

Case No. 24-019-V  
Case No. 24-021-CU  
Case No. 24-022-TA  
Case No. 24-020-TA

Variation  
Conditional Use  
Text Amendment  
Text Amendment

1700 W. Higgins Rd.  
965 and 975 Rand Rd  
Equipment Sales Text Amendment  
Institutional District Text Amendment



**DES PLAINES PLANNING AND ZONING BOARD MEETING**  
**May 28, 2024**  
**MINUTES**

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, May 28, 2024, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

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

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

A quorum was present.

**APPROVAL OF MINUTES**

A motion was made by Board Member Weaver, seconded by Board Member Fowler to approve the meeting minutes of May 14, 2024, with corrections provided to staff.

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

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

**PUBLIC COMMENT ON NON-AGENDA ITEM**

There was no public comment.

**Pending Applications:**

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 June 11, 2024 Planning and Zoning Board meeting. Motion by Board Member Weaver, seconded by Board Member Fowler to approve a continuance to the June 11, 2024 Planning and Zoning Board Meeting.

AYES: Weaver, Saletnik, Veremis, Fowler, Szabo

NAYES: None

ABSTAIN: None

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

2. **Address:** 965 and 975 Rand Road

**Case Number:** 24-021-CU

The petitioners are proposing conditional uses for two trade contractor uses at the subject properties, and any other variations, waivers, and zoning relief as may be necessary. - **Request for continuance.**

**PINs:** 09-08-301-006-0000; -007

**Petitioners:** Peter Wrzesinski, 975 Rand Road, Des Plaines, IL 60016, and Norma Diamano, 1733 N. 43<sup>rd</sup> Avenue, Stone Park, IL 60165

**Owner:** 965 Rand Road LLC, 965 Rand Road, Des Plaines, IL 60016

The petitioner requested to continue this case to the June 11, 2024 Planning and Zoning Board meeting. Motion by Board Member Saletnik, seconded by Board Member Veremis to approve a continuance to the June 11, 2024 Planning and Zoning Board Meeting.

AYES: Weaver, Saletnik, Veremis, Fowler, Szabo

NAYES: None

ABSTAIN: None

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

### 3. Address: Citywide

Case Number: 24-022-TA

The petitioner is proposing to modify Sections 12-7-3.K, 12-7-4.G, and 12-13-3 to define, categorize, and create specific standards for equipment rental and leasing uses depending on the zoning district.

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

**Request Description:** The City of Des Plaines is proposing amending the Zoning Ordinance to alter/expand the allowance for equipment rental and leasing, distinguish between small and large equipment, alter/rename existing *Leasing/Rental Agents, Equipment* term to define small equipment for rental and lease, and create a new term to define large equipment for rental and lease.

### Background

Chapter 13 of the Zoning Ordinance, “Definitions,” currently contains the following term related to the rental and leasing of equipment, a use which is allowed only via a conditional use permit in the C-3 General Commercial and C-4 Regional Shopping districts:

LEASING/RENTAL AGENTS, EQUIPMENT: An establishment, the principal use or purpose of which is the rental of equipment which includes the following general items: personal hand and power tools, small-scale air compressors, trailers with one thousand nine hundred (1,900) pound capacity or less, lawn and garden equipment residential generators, floor and carpet cleaners, heaters, fans, ladders, painting, and wallpaper equipment. “Leasing/rental agents, equipment” shall not include any use otherwise listed specifically in a zoning district as a permitted or conditional use. The display of motor vehicles for lease shall be allowed in all required yards but may not be in conflict with other provisions of this title. This use shall follow the off-street parking regulations for motor vehicle sales and vehicle leasing/rental agent establishments to accommodate employee, guest, and related vehicle parking (*Section 12-13-3 of the Zoning Ordinance*).

While this term and definition provide some allowance for the rental or leasing of equipment, it is limited in scope and variety of the types of equipment that can be offered for rent. In addition, staff has received a request for a proposed equipment rental and leasing use at 125 E. Oakton Street (M-2 General Manufacturing zoning), which would offer an inventory of both small equipment items (e.g., hand tools, fans, ladders) and larger equipment items (e.g., cranes, loaders, bulldozers) especially related to construction and facilities maintenance.

### Proposed Amendments

The full proposed amendments are attached and are summarized below:

**Section 12-7-3, Commercial Districts Regulations:** Amend subsection K., “Commercial Use Matrix,” of this section to rename the existing *Leasing/Rental Agents, Equipment* term to “*Leasing/Rental Agents, Small Equipment*” and retain the current conditional use (“C”) designation within only the C-3 and C-4 districts.

**Section 12-7-4, Manufacturing Districts Regulations:** Amend subsection G., “Manufacturing Use Matrix,” of this section to:

- Add new “*Leasing/Rental Agents, Small Equipment*” use and designate it as a *permitted use by right* (“P”) in the M-1 Limited Manufacturing district and the M-2 General Manufacturing district.
- Add new “*Leasing/Rental Agents, Large Equipment*” use term and designate it as a *conditional use* (“C”) in the M-1 Limited Manufacturing district and the M-2 General Manufacturing district.

**Section 12-13-3, Definition of Terms:**

- Rename the existing *Leasing/Rental Agents, Equipment* term to “*Leasing/Rental Agents, Small Equipment*” and revise/expand the list of equipment types denoted as small equipment.
- Add new “*Leasing/Rental Agents, Large Equipment*” term and description with a list of equipment types denoted as large equipment.

**Standards for Zoning Text Amendment:**

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

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

These amendments help clarify and expand upon the existing equipment rental and leasing use classification across different districts to address a current gap in the Zoning Ordinance. While equipment rental and leasing can be described as a commercial use, the proposed amendments would provide equipment rental and leasing businesses with alternative locations for their operations that may be more appropriate in size, customer base, and separation from residences.

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

The proposed amendments better define and categorize the different types of equipment for rental or lease, creating distinct allowances based upon the equipment classification (in two groups, “small” or “large”). The amendments limit equipment rentals and leasing to items defined as small equipment and retain the current site plan review mechanism through a conditional use permit for this use in a C-3 or C-4 district where a site-specific analysis is warranted to assess its compatibility with the existing development. The amendments extend this site plan review requirement for larger equipment rental and leasing uses proposed on properties in the M-1 and M-2 districts, which need additional analysis and consideration based on the existing development and proposed equipment to be stored on site. Given the scope of items identified as small equipment, the small equipment rental and leasing is proposed to be a permitted use by right in the M-1 and M-2 districts.

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

The proposed amendments would not impact the public facilities and services available to properties located within any district that allows this use as the storage of equipment for rental and lease would likely not require additional public facilities and services to the properties for which they are located. Depending on the specific property, the equipment rental and leasing operation could be accommodated within the existing development without any major changes to the site.

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

The amendments as proposed would not be expected to create any new adverse effect on surrounding properties. For instance, the proposed amendments would require the storage of equipment related to small equipment rental and leasing uses to be stored indoors in a showroom or storage area, which limit its operations to an approved structure and would minimize the impact of this use type on surrounding properties. Similarly, the amendments would restrict the storage of equipment related to large equipment rental and leasing uses to a location within an approved structure (i.e., indoors) or outside in the rear yard of the subject property. The M-1 district currently prohibits the open storage of any items requiring properties in this district to store equipment within an approved structure. The M-2 district allows open storage, but has built-in storage location, height, and screening regulations that would govern the capacity and extent of rental and leasing equipment on a subject property. These proposed amendments along with the existing site plan review regulations for each district will allow for equipment rental and leasing at a certain scale based on the zoning district while still considering the impact on neighboring properties and opportunities for public comment.

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

The proposed text amendments facilitate a path toward responsible standards for development and growth of equipment rental and leasing uses in select commercial and manufacturing districts. The purpose of the amendments is to categorize equipment into two different types and create specific standards for each type in order to exercise responsible development of this type of use and foster commercial site design in a way that is consistent with the surrounding neighborhood.

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

**Meeting Discussion Summary:**

Senior Planner Stytz provides an overview of the proposed text amendment. Mr. Stytz describes the existing definition and regulations related to location of display of items and off-street parking regulations.

Currently the use is classified as a conditional use in C-3 and C-4. It is currently not allowed in the manufacturing district. The issue is that the existing definition has a limited scope. There is also a wider range of uses allowed for leasing, such as moving and non-moving vehicles, in these zoning districts. The scope is currently limited on this type of use.

Senior Planner Stytz describes the proposed amendment to define leasing by small and large equipment. The definitions and regulations differ depending on whether something is classified as small or large equipment leasing. The uses are split into two, allowing small equipment leasing as a conditional use in C-3 and C-4 zoning districts and permitted by right in the M-1 and M-2 zoning districts. The large equipment leasing is permitted as a conditional use.

Member Weaver asks how this amendment will affect 365 Equipment. Mr. Stytz states that larger equipment rentals would not be allowed without a conditional use but would be permitted with the amendment for the large equipment rentals. Member Weaver asks if there are other firms that would be affected by this in Des Plaines or would benefit from this. Mr. Stytz states that he is not aware of other businesses, but it would allow future businesses to be located here for small or large leasing operations.

Chairman Szabo asked if 365 Equipment is currently operating in Des Plaines. Mr. Stytz says they would like to locate in a specific location and this text amendment would be necessary. Mr. Stytz clarifies that a variation for a use cannot be granted, so the text amendment is necessary. Chairman Szabo asks about when Council would review and approve this. Mr. Stytz says this is tracking for the June 17th meeting.

Member Veremis asks about the letter of support and whether they would leave equipment in Barrington. Mr. Stytz says they would move some operations here and they are in the audience to answer questions.

Chairman Szabo requests a representative from 365 Equipment to present to the board. Chairman Szabo swears in Bryan Olson from 365 Equipment located at 125 E. Oakton. The representative states they are a subsidiary of Pepper Construction and will be leasing to Pepper Construction job sites and built a showroom for outside customers to view equipment. The majority of equipment rentals are small tools. Most things offered in Des Plaines will be small tools. The Barrington location is larger and they will keep that yard. As it pertains to the text amendment, it is mostly small tools that will be stored.

Chairman Szabo asks about the Barrington location. The representative states their current location is in Barrington and hidden away so they are interested in this Des Plaines Location. Chairman Szabo asks about who will be rented to. The representative says 17% of the business is outside customers, the rest is Pepper Construction to expand their business.

Member Weaver makes a motion to recommend approval of the text amendments to Sections 12-7-3, 12-7-4, and 12-13-3, as drafted by staff; seconded by Member Veremis.

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

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

**4. Address: Citywide**

**Case Number: 24-020-TA**

The City is proposing text amendments to the Zoning Ordinance related to the Institutional Zoning District.

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

**Issue:** Consider Zoning Ordinance amendments to: (i) define “Institutionally Zoned Assembly Uses” in Section 12-13-3; (ii) amend the use matrix in Section 12-7-5.A.6 to allow “institutionally zoned assembly uses”; (iii) amend footnote 2 in Section 12-7-5.A.6 to allow restaurants on the same zoning lot as assembly uses; and (iv) amend off-street parking requirements in Section 12-9-7 for assembly uses.

**PIN:** Citywide

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

**Case Number:** #24-020-TA

**Background**

All amendments proposed are included within the Proposed Amendments attachment. The purpose of the amendments surrounds how assembly uses including commercial theaters, banquet halls, nightclubs, community centers, membership organizations, churches, synagogues, temples, meeting houses, mosques, or other places of worship are treated within the I-1 Institutional District. The proposed amendments aim to broaden the range of assembly uses permitted in the I-1 district, clarify entitlements and parking requirements, and introduce restaurants as a possible land use associated with additional land use types.

**Institutional Zoning District History and Overview**

The Institutional Zoning District (I-1) has existed since the 1960 Zoning Ordinance and received some simplifications in language with the 1998 Zoning Ordinance update, but the purpose and regulations have remained relatively consistent throughout time. Per Section 12-7-5.A.1, the Institutional District is, “*designed to recognize the public or semipublic nature of the institutional district and to provide guidelines for their continued use and future development. The I-1 institutional district shall provide protection for existing institutional facilities by prohibiting the encroachment of noncompatible uses.*” The table of permitted uses in the section attempts to carry out this purpose.

Permitted uses in the I-1 district have remained largely consistent since the 1960 Zoning Ordinance, with the exception of massage establishments added as a conditional use in 2013 and restaurants permitted in select situations in 2022. Below is a table from Section 12-7-5 of the Code listing the uses currently allowed within the I-1 district.

Use	I-1
Assisted living facility	P

Cemetery, mausoleums, and crematoriums	P
Colleges and universities	P
Commercial indoor recreation	C
Commercial outdoor recreation	C
Congregate housing	P
Convents and monasteries	P
Forest preserves	P
Government offices	P
Hospitals	P
Institutional headquarters, educational, professional, and religious	P
Massage establishment	C <sup>1</sup>
Offices	P
Parks	P
Places of worship	P
Planned developments	C
Public utilities	C
Rectories and parish houses	P
Restaurants	P <sup>2</sup>
Schools, private - elementary and high school	P
Schools, public - elementary and high school	P

1. When located on the same zoning lot as a hospital or medical facility
2. When located on the same zoning lot as a lawfully established commercial indoor or outdoor recreation, college/university, or park uses.



Below is a table of select bulk regulations for this zoning district:

	<b>Requirement</b>
<b>Maximum height</b>	Adjacent nonresidential – 100 ft Adjacent residential – 45 ft plus 5 ft for each 10 ft of additional setback provided
<b>Minimum front yard</b>	50 ft
<b>Minimum side yard</b>	25 ft
<b>Minimum rear yard</b>	50 ft
<b>Minimum lot size</b>	2 acres
<b>Maximum lot coverage</b>	40%
<b>Spacing of buildings</b>	Lots of < 4 acres: No more than one principal building Lots of ≥ 4 acres: One principal building per 2 acres of land. All buildings must be 25 feet apart

**Proposed Amendment to the Definition of Assembly Use**

This text amendment seeks to clarify assembly uses within the I-1 District. In 2018, the Zoning Ordinance was amended to establish regulations surrounding assembly uses within residentially and commercially zoned properties. “Place of worship” was removed from the use matrix of commercial and residential zoning and reclassified with other similar uses under “residentially zoned assembly use” and “commercially zoned assembly use”. The I-1 district was unchanged.

In 2018, definitions were added for residentially zoned and commercially zoned assembly uses. Each are currently defined as follows:

- **COMMERCIALLY ZONED ASSEMBLY USES:** A use that is primarily for the purpose of the assembly of people, which can contain a combination of uses that take place in both principal and accessory structures. Such uses include: commercial theater, banquet halls, nightclubs, church, synagogue, temple, meeting house, mosque, or other place of worship.
- **RESIDENTIALLY ZONED ASSEMBLY USES:** A use that is primarily for the purpose of the assembly of people for a non-commercial purpose, which can contain a combination of uses that take place in both principal and accessory structures. Such uses include: community center, membership organizations, church, synagogue, temple, meeting house, mosque, or other place of worship.

Staff proposes the following definition for uses operating in the institutional district:

**INSTITUTIONALLY ZONED ASSEMBLY USES:** A use that is primarily for the purpose of the assembly of people, which can contain a combination of uses that take place in both principal and accessory structures. Such uses include: commercial theaters, banquet halls, event spaces, churches, synagogues, temples, meeting houses, mosques, or other places of worship. Such uses shall adhere to the off-street parking requirements under "assembly uses".

The definition is similar to the commercially zoned assembly use definition but excludes the term “nightclub”. All other example uses align with the types of uses that may be expected within the Institutional District Use Matrix, such as a park, house of worship, or college/university. Adding this definition will consolidate the existing “house of worship” use into the new “assembly use” definition and also expand the range of uses available in the institutional district to match the types of activities that may be present in this zoning district.

**Proposed Amendment to Assembly Use Off-Street Parking Requirements**

An additional amendment proposes to expand the parking requirements in Section 12-9-7 – Off-Street Parking to apply to the new definition of “institutionally zoned assembly uses”. Presently, there are parking requirements for places of worship established prior to the adoption of the 2018 text amendments that established commercially and residentially zoned assembly uses. The places of worship parking requirement is dependent on the number of seats within the place of assembly. The proposed amendments, as noted below, remove this section and apply the same parking requirement to all assembly uses, regardless of zoning. This amendment treats all assembly uses equally in terms of required parking and ensures facilities without affixed seating are providing adequate parking for their use.

**Section 12-9-7: OFF STREET PARKING REQUIREMENTS**

Assembly uses:	
<del>Residentially zoned assembly uses and commercially zoned</del> Assembly uses in any zoning district shall have the following parking requirements applied in each specific use within the zoning lot. If the use is not listed below, then refer to the regulations from other portions of the off street parking requirement matrix:	
Community centers, banquet halls and membership organizations	1 space for every 200 square feet of gross activity area
Places of worship and commercial theaters	1 space for every 5 seats in the main auditorium, sanctuary, nave or similar place of assembly and

	other rooms (gymnasiums, classrooms, offices) which are to be occupied simultaneously
	In cases where there is no affixed seating, 1 space shall be provided for every 60 square feet of floor area
For places of worship established prior to adoption hereof, the parking standard shall only apply in cases where additions are made to the existing facility. The standard for the existing structure shall be:	<del>1 space for each 10 seats in the main auditorium, sanctuary, nave or similar place of assembly and other rooms (gymnasiums, classrooms, offices) which are to be occupied simultaneously</del>

**Proposed Amendment to Allow Assembly Uses**

The proposed amendment to Section 12-7-5 removes “places of worship” and replaces it with the broader range of options of “assembly use”. Upon review of the variety of uses permitted within the I-1 district, there are many that may incorporate an “assembly use”, including event spaces at park district properties, places of worship, or other community centers.

Within the R-1 and R-2 zoning districts, assembly uses are permitted as a conditional use if they are over 1 acre and have frontage along a collector or arterial street. This footnote, added with the 2017 amendment, is intended to prevent smaller assembly uses with insufficient area and access to be located within neighborhoods. Assembly uses are also a conditional use within two commercial districts – C-3, General Commercial and C-5, Central Business District – without any restrictions associated with size or adjacency to roadway. Currently, Places of Worship are permitted by right in the I-1 zoning district. However, as proposed a conditional use would be required in certain circumstances. Refer to proposed amendment language below.

**Section 12-7-5: SPECIAL DISTRICTS REGULATIONS**

***	***
Places of worship <u><b>Institutionally Zoned Assembly Uses (located along an arterial roadway)</b></u>	P
<u><b>Institutionally Zoned Assembly Uses (not located along an arterial roadway)</b></u>	C
***	***

### ***Rationale for classification of Assembly Use as “Conditional” versus “Permitted”***

As discussed, assembly uses are currently a conditional use in select commercial and residential districts; these amendments do not seek to change any requirements outside of the I-1 district. Staff reviewed conditional use ordinances for assembly uses throughout Des Plaines since 2018 and noted the most common conditions of approval and discussion items were related to three items: residential adjacency, parking, and traffic impact.

#### Creating Non-Conformities

The intent with providing an avenue for permitted by right assembly uses rather than requiring all to be conditional uses is to prevent creating a significant quantity of non-conforming properties. If a zoning code is adopted after the establishment of a use that is stricter than the previous code (i.e. if a conditional use is required for all assembly uses within the I-1 district), then the property is constrained by Section 12-5-5 Nonconforming Uses, limiting expansion of facilities, structural alteration, or the movement of principal structures.

For example, if an amendment was adopted and a conditional use was now required for an assembly use and an existing place of worship without a prior conditional use approval chose to relocate a building on the property, they would need to undergo the conditional use entitlement process, requiring City Council approval. In contrast, if permitted by right, the relocation of the building would still be required to meet all applicable zoning and building codes but would not be required to receive conditional use approval.

#### Residential Adjacency

Compared to residential and commercial parcels, institutionally zoned parcels are typically larger, and both require and provide a greater amount of open space surrounding buildings. The I-1 district requires a property to be at least two acres and limits building height when adjacent to residential. Setbacks from property lines are substantially larger than most zoning districts, requiring a 50-foot front yard setback, a 25-foot side yard setback, and a 50-foot rear yard setback. Additional screening is required by Section 12-10-9 Landscape Buffers for any institutional districts abutting residential districts or uses, including a landscape buffer and fence. Currently parking requirements only apply to residentially or commercially zoned assembly uses. Combined, these requirements provide an additional buffer from residential properties that is not present where commercially and residentially zoned properties seek to operate an assembly use.

Additionally, hours of operation are a common condition of approval within the existing assembly use conditional use ordinances within the City. The hours of operation conditions are intended to limit nuisance to neighborhoods, particularly residential neighborhoods, past a certain time. The noise ordinance in Section 6-2-7 Noise establishes quiet hours generally between 10 p.m. and 7 a.m. This requirement limits the decibels of noise that originate from a use and must be followed regardless of whether an ordinance grants a specific condition of approval restricting noisy activity during this timeframe. This section of the municipal code would provide protections if any permitted assembly use exceeds noise regulations.

#### Parking

The amendments propose to improve the parking requirements as well, expanding the required off-street parking requirements to apply equally across residentially, commercially, and institutionally zoned assembly uses and providing avenues to limit the burden on parking capacity along neighborhood streets where sufficient off-street parking is unavailable on the site of an institutionally zoned assembly use.

### Traffic

The amendments propose institutionally zoned assembly uses adjacent to an arterial roadway be considered a permitted use and requiring a conditional use for this use along all other types of roadways. The term “arterial” applied to a roadway is a functional classification established by Federal Highway Administrator (FHWA) and other transportation agencies. Functional roadway classifications take into consideration the location, traffic volume, access points, and other criteria to determine how a roadway should be designed and the resources that should be allocated to it.<sup>1</sup> An arterial is a roadway with high mobility and designed to accommodate significantly more traffic than a collector or local roadway. For example, most segments of Rand Road and Northwest Highway are arterial roadways, while Howard Avenue adjacent to Lake Park, including the new Foxtail on the Lake restaurant, is a local road. Local roads commonly travel through neighborhoods and are not designed to accommodate the same level of traffic as an arterial roadway.

For institutionally zoned properties along arterial roadways, it can be reasoned that sufficient roadway access and capacity can be provided to accommodate the higher traffic volumes of an assembly use. In contrast, it is advisable to consider on a case-by-case basis an assembly use along other classifications of roadways not designed for this traffic impact, which could be accomplished with a conditional use process.

The Institutionally Zoned Properties Map Attachment provides the location of each I-1 property and all interstate and arterial roadways. The attachment notes most I-1 properties are along an arterial roadway, with the exception of three locations that are within neighborhoods on local roads. If an assembly use is expanded or proposed on any of these properties, such a use would require a conditional use if these amendments were adopted. The conditional use review process would allow consideration of whether adequate facilities exist to support the use without creating an unnecessary burden on the transportation network surrounding the properties.

### **Restaurant Uses in I-1 Zoning History and Overview**

In 2022, an amendment to the Institutional Zoning district was approved to allow restaurants in connection with recreational or educational uses. This amendment provided the zoning route necessary for the adaptive reuse of a church at Lake Park to be transformed into Foxtail at the Lake. Interest has been expressed from Shrine of Our Lady of Guadalupe to provide a cafeteria facility (refer to Letter of Support attachment). The

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<sup>1</sup> Federal Highway Administration, “Highway Functional Classification Concepts, Criteria and Procedures 2023 Edition”, February 2023, [https://gis.penndot.pa.gov/BPR\\_pdf\\_files/Documents/Traffic/Highway\\_Statistics/2023\\_FHWA\\_Functional\\_Classification\\_Guidelines.pdf](https://gis.penndot.pa.gov/BPR_pdf_files/Documents/Traffic/Highway_Statistics/2023_FHWA_Functional_Classification_Guidelines.pdf)

cafeteria and tortilleria use is proposed to be open to attendees and the public. This type of cafeteria use is common with many assembly uses, including catholic shrines.

The restaurant definition below does note that in certain circumstances, a cafeteria or lunchroom may be considered incidental to the principal use and is not considered a “restaurant”. However, if the cafeteria is open to the public and does not require interaction with the principal use (assembly use) on the property, it is interpreted this would not be “incidental” to the principal use and would need to be classified as a permitted use for a restaurant in this zoning district.

RESTAURANT: An establishment whose principal business is the sale of edible, prepared foodstuffs and/or beverages for consumption on or off the premises... Lunchrooms, cafeterias, and coffee shops providing service intended for employees, students, and guests within an educational, office, medical, or industrial building, are not, only for purposes of this definition, considered to be restaurants, but rather uses incidental to the permitted uses (Section 12-13-3).

**Proposed Amendment to Allow Restaurant Uses Associated with the Assembly Use**

The proposed amendment builds from the 2022 amendment, expanding the ability for assembly uses to contain restaurants. See below for proposed language for Section 12-7-5.

Restaurants	P <sup>2</sup>
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2. When located on the same zoning lot as lawfully established commercial indoor or outdoor recreation, college/university, ~~or~~ park, **or assembly** uses.

**Standards for Text Amendments:**

The following is a discussion of standards for zoning amendments from Section 12-3-7.E. of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is provided. The PZB may use the statements below as its rationale or adopt its own.

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

The proposed text amendments provide clarity and consistency with how assembly uses are treated within the city and expand options for institutionally zoned properties. The Comprehensive Plan states that institutional uses are intended to “provide services to Des Plaines residents and the surrounding area. Institutional land uses include schools, libraries, community organizations, places of worship, and public facilities.”<sup>2</sup> The objectives are met with these amendments, expanding the services and amenities that can be provided and creating clarity on how requirements for assembly uses should be treated on institutionally zoned parcels.

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<sup>2</sup> Des Plaines Comprehensive Plan 2019, page 12

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

The amendments serve to clarify what uses are permitted within this zoning district and ensure all assembly uses are treated equally regardless of zoning district. The amendment allowing restaurants to be located within assembly uses in the I-1 district expands opportunities for these types of uses on their properties without creating incompatibilities with existing developments.

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

Refer to Rationale for Conditional versus Permitted Use for Assembly Use section of this report for information on how amendments contemplated the adequacy of public infrastructure. The amendment allowing a restaurant use is not anticipated to impact the adequacy of public facilities and services.

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

Refer to Rationale for Conditional versus Permitted Use for Assembly Use section of this report for information on how the proposed amendments contemplated properties adjacent to these types of uses. The proposed amendments are anticipated to create clarity on how I-1 zoned properties can be used and take into consideration the potential impact of amendments on adjacent properties and the City overall.

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

Institutional uses provide essential services to support a healthy, vibrant community. The amendments expand the potential uses available on an institutional parcel by creating the “assembly use” definition and allowing for restaurants if associated with an assembly use, creating additional avenues to provide services on these properties for members of the community.

**PZB Procedure and Recommended Conditions:** Under Section 12-3-7.C.3 of the Zoning Ordinance, the PZB has the authority to recommend that the City Council approve, approve with modifications, or deny the above-mentioned amendments. City Council has final authority on the proposal.

**Meeting Discussion Summary:**

Senior Planner Redman provides an overview of the proposed text amendment for the Institutional Zoning District, specifically assembly and restaurant uses. The intent with this existing zoning district is to provide services to residents and visitors on public and semi-public lands.

There are two separate inquiries at the moment that are currently not allowed by our zoning ordinance in the I-1, Institutional zoning district. Shrine of Our Lady of Guadalupe is interested in opening a cafeteria on their property. Zoning code does not allow this type of restaurant use associated with an assembly use. The park district is interested in opening a banquet facility beneath The Foxtail on the Lake. This proposed banquet facility is classified as an assembly use which is currently not allowed within this Institutional District.

Senior Planner Redman provides an overview of the staff report. Within the existing zoning ordinance, we allow residentially zoned assembly uses within all of our residential districts as a conditional use. Single-family and two-family zoned properties are a conditional use on residentially zoned sites of an acre or more with frontage on a collector or arterial street. Within certain commercial districts, specifically C-3 and C-5, assembly uses are allowed as a conditional use.

When the residential and commercial zoning sections were updated in 2018, places of worship was removed as a use and was reclassified with other assembly uses added to the zoning ordinance. Senior Planner Redman is asking to expand this and allowing our institutional parcels to have a broader range of uses.

The amendments are not proposing a substantial change to the parking requirements. Recommended amendments would ensure consistency across all assembly uses, with the same parking requirements no matter the property's zoning.

Member Fowler asked why the water pumping station on the list of I-1 zoned properties. Senior Planner Redman answered that she is unsure of the history. It is classified as a public facility and has been an institutionally zoned property for a very long time.

Member Weaver asked for clarification about whether these changes would be made to residentially and commercially zoned districts and the institutional district. Senior Planner Redman stated that all of the amendments would only apply to the institutional district. The references to the residentially and commercially zoned assembly uses in the report and presentation were for reference only. The parking requirement would be amended so that institutionally zoned assembly uses have the same requirements as other assembly uses.

Member Weaver asked why institutional districts have a 50 feet front yard setback. Senior Planner Redman responded that staff are unaware of any specific reason why 50 feet was chosen. For larger complexes, there are larger setbacks required, but she is unsure of the history and context behind this requirement. Member Weaver stated this type of requirement could contribute to car-centric environments.

Member Veremis asked if the Foxtail proposal will require a conditional use because it is not along an arterial roadway. Senior Planner Redman stated it would still be a conditional use due to its location along a local road within a neighborhood. Member Veremis also asked if the banquet room will be operated by the park district or Foxtail. The Board invited the park district representative to speak.

Brian Panek, Des Plaines Park District representative, stated it would be operated by the park district. It is park district space. The district is in need of more space for functions. Downstairs will be able to fit up to 100 people. Plans for the future would include a yoga studio upstairs and music classes downstairs to be used as a combination of park district use and Foxtail restaurant. Downstairs there is also a concrete slab for walkout to the lake.



Member Fowler asked if there is a facility that holds over 100 people, expressing that has always been the limitation. Brian Panek answered that Prairie Lakes Mountain View Room 1, 2, and 3 can hold up to 120 people but that is the largest space.

Member Weaver makes a motion to recommend City Council approval of the four text amendments as drafted by staff, seconded by Member Veremis.

AYES: Weaver, Saletnik, Veremis, Fowler, Szabo

NAYES: None

ABSTAIN: None

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

**Other items:**

None

**ADJOURNMENT**

Chairman Szabo adjourned the meeting at 7:40 p.m.

Sincerely,

Jeff Rogers/Recording Secretary

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