

Case No. 24-028-V
Case No. 24-029-V
Case No. 24-032-CU
Case No. 24-033-TA

Variation
Variation
Conditional Use
Text Amendment

1701 Birchwood Avenue
1242 White Street
1263 Elmhurst Avenue
Citywide



**DES PLAINES PLANNING AND ZONING BOARD MEETING
July 23, 2024
MINUTES**

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, July 23, 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, Catalano, Saletnik, Veremis, Szabo, Bronakowski
ABSENT: Fowler
ALSO PRESENT: Jonathan Stytz, Senior Planner
Samantha Redman, Senior Planner
Jeff Rogers, Director of Community & Economic Development

A quorum was present.

SWEARING IN OF DOMINICK BRONAKOWSKI

APPROVAL OF MINUTES

A motion was made by Board Member Weaver, seconded by Board Member Fowler to approve the meeting minutes of July 9, 2024, with corrections provided to staff.

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

MOTION CARRIED

PUBLIC COMMENT ON NON-AGENDA ITEM

There was no public comment.

Pending Applications:

Chairman Szabo introduced the cases on the agenda.

1. **Address:** 1701 Birchwood Avenue

Case Number: 24-028-V

The petitioner is requesting a variation to allow the installation of loading spaces which would directly face and open up onto a public right-of-way, and any other variations, waivers, and zoning relief as may be necessary.

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

Chairman Szabo introduced the first case and opened the public hearing.

Scott Chiero, Ahmed Chaesi, & Daria Mangas were sworn in.

Mr. Chiero introduced himself as the owner and operator of the subject property as well as a resident of Des Plaines. He explained that the existing 1980 industrial building was originally built with docks, but that a tenant in 2013 converted the dock doors into overhead doors. He noted that there are issues with the current overhead door design that impact efficiency and safety and are the reason for the variation request. Mr. Chiero added that the proposed dock design would be larger to allow for maneuvering larger vehicles.

Ms. Mangas described the existing conditions of the west drive aisle and parking area noting that the site conditions cannot accommodate truck loading and unloading along the east side of the building or south side of the building since there is insufficient space. She explained the proposal to replace the two existing overhead doors with three dock doors and depressed loading berth in place of the existing drive aisle and parking area. Ms. Mangas noted that the proposed dock area would allow for safer and more efficient loading/unloading operations and additional opportunities for new tenants to locate on site. She added the building helps block to view of the proposed dock area from the east side.

Member Catalano requested clarification of the exhibits provided, some showing three loading docks and some showing four loading docks.

Ms. Mangas clarified that the building originally included four dock doors. Due to modern code requirements, the current proposal would be to remove the overhead doors and install three dock doors.

Member Catalano requested additional background information regarding an eight-foot-tall masonry screen wall and if the petitioner is okay with the condition.

Senior Planner Stytz responded that Section 12-9-9 of the Zoning Ordinance requires that off-street loading spaces are screened from the street either by a solid wood or masonry fence or the installation of landscaping including a continuous evergreen or dense deciduous shrub hedge.

Mr. Chiero requested consideration of omitting the required screen wall condition as it is not standard.

Member Catalano asks for clarification about the masonry wall.

Senior Planner Stytz noted that the code requires a wall on both sides of the loading berth area.

Senior Planner Stytz provided a summary of the case.

Issue: The petitioner is requesting a major variation from Section 12-9-9.C.3 of the Zoning Ordinance to allow new loading docks of an existing manufacturing building at 1701 Birchwood Avenue to face and open onto a public street.

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

Case Number: 24-028-V

PIN: 09-28-300-026-0000

Ward: #6, Alderman Mark Walsten

Existing Zoning: M-2, General Manufacturing District

Existing Land Use: Industrial building (manufacturing)

Surrounding Zoning: North:M-2, General Manufacturing District
South:M-2, General Manufacturing District
East:M-2, General Manufacturing District
West:M-2, General Manufacturing District

Surrounding Land Use: North:Industrial building (manufacturing)
South: Industrial building (manufacturing)
East:Industrial building (manufacturing)
West:Industrial building (manufacturing)

Street Classification: Birchwood Avenue is a local street under Des Plaines jurisdiction.

Comprehensive Plan: Industrial is the recommended use of the property.

Zoning/Property History: Based on historical aerial imagery, the subject property was developed in 1969 with an industrial building including an accessory office space and four loading docks. In 2013, a building alteration permit was approved to remove windows, relocate overhead doors, and replace the four docks with two 20-foot-wide by 15-foot-tall overhead doors, infilling wall sections from the old dock doors. The row of nine parking spaces and landscape bed currently located along the northwest driveway entrance leading to two new overhead doors were also added in 2013. Since then, the two overhead doors and parking area have remained unchanged in the northwest driveway area.

Project Description:

Overview

The petitioner, Scott Chiero, is requesting a major variation to construct three new docks on the north building elevation with doors that would face and open onto Birchwood Avenue, a public street. The subject property consists of a single, 2.52-acre lot with a one-story industrial building, walkways, and driveway/parking area as illustrated on the attached ALTA-NSPS Land Title Survey. The property is an interior lot with two separate access points to Birchwood Avenue on the north side of the subject property: one on the northeast leading to the parking area and one on the northwest leading to an enclosed loading area and a few parking spaces. The northwest corner of the existing building consists of two garage doors to facilitate loading operations as illustrated on the attached Existing Condition exhibit. However, the petitioner’s proposal illustrated on the attached Existing and Proposed Condition exhibit would replace the existing garage doors with three separate loading dock doors creating a loading area that directly faces and opens onto Birchwood Avenue, which does not meet the off-street loading regulations and necessitates a major variation request.

Scope of Work

The scope of work includes changes across the subject property as illustrated in the attached Proposed Site Plan and summarized below:

- Replace the two existing overhead doors with three new docks;
- Remove the existing eight parking spaces (including one accessible space), curbs, and landscape island and replace with turf, which will be regraded to match the dock approach;
- Regrade of the northwest driveway to make the bottom of the dock door level with a semitruck trailer and add drainage improvements;
- Add a new retaining wall on the east side of the northwest driveway;
- Add new metal stairs for the existing north elevation main door;
- Remove a portion of the existing front walkway; and
- Add eight new parking spaces in the east parking area including one accessible space.

Proposed Elevations and Required Building Design Standards

The Existing and Proposed Condition exhibit provides a partial floor plan and elevation of the new dock doors and other proposed changes to the west corner of the north building elevation. The proposed docks measure 11.25 feet wide by 12 feet tall and will be positioned above a new four-foot-tall concrete foundation, which spans between the dock door and the door approach.

The existing exterior building materials are predominately a mixture of brown face brick and white corrugated metal siding with additional metal accent material along the roofline. New face brick infill is proposed to fill in the space of the current overhead doors for the new dock design. Section 12-3-11 of the Zoning Ordinance requires that building design standards are met for projects when there are “appearance altering renovations to the front or corner facades of a principal structure.” Since the proposal alters the front of the building,

the regulations in this section are required to be met. For the subject property, the front façade is the north elevation facing Birchwood Avenue. Since face brick and metal are permitted ground story materials for industrial buildings, the proposal meets the building design requirements for exterior building materials. However, the new man door and dock doors are shown to be white, which may partially match with the white corrugated metal siding above the dock doors but does not match the existing face brick material that will surround them. As such, staff have added a condition requiring the dock door and man door color to compliment the existing brick color.

Off-Street Parking and Loading

Warehouses and distribution centers are required to provide one off-street parking space for every 1,500 square feet of gross floor area pursuant to Section 12-9-7 of the Zoning Ordinance. Based on the existing building area of 48,807 square feet, a total of 34 off-street parking spaces—including two accessible spaces—are required. The ALTA-NSPS Land Title Survey shows that a total of 54 off-street parking spaces exist on the subject property: eight on the west driveway entrance and 46 on the east driveway entrance. As noted above and in the Proposed Site Plan, there are proposed changes to the location of off-street parking spaces on the subject property but not to the total number of available spaces. The existing eight spaces, including one accessible space, positioned on the west side of the subject property will be relocated to the east parking area to accommodate the new docks and dock approach. The Proposed Site Plan illustrates that there will still be a total of 54 off-street parking spaces, including two accessible spaces, on the subject property, which is compliant.

Manufacturing buildings are required to have a certain number of loading spaces based on the building's area. Pursuant to Section 12-9-9 of the Zoning Ordinance, buildings with an area of 100,000 square feet or less are required to have a minimum of one loading space in compliance with the specifications listed in Section 12-9-9.C. The proposal includes the installation of three 65-foot-long by 15-foot-wide loading spaces, which comply with the quantity and size requirements. However, these loading spaces would open onto and directly face Birchwood Avenue in violation of Section 12-9-9.C.3, requiring a redesign of the proposed loading spaces or a major variation.

Existing Non-conforming Loading Areas

The petitioner provided the attached "Examples of Deviations from Existing Code" exhibit identifying existing examples of loading berths that open onto or face public streets or alleys. While non-conformities exist, the PZB should consider whether allowing a new non-conformity meets the intent of the code and the Comprehensive Plan. It should also be considered whether the design creates traffic interferences within the adjacent right-of-way and operational issues where alternative design solutions may not.

Landscaping and Screening

Section 12-10-11 of the Zoning Ordinance requires loading berths to be screened as much as possible to minimize their impact on neighboring properties while still allowing access to its use. The required screening includes a solid wood or masonry fence not less than six feet and not more than eight feet in height, a continuous evergreen or dense deciduous shrub hedge, or a combination of both. The attached Landscape Plans show proposed landscaping throughout the site with a smaller section on the southwest corner of the property, but the majority of the landscaping improvements proposed for the northern portion of the property. The proposal includes the installation of deciduous and evergreen shrubs along the sides of the loading berth, a design which aligns with Section 12-10-11 of the Zoning Ordinance. However, given the highly visible location of the proposed loading berths from the street, staff have added a condition requiring the installation of a solid eight-foot-tall masonry or wood wing-wall and continuous evergreen hedge to appropriately screen it from the public street while still providing access to the building.

Variation Findings: Variation requests are subject to the standards set forth in Section 12-3-6.H. of the Zoning Ordinance. Rationale for how well the proposal addresses the standards is provided below and in the attached petitioner responses to standards. The Board may use the provided responses as written as its rationale, modify, or adopt its own.

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

Comment: Staff does not see a hardship or practical difficulty preventing the petitioner from complying with the off-street loading requirements related to the location of loading spaces. The petitioner states that the size of the existing two 20-foot-wide by 15-foot-tall overhead doors is not sufficient to serve most tenants. However, the height and overall size of the three proposed 12-foot-tall by 11.25-foot-wide dock doors is less than the current overhead door size. Moreover, the overhead door size and height can be adjusted to accommodate specific tenants as necessary while still providing adequate screening. As the request does not constitute a defined hardship or practical difficulty, approving the variation could undermine the location and screening requirements for loading spaces.

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

Comment: Staff concludes that there is no unique physical condition on the subject property that warrants the requested variation. In fact, this property is of similar size and shape as the interior lots surrounding it. While the proposal does include some considerations to address screening and location in relation to the public street, it does not represent the ideal design to provide a screened loading berth that allows for both function and aesthetics when alternatives are available. Thus, the

variation requests appear to be more of a personal preference and convenience of the property owner instead of a definable physical condition. The proximity of the existing compliant overhead doors to the right-of-way complies with Code requirements and is not unique, while the proposed modifications to introduce loading docks and a depressed access drive would introduce a new nonconforming condition. Nonetheless, see the Petitioner's responses to Standards for Variations.

- 3. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this title.**

Comment: While the subject property's location and size may not be a result of any action or inaction of the property owner, the subject property was purchased with the understanding of these attributes and conditions. Additionally, the subject property was originally developed with dock doors in the location proposed, which was permitted for buildings constructed prior to 1998. However, this area has operated with two overhead doors and enclosed loading/unloading since 2013 proving that a screen loading berth is both practical and functional on the subject property despite the current development and lot characteristics. The conversion of the compliant design to a noncompliant design without utilizing the available area north of the existing building to enclose the loading berths might be considered a self-created condition. As such, it is staff's opinion that the proposal does not adequately utilize the available space and access to the site or appropriately design the proposed improvements to avoid the need for variations. Nonetheless, see the Petitioner's Responses to Standards for Variations.

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

Comment: Staff's review has concluded that carrying out the strict letter of this code for the off-street loading regulations does not deprive the property owners of substantial rights. First, while some property owners may have larger lots or additional spaces for secluded loading berths, having the ability to construct these loading berths is not, in and of itself, a right granted to property owners. All manufacturing properties are governed by the same off-street loading requirements in Section 12-9-9 of the Zoning Ordinance regardless of size, shape, and development. Enforcing the off-street loading location and screening requirements does not deny the property owners from constructing the loading berths on the subject property but requires said loading berths to conform with the applicable location and screening requirements that apply to all properties that require loading spaces. The argument that the requested variation for the subject property shall be approved solely because other manufacturing properties have existing non-conforming surfaces near or abutting property lines is dubious, as property nonconformities are common enough that property owners throughout Des Plaines must work with what they have, so to speak. That said, enforcing the off-street loading requirements would not deprive the property owner of any substantial rights enjoyed by other manufacturing properties.

- 5. Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot.**

Comment: Granting this variation would, in fact, provide a special privilege for the property owner not available to other manufacturing properties. While other properties may have existing non-conformities in relation to loading berth location and screening that were established through earlier regulations—and have repaired said non-conformities regularly—this does not compare to the proposal on the subject property for new non-conformities created in direct violation of the current codes. The aforementioned consideration for off-street loading location and screening indicates to staff that variation decisions are made on a case-by-case, project-by-project basis upon applying the variation standards. In those evaluations, the determining body (e.g. PZB and/or City Council) usually looked to see if the applicant exhausted design options that do not require a variation. In this case, it seems there are different design options and positions for the loading berths on this site, given the ample space in the front and side yards. Granting a variation for this design, when other viable options are available, could be too lenient and tread into the territory of allowing a special privilege.

- 6. Title And Plan Purposes: The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this title and the provision from which a variation is sought were enacted or the general purpose and intent of the comprehensive plan.**

Comment: On one hand, the project would allow re-investment on an established manufacturing lot, which the Zoning Ordinance and Comprehensive Plan want to encourage. However, the proposed loading berth design, including its dimensions and positioning, is largely for the benefit of the property owners. For one, the existing paved area in front of the overhead doors is large enough to accommodate a new enclosed loading area—with room to fit an entire 53-foot-long semitruck trailer—all while inside the buildable area of the subject property. While the proposal removes some of the existing impervious pavement on the subject property, it does include some regrading of the northwest corner of the property, which, if not designed properly, could create water runoff issues for the neighboring property owner to the west. Moreover, staff’s review concludes that there are reasonable options for redesigning the loading berth on site to provide adequate use and screening of the loading bays without needing relief from the required location and design regulations.

- 7. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.**

Comment: There are multiple alternatives to the proposed variations being requested by the petitioner. One previously mentioned option is to enclose the loading berth area with a structure to effectively screen it from view of the street while still allowing full access and use of the loading docks. While adding some additional cost, this alternative would provide an improvement to the existing design by allowing easy loading/unloading of products but also containing the loading and unloading operations within the building to limit impacts on surrounding properties. Another option retains the open-air design but involves the installation of a minimum eight-foot-tall gate and fence sections to fully screen the loading berth on all sides from the street. This option could save some cost to the petitioner while also aligning better with the off-street loading requirements. Given the multiple alternatives available to the petitioner, the PZB may wish to ask why certain alternative designs are not feasible and how the petitioner will address traffic and safety concerns associated with semi-truck maneuvers to and from the loading area on Birchwood Avenue.

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

Comment: The variation request is not, in staff's opinion, the minimum measure of relief to address the petitioner's concerns. Instead, the petitioner could redesign the proposed loading berths to better utilize the available property and to meet the off-street loading location and screening requirements.

Legal Notice & Rescheduling of the Public Hearing

This case was initially noticed for consideration at the PZB's July 9, 2024 meeting, however the required sign was not posted before the deadline. In response, the City withdrew the case from the July 9 agenda and published a new notice, sent a new mailing, and posted the required sign in advance to allow consideration at the PZB's July 23, 2024 meeting.

PZB Procedure and Recommended Conditions

Under Section 12-3-6.G (Procedure for Review and Decision for Major Variations) of the Zoning Ordinance, the PZB has the authority to *recommend* that the City Council approve, approve subject to conditions, or deny the above-mentioned major variation request at 1701 Birchwood Avenue.

Consideration of the request should be based on a review of the information presented by the applicant and the findings made above, as specified in Section 12-3-6.H (Findings of Fact for Variations) of the Zoning Ordinance. If the PZB recommends approval of the request, staff recommends the following conditions.

Conditions of Approval:

1. The petitioner shall either enclose the loading area with a building addition in compliance with all City of Des Plaines codes or install an eight-foot-tall solid masonry or wood wing-wall with a continuous evergreen hedge along both sides of the loading berth. The fencing and landscaping shall be positioned and scaled appropriately to screen a full semi-truck cab and trailer from view.
2. The new dock door and man door color shall complement the existing face brick color on the building.
3. Stacking or queuing of vehicles along Birchwood Avenue to enter the loading area is prohibited.
4. Trucks and trailers may only be parked in designated loading spaces. All other parking of vehicles, including trucks or trailers on the property must be within striped spaces of sufficient depth and width to accommodate the space without obstructing drive aisles, as required by Section 12-9-6.D.
5. No trash compacter, dumpster, or any other receptacles shall be allowed within the loading berth or its entrance at any time. Refuse receptacles stored outside shall be located within an enclosure in compliance with Section 12-10-11.A of the Zoning Ordinance.
6. Semi-trucks with their trailers shall only be parked in the loading berths during active loading and unloading operations. No other vehicles shall be parked in the loading berth or the loading berth entrance at any time.

Member Saletnik requested clarification of the Code requirements that stipulate that loading docks not open directly toward a public right-of-way.

Senior Planner Stytz provided a summary of the Code requirement.

Member Saletnik noted that there seems to be a high concentration of nonconforming buildings in the vicinity of the property.

Senior Planner Stytz confirmed that there are existing nonconformities related to buildings constructed many decades ago. However, the Board's job is to evaluate the request based on the variation standards.

Member Saletnik noted that he was not as concerned with this location as there are similar uses surrounding.

Member Catalano inquired what was behind the existing overhead doors on the floor plan.

Mr. Chiero responded that there is a loading/unloading area directly behind the overhead door area.

Mr. Chaesi added that cars and vans can pull it to load/unload but semitruck trailers have to be parked outside because they do not fit in the garage.

Member Veremis inquired about the length of semi-tractor trailers.

Mr. Chiero explained the various sizes of tractor trailers from 45 feet to 54 feet with a 20-foot to 40-foot cab.

Member Veremis inquired about any known history of safety incidents at loading docks.

Mr. Chiero did not have specific statistics but relayed an anecdote about a personal injury incurred at a loading dock similar to what is proposed.

Member Weaver inquired about the proposed slope to the new loading docks.

Ms. Mangas noted that the proposed improvements would introduce an excavation of approximately 4 feet adjacent to the building which would be sloped up toward Birchwood Avenue.

Member Weaver inquired about the proposed drainage improvements to address water in this area.

Ms. Mangas explained that a civil engineer will be retained to design a solution for this area.

Member Weaver inquired about the condition related to a screen wall adjacent to the new loading area.

Senior Planner Stytz clarified the proposed location of a screen wall.

Member Weaver inquired about the required height of the screen wall.

Senior Planner Stytz clarified that a fence would need to be installed along both sides of the loading berth to screen it from view.

Member Saletnik inquired about clarification regarding the City's requirements for measuring the height of the wall and the location along the wall where height might be measured.

Senior Planner Stytz clarified that the fence height would be measured from immediate grade to the top of the fence structure.

Chairman Szabo differentiated the proposed location from various other industrial areas.

Member Catalano highlighted several other properties in the vicinity where loading docks are visible from the public right-of-way.

Member Saletnik noted his preference for landscaping rather than the proposed screen wall.

Member Bronakowski inquired about the projected traffic impact in the vicinity.

Ms. Mangas noted that the difference would likely be negligible.

Mr. Chiero noted that the next tenant is not currently known but that this site would be unlikely to be occupied by a high-volume trucking company.

Mr. Chaesi elaborated that the building is uniquely situated to accommodate a new manufacturing tenant.

Member Veremis inquired about the process for removal of concrete to establish the proposed graded approach for trucks.

Mr. Chiero acknowledged that work would include removal of concrete.

Member Veremis inquired about the proposed extent of new investment.

Mr. Chiero responded somewhere near \$500K would be invested in the property.

Member Weaver reviewed contents from the staff report relating to the intent of the screen wall and the color of the dock doors.

Mr. Chiero confirmed that they would be willing to select an alternate color for the overhead doors other than white.

Member Saletnik asked if there are any considerations for erosion.

Ms. Mangas responded that there will be a six-inch curb installed along the west side of the loading dock.

Member Weaver requested clarification of cost implications of the required screen wall.

Mr. Chaesi noted that the screen wall would require additional expense and would create operational issues. The existence of the screen wall can increase the quantity of accidents.

Member Weaver requested clarification of the City's building permit process regarding review of the proposed slope changes.

Senior Planner Stytz noted that this would be routed to multiple departments.

Member Weaver asked if the engineers would say the proposed slope on the west side of the loading berth won't work and need a retaining wall. Is that within the realm of possibility?

Senior Planner Stytz responded that this is a possibility.

Member Saletnik suggested that the introduction of a wall on either or both sides might create areas for accumulation of rubbish and snow drifts that might be detrimental to the operations.

Senior Planner Stytz responded that the fence could be shifted away from the loading berth to address that concern.

Member Saletnik noted that he preferred increasing the landscaping to address the screening issue.

Member Weaver preferred a permanent screening solution to landscaping to serve as long-term visual screening, however until it can be confirmed whether a retaining wall will be required to accommodate the proposed slope, it may be challenging to write this condition.

Chairman Szabo requested clarification of the current proposal regarding the design of the sloped approach to the docks.

Ms. Mangas clarified that the west side of the loading area would not include a retaining wall or screen wall. A retaining wall is anticipated on the east side.

Member Weaver suggested a berm on the west side of the driveway but was hesitant to add a condition of approval which might countermand the recommendation of the City's engineering division regarding both drainage and structural requirements.

Member Catalano suggested using the excavated fill from the area in front of the loading dock to establish the suggested berm west of the approach.

Member Saletnik and Member Catalano discussed a likely curb between the west edge of pavement and the green space or berm west of the drive aisle.

Chairman Szabo welcomed public comment regarding the request.

No members of the public came forward.

Member Veremis noted that owners of adjacent property did not seem especially interested in this request.

Member Weaver inquired whether the applicant had reviewed the recommended conditions in the staff report and whether the applicant opposed any of these.

Mr. Chiero confirmed that they opposed condition 1 but had no objections to the proposed conditions numbered 2-6.

Member Weaver asked if the grade will be higher than the current parking area.

Ms. Mangas responded that the grade will be the same as the existing parking area and will slope down to the new depressed loading berth.

Chairman Szabo and Member Saletnik reviewed the first condition and suggested a landscaping solution.

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

Mr. Chiero suggested arbor vitae along both sides of the approach.

Member Weaver inquired about the process for continuing the case to allow for a review by a civil engineer of the proposed drainage and retaining wall requirements. Senior Planner Stytz responded that the PZB could continue the case to a date certain.

Member Saletnik noted there was a depressed area here prior to 2013 and there was likely a viable drainage solution in place associated with this prior condition.

Member Catalano suggested the sheet draining from the west into the depressed area would likely be minimal.

Ms. Mangas suggested additional landscaping west of the drive aisle could further assist.

Mr. Chiero noted the differences in existing grade versus the proposed grade and that a berm would not be necessary as the west yard will be higher than the existing parking lot.

Member Saletnik suggested amending condition 1 to provide flexibility to the applicant but also ensure new screening will be introduced.

Discussion among the members regarding potential options ensued.

Member Saletnik moved to amend the condition as follows: "The petitioner shall construct fencing and/or landscaping which should be positioned or scaled to screen the truck cab and trailer from view, subject to review of drainage by engineering."

Member Catalano asked the typical height of a semitruck. Mr. Chiero responded that semitruck are approximately 12 feet from grade and would extend out about 73 feet from the proposed dock doors.

Catalano suggested limiting the height of required landscaping to 6-8 feet.

Ms. Mangas agreed that specificity would benefit the applicant to ensure there would not be an alternate interpretation by staff during the plan review process.

A motion was made by Member Catalano and seconded by Member Weaver to recommend approval of the request to the City Council with amendments to condition 1 to require landscaping at a height of between 6-8 feet extending 115 feet north from the northwest corner of the building toward the street and approximately 40 feet from the northwest corner of the office to a point equal and opposite the landscaping on the west side of the access drive.

AYES: Weaver, Saletnik, Veremis, Catalano, Bronakowski, Szabo
NAYES: None
ABSTAIN: None

MOTION CARRIED

2. Address: 1242 White Street

Case Number: 24-029-V

The petitioners are requesting a variation to reduce the required front yard setback for an existing residence in the R-1 Single Family Residential district, and any other variations, waivers, and zoning relief as may be necessary.

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

Chairman Szabo requested a summary of the circumstances of this case.

Director Rogers explained that the applicants were not available to attend the meeting.

Chairman Szabo opened the public hearing and requested staff present the applicant's video testimony.

Ms. Dina Argus provided a summary of the circumstances of the case. She explained that they removed an existing stair entrance that was deteriorating but when they applied for approval of a new design they were informed that the design would need to be revised to include a landing.

Chairman Szabo requested a summary of the case from staff.

Senior Planner Stytz summarized the request for a variation to accommodate the new stairs and landing east of the existing residence.

Issue: The petitioner is requesting a standard variation from Section 12-7-2.J of the Zoning Ordinance to reduce the required front yard setback from 25 feet to 16 feet to construct a covered landing that encroaches more than five feet into the required front yard for the single-family residence at 1242 White Street.

Petitioner: Robert and Dina Argus, 1242 White Street, Des Plaines, IL 60018
Owner: Robert and Dina Argus, 1242 White Street, Des Plaines, IL 60018
Case Number: 24-029-V
PIN: 09-20-403-027-0000
Ward: #2, Alderman Colt Moylan
Existing Zoning: R-1, Single Family Residential District
Existing Land Use: Single Family Residence
Surrounding Zoning: North:R-1, Single Family Residential District
South:R-1, Single Family Residential District
East:R-1, Single Family Residential District
West:R-1, Single Family Residential District

Surrounding Land Use: North: Single Family Residences (residential)
South: Single Family Residences (residential)
East: Single Family Residences (residential)
West: Single Family Residences (residential)

Street Classification: White Street and Van Buren Avenue are local streets under Des Plaines jurisdiction.

Comprehensive Plan: Single Family Residential is the recommended use of the property.

Zoning/Property History: Based on historical aerial imagery, the subject property has contained the same single-family residence since it was constructed around 1938. When constructed, the residence was positioned a little over nine feet from the north (front) property line along White Street. Since its construction, the Zoning Ordinance has been updated to require a minimum 25-foot-setback between the residence and the front property line, making the existing residence a legal nonconforming structure. The petitioner has attested that no landing at the top of the stairs has ever existed on the subject property and no structural changes have been made to the residence since it was built.

Project Description: *Overview*
The petitioners, Robert and Dina Argus, are requesting a standard variation to reduce the required front yard setback from 25 feet to 16 feet to construct a covered landing area that encroaches more than five feet into the required front yard. The subject property consists of a single, 6,955-square foot (0.15 acre) lot with a 1½-story stucco house (with two enclosed porches, one in front and one at the rear), detached garage, asphalt driveway off Van Buren Avenue, concrete patio, and residential walkways as shown in the attached Plat of Survey. The property is a corner lot with the front yard facing White Street on the east, the corner side yard facing Van Buren Avenue to the south, and the rear yard facing an improved, paved public alley to the west.

Existing Non-Conformity
The existing residence footprint is located a little over 19 feet (19'-1½") at its closest point from the north (front) property line abutting White Street. Since City records indicate that this residence has been in existence on site prior to the adoption of the 1998 Zoning Ordinance, it is classified as a nonconforming structure governed by Section 12-5-6 of the Zoning Ordinance. This section does allow, with some limitations, a nonconforming structure to be repaired, maintained, altered, or enlarged provided that the repair, maintenance, alteration, or enlargement does not:

“create any new nonconformity or increase the degree of the existing nonconformity of all or any part of such structure. For the purposes of this section, the vertical or horizontal extension of a structure shall be considered to increase the degree of an existing nonconformity related to a required yard or setback.” (Section 12-5-6.B)

The petitioner’s proposal to construct a covered front porch area that encroaches further into the required front yard and expands the building

footprint increases the degree of the non-conformity requiring a variation request.

Scope of Work

The scope of work is limited to the front landing area and structural work for the proposed porch roof structure located in front of the entryway on the exterior of the residence as illustrated in the attached Architectural Plans. The existing steps in front of the house leading to the front door will be removed and replaced with a new 4'-0" long by 6'-10" wide (27.32 square feet) covered landing area with eaves as illustrated on the attached Site Plan.

Building Coverage Analysis

Aside from any structure changes necessary to support the new porch roof structure, no changes to interior or exterior of the residence are proposed. However, the covered porch will attach to the residence and therefore be classified as an expansion of the building coverage based on the building coverage definition in Section 12-13-3 of the Zoning Ordinance:

BUILDING COVERAGE: The percentage of the surface area of a zoning lot that is occupied by principal buildings and any accessory buildings and structures. All areas of buildings or structures covered by a roof are included in building coverage.

Pursuant to Section 12-7-2.J of the Zoning Ordinance, corner lots in the R-1 district are allowed up to 35 percent of building coverage, meaning that up to 2,434 square feet of subject property can be covered with a building or structure. Based on the attached Plat of Survey, the existing 1,369-square foot residence and 412-square foot detached garage total 1,782 square feet, or 25 percent of building coverage. The addition of the 27.32-square foot covered porch/landing area increases the total building coverage to 1,809 square feet, or 26 percent, which is compliant with Section 12-7-2.J.

Proposed Elevations and Required Building Design Standards

As shown in the attached Site and Architectural Plan, the proposed roof structure will be positioned just under 11.5 feet (11'-5½") from grade, which is less than the height of the existing residence and in conformance with the maximum height requirements for the R-1 district. The front steps will rise 3.5 feet from grade, which is also in compliance with Section 12-7-1.C of the Zoning Ordinance where steps are allowed to be up to four feet height from grade when located in the required front yard.

The existing exterior building materials for the residence are predominantly stucco with some vinyl siding accent areas along the roof line on all elevations. While no changes to the exterior building materials are proposed, Section 12-3-11 of the Zoning Ordinance requires that building design standards are met for projects when there are "appearance altering renovations to the front or corner facades of a principal structure." Since the proposal does alter the front of the residence, the regulations in this section are required to be met. For the

subject property, the front façade is the east elevation facing White Street. Since stucco and vinyl siding are not permitted ground story materials for single-family detached residences, the exterior building materials will need to be replaced with face brick, natural stone, or adhered or attached masonry veneer to comply with Section 12-3-11 or a minor variation will be required.

Off-Street Parking

The attached Site Plan indicates that there are no proposed changes to the current number of off-street parking spaces and that the existing driveway and detached garage footprint will remain the same. Single family residences are required to provide two off-street parking spaces pursuant to Section 12-9-7 of the Zoning Ordinance. As shown on the attached Plat of Survey, there is ample space for one off-street parking space in the detached garage and multiple off-street parking spaces on the concrete driveway.

Variation Findings: Variation requests are subject to the standards set forth in Section 12-3-6.H. of the Zoning Ordinance. Rationale for how well the proposal addresses the standards is provided below and in the attached petitioner responses to standards. The Board may use the provided responses as written as its rationale, modify, or adopt its own.

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

Comment: The existing residence was constructed prior to current regulations requiring the 25-foot-front-yard-setback and is positioned 19 feet from the front property line. Requiring the covered landing area to comply with the required front yard setback would substantially restrict the property owner from making improvements to the existing structure.

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

Comment: The subject property is located on the northwest corner of the White Street/Van Buren Avenue intersection. While the corner lot is smaller in size and narrower in width than the minimum bulk requirements for corner lots in the R-1 district, this is not necessarily a unique physical condition of the property as other corner lots in the immediate area and in Des Plaines as a whole are deficient in lot size and lot width. However, the PZB shall decide.

- 3. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this title.**

Comment: The unique physical conditions of the subject property are not the result of the current property owner or their predecessor. In addition, the existing residence was constructed on the subject property prior to the adoption of the front yard setback requirement making adjustments to the front of the residence legal non-conforming.

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

Comment: Given that the residence was constructed prior to the adoption of the front yard building setback requirement, it can be argued that carrying out the strict letter of this code for the front yard setback could deprive the property owner of the ability to make improvements to the subject property that are commonly enjoyed by other owners of single-family residential lots. The petitioner intends to add the covered landing area in order to preserve the character of the existing residence and address related building code requirements.

- 5. Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot.**

Comment: Granting this variation would not provide a special privilege for the property owner not available to other single-family residential properties. Instead, it allows the property owner the ability to make improvements to the subject property as other property owners along White Street and Van Buren Avenue who reside in homes with similar reduced setback distances as the subject property. There are several homes in the surrounding area that have similar reduced setbacks from the front property line, a characteristic that is prevalent in the neighborhood. In addition, the granting of this variation does not inherently allow the property owner to make additional money off the subject property and its development.

- 6. Title And Plan Purposes: The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this title and the provision from which a variation is sought were enacted or the general purpose and intent of the comprehensive plan.**

Comment: The project would allow re-investment into a single-family home, which the Zoning Ordinance and Comprehensive Plan encourage. While one could argue that the proposed covered landing in the location and design identified on the attached Architectural Plan and site Plan is largely for the benefit of the property owner, a study of the area indicates that many of the neighboring properties are developed in a similar fashion. It can be concluded that the proposed covered landing as proposed will be in harmony with existing development and potentially provide more benefit for the neighborhood as a whole—in relation to property values—than just for the petitioner.

7. **No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.**

Comment: Given the current location of the residence, there are not many alternatives available to the proposed setback variation being requested aside from a major remodel or redevelopment of the existing residence. It could be argued that alternatives could negatively impact the existing character of the residence making it less harmonious with neighboring properties or create an insufficient or less functional design to meet applicable building codes. However, the PZB may wish to ask why certain alternative designs are not feasible.

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

Comment: The approval of the setback reduction would be the minimum relief for the petitioner given their current proposal.

Legal Notice & Rescheduling of the Public Hearing

This case was initially noticed for consideration at the PZB's July 9, 2024 meeting, however the required sign was not posted before the deadline. In response, the City withdrew the case from the July 9 agenda and published a new notice, sent a new mailing, and posted the required sign in advance to allow consideration at the PZB's July 23, 2024 meeting.

PZB Procedure and Recommended Conditions

Under Section 12-3-6.F (Procedure for Review and Decision for Standard Variations) of the Zoning Ordinance, the PZB has the *final* authority to approve, approve subject to conditions, or deny the above-mentioned standard variation request for the building setback at 1242 White Street.

Consideration of the request should be based on a review of the information presented by the applicant and the findings made above, as specified in Section 12-3-6.H (Findings of Fact for Variations) of the Zoning Ordinance. If the PZB approves the request, staff recommends the following conditions.

Conditions of Approval:

1. Architectural plans included with this variation may be revised during final building permit review process without requiring an amendment to this variation ordinance, provided there is no increase in front yard encroachment or building height and the approved plans conform with Building Design Standards in Section 12-3-11.
2. The covered landing area shall be constructed with an open-air design on front and sides of the roof structure with the exception of supporting members required by building code.

Member Saletnik noted that the proposed porch and covered entrance are consistent with the character of the neighborhood which includes many houses from a common era that were constructed closer to the front lot line than current requirements allow.

Member Bronakowski agreed that the application materials suggested the request complies with the standards.

Member Veremis inquired about the period of time the residence has been without functioning entry stairs.

Chairman Szabo referenced the applicant's testimony and confirmed it has been more than six months.

Chairman Szabo noted an existing section of missing concrete walk should be replaced.

Member Veremis inquired if the petitioner is aware of the conditions of approval.

Senior Planner Stytz responded that they are aware.

Member Szabo asked if the petitioner would replace their walkway.

Senior Planner Stytz responded that the new landing and new stairs will extend out over the existing walkway.

Member Saletnik clarified that there is a section of the walkway leading up to the new landing and stairs that is missing.

CED Director Jeff Rogers confirmed that staff would ensure that this section of the walkway would be replaced.

Member Saletnik asked if this missing walkway section will be covered in the permit application.

Senior Planner Stytz responded that this is correct.

Chairman Szabo offered members of the public to provide testimony regarding this case.

No members of the public came forward.

Chairman Szabo closed the public hearing and welcomed a motion.

A motion was made by Member Weaver and seconded by Member Veremis to approve the variation with the conditions as listed in the sample motion.

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

NAYES: None

ABSTAIN: None

MOTION CARRIED

3. Address: 1263 Elmhurst Road

Case Number: 24-032-CU

The petitioner is requesting a Conditional Use to allow an auto service repair use in the C-3 zoning district at 1263 Elmhurst Road.

PIN: 08-24-300-015-0000

Petitioners: Ahmet Polat, 25925 N. Arrowhead Drive, Mundelein, IL 60060

Owner: Brotherhood Real Estate Partnership LLC, 1263 Elmhurst Road, Des Plaines, IL 60018

Chairman Szabo introduced the third case on the agenda and opened the public hearing.

Ahmet Polat & Enes Ozcan were sworn in.

Mr. Polat noted that they purchased the property approximately 1 year ago. They have been remodeling the property but were not aware that the conditional use would be required to operate an auto service use on the property. There are four existing service bays and 33 parking stalls on the property. They proposed to have up to 6 employees.

Chairman Szabo inquired about the length of the prior vacancy.

Senior Planner Stytz confirmed that the prior tenant vacated in 2021.

Member Saletnik inquired about the various improvements undertaken by the applicant.

Mr. Polat noted that new signage was also installed.

Chairman Szabo requested confirmation of whether the signage complied with Code requirements.

Senior Planner Stytz confirmed that an application for permit for the signage has not yet been filed.

Member Weaver asked if the petitioner is aware of the ten staff recommended conditions of approval.

Mr. Polat responded that the building will be the same as the mechanic shop before and that all work will be done inside the building.

Member Catalano inquired whether the applicant was aware of the requirement to resurface the parking lot.

Mr. Polat confirmed that they were and could have the parking lot repaved prior to the City Council meeting.

Member Saletnik inquired whether the applicant was aware of the site striping requirement.

Mr. Polat confirmed that they were prepared to comply.

Member Bronakowski asked if the petitioner had plans for the location of the two required handicap spaces.

Mr. Polat responded that the first two parking spaces will be designated as accessible.

Chairman Szabo requested that the applicant affirm they are aware of the new landscaping that was required.

Mr. Polat noted that they believed the original landscaping could be restored.

Member Saletnik was concerned the applicant was not aware that new landscaping improvements would be required.

Chairman Szabo requested a summary of the case from staff.

Senior Planner Stytz provided a summary of the report.

Issue: The petitioner is requesting a Conditional Use to allow an auto service repair use in the C-3 zoning district at 1263 Elmhurst Road.

Petitioner: Ahmet Polat, 25925 N. Arrowhead Drive, Mundelein, IL 60060

Owner: Brotherhood Real Estate Partnership LLC, 1263 Elmhurst Road, Des Plaines, IL 60018

Case Number: 24-032-CU

PIN: 08-24-300-015-0000

Ward: #8, Alderman Mike Charewicz

Existing Zoning: C-3, General Commercial District

Existing Land Use: Vacant building (previous auto service repair use)

Surrounding Zoning: North:C-3, General Commercial District
South:C-3, General Commercial District
East:R-1, Single Family Residential District
West: I1, Commercial (Village of Mount Prospect)

Surrounding Land Use: North:Vacant building (former Church)
South: Auto Service Repair business (commercial)
East:Single Family Residences
West:Multi-tenant Commercial buildings (commercial)

Street Classification: Elmhurst Road is an other principal arterial road under Illinois Department of Transportation (IDOT) jurisdiction.

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

Zoning/Property History: Based on city records, the subject property was annexed in 1965. Aerial imagery indicates that the front, one-story portion of the existing building on the subject property was constructed around 1974 for use as a quick service restaurant. In 2002, the building was remodeled for an auto service repair use. In 2004, the rear, two-story portion of the building was constructed for use as

a storage area for A&T Automotive. A&T Automotive closed in 2021 and the subject property has been vacant since.

There have been some code enforcement violations on the subject property related to property maintenance, debris, and vehicles parked on site without license plates. Staff sent a nuisance abatement letter on June 17, 2024 detailing the violations to be addressed. While the petitioner has worked with staff to begin addressing these issues, all violations will need to be resolved prior to the issuance of any business license or building permit for the proposed use.

Project Description:

Overview

Petitioner Ahmet Polat has requested a Conditional Use Permit to operate an auto service repair facility, C3 Auto Corp, at 1263 Elmhurst Road. The subject property contains a single building with a surface parking area as shown in the attached Land Title Survey. The existing building is vacant and is proposed to be used solely for auto service repair activities of the C3 Auto Corp business. The subject property is an interior lot fronting Elmhurst Road on the west with a single access point.

Floor Plan and Elevations

The existing building varies in height with a one-story section in the front housing the four service bays with an office/reception area and a two-story section in the rear housing office, storage, and staff areas as shown on the attached Floor Plans. The proposal does not include the interior alteration of the building, its rooms, or its location. There are also no plans to alter the existing exterior building materials, which consist of brick and wood paneling for the front, one-story building portion and concrete blocks for the rear, two-story building portion.

Off-Street Parking and Access

Pursuant to Section 12-9-7 of the Des Plaines Zoning Ordinance, auto service repair facilities are required to provide two parking spaces per service bay and one space for every 200 square feet of accessory retail. As such, a total of ten off-street spaces are required for the proposed business, including a minimum of one accessible space. The attached Site Plan indicates that the petitioner will restripe the parking area to accommodate a total of 25 off-street parking spaces on site: eight along the north property line at the rear of the property and 17 along the south property line. However, no accessible spaces are indicated on the Site Plan. Pursuant to Section 12-9-8, a total of two accessible spaces are required for properties with between 21 to 50 off-street parking spaces. As such, staff have added a condition that the Site Plan is revised to show the required accessible spaces as well as identify the remaining space designations for customer, employee, and vehicles waiting to be serviced. The parking area on site is in disrepair so staff have added a separate condition requiring the pavement areas to be repaved and restriped to match the attached Site Plan.

Landscaping and Screening

The existing property is void of any landscaping and the petitioner’s proposal does not include the addition of any new landscaping. However, given the positioning of the subject property along a major commercial corridor in the City and ample space in front of the building and parking area, staff have added a condition that the attached Site Plan is revised, or a separate Landscape Plan is provided, to provide the following improvements in conformance with Chapter 10 “Landscaping and Screening” of the Zoning Ordinance:

- The installation of a minimum 3-foot-wide foundation landscaping bed along the west building elevation/front walkway and installation of a turf, landscape, or combined turf and landscape area in the remaining space between the west building elevation and the west property line;
- The installation of a minimum 3-foot-wide landscape bed around the base of the existing pole sign; and
- The installation of a minimum 8-foot-wide, 100-square-foot landscape bed on the southwest corner of the subject property between the west property line and the parking area.

In addition, the attached Site and Context Photos show that the existing dumpster on site is stored outside without an enclosure. As such, staff have added a condition that a dumpster enclosure shall be installed in conformance with Section 12-10-11 of the Zoning Ordinance and all garbage, used tires, and any other debris shall be kept in the dumpster enclosure at all times.

Business Operations

The C3 Autos Corp business will be open 8:00 a.m. to 5:00 p.m. Monday through Friday, 9 a.m. to 3 p.m. on Saturdays, and closed on Sundays. Their services include tune-ups and servicing for the brake system, engine, exhaust system, tires, and transmission. They will also offer auto accessories for sale and installation on site. A maximum of six employees—two managers and four laborers—will be present on site at a given time.

Conditional Use Findings: Conditional Use requests are subject to the standards set forth in Section 12-3-4(E) of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is provided below and in the attached petitioner responses to standards. The Board may use the provided responses as written as its rationale, modify, or adopt its own.

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

Comment: The proposed business is classified under the auto service repair use, which is a Conditional Use as specified in Section 12-7-3.K of the Zoning Ordinance for properties in the C-3 General Commercial District.

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

Comment: The Comprehensive Plan designates this property as commercial and strives to foster growth

commercial businesses in Des Plaines. This property is positioned along a major commercial corridor in the City surrounded by commercial development on all sides except the west side where the property abuts single family residences. The addition of commercial uses, such as an auto service repair use, at the subject property falls within the general principles and goals of the Comprehensive Plan.

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

Comment: The existing building has been remodeled for an automotive repair use and was previously occupied by an automotive service repair shop. The proposed auto repair facility will make additional improvements to the subject property, so it is consistent with surrounding commercial development. The petitioner proposes to rework and restripe the existing parking and drive aisle area to improve functionality and revitalize the subject property so that it blends better with the surrounding commercial uses and structures. Staff have added a condition to add landscaping and improve the screening of the subject property from neighboring properties.

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

Comment: The proposed auto service repair use would conduct their services within the building reducing any hazardous or disturbing effects to existing neighboring uses. The footprint and height of the existing building will remain the same. However, the parking area and drive aisle will be redesigned to improve circulation and operations on site. The auto service repair use is consistent with and complementary to other commercial uses in the area.

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 previous uses, including a former auto service repair use, were adequately served by essential public facilities and services. The existing single curb cut will remain as is and is sufficient to provide access to the site. As such, staff do not have concerns that the proposed auto service repair use will be adequately served by essential public facilities and services.

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 former uses, including an auto service repair use, have not created a burden on public facilities and have not been detrimental to the economic well-being of the community. Thus, there are no anticipated concerns for the community as a result of the Conditional Use Permit for the proposed auto service repair use at this location.

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 will take place inside the building to reduce any noise, smoke fumes, glare, or odors. The petitioner will store and dispose of all waste within designated trash enclosures and comply with all local, state, and federal regulations regarding the disposal of hazardous chemicals. The Fire

Prevention Bureau will require information pertaining to waste oil removal arrangements to ensure waste oil is removed from the site on a regular basis. Staff have added a condition to add landscaping and screening to improve the aesthetics of the property.

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

Comment: The proposal utilizes the existing curb cut on the subject property and maintains the existing wide drive aisles to accommodate two-way travel and ample maneuver space for vehicles entering and exiting the service bays.

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 proposal would not cause the destruction, loss, or damage of any natural, scenic or historic features of major importance. The building and site were already developed for commercial use.

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

Comment: The proposal will meet all other requirements of the Zoning Ordinance for the C-3 General Commercial District.

PZB Procedure and Recommended Conditions: Under Section 12-3-4.D (Procedure for Review and Decision for Conditional Uses), the PZB has the authority to *recommend* that the City Council approve, approve subject to conditions, or deny the above-mentioned conditional use permit for the auto service repair use at 1263 Elmhurst Road. Consideration of the request should be based on a review of the information presented by the applicant and the findings made above, as specified in Section 12-3-4.E (Standards for Conditional Uses) of the Zoning Ordinance. If the PZB recommends approval of the request, staff recommends the following conditions.

Conditions of Approval:

1. The parking area shall be repaved with a dust-free hard surface and the parking spaces shall be painted on the property to match the approved Site Plan. A revised parking striping plan may be approved by the Community and Economic Development Department if the plans meet requirements of Section 12-9-6 and Site Plan Review standards pursuant to Section 12-3-2.B.
2. The Site Plan shall be revised prior to City Council review to identify the off-street parking spaces designated for customers, employees, and vehicles waiting for service, and to accommodate a minimum of two accessible parking spaces in compliance with all City of Des Plaines codes.
3. Prior to City Council review, the Site Plan shall be revised, or separate Landscape Plan provided, to show the installation of the following improvements in compliance with Section 12-10 of the Zoning Ordinance: (i) a minimum three-foot-wide foundation landscape bed along the west building elevation and front walkway surface; (ii) a turf, landscape, or combined turf and landscape area in front of the building between the foundation landscaping area and west property line; (iii) a three-foot-wide landscape bed around the base of the existing pole sign; and (iv) a minimum eight-foot-wide, 100-square-foot landscape area on the southwest corner of the property between the parking area and the west property line.
4. Inoperable vehicles shall not be parked or stored outdoors on the Subject Property except vehicles

actively being serviced. Vehicles may only be parked in striped spaces.

5. Only four service bays shall be allowed for the life of this conditional use.
6. No auto body related activities are permitted unless this conditional use is amended. Sale and display of motor vehicles or parking of vehicles unrelated to the auto service repair use is not permitted at any time.
7. Used tires may only be stored inside the building, a dumpster, a fully enclosed fence enclosure, or a permitted accessory structure. A contract with a tire disposal company must be provided to staff, or an affidavit must be signed attesting that no used tires will be stored on site.
8. Prior to the time of building permit, the petitioner shall obtain the Des Plaines Fire Department's review and written approval of all waste oil removal arrangements and practices for the Subject Property.
9. The dumpster shall be stored inside the building or within a dumpster enclosure in compliance with Section 12-10-11 of the Zoning Ordinance at all times.
10. Any and all property violations shall be resolved to the satisfaction of staff prior to the issuance of any business registration.

Member Saletnik inquired about any outstanding violations upon the property.

Senior Planner Stytz summarized a few open violations relating to parking of vehicles, accumulation of rubbish, and tall grass and weeds.

Member Saletnik asked if all debris had been removed from the property.

Senior Planner Stytz responded that many of the items were addressed but that staff would need to confirm.

Member Saletnik recommended that the applicant resolve all items summarized in the staff motion prior to appearance at the City Council.

Member Weaver thanked staff for the thoughtful preparation of the proposed conditions.

Member Bronakowski requested confirmation of the quantity of vehicles parked on the property under normal operations.

Ahmet Polat suggested that 6 employee vehicles and 2 vehicles per service bay would be typical.

Member Veremis requested clarification of the condition which refers to inoperable vehicles. She surmised that most vehicles might be considered inoperable if they are awaiting parts or service.

Member Saletnik offered that condition 4 did not include inoperable vehicles that were "actively being serviced."

Discussion ensued regarding the meaning of these terms.

Member Veremis inquired whether the landscaping requirements were applicable to the prior tenant.

Senior Planner Stytz clarified that the site was developed prior to the adoption of the current Code requirements regarding landscaping.

Member Saletnik recommended the applicant retain a civil engineer and/or a landscape architect. Their architect would assist with the preparation of plans.

Chairman Szabo asked if any members of the public sought to provide testimony regarding this case.

No members of the public came forward.

Chairman Szabo closed the public hearing and welcomed a motion.

A motion was made by Member Weaver and seconded by Member Bronakowski to recommend approval of the request to the City Council with the staff recommended conditions as written.

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

NAYES: None

ABSTAIN: None

MOTION CARRIED

4. Address: Citywide **Case Number:** 24-033-TA

The City is proposing text amendments to the Zoning Ordinance related to the screening of mechanical equipment.

PIN: Citywide

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

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

Chairman Szabo introduced the case, opened the public hearing, and requested staff's summary of the proposed text amendment.

Senior Planner Redman summarized the proposed text amendments relating to mechanical equipment on the ground and upon roofs.

Issue: Consider Zoning Ordinance amendments to: (i) add or revise requirements for rooftop-installed mechanical equipment screening and ground-installed mechanical equipment in Section 12-10-11 of the Zoning Ordinance; and (ii) specify a minor variation process for mechanical screening within Section 12-3-6 of the Zoning Ordinance.

PIN: Citywide

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

Case Number: #24-033-TA

Background

The purpose of the amendments is to clarify mechanical screening requirements, specifying screening necessary for ground-installed and rooftop-installed mechanical equipment. Mechanical equipment commonly includes generators or HVAC equipment. Existing screening requirements for mechanical equipment are within Chapter 10 – Landscaping and Screening. The proposed amendments support the overall purpose of the landscaping and screening chapter:

“The landscaping and screening requirements established herein are intended to preserve and enhance the appearance, character, health, safety, and general welfare of the community by fostering aesthetically pleasing development. The regulations are intended to increase the compatibility of adjacent uses, and minimize the adverse impact of noise, dust, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted on or created by adjoining or neighboring uses.”

Mechanical screening can serve many purposes, with two main objectives: (a) create a consistent, aesthetically pleasing appearance with the existing or proposed architecture of a building and (b) provide noise attenuation for mechanical equipment. Presently, only ground-installed mechanical equipment requires screening. The proposed amendments expand requirements to roof-top units and clarify requirements for ground-installed equipment.

Existing Requirements

Below are the existing screening requirements for reference from Section 12-10-11.B. Refer to the Proposed Amendments attachment and details in the following sections.

“B. Mechanical Equipment: Large mechanical equipment for commercial, industrial, institutional, or residential developments with more than four dwelling units shall be screened on all sides by a masonry enclosure, except as otherwise permitted by the zoning administrator.

1. Required Height: The masonry or solid wood enclosure shall completely screen the mechanical equipment from public view and extend to a height of not less than the maximum height of the mechanical equipment installed, including the height of any concrete pad or base where the mechanical equipment is installed.
2. Required Landscaping: The masonry enclosure shall be fully screened by a minimum 3-foot-wide landscape bed with planting material proportionate to the required height of the masonry enclosure consisting of a combination of perennials and shrubs.
3. Materials: Additional considerations, including the installation of noise dampening materials, may be required to reduce noise levels generated from large mechanical equipment and minimize impact to surrounding properties pursuant to Section 6-2-7.”

Examples from Other Municipalities

The zoning ordinances or design guidelines of eight surrounding municipalities were referenced and considered while shaping the proposed amendments. All eight municipalities required mechanical equipment screening for ground-installed and rooftop mechanical equipment; Des Plaines was the outlier without any screening requirements for rooftop equipment. Refer to the Surrounding Municipality Research attachment.

Proposed Amendments

Applicability

The proposed amendments specify that screening requirements must be followed when new equipment is installed for commercial, manufacturing, institutional, or residential buildings with four or more dwelling units. However, to limit financial burden on existing property owners with older equipment, the replacement of roof-top mechanical equipment with units in the same place and same or shorter height does not require new screening if none was previously provided. Replacement of ground-installed equipment must have screening installed, regardless of whether existing screening exists, to maintain safety and security of equipment and provide assurances about noise attenuation. Structures associated with venting (i.e. chimneys or other vents) are exempt from screening requirements.

Location

The amendments state that mechanical equipment is encouraged to be located within the principal structure. However, locating a unit outside of a structure may be necessary due to space or safety constraints in the building. In these circumstances, the zoning ordinance either currently requires or would require (with the proposed amendments) additional screening to limit the visibility of the units. While mechanical equipment can be installed outside, the proposed amendments expand the existing enclosure material options to achieve effective screening of said equipment, regardless of its location.

Ground-installed mechanical equipment

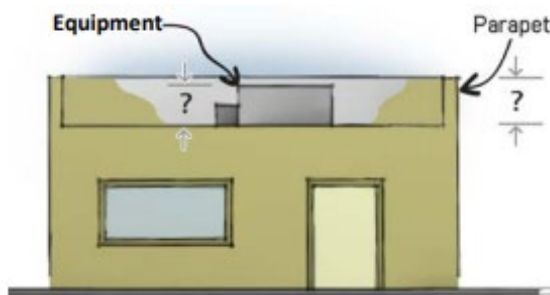
The amendments to this section include specifying requirements for ground-installed versus roof-top installed mechanical equipment. The amendments propose that an enclosure can be made from masonry, concrete, or solid wood of a compatible color with the principal structure. The required height (six feet), landscaping (three feet of landscaping around the enclosure), and applicability (commercial, industrial, institutional or residential developments with four or more dwelling units) remain unchanged from the existing requirements.

Roof-top installed mechanical equipment¹

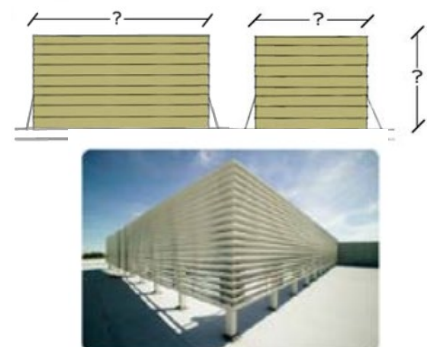
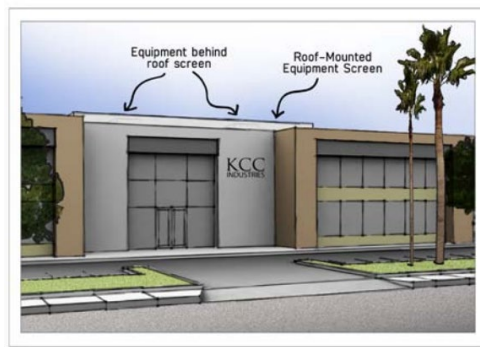
Currently no zoning regulations exist for screening rooftop-installed mechanical equipment. This section was added, with inspiration from the zoning codes of other municipalities, to specify the required height and materials for screening of roof-top equipment. Requirements are similar to the ground-installed mechanical equipment, requiring complete screening of the equipment with materials compatible with the building.

Common methods of roof-top screening are permitted with this code section and may include:

1. Expansion of parapet

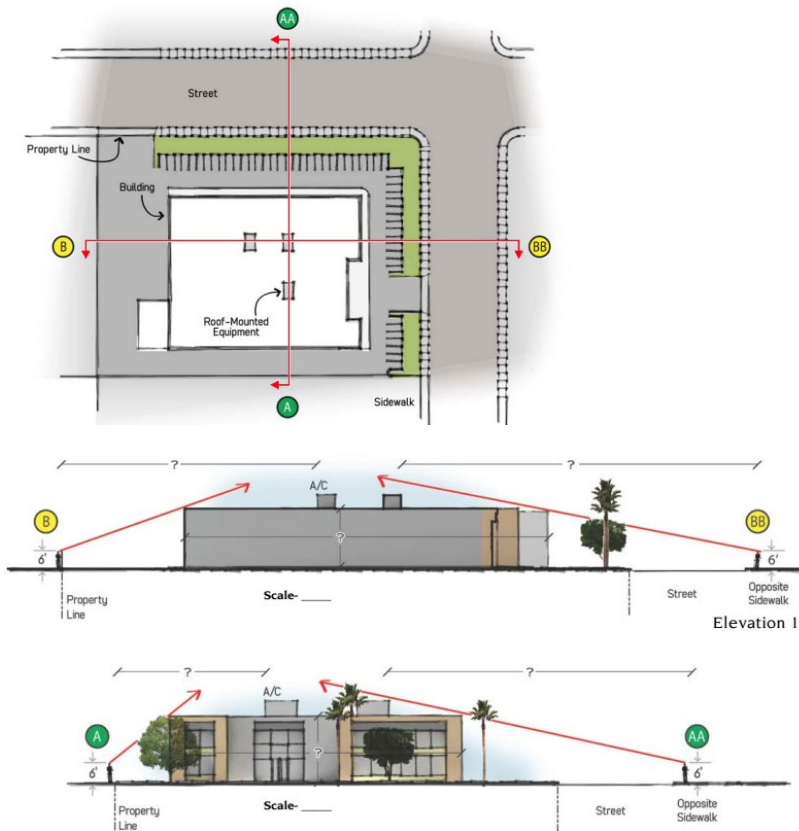


2. Roof-mounted equipment screen



The required height section also defines the location where the Zoning Administrator must determine if the mechanical equipment is “visible.” The example line-of-sight diagram below depicts the proposed rules. This type of diagram may be required for the installation of this type of equipment if the Zoning Administrator needs additional information to determine whether it meets requirements.

¹ Diagrams/Illustration Source: Anaheim, California Roof-Top Equipment Screening Handout, Feb 2018, <https://www.anaheim.net/DocumentCenter/View/3150/Roof-Mounted-Equipment-Screening>



Noise

An important component of screening is the ability to absorb or deflect noise using the screening material. The amendments specify that any mechanical equipment must be in compliance with the City noise ordinance and acoustical paneling may be required to mitigate any noise disturbance. Although compliance with the noise ordinance is necessary regardless of the approval of the proposed amendments, the amendments propose additional safeguards to affirm that disturbances from sound are properly mitigated.

Minor Variation

The existing requirements require a masonry enclosure “unless otherwise permitted by a zoning administrator.” To clarify the process for the zoning administrator’s approval of alternative materials, an amendment to Section 12-3-6 provides authorization for the Zoning Administrator to review a minor variation to allow a property or development to vary from the required height, landscaping, and materials specified in Section 12-10-11.B. However, a *major* variation would be necessary to authorize a building permit where *no* screening is proposed for either ground- or rooftop-installed mechanical equipment, as a lack of any screening could have more significant implications for the aesthetics and noise impacts of a building to the surrounding neighborhood.

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 ground-installed mechanical equipment is screened and expand screening requirements to include rooftop-installed mechanical equipment. This supports the overall goal of the Comprehensive Plan to provide conditions for an aesthetically pleasing and inviting environment for residents and visitors.

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

The amendments serve to expand and clarify screening requirements for mechanical equipment within the City. The intent with screening is to encourage architectural cohesiveness with all elements, including mechanical equipment, serving to create a coherent character for the architecture of new and existing buildings.

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

The proposed amendments will not affect public facilities and services.

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

The proposed amendments are intended to benefit the value of surrounding properties, improving the aesthetics of buildings with roof-top equipment, clarify the type of screening required for ground-installed equipment, and reduce the likelihood of noise pollution caused by lack of proper screening.

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

The proposed amendments encourage aesthetic improvements to new construction and, in certain circumstances, require screening for existing buildings that install or replace mechanical equipment. This supports creating cohesive architecture for commercial, industrial, institutional, or larger residential buildings throughout the city.

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.

Member Saletnik referred to the proposed materials and suggested the Code be amended to include potential metal panel or siding materials.

Senior Planner Redman noted that the board could introduce additional materials or rely upon the minor variation process for consideration of alternative solutions.

Chairman Szabo suggested that the proposed text amendment was welcomed and would improve the visual appearance of development throughout the community. The screening would provide additional sound attenuation properties, also.

Member Weaver thanked staff for including information for other area communities. He preferred the staff draft amendments as they provide additional clarity versus the current requirements of other communities.

Member Saletnik was concerned that being too limiting may create cost, performance, weight, or other issues. He asked if the proposed amendments would be forcing parapet materials.

Senior Planner Redman responded that the material allowance could be expanded.

Chairman Szabo noted the alternate solution of a mechanical penthouse.

Member Saletnik noted that basing the visual impact of the mechanical equipment from across the street may not be good enough; may need to extend the distance based on the equipment size. Senior Planner Redman clarified that staff were attempting to find a middle ground with the visibility measurement.

Senior Planner Redman suggested removing specific materials from the amendment and instead referencing “a color and materials compatible with the principal structure.”

Member Saletnik discussed the limitations of visual screening for sound attenuation purposes.

Member Veremis inquired about structural requirements for these systems to ensure they will meet wind load requirements.

Senior Planner Redman confirmed that the designs would be reviewed for Code requirements.

Member Bronakowski requested a summary of the applicability section of the amendment to existing businesses.

Senior Planner Redman noted that the proposed amendments would require these improvements for the installation of new equipment or replacement equipment that is taller or bigger than the existing mechanical equipment. It is not required for maintenance or the removal and replacement of mechanical equipment of a similar size and height.

Member Weaver noted that other municipality’s codes for this are vague, and the proposed amendments are specific and better. He asked what screening materials we are trying to exclude.

Senior Planner Redman responded that the intent is prohibit certain materials, such as metal, that are not fully opaque to adequately screen the mechanical equipment appropriately.

Member Bronakowski asked if the proposed amendments are consistent with other cities.

Senior Planner Redman confirmed that they are consistent.

Chairman Szabo offered members of the public the opportunity to provide testimony regarding this case.

No members of the public came forward.

Chairman Szabo closed the public hearing and welcomed a motion.

A motion was made by Member Weaver and seconded by Member Bronakowski to recommend approval of the proposed text amendments as amended to the City Council.

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

NAYES: None

ABSTAIN: None

MOTION CARRIED

Other items:

None.

ADJOURNMENT

Chairman Szabo adjourned the meeting by affirmative voice vote at 9:19 p.m.

Sincerely,

Jeff Rogers/Recording Secretary

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