



**DES PLAINES PLANNING AND ZONING BOARD MEETING
July 9, 2024
MINUTES**

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

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

PRESENT: Weaver, Fowler, Saletnik, Veremis, Szabo
ABSENT: Catalano
ALSO PRESENT: Jonathan Stytz, Senior Planner
Samantha Redman, Senior Planner
Jeff Rogers, Director of Community & Economic Development

A quorum was present.

APPROVAL OF MINUTES

A motion was made by Board Member Fowler, seconded by Board Member Saletnik to approve the meeting minutes of June 11, 2024, with corrections provided to staff.

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

MOTION CARRIED

A motion was made by Board Member Veremis, seconded by Board Member Fowler to approve the meeting minutes of June 25, 2024, with corrections provided to staff.

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

MOTION CARRIED

PUBLIC COMMENT ON NON-AGENDA ITEM

There was no public comment.

Pending Applications:

Chairman Szabo introduced the cases on the agenda.

1701 Birchwood Avenue and 1242 White Street will not be heard this evening to accommodate a new legal notice for each case.

- 1. Address:** 1701 Birchwood Avenue **Case Number:** 24-028-V

Staff has removed this item from the agenda due to a notice deficiency to accommodate a new legal notice, mailing, and posting of signage. No action is needed from the Planning & Zoning Board at this time and the item will appear on the agenda for the regular meeting on July 23 agenda.

PIN: 09-28-300-026-0000
Petitioner: Scott Chiero, 5519 N. Cumberland Avenue, Suite 1001, Chicago, IL 60656
Owner: FRG-X-IL2, LP, 5519 N. Cumberland Avenue, Suite 1001, Chicago, IL 60656

- 2. Address:** 1242 White Street **Case Number:** 24-029-V

Staff has removed this item from the agenda due to a notice deficiency to accommodate a new legal notice, mailing, and posting of signage. No action is needed from the Planning & Zoning Board at this time and the item will appear on the agenda for the regular meeting on July 23 agenda.

PINs: 09-20-403-027-0000
Petitioners: Robert and Dina Argus, 1242 White Street, Des Plaines, IL 60018
Owners: Robert and Dina Argus, 1242 White Street, Des Plaines, IL 60018

- 3. 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.

PINs: 09-33-310-004-0000; 09-33-309-007-0000
Petitioners: Julie Piszczek, 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

Issue: The petitioner is requesting the following entitlements under Title 12 - Zoning of the City Code for the property at 1700 W. Higgins Road: (i) Major Variation to allow a total building sign area of 300 square feet where a maximum of 200 square feet of building sign area is permitted; and (ii) a Major Variation to allow five wall signs on a single building where a maximum of three wall signs are allowed.

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

Owner: Marriner Higgins Centre LLC (Representative: Jeremy Lyons, 6250 N. River Road, Suite 11-100, Rosemont, IL 60018)

Case Number: 24-019-V

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

- Ward:** #6, Alderman Mark Walsten
- Existing Zoning:** C-3 General Commercial district
- Existing Land Use:** Office building with surface parking lot and two billboards
- Surrounding Zoning:** North:R-1, Single Family Residential / MH-1 Mobile Home Districts
 South:Government and Institutional (G) (Village of Rosemont)
 East:Recreation (Village of Rosemont)
 West: C-3, General Commercial District
- Surrounding Land Use:** North:Tollway; then Single-Family Residences
 South:Fitness Center (Rosemont) and Apartments (Rosemont)
 East:Open Space/Park (Rosemont)
 West:Creek; then Vacant Parcel
- Street Classification:** Higgins Road is classified as a minor arterial.
- Comprehensive Plan:** The Comprehensive Plan illustrates the subject properties as commercial.
- History and Background:** Based on City records, 1700 W. Higgins Road has been utilized as an office building with surface parking areas since 1986. Since December 2018, the existing office building has undergone major renovations. There are also two existing two-sided billboards on the subject property, one on the northwest corner of the site and the other on the northeast portion of the site. Both billboards were permitted between 2005 and 2006 and are both currently in operation on the site.
- There have been several redevelopment proposals submitted for the subject property between 2019 and 2022, which are summarized below. Note that these redevelopment proposals have not come to fruition at this point.
- a. In 2019, the subject property and 1738 W. Higgins Road, which is a separate lot generally west of Willow Creek, were the subject of a PUD originally approved on August 19, 2019 via Ordinance Z-21-19 proposing a 6,000-square-foot restaurant, parking lot, and associated infrastructure improvements.
 - b. In 2021, a PUD amendment was requested to construct a 64,760-square-foot hotel instead of the previously approved restaurant, new parking garage, and infrastructure upgrades. This request included PUD exceptions for building height, parking lot curb setback, and perimeter parking lot landscaping. The 1738 W. Higgins Road property was removed from the project, requiring the Plat of Subdivision and PUD boundaries to be updated.
 - c. In 2022, a second PUD amendment was requested to propose a hotel in substantially the same form, scale, and location as approved in 2021 but

without the previously approved parking garage west of the office. This request included a major variation to reduce the quantity of required off-street parking spaces *for both the existing office building and the proposed hotel* and a subdivision to split the property into four lots—one for the existing office building, one for the anticipated hotel, and one each for the two billboard signs—and was approved via Ordinance Z-44-21. The approval of these requests was later extended by the Zoning Administrator on September 22, 2022 but has since expired.

MAJOR VARIATIONS

Request Description: *Existing Signs and Classifications*

There are a variety of different signs on the subject property including four building-mounted signs and three freestanding signs consisting of one monument sign and two billboard signs. Since the subject property abuts an interstate highway (i.e., Interstate I-90), additional sign allowances are permitted through Sections 12-11-5.H and 12-11-6.B including billboards and interstate highway wall signs. However, since there are no proposed changes to the existing freestanding signs, this analysis will focus on the existing and proposed building-mounted signs detailed in the attached project narrative.

Out of the three existing building-mounted signs, only one (the Riddell sign located on the north building elevation) faces the interstate highway. Pursuant to Section 12-11-6.B, properties that abut an interstate highway are permitted one interstate highway wall sign—in conformance with the standards in Section 12-11-6.B.—on the building elevation that is visible from the interstate highway. As such, the existing north-facing sign is classified as an interstate highway wall sign and, as a separate sign type, is not included in the count or area calculations for regular wall signs.

The remaining three existing building-mounted signs located on the west and south elevations of the building are classified as wall signs. Pursuant to Section 12-11-6.B, office buildings are permitted to have up to three wall signs not exceeding 200 square feet. Based on the analysis below, the subject property is currently compliant with the quantity of wall signs and the maximum total sign area permitted for an office building.

Existing Building-Mounted Signs			
Sign ID	Sign Type	Sign Location	Sign Area
"1700"	Wall	West	43 SF

“1700”	Wall	South	43 SF
“1700 Higgins Centre”	Wall	South	39 SF
“Riddell”	Interstate Highway Wall	North	75 SF
Total Area			200 SF
Less Sign Area of Interstate Highway Sign			(75 SF)
Total Existing Sign Area for Building			125 SF

Requested Variations

The petitioner is proposing to install a new 112-square-foot wall sign on the east elevation of the building for one of the existing businesses in the building. The proposal would increase the number of wall signs to four and the total sign area to 237 square feet, which both require major variations as noted in the table below. While these are both major variation requests that require City Council approval, the PZB shall review each request and make a recommendation to City Council based on its findings.

Requested Variations	
Requirement	Proposal
The total number of wall signs permitted for an office building is three.	Allow four wall signs including the following: <ul style="list-style-type: none"> a. 1700 (West elevation) – <i>existing</i> b. 1700 (South elevation) – <i>existing</i> c. 1700 Higgins Center (South elevation) – <i>existing</i> d. Orthodontic Experts (East elevation) – <i>proposed</i>
The total sign area for the entire building (all elevations) cannot exceed 200 SF for an office building.	Allow 237 SF of wall sign area inclusive of the four existing and proposed wall signs: <ul style="list-style-type: none"> a. 1700 (West elevation) – 43 SF b. 1700 (South elevation) – 43 SF c. 1700 Higgins Center (South elevation) – 39 SF d. Orthodontic Experts (East elevation) – 112 SF

The applicant has located the proposed “Orthodontic Experts” sign on the façade in an area that faces the adjacent property to the east and therefore this sign is not considered a second tollway sign (which would be prohibited).

Variation Findings of Fact: The PZB should identify findings from the evidence and testimony provided to determine whether the variation requests meet the standards set forth in Section 12-3-6.H of the Zoning Ordinance. The applicant's 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.
Staff Comments: Similar to billboard signs, commercial office tenants find large advantages to the advertising benefit of wall signage adjacent to a tollway right-of-way. The property owner is able to secure tenants more readily than locations that are not adjacent to the tollway when tollway-facing wall signage is permissible.
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.
Staff Comments: The existing building has significant surface area in relation to the proposed combined sign area and is situated in a high-profile location adjacent to the I-90 Tollway. The building footprint addresses the Tollway right-of-way on parts of two elevations, where only one tollway wall sign is permissible by right.
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.
Staff Comments: The current owners of the property are not the original developers of the site and are attempting to accommodate a request of a potential tenant by the granting of the variation on a façade that does not currently feature any signage.
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.
Staff Comments: The applicant asserts that they may be denied substantial rights if they were required to modify or remove existing signage to allow new signage upon an elevation that presently does not include wall signage.
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.

Staff Comments: The applicant asserts that other commercial office building owners in similar circumstances would benefit similarly from relaxed regulations which might aid in attracting major tenants.

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.

Staff Comments: New wall signage on an existing building with wall signage on each of the other facades would not be likely to significantly exceed the intent or purpose or disrupt the sign ordinances or comprehensive plan of the City.

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.

Staff Comments: The applicant has explored several iterations of proposed signage designs, locations, areas, etc. before arriving at the current proposal which reduces the quantity of variations needed. The primary remedy would involve the removal of signage upon other elevations which serve to inform other site visitors to the location of the property and other tenants in the building.

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.

Staff Comments: The applicant has revised their proposal to minimize the quantity and extent of the variations requested including the location of the signage on the building and a reduction in the sign area of the proposed sign.

Staff Recommendation:

Staff recommends the PZB evaluate the applicant's application, evidence, materials, and any testimony and consider any additional evidence or testimony from the public to determine whether the applicant has demonstrated compliance with the zoning variation standards. Additional considerations include the following:

- a. The existing wall signage facing Higgins Road includes redundant content. However, one sign appears to be intended to motorists within Higgins Road while the other sign appears to denote the location of the main building entrance to visitors within the parking lot.
- b. The content of the new proposed wall sign is comprised of a lengthy business entity name which results in additional sign area than a business name with a shorter name.
- c. In relation to the scale of the building and the area of each building elevation, proposed signage would collectively comprise a small percentage of the total façade area.
- d. Each of the proposed signs would comply with the maximum sign area for an individual wall sign.
- e. The new wall sign would feature face-lit illumination and would be visible from both the I-90 Jane Addams Memorial Tollway and existing residences east of Seminole Park, although these residences will be more than 1,000 feet away.
- f. The PZB should consider whether the signs are appropriately sized within the available sign band upon the building.

PZB Procedure and Recommended Conditions:

Under Section 12-3-6.G.2 (Procedure for Review and Decision for Variations) 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 1700 W. Higgins Road. The City Council has final authority over these requests.

The PZB should take 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. There are no proposed staff conditions of approval.

Chairman Szabo opened the public hearing.

The applicant, Ms. Julie Piszcek, 5 Robert Court, Hawthorn Woods, IL, was sworn in.

Ms. Piszcek presented a summary of her request for a wall sign upon the east elevation of the existing building which current includes wall signage on the south, west, and north building elevations.

Ms. Piszcek is requesting a major variation to increase the building mounted signage square footage from 200 sq. ft to 300 sq. ft allowing for a sign for a landmark tenant that has entered the building taking up a very large space within the building called Orthodontic Experts. The request is to put the proposed signage east facing, so existing sign "Riddell" is facing I-90 which is facing North and Orthodontic Experts would like to have their 111 sq. ft sign mounted on the East face of the building, so it is in the North-East corner. As you drive down I-90 you can see the sign off the expressway. Proposal is to add one more landmark sign for a tenant in the building.

Member Weaver inquired: What portion of the building is occupied by the Orthodontic Experts?

Ms. Piszcek confirmed that the tenant currently occupies approximately 22,000-25,000 sq. ft, half of one floor and is proposing to expand into more space.

Member Weaver inquired approximately what percentage this occupancy was of the entire building area.

Ms. Piszcek was unsure of the answer.

Member Weaver requested confirmation of whether they occupy approximately half of the total building area.

Ms. Piszcek confirmed that Orthodontics Experts will be the second largest tenant in the building. Riddell will remain the largest.

Member Weaver inquired about the number of doctors at this location.

Ms. Piszcek clarified that there are no orthodontic services provided at this location. This will be their corporate office location. They will be housing accounting and other office teams.

Member Weaver questioned why they would need a sign visible from the tollway if no services are provided at this location.

Ms. Piszcek noted that the signage provided opportunity for marketing and to continue to grow the building, company, and brand.

Member Weaver questioned the value of the proposed sign if no services were available to the public.

Ms. Piszcek suggested that generally the sign provides name recognition, providing opportunity for potential customers to consider Orthodontic Experts as a major service provider throughout the Chicagoland area.

Member Weaver requested additional detail regarding how this result is achieved with the proposed sign.

Ms. Piszcek provided an example. Walgreens has many locations and signs. The exposure to the signage helps to ensure the name recognized and helps build trust in their brand. They are everywhere.

Member Weaver countered that customers can go into Walgreens but they would not be able to visit this Orthodontic Expert corporate office.

Ms. Piszcek provided an example of caring for her own health and personally looks for a provider that is well recognized, well branded, and larger. There is also a trust factor that also naturally forms where you start to see the growth of a company. There is that perception of success and customer satisfaction.

Member Weaver inquired about the alternate approach of relying upon referrals.

Ms. Piszcek noted that she was referred to an orthodontist for her children by their dentist and they were from Aurora, and she lives in Hawthorn Woods. For her that would never make sense due to distance. They were a small office and would never choose them. She would choose someone with a larger name.

Member Weaver relayed the concept in marketing when people are driving along the highway where there may be certain needs they have that need to be met while traveling including fueling stations, pharmacies, food, places with washrooms, hospitals, etc. He didn't agree that the proposed signage was effective or necessary since the location served only as corporate offices and that the signage might be distracting while I'm driving. He didn't see the logic of why this helps them. They have plenty of opportunities to market themselves through the internet, media, and so forth. Having this sign up there, and one more thing to look at while driving, adds to visual clutter.

Member Fowler inquired about the nature of the proposed office use. Is this national headquarters?

Ms. Piszcek indicated this location would comprise the company's corporate headquarters and main location.

Member Fowler and Member Veremis agreed that the proposed signage would aid in marketing and awareness of the brand.

Chairman Szabo suggested it serves also to aid in identifying the location. If someone is looking for Orthodontic Experts corporate offices, they are going to find it.

Ms. Piszcek added that in real estate and construction, having your name on a sign on a building means you are really big deal. The signage creates validity for the company.

Member Weaver suggested that the useful signage on the building are the ones that say “1700.” When you drive along there, there aren’t many buildings that have any visible sign numbers so you can easily get lost as to where you are, so I do appreciate the signs that say “1700.” That is useful information to everybody driving by trying to figure out where they are. There exists also a monument sign which does list major tenants.

Chairman Szabo invited staff to present their summary of the request.

Senior Planner Stytz presented site photos, exhibits, and a summary of the existing wall signs, ground sign, and billboards upon the property. Please see staff report.

Chairman Szabo asked if there are any questions, anyone in favor of or opposed to this request. No further discussion.

Chairman Szabo closed the public hearing and entertained a motion regarding the case.

Member Weaver inquired whether he could make a motion to deny the request.

Chairman Szabo suggested this was possible.

Member Weaver made a motion to enforce the existing rule and to deny the request. Director Rogers interjected that it is typically advisable to always make motions in the affirmative. If there is a split vote or other lack of clarity in a vote regarding a motion to deny, it can be unclear whether the request is approved or denied. With a motion to approve, anyone can make that motion whether you support the motion or not to advance it to a vote and if you vote against it, that indicates your opposition to the motion. Any vote that involves a recommendation to the City Council that does not achieve a majority of the members present would fail and be considered a motion against approval of the request.

Motion by Board Member Saletnik, seconded by Board Member Fowler to recommend the City Council approve a zoning variation for the proposed wall signage.

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

MOTION CARRIED

4. **Address:** 1177 Howard Avenue

Case Number: 24-031-CU

The petitioner is requesting a conditional use permit to allow for an assembly use (banquet facility) at the subject property and any other variations, waivers, and zoning relief as may be necessary.

PIN: 09-29-301-005-0000
Petitioner: Des Plaines Park District, 2222 Birch Street, Des Plaines, IL 60018
Owner: Des Plaines Park District, 2222 Birch Street, Des Plaines, IL 60018

Issue: The petitioner is requesting a conditional use permit to operate an institutionally zoned assembly use (banquet facility) in the I-1 Zoning District.

Case Number: #24-031-CU

Ward Number: #5, Alderman Carla Brookman

Existing Zoning: I-1, Institutional

Surrounding Zoning: North: R-1, Single Family Residential

South: R-1, Single Family Residential

East: R-1, Single Family Residential

West: R-1, Single Family Residential

Surrounding Land Uses: North: Single Family Detached Residences

South: Park

East: Park and Single Family Detached Residences

West: Park

Street Classification: Howard Avenue is classified as a local road.

Comprehensive Plan: The Comprehensive Plan illustrates this site as Institutional.

Property/Zoning History: This property is currently zoned I-1, Institutional. In 2012, the property was re-zoned from R-1, Single Family Residential to I-1, Institutional. This property contained the Good Shepherd Lutheran Church, constructed in between 1959 and 1960 and operated in this location for several decades. The property was purchased by the Des Plaines Park District (Park District) in 2021. The Foxtail on the Lake restaurant is located within the former church building. The building was adaptively reused for the restaurant in 2022 and the area proposed for the banquet facility/event space is located in the lower

level. The Lakeview Center office area is also located on the first floor, with several additional offices on the lower level.

In June 2024, a text amendment to the I-1, Institutional Zoning District permitted assembly uses to be located on I-1 zoned properties. However, a conditional use is required for any proposed assembly uses that are not located along arterial roadways. Howard Avenue is a local road, therefore requiring a conditional use to operate this banquet facility/event space.

Project Description:

The petitioner is requesting a conditional use to allow for an assembly use (banquet facility/event space) to be operated by the Park District. No proposed expansions or exterior alterations are proposed for the building. All proposed uses will be located inside the building. Refer to Floor Plan attachment.

Proposed Uses of Building and Hours of Operation

The below table provides an outline of approximate days and times of programming in the building. As stated in the Petitioner’s Narrative and Response to Standards, the specific programming will vary depending on demand, available resources, seasonality, or other factors. Some activities may occur simultaneously on the site.

Use	Types of Activities	Hours of Operation	Spaces Utilized
Assembly uses ¹	Event space for parties, banquets, conferences, etc.	Every day, 8am to 11pm	Shoreline Room and other ground floor facilities
Restaurant	Class A Restaurant (i.e. sit-down restaurant)	Monday: Closed Tuesday-Friday: 11:00AM to 10:30PM Saturday-Sunday: 10:00AM to 10:30PM	Restaurant area (main floor)
Office	Park District administrative activities	M-F 8:00 AM to 5:00PM	Office area in building

The petitioner's narrative states that park district personnel will be on site for banquets and all staff will be Bassett trained and certified for any serving of alcohol. A liquor license is requested simultaneously with this conditional use, to be reviewed under a separate city process pursuant to Section 4-4-3 of the Municipal Code.

The Park District has also communicated to City staff an interest in using a portion of the east parking lot for events, such as a farmer's market. During the public hearing, the Board may request from the petitioner additional testimony on the proposed operations at this facility.

Occupancy

Prior to any occupancy of the building for an assembly use, a permit is required with a minimum of a life safety plan for review by the Building Department and the Fire Prevention Division to determine compliance with building and fire code. The fire occupancy load cannot be exceeded at any time in the building, requiring the petitioner to ensure any activities are scheduled in a way that does not violate any fire codes.

Any time the type of occupancy of a building or portion of a building is changed (i.e. from office space to event space), an analysis of code compliance must be completed by City staff. Suggested conditions of approval further affirm this requirement and any other requirements related to building or fire code and specifies what must occur prior to the assembly use operations. Note even if the suggested conditions of approval are removed, the property will still need to undergo this permit and inspection process. The space may also require architectural modifications in order to be compliant with all applicable codes and regulations.

Off-Street Parking

Pursuant to Section 12-9-7, commercially zoned assembly uses for community centers are required to provide one space for every 200 square feet of gross activity area. The existing restaurant requires 1 space for every 100 square feet of net floor area, or 1 space for every 4 seats, whichever is greater, plus 1 space for every 3 employees. The office spaces currently used in the building require 1 space for every 250 square feet of gross floor area.

The definition of "floor area" in Section 12-13-3 allows certain spaces such as restrooms, mechanical rooms, hallways, and a percentage of storage areas to be excluded. The table below reflects the floor area of the building per this definition.

Use	Floor Area or Seats/Employees¹	Required parking²
Assembly use	3647 square feet	18 spaces
Restaurant	354 seats 20 employees	95 spaces
Office	Upper area: 1555 sq ft Lower area: 2041 sq ft	14 spaces
	Total Required	128 spaces
	Total Existing	123 spaces
	Total Proposed³	147 spaces
¹ Excludes floor area for mechanical rooms, restrooms, and storage areas ² Spaces rounded up to next whole number ³ Estimated amount. Parking count may change at time of final permit.		

Five additional spaces are necessary to meet the required off-street parking amount. In addition to the existing 123 spaces available on the property, a proposed parking area is proposed to be located in the grassy area in the center of the property (refer to Parking Lot Expansion Plan attachment). The area can accommodate an estimated 24 parking spaces. A suggested condition of approval states a minimum of five additional parking spaces must be provided on the property, either in the proposed parking expansion area or elsewhere.

At this time, the proposed parking lot expansion has not received a building permit. Prior to issuance of building permit, the plan will be required to meet all zoning ordinance requirements or approval of the following zoning variations:

- a. Parking is not permitted in the required front or side yards of the property. A minimum 50-foot setback from Howard Avenue is required (to remain outside of the required front yard);
- b. Parking stall striping;
- c. Parking stall width (8.5 feet) and depth (18.0 feet);
- d. Drive aisle width (22 feet);
- e. 5% of the total parking area as landscaping in islands with a minimum area of 100 square feet per island;
- f. A minimum of one shade tree per 100 square feet of required landscape area; and

g. Curb and gutter around the perimeter.

Standards for Variation are provided at the end of this report to facilitate any discussion of variations with the Board about the parking lot expansion. However, no application for a variation has been submitted at this time. Pursuant to Section 12-3-1, any complete application will be provided to the Planning and Zoning Board in a timely manner, ensuring proper staff review from all relevant departments and noticing requirements are met.

A suggested condition of approval states that all parking for uses on this property must be located within the property line, meaning on-street parking and parking in adjacent parking areas unaffiliated with the uses in this building are prohibited.

Traffic

Traffic on the property will be related to the restaurant, offices and proposed assembly use. The amount of traffic will be generally determined by the available off-street parking spaces, with potential for increased traffic if there are a significant number of taxi or rideshare trips. A loading zone exists in the front of the building, providing a location for loading/unloading for the restaurant or proposed event space activities on the property and taxi/ride-sharing, allowing any vehicles to pull onto the property rather than queuing on Howard Avenue. Refer to Site Plan attachment. Additionally, a portion of the property is proposed to be paved for a valet parking area associated with the restaurant, increasing the available parking for the restaurant by approximately 24 spaces. Refer to Parking Expansion Plan attachment.

Although a traffic study is typically associated with a conditional use permit for assembly uses, one was not provided for this application due to the small size of the assembly operations. The Board may request additional information about parking and traffic management. If the Board deems it necessary to provide assurances about traffic, a condition of approval may be added that requires a traffic study to be reviewed by the Community and Economic Development Department prior to allowing the assembly use operations.

Noise and Other Nuisance

The property and all associated uses will be required to meet all environmental performance standards surrounding noise, odor, light, or other potentially disruptive elements pursuant to Chapter 12 of the Zoning Ordinance. To further control for noise associated with the assembly use, a suggested condition of approval limits amplified sound to inside the building, limiting disruptive activities on the patio of the proposed facility. Any garbage or debris

associated with the property is required to be contained within the dumpster enclosure; a condition of approval further enforces this requirement.

Standards for Conditional Use

The following is a discussion of standards for zoning amendments from Section 12-3-4(E) of the Zoning Ordinance. Rationale for how the proposed amendments may or may not 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: An institutionally zoned assembly use along a non-arterial roadway requires a conditional use permit in the I-1 Zoning 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 institutional uses. In 2019, the long-standing use on this property was a church, which was an institutional use, prior to being converted into restaurant. The property is owned by the Des Plaines Park District, a public entity. 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." This objective is met by increasing the amount of available recreational facilities and encouraging revenue generation for the Park District.

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: No alterations to the building are proposed with this application, with the exception of any necessary to meet building code for the new use, thus there will be no changes to appearance that would affect the character of the neighborhood.

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

Comment: All activities will occur inside the existing building. Conditions of approval are intended to ensure minimal disruption in the neighborhood. Parking will be accommodated by the existing spaces provided on site, with additional parking proposed with the paving of a portion of the property.

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 has no concerns that the proposed use will not be adequately served with essential public facilities and services in the future.

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 neither create a burden on public facilities, nor would it be a detriment to the economic well-being of the community. This facility would generate additional revenue for the Park District to foster the district's goals.

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: All activities are proposed to occur inside the building. Any uses must be in compliance with the Environmental Performance Standards in Chapter 12 of the Zoning Ordinance. Noise level for any activities on the site will be regulated by Section 6-2-7 of the Police Regulations in the City's municipal code. Refer to Traffic section of this report.

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: Vehicular access will continue to be provided along Howard Avenue, from the existing parking lot. A loading area exists for any loading/unloading or taxi/ride-sharing associated with the assembly use. If traffic concerns exist, the Board may request a traffic or parking study be submitted for review to determine if additional traffic control measures should be taken.

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 within an existing building and thus would not result in the loss or damage of natural, scenic, or historic features. No new development is proposed for this site.

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

Comment: The proposed uses comply with all applicable requirements as stated in the Zoning Ordinance.

Standards for Variation

Although a variation is not requested for the parking area at this time, to facilitate any discussion with the petitioner, the below standards apply for variations. Although a request for a variation can be considered simultaneously with a conditional use, an application requesting relief was not submitted. Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance, included below.

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: Pursuant to Sections 12-3-4(E) of the Zoning Ordinance, the PZB may vote to *recommend* approval, approval with modifications, or disapproval of the conditional use. A continuance may also be requested. The City Council has final authority over both requests. However, should the PZB recommend approval of the conditional use, staff suggests the following conditions for the conditional use request.

Conditions of Approval:

1. Five additional parking spaces must be added to the property. Any proposed new parking areas or re-striping of existing areas must receive a building permit.
2. Sufficient parking for all operating uses must be provided on this property, pursuant to Section 12-9-7 of the Zoning Ordinance. In the circumstance a portion of the parking lot is used for an event or other activity, the assembly use facilities may not be used or rented until a

- minimum of 128 spaces are available. Alternative parking management plans can be approved by the Director of Community and Economic Development.
3. Prior to any operations associated with the assembly use, a permit must be submitted and approved, including a life safety plan, and all inspections passed by the Community and Economic Development Department and the Fire Prevention Division.
 4. The maximum number of people in any space shall not exceed the maximum occupancy load prescribed by the Fire Department. Every room or space that is an assembly occupancy shall have the occupant load of that room or space posted in a conspicuous place, near the main exit.
 5. No activities involving amplified sound are permitted on the patio or any exterior area of the building associated with this assembly use.
 6. Any expansion of this use shall require the Petitioner to obtain an amendment to the Conditional Use Permit.
 7. No alcohol shall be served during any event unless approved pursuant to Chapter 4 – Liquor Control of the Municipal Code.
 8. All parking for this property must be located within the property line. No parking associated with the uses on this property may be located along a public street or adjacent parking areas associated with Lake Park.
 9. Hours of operation for the assembly use are limited to 7:00 AM to 11:00 PM, daily.
 10. All refuse associated with the uses on this property must be contained within a dumpster enclosure that meets requirements of Section 12-10-11 of the Zoning Ordinance.

Chairman Szabo opened the public hearing.

Don Miletic, Executive Director of the Des Plaines Park District, and Brian Panek, Superintendent of Revenue Facilities, were sworn in.

Mr. Miletic summarized the proposed land use and parking lot improvements. The proposed banquet facility would be operated for lease for parties accommodating up to 100 people run by the park district. Waiting on correct/completed drawings from the paving company. The space in question in the lower level would house max of 100 people. No music would occur outside of the unit at any time. Used for smaller gatherings. Refuse would be stored in the Park District's maintenance facility refuse storage in the south area rather than collocated with the refuse storage area in the parking lot used by Foxtail. 123 existing parking stalls are provided with additional parking available after hours at the Lake Park Marina facility to the west.

Approximately 24 parking stalls would be added in an area between the existing parking lots to accommodate increased parking demand associated with the popularity of the Foxtail at The Lake restaurant. The new parking lot would be used by the Foxtail at The Lake restaurant for use by valet attendants and may be used infrequently for farmers' market events.

Chairman Szabo asked for confirmation of the required number of parking stalls for this project.

Senior Planner Samantha Redman confirmed with the new assembly use, an additional 5 parking stalls were required beyond the current quantity of spaces.

Chairman Szabo inquired whether the proposed parking lot expansion could be reduced to maintain open space. If only 5 additional spots are required, why are 24 parking spaces being put in?

Mr. Miletic explained that Foxtail has become very popular and additional spots are needed. Also hopefully there will be a farmers' market on weekends. Extra spots would be utilized more for valet parking, which is part of the Foxtail restaurant. Valet is proposed for the additional parking in center section.

Member Fowler agreed that the existing green space is an amenity on the property.

Mr. Miletic explained the proposed use of the new parking area and there will still be green space, just less of it within the parking lot. Also no additional detention needs to be provided.

Mr. Panek confirmed that proposed valet operations would primarily be offered on weekends.

Mr. Miletic added that the current valet parking operation utilizes approximately 28 parking stalls in the parking lot east of the open space which are blocked from public use by traffic cones.

Member Weaver requested confirmation whether Foxtail wants 24 valet parking spaces or of the quantity of spaces was proposed by the Park District.

Mr. Miletic noted that currently Foxtail uses some of the Park District's stalls for valet.

Member Weaver asked how many they are using for valet currently.

Mr. Miletic confirmed there were approximately 28 stalls current in use by valet.

Member Weaver inquired about the reasoning for moving the valet area closest to the building entrance.

Mr. Miletic confirmed the intent was to move the valet to the center parking lot. Foxtail would be provided 24 valet spots, several less than their current total.

Member Weaver noted the proposed reduction and location closest to the main entrance seemed odd since valet services are typically used by those who want to avoid walking far distances.

Mr. Miletic offered that Foxtail provides the valet service free of charge.

Member Weaver asked how Foxtail will prevent other customers from parking in the valet area.

Mr. Miletic outlined the proposed valet operations. At the entrance, there will be a stand. Valet is only offered on the weekends. Currently, cones are used to block access to valet spots.

Member Weaver asked whether Foxtail would be granted exclusive use of the proposed center parking area.

Mr. Miletic confirmed that during times that valet service is offered, the area would be used exclusively Foxtail for valet. They would be paying for exclusive use of these spots.

Member Weaver questioned whether Foxtail would have exclusive use during designated valet times and would not have exclusive use when valet was not provided.

Mr. Miletic confirmed this was correct.

Member Weaver suggested that customers could block the valet area.

Mr. Miletic clarified that if anyone drove into the valet area, they would be advised that this area was for valet parking only. The additional off-street parking would be a benefit to the area and the residents with reduced public parking on Lee and Howard.

Member Weaver inquired about operations and truck access during a farmers' market event. Where would trucks be parked and how would they fit and navigate into and out of that space?

Mr. Miletic noted that trucks would pull in and park in the area of the market and set up their stand.

Member Weaver questioned where customers will park when trucks are there.

Mr. Miletic clarified that customers would park to the east and the west and walk to that parking lot.

Member Weaver noted that the farmers market would be quite limited in size if the individual stands and the trucks and maneuvering space for the attendees/pedestrians are all contained within the 24 proposed parking spaces.

Mr. Panek noted that during the day all the other people will be parking in the other lots.

Member Weaver clarified that he was not referring to where the customers park. You will have the trucks, the supplies that come down from the farms, some of them have refrigeration needs and so forth. If you bring meat, people are selling meat, you know they got a truck that's got refrigeration needs and so forth.

Mr. Panek suggested he was not sure whether they are proposing that type of farmers' market. The event would likely need to focus on smaller produce.

Member Weaver was concerned that the operations needed for this event would exceed the space provided. He suspects they are going to need to request approval to use more space.

Mr. Panek noted that if there is not sufficient space, then they won't do a farmers' market. Foxtail will need to clarify what they proposed to do.

Member Weaver was concerned that there won't be enough space for a successful farmers market. If you look at what other towns do up and down the line, they would never fit in that space.

Mr. Miletic confirmed that the Des Plaines Park District would not operate the farmers' market. If proposed in the future, it would be operated by Foxtail at The Lake.

Member Saletnik requested to confirm whether Foxtail would operate the farmers' market.

Member Fowler offered that there were no details for the farmers' market and that was not part of the request for the assembly use.

Mr. Miletic confirmed that presently there is available parking along Howard Avenue and that there is additional parking around Lake Park which is currently undergoing shoreline restoration. The site will be even more attractive with the new assembly use space.

Chairman Szabo invited staff to present their summary of the request.

Samantha Redman, Senior Planner, presented site photos, exhibits, and a summary of the proposed operations and recent text amendment which created an opportunity for the consideration of a conditional use for the property. Please see the staff report.

Member Weaver noted that when this building was a church, the lower level had a kitchen which is marked on the drawing as an existing multi-purpose room. Does that mean the kitchen was removed?

Mr. Miletic confirmed there is no actual working kitchen. The previously existing kitchen has been removed but the space includes refrigerator/freezers to support catering operations but there are no cooking facilities.

Mr. Miletic and Mr. Panek explained the proposed catering operations focusing on local catering service providers who will prepare food off-site in advance. There are 5 approved vendors.

Member Weaver inquired about the availability for caterers of certain appliances such as refrigeration, maybe warming ovens, things like that. Would these be proposed?

Mr. Miletic confirmed they are not proposing any warming ovens. The caterers would have to supply all equipment themselves. Everything will be prepared at their restaurants, not on site.

Member Weaver inquired about the proposed exclusion of vendors from outside the City of Des Plaines.

Mr. Miletic noted that the Des Plaines Park District preferred to support local businesses.

Member Weaver asked whether someone else who wanted to operate here who would meet all the requirements would be allowed.

Mr. Miletic noted that they are trying to limit operations to 5 different vendors so they will know and better control who is coming in and out of their facility.

Member Weaver requested confirmation whether someone else proposing to use the facility would be refused.

Mr. Miletic noted that any vendor would need to prepare all food off site and bring it.

Member Fowler inquired about proposed alcohol service.

Mr. Miletic explained that the Park District will be pursuing approval by the City to be the liquor service provider for the premises. The Park District currently holds liquor licenses for two other facilities. If you bring food from home, there are other facilities within Des Plaines that you can do that. No temporary liquor license would be allowed.

Member Veremis inquired about the location of access to the lower level.

Mr. Miletic confirmed that elevator and stair access exist.

Chairman Szabo closed the public hearing and entertained a motion regarding the case.

Motion by Board Member Veremis, seconded by Board Member Saletnik to recommend the City Council approve a conditional use for the proposed banquet facility with the staff recommended conditions.

AYES: Weaver, Fowler, Saletnik, Veremis, Szabo

NAYES: None

ABSTAIN: None

MOTION CARRIED

Other items:

None.

ADJOURNMENT

Chairman Szabo adjourned the meeting by affirmative voice vote at 7:52 p.m.

Sincerely,

Jeff Rogers/Recording Secretary

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