

## Planning and Zoning Board Agenda

April 23, 2024

Room 102 – 7:00 P.M.

### Call to Order and Roll Call

**Approval of Minutes:** April 9, 2024 Planning and Zoning Board Meeting

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

### Pending Applications:

1. **Address:** 1628 Rand Road

**Case Number:** 24-004-CU

The petitioner is requesting the following items: (i) a Conditional Use amendment under Section 12-7-3(K) of the City of Des Plaines Municipal Code to allow a trade contractor use with outdoor display and storage; and (ii) a conditional use for a new motor vehicle sales use within existing tenant spaces in an existing multi-tenant building upon the subject property in the C-3 General Commercial zoning district.

**PIN:** 09-16-104-022-0000

**Petitioner:** Urszula Topolewicz, 2020 Berry Lane, Des Plaines, IL 60018

**Owner:** Art Investment LLC, 2020 Berry Lane, Des Plaines, IL 60018

2. **Address:** 1387 Prospect Avenue

**Case Number:** 24-014-CU-V

The petitioner is requesting the following: (i) conditional use for a trade contractor use; (ii) standard variation to reduce the required front yard; and (iii) a major variation to allow loading spaces to open or face a public right-of-way.

**PIN:** 09-29-228-034-0000

**Petitioner:** Vasile Haures, 1980 Pine Street, Des Plaines, IL 60018

**Owner:** 1387 Prospect Ave LLC, 1980 Pine Street, Des Plaines, IL 60018

### Adjournment

**Next Agenda:** Next meeting is on May 14, 2024.

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**  
**April 9, 2024**  
**MINUTES**

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, April 9, 2024, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

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

PRESENT: Weaver, Saletnik, Veremis, Fowler  
ABSENT: Catalano, Hofherr, Szabo  
ALSO PRESENT: Jeff Rogers, CED Director  
Samantha Redman, Senior Planner

A quorum was present.

**APPROVAL OF MINUTES**

A motion was made by Board Member Fowler, seconded by Board Member Weaver to approve the meeting minutes of March 5, 2024.

AYES: Weaver, Saletnik, Veremis, Fowler  
NAYS: None  
ABSTAIN: None

\*\*\*MOTION CARRIED\*\*\*

**APPROVAL OF MINUTES**

A motion was made by Board Member Weaver, seconded by Board Member Veremis to approve the meeting minutes of March 12, 2024.

AYES: Weaver, Saletnik, Veremis, Fowler  
NAYS: None  
ABSTAIN: None

\*\*\*MOTION CARRIED\*\*\*

**PUBLIC COMMENT ON NON-AGENDA ITEM**

There was no public comment.

**Pending Applications:**

**1. Address: 840 E Grant Drive**

**Case Number: 24-010-V**

The petitioner is requesting a standard variation to vary from building coverage requirements to allow for construction of an addition to the house that would result in building coverage in excess of 30 percent for an interior lot.

Petitioner: Mark Boronski, 840 E Grant Dr., Des Plaines, IL 60016

Owner: Mark Boronski, 840 E Grant Dr., Des Plaines, IL 60016

Case Number: 24-010-V

PIN: 09-19-204-005-0000

Ward: #3, Alderman Sean Oskerka

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: East Grant Drive 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 840 East Grant Drive currently consists of a single-family house, detached garage, and driveway, with a canopy covering a patio in the back of the house. The house was constructed in the 1950s and the current property owner (petitioner) has received several permits for various improvements on the property in the past five years.

Project Description: \_

*Overview*

The subject property consists of a single-story, single-family residence located in the R-1 zoning district. The request is to vary from the building coverage requirement for R-1 zoning districts to allow for building coverage of 33.6 percent where 30 percent is allowed. This request is associated with a proposed 234-square-foot addition (Refer to Proposed Building Plans and Site Plan).

*Standard Variation Request*

A variation to the minimum building coverage requirement is necessary to allow for the construction of a 234-square-foot addition to the house. 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 3.6 percent to allow for building coverage of 33.6 percent. Note the existing structures already exceed the allowable building coverage amount by 0.4 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	Existing House: One Story Proposed Addition: No change
Minimum Front Yard	25 feet	Existing House: 28.23 feet Proposed Addition: No change
Minimum Side Yard	5 feet	Existing House: 5.61 feet Proposed Addition: 5 ft
Minimum Rear Yard	25 feet	Existing House: 54 feet Proposed Addition: No change
Minimum Lot Width	55 feet	65.94 feet
Minimum Lot Area	6,875 square feet	7,507 square feet
Maximum Building Coverage	Maximum 30 percent	<u>Existing</u> House: 1,260 square feet



		<p>Detached Garage: 728 square feet</p> <p>Canopy: 300 square feet</p> <p><b>Existing coverage: 2,288 square feet</b></p> <p><b>30.4 percent</b></p> <p><u>Proposed</u></p> <p>Existing structures: 2,288 square feet</p> <p>Proposed Addition: 234 square feet</p> <p><b>Proposed coverage: 2,522 square feet</b></p> <p><b>33.6 percent</b></p>
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*Building Materials*

The existing building materials for the house are brick and the proposed addition would be clad with vinyl siding. For additions resulting in a greater than 15 percent increase in floor area, the entire house must be in conformance with Section 12-3-11 – Building Design Review, which includes building material requirements. For a one story, single family detached residence, 100 percent face brick, natural stone, or anchored or adhered masonry veneer must be present on all exterior elevations. Siding is not a permitted building material in this circumstance; however, a minor variation from these standards can be granted administratively, to be processed prior to building permit if this variation is approved.

**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: Considering other potential alternatives are available, the zoning challenges encountered may not rise to the level of hardship or practical difficulty. The size of the subject

property (7,507 square feet) is larger than many interior lots across the City and larger than the minimum 6,875-square-foot interior lot size required. Several existing structures, including the detached garage (728 square feet) and the canopy over the driveway increase the amount of the lot covered by buildings compared to other similar properties. With the 30 percent building coverage allowance for R-1 zoned properties, the size affords more building coverage than many other interior lots.

**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 lot area is 7,507 square feet which exceeds the minimum lot size requirement for an interior lot in the R-1 district. The existing 30.4 percent building coverage of the lot exceeds current requirements. Other home designs could yield more total floor area by utilizing multiple floors versus the proposed design while complying with the maximum building coverage requirements.

**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:* While the subject property's location, size, and development style may not be a result of any action or inaction of the property owner, the subject property was purchased with the understanding of these attributes and conditions. The construction of a larger than average garage and a canopy over the patio create building coverage issues not encountered at other properties.

**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:* Enforcing the building coverage requirements does not deny the property owners the ability to construct an addition on their property but requires said addition to conform with the applicable building coverage requirements that apply to all R-1 zoned properties.

**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:* Other interior lots in Des Plaines of various sizes and shapes have designed additions that meet the required building coverage regulations, and the petitioners have the ability to do so as well on the subject property.

**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 project would allow re-investment into a single-family home, which the Municipal Code and Comprehensive Plan encourage. However, reasonable options may exist for redesigning the proposed addition to create additional living space and/or reducing the amount of current coverage on the property. The petitioner's proposal would yield a one-story structure which would appear from the street to be harmonious with other residences in the vicinity.

**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:* Several alternative options exist to this proposed addition. The canopy over the driveway and/or the detached garage could be removed or reduced to accommodate additional square feet for the addition. Another option is a second story addition, which would allow additional living space while meeting building coverage requirements, and thus not requiring this zoning relief.

**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.

### **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.

With any variation, the PZB has the authority impose such specific conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of the Zoning Ordinance upon any lot benefited by a variation as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject lot or upon public facilities and services (Section 12-3-6.J).

The petitioner, Mr. Mark Boronski, addressed the Board, explaining that he'd like to add a 13-foot by 18-foot bedroom at the back of the house because space is getting tight within the home. He is seeking a variation to increase lot coverage from 30.4 percent to 33 percent.

Board Member Weaver asked whether there were any written comments from neighbors. Senior Planner Samantha Redman stated that staff did not receive any written comments regarding this proposed project.

Vice Chairman Saletnik inquired whether there were any members of the public that wished to speak for or against the request. No members of the public came forward.

Senior Planner Samantha Redman presented a summary of the variation request for relief for building coverage.

Vice Chairman Saletnik asked whether the proposed use of masonry board met zoning standards, or if masonry would be required at the exterior elevations. Senior Planner Redman explained that materials other than masonry would require review and approval of a minor zoning variation by staff. Vice Chairman Saletnik explained that he felt the use of masonry board was not an issue, because it would be in the back yard and behind a fence.

Board Member Fowler stated that she was also in favor of the minor variation to allow the masonry board.

Board Member Weaver requested confirmation that the addition was not visible from the street, and Senior Planner Redman confirmed that was correct.

Board Member Fowler inquired about the format of the motion. Senior Planner Redman provided clarity that only one motion regarding the building coverage variation would be required.

Motion by Board Member Weaver, seconded by Board Member Veremis to approve a standard variation request for the building lot coverage at 840 E. Grant Drive.

AYES: Weaver, Saletnik, Veremis, Fowler  
NAYS: None  
ABSTAIN: None

\*\*\*MOTION CARRIED\*\*\*

**2. Address:** 1628 Rand Road **Case Number:** 24-004-CU

The petitioner is requesting the following items: (i) a Conditional Use amendment under Section 12-7-3(K) of the City of Des Plaines Municipal Code to allow a trade contractor use with outdoor display and storage; and (ii) a conditional use for a new motor vehicle sales use within existing tenant spaces in an existing multi-tenant building upon the subject property in the C-3 General Commercial zoning district.

PIN: 09-16-104-022-0000

Petitioner: Urszula Topolewicz, 2020 Berry Lane, Des Plaines, IL 60018

Owner: Art Investment LLC, 2020 Berry Lane, Des Plaines, IL 60018

The petitioner requested the continuation of this case to the April 23rd Planning and Zoning Board Meeting. Director Jeff Rogers explained that the petitioner requested this continuation due to a medical issue.

Motion by Board Member Fowler, seconded by Board Member Veremis to approve a continuance to the April 23rd Planning and Zoning Board Meeting.

AYES: Weaver, Saletnik, Veremis, Fowler

NAYES: None

ABSTAIN: None

\*\*\*MOTION CARRIED\*\*\*

**Other items:**

None

**ADJOURNMENT**

Acting Chairman Saletnik adjourned the meeting at 7:19 p.m.

Sincerely,

Jeff Rogers/Recording Secretary

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



COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT

1420 Miner Street  
Des Plaines, IL 60016  
P: 847.391.5380  
desplaines.org

MEMORANDUM

Date: April 19, 2024  
To: Planning and Zoning Board (PZB)  
From: Jeff Rogers, Director of Community & Economic Development *JWR*  
Subject: Consideration of a Conditional Use for a Trade Contractor Use and Motor Vehicle Sales Use at 1628 Rand Road, Case 24-004-CU (1<sup>st</sup> Ward)

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**Issue:** The petitioner is requesting the following items: (i.) a Conditional Use amendment under Section 12-7-3(K) of the City of Des Plaines Municipal Code to allow a trade contractor use with outdoor display and storage; and (ii.) a conditional use for a new motor vehicle sales use within existing tenant spaces in an existing multi-tenant building upon the subject property in the C-3 General Commercial zoning district.

**Owner:** Art Investment, LLC, 2020 Berry Lane, Des Plaines, IL 60018

**Petitioner:** Urszula Topolewicz, 2020 Berry Lane, Des Plaines, IL 60018

**Case Number:** 24-004-CU

**Real Estate Index Number:** 09-16-104-022-0000

**Ward:** #1, Alderman Mark A. Lysakowski

**Existing Zoning:** C-3, General Commercial District

**Existing Land Use:** Multi-tenant commercial building including a trade contractor granite countertop business and cabinet business

**Surrounding Zoning:** North: R-1, Single Family Residential District  
South: C-3, General Commercial District  
East: C-1, Neighborhood Shopping / R-1, Single Family Residential Districts  
West: C-3, General Commercial District

**Surrounding Land Uses:** North: Single-Family Residences  
South: Columbus Foods & Liquors, Vazquez Dental, Castro Hand Car Wash, and 7-Eleven/Mobil (Commercial)  
East: A Mother's Touch Learning Academy (Commercial)

West: Our Lady of Fatima Center (Commercial)

**Street Classification:** Rand Road is classified as a Minor Arterial road and Grove Avenue is classified as a Local street.

**Comprehensive Plan:** The Comprehensive Plan designates this site as Commercial.

**Case History:** At their January 23, 2024 meeting, the Planning & Zoning Board (PZB) continued the applicant's case without discussion to their regular meeting on February January 23, 2024.

The PZB opened the public hearing for this case at their February 23, 2024 meeting. The applicant's proposal and materials were presented. The PZB requested revisions to the plans provided to clarify the scope of the improvements to the site, as well as some clarifications to the proposed operations. A review of staff's recommendations for revisions to the site plan including a potential change to the off-street circulation pattern was discussed. The public hearing was continued to the PZB's March 12, 2024 meeting.

At their regular meeting on March 12, 2024, the PZB inquired about the status of the applicant's revised materials prior to continuing the public hearing to their April 9, 2024 meeting.

At their regular meeting on April 9, 2024, the applicant relayed a request to continue the case in writing and the PZB subsequently continued the case to their April 23, 2024 meeting.

**Update:** In advance of the April 23, 2024 meeting, the applicant confirmed their intent to proceed with a revised site plan.

The applicant's revised plans rectify many of the issues noted in the prior staff report. The applicant has provided two exhibits for consideration. The first exhibit entitled "Existing Conditions" notes existing site improvements while the second exhibit entitled "Proposed Site Plan" primarily shows proposed improvements but continues to reflect some of the existing improvements.

The revised stie plan can be summarized as follows:

- A. Motor Vehicle Sales | A new auto sales use would be introduced in the tenant space previously occupied by the custom cabinet showroom. The new conditional use ordinance would allow both the existing custom countertop trade contractor & showroom use and the proposed motor vehicle sales use upon the subject property and would replace the prior conditional use ordinance authorizing only the trade contractor use.
- B. Fence Relocation | the existing privacy fence would be relocated to the north to provide additional parking stalls on the south side of the fence to be used for the display of vehicles. No outdoor storage other than vehicles displayed for sale will be proposed outside of the fence.
- C. Parking Lot Expansion | A small extension of the parking lot would occur at the southwest corner of the site to accommodate the minimum width for a two-way drive aisle. The proposed pavement extension

would provide additional taper for vehicle movements and would comply with the minimum width required per Code of 22 feet.

The applicant has decided not to reverse the orientation of the proposed parking stalls at the west end of the site to connect the two parking areas to allow on-site/off-street vehicle circulation between the existing parking area and proposed vehicle display area. Staff recommends the PZB consider whether the site circulation would be improved by reversing the orientation of the proposed parking row so that stalls would be west of the drive aisle. Staff remains concerned with the lack of adequate off-street circulation area for drop-off of vehicles from flatbed tow trucks to occur entirely onto private property without loading/unloading in Rand Road right-of-way or reversing of vehicles into the right-of-way.

If the proposed site plan, parking stall locations, and vehicle display areas are approved as presented, staff recommends that the applicant provide access and reserve area free from storage to accommodate a three-point turnaround for flatbed tow trucks. This would require accommodations for access to any gate locks or hours of operation restrictions for vehicle deliveries only during business hours so access to the turnaround area can be provided.

Conditions relating to removal or modification of existing noncompliant displays and outdoor storage, removal of the existing storage container, assignment of addresses, and other details remain listed in the recommendation for consideration by the PZB.

The applicant will be available at the public hearing to provide testimony in support of their request.

**Project Description:**

The petitioner, Urszula Topolewicz, has requested Conditional Use Permits to amend an existing trade contractor use and operate a proposed motor vehicle sales use, both at 1628 Rand Road. In accordance with the proposed motor vehicles sales use, the applicant would perform vehicle maintenance and detailing of vehicles offered for sale.

The subject property is located within the C-3 General Commercial district. Both a trade contractor use and a motor vehicle sales use are a conditional use in the C-3 zoning district. The subject property contains a multi-tenant building with an off-street surface parking area on the west side of the property with additional on-street parking east of the property along Grove Avenue, each as depicted on the attached Plat of Survey. The subject property is located along Rand Road at the northwest corner of the Rand Road/Grove Lane intersection. The subject property is currently accessed by three curb cuts, two from Rand Road and one from Grove Lane. The subject property lies entirely within the 1% annual chance floodplain (Zone AE).

Prior Approvals

In 2021, the applicant received approval of a conditional use permit via Ordinance Z-36-21 for a Trade Contractor use upon the subject property. Among various conditions, the Ordinance included a restriction stipulating that “outdoor storage of raw materials or fabricated goods is strictly prohibited.” A



copy of this Ordinance is attached for reference.

In 2022, the applicant received approval of several zoning variations relating to ground signage and wall signage via Ordinance Z-27-22. The signage associated with this Ordinance has since been installed, including wall signage for two businesses and an electronic message board (EMB) sign. In accordance with the proposed scope of work at this time, the face of one of the existing wall signs would be removed and replaced with new signage for the proposed motor vehicle sales business.

Concurrently in 2022, the applicant requested an amendment to Ordinance Z-36-21 to strike the restriction stipulating that “outdoor storage of raw materials or fabricated goods is strictly prohibited.” The request proceeded through the Planning & Zoning Board to the City Council as draft Ordinance Z-27-22 but was tabled by the City Council in September 2022 with instruction to the applicant to address various engineering concerns. A proposed solution to the floodplain restrictions has not yet been provided, the tabled Ordinance has not yet been scheduled for consideration by the City Council, and the condition from Ordinance Z-36-21 restricting outdoor storage remains in effect.

#### Existing Violations

Several violations of the Municipal Code currently present upon the property would need to be rectified before a business registration for the proposed motor vehicle sales use could be approved. Also, these violations would need to be rectified to avoid additional enforcement action. The current violations include the following:

- a. An existing storage container upon the property is in violation of the accessory use requirements and floodplain requirements of the Municipal Code and must be removed from the premises.
- b. There exist two outdoor displays of fabricated goods in violation of the floodplain requirements and the requirements of Ordinance Z-36-21. If outdoor display is proposed, said display must be authorized in accordance with this conditional use request and installed in a manner which complies with the requirements of Title 14 of the Municipal Code including compliance with all floodplain requirements.
- c. There presently exists temporary outdoor storage from time-to-time of raw materials or fabricated goods in violation of the floodplain requirements and Ordinance Z-36-21. If outdoor storage is proposed, said storage must be authorized in accordance with this conditional use request and installed in a manner which complies with the requirements of Title 14 of the Municipal Code including compliance with all floodplain requirements.

#### Current Proposal

The applicant has provided an executive summary, a floor plan for the proposed motor vehicle sales use, and a proposed site plan with additional details regarding the interior layout of the modified tenant spaces. The draft motion included in this report includes conditions which would need to be rectified before the proposed motor vehicle sales use could commence.

Various dimensions noted within the applicant’s narrative and on the proposed

plans are not depicted to scale. The area of the building depicted on the proposed site plan scales to approximately 12,425 square feet where the applicant notes in their narrative that the building area is approximately 15,300 square feet.

The trade contractor use would occupy the north and east areas of the existing building. This area scales to approximately 8,915 square feet but is noted as 11,400 square feet on the applicant's site plan.

The proposed motor vehicle sales use including accessory detailing and repair/service uses would occupy the southwest area of the existing building. This area scales to approximately 3,480 square feet but is noted as 3,900 square feet on the applicant's site plan.

The applicant has indicated that vehicles would be displayed within the proposed showroom, however this space is not current accessible via any overhead vehicle doors and the note on the plan indicating a "main double door" at the southwest corner of the building is presently improved with a single door and glass side panels. A building permit would be required for any modifications to this entry which would involve replacement or modification to the existing door and window system. The plan(s) submitted in accordance with this permit should demonstrate that the display of vehicles within the showroom would maintain accessible routes through the showroom floor area.

The proposed parking layout would introduce new parking stalls along the east side of a drive aisle west of the existing off-street public parking stalls. The proposed drive aisle would not comply with the minimum aisle widths for two-way traffic. If the proposed site plan alterations and land use are supported, the drive aisle should be required to be widened to a minimum of 22.0 feet south of the southernmost parking stall. A site plan and design which complies with all applicable codes and ordinances of the City would be required and a building permit would be needed before any parking lot improvements could commence.

#### Required Parking

The following parking regulations apply to this request pursuant to Section 12-9-7 of the City of Des Plaines Municipal Code:

- One parking stall for every 500 square feet of showroom and office floor area for motor vehicle sales (2,350 square feet = 6 stalls);
- One parking stall for each 20 vehicle stalls within the showroom for motor vehicle sales (850 square feet = 1 stall);
- One parking stall for every 20 vehicles displayed for sale outdoors upon the premises (11 vehicles outdoors = 11 stalls); and
- Zero parking stalls for the trade contractor use.

In accordance with minimum off-street parking provisions, 18 off-street parking stalls would be required, including one accessible parking stall. The applicant proposes 23 off-street parking stalls. The subject property is adjacent to an additional 13 public on-street parking stalls within the Grove Lane right-of-way. The proposed 11 motor vehicle sales use shall not be permitted to display or store vehicles for sale within the public right-of-way.

### Hours of Operation

The existing Granite Place & Quartz LLC business operates from 9 a.m. to 5 p.m., Monday through Friday, from 9 a.m. to 3 p.m. on Saturday, and is closed on Sunday.

The proposed motor vehicle sales use would operate from 9 a.m. to 9 p.m., Monday through Saturday and would be closed on Sunday.

Please see the attached applicant's Project Narrative for more details.

### **Compliance with the Comprehensive Plan**

The proposed project, including the proposed the site improvements, address various goals and objectives of the 2019 Comprehensive Plan including the following aspects:

- **Future Land Use Plan:**

- This property is designated as Commercial on the Future Land Use Plan. The Future Land Use Plan strives to create a well-balanced development area with a healthy mixture of commercial uses.
- The subject property is located along the defined Rand Road commercial corridor with single-family residences to the north, multi-family residences to the east, and commercial development to the east, south, and west. The subject property contains a multi-tenant building located between established commercial developments along Rand Road. The request would assist in the retention of a new commercial business at this location and provide additional retail goods and services for the residents of Des Plaines.

- **Landscaping and Screening:**

- The Comprehensive Plan seeks to encourage and actively pursue beautification opportunities and efforts, including the installation of landscaping, street furniture, lighting, and other amenities, to establish a more attractive shopping environment and achieve stronger corridor identity in Des Plaines.
- The existing site contains landscaping along the south of the property and foundation landscaping adjacent to the east building footprint.
- The applicant proposes to relocate an existing privacy fence from its current location along the front lot line to a point north of the new row of parking along the west end of the site.

While the aforementioned aspects represent a small portion of the goals and strategies of the Comprehensive Plan, there is a large emphasis on improving existing commercial developments and enhancing commercial corridors throughout Des Plaines.

**Conditional Use Findings:** Conditional Use requests are subject to the standards set forth in Section 12-3-4(E) of the Zoning Ordinance.

Rationale for how the proposed amendments would satisfy the standards is provided below and in the attached petitioner responses to standards. The Board may use the provided responses as written as its rationale, modify, or adopt its own.

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

Comment: The proposed uses are classified as a Trade Contractor use and a motor vehicle sales use, respectively. Both a Trade Contractor and Motor Vehicle Sales are a Conditional Use in the C-3 zoning district.

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

*Comment:* The proposed Trade Contractor use and motor vehicle sales use provide both retail- and service-oriented uses that primarily serve day-to-day needs of local residents by increasing commercial opportunities for residents in Des Plaines. Additionally, the subject property is located near the River Road & Rand Road commercial corridors, which are major corridors in Des Plaines.

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

*Comment:* The existing Trade Contractor use and proposed motor vehicle sales use are designed, constructed, operated, and maintained to be harmonious and appropriate in appearance to surrounding commercial uses. The proposal includes enhancements to the site as a whole including modifications to the parking area.

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

*Comment:* The proposed Trade Contractor use and motor vehicle sales use would not be hazardous or disturbing to neighboring uses as all activities including the fabrication of materials will take place inside the building except for potential storage within the extents of a privacy fence and outdoor display of vehicles for sale within the parking lot. Refer to the suggested conditions of approval for additional avenues for ensuring safety and harmony with the neighboring uses.

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

*Comment:* The subject property is served adequately by essential public facilities and services since it is currently accessible by two streets and three total curb cuts as well as necessary public utilities. The proposed uses will not affect the existing public facilities and services for this property.

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

*Comment:* The proposed uses will not create excessive additional requirements at the public expense and will not be detrimental to economic well-being of the community.

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

*Comment:* The petitioner is proposing outdoor storage and display of raw materials and finished products. If such storage and display is to be considered, such storage and display must be conducted in accordance with the requirements of Title 14 of the Code. Storage or display of material below the base flood elevation (BFE) cannot be permitted. Refer to the suggested conditions of approval for additional avenues for ensuring compliance with applicable regulations.

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

*Comment:* The proposed site plan introduces new parking areas which would potentially increase traffic volume at the existing west curb cut. The design of the western curb cut would need to be modified to accommodate a two-way drive aisle with a minimum width of 22.0 feet. An alternate site plan with parking along the west of the west parking row would connect the two parking areas and allow for circulation within the site without the need to leave the site onto Rand Road to access the west drive aisle. A suggested condition of approval requires a modified site plan to confirm all requirements are met and safe, efficient circulation is

provided.

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

Comment: The subject property is currently developed and improved with a building and surface parking area. The proposed uses will not lead to the loss or damage of natural, scenic, or historic features of major importance on this property.

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

Comment: There exist several open violations upon the property related to an existing illegal nonconforming accessory storage unit use and outdoor display/storage of goods. Provided the storage unit is removed and outdoor storage and display is conducted in accordance with the requirements of all applicable codes and ordinances, a modified plan for display and storage could meet the regulations of the Zoning Ordinance.

**Recommendation:** Staff recommends approval of the Conditional Use Permit for a trade contractor use and motor vehicle use at 1628 Rand Road as amended based upon a review of the information presented by the applicant and the findings made above, as specified in Section 12-3-4(E) (Standards for Conditional Uses) of the City of Des Plaines Municipal Code with the following conditions:

1. The petitioner shall implement all site improvements shown on the proposed undated site plan and any amendments required by the Planning & Zoning Board.
2. The applicant shall provide plans and specifications for review and secure permits for all site work governed by city codes and ordinances (pavement, exterior doors/window systems, mechanical/electrical/plumbing/structural, civil engineering, etc.). All proposed improvements and modifications shall be in full compliance with all applicable codes and ordinances.
3. No materials shall be stored outside of the extents of the proposed privacy fence enclosure.
4. All outdoor storage and/or displays shall be permissible only in full compliance with the requirements of Title 14 of the Municipal Code including raising of stored materials above the base flood elevation (BFE).
5. Display and storage of vehicles or materials shall be permissible in designated areas on private property only and shall not be permissible within required drive aisles or customer parking stalls, or within the public right-of-way. All motor vehicles stored on the site must be operable and stored on a dust-free, hard surface.
6. The existing storage container upon the property shall be removed prior to the issuance of permits or business registrations for the proposed scope of work.
7. The applicant shall coordinate with the City regarding the assignment of unique unit addresses for the two tenant spaces comprising the existing building upon the property.
8. No more than eleven motor vehicles may be displayed for sale on the Subject Property at one time. Through signs, striping, or combination, these eleven spaces should be identified and reserved. Adding additional motor vehicle sales spaces would require an amendment to the Conditional Use Permits. Sufficient parking spaces to meet the minimum off-street parking requirements for the Proposed Uses must be provided on the Subject Property at all times.

**Planning and Zoning Board Procedure:** Under Section 12-3-4(D) (Procedure for Review and Decision for Conditional Uses) of the Zoning Ordinance, the Planning and Zoning Board has the authority to *recommend* that the City Council approve, approve subject to conditions, or deny the above-mentioned conditional use requests for a trade contractor use and motor vehicle sales use at 1628 Rand Road. The City Council has final authority on the proposal.

**Attachments:**

- Attachment 1: Ordinance Z-36-21
- Attachment 2: *Draft* Ordinance Z-26-22
- Attachment 3: Ordinance Z-27-22
- Attachment 4: Location Map
- Attachment 5: Site and Context Photos
- Attachment 6: Plat of Survey
- Attachment 7: Project Narrative
- Attachment 8: Petitioner's Responses to Standards
- Attachment 9: Site Plan
- Attachment 10: Floor Plan
- Attachment 11: Existing Conditions Plan (undated)
- Attachment 12: Proposed Conditions Plan (undated)

**CITY OF DES PLAINES**

**ORDINANCE Z - 36 - 21**

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A TRADE CONTRACTOR ESTABLISHMENT AT 1628 RAND ROAD, DES PLAINES, ILLINOIS.**

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**WHEREAS**, Peter Topolewick ("**Petitioner**") is the lessee of the property commonly known as 1628 Rand Road, Des Plaines, Illinois ("**Subject Property**"); and

**WHEREAS**, the Subject Property is located in the C-3 General Commercial District of the City ("**C-3 District**"); and

**WHEREAS**, the Subject Property is improved with an one-story single-tenant commercial building ("**Building**"); and

**WHEREAS**, the Petitioner desires to locate a trade contractor establishment on the Subject Property; and

**WHEREAS**, pursuant to Section 12-7-3.K of the City of Des Plaines Zoning Ordinance of 1998, as amended ("**Zoning Ordinance**"), the operation of a trade contractor establishment is permitted in the C-3 District only with a conditional use permit; and

**WHEREAS**, Petitioner submitted an application to the City of Des Plaines Department of Community and Economic Development ("**Department**") for a conditional use permit to allow a trade contractor establishment on the Subject Property ("**Conditional Use Permit**"), in accordance with Sections 12-7-3.F.3 and 12-7-3.K of the Zoning Ordinance; and

**WHEREAS**, the Subject Property is owned by Elliott Kratz ("**Owner**"), who has consented to the Petitioner's application; and

**WHEREAS**, the Petitioner's application was referred by the Department to the Planning and Zoning Board of the City of Des Plaines ("**PZB**") within 15 days after the receipt thereof; and

**WHEREAS**, within 90 days from the date of the Petitioner's application a public hearing was held by the PZB on May 11, 2021 pursuant to notice published in the *Des Plaines Journal* on April 21, 2021; and

**WHEREAS**, notice of the public hearing was mailed to all property owners within 300 feet of the Subject Property; and

**WHEREAS**, during the public hearing, the PZB heard testimony and received evidence with respect to how the Petitioner intended to satisfy and comply with the applicable provisions of the Zoning Ordinance; and

**WHEREAS**, pursuant to Section 12-3-4 of the Zoning Ordinance, the PZB filed a written report with the City Council on May 12, 2021, summarizing the testimony and evidence received by the PZB and stating the Board's recommendation, by a vote of 5-0, to approve the Petitioner's application for the Conditional Use Permit subject to certain terms and conditions; and

**WHEREAS**, the Petitioner made certain representations to the PZB with respect to the proposed Conditional Use Permit, which representations are hereby found by the City Council to be material and upon which the City Council relies in granting this request for the Conditional Use Permit; and

**WHEREAS**, the City Council has considered the written report of the PZB, the applicable standards for conditional use permits set forth in the Zoning Ordinance, and the Community and Economic Development Staff Memorandum dated April 30, 2021, including the attachments and exhibits thereto, and has determined that it is in the best interest of the City and the public to grant the Petitioner's application in accordance with the provisions of this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

**SECTION 1. RECITALS.** The recitals set forth above are incorporated herein by reference and made a part hereof, the same constituting the factual basis for this Ordinance.

**SECTION 2. LEGAL DESCRIPTION OF SUBJECT PROPERTY.** The Subject Property is legally described as follows:

LOTS 14 TO 18, BOTH INCLUSIVE, (EXCEPT THE SOUTHWESTERLY 17.0 FEET THEREOF) IN BLOCK 3 IN RIVER-RAND ROAD SUBDIVISION OF LOTS 1 TO 8, INCLUSIVE, IN BLOCK 18 (OR BENNET BLOCK) AND LOT 1 TO 13, EXCLUSIVE IN, BLOCK 18 (OR RAND BLOCK) IN PARK SUBDIVISION OF PARTS OF SECTIONS 16 AND 17, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDAN, IN COOK COUNTY, ILLINOIS.

PIN: 09-16-104-022-0000

Commonly known as: 1628 Rand Road, Des Plaines, Illinois.

**SECTION 3. CONDITIONAL USE PERMIT.** Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in Section 4 of this Ordinance, the City Council grants the Petitioner a Conditional Use Permit to allow the operation of a trade contractor



establishment on the Subject Property. The Conditional Use Permit granted by this Ordinance is consistent with and equivalent to a "special use" as referenced in Section 11-13-25 of the Illinois Municipal Code, 65 ILCS 5/11-13-25.

**SECTION 4. CONDITIONS.** The Conditional Use Permit granted in Section 3 of this Ordinance shall be, and is hereby, expressly subject to and contingent upon the following conditions, restrictions, limitations, and provisions:

A. **Compliance with Law and Regulations.** The development, use, operation, and maintenance of the Subject Property, by the Petitioner must comply with all applicable City codes and ordinances, as the same have been or may be amended from time to time, except to the extent specifically provided otherwise in this Ordinance.

B. **Compliance with Plans.** Except for minor changes and site work approved by the City Director of Community and Economic Development in accordance with all applicable City standards, the development, use, operation, and maintenance of the Subject Property by the Petitioner must comply with the following plans as may be amended to comply with Section 4.C of this Ordinance:

1. That certain "Project Narrative" prepared by Petitioner, consisting of one sheet, and undated, attached to and by this reference made a part of this Ordinance as **Exhibit A**; and

2. That certain "Site Plan/Floor Plan" submitted by the Petitioner, consisting of one sheet, and undated, attached to and by this reference made a part of, this Ordinance as **Exhibit B**.

C. **Additional Conditions.** The development, use, and maintenance of the Subject Property shall be subject to and contingent upon the following conditions:

1. The Petitioner must revise the Site Plan to include landscape details in conformance with Section 12-10 of the Zoning Ordinance within 60 days of City Council approval of this Ordinance.

2. That an eight-foot-tall wood privacy fence must be installed along the north property line of the Subject Property in conformance with Section 12-8-2 of the Zoning Ordinance within 60 days of City Council approval of this Ordinance.

3. Storage of commercial vehicles or materials within the required drive aisles or customer parking spaces is prohibited at all times on the Subject Property.

4. Outdoor storage of raw materials or fabricated goods is prohibited at all times on the Subject Property.

**SECTION 5. RECORDATION; BINDING EFFECT.** A copy of this Ordinance must be recorded in the Office of the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein run with the Subject Property and inure to the benefit of, and are binding upon, the Petitioner and Owner and their respective personal representatives, successors, and assigns, including, without limitation, subsequent purchasers of the Subject Property.

**SECTION 6. NONCOMPLIANCE.**

A. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of, any of the provisions of this Ordinance shall be fined not less than seventy five dollars (\$75.00) or more than seven hundred and fifty dollars (\$750.00) for each offense. Each and every day that a violation of this Ordinance is allowed to remain in effect shall constitute a complete and separate offense. In addition, the appropriate authorities of the City may take such other action as they deem proper to enforce the terms and conditions of

this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person, firm or corporation violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees.

B. In the event that the Petitioner or Owner fails to develop or maintain the Subject Property in accordance with the plans submitted, the requirements of the Zoning Ordinance, or the conditions set forth in Section 4 of this Ordinance, the Conditional Use Permit granted in Section 3 of this Ordinance may be revoked after notice and hearing before the Zoning Administrator of the City, all in accordance with the procedures set forth in Section 4.7 of the Zoning Ordinance. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the C-3 District. Further, in the event of such revocation the Conditional Use Permit, the City Manager and City's General Counsel are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Petitioner and Owner acknowledge that public notices and hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice and hearing required by Section 4.7 of the Zoning Ordinance is provided to the Petitioner and Owner.

**SECTION 7. EFFECTIVE DATE.**

A. This Ordinance shall be in full force and effect only after the occurrence of the following events:

1. its passage and approval by the City Council in the manner provided by law;
2. its publication in pamphlet form in the manner provided by law;
3. the filing with the City Clerk by the Petitioner and the Owner, not less than 60 days after the passage and approval of this Ordinance, of an unconditional agreement

and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance, and demonstrating the Petitioner's and Owner's consent to its recordation. Said unconditional agreement and consent shall be in substantially the form attached to, and by this reference made a part of, this Ordinance as **Exhibit C**; and

4. at the Petitioner's sole cost and expense, the recordation of this Ordinance together with such exhibits as the City Clerk deems appropriate, with the Office of the Cook County Recorder.
  
- B. In the event that the Petitioner and the Owner do not file with the City Clerk a fully executed copy of the unconditional agreement and consent referenced in Section 7.A.3 of this Ordinance, within 60 days after the date of passage of this Ordinance by the City Council, the City Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

**SECTION 8. SEVERABILITY.** If any paragraph, section, clause or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

[SIGNITURE PAGE FOLLOWS]

PASSED this 7<sup>th</sup> day of June, 2021.

APPROVED this 7<sup>th</sup> day of June, 2021.


VOTE: AYES 6 NAYS 0 ABSENT 1

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

Published in pamphlet form this  
8<sup>th</sup> day of June, 2021.

  
\_\_\_\_\_  
CITY CLERK

Approved as to form:

  
\_\_\_\_\_  
Peter M. Friedman, General Counsel

DP-Ordinance Approving a Conditional Use Permit (CUP) at 1628 Rand Road for a Trade Contractor Use

# HGM

## House Of Granite & Marble . Co

5136 N Pearl St.  
Schiller Park Il 60176  
Tel:( 847) 928-1111  
Fax: (847) 928-1138

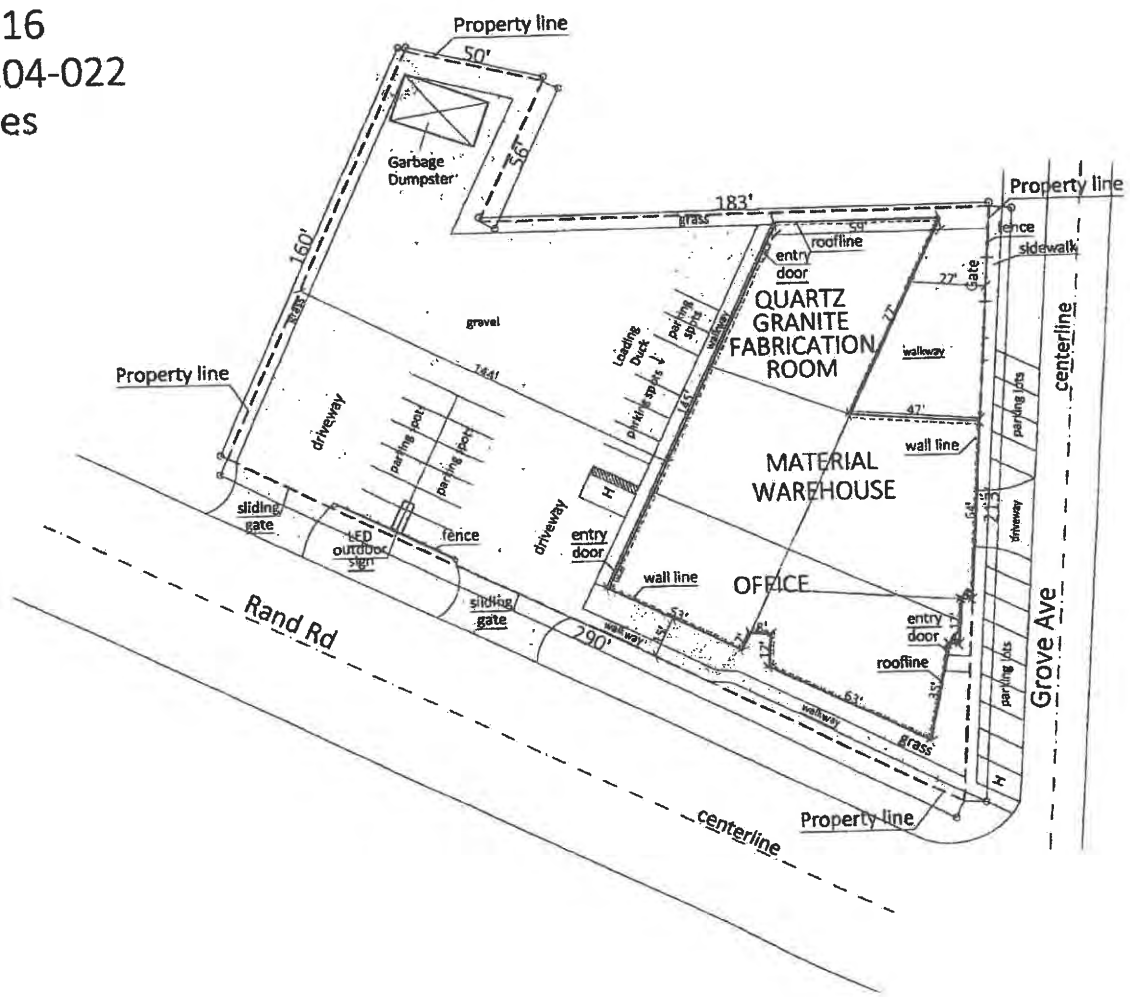
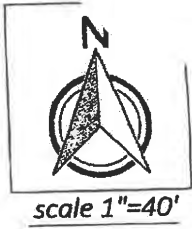
Website: [www.houseofgranite.com](http://www.houseofgranite.com)  
Email: [houseofgranite@hotmail.com](mailto:houseofgranite@hotmail.com)

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We are Company since 2002 in market at one location pass 19 years . We sell or kind of stone granite, quartz ,marble qurtzite kitchen cabinets, sinks, faucets ,counter tops vanity's , shower glass all brands . We important stuff all over the world . Our goal is keep nice clean store showroom ,warehouse , fabrication counter tops close to the people . We currently have our location at Schiller Park 10000.00 sq ft .We want move our businesses to Des Plains to bigger location and more parking spaces . We are open 6 Days a week store from 8:30 AM to 6:00 PM and warehouse and fabrication from 7:15 AM to 6:00 PM .Our team is 12 people same times more is the pants at the session . We want duet nice improvement to this location .

Sincerely  
Peter Topolewicz

**SITE PLAN**  
1628 Rand Rd  
Des Plaines IL 60016  
Parcel ID: 09-16-104-022  
Lot area: 0.95 Acres



**UNCONDITIONAL AGREEMENT AND CONSENT**

**TO:** The City of Des Plaines, Illinois ("**City**"):

**WHEREAS**, Peter Topolewick ("**Petitioner**") applied to the City of Des Plaines for a conditional use permit to allow a trade contractor establishment ("**Conditional Use Permit**") on that certain property commonly known as 1628 Rand Road, Des Plaines, Illinois ("**Subject Property**") pursuant to Section 12-7-3.E.3 and 12-7-3.K of the City of Des Plaines Zoning Ordinance of 1998, as amended; and

**WHEREAS**, Ordinance No. Z-36-21 adopted by the City Council of the City of Des Plaines on June 7, 2021 ("**Ordinance**"), grants approval of the Conditional Use Permit, subject to certain conditions; and

**WHEREAS**, at the time Ordinance No. Z-36-21 was adopted, the Subject Property was owned by Elliott Kratz, who subsequently passed away prior to the execution of this Unconditional Agreement and Consent; and

**WHEREAS**, ART Investment, LLC, an Illinois limited liability company ("**Owner**"), subsequently acquired fee title to the Subject Property and agrees and acknowledges that the Property is subject to the terms, conditions, and restrictions of Ordinance Z-36-21; and

**WHEREAS**, the Petitioner and the Owner each desires to evidence to the City its unconditional agreement and consent to accept and abide by each of the terms, conditions, and limitations set forth in said Ordinance, and its consent to recording the Ordinance and this Unconditional Agreement and Consent against the Subject Property;

**NOW, THEREFORE**, the Petitioner and the Owner do hereby agree and covenant as follows:

1. Petitioner and Owner hereby unconditionally agree to accept, consent to and abide by all of the terms, conditions, restrictions, and provisions of that certain Ordinance No. Z-36-21, adopted by the City Council on June 7, 2021.
2. Petitioner and Owner acknowledge and agree that the City is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the City's review and approval of any plans for the Subject Property, or the issuance of any permits for the use and development of the Subject Property, and that the City's review and approval of any such plans and issuance of any such permits does not, and shall not, in any way, be deemed to insure Petitioner or Owner against damage or injury of any kind and at any time.
3. Petitioner and Owner acknowledge that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, have considered the possibility of the revocation provided for in the Ordinance, and agree not to challenge any such revocation on the grounds of any procedural infirmity or



any denial of any procedural right, provided that the procedures required by Section 12-4-7 of the City's Zoning Ordinance are followed.

4. Petitioner agrees to and do hereby hold harmless and indemnify the City, the City's corporate authorities, and all City elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with (a) the City's review and approval of any plans and issuance of any permits, (b) the procedures followed in connection with the adoption of the Ordinance, (c) the development, construction, maintenance, and use of the Subject Property, and (d) the performance by Petitioner of its obligations under this Unconditional Agreement and Consent.
5. Petitioner hereby agrees to pay all expenses incurred by the City in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses shall include all out-of-pocket expenses, such as attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the City.

ATTEST:

By: Victoria M Baumann

**SUBSCRIBED** and **SWORN** to  
before me this 22nd day of  
November, 2021.

Victoria M Baumann  
Notary Public

**PETER TOPOLEWICK**

By: [Signature]

Its: PRESIDENT



ATTEST:

By: Victoria M Baumann

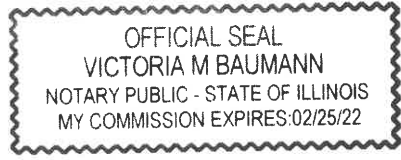
**SUBSCRIBED** and **SWORN** to  
before me this 22nd day of  
November, 2021.

Victoria M Baumann  
Notary Public

**ART INVESTMENT, LLC**

[Signature]

Its: Member / Manager



CITY OF DES PLAINES

ORDINANCE Z-36-21

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A TRADE  
CONTRACTOR ESTABLISHMENT AT 1628 RAND ROAD, DES PLAINES, ILLINOIS

ADOPTED ON JUNE 7, 2021  
BY THE CITY COUNCIL  
OF THE  
CITY OF DES PLAINES

Published in pamphlet form by authority of the City Council of the City of Des Plaines,  
Cook County, Illinois, on this 8th day of June, 2021.



**CITY OF DES PLAINES**

**ORDINANCE Z - 26 - 22**

**AN ORDINANCE GRANTING AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT TO ALLOW OUTDOOR DISPLAY AND STORAGE OF PRODUCTS RELATED TO THE TRADE CONTRACTOR USE LOCATED AT 1628 RAND ROAD, DES PLAINES, ILLINOIS.**

**WHEREAS**, Granite Place & Quartz, LLC and Cabinet Land Kitchen & Bath Corporation (collectively, the "***Petitioner***") are the lessees of the property commonly known as 1628 Rand Road, Des Plaines, Illinois ("***Subject Property***"); and

**WHEREAS**, the Subject Property is located in the C-3 General Commercial District of the City ("***C-3 District***"); and

**WHEREAS**, on June 7, 2021, the City Council adopted Ordinance Z-36-21 ("***Conditional Use Ordinance***"), approving a conditional use permit to allow a trade contractor use on the Subject Property ("***Conditional Use Permit***"); and

**WHEREAS**, the Conditional Use Ordinance prohibits the storage of products outdoors on the Subject Property; and

**WHEREAS**, the Petitioner desires to store and display products on the Subject Property; and

**WHEREAS**, the Petitioner submitted an application to the City of Des Plaines Department of Community and Economic Development ("***Department***") to amend the Conditional Use Permit to allow the outdoor storage and display of products on the Subject Property in accordance with Section 12-7-3 of the Zoning Ordinance ("***Amended Conditional Use Permit***"), in accordance with Section 12-3-4 of the Zoning Ordinance; and

**WHEREAS**, the Subject Property is owned by Art Investment, LLC ("***Owner***"), which has consented to the Petitioner's application; and

**WHEREAS**, the Petitioner's application was referred by the Department to the Planning and Zoning Board of the City of Des Plaines ("***PZB***") within 15 days after the receipt thereof; and

**WHEREAS**, within 90 days from the date of the Petitioner's application a public hearing was held by the PZB on July 26, 2022 pursuant to notice published in the *Des Plaines Journal* on July 6, 2022; and

**WHEREAS**, notice of the public hearing was mailed to all property owners within 500 feet of the Subject Property; and

**WHEREAS**, during the public hearing, the PZB heard testimony and received evidence with respect to how the Petitioner intended to satisfy and comply with the applicable provisions of the Zoning Ordinance; and

**WHEREAS**, pursuant to Section 12-3-4 of the Zoning Ordinance, the PZB filed a written report with the City Council on July 27, 2022, summarizing the testimony and evidence received by the PZB and stating the Board's recommendation, by a vote of 4-0, to approve the Petitioner's application for the Amended Conditional Use Permit, subject to certain terms and conditions; and

**WHEREAS**, the Petitioner made certain representations to the PZB with respect to the proposed Amended Conditional Use Permit, which representations are hereby found by the City Council to be material and upon which the City Council relies in granting this request for the Amended Conditional Use Permits; and

**WHEREAS**, the City Council has considered the written report of the PZB, the applicable standards for conditional use permits set forth in the Zoning Ordinance, and the Community and Economic Development Staff Memorandum dated August 25, 2022, including the attachments and exhibits thereto, and has determined that it is in the best interest of the City and the public to grant the Petitioner's application in accordance with the provisions of this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

**SECTION 1. RECITALS.** The recitals set forth above are incorporated herein by reference and made a part hereof, the same constituting the factual basis for this Ordinance.

**SECTION 2. LEGAL DESCRIPTION OF SUBJECT PROPERTY.** The Subject Property is legally described as follows:

LOTS 14 TO 18, BOTH INCLUSIVE, (EXCEPT THE SOUTHWESTERLY 17.0 FEET THEREOF) IN BLOCK 3 IN RIVER-RAND ROAD SUBDIVISION OF LOTS 1 TO 8, INCLUSIVE, IN BLOCK 18 (OR BENNET BLOCK) AND LOT 1 TO 13, EXCLUSIVE IN, BLOCK 18 (OR RAND BLOCK) IN PARK SUBDIVISION OF PARTS OF SECTIONS 16 AND 17, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 09-16-104-022-0000

Commonly known as: 1628 Rand Road, Des Plaines, Illinois.

**SECTION 3. AMENDED CONDITIONAL USE PERMIT.** Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in Section 4 of this Ordinance, the City Council grants the Petitioner an Amended Conditional Use Permit to allow the outdoor display and storage of products on Subject Property, in accordance with Section 12-7-3 of the Zoning Ordinance. The Amended Conditional Use Permit granted by this Ordinance is consistent with and equivalent to a "special use" as referenced in Section 11-13-25 of the Illinois Municipal Code, 65 ILCS 5/11-13-25.

**SECTION 4. CONDITIONS.** The Amended Conditional Use Permit granted in Section 3 of this Ordinance shall be, and is hereby, expressly subject to and contingent upon the following conditions, restrictions, limitations, and provisions:

A. **Compliance with Law and Regulations.** The development, use, operation, and maintenance of the Subject Property, by the Petitioner must comply with all applicable City codes and ordinances, including, without limitation, the Conditional Use Ordinance, as the same have been or may be amended from time to time, except to the extent specifically provided otherwise in this Ordinance.

B. **Compliance with Plans.** Except for minor changes and site work approved by the City Director of Community and Economic Development in accordance with all applicable City standards, the development, use, operation, and maintenance of the Subject Property by the Petitioner must comply with the following plans as may be amended to comply with Section 4.C of this Ordinance: that certain "Final Site Plan" prepared by the Owner, consisting of one sheet, with a latest revision date of February 22, 2022, attached to and by this reference made a part of this Ordinance as **Exhibit A** ("*Site Plan*"); and

C. Additional Conditions. The development, use, and maintenance of the Subject Property shall be subject to and contingent upon the following additional conditions:

1. All proposed improvements shown on the Site Plan must be constructed in full compliance with all applicable codes and ordinances. Plans and drawings may require modification in order to comply with current City codes and ordinances; and

2. No outdoor display or storage of products is allowed on the Subject Property unless the location of the outdoor display and storage of products complies with the City of Des Plaines Flood Control Regulations set forth in Title 14 of the City Code.

**SECTION 5. RECORDATION; NON-TRANSFERABILITY.** The privileges, obligations, and provisions of each and every section and requirement of this Ordinance are for and shall inure solely to the benefit of Petitioner. Nothing in this Ordinance shall be deemed to allow the Petitioner to transfer any of the rights or interests granted herein to any other person or entity without the prior approval of the City Council by a duly adopted amendment to this Ordinance.

**SECTION 6. NONCOMPLIANCE.**

A. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of, any of the provisions of this Ordinance shall be fined not less than seventy five dollars (\$75.00) or more than seven hundred and fifty dollars (\$750.00) for each offense. Each and every day that a violation of this Ordinance is allowed to remain in effect shall constitute a complete and separate offense. In addition, the appropriate authorities of the City may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its

terms. Any person, firm or corporation violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees.

B. In the event that the Petitioner or Owner fails to develop or maintain the Subject Property in accordance with the plans submitted, the requirements of the Zoning Ordinance, or the conditions set forth in Section 4 of this Ordinance, the Conditional Use Ordinance as amended by this Ordinance, the Amended Conditional Use Permit granted in Section 3 of this Ordinance may be revoked after notice and hearing before the Zoning Administrator of the City, all in accordance with the procedures set forth in Section 12-4-7 of the Zoning Ordinance. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the C-3 District. Further, in the event of such revocation of the Amended Conditional Use Permit, the City Manager and City's General Counsel are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Petitioner and Owner acknowledge that public notices and hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice and hearing required by Section 12-4-7 of the Zoning Ordinance is provided to the Petitioner and Owner.

**SECTION 7. EFFECTIVE DATE.**

A. This Ordinance shall be in full force and effect only after the occurrence of the following events:

1. its passage and approval by the City Council in the manner provided by law;
2. its publication in pamphlet form in the manner provided by law;



3. the filing with the City Clerk by the Petitioner and the Owner, not less than 60 days after the passage and approval of this Ordinance, of an unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance, and demonstrating the Petitioner's and Owner's consent to its recordation. Said unconditional agreement and consent shall be in substantially the form attached to, and by this reference made a part of, this Ordinance as **Exhibit B**; and

4. at the Petitioner's sole cost and expense, the recordation of this Ordinance together with such exhibits as the City Clerk deems appropriate, with the Office of the Cook County Recorder.

B. In the event that the Petitioner and the Owner do not file with the City Clerk a fully executed copy of the unconditional agreement and consent referenced in Section 7.A.3 of this Ordinance, within 60 days after the date of passage of this Ordinance by the City Council, the City Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

**SECTION 8. SEVERABILITY.** If any paragraph, section, clause or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

[SIGNATURE PAGE FOLLOWS]

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

**VOTE:** AYES \_\_\_\_ NAYS \_\_\_\_ ABSENT \_\_\_\_

---

**MAYOR**

**ATTEST:**

---

**CITY CLERK**

Published in pamphlet form this  
\_\_\_\_ day of \_\_\_\_\_, 2022.

Approved as to form:

---

**CITY CLERK**

---

**Peter M. Friedman, General Counsel**

ATTEST:

**GRANITE PLACE & QUARTZ, LLC**

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

ATTEST:

**CABINET LAND KITCHEN & BATH CORPORATION**

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

ATTEST:

**ART INVESTMENT, LLC**

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

CITY OF DES PLAINES

ORDINANCE Z - 27 - 22

**AN ORDINANCE APPROVING MAJOR VARIATIONS FROM SECTION 12-11-6.B OF THE CITY OF DES PLAINES ZONING ORDINANCE TO ALLOW THE INSTALLATION OF WALL SIGNS AND AN ELECTRONIC MESSAGE BOARD POLE SIGN AT 1628 RAND ROAD, DES PLAINES, ILLINOIS (CASE #22-024-TA-CU-V).**

---

WHEREAS, Granite Place & Quartz, LLC and Cabinet Land Kitchen & Bath Corporation (collectively, the "**Petitioner**") are the lessees of that certain property commonly known as 1628 Rand Road, Des Plaines, Illinois ("**Subject Property**"); and

WHEREAS, the Subject Property is located in the C-3 General Commercial District of the City ("**C-3 District**"); and

WHEREAS, pursuant to Section 12-11-6.B of the Des Plaines Zoning Ordinance of 1998, as amended ("**Zoning Ordinance**"): (i) the total sign area permitted on any street-facing building elevation may not exceed 125 square feet; (ii) the animated face of an electronic message board sign must be at least 250 feet from a residence located in the R-1, R-2, or R-3 Districts; and (iii) electronic message boards may not exceed 50 percent of the total sign area; and

WHEREAS, the Petitioner has installed wall signs on the Subject Property with the total sign area of 236 square feet, in violation of Section 12-11-6.B of the Zoning Ordinance; and

WHEREAS, the Petitioner proposes to install an electronic message board sign in an existing pole sign structure that would: (i) would be located 189.5 feet from the nearest residence in the R-1 District; and (ii) consist of 100 percent of the sign area, in violation of Section 12-11-6.B of the Zoning Ordinance; and

WHEREAS, the Petitioner submitted an application to the City of Des Plaines to the Department of Community and Economic Development ("**Department**") for major variations from Section 12-11-6.B of the Zoning Ordinance to: (i) increase the maximum wall sign area from 125 square feet to 236 square feet ("**Wall Sign Area Variation**"); (ii) decrease the required distance between the animated face of an electronic message board sign and a residence in the R-1 District from 250 feet to 189.5 feet ("**Residential Separation Variation**"); and (iii) increase the maximum permitted sign area for the electronic message board sign from 50 percent to 100 percent ("**EMB Sign Area Variation**") (collectively, the "**Variations**"); and

WHEREAS, the Petitioner's application for the Variations was referred by the Department, within 15 days after its receipt, to the Planning and Zoning Board of the City of Des Plaines ("**PZB**"); and

WHEREAS, within 90 days after the date of the Petitioner's application, a public hearing

was held by the PZB on July 26, 2022, pursuant to publication of notice in the *Des Plaines Journal* on July 6, 2022; and

**WHEREAS**, notice of the public hearing was mailed to all owners of property located within 500 feet of the Subject Property; and

**WHEREAS**, during the public hearing, the PZB heard testimony and received evidence with respect to the Petitioner's application for the Variations; and

**WHEREAS**, on July 26, 2022, the PZB voted on the following motions: (i) the motion to recommend approval the Wall Sign Area Variation passed by a vote of 4-0; (ii) the motion to recommend approval of the Residential Separation Variation passed by a vote of 3-1; and (iii) the motion to recommend approval of the EMB Sign Area Variation failed to pass by a vote of 2-2; and

**WHEREAS**, on July 27, 2022, the PZB filed a written report with the City Council summarizing the testimony received by the PZB and the PZB's recommendations; and

**WHEREAS**, the Petitioner made representations to the PZB with respect to the requested Variations, which representations are hereby found by the City Council to be material and upon which the City Council relies in granting the Variations subject to certain terms and conditions; and

**WHEREAS**, the City Council has studied the written report of the PZB, the applicable standards set forth in the Zoning Ordinance, and the Staff Memorandum dated August 25, 2022, including its exhibits, which form part of the basis for this Ordinance;

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

**SECTION 1. RECITALS.** The recitals set forth above are incorporated herein by reference and made a part hereof, the same constituting part of the factual basis for this Ordinance granting the Variations.

**SECTION 2. LEGAL DESCRIPTION OF SUBJECT PROPERTY.** The Subject Property is legally described as follows:

LOTS 14 TO 18, BOTH INCLUSIVE, (EXCEPT THE SOUTHWESTERLY 17.0 FEET THEREOF) IN BLOCK 3 IN RIVER-RAND ROAD SUBDIVISION OF LOTS 1 TO 8, INCLUSIVE, IN BLOCK 18 (OR BENNET BLOCK) AND LOT 1 TO 13, EXCLUSIVE IN, BLOCK 18 (OR RAND BLOCK) IN PARK SUBDIVISION OF PARTS OF SECTIONS 16 AND 17, TOWNHSIP 41 NORTH,

RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDAN, IN COOK COUNTY, ILLINOIS.

PIN: 09-16-104-022-0000

Commonly known as 1628 Rand Road, Des Plaines, Illinois.

**SECTION 3. VARIATIONS.**

A. Wall Sign Area Variation. The City Council finds that the Wall Sign Area Variation satisfies the standards set forth in Section 12-3-6.H of the Zoning Ordinance and, pursuant to the City's home rule powers, finds that the Wall Sign Area Variation is otherwise necessary and appropriate. Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in Section 4 of this Ordinance, the City Council hereby grants the Wall Sign Area Variation for the Subject Property to the Petitioner.

B. Residential Separation Variation. The City Council finds that the Residential Separation Variation satisfies the standards set forth in Section 12-3-6.H of the Zoning Ordinance and, pursuant to the City's home rule powers, finds that the Residential Separation Variation is otherwise necessary and appropriate. Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in Section 4 of this Ordinance, the City Council hereby grants the Residential Separation Variation for the Subject Property to the Petitioner.

C. EMB Sign Area Variation. The City Council finds that the EMB Sign Area Variation satisfies the standards set forth in Section 12-3-6.H of the Zoning Ordinance and, pursuant to the City's home rule powers, finds that the EMB Sign Area Variation is otherwise necessary and appropriate. Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in Section 4 of this Ordinance, the City Council hereby grants the EMB Sign Area Variation for the Subject Property to the Petitioner.

**SECTION 4. CONDITIONS.** The Variations granted in Section 3 of this Ordinance shall be, and are expressly subject to and contingent upon the conditions, restrictions, and limitations set forth in this Section 4. The development, use, and maintenance of the Subject Property shall be in strict compliance with the "Sign Photos and Renderings" consisting of 11 sheets, submitted by the Petitioner, and undated, copies of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit A**, except for minor changes and site work approved by the Director of the Department of Community and Economic Development in accordance with applicable City codes, ordinances, and standards.

**SECTION 5. EFFECT.** This Ordinance authorizes the use and development of the Subject Property in accordance with the terms and conditions of this Ordinance and shall prevail against other ordinances of the City to the extent that any might conflict. The terms and conditions of this Ordinance shall be binding upon Petitioner, its grantees, assigns and successors in interest to the Subject Property.

**SECTION 6. LIMITATIONS.** The Variations shall be valid for not more than 12 months prior to the issuance of a building permit and the commencement of construction in accordance with the terms and conditions of this Ordinance. The Zoning Administrator may extend the Variations if the Petitioner requests an extension in accordance with Section 12-3-6.L of the Zoning Ordinance.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law; provided, however, that this Ordinance shall not take effect unless and until a true and correct copy of this Ordinance is executed by the Owner of the Subject Property or such other party in interest consenting to and agreeing to be bound by the terms and conditions contained within this

Ordinance. Such execution shall take place within 60 days after the passage and approval of this Ordinance or within such extension of time as may be granted by the City Council by motion and delivered directly to the City Clerk.

**SECTION 8. SEVERABILITY.** If any paragraph, section, clause or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

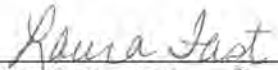
PASSED this 19<sup>th</sup> day of September, 2022.

APPROVED this 19<sup>th</sup> day of September, 2022.

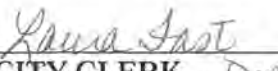
VOTE: Ayes 7 Nays 0 Absent 1

  
\_\_\_\_\_  
MAYOR


ATTEST:

  
\_\_\_\_\_  
CITY CLERK, Deputy

Published in pamphlet form this  
20<sup>th</sup> day of September, 2022.

  
\_\_\_\_\_  
CITY CLERK, Deputy

Approved as to form:

  
\_\_\_\_\_  
Peter M. Friedman, General Counsel

I, \_\_\_\_\_, being the owner or other party in interest of the property legally described within this Ordinance, having read a copy of the Ordinance, do hereby accept, concur and agree to develop and use the Subject Property in accordance with the terms of this Ordinance.

Dated: \_\_\_\_\_

\_\_\_\_\_  
(Signature)



CITY OF DES PLAINES

ORDINANCE Z-27-22

AN ORDINANCE APPROVING MAJOR VARIATIONS FROM SECTION 12-11-6.B OF THE CITY OF DES PLAINES ZONING ORDINANCE TO ALLOW THE INSTALLATION OF WALL SIGNS AND AN ELECTRONIC MESSAGE BOARD POLE SIGN AT 1628 RAND ROAD, DES PLAINES, ILLINOIS (CASE #22-024-TA-CU-V)

ADOPTED ON SEPTEMBER 19, 2022  
BY THE CITY COUNCIL  
OF THE  
CITY OF DES PLAINES

Published in pamphlet form by authority of the City Council of the City of Des Plaines, Cook County, Illinois, on this 20th day of September, 2022.

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF COOK )

**CERTIFICATE**

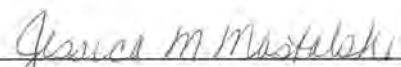
I, Jessica M. Mastalski, certify that I am the duly elected and acting Municipal Clerk of the City of Des Plaines, Cook County, Illinois.


I further certify that on September 19, 2022, the Corporate Authorities of such municipality passed and approved Ordinance Z-27-22, AN ORDINANCE APPROVING MAJOR VARIATION S FROM SECTION 12-11-6.B OF THE CITY OF DES PLAINES ZONING ORDINANCE TO ALLOW THE INSTALLATION OF WALL SIGNS AND AN ELECTRONIC MESSAGE BOARD POLE SIGN AT 1628 RAND ROAD, DES PLAINES, ILLINOIS (CASE #22-024-TA-CU-V) provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance Z-27-22 was posted in the municipal building commencing on September 20, 2022 and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Des Plaines, Illinois, this 20<sup>th</sup> day of September, 2022.

(SEAL)

  
\_\_\_\_\_  
Jessica M. Mastalski, City Clerk

By:   
\_\_\_\_\_  
Laura Fast, Deputy Clerk

\*Per the provisions of 65 ILCS 5/3.1-20-5  
Of the Illinois Compiled Statutes (2006)



EXISTING WOOD FRAME IS TIED INTO THE WALL WITH  $\frac{3}{4}$ " (THICK) AND 8' (LONG) KWIK BOLT LONG THREAD CARBON STEEL EXPANSION ANCHORS.

MATERIAL: ALU PANEL 12.5 MM INSTALL TO EXISTING GREEN WOOD FRAME.

DIMENSIONS: 24' X 3'





CLK  
MEMBER  
FRANCHISE







VINYL WRAP OVER EXISTING FRONT FASCIA BOARD.

MATERIAL: VINYL STICKER

DIMENSIONS: 82' X 2'















Outdoor LED Programmable sign

16mm Pixel Pitch

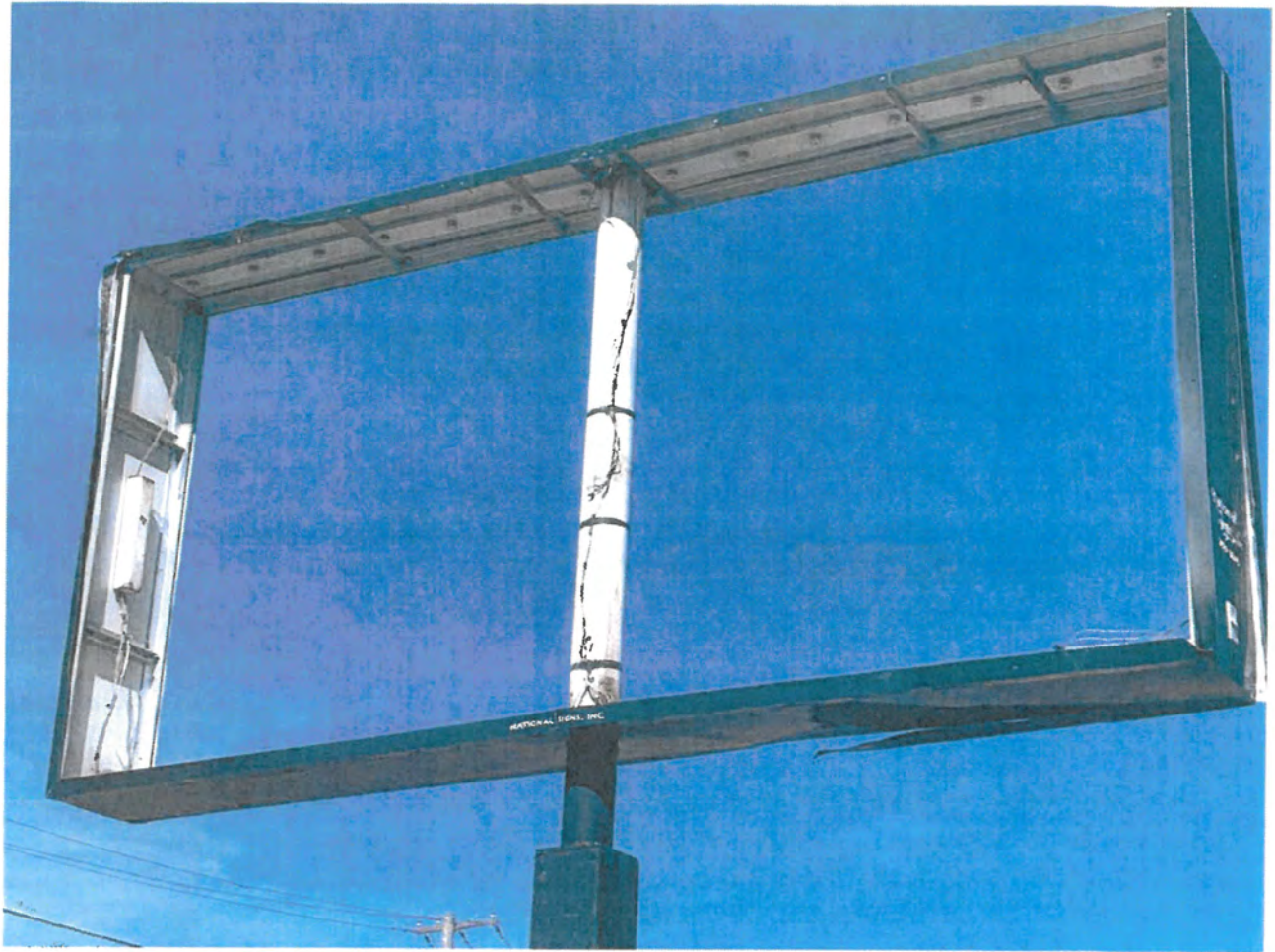
Cabinet Size 73" by 144"

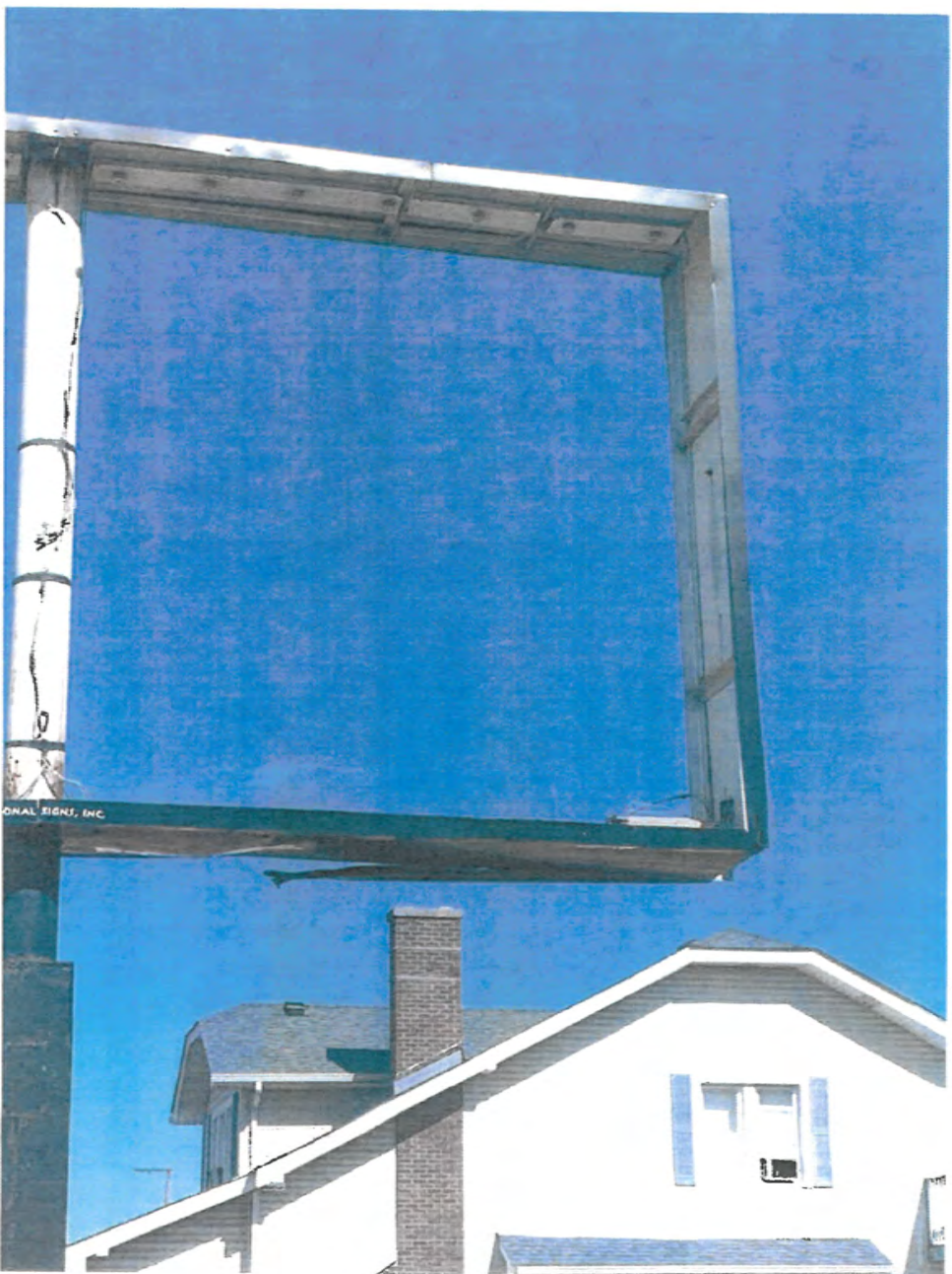
Viewable Area 70.5" by 141.5"

Brightness adjustable and includes Auto Dimmer

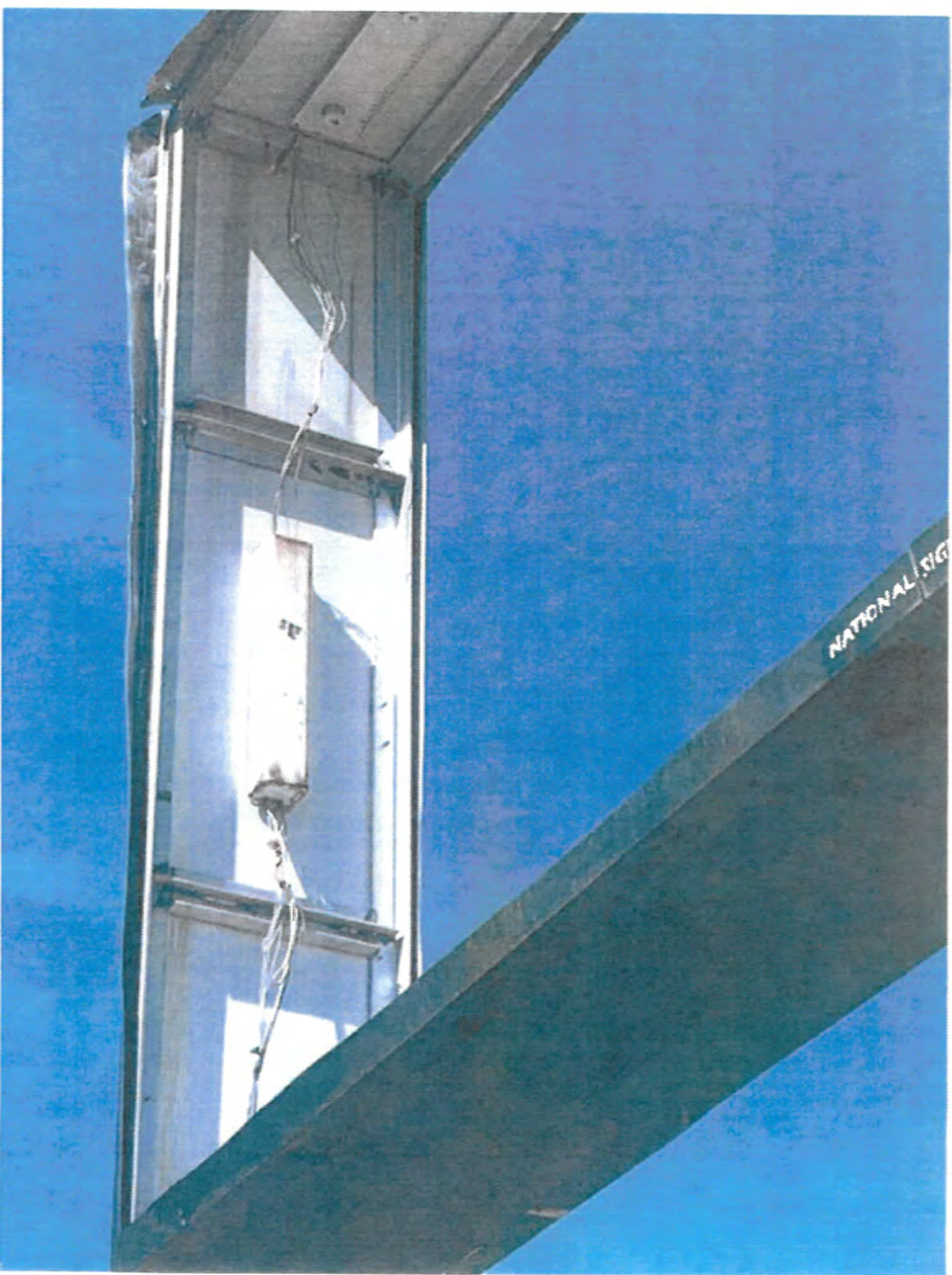
Install to **existing** Electric contraction



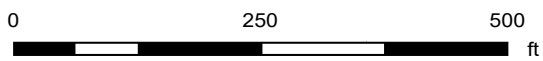
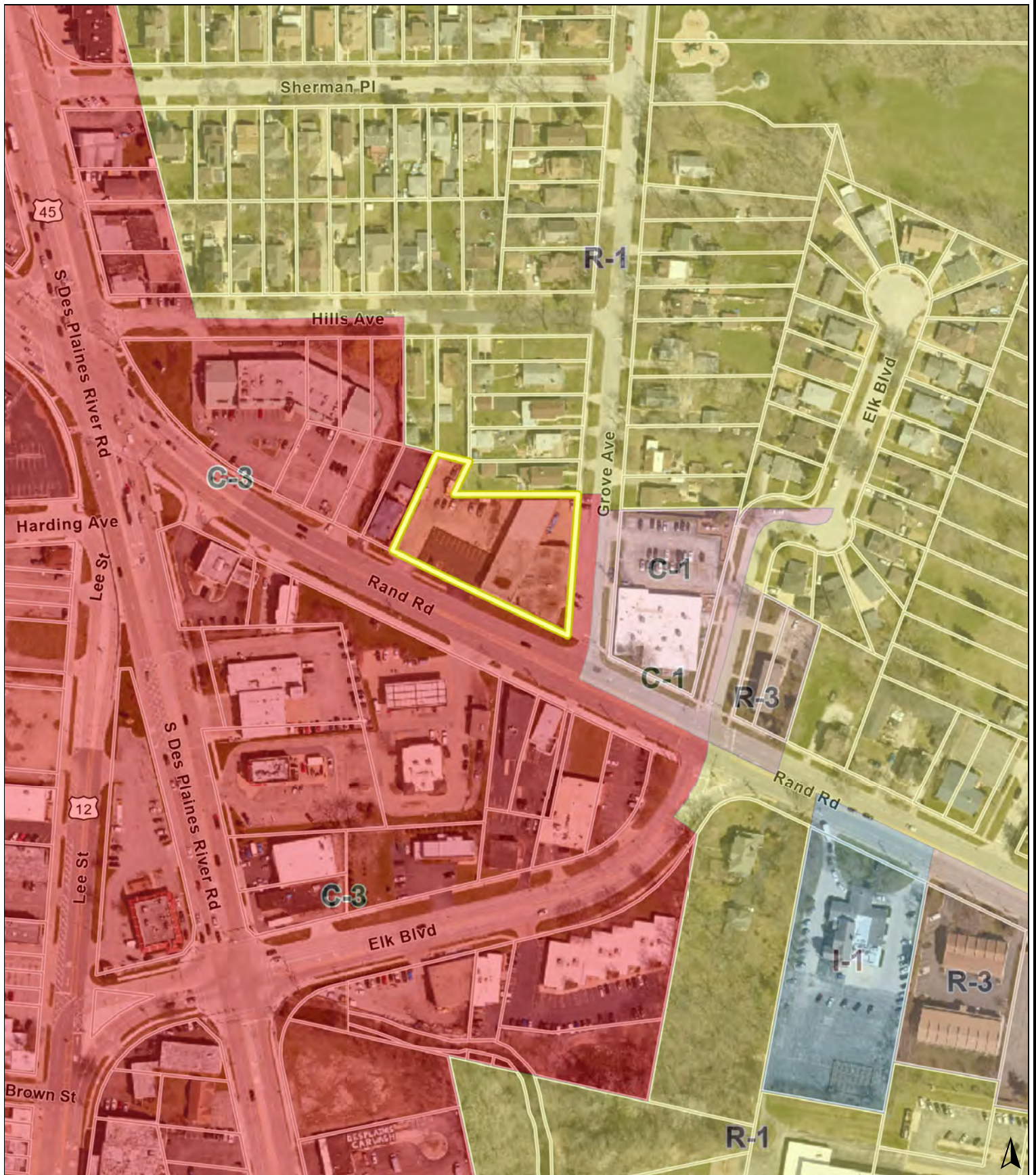












Print Date: 2/9/2024

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.





**1628 Rand Road – Outdoor Display**



**1628 Rand Road – Outdoor Display**

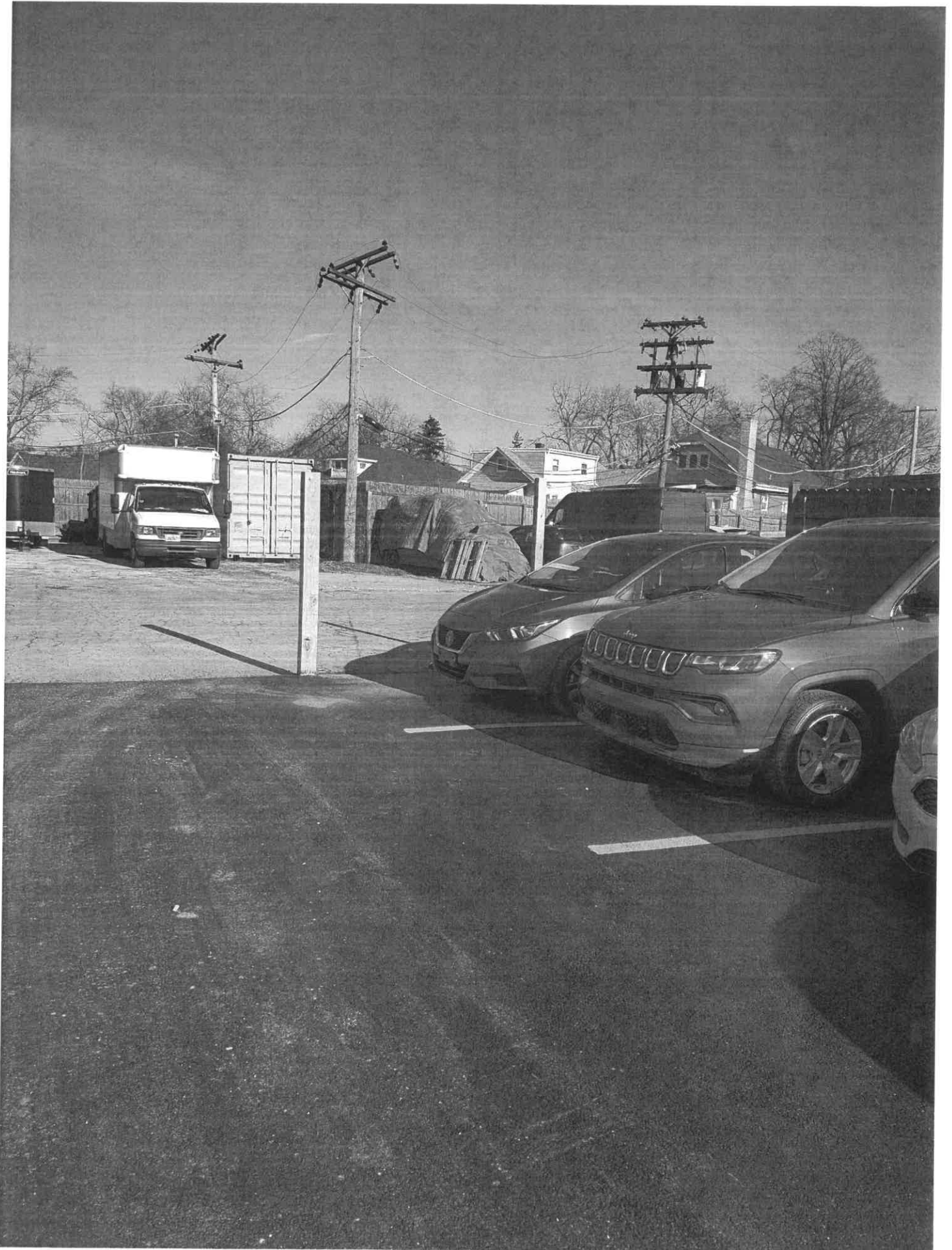


**1628 Rand Road – Subject Property**



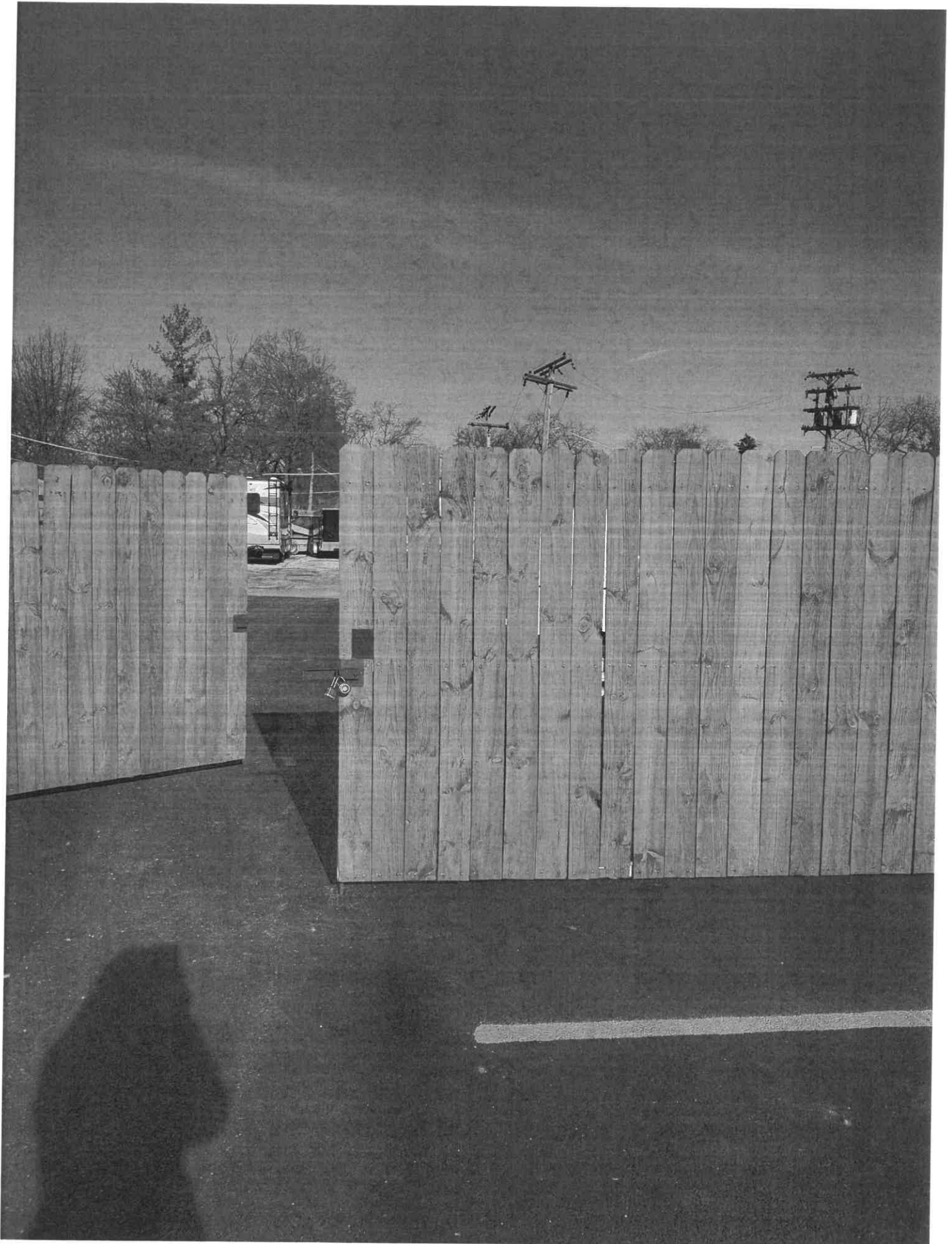
**1628 Rand Road – Motor Vehicle Sales Entrance**



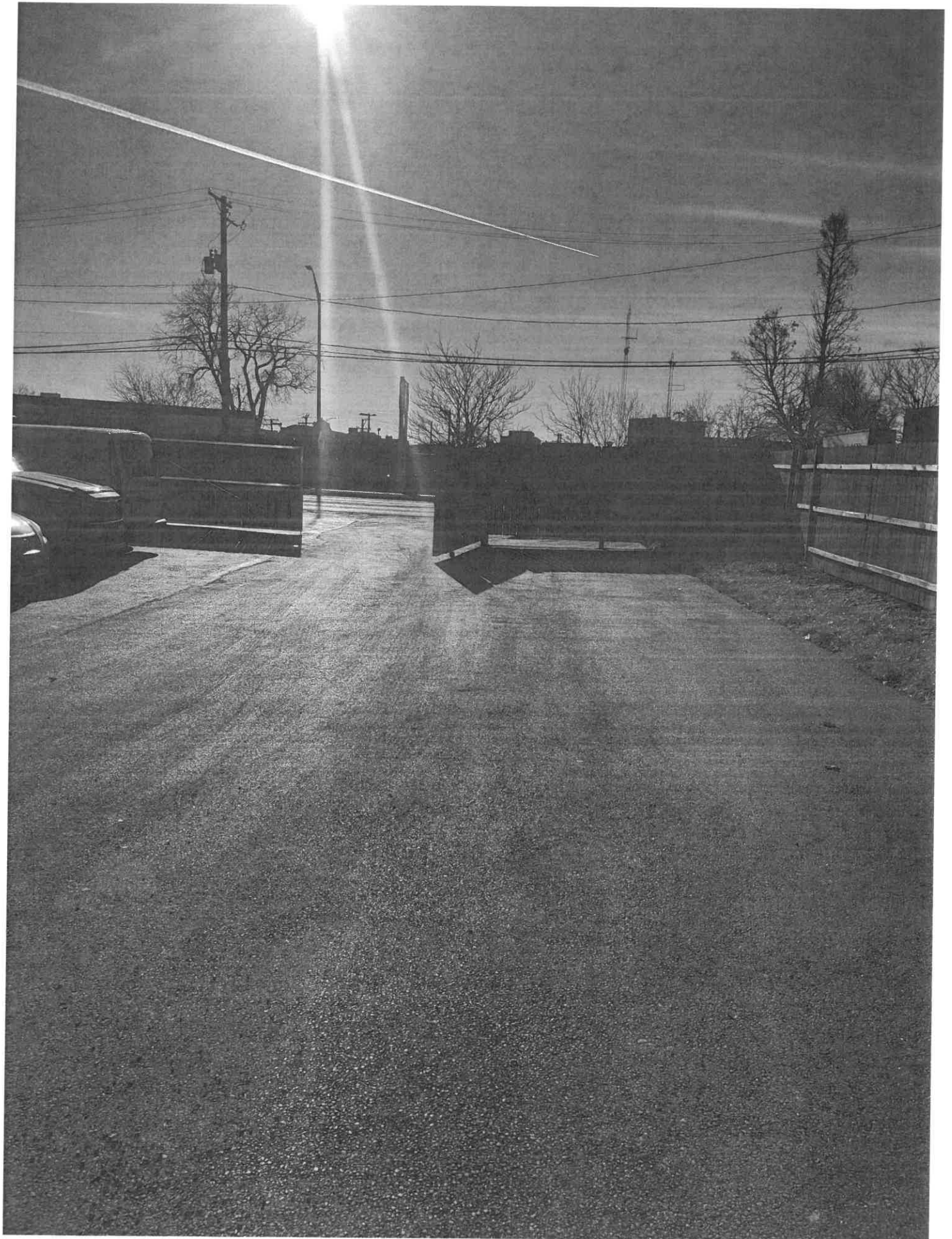














Attachment 5

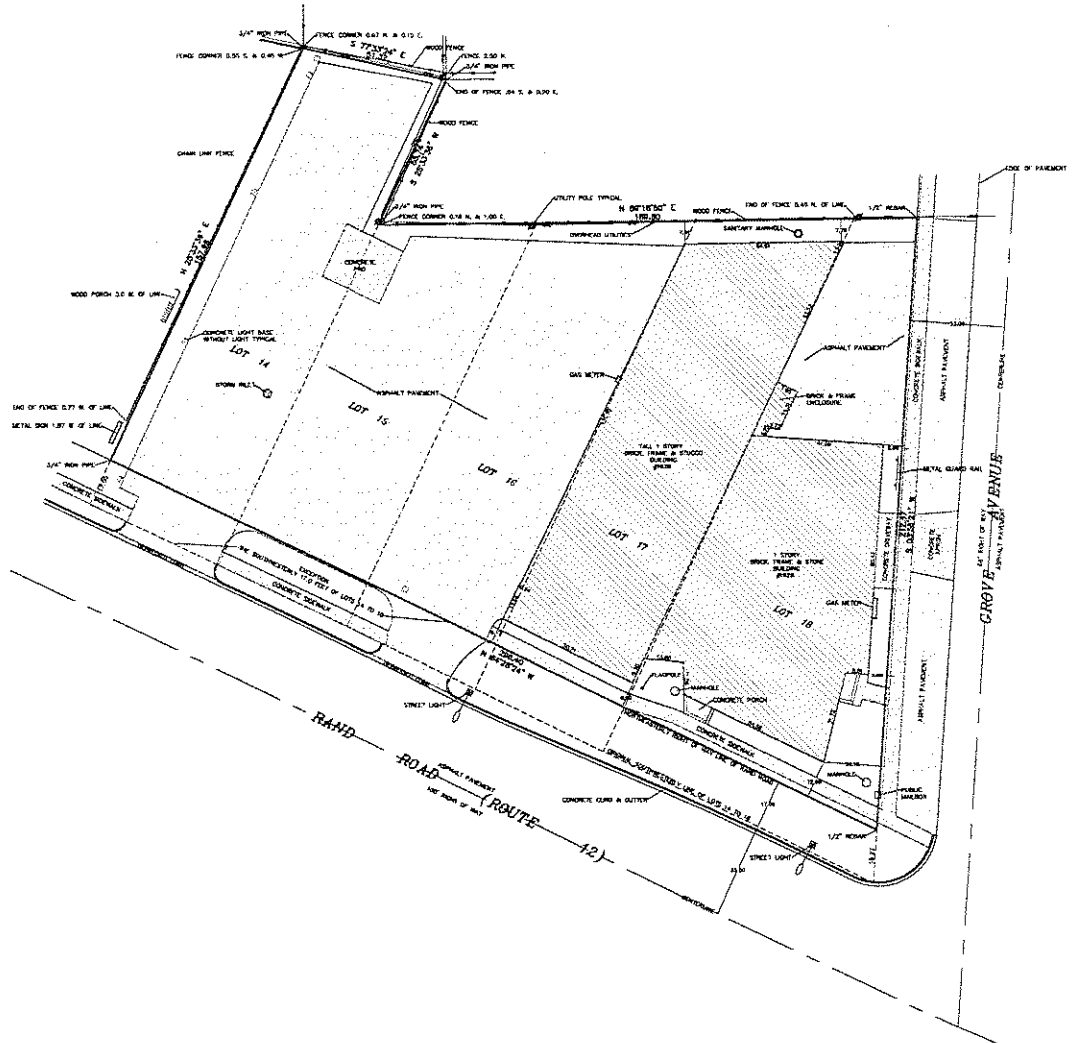
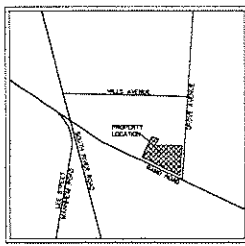
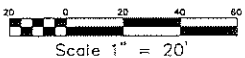




# ALTA/NSPS LAND TITLE SURVEY

PREPARED BY:  
**P.E.A. Land Surveyors, Inc.**  
725 10th Street, Suite 1000  
Baltimore, MD 21202

LEGAL DESCRIPTION  
LOTS 14 TO 18 BEING INCLUDING, EXCEPT THE SUPERSEDED 17.0 FOOT FRONT SETBACK IN BLOCK 3 IN  
MAYNARD ROAD SUBDIVISION OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 (ON BOWEN ROAD) AND  
LOTS 19 TO 23 BEING INCLUDING, EXCEPT THE SUPERSEDED 17.0 FOOT FRONT SETBACK OF LOTS 19, 20,  
21, 22, 23 IN THE MAYNARD ROAD SUBDIVISION OF LOTS 19, 20, 21, 22, 23 (ON BOWEN ROAD) AND  
LOTS 24 TO 28 BEING INCLUDING, EXCEPT THE SUPERSEDED 17.0 FOOT FRONT SETBACK OF LOTS 24, 25,  
26, 27, 28 (ON BOWEN ROAD) IN THE MAYNARD ROAD SUBDIVISION OF LOTS 24, 25, 26, 27, 28 (ON BOWEN ROAD) IN  
COURT QUARTERS, BALTIMORE.



ALTA/NSPS LAND TITLE SURVEYS SHALL BE MADE  
1. MONUMENTS HAVE BEEN PLACED OR FOUND AT ALL MAJOR CORNERS OF THE BOUNDARY OF THE PROPERTY AS SHOWN HEREON.  
2. MONUMENTS HAVE BEEN PLACED OR FOUND AT ALL OTHER CORNERS OF THE PROPERTY AS SHOWN HEREON.  
3. THE PROPERTY IS BEING SURVEYED AS SHOWN HEREON.  
4. THE PROPERTY IS BEING SURVEYED AS SHOWN HEREON.  
5. THE PROPERTY IS BEING SURVEYED AS SHOWN HEREON.  
6. THE PROPERTY IS BEING SURVEYED AS SHOWN HEREON.  
7. THE PROPERTY IS BEING SURVEYED AS SHOWN HEREON.  
8. THE PROPERTY IS BEING SURVEYED AS SHOWN HEREON.  
9. THE PROPERTY IS BEING SURVEYED AS SHOWN HEREON.  
10. THE PROPERTY IS BEING SURVEYED AS SHOWN HEREON.

ALL dimensions shown are given to feet & decimal parts thereof  
and angles or bearings are to be assumed by reading  
the description, unless they are accompanied by a note  
indicating otherwise. All bearings are given in degrees  
minutes and seconds, and all distances are given in feet  
and inches. The surveyor is not responsible for any errors  
or omissions in this report and shall not be held liable therefor.

Date: 7-27-22  
Title: 14-18  
Map: 14-18  
Plan: 14-18  
Sheet: 14-18



THIS SURVEY IS BASED ON THE COMMERCE/BENTLEY SUB-DIVISION  
EFFECTIVE DATE: JULY 22, 2015 BY GREATER METROPOLITAN TITLE COMPANY  
(COUNTY OF COOK) IN  
STATE OF ILLINOIS  
TO: GREATER METROPOLITAN TITLE COMPANY  
THIS IS TO CERTIFY THAT THIS MAP OF PART AND THE SURVEY ON WHICH IT  
IS BASED WAS MADE IN ACCORDANCE WITH THE 2016 ILLINOIS STANDARD  
PRACTICE REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, WHICH  
STANDARDS AND ADOPTED BY ALTA AND NSPS AND INCLUDES ITEMS 1, 2,  
3, 4 AND 101 OF TABLE THEREOF.  
The work was completed on: August 22, 2022  
Date of plot or map: August 22, 2022  
Surveyor: P.E.A. Land Surveyors, Inc.  
Professional Design Firm No. 184-002204  
This professional number conforms to the current  
Illinois profession standards for a land surveying  
Professional Design Firm No. 184-002204  
This professional number conforms to the current  
Illinois profession standards for a land surveying

THIS SURVEY IS VALID ONLY WITH EMBOSSED SEAL



## Project Narrative

The Petitioner, Urszula Topolewicz, as lessor of AutoDepot Car Sales LLC, is requesting an Amendment to the Conditional Use Permit to a Trade Contractor Use at 1628 Rand Road, Des Plaines, IL 60016, namely under Title 12 Chapter 7 Subjection 3 (12-7-3) and requesting an Amendment to the Conditional Use Permit for Trade Contractor use, at 1628 Rand Road, namely, Ordinance Z-36-21 regarding storage; specifically, the restriction of Ordinance Z-36-21 Section 4. Conditions subparagraph C. 4.

The subject property is located within the C-3 General Commercial District and has been granted conditional use as a Trade Contractor in the C-3 zoning district (Z-36-21). The subject property contains a commercial building with and off-street surface parking area on the west side of the property and on-street parking area along Grove Ave on the east side of the property as shown on the Plat of Survey. (Attached as Exhibit A). The subject property is located along Rand Road at the northwest corner of the Rand/Grove Lane intersection. The property is currently accessed by three curb cuts, two off Rand Road and one off Grove Lane.

The existing one story building which is roughly 15,300 sq ft consists of two front customer entrances located on the southwest and southeast of the property. The proposed uses of the property is a used car dealership with minor service/repairs and car detail cleaning only for vehicles sold by the dealership. The detailing services will not be open to the general public only to customers who purchase vehicles from the dealership. The remainder of the building, 11,400 sq ft will continue to be leased to Granite Place & Quartz LLC. Granite Place & Quartz LLC will not have any changes and no further information is required as this was provided previously and in the Village record.

The Petitioner's request does not involve any changes/ modifications to the building that would require permits. If permits are required to simply move the fence and reface the sign Petitioner/ Owner will acquire the permits as per the Village instructions per 2015 IBC 105.2. However, please note that throughout several conversations with the Village representatives no permit requirements were raised. Again, if permits are required this should be advised and my client will obtain. As the owner of the property has done in the past, they will continue to obtain any permits required and continue to contribute to the beautification and safety of the surrounding residence.

The exterior changes to the property include moving the wooden gate from the front northwest end to the back northwest end of the property, as illustrated on the survey, to open more parking to the public. The gate will be moved to the back northwest end of the property and will separate the private backyard area from the public parking and car sale lot. The interior changes simply include the removal of the kitchen cabinets displays from the show room. The interior space being utilized by the car dealership is the same space utilized by the previous lessor of Cabinet Land Kitchen & Bath Co. The Petitioner does not believe the interior or exterior work require permits.

<b>Use</b>	<b>Total Area / Vehicles</b>	<b>Parking Requirement</b>	<b>Provided Parking</b>
Motor Vehicle Sales	Showroom: 850 sq ft  Office space:, hallway, bathrooms 1,500 sq ft  Warehouse space: \$1,550 sq ft  Total sq ft – 3,900 sq ft	1 space per 500 square feet of showroom and office floor area, plus 1 space for every 20 vehicle display spaces (required off street parking spaces cannot be occupied by motor vehicles for sale or for lease)	11 spaces outside for motor vehicle display  3-4 spaces in interior showroom for motor vehicle display  11 plus 1 handicapped parking spaces for customers (total 12 spaces)  Off street parking is not included in the above numbers
Motor Vehicle Sales – Display Spaces	20 vehicles maximum	Spaces used for motor vehicle display may not be used to meet parking requirements	23 parking spaces noted on site plan; 11 for displayed vehicles and 13 for customers.
Trade Contractor	Showroom: 850 sq ft Office space, hallway, bathrooms: 1,500 sq ft Please see sight Plan	No parking required	23 parking spaces noted on site plan; 11 for displayed vehicles and 12 for customers.

As displayed on the Plat of Survey, Petitioner will only utilize roughly 3,900 sq ft of the interior of the property which includes Showroom: 850 sq ft; Office space: 1,500 sq ft and Warehouse space: \$1,550 sq ft. The remaining portion of the property will continue to be leased Granite Place & Quartz LLC., which is 11,400 sq ft as illustrated on the Site Plan. The interior will be used as office space and possibly display of up to four vehicles in the showroom area consisting of 1,500 sq ft . Along with 1,550 sq ft of warehouse space for car detailing which is separated from the office and showroom area. There will be no service bays. The minor repairs/detailing will be completed inside the warehouse.

AutoDepot Car Sales LLC will operate Monday to Saturday 9:00 am to 9:00pm. Sunday the business is closed. The existing business Granite Place & Quartz LLC. shall remain the same as Attachment 7



previously approved, the operating hours are Monday to Friday 9:00 am to 5:00 pm; Saturday 9:00 am to 3:00 pm; Sunday closed. Granite Place & Quartz LLC has its own overhead warehouse door for egress and ingress. The existing back yard will provide access to both warehouses. In addition each of the two businesses have separate entrances for customers which is displayed on the site plan enclosed. The business will have a minimum of two (2) employees and a maximum of four (4). The Petitioner will display maximum of 20 vehicles, including exterior and interior displays. As illustrated on the Plat of Survey, there will be 12 customer parking spaces one of which is handicapped. There are currently 11 exterior parking spaces designated for displayed vehicles for sale.

This was one of the specific variations requested and tabled due to the property being in a flood plain. All items held in the outdoor backyard are moveable, including but not limited to the granite racks and the cars. The items include vehicles and granite racks for the holding of granite slabs. See pictures attached which was previously provided to the city and PZB board in both 2021 and 2022. This area is fenced off and not accessible to the public. Please also note that only a small portion of this 0.96 acres lot is in a flood plain with only 1% chance of being equaled or exceeded in any given year.

As noted in the attached site plan, the property has been split off and separated into sections, including private and exclusive parking for customers. There is a separate section, closed off by a 8 foot fence for the business back yard, which has no access to the public nor views to the public or surrounding residence, thus creating no public nuisance, The back yard of the business is utilized for cars, incoming and outgoing orders, for storage of business products and basic functioning of business orders. The current Ordinance Z-36-21 is written, namely Section 4. ALL PRODUCTS ARE MOVEABLE. Products include cars and granite slabs ON RACKS. Conditions subparagraph C. 4, not only restricts the Petitioners ability to conduct regular/standard business but also places the current employees health and safety at risk as the current restrictions under Section 4. Conditions subparagraph C. 4 of the Z-36-21 Ordinance

The private yard will not be accessible to the public. The existing gate will be removed and a new swing gate will be installed, as illustrated on the Plat of Survey, separating the private yard from the public area. The private yard is closed off by an 8 foot fence. The fenced off private yard has no access or views to the public, thus creating no public nuisance. The private yard will be utilized for the ingress and egress of vehicles being sold or serviced by the dealership and by Granite Place & Quartz LLC.

As you are aware the finished product we produce such as, granite/quartz/marble and/or any stone are not light materials that may be moved easily from place to place. The unrealistic and unsafe restrictions referenced in Section 4. Conditions subparagraph C. 4 of Ordinance Z-36-21 are placing the employees of the Petitioner in an unhealthy and unsafe work environment, especially during the fall and winter seasons. The Petitioner should have access to their own, secured back yard to store business equipment as fits the time of the season and need of the business.

In order to continue to serve the residents of Des Plaines, ensure a safe working environment for the employees and continue to not be a nuisance to the surrounding residence, Ordinance Z-36-21 should be modified as follows: Section 4. Conditions subparagraph C. 4 shall be removed in its entirety. The restriction of Ordinance Z-36-21 Section 4. Conditions subparagraph C. 4, is an additional restriction specifically for this property.

As there is no restriction/ stipulation in the City code regarding back yard storage, the Amendment to Ordinance Z-36-21 Section 4. Conditions subparagraph C. 4 would be the best resolution for all parties involved, including the Village, Petitioner, future and current C-3 and the surrounding community and residence. However, if a Text Amendment is required (which should not be as this an addition instead of an amendment to the City Code), then Petitioner proposes the following addition (not per se amendment as back yards are not covered in the statute to 12-7.3 F.5 but an addition): the addition of subparagraph 5.d to the City Code is requested to 12.7.3 F12-7.3 .5 as follows: Back yard may be used for storage of finished products and/or fabricated product and/or movable products such as cars but without limitation as long as the back yard is enclosed with 8 foot wooden fencing and does not create a health hazard to the surrounding residence or violate FEMA. A text amendment was previously submitted and my clients request encompasses the same.

There is a separate section, closed off by a 8 foot fence for the business back yard, which has no access to the public nor views to the public or surrounding residence, thus creating no .public nuisance, The back yard of the business is utilized for incoming and outgoing orders, for storage of business products , cars and basic functioning of business orders. The current Ordinance Z-36-21 is written, namely Section 4. Conditions subparagraph C. 4, not only restricts the Petitioners ability to conduct regular/standard business but also places the current employees health and safety at risk as the current restrictions under Section 4. Conditions subparagraph C. 4 of the Z-36-21 Ordinance. Despite a small portion of the corner property that is in a flood zone, all items stored in my clients private back yard are moveable.

The new business, namely AutoDepot Car Sales LLC, will replace the current sign from Cabinet Land Kitchen & Bath Co. to AutoDepot Car Sales LLC. The size and dimensions of the sign will not be changed. Simply refacing the current sign.

Since roughly September the Petitioner has been attempting to work with the Village to obtain approval to operate a used car dealership; almost half a year. Note that a new/used car dealership previously operated in this same location from 1975 to 2015. The annual property taxes on the property are roughly \$113,000. The owner cannot keep paying taxes without rental income.

I request the Village take a look at their records for over 3 years on this property since my client purchased. The discrimination against my clients is more than apparent in addition to the lack of due diligence on the part of the Village. Either way, it's a reason to sue the Village for their actions towards my client and their financial consequences for the Villages incompetency, lack of due diligence or responsibility. My client has spent and lost A LOT of money due to the Villages incompetency, lack of consistency and discrimination.

Thank you for your time and consideration regarding this matter. Please also keep in mind all improvements and requests made by the Petitioner have been and will continue to be to enhance the safety, environment and productivity of the surrounding residence and the Des Plaines community as a whole. We are hoping this will not have to end in litigation against Des Plaines.



## STANDARDS FOR CONDITIONAL USES

The Planning and Zoning Board and City Council review the particular facts and circumstances of each proposed Conditional Use in terms of the following standards. Keep in mind that in responding to the items below, you are demonstrating that the proposed use is appropriate for the site and will not have a negative impact on surrounding properties and the community. Please answer each item completely and thoroughly (two to three sentences each).

1. The proposed conditional use is in fact a conditional use established within the specific zoning district involved;

Yes, the conditional use request is for a used car dealership with minor service /repair center and detail cleaning.

2. The proposed conditional use is in accordance with the objectives of the city's comprehensive plan and this title;

Yes, the commercial/used car dealership, repair service and detail center use is in accordance with the objective of Chapters 2, 3, and 8 of the Des Plaines comprehensive plan. The business will retail showroom with minor repair service and detail center.

3. The proposed conditional use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;

The proposed conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the existing C-3 commercial character of the general vicinity. The business will be commercial storefront with a warehouse , office space accessible to the public and car lot for the display of vehicles for sale.

4. The proposed conditional use is not hazardous or disturbing to existing neighboring uses.

The proposed conditional use is not hazardous or disturbing to existing neighboring uses. As other neighboring uses, the property will be a commercial storefront and car sale lot open to the public which will be serving the day to day needs of local residents.

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

Yes, the proposed conditional use will be served adequately by essential public facilities and services. The property is currently connected to all public utilities (gas, water, sewer, etc) and is protected by police and fire services. The property has access to Rand Rd and provides parking for customers and employees.

6. The proposed conditional use does not create excessive additional requirements at public expense for public facilities and services and not be detrimental to the economic welfare of the community;

The proposed conditional use does not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare. The property is already connected to all public utilities and is within the boundaries of police and fire services provided by the Village. There will be minimal to no additional requirements at public expense.

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

The proposed conditional use will be a showroom, car lot, offices and warehouse. The business will be open during normal business hours and the warehouse shall be used for storage. minor repairs and detail cleaning of cars which does not produce excessive noise, smoke, fumes, glare or odor. The business will not produce excessive production of traffic as the business is not a high traffic business and has large parking lot.

8. The proposed conditional use provides vehicular access to the property designed that does not create an interference with traffic on surrounding public thoroughfares;

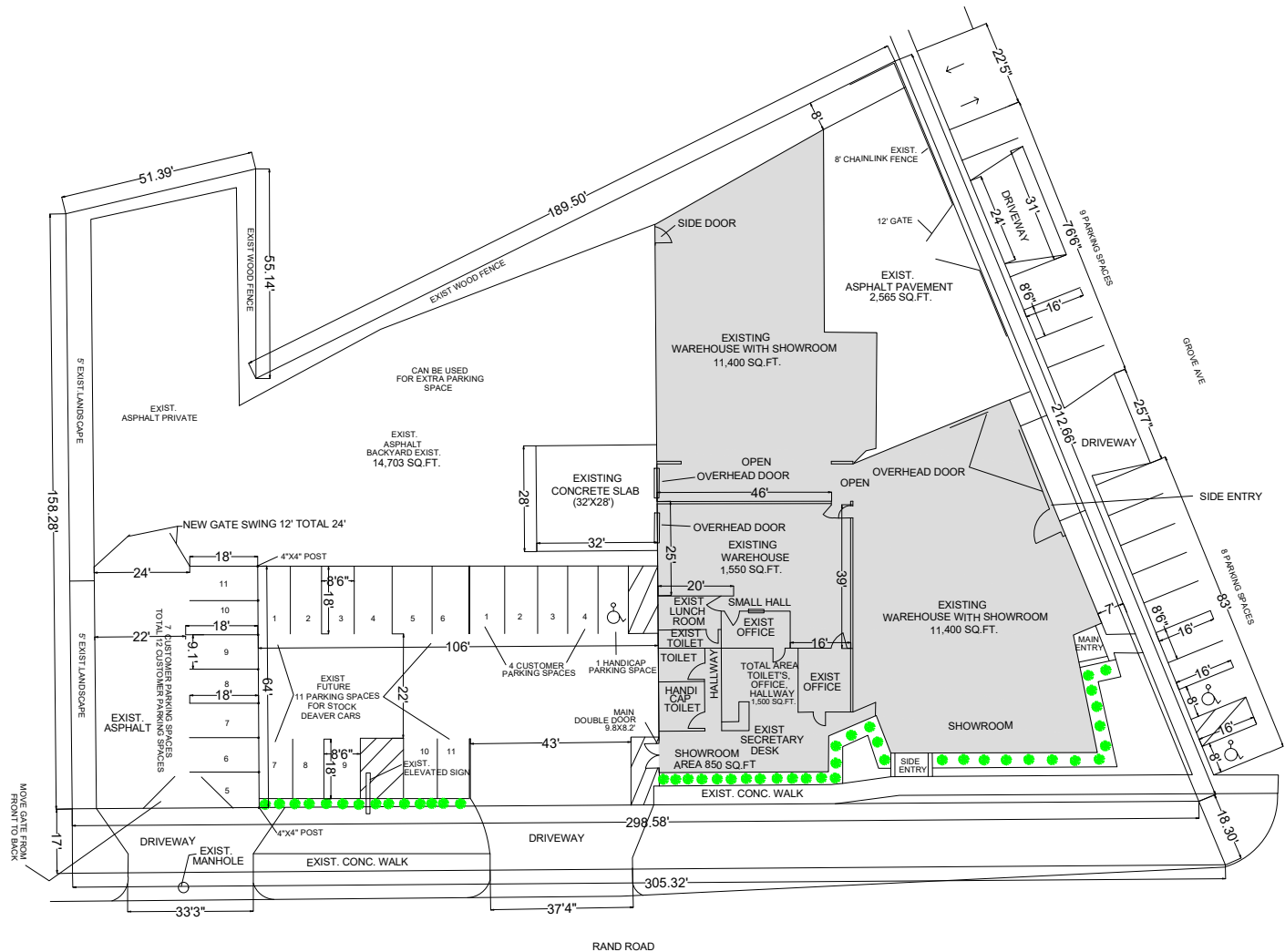
The proposed conditional use provides vehicular access to the property via Rand Rd. The property has also a large parking lot sufficient for both customers and employees, eliminating any need for customer or employees parking on public streets. The ingress and egress to the property does not create an interference with traffic.

9. The proposed conditional use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and

The proposed conditional use does not result in destruction, loss, or damage of a historical scenic or historic feature of major importance. The property is not classified as historical per Village.

10. The proposed conditional use complies with all additional regulations in this title specific to the conditional use requested.

The proposed conditional use does comply with all additional regulations in this title specific to the conditional use being requested. Owner will also designate parking spaces for customers and employees as required and stipulated by the Village.



\*NOTE: FOR THE SCALE TO BE CORRECT SHEET MUST BE PRINTED ON 11" x 17"\*

**NOTES:**

**SITE PLAN**

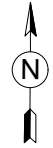
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DES PLAINES, IL 60016

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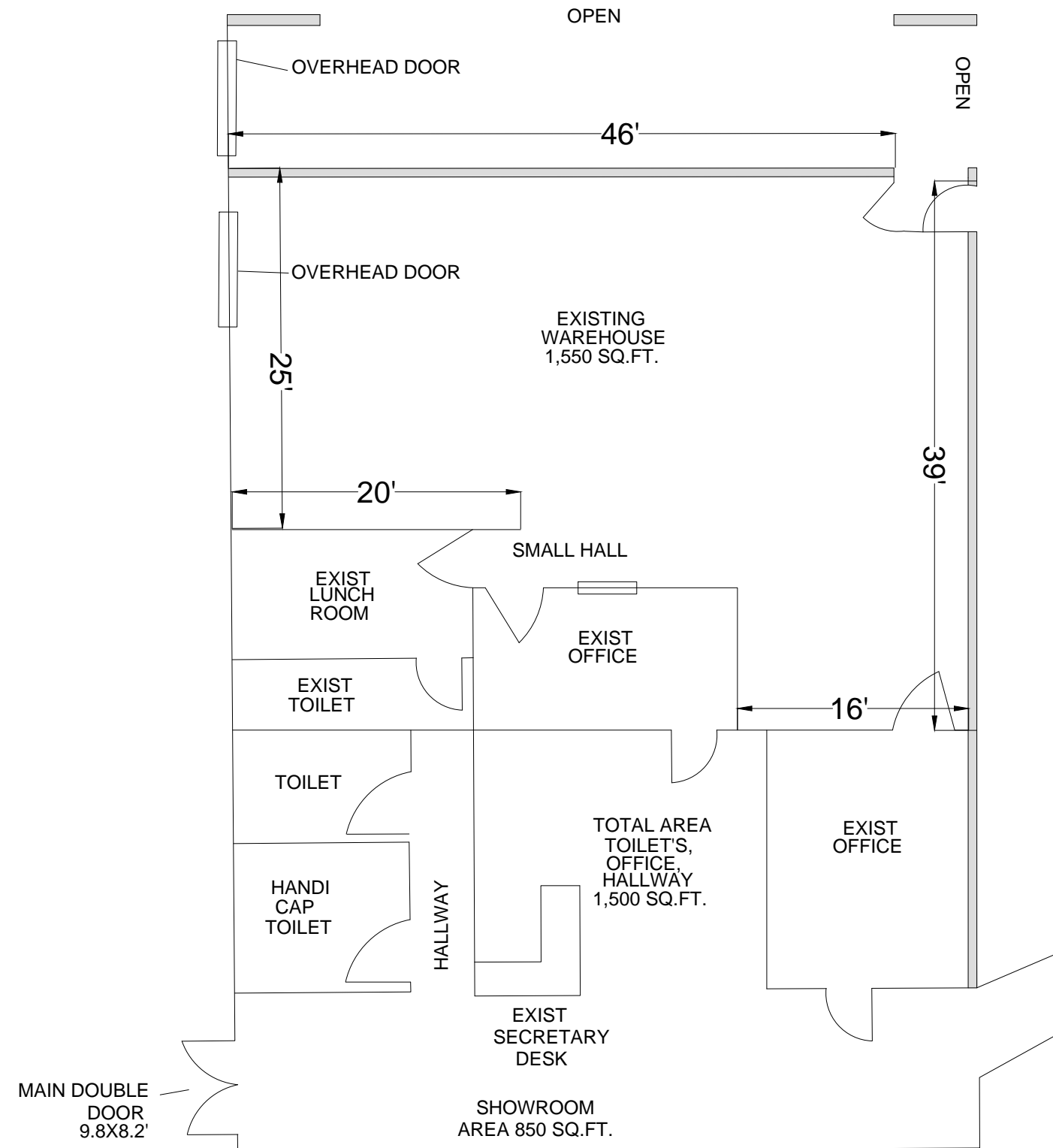
LOT AREA: 0.96 ACRES

PLOT SIZE: 11" X 17"

DRAWING SCALE: 1"=30'



\*NOTE: FOR THE SCALE TO BE CORRECT SHEET MUST BE PRINTED ON 11" x 17"\*



NOTES:

FLOOR PLAN

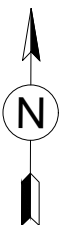
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 DES PLAINES, IL 60016

PARCEL ID: 09161040220000

FLOOR AREA: 3,900 SQ.FT.

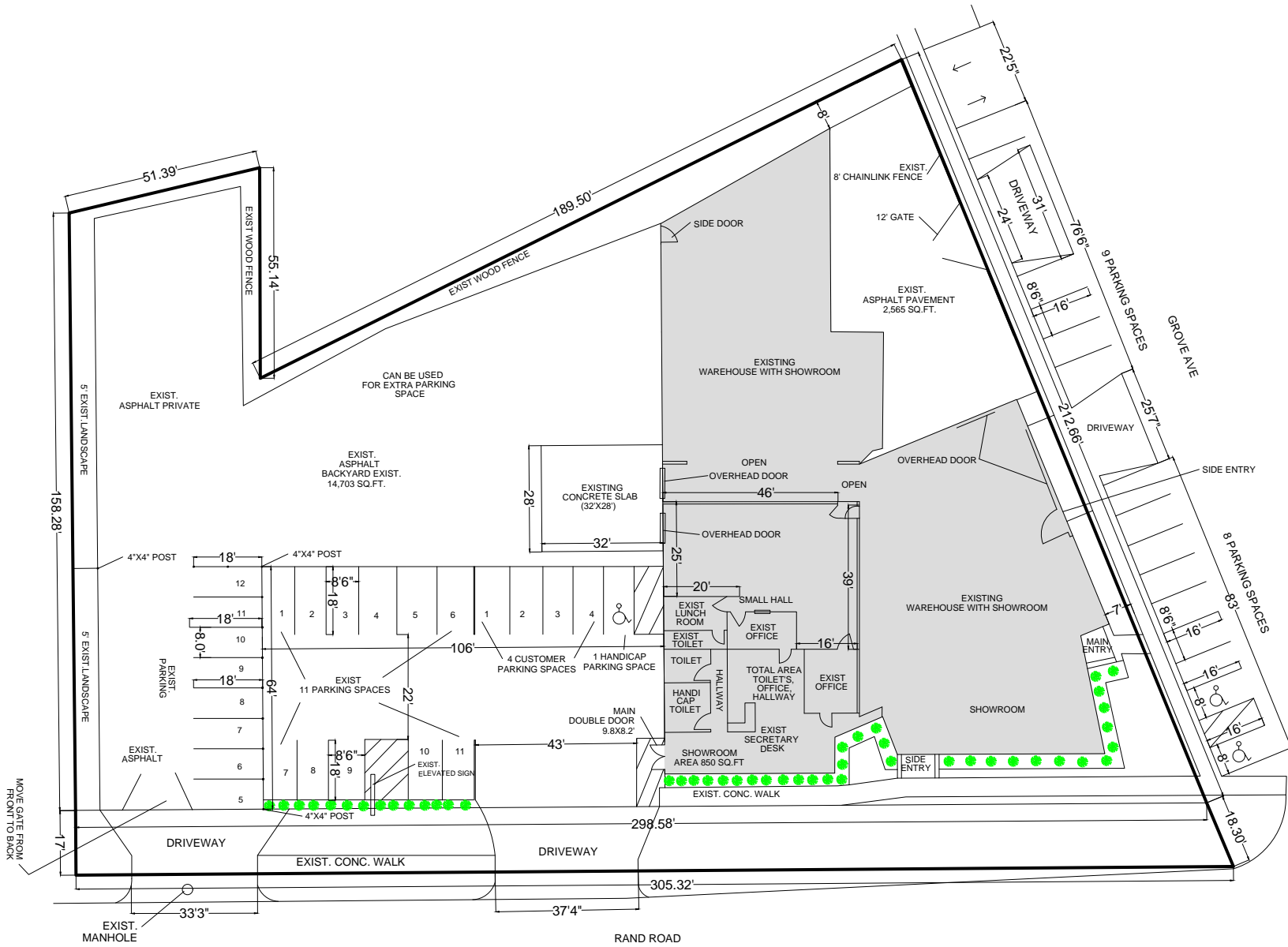
PLOT SIZE: 11" X 17"

DRAWING SCALE: 1"=10'





**EXISTING CONDITIONS**



NOTES:

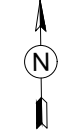
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 DES PLAINES, IL 60016

PARCEL ID: 09161040220000

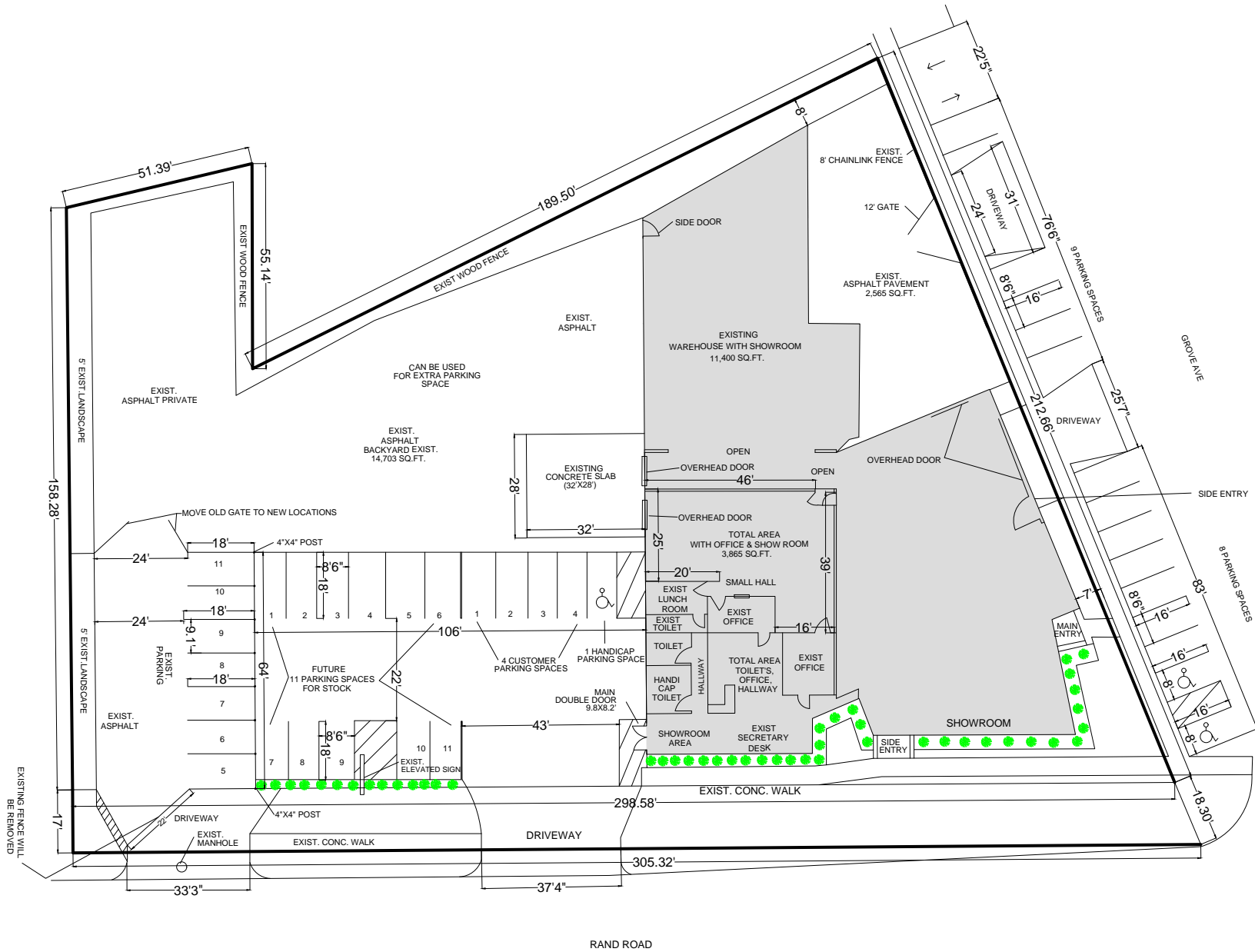
LOT AREA: 0.96 ACRES

PLOT SIZE: 8.5" X 11"

DRAWING SCALE: 1"=40'



**PROPOSED SITE PLAN**



**NOTES:**

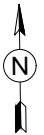
**ADDRESS:**  
 1628 RAND RD  
 DES PLAINES, IL 60016

PARCEL ID: 09161040220000

LOT AREA: 0.96 ACRES

PLOT SIZE: 8.5" X 11"

DRAWING SCALE: 1"=40'



MEMORANDUM

Date: April 19, 2024

To: Planning and Zoning Board (PZB)

From: Samantha Redman, Senior Planner *SR*

Cc: Jeff Rogers, AICP, Director of Community and Economic Development *JR*

Subject: Conditional Use for Trade Contractor, Major Variation for Loading Zone, and Standard Variation to Reduce Required Front Yard at 1387 Prospect Avenue.

**Issue:** The petitioner is requesting the following: (i) conditional use for a trade contractor use; (ii) standard variation to reduce the required front yard; and (iii) a major variation to allow the loading space to face a public way (alley).

**PIN:** 09-29-228-034-0000

**Petitioner/Owner:** Vasile Haures (1387 Prospect Ave. LLC), 1980 Pine Street, Des Plaines, IL 60018

**Case Number:** #24-014-CU-V

**Ward Number:** #5, Alderman Carla Brookman

**Existing Zoning:** C-3, General Commercial

**Surrounding Zoning:** North: R-3, Townhouse Residential District  
South: R-3, Townhouse Residential District  
East: C-3, General Commercial District  
West: R-1, Single Family Residential District

**Surrounding Land Uses:** North: Townhouses  
South: Townhouses  
East: Vacant  
West: Single Family Residence

**Street Classification:** Prospect Avenue and Chestnut Street are classified as local roads.

**Comprehensive Plan:** The Comprehensive Plan illustrates this site as commercial.

**Property/Zoning History:** The property is currently undeveloped and is located at the southwest corner of the Prospect Avenue and Chestnut Street intersection. In 2022, a zoning map amendment was approved to change the zoning of this property from C-1,

Neighborhood Shopping to C-3, General Commercial. A multitenant office building was contemplated when the property was re-zoned. Since 2022, this property was sold to the petitioner. Historic aerials and city records do not indicate any structure has existed on this property in known history.

The area surrounding the property is generally commercial and townhouses. However, the property immediately adjacent to the subject project, 1383 Prospect Avenue, is a single-family house re-zoned from C-1, Neighborhood Commercial to R-1, Single Family Residential in 2016. The presence of an adjacent single family residential property creates additional requirements in terms of the required front yard and requires a landscape and fence buffer between the properties.

**Project Description:**

The petitioner, Vasile Haures, is proposing to construct a one-story commercial building for a trade contractor use. The building will include a showroom, office, and fabrication/storage for a hardwood flooring business.

*Trade Contractor Use*

A business classified as a “trade contractor” is defined in the zoning ordinance as,

“A building or portion thereof where building and construction trade services are provided to the public. "Trade contractor" shall include, but will not be limited to, contractor offices, including landscaper's showrooms, construction supplies and storage including plumbing, heating, air conditioning, and building equipment, materials, sales, and other uses similar in nature and impact.” (Section 12-13-3).

Refer to the Petitioner’s Letter of Intent for business operation information. The petitioner describes their business as a hardwood flooring company. Customers will be able to access the showroom by appointment only. Other services performed onsite will be deliveries and pickups of materials and limited fabrication work (e.g. custom cutting of hardwood planks). Activities would mostly include performing installation and finishing pre-made materials offsite at customer locations. The business currently includes two employees and four subcontractors.

Storage of materials must occur indoors, except as permitted by Section 12-7-F.5.d. Trade contractor businesses in the C-3 district can display materials outside of the building, although they cannot be displayed within any required yards. With the current site plan, there are few locations on the property where outdoor display would be possible. The petitioner has not indicated any intent to display materials outdoors; if interest is proposed in the future to display materials, all requirements of Section 12-7-3.F.5.d would need to be followed, limiting the location, height and types of material displayed.

*Proposed Building and Front Yard Variation*

The proposed building on the site will be 4,512 square feet in size and one story, 17 feet 9 inches in height. Two overhead doors are located adjacent to the alley, with a loading zone present in front of each door. Although the petitioner at this time only intends to have one use in this space, the building could be separated into two separate spaces; any future businesses in this location would need to meet requirements of the C-3 zoning district. An

accessible parking space is also provided at the rear of the building. Landscaping and fencing are noted on the site plan to meet landscape buffer requirements pursuant to Section 12-10-9.

In the C-3 zoning district, the required front yard is required to match the required setback of any adjacent residential district, or 5 feet if it is not adjacent to residential. This property is adjacent to an R-1 zoned property on the west side, thus requiring a 25-foot front yard setback. A standard variation to reduce the required front yard is requested to allow the building to be setback 5 feet instead of 25 feet from the property line. This distance of the building from the property line is consistent with the other commercial properties on this block.

The current building design does not meet Section 12-3-11 – Building Design Standards. The proposed materials meet requirements, with brick and metal proposed on the façade. However, for street-facing elevations (north and east facades) a minimum of 50% transparency from 2 feet to 9 feet above the sidewalk is required for this type of use. The petitioner may request a minor variation, reviewed administratively by zoning staff, to vary from this requirement.

#### *Off-Street Parking*

The trade contractor use does not require a specific amount of off-street parking per Section 12-9-7. Because trade contractor is a conditional use within the C-3 Zoning District, a specific amount or location of off-street parking can be a condition of approval. On-street parking is available on Prospect Avenue and on the west side of Chestnut Street.

One accessible parking space is noted on the site plan adjacent to the loading spaces and four standard parking spaces (two tandem spaces) are provided inside the building, accessible through the loading zone and overhead doors. The zoning ordinance does not permit tandem spaces for any *required* off-street parking spaces, stating that all spaces must open directly to an aisle or driveway. However, because the trade contractor use does not *require* off-street parking spaces, it only must be designed to provide “appropriate means of vehicular access to street or alley” (Section 12-9-9).

The conditional use process allows the flexibility to determine if the indoor tandem spaces will provide sufficient parking and if the tandem spaces can be managed in a way that provides appropriate means of access to the alley. If the PZB requires modifications to the parking plan or if it is determined that parking agreements should be sought to relieve parking concerns associated with this use, a condition of approval can be suggested with the recommendation to City Council.

#### *Traffic and Loading*

Access to the property will be provided by the existing 16-foot-wide alley accessed from Chestnut Street. Traffic generated by this use would include vehicle trips associated with employees, customers and deliveries and loading of materials. A major variation is requested to allow for the loading zones to open onto the alley. Due to the location and size of the property, the loading zone area opening into the alley provides access without requiring an additional curb cut along Chestnut Street or Prospect Avenue.



The Letter of Intent provided by the petitioner (refer to attachments) states deliveries will occur between 8 A.M. and 5 P.M. on weekdays, and larger deliveries would be scheduled outside of peak traffic hours. Loading and unloading will occur within the building or within the designated loading zones. A suggested condition of approval states that any loading and unloading outside of the building may not occur between the hours of 10:00 P.M. and 7:00 A.M.

Due to the proposed use of the alley for entrance and exit for all loading, deliveries and parking, and the poor condition of the existing pavement, a suggested condition of approval is to complete alley improvements. The petitioner acknowledges this condition in the Letter of Intent and states plans for the improvements will be provided at time of building permit.

### **Standards for Conditional Use**

The following is a discussion of standards for conditional uses from Section 12-3-4(E) of the Zoning Ordinance. Rationale for how the proposed use would satisfy the standards is provided below and in the petitioner's response to standards. The PZB may use this rationale toward its recommendation, or the Board may make up its own.

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

*Comment:* Trade contractor is a conditional use within the C-3, General Commercial District.

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

*Comment:* The 2019 Comprehensive Plan illustrates this area to be used for Commercial. This business would create a commercial use for this vacant, commercially zoned property. A zoning map amendment was approved in 2022 to re-zone this property from C-1 to C-3 to expand the permitted uses for this parcel. Per historic aerials and City records, the property has been undeveloped for known history. The zoning was changed from residential to commercial for this block of Prospect Avenue in 1989; despite the commercial zoning, no commercial building has been constructed on this site. The conditional use would provide a commercial use for this property for the first time in known history.

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

*Comment:* Many suggested conditions of approval are included with this case to provide assurances about the use being compliant with applicable zoning requirements and minimize impact in terms of noise. Suggested conditions include limitations on the timeframe for loading and unloading at the exterior of the building, improvements to the alley, and providing information at time of building permit to ensure the turning radius of trucks will be adequate in the loading zones.

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

*Comment:* As discussed in the Petitioner's Letter of Intent, the business will operate Monday through Saturday 8:00 A.M. to 5:00 P.M. and closed on Sunday. See the Petitioner's Letter of Intent and Response to Standards for additional information about business operations. The suggested conditions of approval are meant to provide assurances that limit any disturbance or nuisance to the neighborhood.

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

*Comment:* The existing building has been adequately served by essential public facilities and services. Staff have no concerns that the proposed use will not be adequately served with essential public facilities and services. During the building permitting and construction phase and business registration approval, the petitioner must undergo an inspection of the building by the fire, building, and zoning divisions to determine compliance with this conditional use and all applicable local, state, and federal regulations.

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

*Comment:* The proposed use would not create a burden on public facilities or services. This business would be located within a new building, and it is not anticipated that this use would generate additional need for public facilities or services compared to any other building constructed in this area.

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

*Comment:* Traffic generated by this use will include trips generated for employees, deliveries, and customers (by appointment). The Letter of Intent by the petitioner states deliveries would occur between 8 A.M. and 5 P.M. A suggested condition of approval states that any loading and unloading outside of the building may not occur between the hours of 10:00 P.M. and 7:00 A.M., intended to limit the amount of noise associated with the business to neighboring properties. No extraordinary glare, smoke fumes, or odors are anticipated to occur with the operation of this business; however, any business within Des Plaines must meet Chapter 12 – Environmental Performance Standards of the Zoning Ordinance regulating noise, odor, glare, and any other specified nuisances, otherwise enforcement action can be taken.

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

*Comment:* Access to the building will be provided through the existing alley accessed from Chestnut Street. No additional curb cuts are proposed for this property. A suggested condition of approval will require a turning radii analysis submitted to City staff prior to building permit issuance to ensure adequate space is available for trucks entering/exiting the loading zone and any vehicles entering or exiting through the overhead doors.

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

*Comment:* The proposed project would not result in the damage of natural, scenic, or historic features. A large parkway tree is present in the public right of way in front of the property, which is within public property and required to be preserved regardless of this development unless otherwise authorized by the City. Section 8-4-4 of the Public Ways and Property title of the municipal code prevents any injury or movement of this tree without authorization by the city.

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

*Comment:* The proposed use complies with all applicable requirements as stated in the Zoning Ordinance. Two variations are proposed with this application associated with the required front yard and the loading zone and one minor variation may be requested upon approval of this conditional use to vary from building design standards in Section 12-3-11.

**Standards for Variation:**

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

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

*Comment:* Without the variation to reduce the required front yard, the buildable area of this relatively small C-3 zoned property would be further reduced. Hardships were imposed on this property in 2016 when the adjacent property, 1383 Prospect Avenue, petitioned for a zoning map amendment from C-1, Neighborhood Commercial to R-1, Single-Family Residential. Commercially zoned properties adjacent to residentially zoned properties are required to meet certain setback and screening/landscaping requirements. Prior to 2016, the front yard would have been required to be 5 feet for this property.

The major variation for the loading zone is necessary due to the size of the property. This property is relatively small for a C-3 zoned property and this specific use requires more dedicated areas for loading/unloading than other businesses and there is insufficient space for this loading space with the proposed size of the building, unless the petitioner chose to have loading space within the building. However, loading within the building would likely require the interior tandem parking spaces to be removed to accommodate this space with the existing design.

- 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:* This commercial property is unique in this neighborhood due to its location adjacent to an R-1 zoned property. Refer to the Zoning Map attachment. Other parcels in this area are zoned commercial or townhouse residential. The other commercial properties have smaller front yard setbacks along Prospect Avenue, similar to what is requested by this petitioner.

The location of the loading zone facing the alley is primarily due to size limitations of the property. Unless the petitioner chose to have loading inside the building, there are few design alternatives to add the necessary loading areas for the business without requiring the driveway to face a public way. This orientation of the loading zone presents a less significant impact compared to a loading zone along the public streets.

- 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:* With the re-zoning of the adjacent property (1383 Prospect Avenue) to residential, a hardship was imposed on this property requiring a larger front yard setback for a new building than other commercial properties along this block.

The property owner was aware of the size limitations when purchasing this property and because this is a new building, the hardship related to the loading zone is related to their chosen site design, rather than a hardship imposed by the physical property.

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

*Comment:* The rights denied to the property owner would be the ability to develop this building as proposed. However, it is conceivable additional options exist to redesign the property to be compliant with all zoning ordinance standards. The PZB may ask the petitioner if this property is suitable for this type of use and clarify why specific decisions were chosen regarding the building design.

- 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:* Variation decisions are made on a case-by-case, project-by-project basis upon applying the variation standards. In those evaluations, the determining body (e.g., PZB and/or City Council) usually determines the applicant has exhausted design options that do not require a variation. The PZB may ask the petitioner to explain whether they have exhausted other alternatives.

- 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:* If the variations and conditional use were approved, it would meet all applicable requirements with the exception of a minor variation required for the proposed building design.

- 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:* A remedy to relieve necessary relief for the required front yard would be to locate the building further from the property line along Prospect Avenue. However, the property is small and this would further reduce the buildable area of the parcel.

Unless the petitioner chose to have loading inside the building, there are few design alternatives to adding the necessary loading areas for the property without requiring the driveway to face a public way. This orientation of the loading zone presents a smaller impact compared to a loading zone along the public streets.

**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:* With the variations sought, it would meet all applicable requirements with the exception of a minor variation required for the proposed building design.

**PZB Procedure and Recommended Conditions:** Under Section 12-3-7.D (Procedure for Review and Decision for Amendments) of the Zoning Ordinance, the PZB has the authority to *recommend* that the City Council approve or deny the above-mentioned conditional use. Section 12-3-6.F of the Zoning Ordinance (Major Variations), the PZB has the authority to *recommend* approval, approval subject to conditions, or denial of the request to City Council. City Council has final authority on the proposal. 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.

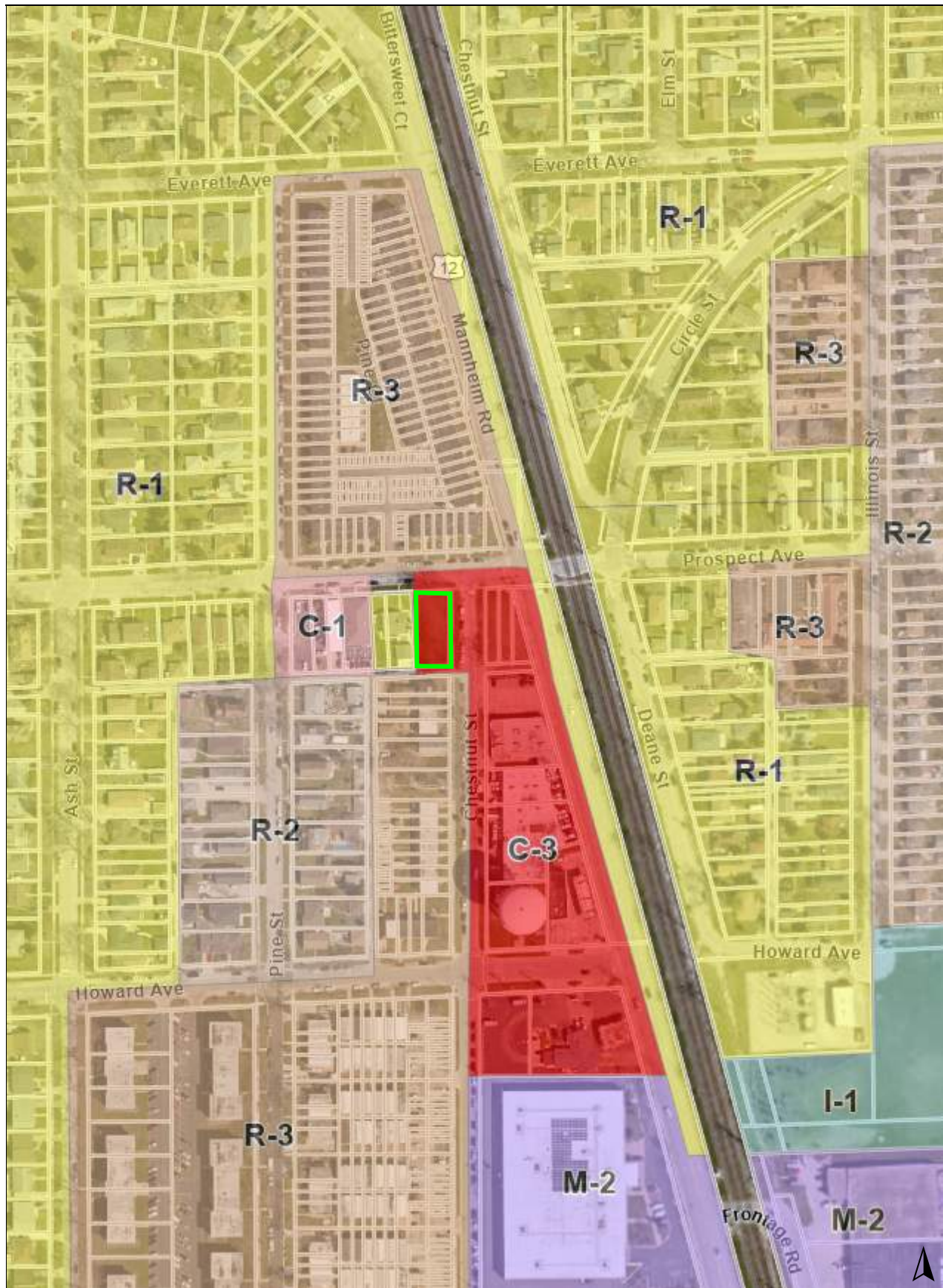
Consideration of the request should be based on a review of the information presented by the applicant and the findings made above, as specified in Section 12-3-4.E (Standards for Conditional Use) and Section 12-3-6.H (Standards for Variations) of the Zoning Ordinance. If the PZB recommends and City Council ultimately approves the request, staff recommends the following condition on approval of the variation.

1. Full reconstruction of the portion of alley along the rear frontage is required, with a catch basin connected to the storm sewer in Chestnut Street. The improvements must be demonstrated on plans prior to issuance of a building permit.
2. Prior to issuance of a building permit, replacement of existing public sidewalks deemed unsatisfactory must be demonstrated on plans, as determined by the Director of Public Works and Engineering or their designee.
3. A turning radii exhibit is required to be submitted prior to issuance of building permit demonstrating acceptable turning radiuses for loading/unloading, to the satisfaction of the Director of Public Works and Engineering or their designee.
4. Loading and unloading of materials outside of the building is prohibited between the hours of 10:00 P.M. and 7:00 A.M. No loading and unloading can occur within any public ways.

**Attachments:**

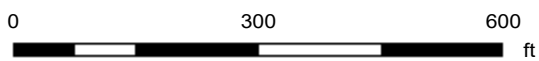
- Attachment 1: Location Map
- Attachment 2: Staff Site and Context Photos
- Attachment 3: Petitioner's Letter of Intent
- Attachment 4: Petitioner's Response to Standards
- Attachment 5: Plat of Survey
- Attachment 6: Site Plan and Building Plans





**Legend**

- Subject Site
- C-1: Neighborhood Shopping
- C-3: General Comm
- I-1: Institutional
- M-2: General Manufacturing
- R-1: Single Family Residential
- R-2: Two Family Residential
- R-3: Townhouse Residential



Print Date: 4/17/2024

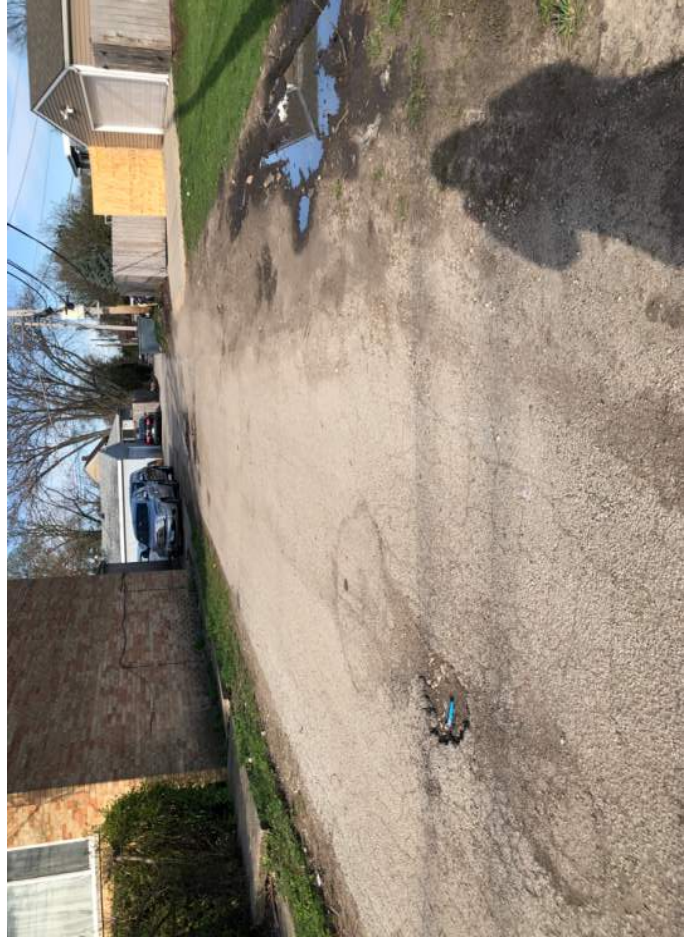
**Notes**

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.





View of property

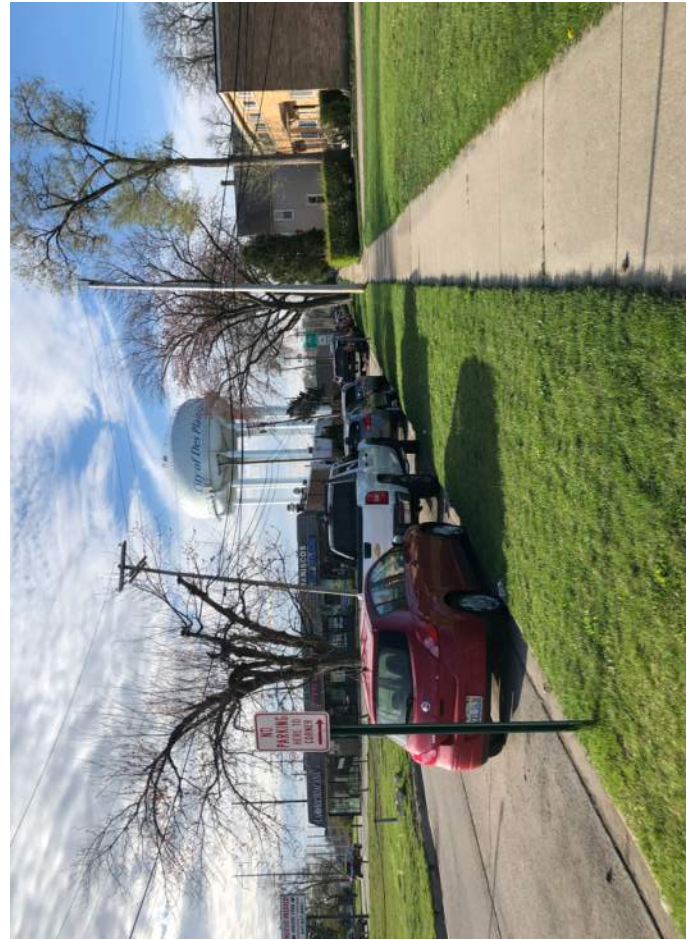


View of alley and rear of property



Attachment 2

1387 Prospect Ave – Public Notice Sign



View of street parking along Chestnut Street



**General Hardwood Flooring Inc.**

**Letter of Intent for Conditional Use Permit and Building Permit**

**To:** Zoning Board of Appeals, Des Plaines, IL

**From:** Vasile Haures, President of General Hardwood Flooring Inc

**Date:** April 18, 2024

**Subject:** Conditional Use Permit and Building Permit Application - Hardwood Flooring Business

**Dear Zoning Board Members,**

I am writing to express my interest in establishing a hardwood flooring business, General Hardwood Flooring Inc, at 1387 Prospect in Des Plaines, Illinois. I have been the owner and operator of General Hardwood Flooring Inc for 18 years, specializing in the installation, sanding, refinishing, and repair of hardwood flooring.

**Why Des Plaines?**

We have chosen Des Plaines as the location for our new business due to several factors:

- **Thriving Community:** Des Plaines offers a vibrant community with a strong demand for high-quality home improvement services.
- **Strategic Location:** The proposed location provides excellent access to major transportation routes, facilitating efficient deliveries and customer service throughout the area.
- **Availability of Space:** The property at 1387 Prospect will offer ample space to accommodate our operations, including designated areas for showroom, workshop, and storage.

**Our Business Operations:**

- **Services:** We will provide a comprehensive range of hardwood flooring services, including installation, sanding, refinishing, repair, and potentially stain application.
- **Deliveries and Pick-Ups:** Deliveries of materials will be scheduled during off-peak hours (e.g., weekdays between 8-5) to minimize traffic disruption. We will work with suppliers to ensure efficient deliveries and minimize the number of trucks needed. Larger deliveries will be scheduled outside of peak traffic hours.
- **Customer Interaction:** We anticipate a moderate level of customer traffic by appointment primarily for consultations, showroom visits, and pick-up/drop-off of materials for smaller jobs.
- **Fabrication:** Limited fabrication work may occur on-site, such as custom cutting of hardwood planks. However, the majority of our work will involve installation and finishing pre-made materials.
- **Employees:** We currently have 2 employees, 4 subcontractors and anticipate expanding this number as our business grows in Des Plaines.
- **Hours of Operation:** Our proposed hours of operation are 8-5 weekdays, 8-5 Saturdays, and closed on Sundays.

**Commitment to the Community:**

We are committed to being a responsible business neighbor in Des Plaines. We will prioritize practices that minimize noise, dust, and traffic congestion. Additionally, we plan to incorporate landscaping that complements the surrounding area.

We are confident that General Hardwood Flooring Inc will be a valuable asset to the Des Plaines community. We look forward to the opportunity to discuss our plans in more detail and answer any questions you may have.

**Building Permit Considerations:**

We understand the comments from the City regarding the building permit application and are prepared to address them as follows:

- **Loading:** Our current loading area design does not meet zoning ordinance requirements. We appreciate the addition of the variation request for off-street loading onto the alley. We will not be revising the plans at this time and will present the case for the variation at the public hearing on April 23rd.
- **Improvements to Lot and Alley:** We acknowledge the requirements from the Public Works and Engineering Department and will ensure these improvements, including full alley reconstruction with a storm sewer connection and a turning radii exhibit demonstrating acceptable maneuvering for loading/unloading, are demonstrated on the plans prior to building permit issuance.
- **Building Design Standards:** We understand the need for window transparency on street-facing elevations. We will review the attached markups and explore design revisions to meet the code section requirements. Alternatively, we may seek a minor variation from these standards after the PZB and Council review, if necessary.
- **Landscaping and Dumpster Enclosure:** We will incorporate landscaping and a dumpster enclosure into the plans prior to building permit issuance, if the case is approved. We will refer to the notes on the attached plans for specific requirements.

**Parking Considerations:**

We understand the concerns regarding on-site parking for customers and employees. Due to property size limitations, we are unable to provide on-site parking. However, we will consider implementing the following strategies to manage parking:

- Showroom viewings by appointment only.
- Exploring a parking agreement with nearby properties to demonstrate sufficient customer and employee parking availability.

**Thank you for your time and consideration.**

**Sincerely,**

**Vasile Haures**

**Owner, General Hardwood Flooring Inc**

**Contact Information:**

- Phone: (773) 562-0396
- Email: [generalflooring@gmail.com](mailto:generalflooring@gmail.com)
-

## STANDARDS FOR CONDITIONAL USES

**The Planning and Zoning Board and City Council review the particular facts and circumstances of each proposed Conditional Use in terms of the following standards.** Keep in mind that in responding to the items below, you are demonstrating that the proposed use is appropriate for the site and will not have a negative impact on surrounding properties and the community. Please answer each item completely and thoroughly (two to three sentences each).

1. The proposed conditional use is in fact a conditional use established within the specific zoning district involved;

Response: Yes, trade contractor is a conditional use permitted in the C-3, General Commercial zoning district.

2. The proposed conditional use is in accordance with the objectives of the city's comprehensive plan and this title;

Response: The Comprehensive Plan illustrates this parcel as intended for commercial. The Comprehensive Plan encourages economic development within the city, which includes the development of new businesses and redevelopment of available properties to accommodate industry growth.

3. The proposed conditional use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;

Response: Our proposed trade contractor building will be designed to harmonize with the surrounding historic district. The neighborhood primarily consists of two-story red brick buildings with pitched roofs and large storefront windows. Our building will be one stories tall and incorporate a modern facade with large windows to maintain a cohesive streetscape. Additionally, landscaping will include mature trees and native plants to create a visually appealing and environmentally friendly space that integrates seamlessly with the existing streetscape.

4. The proposed conditional use is not hazardous or disturbing to existing neighboring uses;

Response: Our Hardwood Flooring Business Operations:

Our primary business is the installation, sanding, refinishing, and repair of hardwood flooring. Sometimes a service comes with the product.

Deliveries of hardwood materials will typically occur during weekdays between 8-5 to minimize disruption.

Our regular business hours will be 8-5 on weekdays, and 8-5 on Saturdays.

We will be closed on Sundays.

Parking: We will designate a specific area on our rear property for employee parking and our vans to be parked inside the building to avoid using on-street parking during business hours.

We will incorporate landscaping around the building to enhance the aesthetics and create a visually appealing space.

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

Response: We understand that the proposed use must be adequately served by essential public facilities and services. We will work with the relevant authorities to ensure all necessary services are in place.

Our business operations will not require any additional capacity from existing public facilities and services. We will utilize existing infrastructure for utilities, waste disposal, and public safety needs

6. The proposed conditional use does not create excessive additional requirements at public expense for public facilities and services and not be detrimental to the economic welfare of the community;

Response: This use is not anticipated to generate any additional burden on public facilities or services.

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

Response: Traffic: We will schedule deliveries during off-peak hours to minimize traffic congestion. Customer traffic will be minimal as most of our work is conducted on-site.

Noise: We will prioritize using muffled power tools whenever possible and schedule noisy work for less busy times to reduce noise disturbance.

Smoke, Fumes, and Odors: Our business does not involve any significant sources of smoke, fumes, or odors. Dust generated during operations will be controlled through dust collection systems and proper ventilation.



8. The proposed conditional use provides vehicular access to the property designed that does not create an interference with traffic on surrounding public thoroughfares;

Response: Our property access is designed to minimize traffic on surrounding streets. We will primarily utilize the existing alley for deliveries and customer pick-up/drop-off. This reduces the number of vehicles entering and exiting onto the main road, minimizing congestion and ensuring smooth traffic flow for everyone.

9. The proposed conditional use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and

Response: Our hardwood flooring business will not cause any destruction, loss, or damage to natural, scenic, or historic features of major importance. Our operations are contained within a building and will not impact any protected areas.

10. The proposed conditional use complies with all additional regulations in this title specific to the conditional use requested

Response: With the requested standard variation to allow the building to be closer to the street, this conditional use would meet all regulations.

## STANDARDS FOR VARIATIONS

**In order to understand your reasons for requesting a variation, please answer the following items completely and thoroughly (two to three sentences each).** Variation applicants must demonstrate that special circumstances or unusual conditions prevent them from following the specific regulations of their zoning district. Applicants must prove that the zoning regulations, in combination with the uncommon conditions of the property, prevents them from making any reasonable use of the land. Keep in mind that no variation may be granted that would adversely affect surrounding properties or the general neighborhood.

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.

Response: This is a smaller commercial lot located in a primarily commercial area. Most of the commercial parcels in this neighborhood are not located adjacent to a residential use and do not have to meet the setback requirements. This limits the size and location of the building on the property.
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.

Response: This property is located in a commercial zoning district and adjacent to one single family residential use to the west. This property is also smaller than many commercial properties and has remained vacant for a significant period of time due to the size limitations. Reducing the setback allows for this building to be developed with the proposed building and operate as a commercial space, which is what is intended for the C-3, General Commercial zoning district.
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.

Response: The property owner purchased this property with the existing zoning and size and did not create the uniqueness or hardship.

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.

Response: If this variation reducing the required distance of the building to the property line is not granted, it limits the amount of the property that can be developed with a building.

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.

Response: Most other commercial buildings are located the same distance from the property line in this neighborhood as the proposed development. Therefore, this would not grant the property owner special privilege.

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.

Response: This development would be in harmony with the remainder of the zoning ordinance and would need to meet all applicable zoning, building, and other municipal codes prior to construction.

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.

Response: The other remedy would be reducing the footprint of the building or moving the building backwards.

This positioning allows us to maximize usable space within the building for our hardwood flooring operations. Having more space allows for efficient workflow, improved storage capacity for materials, and potentially a dedicated loading/unloading area within the building itself. A closer location to the property line facilitates a more efficient use of the existing alley for deliveries and customer pick-up/drop-off. This minimizes the need for maneuvering large vehicles on the main road and reduces overall traffic impact.

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.

Response: Yes, this is the minimum relief necessary.

# ALTA/NSPS LAND TITLE SURVEY

OF

PROPERTY ADDRESS: 1387 PROSPECT AVENUE, DES PLAINES, ILLINOIS

THE EAST 8 FEET OF LOT 3 AND ALL OF LOTS 1 AND 2 IN BLOCK 1 IN BAKERS ADDITION TO RIVERVIEW IN THE SOUTH 1/2 OF THE SOUTH WEST 1/4 OF THE NORTH EAST 1/4 OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LAND AREA = 7,574.8 SF  
OR 0.17 ACRES MORE OR LESS

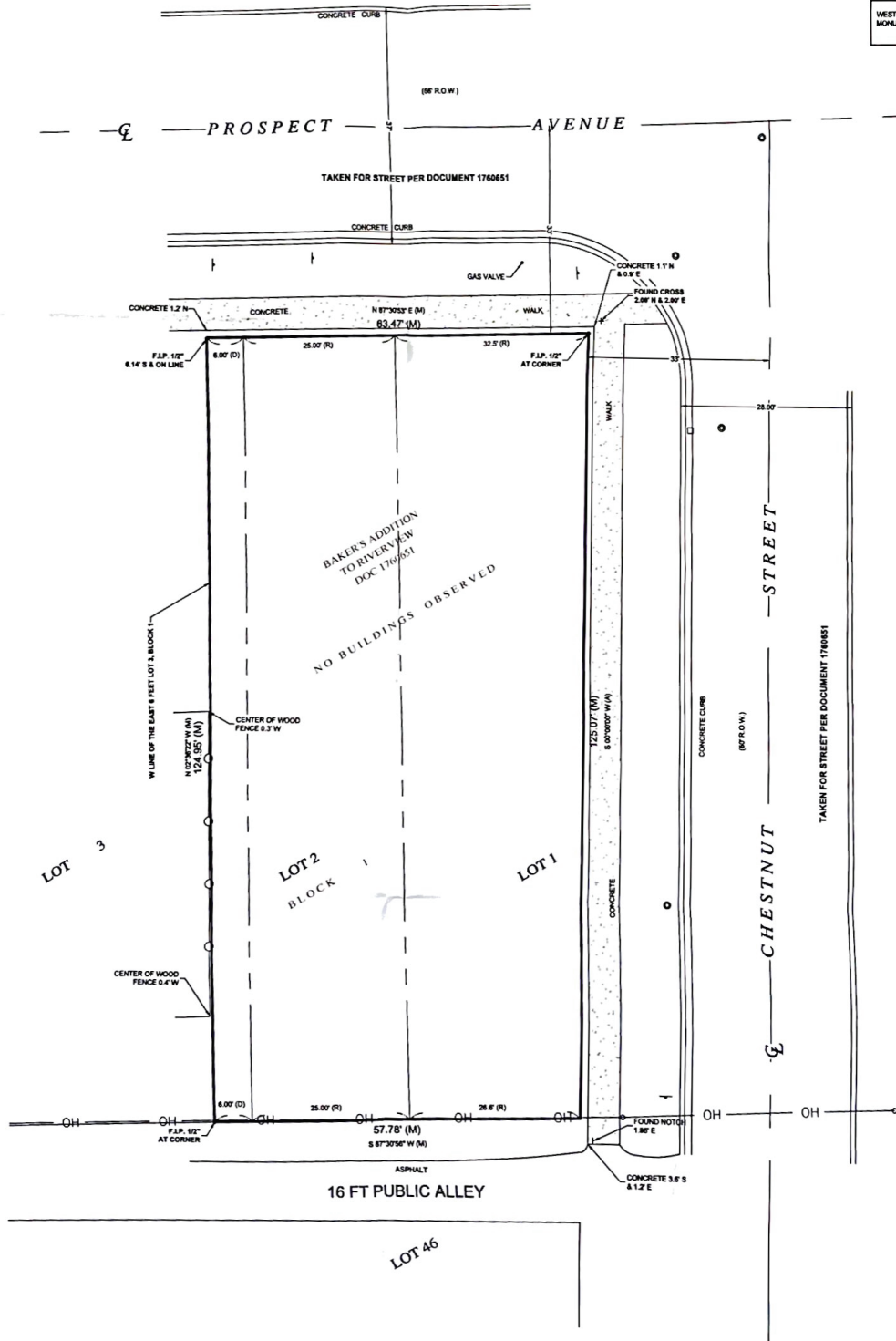


BASIS OF BEARING  
WEST LINE OF CHESTNUT STREET AS FOUND  
MONUMENTED AND OCCUPIED.  
S 07°00'00" W (ASSUMED)

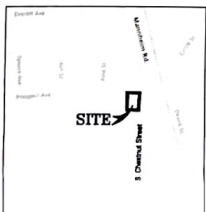
P.J.N. 09-28-228-034-0000

## LEGEND

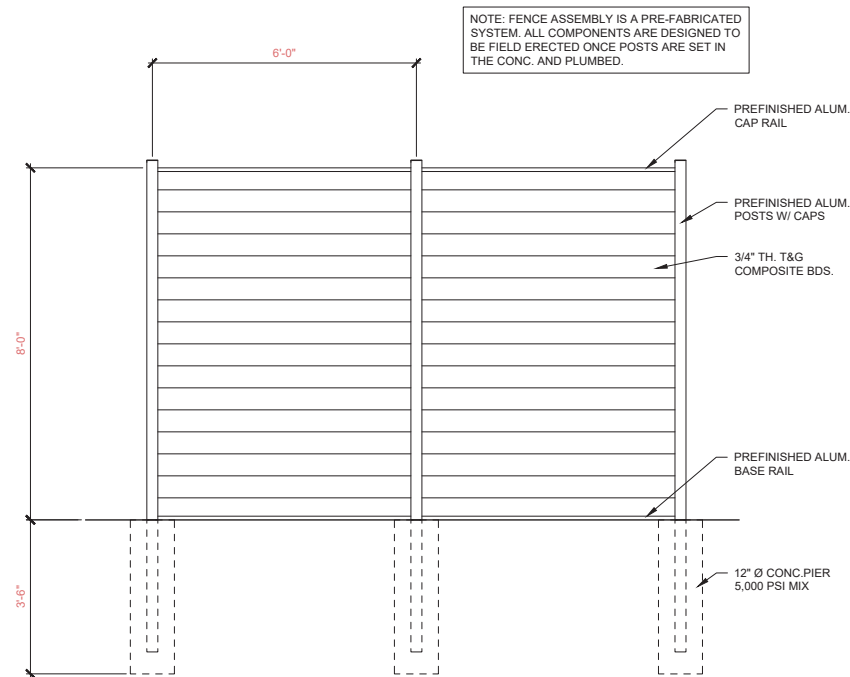
- |       |                           |       |                     |
|-------|---------------------------|-------|---------------------|
| —     | EXISTING BOUNDARY         | ○     | MANHOLE             |
| - - - | EXISTING EASEMENT         | ○     | EXIST. GATCH BASIN  |
| - - - | EXISTING SETBACK          | □     | EXIST. CURB INLET   |
| - - - | EXISTING CHAIN LINK FENCE | - - - | STORM SEWER         |
| - - - | EXISTING WOOD FENCE       | - - - | SEWERY SEWER        |
| - - - | EXISTING METAL FENCE      | ○     | WATER VALVE         |
| - - - | EXISTING VINYL FENCE      | ○     | BURIED BOX (B-BOX)  |
| - - - | EXISTING BUILDING         | ○     | WATER VALVE & VAULT |
| - - - | CENTER LINE               | ○     | FIRE HYDRANT        |
| ▨     | ASPHALT SURFACE           | ○     | GAS METER           |
| ▨     | BUILDING/STRUCTURE        | ○     | GAS LINE            |
| ▨     | CONCRETE SURFACE          | ○     | ELECTRIC METER      |
| (C)   | CALCULATED                | □     | ELECTRIC WIRES      |
| (M)   | RECORD/MEASURED           | ○     | UTILITY POLE        |
| SF    | SQUARE FEET               | □     | PHONE PEDestal      |
|       |                           | □     | CABLE TV PEDestal   |
|       |                           | ○     | LIGHT POST          |
|       |                           | →     | STREET SIGN         |
|       |                           | →     | DOWNSPOUT           |
|       |                           | +     | BOLLARD             |



Know what's below.  
Call before you dig.



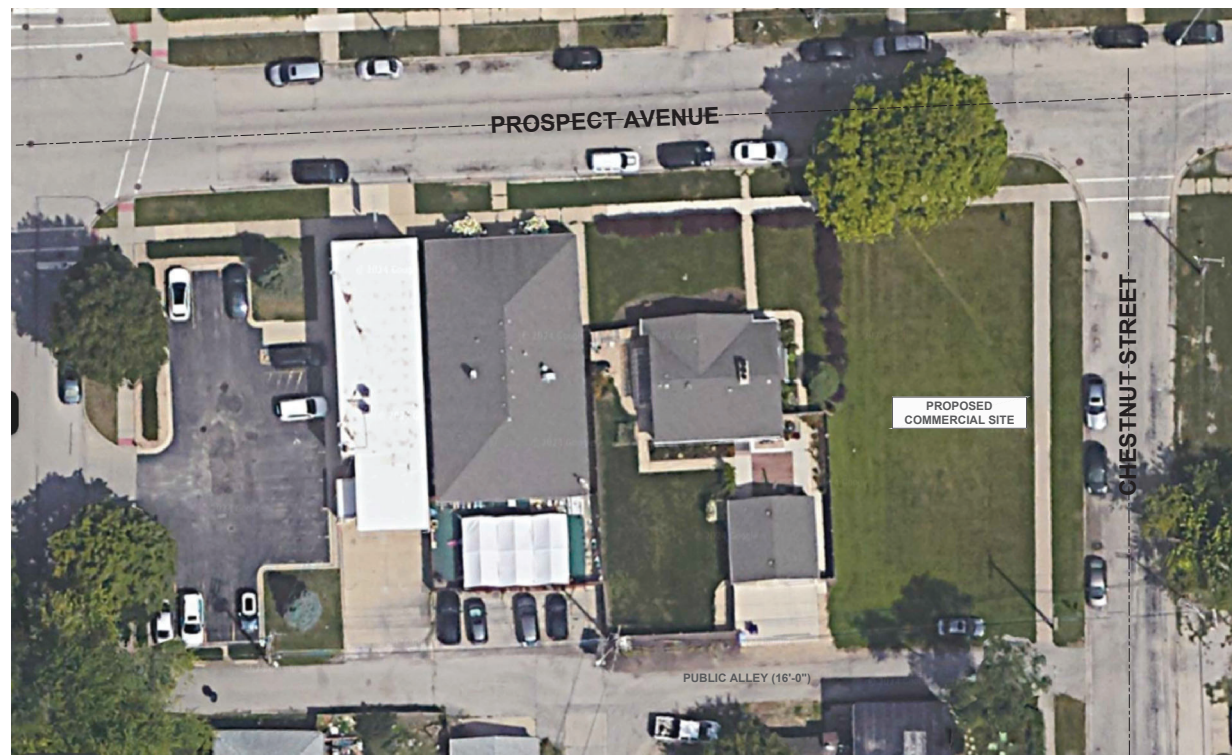




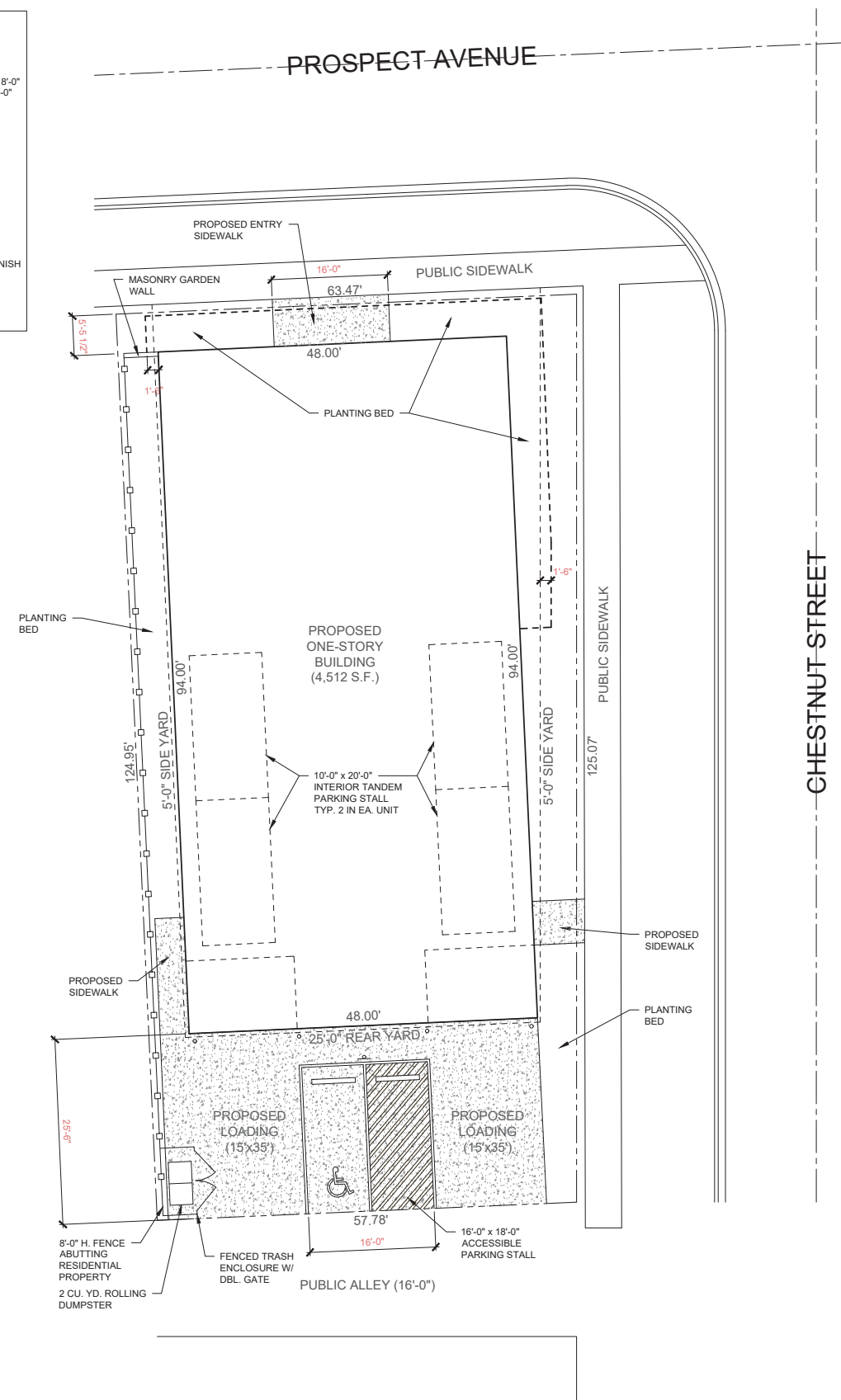
NOTE: FENCE ASSEMBLY IS A PRE-FABRICATED SYSTEM. ALL COMPONENTS ARE DESIGNED TO BE FIELD ERRECTED ONCE POSTS ARE SET IN THE CONC. AND PLUMBED.

**ZONING REQUIREMENTS**  
 ZONING: C-3 GENERAL COMMERCIAL DISTRICT  
 ALLOWABLE USE: TRADE CONTRACTOR  
 PARKING REQUIRED: (1) ACCESSIBLE STALL, 16'-0" x 18'-0"  
 (4) INTERIOR STALLS, 10'-0" x 20'-0"  
 LOADING REQUIRED: (2) BAYS, 15'-0" x 35'-0"  
 ALLOWABLE HEIGHT: 45'-0"  
 PROPOSED HEIGHT: 17'-0"  
 FRONT YARD: 25'-0"  
 PROPOSED FRONT YARD: 5'-0"  
 SIDE YARD: 5'-0"  
 PROPOSED SIDE YARD: 5'-0"  
 REAR YARD: 25'-0"  
 PROPOSED REAR YARD: 25'-0"  
 ALLOWABLE GROUND FLOOR EXTERIOR BUILDING FINISH MATERIALS:  
 • FACE BRICK  
 • STUCCO  
 • CMU  
 • METAL

3 ELEV. - COMPOSITE FENCE (8' H.)  
 A-100 0 2' 4'  
 1/2" = 1'-0"



2 IMAGE - AERIAL PHOTO  
 A-100 NO SCALE  
 NORTH



1 SITE PLAN  
 A-100 0 10' 20'  
 1" = 10'  
 LOT AREA: 7,574.8 S.F.  
 NORTH

**TELQS**  
 ARCHITECTS, PLLC  
 Purpose Driven Design  
 10 W. Campbell Street, Unit 2  
 Arlington Heights, Illinois 60005-1842  
 www.telqs-architects.com  
 +1 847.302.6177  
 Design Firm No. 184-008983

CONSULTANT  
 OWNER  
**VASILE HAURES**  
 1980 PINE STREET  
 DES PLAINES, ILLINOIS 60018  
 (773) 562-0398

USER

PROJECT  
**HAURES BUILDING**

SCOPE  
**COMMERCIAL ONE-STORY TRADE CONTRACTOR OFFICE/SHOP**

ADDRESS  
 1387 PROSPECT AVE.  
 DES PLAINES, ILLINOIS 60018

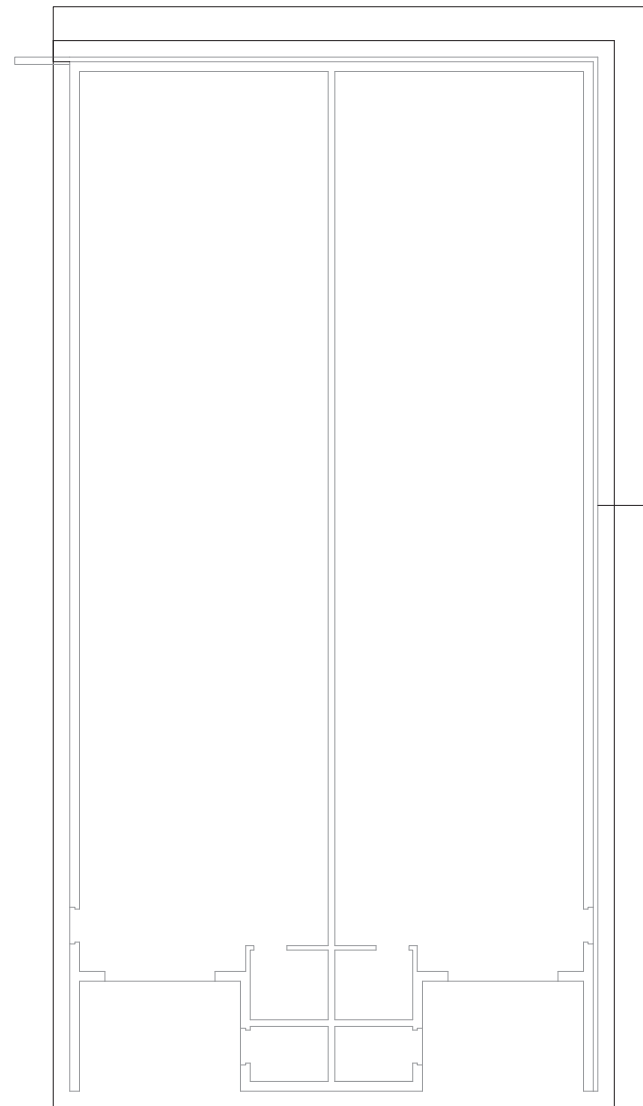
OWNER PROJ. NO.  
**N/A**


04/18/2024	REVISION 2	
03/04/2024	REVISION 1	
02/02/2024	ISSUED FOR STAFF REVIEW	
#	DATE	REVISIONS/SUBMISSIONS

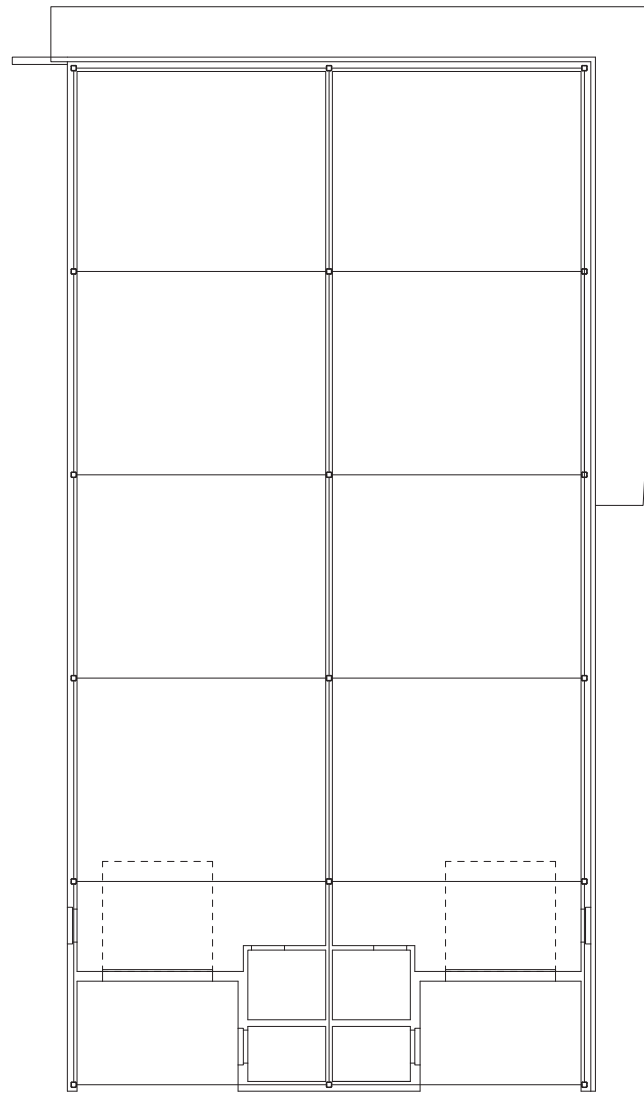
**GROUND FLOOR REFLECTED CEILING PLAN**

TELQS	ISSUING
PROJ. NO.	DATE
24-001	02/02/2024

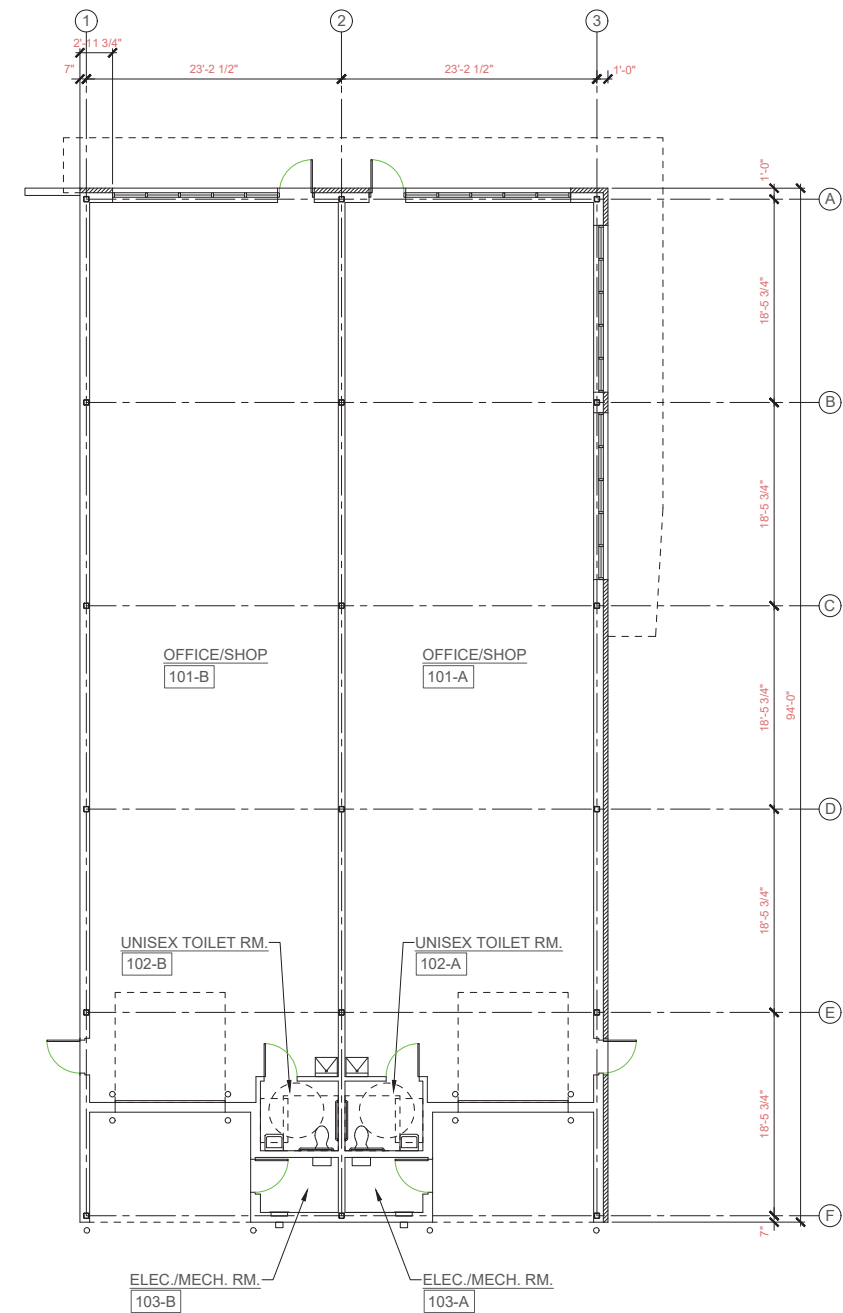
**A-100**



3 ROOF PLAN  
 0 8' 16'  
 1/8" = 1'-0"  
 NORTH



2 REFLECTED CEILING PLAN  
 0 8' 16'  
 1/8" = 1'-0"  
 NORTH



1 FLOOR PLAN  
 0 8' 16'  
 1/8" = 1'-0"  
 NORTH  
 BUILDING AREA: 4,512.0 S.F.

**TELOS**  
 ARCHITECTS, PLLC  
 PURPOSE DRIVEN DESIGN  
 10 W. Campbell Street, Unit 2  
 Arlington Heights, Illinois 60005-1842  
 www.telos-architects.com  
 +1.847.302.6177  
 Design Firm No. 184-008983

CONSULTANT

OWNER

VASILE HAURES  
 1980 PINE STREET  
 DES PLAINES, ILLINOIS 60018  
 (773) 562-0398

USER

PROJECT

HAURES  
 BUILDING

SCOPE

COMMERCIAL ONE-STORY  
 TRADE CONTRACTOR  
 OFFICE/SHOP

ADDRESS

1387 PROSPECT AVE.  
 DES PLAINES, ILLINOIS 60018

OWNER PROJ. NO.

N/A

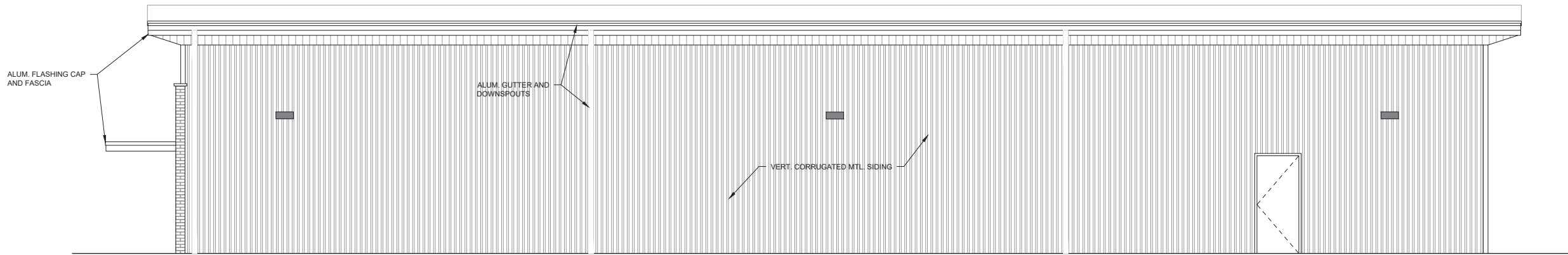
#	DATE	REVISIONS/SUBMISSIONS
04/18/2024	REVISION 2	
03/04/2024	REVISION 1	
02/02/2024	ISSUED FOR STAFF REVIEW	

GROUND FLOOR  
 REFLECTED CEILING PLAN

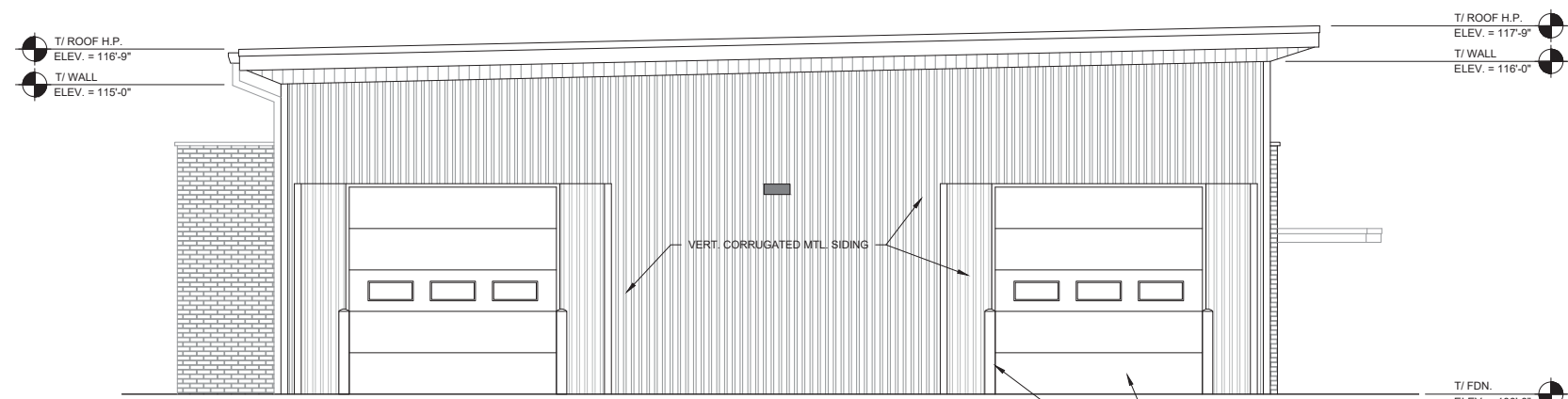
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24-001	02/02/2024

A-101

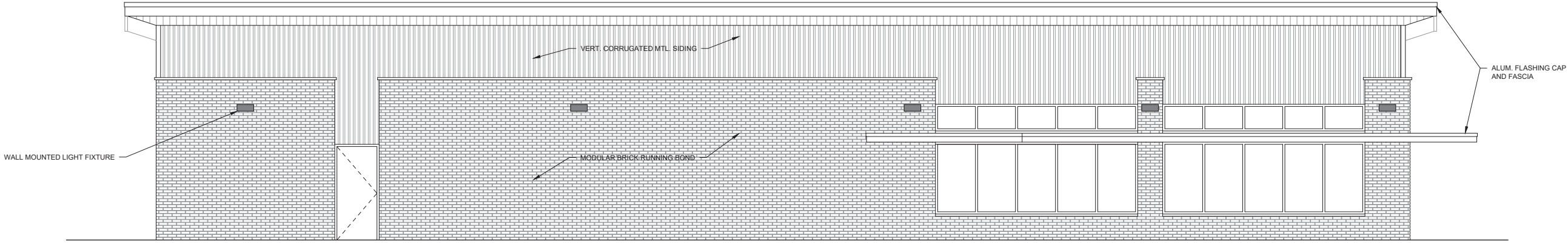
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4  
A-200  
ELEV. - WEST FACADE  
0 4' 8'  
1/4" = 1'-0"



3  
A-200  
ELEV. - SOUTH FACADE  
0 4' 8'  
1/4" = 1'-0"



2  
A-200  
ELEV. - EAST FACADE  
0 4' 8'  
1/4" = 1'-0"



1  
A-200  
ELEV. - NORTH FACADE  
0 4' 8'  
1/4" = 1'-0"



CONSULTANT

OWNER  
**VASILE HAURES**  
1980 PINE STREET  
DES PLAINES, ILLINOIS 60018  
(773) 562-0398

USER

PROJECT  
**HAURES BUILDING**

SCOPE  
**COMMERCIAL ONE-STORY  
TRADE CONTRACTOR  
OFFICE/SHOP**

ADDRESS  
1387 PROSPECT AVE.  
DES PLAINES, ILLINOIS 60018

OWNER PROJ. NO.  
**N/A**

#	DATE	REVISIONS/SUBMISSIONS
04/18/2024	REVISION 2	
03/04/2024	REVISION 1	
02/02/2024	ISSUED FOR STAFF REVIEW	

EXTERIOR ELEVATIONS

TELOS PROJ. NO.	ISSUING DATE
24-001	02/02/2024

**A-200**