Ordinance to clarify regulations for landscape buffers on properties located in the C-4 district that abut residential properties.

PINs: Citywide

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

Case Number: #23-061-TA

Background: Chapter 10 of the Zoning Ordinance, “Landscaping and Screening,” was created to “preserve and enhance the appearance, character, health, safety, and general welfare of the community by fostering aesthetically pleasing development...” [and] “...increase the compatibility of adjacent uses, and minimize the adverse impact of noise, dust, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted on or created by adjoining or neighboring uses.” (Section 12-10-1 of the Zoning Ordinance)

To achieve this purpose, Section 12-10-9 of the Zoning Ordinance was created to specify landscape buffer requirements for properties with more intensive uses such as higher density residential districts and properties in non-residential districts that abut properties in the R-1 Single Family Residential and R-2 Two-Family Residential districts to provide screening in between the two districts. The landscape buffer/screening requirements vary based on the type of zoning district that abuts an R-1 or R-2 district as indicated on the following table. However, the landscape buffer/screening requirements include the installation of a minimum five-foot-wide non-paved landscape buffer and opaque fence for the entire length of the property line of the more intensive district that abuts the R-1 or R-2 district.

<b>Section 12-10-9.C - Landscape Buffer Requirements</b>		
<b>Zoning District Abutting a R-1 or R-2 district</b>	<b>Buffer Width</b>	<b>Buffer Improvements</b>
R-3 Townhouse Residential, R-4 Central Core Residential, or MH-1 Mobile Home Park districts	5 feet	<ul style="list-style-type: none"> <li>• Solid wood, vinyl, or masonry fence not exceeding six feet in height.</li> <li>• Remaining landscape buffer not covered by the fence must be maintained as turf or other ground cover.</li> </ul>
C-1 Neighborhood Shopping and C-2 Limited Office Commercial districts	5 feet	<ul style="list-style-type: none"> <li>• Shade trees, a minimum of two and one-half inches in caliper, must be planted on an average of one tree for every 30 feet of the yard length.</li> <li>• A solid wood, vinyl, or masonry fence eight feet in height shall be erected along one 100 percent of the yard length.</li> <li>• The remaining landscape buffer area not planted with trees shall be maintained as turf or other ground cover.</li> </ul>



C-3 General Commercial, M-1 Limited Manufacturing, M-2 General Manufacturing, or M-3 Special Manufacturing districts	5 feet	<ul style="list-style-type: none"> <li>• Shade trees, a minimum of two and one-half inches in caliper, shall be planted on an average of one tree for every 30 feet of the yard length.</li> <li>• A solid wood, vinyl, or masonry fence eight feet in height shall be erected along one 100 percent of the yard length.</li> <li>• A solid wood, vinyl, or masonry fence eight feet in height shall be erected along one 100 percent of the yard length.</li> </ul>
I-1 Institutional district	5 feet	<ul style="list-style-type: none"> <li>• The landscape buffer shall contain the following improvements: Shade trees, a minimum of two and one-half inches in caliper, shall be planted on an average of one tree for every 30 feet of the yard length.</li> <li>• A solid wood, vinyl, or masonry fence eight feet in height shall be erected along one 100 percent of the yard length.</li> <li>• The Landscape buffer area not planted with trees shall be maintained as turf or other ground cover.</li> </ul>

Currently, properties in the C-4 Regional Shopping district are exempt from the landscape buffer requirements. However, many properties in the C-4 district directly abut or are adjacent to properties in the R-1 or R-2 districts. Staff has also received complaints regarding existing fences on some C-4-zoned properties that are in disrepair and are not providing proper screening between different districts. As such, staff is proposing to adjust the landscape buffer table above to add the C-4 district, requiring properties in this district to comply with the landscape buffer regulations currently in place for properties in the C-3, M-1, M- 2, and M-3 districts.

**Proposed Amendments**

The full proposed amendments are attached and are summarized below:

**Section 12-10-9, Landscape Buffers:** Adjust subsection C of this section to regulate landscape buffers for properties located in the C-4 Regional Shopping district the same way as currently regulated for properties in the C-3, M-1, M-2, and M-3 districts. The landscape buffer regulations that will apply are as follows:

- Shade trees, a minimum of two and one-half inches in caliper, shall be planted on an average of one tree for every 30 feet of the yard length.
- A solid wood, vinyl, or masonry fence eight feet in height shall be erected along one 100 percent of the yard length.
- The landscape buffer area not planted with trees shall be maintained as turf or other ground cover.

**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.

- 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 landscape buffer regulations in between different districts to address a current gap in the Zoning Ordinance. As many C-4-zoned properties directly abut or are adjacent to R-1 and R-2 districts, the proposed amendments require appropriate screening mechanisms to strengthen the transition between uses to reduce adverse effects on neighboring properties, which the Comprehensive Plan strives to achieve.

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

The proposed amendments provide further consistency in screening regulations city-wide and align with the existing landscape buffer regulations currently in place for similar zoning districts, such as the C-3 General Commercial district. The amendments focus on furthering screening mechanisms in between large commercial buildings often found in the C-4 district with lower density residential development to soften the transition between these two different uses.

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

The proposed amendments would not impact the public facilities and services available to properties located within the C-4 district, but rather extend the existing buffer regulations to the C-4 district. The existing regulations also provide accommodation for pedestrian connections between the two uses as necessary.

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

It is not anticipated that the proposed amendments will have any adverse effect on surrounding properties, but rather an improved and softened transition between differing uses that decreases adverse effects.

- 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 properties in the C-4 district that are already in place for other districts in Des Plaines. The amendments purpose is to provide an adequate buffer in between varying uses and foster commercial site design in a way that is consistent with the surrounding neighborhood.

**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.

Senior Planner Stytz reviewed the case slides and provided an overview of the proposed amendments.

Member Weaver stated that after reviewing the zoning map can see where the buffers are missing and is support of making this correction.

Legal Counsel Weiss explained that the existing areas that do not have fences will be legal non-conforming. If there is a major redevelopment, then the developer would have to install a fence at that time.

**A motion was made by Board Member Weaver, seconded by Board Member Hofherr to approve Section 12-10-9, Landscape Buffers: Adjust subsection C of this section to regulate landscape buffers for properties located in the C-4 Regional Shopping district as recommended by staff.**

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

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

Senior Planner Redman requested a meeting date for a public workshop pertaining to a mixed-use development at 414 E. Golf Road. The consensus was to schedule the workshop for November 28, 2023 at 7:00 p.m.

### **ADJOURNMENT**

The next scheduled Planning & Zoning Board meeting is Tuesday November 14, 2023.  
Chairman Szabo adjourned the meeting by voice vote at 8:45 p.m.

Sincerely,  
Laura Fast, Deputy City Clerk/Recording Secretary  
cc: City Officials, Aldermen, Planning & Zoning Board, Petitioners



MEMORANDUM

Date: November 9, 2023  
To: Planning and Zoning Board (PZB)  
From: Samantha Redman, Senior Planner *SR*  
Cc: Ryan Johnson, Assistant Director of Community and Economic Development *RJ*  
Subject: Standard Variation at 1775 Elm Street

**Issue:** The petitioner has requested a standard variation to vary from the building coverage requirements to allow for construction of a garage that would result in building coverage in excess of 30 percent for an interior lot in the R-1 Single-Family Residential District.

**Applicant:** Gene Johnson, 1775 Elm Street, Des Plaines, IL 60018  
**Owner:** Gene Johnson, 1775 Elm Street, Des Plaines, IL 60018  
**Case Number:** 23-063-V  
**PIN:** 09-29-211-066-0000  
**Ward:** #6, Alderman Mark Walsten  
**Existing Zoning:** R-1, Single Family Residential  
**Existing Land Use:** Single family residence  
**Surrounding Zoning:** North: R-1 Single Family Residential District  
South: R-1 Single Family Residential District  
East: R-1 Single Family Residential District  
West: R-1 Single Family Residential District  
**Surrounding Land Use:** North: Single Family Dwellings (Residential)  
South: Single Family Dwellings (Residential)  
East: Single Family Dwellings (Residential)  
West: Single Family Dwellings (Residential)  
**Street Classification:** Elm Street is classified as a local road.

**Comprehensive Plan:** The Comprehensive Plan illustrates the site as single family residential.

**Zoning/Property History:** The subject property at 1775 Elm Street currently consists of a 780 square foot, one-story house on a 3,125-square-foot lot that is non-conforming in terms of width and size for an R-1-zoned property. Based on historical records, this property was part of Ira Brown’s Subdivision recorded in the late 1800s<sup>1</sup> and historic aerials indicate this house, or a similar structure, have been located on the property since at least 1931, although the Cook County Assessor states the building was constructed in 1903. The property existed as the only house on the 1700 block of Elm Street for several decades.<sup>2</sup> The narrowness of the property is within the character of the original subdivision, which created 25-foot-wide, 125-foot-long lots, consistent with standard lot dimensions in the late 1800s for many urban environments. In fact, many houses in this neighborhood stretch across two 25-foot-wide lots, as the consolidation of parcels is not necessary to construct a building, provided the parcels have are contiguous, with the same zoning and under single ownership (“Lot” defined in Section 12-13-3). The existing house has likely abutted property lines throughout its known history, without any setback from the side and rear lot lines.

An unimproved alley is located to the east of the property; historic aerials indicate a portion of the alley from Riverside Avenue to 1748 Illinois Avenue was improved in approximately the 1970s.<sup>3</sup> However, the alley improvements never stretched to the portion of Elm Street behind the subject site and there are no current plans to improve this alley. A depressed curb is located in front of this property; however, no evidence of a prior driveway or garage was discovered by staff.

A portion of the house was demolished with a permit in September 2022. A permit was issued in February 2023 for interior and exterior alterations to the house, which are currently in progress. A condition of approval requires exterior maintenance to be completed and the house weatherproofed prior to issuance of permit for the garage. A hard surface permit was issued in October 2023 and concrete construction is nearing completion.

**Project Description:**

*Overview*

The subject property consists of a single-story, single-family residence located in the R-1 zoning district. The lot and structure are both non-conforming and subject to Section 12-5-4 and 12-5-6 of the Zoning Ordinance. The petitioner is currently undergoing renovations on the exterior and interior of the house. Refer to Site and Context Photos attachment. The request is to vary from the 30% building coverage requirement for R-1 zoning districts to allow for a building coverage of 35.2% where 30% is allowed. This request is associated with a proposed 320 square foot garage (Refer to Proposed Elevations and Floor Plan attachment).

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<sup>1</sup> “Real Estate – Suburban Interests and the Outlook for 1875”, Chicago Daily Tribune, April 18, 1875, page 5, <https://newspaperarchive.com/chicago-daily-tribune-apr-18-1875-p-5/>

<sup>2</sup> Historic Aerials, 1931-1961 Aerials, [historicaerials.com](http://historicaerials.com)

<sup>3</sup> Historic Aerials, 1972 Aerial, [historicaerials.com](http://historicaerials.com)

*Accessory Structure Requirements and Minor Variation*

A garage is classified as an “accessory structure” which is regulated by Section 12-8-1. The location and size of the garage meets most requirements for an accessory structure, with the exception of the side yard. A minor variation granted by the Zoning Administrator is required to approve a variation to reduce the side yard to allow the garage to be located 4 feet instead of the required 5 feet from the property line.

Building code requires any structure constructed less than five feet from the property line to meet certain fire rating requirements; for the proposed garage, a fire rated wall and overhangs must be installed for any portion less than 5 feet from the property line. During the building permit review process and inspection, City staff will confirm the structure will meet these requirements.

Accessory structures must be located behind the “principal building line” which in this circumstance is 25 feet from the property line or the typical required front yard for an R-1 zoned property. To locate a garage on the property, the garage must be located 25 feet from the property line. The proposed site plan indicates the garage will be 25 feet from the property line to meet this requirement and to match the existing setback of neighboring buildings from the property line.

*Standard Variation Request*

A variation to the minimum building coverage requirement is necessary to allow for the construction of a 320-square-foot garage on this property. A standard variation allows the PZB to vary maximum lot requirements, including building coverage, by not more than 20 percent. Therefore, the maximum excess in building coverage the PZB can authorize with a standard variation is 6 percent. The requested relief is 5.2 percent to allow for building coverage of 35.2 percent. Refer to Proposed Site Plan attachment.

<b>R-1 District Standards</b>	<b>Requirement</b>	<b>Existing / Proposed</b>
Maximum Height	2 ½ stories to 35 feet	< 35 feet
Minimum Front Yard	25 feet	Existing House: 70.5 feet Proposed Garage: 25 feet
Minimum Side Yard	5 feet	Existing House: 0 feet <sup>1</sup> Proposed Garage: 4 ft <sup>2</sup>
Minimum Rear Yard	25 feet	Existing House: 9.5 feet <sup>1</sup> Proposed Garage: 80 feet
Minimum Lot Width	55 feet	25 ft <sup>1</sup>
Minimum Lot Area	6,875 square feet	3,125 square feet <sup>1</sup>
Maximum Building Coverage	Maximum 30 percent	Existing: 780 square feet <b>25 percent</b> Proposed: 1100 square feet <b>35.2 percent<sup>3</sup></b>

<sup>1</sup> Existing non-conformity; no changes proposed to house or lot

<sup>2</sup> Minor variation required

<sup>3</sup> Standard variation requested

### *Driveway and Off-Street Parking Requirements*

When the residence was constructed in the early 20<sup>th</sup> century, no zoning ordinance existed within Des Plaines. Current zoning regulations for single family residences require two off-street parking spaces. This property does not have any off-street parking, although on-street parking is allowed on both sides of Elm Street.

An unimproved alley is located adjacent to the rear property line, which was likely intended to be improved when this area was originally subdivided in the late 19<sup>th</sup> century. An alley would have allowed for rear vehicle access to the property, which would have reduced the amount of impervious surface on the subject property. However, the lack of improved alleyway requires any off-street parking to be accessed from the front and the paving of the driveway in the front yard.

At some point in history, a depressed curb was added along Elm Street in front of this property, although Staff could not locate evidence of a previous driveway or an apron being located on or adjacent to the property. The depressed curb combined with the lack of paved surface have contributed to several code enforcement violations for vehicles parking on the front lawn; vehicles must be parked on a dust-free hard surface pursuant to Section 12-9-6.B.3.k. and without a driveway, on-street parking is the only permitted option for parking of any vehicles associated with the property.

Staff approved a driveway permit for a 20-foot-wide driveway and associated apron. If the standard variation is not approved, the proposed accessory structure will be required to either be reduced or the permitted driveway will need to come into conformance with requirements for properties without garages. Section 12-9-6 limits driveways without a garage or carport to be up to 20 feet in width, no longer than 40 feet long, and with evergreen shrubs planted on the exterior of the driveway.

**Variation Findings:** Variation requests are subject to the standards set forth in Section 12-3-6.H. 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. 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:* If the standard variation is not approved, it is unlikely the property will be able to construct a parking structure. The hardship is related to the size of the property, which provides limitations in terms of building coverage due to the small lot. Regardless of whether a garage is constructed, the property will encounter issues meeting the building coverage requirement if the house is expanded or any accessory structure added. The garage provides for space for both vehicles and any associated storage on the property and the building coverage is less than the maximum relief the PZB can grant with a standard variation.

PZB Additions or Modifications (if necessary): \_\_\_\_\_  
\_\_\_\_\_.

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

*Comment:* The property is a “non-conforming lot” in terms of lot width and area. The minimum required size of an R-1 property is 6,875 square feet, which is 45% larger than this lot. For an average size lot, 2,062 square feet of a property could be covered with buildings (including houses and any accessory structures). For this lot, the maximum area that could be covered with buildings is 937 square feet. The existing house is 780 square feet without a basement, smaller than most modern houses. To not exceed the 30 percent requirement, the maximum size of an accessory structure could be 157 square feet. The petitioner selected a 320 square foot one-car garage that is smaller than a typical garage and fits within the scale of the property.

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:* The unique physical condition is not the result of the current owner or previous owners. There is not a way for the petitioner to expand the property to relieve the building coverage limitations since the property is landlocked.

PZB Additions or Modifications (if necessary): \_\_\_\_\_  
\_\_\_\_\_.

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

*Comment:* Carrying out the strict letter of the code would prevent the petitioner from constructing a garage to provide a covered off-street parking area, which is privilege many neighboring property owners are able to enjoy. Although it is not a right of residents to have covered parking on their property, it is a desirable feature and provides a more aesthetically pleasing environment for the neighborhood versus uncovered parking.

PZB Additions or Modifications (if necessary): \_\_\_\_\_  
\_\_\_\_\_.



5. **Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right 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:* The variation request would not provide the petitioner with any special privilege that is not already enjoyed by many of the surrounding property owners. The size and narrowness of the lot creates limitations, and the property owner intends to construct a smaller than average garage (one-car, 320 square feet total in size).

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 request would result in the future development of this site that would be in harmony with the surrounding neighborhood, providing an enclosed parking structure where none exists and efficiently using this space. The proposed garage will be located along the same building line as the neighboring properties and conceals vehicles and any associated materials within the garage.

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:* As discussed in standard 2, it would be challenging to construct any type of garage with the size limitations presented by this unique lot. The option would be to either reduce the size of the structure, so it meets the coverage requirements, or not construct the garage and revise the driveway to meet zoning requirements.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

\_\_\_\_\_.

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

*Comment:* The variation request is the minimum measure of relief needed in terms of building coverage. A separate minor variation can be approved for a reduced setback of the structure.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

\_\_\_\_\_.

**PZB Procedure:**

*Standard Variation*

Under Section 12-3-6(F) of the Zoning Ordinance (Standard Variations), the PZB has the authority to approve, approve subject to conditions, or deny the request. The decision should be based on review of the information presented by the applicant and the standards and conditions met by Section 12-3-6(H) (Findings of Fact for Variations) as outlined in the Zoning Ordinance.

**Condition of Approval:**

1. Prior to issuance of building permit for the garage, all exterior walls of the principal structure (house) shall be free of holes, breaks, and loose or rotting materials and must be weatherproof and properly surface coated where required to prevent deterioration. A city inspection is required to confirm this condition is met prior to issuance of building permit for garage.

**Attachments:**


- Attachment 1: Location and Zoning Map
- Attachment 2: Site and Context Photos
- Attachment 3: Petitioner's Response to Standards
- Attachment 4: Plat of Survey
- Attachment 5: Proposed Site Plan
- Attachment 6: Proposed Elevations and Floor Plan




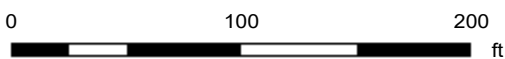
**Legend**

 Project Location

Zoning

 R-1: Single Family Residential

 R-3: Townhouse Residential



Print Date: 11/5/2023

**Notes**

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

Site and Context Photos



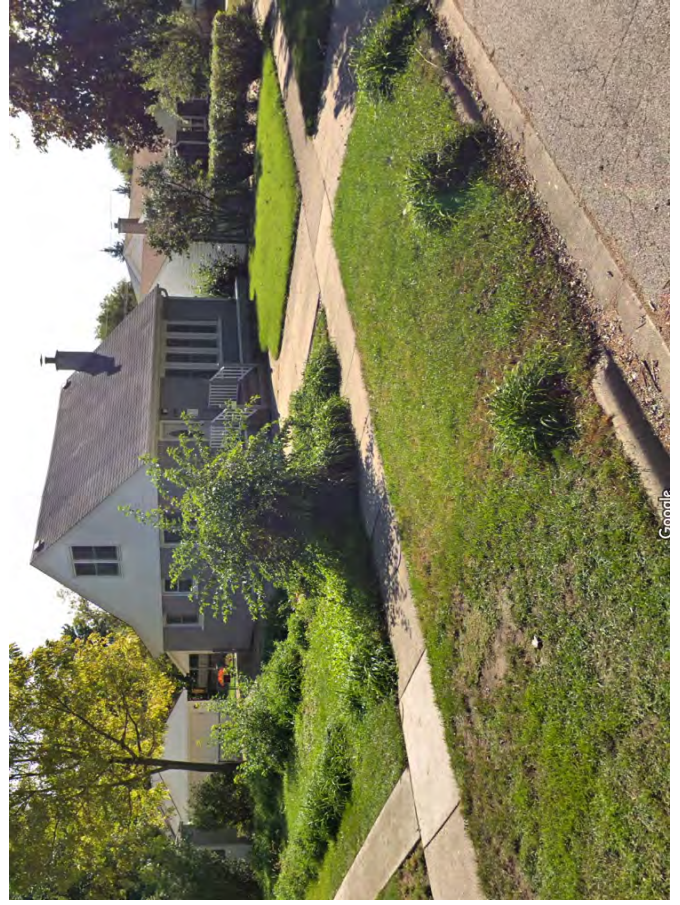
Public Notice Sign



View of driveway pre-pour conditions, photo facing 1767 Elm Street



View of approved hard surfaces including driveway, apron and concrete pad



View of previous conditions of site prior to driveway work, including depressed curb

## STANDARDS FOR VARIATIONS

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.

This lot is unusually narrow (25 feet wide) and does not include alley access to allow for a garage or driveway in the rear. No off-street parking is available on the property currently. To allow for a one-car garage at the smallest available size, a minor variation was necessary to reduce the required setback for an accessory structure from 5 feet to 4 feet and allow for building coverage that exceeds the maximum. A standard variation is requested because, due to the size of this smaller lot, it limits the size of overall structures on the property with the 30% rule.

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.

The property is unusually narrow with an unimproved alley in the rear, limiting space on the property and the location of the garage.

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.

The owner purchased the property as is, and did not make the property smaller and thereby limiting how much of the lot can be covered by buildings.

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.

This property would be denied the ability to construct a parking area, including a covered garage, if they were not permitted to construct this garage.

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.

This property is unusually small and narrow with physical limitations from the unimproved alley, limiting the location of any off-street parking. This would not be special privilege, it would allow the property to have the same rights and privileges of other residential properties.

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.

A standard variation for lot coverage will be required prior to the construction of the garage. The minor variation for this project allowed the concrete foundation to be poured prior the winter months, and then allow the property owner to pursue a variation in the meantime.

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.

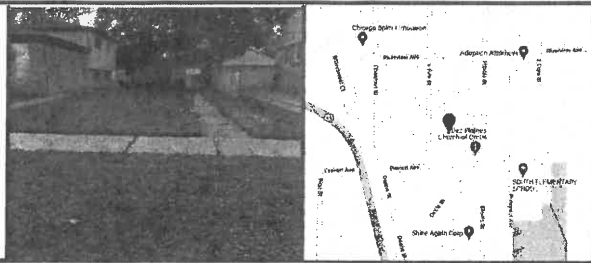
Another remedy would be a driveway constructed in this location. However, it would not allow for the coverage of the parking area or improvements with the garage.

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.

A minor variation is required to locate the garage 1 foot closer to the property line than allowed.



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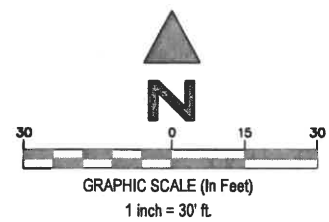
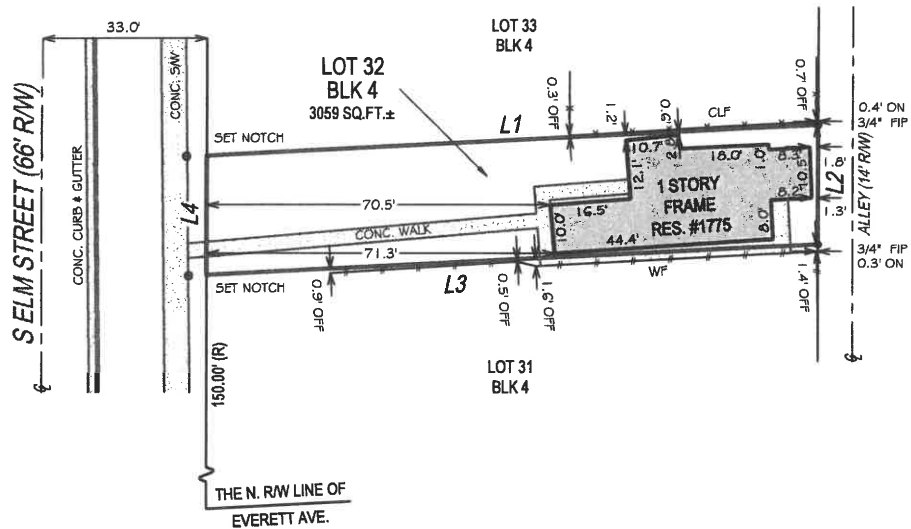


PROPERTY ADDRESS: 1775 S ELM STREET, DES PLAINES, ILLINOIS 60018

SURVEY NUMBER: 2208.1579

22081579  
BOUNDARY SURVEY  
COOK COUNTY

LINE TABLE:  
L1 125.00' (R)  
N 87°06'20" E 125.00' (C)  
L2 25.00' (R)  
S 0°00'17" W 24.52' (M)  
L3 125.00' (R)  
S 87°07'25" W 125.00' (C)  
L4 25.00' (R)  
N 0°00'00" E 24.48' (C)



STATE OF ILLINOIS }  
COUNTY OF LASALLE }SS

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. GIVEN UNDER MY HAND AND SEAL THIS DATE HEREON.



ILLINOIS PROFESSIONAL LAND SURVEYOR No. 2971  
LICENSE EXPIRES 11/30/2022  
EXACTA LAND SURVEYORS, LLC  
PROFESSIONAL DESIGN FIRM 184008059-0008

POINTS OF INTEREST:  
NONE VISIBLE



Exacta Land Surveyors, LLC  
PLS# 184008059  
o: 773.305.4011  
316 East Jackson Street | Morris, IL 60450

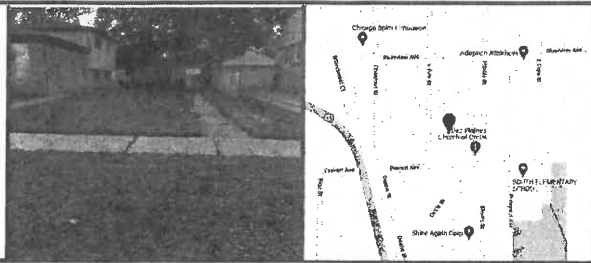


DATE OF SURVEY: 08/23/22  
FIELD WORK DATE: 8/22/2022  
REVISION DATE(S): (REV.0 8/23/2022)

SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION  
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES



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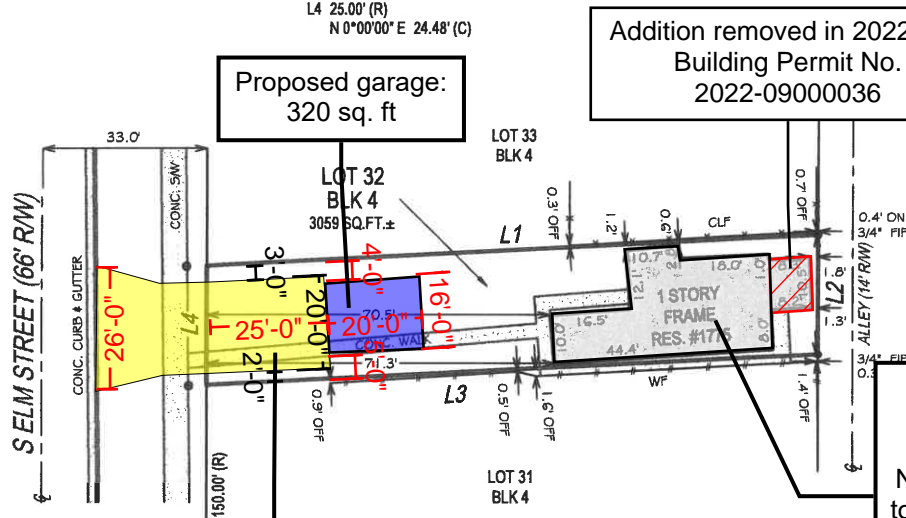


PROPERTY ADDRESS: 1775 S ELM STREET, DES PLAINES, ILLINOIS 60018

SURVEY NUMBER: 2208.1579

22081579  
BOUNDARY SURVEY  
COOK COUNTY

LINE TABLE:  
L1 125.00' (R)  
N 87°06'20" E 125.00' (C)  
L2 25.00' (R)  
S 0°00'17" W 24.52' (M)  
L3 125.00' (R)  
S 87°07'25" W 125.00' (C)  
L4 25.00' (R)  
N 0°00'00" E 24.48' (C)

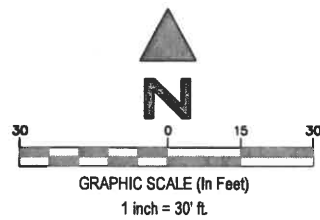


Proposed garage:  
320 sq. ft

Addition removed in 2022 with  
Building Permit No.  
2022-09000036

Existing house:  
780 sq. ft  
No changes proposed  
to size. Building Permit  
No. 2022-01300200  
issued for exterior and  
interior alterations

Driveway and  
proposed "foundation"  
approved with hard  
surface permit,  
Building Permit No.  
BLDX-2023-00539



STATE OF ILLINOIS }  
COUNTY OF LASALLE }SS

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. GIVEN UNDER MY HAND AND SEAL THIS DATE HEREON.

*Warren D. Johnson*



ILLINOIS PROFESSIONAL LAND SURVEYOR No. 2971  
LICENSE EXPIRES 11/30/2022  
EXACTA LAND SURVEYORS, LLC  
PROFESSIONAL DESIGN FIRM 184008059-0008

POINTS OF INTEREST:  
NONE VISIBLE



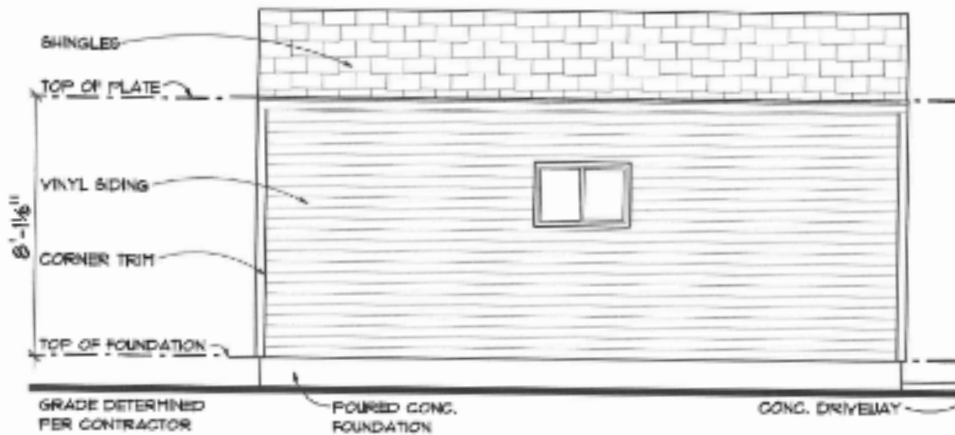
Exacta Land Surveyors, LLC  
PLS# 184008059  
o: 773.305.4011  
316 East Jackson Street | Morris, IL 60450



DATE OF SURVEY: 08/23/22  
FIELD WORK DATE: 8/22/2022  
REVISION DATE(S): (REV.0 8/23/2022)

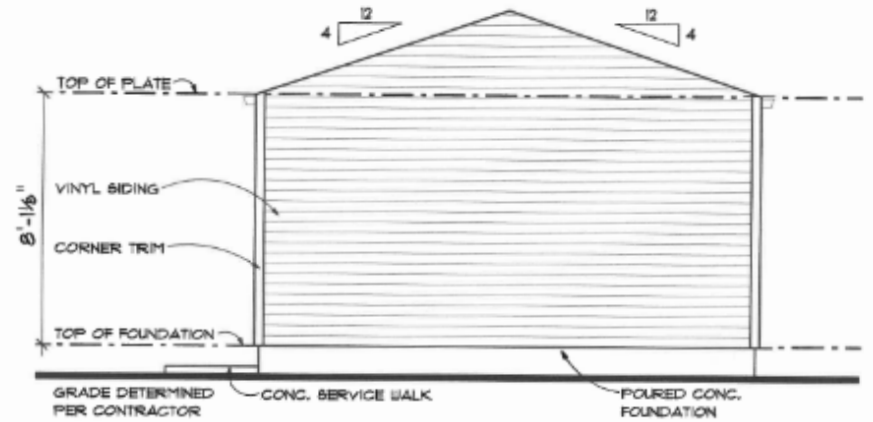
SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION  
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES





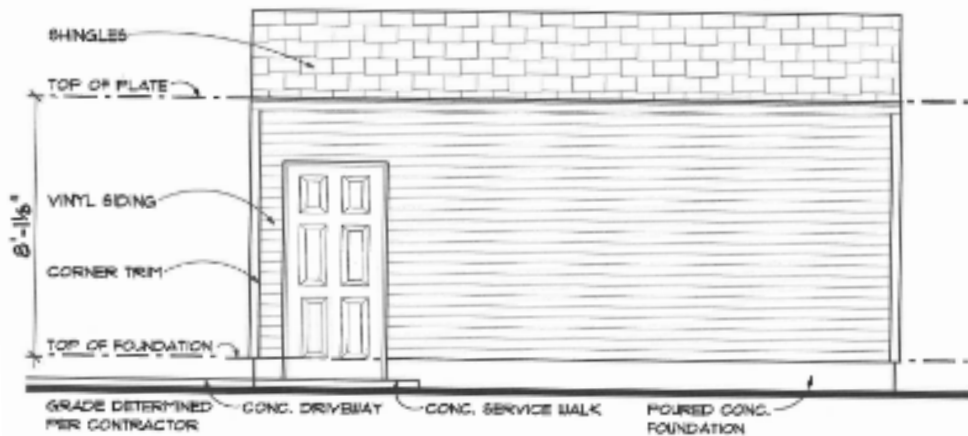
### LEFT ELEVATION

SCALE: 1/4" = 1'-0"



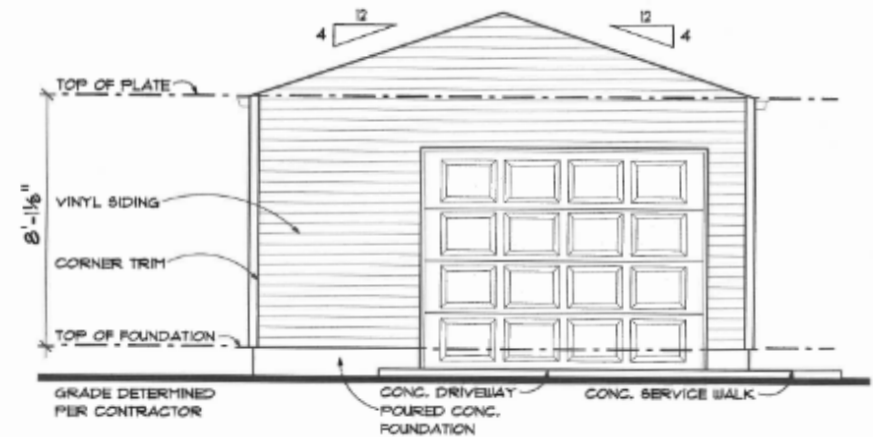
### REAR ELEVATION

SCALE: 1/4" = 1'-0"



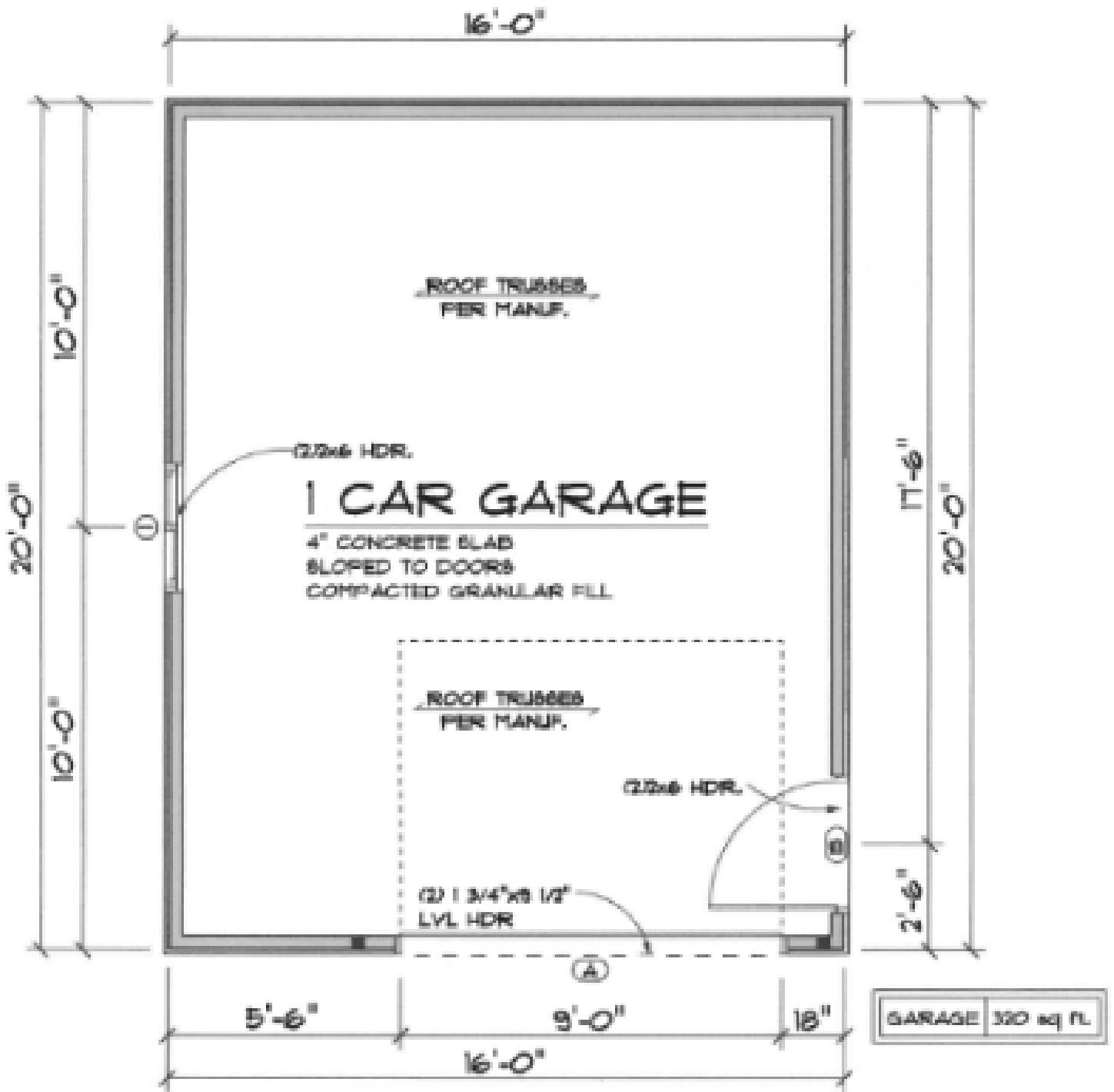
### RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



### FRONT ELEVATION

SCALE: 1/4" = 1'-0"



# MAIN LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"



MEMORANDUM

Date: November 9, 2023  
To: Planning and Zoning Board (PZB)  
From: Samantha Redman, Senior Planner *SR*  
Cc: Ryan Johnson, Assistant Director of Community and Economic Development *RJ*  
Subject: Standard Variation at 2174 South Chestnut Street Unit A

**Issue:** The petitioner has requested a standard variation to reduce the front yard from 25 to 15 feet (40 percent reduction) to allow for a patio in the R-1 Single-Family Residential District.

**Petitioner:** Maria Gallardo, 2174 South Chestnut Street Unit A, Des Plaines, IL 60018  
**Owner:** Maria Gallardo, 2174 South Chestnut Street Unit A, Des Plaines, IL 60018  
**Case Number:** 23-062-V  
**PIN:** 09-29-409-193-0000  
**Ward:** #5, Carla Brookman  
**Existing Zoning:** R-3, Townhouse Residential District  
**Existing Land Use:** Townhouse  
**Surrounding Zoning:** North: R-3, Townhouse Residential District  
South: R-3, Townhouse Residential District  
East: M-2, General Manufacturing District  
West: R-3, Townhouse Residential District  
**Surrounding Land Use:** North: Townhouses  
South: Townhouses  
East: Warehouse / retail store (Restaurant Depot)  
West: Townhouses  
**Street Classification:** Chestnut Street is classified as a local road.  
**Comprehensive Plan:** The Comprehensive Plan illustrates the site as single family residential.

**Zoning/Property History:** This property currently consists of one townhouse unit within a six-unit townhouse building. The townhouse is within the Terrsal Park development, originally subdivided in 1959 and constructed in the early 1960s.<sup>1</sup> The area has been zoned for townhouses since 1959.

A 4-foot-tall, chain link fence was installed around the property with a permit in 2009. Other permits approved for this unit and surrounding units have included exterior and interior repairs and repair/replacement of sidewalks. The patio requested with this standard variation was installed without a permit in 2022 and there is an open code enforcement case to address this issue. The petitioner requested a building permit in 2023 for this patio, but it did not pass zoning review due to the issues outlined in this staff report.

**Project Description:**

*Overview*

The subject property at 2174 South Chestnut Street Unit A is a townhouse unit located within the Terrsal Park development. The building is two stories, partially enclosed by a four-foot-tall chain link fence and the PIN is associated with one assigned parking space in the common parking area of the development.

*Standard Variation Request*

The requested relief is to reduce the required front yard by 10 feet to allow a patio to be located in this area. A standard variation allows the Planning and Zoning Board (PZB) to reduce required yards between 30 percent and 100 percent of the required size; the requested relief is reducing the front yard from 25 to 15 feet, or a 40 percent reduction. A patio was installed in 2022 without a building permit in the required front yard and relief is necessary to allow the patio to remain. If the standard variation is not granted, the property owner will be required to remove the existing patio.

*Required Yards and Permitted Obstructions*

All properties have “required yards” also known as “setbacks” that are spaces intended to be free of obstruction and provide separation between buildings, structures, and other features. The definition in Section 12-13-3 reflects this purpose:

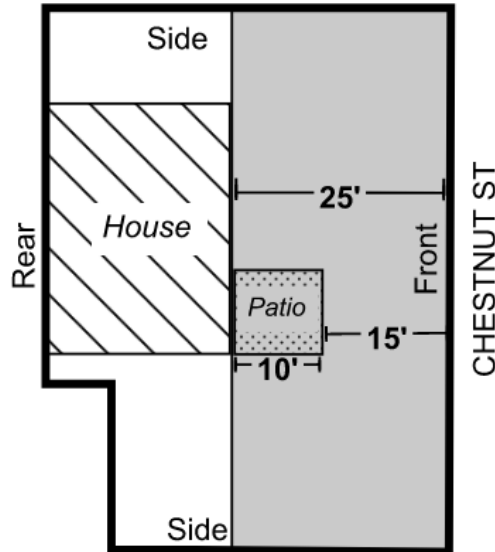
YARD: An open space on a zoning lot which is unoccupied and unobstructed from its lowest level to the sky.

To meet the intent of a yard, the zoning ordinance limits what can obstruct these areas of intended open space. Section 12-7-1.C includes a table of “Permitted Obstructions in Required Yards.” This table lists various types of structures and how much they can encroach into a required yard. Twenty-five different types of structures can encroach into a required yard, but only 14 types of structures can encroach into the required front yard. A patio is permitted to encroach in side and rear yards if located five feet from the property line, but patios are not permitted in front or corner side yards.

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<sup>1</sup> Historic Aerials, 1961 Aerial, [historicaerials.com](http://historicaerials.com)

Identifying where the required yards are on a property is essential to understanding where buildings and structures can be located on a property during zoning processes, including reviewing building permits. The illustration below demonstrates where staff have interpreted the required front yard to be on the subject property and the area the existing patio is encroaching.



**Variation Findings:** Variation requests are subject to the standards set forth in Section 12-3-6.H. 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. 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:* The hardship for this property owner is the orientation and layout of this property. Due to the arrangement of the townhouse building, the larger yard area fronting Chestnut St cannot be used for a patio or for many other typical residential structures (sheds, gazebos, etc.) because it is within the required front yard. Functionally, this front yard serves as the only private recreational area for the inhabitants of this townhouse.

The area near the front door has some space for a patio area (Refer to Site Context Photos) but the rear of the house abuts the parking area. In addition, this townhouse shares a wall with the adjacent townhouse, further reducing the available area. However, the hardship is not atypical for a townhouse development. The other units within this townhouse building have little to no private outdoor space. Apache Park, a public park located less than 400 feet from the property, was dedicated during the original subdivision process of the Terrsal Park townhouse development and provides recreational space for the neighborhood, including picnic areas and a gazebo that function similarly to the patio at this subject site.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

\_\_\_\_\_.

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

*Comment:* As shown in the yard illustration above, the front yard encompasses the majority of the available private, landscaped area that would typically be available space for a property owner to recreate. The property is bounded by the shared wall of the townhouse unit to the west and the parking area to the south. However, space exists in front of the unit for a patio feature outside of the front yard setback.

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:* The unique physical condition existed prior to the current owner and was present when the buildings were constructed.

PZB Additions or Modifications (if necessary): \_\_\_\_\_  
\_\_\_\_\_.

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

*Comment:* Carrying out the strict letter of the code would prevent the location of a patio in this front yard area. It is not inherently a right to have a patio on a residential property, but the property and layout of the townhouses create limitations in terms of usable space that are not present with other properties within the City.

PZB Additions or Modifications (if necessary): \_\_\_\_\_  
\_\_\_\_\_.

- 5. Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right 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:* It can be argued the petitioner would experience a special privilege by allowing a patio in the front yard where many other properties in the City are not permitted to have this type of yard feature. However, the uniqueness of the lot limits locations for these types of structures and limits the

use of the grassy front yard. As noted in the Patio Exhibit attachment, most other properties along this street have a similar patio in the same location, also installed without permits.

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 request would result in the future development of this site that would be in harmony with the surrounding neighborhood, as most properties along this street have a patio (Refer to the Patio Exhibit attachment). It is important to note that there are no permits for the existing patios on neighboring properties, but they are generally in the same location and scale as the patio at this subject site.

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:* Another remedy would be to re-locate this patio near the front door, outside of the front yard, which would technically fit the 10 by 10 patio. In addition, covered or open decks, porches and landings can encroach into a front yard by 5 feet. A patio is defined as constructed of a “hard surface”, which means if the deck or porch remedy is pursued, the structure would need to be constructed of a different material. Reasonable use of the property is still possible without this variation.

PZB Additions or Modifications (if necessary): \_\_\_\_\_  
\_\_\_\_\_.

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

*Comment:* The variation request is the minimum measure of relief necessary.

PZB Additions or Modifications (if necessary): \_\_\_\_\_  
\_\_\_\_\_.

## **PZB Procedure:**

### *Standard Variation*

Under Section 12-3-6(F) of the Zoning Ordinance (Standard Variations), the PZB has the authority to approve, approve subject to conditions, or deny the request. The decision should be based on review of the information presented by the applicant and the standards and conditions met by Section 12-3-6(H) (Findings of Fact for Variations) as outlined in the Zoning Ordinance.

### **Conditions of Approval:**

1. A plat of survey prepared by a licensed land surveyor must be submitted with the building permit for the subject site.
2. Outdoor storage on the patio is limited to patio furniture and associated yard features like barbecues or movable playground equipment. All other storage must be indoors. No items may be stored on or behind the air conditioning condenser or associated concrete pad.

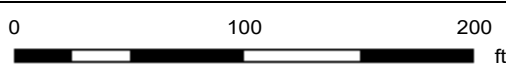
### **Attachments:**

- Attachment 1: Location and Zoning Map
- Attachment 2: Site and Context Photos
- Attachment 3: Petitioner's Response to Standards
- Attachment 4: Plat of Survey
- Attachment 5: Proposed Site Plan
- Attachment 6: Patio Exhibit





- Legend**
- Subject Site
  - Zoning**
  - C-3: General Comm
  - M-2: General Manufacturing
  - R-1: Single Family Residential
  - R-3: Townhouse Residential



Print Date: 11/8/2023

Notes

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.



Public Notice Sign



View of rear of property, including patio and associated parking



View of patio, yard and front of townhouse unit



View of adjacent warehouse building to the east

## STANDARDS FOR VARIATIONS

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.

The orientation of the house to the street limits the use of the available area around the house. This is an attached townhouse with some limited area around the front door for a patio and no functional backyard area. The unit itself is slightly within the front yard setback, further reducing the available area on the property for any residential recreational features like a patio.

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.

Due to the layout, the larger yard area fronting Chestnut St cannot be used for a patio or for many other typical residential structures (sheds, gazebos, etc.) because it is within the required front yard. However, it is not functionally a front yard for the property, and there is functionally no "back yard" because it abuts a walkway and parking area.

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.

The property owner did not create the conditions that limit placement of patios and other residential structures in this area.

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.

If denied, the property would continue to have limitations in the areas that they may construct a patio.

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.

Many other units along this street include this patio feature, although the City has communicated they were constructed without a permit. The uniqueness of the lot limits the available area for setbacks.

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.

Other yard features are permitted in the front yard, but a patio is not. For example, if the patio was composed of wood, it would be classified as a deck and would be permitted in this location.

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.

The remedy would involve removal of the existing patio that has been located on this property for over a year.

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.

With the exception of this standard variation, no other variations are necessary to locate the patio in this area.

# PLAT OF SURVEY

APPROVED  
DRAWING

By

FILE COPY

SEP 25 2000

**JOHN M. HENRIKSEN**  
OF

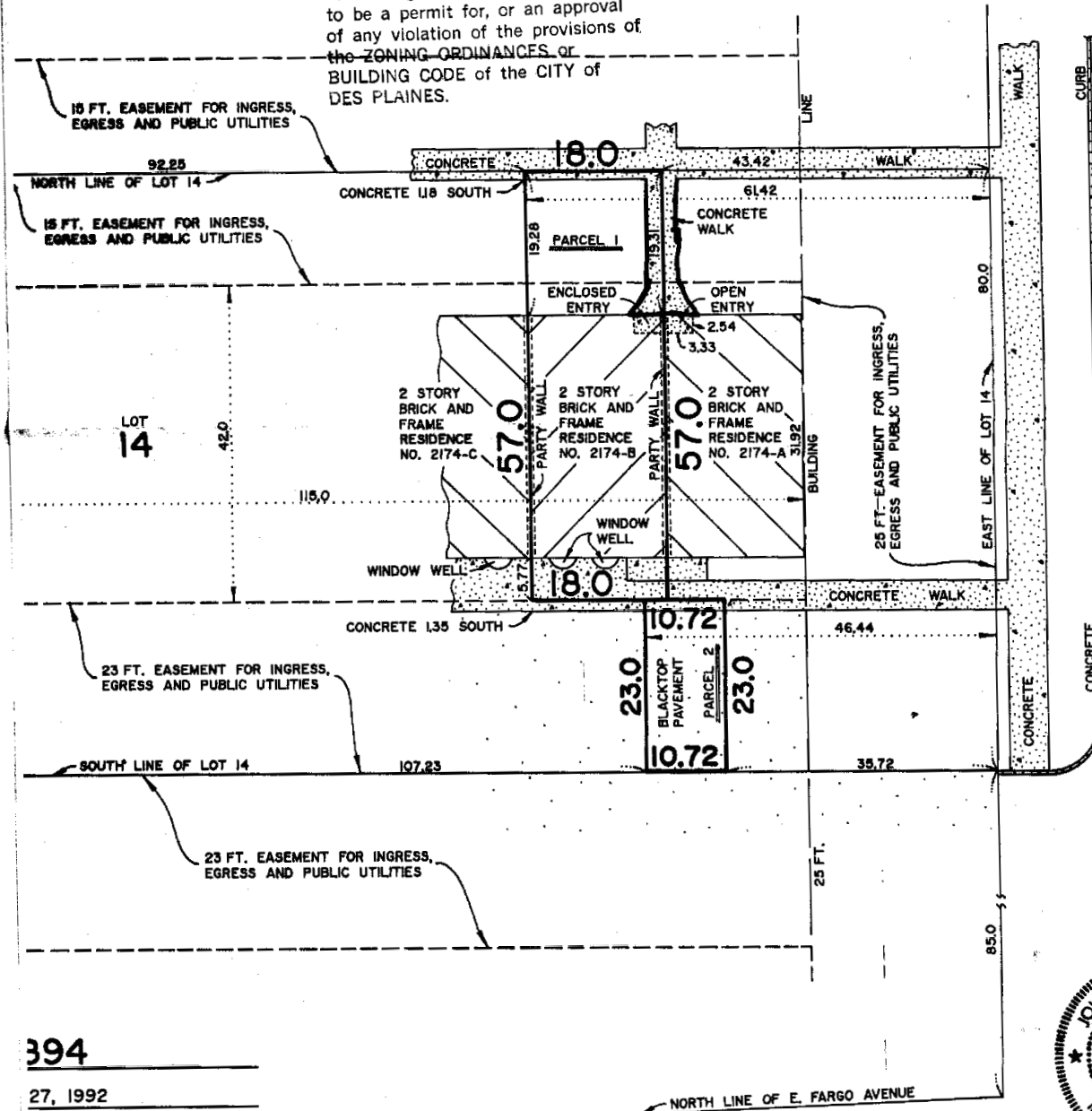


WEST 18 FEET OF THE EAST 61.42 FEET OF THE NORTH 57 FEET OF LOT 14 IN TERRSAL PARK SUBDIVISION OF PART OF THE EAST  
NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL  
MERIDIAN, IN COOK COUNTY, ILLINOIS.

WEST 10.72 FEET OF THE EAST 46.44 FEET OF LOT 14 (EXCEPT THE NORTH 57 FEET THEREOF), IN TERRSAL PARK SUBDIVISION  
EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 12, EAST OF  
THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

EASEMENTS AS SHOWN ON THE PLAT OF TERRSAL PARK SUBDIVISION RECORDED MARCH 19, 1959 AS DOCUMENT 17484786 AND PLAT OF  
THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL  
MERIDIAN, RECORDED MAY 8, 1959 AS DOCUMENT 17532497 AND AS CREATED BY THE DEED RECORDED APRIL 8, 1971 AS DOCUMENT 21444054.

The issuance of a permit or approval  
of drawings shall not be construed  
to be a permit for, or an approval  
of any violation of the provisions of  
the ZONING ORDINANCES or  
BUILDING CODE of the CITY of  
DES PLAINES.



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S. CHESTNUT

**394**  
27, 1992  
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OF HUNDREDTHS OF A FOOT

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91 91/100	92 92/100	93 93/100	94 94/100	95 95/100	96 96/100	97 97/100	98 98/100	99 99/100	100 100/100

STATE OF ILLINOIS  
COUNTY OF COOK

I, JOHN MICHAEL HENRIKSEN, an Illinois Professional Land Surveyor, do hereby certify that I have surveyed the above described property and that the plat hereon drawn is a correct representation of said survey.

Dimensions are shown in feet and hundredths and are correct at a temperature of 68° Fahrenheit.

SHOWN HEREON ARE BUILDING  
CORDED SUBDIVISION PLAT.  
ITIES FOR BUILDING LINES

# PLAT OF SURVEY

APPROVED  
BUILDING

By

FILE COPY

SEP 25 2000

**JOHN M. HENRIKSEN**  
OF

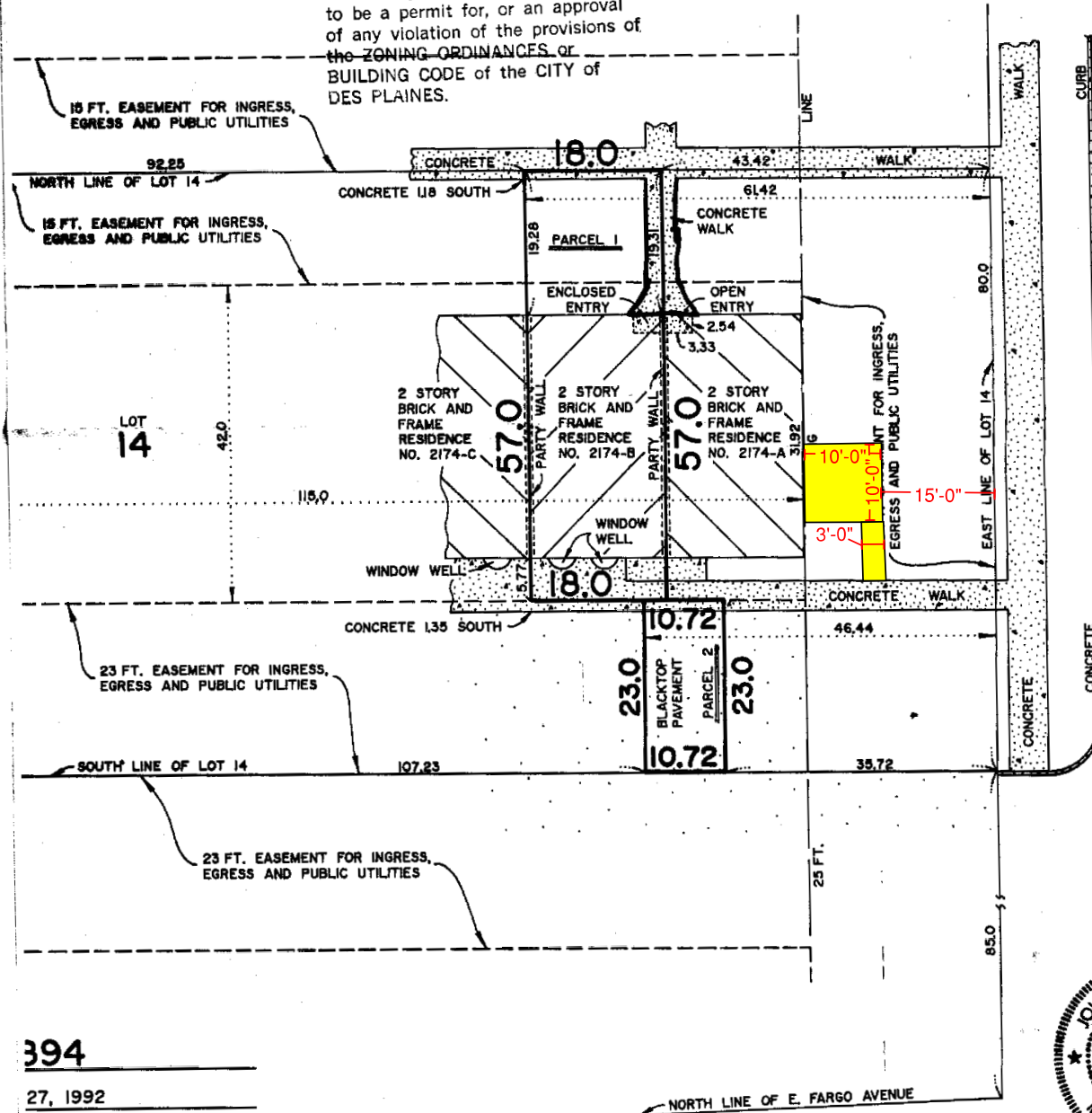


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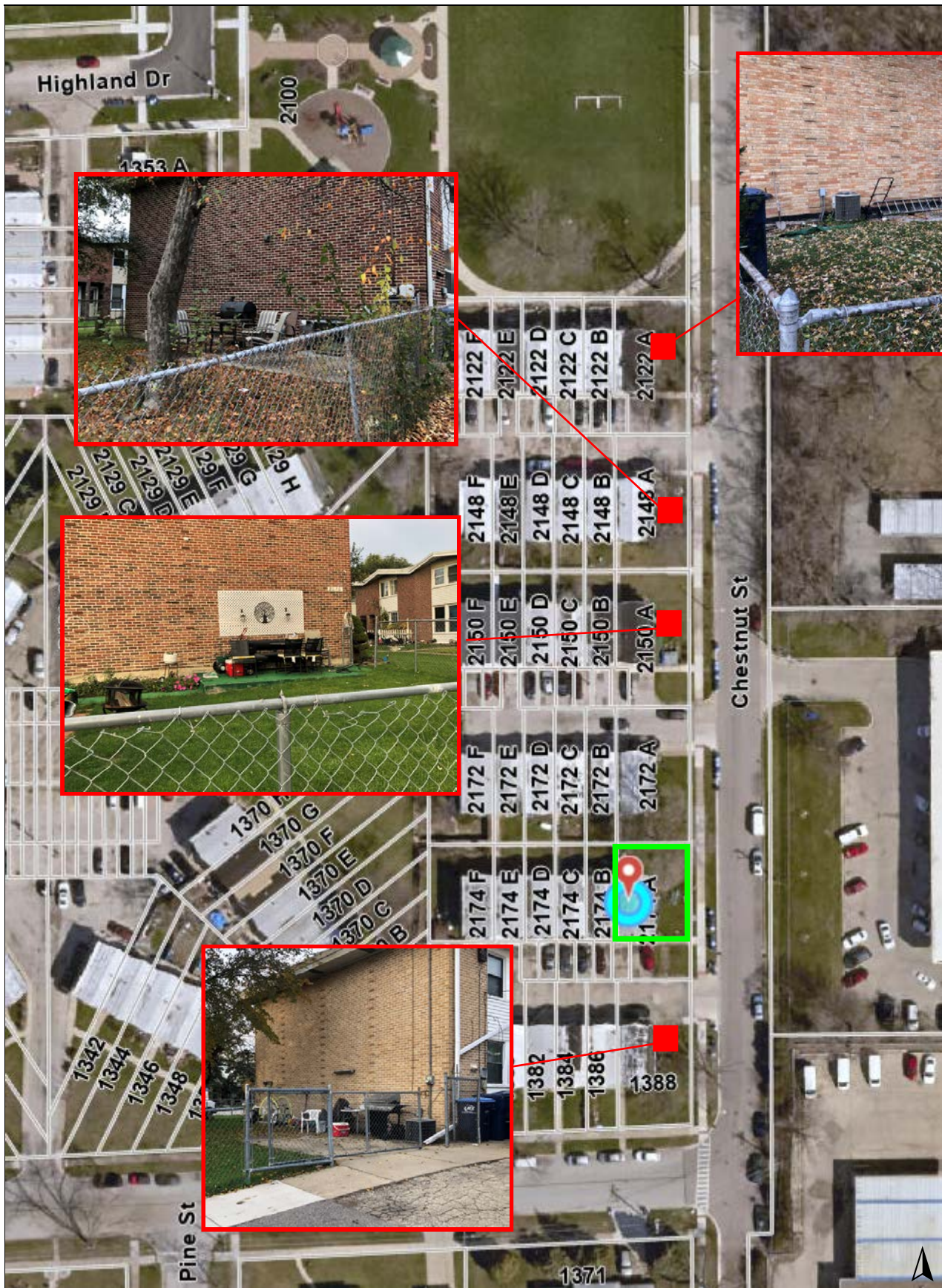
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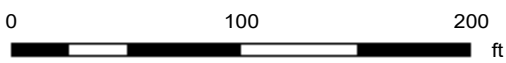
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**Legend**



Print Date: 11/8/2023

**Notes**

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of information. Information is believed to be generally accurate, errors may exist and the user should independently verify the information. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

**Note: No permits on file for any of the patios noted on this exhibit.**



**Proposed  
 PLANNING AND ZONING BOARD  
 HEARING DATES & 2024 APPLICATION DEADLINES**

Regularly scheduled meetings of the Planning and Zoning Board are held on the second and fourth Tuesday of each month, except for December 10, at 7:00 pm in Room 102 of City Hall (1420 Miner St, Des Plaines).

Applications must contain all of the required information and be submitted to the Planning and Zoning Division of the Department of Community and Economic Development (Room 301) by 4:00 pm on the application deadline.

<b>PLANNING &amp; ZONING BOARD 2024 DATES</b>		
<b>HEARING DATE</b>	<b>APPLICATION DEADLINE</b>	<b>LEGAL NOTICE/SIGN POSTING</b>
TUESDAY, JANUARY 9	MONDAY, DECEMBER 4, 2023	MONDAY, DECEMBER 18, 2023
TUESDAY, JANUARY 23	MONDAY, DECEMBER 18, 2023	<b>FRIDAY, DECEMBER 30, 2023</b>
TUESDAY, FEBRUARY 13	MONDAY JANUARY 8	MONDAY, JANUARY 22
TUESDAY, FEBRUARY 27	MONDAY, JANUARY 22	MONDAY, FEBRUARY 5
TUESDAY, MARCH 12	MONDAY, FEBRUARY 5	<b>FRIDAY, FEBRUARY 16</b>
TUESDAY, MARCH 26	<b>FRIDAY, FEBRUARY 16</b>	MONDAY, MARCH 4
TUESDAY, APRIL 9	MONDAY, MARCH 4	MONDAY, MARCH 18
TUESDAY, APRIL 23	MONDAY, MARCH 18	MONDAY, APRIL 1
TUESDAY, MAY 14	MONDAY, APRIL 8	MONDAY, APRIL 22
TUESDAY, MAY 28	MONDAY, APRIL 22	MONDAY, MAY 6
TUESDAY, JUNE 11	MONDAY, MAY 6	MONDAY, MAY 20
TUESDAY, JUNE 25	MONDAY, MAY 20	MONDAY, JUNE 3
TUESDAY, JULY 9	MONDAY, JUNE 3	MONDAY, JUNE 17
TUESDAY, JULY 23	MONDAY, JUNE 17	MONDAY JULY 1
TUESDAY, AUGUST 13	MONDAY JULY 8	MONDAY, JULY 22
TUESDAY, AUGUST 27	MONDAY, JULY 22	MONDAY, AUGUST 5
TUESDAY, SEPTEMBER 10	MONDAY, AUGUST 5	MONDAY, AUGUST 19
TUESDAY, SEPTEMBER 24	MONDAY, AUGUST 19	<b>FRIDAY, AUGUST 30</b>
TUESDAY, OCTOBER 8	<b>FRIDAY, AUGUST 30</b>	MONDAY, SEPTEMBER 16
TUESDAY, OCTOBER 22	MONDAY, SEPTEMBER 16	MONDAY, SEPTEMBER 30
TUESDAY, NOVEMBER 12	MONDAY SEPTEMBER 30	MONDAY, OCTOBER 21
TUESDAY, NOVEMBER 26	MONDAY, OCTOBER 21	MONDAY, NOVEMBER 4
TUESDAY, DECEMBER 10	MONDAY, NOVEMBER 4	MONDAY, NOVEMBER 18