



DES PLAINES PLANNING AND ZONING BOARD MEETING
May 14, 2024
MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, May 14, 2024 at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

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

PRESENT: Weaver, Catalano, Veremis, Fowler, Saletnik
ABSENT: Szabo
ALSO PRESENT: Jeff Rogers, CED Director
Jonathan Stytz, Senior Planner

A quorum was present.

APPROVAL OF MINUTES

A motion was made by Board Member Fowler, seconded by Board Member Veremis to approve the meeting minutes of April 9, 2024.

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

MOTION CARRIED

PUBLIC COMMENT ON NON-AGENDA ITEM

There was no public comment.

1. **Address:** 1700 W. Higgins Road

Case Number: 24-019-V

The petitioner is requesting a major variation to extend the maximum building sign area on an office building, and any other variations, waivers, and zoning relief as may be necessary. - **Request for Continuance**

PINs: 09-33-310-004-0000; 09-33-309-007-0000

Petitioners: Julie Piszcek, 5 Robert Court, Hawthorn Woods, IL 60047, and Jeremy Lyons, 6250 N. River Road, Suite 11-100, Rosemont, Illinois 60018

Owner: Mariner Higgins Center LLC, 6250 N. River Road, Suite 11-100, Rosemont, IL 60018

The petitioner requested to continue this case to the May 28, 2024 Planning and Zoning Board meeting.

Motion by Board Member Catalano, seconded by Board Member Veremis to approve a continuance to the April 9th Planning and Zoning Board Meeting.

AYES: Weaver, Catalano, Veremis, Fowler, Saletnik

NAYES: None

ABSTAIN: None

MOTION CARRIED

Pending Applications:

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 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

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.

The PZB did not have a quorum to open their April 23, 2024 meeting. To facilitate additional consideration of the request, staff published a new legal notice, mailed notice to adjacent property owners, and posted signage upon the property in accordance with Code requirements to facilitate additional consideration by the PZB at their regular meeting on May 14, 2024.

Case History: 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 site plan can be summarized as follows:

- A. Motor Vehicle Sales | An automobile 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 two-way drive aisle width required per Code of 22.0 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. The applicant prefers to segregate the vehicle display area from the employee/customer off-street parking area to prevent damage to display vehicles from truck & customer traffic maneuvers. Staff recommends the PZB consider whether the applicant's proposed design is appropriate or if site circulation would be improved by reversing the orientation of the proposed parking row so that stalls would be west of the drive aisle.

To address staff's prior concerns relating to the lack of adequate off-street circulation area for drop-off of vehicles from flatbed tow trucks to occur entirely on private property without loading/unloading in Rand Road right-of-way or reversing of vehicles into the right-of-way, the applicant has agreed to schedule vehicle deliveries by flat bed tow truck during business hours and to keep the area of storage behind the fence free from obstructions to facilitate three-point turnarounds for trucks so that no reversing into Rand Road will occur.

If the proposed site plan, parking stall locations, and vehicle display areas are approved as presented, staff recommends that the recommendation stipulate that the applicant provide access and reserve area free from storage to accommodate a three-point turnaround for flat-bed 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 ensured.

Conditions relating to removal or modification of existing noncompliant displays and outdoor storage, assignment of addresses, and other details remain listed in the recommendation for consideration by the PZB. The applicant has removed the storage unit that was previously stored upon the property.

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. A storage container upon the property which was in violation of the accessory use requirements and floodplain requirements of the Municipal Code has been 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. 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 as depicted on the revised site plan provided in advance of the April 24, 2024 meeting. 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 vehicle stall for every vehicle displayed for sale outdoors (16 vehicles outdoors = 16 vehicle stalls)
- One parking stall for every 500 square feet of showroom and office floor area for motor vehicle sales (2,350 square feet = 5 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 (16 vehicles outdoors = 1 stall); and
- Zero parking stalls for the trade contractor use.

In accordance with minimum off-street parking provisions, 16 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 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 distributing 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 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.
7. No more than sixteen (16) motor vehicles may be displayed for sale on the Subject Property at one time. Through signs, striping, or combination, these sixteen (16) 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.

Applicant (Urzsula and Peter) stated that they are here pursuant to the last continuance.

Director Jeff Rogers presented the case. There are some small changes, including a clarification of the flood plain. They are in Flood Zone AE, which is a 100-year flood plain. They are not doing work in the affected flood plain area and have presented various solutions on their site plan. They have revised their site plan, so that the parking will be reconfigured.

Since the previous presentation, the applicant has demonstrated how the door system would work for the entry and removal of cars from the interior showroom area. The applicant has also worked with staff to find a solution for their outdoor storage. The storage racks will be modified so that they will be above the base flood elevation, meeting requirements.

The PZB can recommend approval, approval with conditions, or denial.

The proposed site plan allows for a truck to make a 3-point turn to exit the location.

Acting Chairman Saletnik asked if the storage racks are above the base flood elevation. Director Rogers explained that the racks would be above the flood level after they're modified.

Member Catalano asked the applicant if they are good with the conditions and they stated yes. Member Weaver stated that he is in favor of Condition 8 in particular.

Acting Chairman Saletnik asked if there were any further comments, and no one from the audience came forward.

The petitioner asked about condition 8, specifically what if a truck arrives early in the morning or late at night. Director Rogers stated if the vehicle has someone there to open the gate and allow for the 3-point turn out of there, then it is not an issue.

The petitioner stated there is space elsewhere. Director Rogers said if they are not creating a traffic back up onto Rand Road, that is important.

Member Weaver stated his interpretation is that we don't want trucks outside of business hours, and that it is also for the benefit of neighbors. The petitioner said it would not be intended, but that if it happens, she would try to limit the disruption.

Motion by Member Weaver, seconded by Member Catalano to recommend approval of the requests to City Council, subject to the 8 conditions drafted by staff.

AYES: Weaver, Catalano, Veremis, Fowler, Saletnik

NAYES: None

ABSTAIN: None

MOTION CARRIED

3. **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

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.

Vasile Haures (petitioner) and Architect Robert Utero presented a summary of the business, General Hardwood Flooring and the proposed building. Mr. Haures would like to construct a building to operate as a hardwood flooring company. Mr. Utero described the relief requested to reduce the required front yard setback, a loading zone facing the alleyway, and the trade contractor use of the building. Parking will be provided for vehicles inside the building and one accessible stall will be provided in the back.

Acting Chairman Saletnik asked how the building will be demised. The plans divide the building into two.

Member Weaver asked the architect about the two doorways and how the accessible spaces are affected by the doorways. Mr. Utero stated the loading is outside the building, not inside, and accessible access would be in the front. Only one accessible stall could be placed on the property. The division between the buildings is down the middle. Mr. Haures stated they will be using the east side, and a separate tenant will be in the west side to be determined. The showroom will be by appointment only, not for walk-ins or a store.

Member Weaver asked about the purpose of the spaces inside and will they be bringing materials in/out of the building. Mr. Haures stated the materials are brought in if there are leftover materials from a site. Every time there is a delivery, it is delivered directly to the client's house. Employees include one crew and the rest is subcontracted. Mr. Haures has one van that delivers services.

Member Fowler asked about the buffer between the building and the residential property. Director Rogers stated there is a landscape buffer provided and a unique zoning history for the property that the staff presentation will discuss. Mr. Utero clarified there is also an eight-foot fence required and noted in the plans.

Member Fowler asked about what equipment and materials will be in the building. Mr. Haures stated the materials will include equipment like sanders, bundles, and parking of the trucks inside the building. Nothing will be parked outside. Acting Chairman Saletnik clarified that their understanding is that flooring materials have to be delivered to the job site and acclimate before being installed; there will not be many materials

coming into the shop except for scraps. Mr. Haures confirmed this is correct. Member Weaver also received clarification from the Petitioner that sanding and cutting will primarily be at the job site.

Member Veremis asked if there will be tool usage. Mr. Haures stated it will mainly be storage in the building. Member Weaver asks if putting the van inside the building is a security measure. Mr. Haures stated that is correct, and sanders and other equipment can be expensive.

Member Fowler asked about the other tenant. Mr. Haures does not have a tenant yet, but is attempting to find someone who is not loud. Mr. Haures lives in the neighborhood so he is nearby if there are issues.

Director Rogers provided the staff report.

Member Weaver expressed concerns about operations for the unknown tenant in the west half of the property. Member Weaver states the other business would need to be similar to the hardwood flooring business that operates on site in that it should not involve many people visiting this business. Member Weaver expressed discomfort about making conditions when the business is unknown.

Acting Chairman Saletnik asked if there is a condition that can limit the use to something similar or compatible with this property. Director Rogers stated due to the parking limitations on the site, it would not be feasible for many other uses on this property. A condition could be added, but may not be necessary. Director Rogers clarified that operationally, if the other business begins operations, they will need to follow these conditions of approval too. Acting Chairman Saletnik stated the size of the vehicles would also be limited by the loading zone and overhead door sizes.

Member Fowler asked about the size of the neighboring properties front setback for the house. Director Rogers stated is approximately 30 feet. Acting Chairman Saletnik stated beyond the single family home are two businesses that are closer to the front property line.

Member Weaver addressed condition 6 about being too specific about the term "saws". Member Weaver states that it should be limited by noise level rather than by specifying a specific piece of equipment, because other tenants might use other equipment. Director Rogers stated that noise restrictions are already in place in municipal code for all commercial businesses, but the conditional use process allows further restrictions and the condition could be expanded to include power tools and require it to be in compliance with the City's noise ordinance. Sound is measured at the lot line and from residential properties nearby. Examples include a powerful vacuum if they are removing sawdust; if sound levels were registered at a certain level in the neighboring residence, it would be a violation. Member Weaver requested clarification that no windows are on the side facing the residence; Director Rogers stated that is correct, and the condition about keeping the overhead door closed would further muffle sound.

Acting Chairman Saletnik stated that the parking limitations would place the onus on the property owner to find a tenant that can use the space in a similar way as their business. Mr. Haures stated they will ensure a suitable tenant fills that space, not something like an auto mechanic shop.

Member Fowler asked about the front setback and the landscape buffer. Mr. Utero stated the setback is 5 feet, which is similar to other properties on this block, and a 5 to 6 foot landscape buffer is provided between the building and the property line of the adjacent residence.

Member Weaver asked about the mystery tenant and condition 5. If another business comes into the building with vehicles that do not fit, are they then able to use the street for loading/unloading? Director Rogers clarified that condition 4 prevents loading/unloading in any public ways and that the intent with condition 5 is to ensure that vehicles are not parked on the street for a prolonged period of time while loading/unloading occurs on the site. Member Weaver expressed concerns about condition 5, stating that condition 4 accomplishes the same intent as condition 5 of preventing loading/unloading in a public way.

Member Weaver asked for clarification on whether all variations were required to go to City Council for approval. Director Rogers clarified that, upon review of the Zoning Ordinance with legal counsel, any relief normally granted by the PZB such as a standard variation, must be reviewed and approved by City Council if there is relief that requires City Council approval, such as a conditional use and variation. In this circumstance, the standard variation is connected with a conditional use and a major variation, which require City Council approval, therefore the PZB is the recommending body for all requests.

Acting Chairman Saletnik asked the petitioner about their financial ability to build and operate in this facility dependent on having a tenant. Mr. Haures explained this is an investment and it would be ideal to have a tenant, but would be able to operate and expand their own business if they could not find a tenant. Acting Chairman Saletnik expressed there are concerns about finding a tenant compatible with the lot. Mr. Haures explained it is easier to rent out smaller places compared to larger places for this type of business. Member Fowler asked if there were potential tenants. Mr. Haures said they have a few in mind for the space with a similar business.

Member Veremis asked if condition 6 should be expanded to include all power tools. Director Rogers stated several options are available for this condition. The City's noise ordinance would always apply, regardless of the condition of approval; however, if additional clarification is necessary, that can be included within the condition.

Acting Chairman Saletnik requests any public comment. Jamesh Patel of 1858 Pine Court and represents the President of the Pine Court Association. He is the president of the association for the 13 townhouses on the block. Mr. Patel asked about putting a big business there and the effect on traffic and parking and the impact on the residence and childcare on this block. Mr. Patel states he has lived in this area for 20 years and a house was built and demolished in that area in the 1990s. He feels a house should be located on this lot. Acting Chairman states this is not a big business, it is a small business. Mr. Patel agrees, but states the traffic will be an issue.

Member Fowler asked if Mr. Patel or anyone else in the audience represented the resident next door to 1387 Prospect. Mr. Patel states no and no member of the audience responds in the affirmative. Member Fowler asked what the resident next door thinks about this. Mr. Patel stated he has not talked to this neighbor, but the residents across the street from the business will be affected.

Maria Lomblad and Dave Lomblad, 1382 Prospect Ave, provide comment. They state they live across the street from this lot and it is too narrow. A lot of traffic is caused by the townhouses, with many residents with 2-3 townhouses. A proposal was submitted for a different building a few years ago that was not built. The driveway is too narrow and are concerned with parking. They are happy with the conditions now and are concerned about the new business being added with the home next door and childcare. Noise is also a concern and they are concerned the neighbor next door is not in attendance at the meeting.

Mario Castro, 1358 Prospect Avenue, provides comment and states they live across from the project. Mr. Castro expresses concerns about noise and that it is too close to neighbors.

Guadalupe Gonzalez provides comment, representing their mother on Pine Street. Ms. Gonzalez expresses concerns about parking. Her mother lives on Pine Street and has concerns about parking and traffic caused by this business.

Acting Chairman Saletnik stated the board is also concerned about parking. Member Fowler also stated that no customers will be coming into the building, so that would reduce that concern. Director Rogers stated in their testimony and in the application materials that they would only use the showroom by appointment only, which was entered into the record.

Member Weaver discussed how it is not a residential property. It is a C-3 property, it is not going to be a residence parked there. The business that will occupy the east part of the property is well suited because it does not have customers coming in and will be doing the work elsewhere and making noise elsewhere. The impact on the community would be much greater with other businesses. However, the west side of the property tenant is unknown but will have to operate with the same requirements and conditions.

Acting Chairman Saletnik states that any transitional uses require consideration of the type of business located at this property. The business will include storage of equipment when not working, with minimal customer activity, and is compatible with the property.

Mr. Haures thanks the board and promises the attendees of the meeting no problems will be caused by the business, and that he lives in the neighborhood.

Member Weaver makes a motion to recommend the conditional use, standard variation, and major variation with the first four conditions drafted by staff and the second sentence of condition 5. Member Catalano seconds the motion. See conditions below.

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.
5. Relocation of vehicles associated with the business to allow for deliveries shall occupy public on-street parking only as necessary during the delivery.

AYES: Weaver, Catalano, Veremis, Saletnik

NAYES: None

ABSTAIN: Fowler

MOTION CARRIED

4. **Address:** 1655 and 1695 S. Des Plaines River Road

Case Number: 24-016-TA-MAP-CU-V

The petitioner is requesting the following under the Zoning Ordinance for the properties at 1655 and 1695 S. Des Plaines River Road: (i) a city-wide Text Amendment related to childcare centers in the I-1 Institutional district; (ii) Map Amendments to rezone both properties to the I-1 district; (iii) a Conditional Use for a childcare center; (iv) Major Variations for the location and setback of a parking lot; (v) Major Variations for interior and perimeter parking lot landscaping; and (vi) a Major Variation for landscape buffer regulations.

While not part of the Part 1 entitlements listed above, the petitioner will also be separately requesting a combined Tentative and Final Plat of Subdivision to consolidate the existing two lots into one lot of record. However, the effectiveness of the Part 1 entitlements will be contingent on the approval of the final engineering plans and Tentative and Final Plat of Subdivision requested as the Part 2 entitlement.

Petitioner: Brickton Montessori (Representative: Erica Lane, 8622 W. Catalpa Ave, Chicago, IL 60656)

Owner: 1655 LLC and Schawk INC, 1695 S. Des Plaines River Road, Des Plaines, IL 60018

Case Number: 24-016-TA-MAP-CU-V

PINs: 09-28-107-008-0000; -009

Ward: #2, Alderman Colt Moylan

Existing Zoning: C-3 General Commercial district (*1655 S. Des Plaines River Road*);
M-1 Limited Manufacturing district (*1695 S. Des Plaines River Road*)

Existing Land Use: Vacant property (*1655 S. Des Plaines River Road*); office building and parking lot (*1695 S. Des Plaines River Road*)

Surrounding Zoning: North: C-3 General Commercial District
South: Single Family Residential District (R4) (Unincorporated Cook County)
East: Single Family Residential District (R4) (Unincorporated Cook County)
West: C-3 General Commercial District

Surrounding Land Use: North: Multi-tenant Office Building (Commercial)
South: Cook County Forest Preserve (Recreation)
East: Des Plaines River; then Cook County Forest Preserve (Recreation)
West: Retail and Service Establishments (Commercial)

Street Classification: Des Plaines River Road is classified as a minor arterial and is under City of Des Plaines jurisdiction.

Comprehensive Plan: The subject property is illustrated as open space on the Future Land Use map in the 2019 Comprehensive Plan.

Zoning/Property History: The subject properties described below are both located along Des Plaines River Road in the City of Des Plaines but are bounded by the Des Plaines River and the Cook County Forest Preserve in unincorporated Cook County.

Street Classification: Des Plaines River Road is classified as a minor arterial and is under City of Des Plaines jurisdiction.

Comprehensive Plan: The subject property is illustrated as open space on the Future Land Use map in the 2019 Comprehensive Plan.

Zoning/Property History: The subject properties described below are both located along Des Plaines River Road in the City of Des Plaines but are bounded by the Des Plaines River and the Cook County Forest Preserve in unincorporated Cook County.

Address	PIN	Current Zoning District	Lot Size
1655 S. Des Plaines River Rd	09-28-107-008-0000	C-3 General Commercial	30,592.48 SF (0.70 acres)
1695 S. Des Plaines River Rd	09-28-107-009-0000	M-1 Limited Manufacturing	58,478.31 SF (1.34 acres)

The property at 1655 S. Des Plaines River Road is currently unimproved. However, the property at 1695 S. Des Plaines River Road is improved with a two-story, 19,000-square-foot commercial building with a surface parking area as shown on the attached ALTA/NSPS Land Title Survey.

Both properties abut the Des Plaines River on their eastern boundaries and, based off the current Federal Emergency Management Agency (FEMA) flood hazard maps, are located entirely within a flood hazard zone and a portion of the regulatory floodway. As such, any proposal is required to conform with all FEMA and City of Des Plaines Flood Control regulations prior to the construction of any improvements on either property.

Development Summary: *Overview*

Petitioner Erica Lane, on behalf of Brickton Montessori, intends to purchase the properties at 1655 and 1695 S. Des Plaines River Road and repurpose both for a private school and childcare center. The Brickton Montessori school has been serving the northwest Chicago suburban communities since 1986 providing education and childcare services for children 3 months to eighth grade as specified in the attached Project Narrative. While both uses will operate in the same building as one entity, designated areas for both the childcare center and private school have been identified on the attached Architectural and Site Plan Set with the childcare center use areas concentrated on the first level and the private school use spread between the two floors. See the project narrative for additional information on both the proposed childcare and private school uses.

Preliminary Improvements Proposed

The proposal includes both building and site improvements to accommodate the childcare center and private school uses. While the petitioner is interested in preserving the existing office building as much as possible, the proposed childcare and private school uses require specific updates to the building to meet current building and fire codes. As such, the Floor Plan details the required alterations to the building's interior, which will be reviewed further at time of building permit to ensure compliance with all regulations.

The size, location, and setbacks of the existing office building were not subject to change and no new building is proposed for the vacant 1655 S. Des Plaines River Road property. However, there are proposed improvements for each property, which are detailed in the attached Architectural and Site Plan Set and summarized in the table below. Note that the site improvement plans submitted are preliminary and will be finalized during the subdivision request stage.

Address	Preliminary Improvements Proposed
1655 S. Des Plaines River Rd	<ul style="list-style-type: none"> • Garden space with mulch area and circular granite walking path; • New perimeter fence • Non-paved mulch area designated for compensatory storage and stormwater quality treatment
1695 S. Des Plaines River Rd	<ul style="list-style-type: none"> • New perimeter fence • Fenced outdoor playground area • Replacement of existing north parking space row with drop-up/pick-up lane and walkway • New vehicular entrance on northwest corner • Restriping of retained parking spaces • New fire department connection point • New flood wall surrounding the existing building • Parking lot landscaping along south property line • Reinstall exterior light poles throughout site • New ADA accessible ramp on south building face to serve new building entrances • New stairs on west building face to serve new building entrances

Flood Control Considerations

The largest improvement proposed is the flood wall, which is necessary to comply with the FEMA and City of Des Plaines Flood Control regulations. The petitioner has submitted the preliminary engineering drawings and flood wall details as a reference to their solution to address the necessary flood control considerations for the subject properties. The Public Works and Engineering (PWE) department has reviewed the preliminary engineering submittal provided by the petitioner (see PWE Preliminary Letter) and has noted that the final engineering drawings and flood wall details must be prepared and stamped by a structural and professional engineer. These engineering plans will need to be reviewed and approved by PWE prior to the hearing of the future subdivision request.

Request Overview

The proposal requires several zoning requests under Title 12 Zoning, which are summarized in the table below as Part 1 entitlements. These requests are necessary to correct the property zoning for the change in use, permit the childcare center use, and receive relief from the zoning requirements noted in the referenced code sections.

Note that the table also includes the required subdivision request as the Part 2 entitlement, which will be a separate request pursued by the petitioner to consolidate the two existing lots into one lot of record. This is required by Section 13-1-2 of the Subdivision Regulations, which prohibits the sale of a zoning lot that is in a non-residentially zoned area and is not a "lot of record" and requires the property to be subdivided or consolidated into a lot or lots of record before the sale can be completed. As such, this step will need to be completed prior to the purchase of the subject properties by the petitioner.

Part 1 Entitlements		
Request	Description	Code Section Reference
Text Amendment	Allow childcare center as a conditional use in the I-1 district	12-7-5.A.6
Map Amendment	Rezone 1655 S. DP River Rd to I-1	12-3-7
Map Amendment	Rezone 1695 S. DP River Rd to I-1	12-3-7
Conditional Use ¹	Allow childcare center on the subject properties in the I-1 district	12-7-5.A.6
Major Variation	Allow parking lot in the required front yard in the I-1 district	12-7-5.A.5.a
Major Variation	Allow parking lot to be setback less than 3.5 feet from the property line	12-9-6.D
Major Variation	To not require interior parking lot landscaping as required in code	12-10-8.A
Major Variation	To not require perimeter parking lot landscaping on the west property line	12-10-8.B
Major Variation	To not require landscape buffer improvements on the south property line	12-10-9.C
Part 2 Entitlement		
Request	Description	Code Section Reference
Tentative and Final Plat of Subdivision	Consolidate the two existing parcels into one lot of record	Title 13 Subdivision Regulations

¹ Contingent upon the approval of the text amendment to allow childcare centers in the I-1 district, a conditional use is requested for a childcare center use at the subject properties.

MAP AMENDMENT

Request Description: *Overview*

The subject properties at 1655 S. Des Plaines River Road and 1695 S. Des Plaines River Road are currently zoned C-3 General Commercial and M-1 Limited Manufacturing respectively, neither of which allow a private school or childcare center use. However, the 2019 Comprehensive Plan recognizes schools, libraries, community organizations, places of worship, and other public facilities that provide similar services to Des Plaines residents as institutional uses. As such, a proposed rezoning of both properties to the I-1 Institutional district is consistent with the goals and objectives of the comprehensive plan based on the uses proposed. In addition, the I-1 district currently allows private schools as a permitted use as noted in the table below.

Institutional District Use Matrix	
<i>Use</i>	<i>I-1</i>
Schools, private - elementary and high school	P

While the childcare centers are currently not allowed in this district, a text amendment has been requested as noted in the *Text Amendment* section below to add this use to the Institutional District Use Matrix as a conditional use.

Bulk Regulations

A private school and childcare center are subject to the bulk regulations in Section 12-7-5.A.7 of the Zoning Ordinance. The table below compares the I-1 district regulations with the proposed development on the subject properties.

I-1 Institutional District Bulk Standards		
<i>Bulk Controls</i>	<i>Required</i>	<i>Proposed</i>
Maximum height (adjacent residential, 5 ft of height permitted for each 10 ft of additional setback provided)	45 ft	33 ft
Minimum front yard [west]	50 ft	165 ft
Minimum side yards <ul style="list-style-type: none"> • North • South 	25 ft 25 ft	121 ft 89 ft
Minimum rear yard [east]	30 ft	43 ft
Minimum lot size	2 acres	3 acres
Maximum lot coverage	40%	40%

Note that while site is currently comprised of two separate properties under different ownership and zoning, a subdivision or consolidation will be required as part of the approval for the requests described in this report. As such, the figures identified under the *Proposed* column assume the consolidation of the two lots into one lot of record. The site currently is improved with a parking area located in front of the existing building. While this is not an issue for a lot in the M-1 district, parking lots are not permitted in the front yard of an I-1- zoned lot. As such, the petitioner is requesting a variation from this standard.

Site Plan Review

Pursuant to Section 12-3-7.D.2 of the Zoning Ordinance, a Site Plan Review is required for all map amendment requests to assess how the request meets the characteristics identified in Section 12-3-2, which are listed below along with staff’s assessment of each in relation to the current Site Plan provided by the petitioner. Note that the attached Site Plan may be adjusted as necessary by the petitioner to address staff/public comments and incorporate all needs of the proposed private school and childcare center development.

Site Plan Review	
<i>Item</i>	<i>Analysis (based on Proposal)</i>
The arrangement of structures on the site	<ul style="list-style-type: none"> • Positions new playground area to make better use of space and create separate parking and open spaces; maintains existing building location. • Playground and open space are compatible with the Forest Preserve to the south
The arrangement of open space and landscape improvements	<ul style="list-style-type: none"> • Large open space proposed in northern portion of development; minimal landscape additions proposed on south portion of development. • Creates a functional and desirable environment for patrons, pedestrians, and occupants.
The adequacy of the proposed circulation system on the site	<ul style="list-style-type: none"> • Provides designated drop-up/pick-up area for both uses; maintains two-way travel drive aisles. • Adds one right-in/right-out curb-cut on Des Plaines River Road for additional site access.
The location, design, and screening of proposed off-street parking areas	<ul style="list-style-type: none"> • Maintain existing landscape screening of parking areas; adds some perimeter parking lot landscaping • No defined separation between pedestrian and vehicle circulation.
The adequacy of the proposed landscaping design on the site	<ul style="list-style-type: none"> • Adequate perimeter parking lot landscaping provided in front of and behind parking areas. • Intends to preserve existing trees on site. • Both foundation and site perimeter landscaping proposed all of sides of buildings to create an adequate and defined transition between uses.
The design, location, and installation of proposed site illumination	<ul style="list-style-type: none"> • Retains existing exterior light poles on site; new exterior lighting proposed on building • Higher foot-candles concentrated around parking area; minimal light encroachment onto neighboring properties
The correlation of the proposed site plan with adopted land use policies, goals, and objectives of the Comp. Plan	<ul style="list-style-type: none"> • Partially in line with the open-space use designated for the subject properties on the future land use map in the Comprehensive Plan. • Proposed zoning district better matches the private school and childcare center uses as identified in the Comprehensive Plan.

TEXT AMENDMENT

Request Description:

Overview

A childcare center, defined below, is not listed as a permitted or conditional use in the Institutional Use Matrix in Section 12-7-5.A.6, and therefore requires a text amendment to be added as an allowed use in the I-1 Institutional district.

CENTER, CHILDCARE: Any place other than a family home in which persons receive childcare services during any part of a day not exceeding thirteen (13) hours in any twenty-four (24) hour period.

Childcare centers are governed by Section 12-8-7 of the Zoning Ordinance and currently require a conditional use permit in all districts in which they are allowed, including the R-4 Central Core Residential district, M-2 General Manufacturing district, and all commercial districts with the exception of the C-6 Casino district.

Proposed Text Amendment

The petitioner has worked with staff and formally requested the attached Proposed Text Amendments to identify the necessary adjustments in Section 12-7-5.A.6. Based on the proposal, a childcare center use would require a conditional use permit in the I-1 district, which is consistent with the current designations in the zoning districts above. No footnotes or other language is proposed as part of this request.

CONDITIONAL USE

Request Description:

Overview

Upon approval of the text amendment above to Section 12-7-5.A.6 of the Zoning Ordinance, a conditional use permit will be required for the proposed childcare center use. Section 12-3-4 of the Zoning Ordinance governs the procedure for review of uses—or in this case two separate principal uses—that are unique in character and require additional consideration of the impact of those uses upon neighboring lands and upon the public need for the particular use of the particular location(s). However, given the second principal use, private school, also proposed for this development, the analysis below will assess how both uses will coexist and operate on the site based on the petitioner submittals and the potential impacts of the entire development on the community as a whole.

Floor Plan and Elevations

Brickton Montessori School operates the private school and childcare center operations as one entity. That said, the Floor Plan in the attached Architectural Plans designates the building areas devoted to each of the proposed uses as well as general areas for building operations, which are summarized in the table on the following page. While there are no proposed changes in size, location, and height of the existing building, entrances to the building will be altered and new pedestrian access stairs, ADA accessible ramps, and emergency egress landing will be provided based on the required flood wall improvements. See the attached Architectural Plans for more information.

Floor Plan Breakdown			
Use	General	Private School	Childcare Center
First	<ul style="list-style-type: none"> • 1 Restroom • 227 SF Lobby • Storage areas totaling 913 SF • Mechanical areas totaling 111 SF 	<ul style="list-style-type: none"> • 1 classroom totaling 840 SF • 6 offices including reception area totaling 994 SF 	<ul style="list-style-type: none"> • 4 classrooms with shared restrooms totaling 2,334 SF • 2 offices totaling 247 SF
Second	<ul style="list-style-type: none"> • 1 Restroom • 75 SF Pantry • 127 SF Storage area • Outdoor roof deck 	<ul style="list-style-type: none"> • 8 classrooms totaling 5,113 SF • 2 offices totaling 261 SF 	No space devoted for childcare center use

The proposal does not include any changes to the exterior brick building façade of the existing two-story office building. However, the following exterior building improvements are proposed as noted on the Exterior Elevations sheet in the attached Architectural Plans:

- Replace existing windows with new windows;
- Add new egress ramp on the south elevation and new egress doors; and
- Add new elevated deck with fall protection on front (west elevation) and side (south elevation) of the building.

Off-Street Parking

Sections 12-9-7 and 12-9-8 of the Zoning Ordinance govern the number of off-street standard and accessible parking spaces required based on the property uses. Given the floor plan information above, the following are the parking requirements for the proposed private school and childcare center uses:

Required Off-Street Parking			
Use	Parking Calculation	Required Spaces	
		Current Enrollment (89 students; 43 children)	Future Max Enrollment (144 students; 52 children)
Private School – Elementary (Students)	One space for each classroom plus one space per 200 SF of area devoted to offices	16 spaces (9 classrooms; 1,225 SF of office area)	16 spaces (9 classrooms; 1,225 SF of office area)
Childcare Center (Children)	One space for every 15 children, plus one space for every employee	15 spaces (43 children; 12 staff members)	16 spaces (52 children; 12 staff members)
Total Off-Street Parking Required		31 (incl. two accessible)	32 (incl. two accessible)
Total Off-Street Parking Provided		38 (incl. two accessible)	

Access and Circulation

There is currently one full access point to the subject property off Des Plaines River Road, which will be maintained as part of this proposal. Based on the findings of the Traffic Impact Study, the petitioner intends to add a second limited access curb cut on the northwest portion of 1695 S. Des Plaines River Road to allow another entrance off of and exit onto northbound Des Plaines River Road to accommodate traffic flow. The addition of the second curb cut will require review and approval from the PWE department as this portion of Des Plaines River Road is under the City's jurisdiction.

The existing two-way drive aisles will be maintained in the parking area to allow for more sufficient vehicle circulation throughout the site. In addition, the proposal includes some parking area reconfiguration to remove the northern parking space row, accommodate a designated vehicle lane for drop-off and pick-up activities on site, and avoid adverse effects on Des Plaines River Road. Note that the existing parking area is not setback a minimum of 3.5 feet from the property line as required in Section 12-9-6.D of the Zoning Ordinance. While the location of this parking area will not change, the proposed alterations require the parking area to conform with the setback requirement. Since the proposal does not include adjustments to meet this requirement, a variation is required. See the *Variation* section for additional information.

Landscaping and Screening

The existing site contains some natural vegetation (1655 S. Des Plaines River Road) and some landscape improvements in the middle of the parking area on 1695 S. Des Plaines River Road but does not meet the specific requirements in Section 12-10, "Landscaping and Screening", of the Zoning Ordinance. The proposal does include new perimeter parking lot landscaping along the south portion of the parking area as noted in the attached Landscape Plan. However, the proposed improvements do not fully meet the interior and perimeter parking lot landscaping requirements in Section 12-10-8, requiring major variations.

The subject property abuts the Cook County Forest Preserve district to its south, which is a residentially zoned lot and requires conformance with the Landscape Buffer requirements in Section 12-10-9. An I-1-zoned property abutting a residential district or use must provide a minimum five-foot-wide landscape buffer containing shade trees planted every 30 feet, a solid eight-foot-tall fence, and turf or other ground cover along 100 percent of the property boundaries that abuts the residential district. While the landscape plan does provide some new landscaping along this property line, it does not fully satisfy this requirement, necessitating a major variation.

Business Operations

The attached Project Narrative describes how the private school and childcare center uses will operate on site. Both uses will operate from 8 a.m. to 3 p.m. on weeks days (with before and after care on each weekday from 7-8 a.m. and 3-6 p.m.) and will be closed on weekends with the exception of occasional open houses throughout the year. The petitioner employs staggered drop-off and pick-up times in order to manage traffic flows and circulation on site during hours of operation for both uses as noted in the attached Traffic Impact Study.

MAJOR VARIATIONS

Request Description:

The proposal includes several variation requests related to the parking lot structure and multiple landscape requirements, which are summarized below. The petitioner has provided a description of the hardships on the existing site and the necessity of the variation requests in the attached Petitioner’s Responses to Standards. Note that these are all major variation requests that require City Council approval. However, the PZB shall review each variation request and make a recommendation to City Council based on its findings.

Requested Variations		
Requirement	Proposal	Code Reference
Parking lots are not permitted in the front yard in Institutional districts	Maintain existing parking lot in the front yard of the site as is	12-7-5.A.5.a
Parking lot curbs shall be setback a minimum of 3.5 feet from all property lines	Maintain existing 0-foot parking lot setback from the property line	12-9-6.D
A minimum 8-foot-wide, 100 SF landscape bed is required at the end of every parking row and after 30 spaces.	Maintain existing parking lot without the addition of interior parking lot improvements at the end of parking rows	12-10-8.A
A minimum 5-foot-wide landscape bed is required around the perimeter of the parking lot	Maintain existing parking lot without the addition of perimeter parking lot improvements on the west side	12-10-8.B
A minimum 5-foot-wide landscape buffer is required along 100 percent of the property line abutting a residential use	Limit the required landscape buffer treatment of the south property line to the parking area limits and forgo the fencing requirement	12-10-9.C

Zoning Map Amendment Findings of Fact:

The following is a discussion of standards for zoning map amendments from Section 12-3-7.E of the Zoning Ordinance to rezone both properties to the I-1 district. Rationale for how well the proposal addresses the standards is provided below and in the attached Petitioner's Responses to Standards. The Board may use the provided responses as written as its rationale or modify or adopt its own.

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

Comment: The retention and expansion of institutional uses is noted as an overarching principle of the 2019 Comprehensive Plan. In addition, the proposal includes the retention of open space on the existing site that arguably fits underneath the open space land use designated on the Future Land Use map. The Board may decide whether there is sufficient alignment with the Comprehensive Plan to satisfy the standard.

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

Comment: The subject property is adjacent to commercial zoning on its north and west and residential zoning to the south and east (Cook County Forest Preserve). The current C-3 zoning of 1655 S. Des Plaines River Road complements the commercial uses and is currently undeveloped, complementing the open space land use identified for this area on the Future Land Use Map. However, the M-1 zoning of 1695 S. Des Plaines River Road does not match surrounding zoning or complement the land use designation of the Future Land Use Map. While there is no other I-1-zoned property in this area currently, given the neighboring forest preserve and the nature of the proposed private school and childcare center uses the I-1 district is an ideal choice for rezoning of the site and will be compatible with the surrounding uses.

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

Comment: There are no perceived concerns with the adequacy of public facilities and services for the subject property with the proposed map amendment. The anticipated use of the site upon approval of the map amendment would arguably improve the public facilities and services available on the site.

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

Comment: The proposed map amendment would allow for institutional uses, such as schools and childcare centers that are by nature situated on larger lots with additional open space. In addition, the proposal includes parking lot circulation and stacking improvements to better manage vehicle volume during drop-off and pick-up periods for both uses, which minimize traffic issues on the surrounding road infrastructure. That said, there are no perceived concerns that an allowance of institutional uses would negatively affect surrounding properties by way of traffic, noise, fumes, dust, and odors. It is anticipated that this request could reduce any existing adverse effects associated with the unoccupied building and increase the values of neighboring properties, both of which benefit the City.

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

Comment: The proposed amendment allows for institutional uses on a site that abuts defined open space and recreation areas that promotes developments—such as the current proposal—which complement the surrounding uses. This map amendment to the I-1 district also serves as an effective transition area between the commercial development from the north and west and the open space/recreational space to the south and east. Finally, the map amendment also paves a way for the current proposal to make necessary flood control and site improvements but also repurposes an underutilized property.

Zoning Text Amendment Findings of Fact:

The following is a discussion of standards for zoning text amendments from Section 12-3-7.E of the Zoning Ordinance to allow childcare centers in the I-1 district. Rationale for how well the proposal addresses the standards is provided in the attached Petitioner’s Responses to Standards. The Board may use the provided responses as written as its rationale or modify or adopt its own.

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

Comment: The proposed amendments expand on the institutional use types allowed in the Institutional district to address a current gap in the Zoning Ordinance. Childcare centers are institutions that provide direct services to the public and are often associated with other uses already allowed in the I-1 district such as schools. The amendments fit within the description of institutional uses noted in the Comprehensive Plan and help achieve benefits for the City as a whole.

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

Comment: Childcare centers complement the types of institutional uses that are currently allowed in the I-1 district including schools and do not pose adverse effects on surrounding properties. The amendments require a conditional use permit for each childcare center use in this district, allowing staff and governing bodies to review each request on a case-by-case basis to ensure the compatibility of each site for this use.

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

Comment: The proposed amendments are appropriate for the I-1 district as it allows a new institutional use that complements existing uses allowed in this district and the public facilities and services required for each. Staff do not see concerns with the adequacy of public facilities and services associated with childcare center uses in the I-1 district.

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

Comment: Childcare centers provide services to Des Plaines residents and are also associated with other institutional uses such as schools and places of worship. In addition, each childcare center request will be reviewed on a case-by-case basis to minimize adverse effects on surrounding properties.

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

Comment: The proposed amendments create an allowance that currently does not exist for further development in the I-1 district that is responsible and consistent with existing development in the institutional district.

Conditional Use Findings of Fact:

The following is a discussion of standards for conditional uses from Section 12-3-4 of the Zoning Ordinance for the proposed childcare center use. Rationale for how well the proposal addresses the standards is provided below and in the attached Petitioner’s Responses to Standards. The Board may use the provided responses as written as its rationale or modify or adopt its own.

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

Comment: Upon approval of the proposed text amendment, a childcare center will be designated as a conditional use within the Institutional Use Matrix in Section 12-7-5.A.6 of the Zoning Ordinance.

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

Comment: The proposed childcare center is a service-oriented use that primarily serves day-to-day needs of local residents by increasing care and education opportunities for residents in Des Plaines. Additionally, the subject property is large and contains a sizeable amount of open space ideal for institutional uses.

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

Comment: The proposed childcare center use is designed, constructed, operated, and maintained to be harmonious and appropriate in appearance to surrounding commercial uses. The proposal includes integral 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 childcare center use would not be hazardous or distributing to neighboring uses given the large lot and defined open space areas in between the site activities and other properties. While a majority of activities take place inside the building, some outdoor areas are designated and setback from the property lines to provide additional benefits to children attending the childcare center but also reduce any hazardous or disturbing effects from this use.

- 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 site is served adequately by essential public facilities and services. With the proposed curb cut and circulation/queuing improvements to the existing parking area, it can be argued that the proposed use 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 use 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 designated outdoor activity areas for the children which are setback a considerable distance from the street as well as parking lot circulation and queuing improvements to adequately accommodate vehicular volumes throughout the site. In addition, the proposal includes the installation of flood controls to address the requirements of FEMA and Title 14 of the Code.

- 8. 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 designated outdoor activity areas for the children which are setback a considerable distance from the street as well as parking lot circulation and queuing improvements to adequately accommodate vehicular volumes throughout the site. In addition, the proposal includes the installation of flood controls to address the requirements of FEMA and Title 14 of the Code.

- 9. 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 a new curb cut for easier access to/from the property in addition to the alterations to the parking area for traffic queuing, both of which will minimize inference with traffic on Des Plaines River Road and the surrounding local streets.

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

Comment: The proposed childcare center use will be designed to meet the regulations of the Zoning Ordinance.

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

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

PZB Procedure and Recommended Conditions:

Under Section 12-3-4.D (Procedure for Review and Decision for Conditional Uses), Section 12-3-6.G.2 (Procedure for Review and Decision for Variations), and Section 12-3-7.D (Procedure for Review and Decision for Amendments) of the Zoning Ordinance, the PZB has the authority to *recommend* that the City Council approve, approve with modifications, or deny the above-mentioned requests at 1655 and 1695 S. Des Plaines River Road. The City Council has final authority on these requests.

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

- A motion pursuant to Section 12-3-7.E of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the proposed Map Amendments;
- A motion pursuant to Section 12-3-7.E of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the proposed Text Amendments;
- A motion pursuant to Section 12-3-4.E of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the request for a Conditional Use; and
- A motion pursuant to Section 12-3-6.H of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the requests for Variations.

If the PZB recommends approval, staff recommends the following conditions.

Conditions of Approval:

1. All proposed improvements and modifications shall be in full compliance with all applicable codes and ordinances. Drawings may have to be modified to comply with current codes and ordinances.
2. The petitioner shall submit a request to consolidate the subject properties in conformance with Title 13, “Subdivision Regulations” of the Municipal Code. The zoning entitlements will not be effective until the approval and recording of the consolidation plat for the subject properties.
3. The appropriate plans related to flood control improvements to the subject properties shall comply with the FEMA and Title 14, “Flood Control”, requirements. All flood control improvements shall be approved by both FEMA and the PWE department and be installed on sit prior to the issuance of a certificate of occupancy.

Principal Erica Lane presented a summary of the mission of the Brickton Montessori School including their professional accreditations and affiliations. The school is licensed by the State of Illinois. She noted the organization's current long wait lists and the need for a new facility. Larry Kearns (Architect) summarized the history of the existing building which was constructed in 1892. The existing building has been improved over time including removal of a third story and removal of a water tower in the 1980s at which time an addition to the south elevation of the building was constructed. The property is comprised of two parcels.

Larry Kearns summarized the projected traffic impacts from the proposed land use. The property would be improved with 38 parking stalls and would include sufficient vehicle stacking in two rows to accommodate pick-up and drop-off of students. A new curb cut is proposed to provide improved site circulation and a new outbound right-turn to S. Des Plaines River Road. Discussion ensued about the floodplain.

The north half of the site would be improved with new outdoor recreation/playground area. New sidewalk connections would extend from the public right-of-way to the building.

The floor plan was presented in relation to the proposed flood wall. The proposed wall would stand at a height of approx. 4.5 feet and would include a ramp for strollers as well as stairs at the main entry and the building entrance near the proposed playground.

Two accessible stalls would be provided and the total parking would exceed the city's minimum requirements.

The proposed scope of engineering improvements would extend into the ground to the existing clay layer, providing a dry flood proofing solution. The proposal includes approximately 0.5 acre-feet of storage to accommodate the storage of stormwater that would occupy the area within the flood wall without the new floodwall improvement.

Neal Smith (Attorney) presented a summary of the proposed zoning entitlement requests including a rezoning of the two parcels to I-1, a conditional use for the proposed private school within the I-1 District, a major variation for a parking lot within the front yard, a major variation for parking setback from the front lot line, a major variation for landscaping, and a major variation to omit fencing along the south lot line.

Neal Smith summarized the developer's intent to retain many of the existing conditions of the property while improving the property to accommodate a new, modern use which would comply with FEMA's requirements. The requested relief from landscaping requirements would allow the property to benefit from the views into the adjacent forest preserve.

Neal Smith asserted that a private school in this location would benefit the community and would not introduce any new hazards or negative impacts on neighbors. Parents of students will patronize local businesses and create opportunities for new business from customers who may not otherwise visit the community.

To manage parking and pick-up and drop-off queues, the school would stagger daily start and end times.

Discussion ensued about the size of the site and landscaping. Reuse of the existing parking field would help preserve existing areas, and the current location is permissible in accordance with the existing zoning, but would be made noncompliant by the proposed rezoning to I-1. The redevelopment would be in compliance with the city's comprehensive plan and would be constructed in accordance with building and engineering requirements.

Member Fowler inquired about the proposed fencing and whether a barrier would be provided to prevent children from accessing the river.

Larry Kearns summarized the proposed fencing and the extents of a secured "L" shaped space which would contain students and prevent access to the River. The playground would also be enclosed with a fence which would connect to a fence along the river.

Member Weaver inquired about contingency planning for both expected and unexpected expenses associated with required flood proofing, soil types, historic building issues, and any remediation of hazardous materials. Larry Kearns also summarized estimated costs related to the proposed floor proofing, potential surprises relating to soils, and other costs. They acknowledge that the extra investment needed to comply with requirements helps ensure this location can serve as an especially attractive natural location for the school's curriculum.

Acting Chairman Saletnik inquired about the use of pumps in relation to the stormwater management requirements. Larry Kearns summarized the proposed pump system which would be required to facilitate the storage of some storm water under the building.

Member Veremis inquired about current enrollment. Erica Lane identified the current enrollment of 125 students and identified the projected enrollment with this location to be 196. This is max.

Member Veremis inquired about the potential service area from which students would be expected. Erica Lane summarized the expected service area including... Chicago, Des Plaines, Park Ridge, Harwood Heights, Rosemont, Schaumburg, Northshore

Member Veremis asked about traffic impact. Erica Lane stated the majority of families are coming for northwest side of Chicago, up Touhy and down River Road.

Member Veremis asked how long this building has been vacant.

Senior Planner Jonathan Stytz – only a few years.

Member Fowler asked about the fence extension further to the south. Erica Lane responded the fence is necessary for the safety of children. South end is for entering the facility.

Member Weaver stated that Brickton was a 19th century name for Park Ridge. Erica Lane confirmed that the name was indeed associated with this history and outlined the history of the growth of the organization. School started first in Park Ridge. They wanted to maintain the name.

Member Veremis appreciated that the adjacent land would be maintained as open space rather than commercial development.

Acting Chairman Saletnik opened for public comment.

Daria Plamada was sworn in. She identified herself as a Des Plaines resident, an alum of the school, and the parent of a current student. The faculty are excellent and are long-tenured members of the organization. She is very supportive of the proposed use.

Acting Chairman Saletnik requested a summary of the staff presentation.

Senior Planner Stytz provided an overview of the request and presented photos of the subject property including the legal notice sign. He noted that a tentative and final plat of subdivision for the subject property will be presented separately to the PZB and City Council at a later date.

The proposed use would be considered a child care use and would require the requested map amendment and conditional use. He summarized the proposed improvements and locations of specific structures and flood control improvements across the site plan.

He provided a summary of the site plan standards and several proposed site improvements which demonstrate compliance with these standards. A substantial amount of existing open space would be retained with the applicant's proposed development plans.

He summarized the land use table for the I-1 District and presented the floor plan and use of various areas of the plan. He presented the building elevations, renderings, and proposed signage. He reviewed the minimum parking requirements versus the proposed surplus. The expected increase in enrollment to 144 students and 59 children would be accommodated with the proposed quantity of parking stalls.

He reviewed the specific requirements in regard to location of parking lots in the I-1 District and the proposed parking stall setback from the public right-of-way. 3 feet is existing and would remain. He summarized the landscaping design requirements for the parking lot and the south lot line. Although the applicant is retaining trees and open space, required landscaping within the parking lot has not been proposed in order to limit the scope of alterations to the existing parking lot and maximize the quantity of parking stalls without adding additional impervious areas.

He confirmed that the Public Works & Engineering Department has provided a review letter outlining the requirements for flood control and other improvements through the review and approval of final engineering plans associated with the building construction process.

He summarized the public improvements and engineering requirements associated with the subdivision of the property and confirmed that the subdivision would need to be completed prior to permitting for the property.

Acting Chairman Saletnik asked for discussion.

Member Weaver inquired about consolidation of the various requests into a common motion. Member Catalano comments on the proposed pump design and confirmed the concept seems appropriate.

Member Fowler inquired about the location of an indoor gymnasium. Erica Lane identified a space for gross motor on the first floor for younger children, but confirmed no gymnasium is proposed. Historically, Brickton has partnered with outside organizations for use or rental of sports, courts, and fields consistent with their programming needs.

Member Catalano inquired about potential staffing changes between the existing operations and proposed operations.

Erica Lane described staff will minimally increase. One additional classroom will be opening. So increase of 3 staff members.

Member Fowler inquired about the combination and interaction among age groups in the Montessori and class sizes. Erica Lane confirmed that maximum class sizes range from 20-24 students and that students of various ages interact through various programs.

Member Veremis inquired about summer programming. Erica Lane confirmed that 10 week summer programming is available and students/parents select what services they need over the summer months.

Acting Chairman Saletnik entertained a motion.

Member Weaver moved to recommend approval to City Council for the Zoning Map Amendment, Text Amendment, Conditional Use, and Variations and include the three conditions of approval drafted by staff.

Motion by Board Member Weaver, seconded by Board Member Catalano to recommend approval.

AYES: Weaver, Catalano Veremis, Fowler, Saletnik

NAYES: None

ABSTAIN: None

MOTION CARRIED

Other items:

None

ADJOURNMENT

Acting Chairman Saletnik adjourned the meeting at 9:02 p.m.

Sincerely,

Jeff Rogers/Recording Secretary

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