



**DES PLAINES PLANNING AND ZONING BOARD MEETING
August 13, 2024
MINUTES**

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, August 13, 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, Bronakowski, Saletnik, Veremis, Szabo
ABSENT: Fowler
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 Weaver, seconded by Board Member Catalano to approve the meeting minutes of July 23, 2024, with corrections provided to staff.

AYES: Weaver, Saletnik, Veremis, Bronakowski, Szabo, Catalano
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: 125 E Oakton Street

Case Number: 24-037-CU

The petitioner is requesting a Conditional Use for a Leasing/Rental Agent, Large Equipment use in the M-2 General Manufacturing district at 125 E. Oakton Street.

PIN: 09-30-100-015-0000; -016

Petitioner: Bryan Olson, 125 E. Oakton Street, Unit 2, Des Plaines, IL 60018

Owner: Pepper Real Estate Holdings, 411 Lake Zurich Road, Barrington, IL 60010

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

Jake Panter, Brian Olson, & Cole Breese were sworn in.

Mr. Panter introduced the request. Equipment rental was recently added as a conditional use via a text amendment adopted by the City. The proposed use would serve the local construction contracting community. Hours of operation would be between 7am-4pm. No disruptions in neighboring businesses. Site improvements have been previously approved, but some minor site plan changes are proposed. The tenant space to be occupied by the equipment rental business occupies the east half of the building.

Mr. Panter reviewed the proposed site improvements. A new 8-foot chain-link fence would enclose the parking area on the east side of the building with an area of outdoor storage at the southeast corner of the building enclosed within a 12-foot solid privacy fence. Modifications to an existing ground sign at the northwest corner of the property would accommodate a different tenant in the building. A new monument sign along the front of the property would be installed identifying 365 Equipment & Supply.

Member Weaver inquired about the property ownership and ownership of the businesses within the various tenant spaces.

Brian Olson confirmed that Pepper Construction owns the property and the building and occupies a tenant space in the northwest corner of the property. 365 Equipment & Supply is a subsidiary of Pepper Construction.

Member Weaver inquired about Pepper Construction's relationship to the third tenant, Feldco.

Brian Olson confirmed that Pepper Construction does not have any ownership in Feldco, instead Feldco is a tenant in Pepper Construction's building.

Chairman Szabo inquired about the typical operations and rental of equipment to contractors.

Cole Breese clarified that large construction vehicles including mobile cranes, excavators, large forklifts, etc. are stored at an offsite location in Barrington and would be rented exclusively from that location. This location would focus on scissor lifts and UTV's.

Chairman Szabo requested a case summary from staff.

Senior Planner Stytz provided a summary of the case.

Issue: The petitioner is requesting Conditional Use for a Leasing/Rental Agent, Large Equipment use in the M-2 General Manufacturing district at 125 E. Oakton Street.

Petitioner: Bryan Olson, 125 E. Oakton Street, Unit 2, Des Plaines, IL 60018

Owner: Pepper Real Estate Holdings, 411 Lake Zurich Road, Barrington, IL 60010

Case Number: #24-037-CU

PINs: 09-30-100-015-0000; -016

Ward Number: #5, Alderman Carla Brookman

Existing Zoning: M-2, General Manufacturing

Existing Land Uses: Warehouse uses (industrial); equipment leasing/rental agent (commercial)

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 Uses: North:Bus and coach company (commercial); paper mill (manufacturing)
South:Oil Wholesaler (commercial)
East:Logistics company (industrial)
West:Home goods store (commercial)

Street Classification: Oakton Street is classified as a minor arterial road under Illinois Department of Transportation (IDOT) jurisdiction and Winthrop Drive is classified as a local road under City of Des Plaines jurisdiction.

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

Property/Zoning History: *Background and Current Uses*
The property at 125 E. Oakton Street was annexed into the City in 1960. Aerial imagery indicates that the subject property was developed in 1972 as a commercial building situated on the western portion of the lot. In 1986, a warehouse addition was constructed on the eastern side of the existing building to create the current building on site today. Since this addition, the building has been utilized for a variety of retail and warehouse uses. Currently, two warehouse uses—Feldco and Pepper Construction—operate on the subject property each occupying one of the two tenant spaces in the building. Feldco is located in the southwestern portion of the building under the address of 1646 Winthrop Drive while Pepper Construction currently comprises the remainder of the building under 125 E. Oakton Street.

Text Amendment for Leasing and Rental of Equipment

A new business, 365 Equipment and Supply, approached staff with a request to locate their equipment leasing and rental business at 125 E. Oakton Street. However, the Zoning Ordinance did not permit *leasing/rental agents, equipment* uses in the M-2 district. As such, staff worked with the petitioner to draft a staff report to allow equipment leasing and rental agent uses in the M-2 district under two separate categories: small and large equipment. On June 17, 2024, City Council passed Ordinance Z-11-24 (attached) that allowed the leasing/rental of small equipment as a permitted use and leasing/rental of large equipment as a conditional use in the M-2 district.

Proposed Use and Required Entitlements

After approval of the text amendment, 365 Equipment and Supply applied for a business registration to operate on the subject property in addition to the existing tenants. It is related to the existing Pepper Construction business and will utilize part of the east building portion for their operations. While much of the equipment this business intends to lease and rent is classified as small equipment—and are permitted by right—other equipment is classified as large equipment and requires a conditional use approved by City Council in order to operate. In addition, 365 Equipment and Supply looks to store materials outside within a fenced enclosure. However, the materials to be stored and the fence enclosure itself is proposed to be 12 feet tall, which exceeds the maximum height allowances for each and requires minor variations to be considered by the Zoning Administrator.

Address Assignment

In response to the new tenant on the subject property, staff completed an address assignment for the subject property to properly address all three tenant spaces under 125 E. Oakton Street and provide unique suite numbers for each use (see attached Address Assignment Map) based on the delineation of the tenant spaces noted on the attached Site Plan and attached Architectural Plans.

Outstanding Permits and Violations

City records indicate that multiple remodeling permits—some of which have since expired—and multiple sign permits have been submitted for the subject property to accommodate for the third tenant. City records also indicate that there are multiple fire code violations on the subject property, some of which are currently outstanding and would need to be rectified to complete this process.

CONDITIONAL USE

Request Description:

Overview

The subject property consists of two separate parcels located in the M-2 General Manufacturing district at 125 E. Oakton Street and under common ownership. The subject property is a total of 4.63 acres in size and is located at the southeast corner of the Oakton Street and Winthrop Drive intersection

with two existing curb-cuts off each street. The attached Address Assignment Map summarizes the addresses assigned to each business as well as its approximate location in the building. While the existing uses are denoted as permitted uses in the M-2 district, the requested *Leasing/Rental Agents, Large Equipment* use requires a conditional use as noted in the attached Ordinance Z-11-24 document, which approved an allowance of this use type in the M-2 district.

Floor Plan and Elevations

As noted above, Feldco and Pepper Construction currently operate in the existing building with Pepper Construction occupying a majority of the space. However, this existing arrangement will be altered to accommodate the 365 Equipment and Supply business, which is proposed for the far east portion of the building. The attached Site Plan shows the reallocation of building space to fit a separate office and warehouse space for 365 Equipment and Supply. This plan designates the building areas for each use, which are summarized below.

Floor Breakdown*		
Feldco	Pepper Construction	365 Equipment and Supply
<ul style="list-style-type: none"> • Located in the southwest corner of building • 35,000 SF total area including office and warehouse space 	<ul style="list-style-type: none"> • Located in the northwest and southeast corners of the building • 19,000 SF office space and 54,000 SF warehouse space shared with 365 Equipment & Supply 	<ul style="list-style-type: none"> • Located in the northeastern and southeastern portions of the building • ~5,000 SF office space and 54,000 SF warehouse space shared with Pepper Construction

****Values based off most recent Site and Grading Plan set; subject to change.*** The petitioner noted in the attached Project Narrative that all equipment available for lease or rent will be stored inside the building and the warehouse area would include a separate space to clean and maintain the equipment once returned. The PZB may wish to ask the petitioner for additional clarification on how the 54,000-square-foot warehouse use will be utilized between Pepper Construction and 365 Equipment and Supply.

The proposal does alter both street-facing building facades requiring it to meet the Building Design Materials in Section 12-3-11 of the Zoning Ordinance. The attached Architectural Plans note proposed window, garage door, and building sign additions but the existing compliant face brick exterior building material will remain the same. However, industrial buildings are required to have at least 20 percent transparency for office spaces. As such, staff has added

a condition that the elevations are adjusted to meet the transparency requirements in Section 12-3-11 or a minor variation is requested.

Off-Street Parking

Sections 12-9-7 and 12-9-8 of the Zoning Ordinance govern the number of off-street standard and accessible parking spaces required based on the property uses. Based on the attached Site Plan, 149 parking spaces will be available on the subject property, including five accessible spaces. The table below summarizes the allocation of all available parking spaces shown on the attached Site Plan to confirm compliance with Sections 12-9-7 and 12-9-8.

Required Off-Street Parking			
Use	Required Parking	Designated Spaces	Parking Space Surplus/Deficit
<i>Warehouse</i> (Feldco)	24 spaces <i>(One space per 1,500 SF)</i>	21 spaces	3 spaces
<i>Warehouse</i> (Pepper Construction)	49 spaces <i>(One space per 1,500 SF)</i>	115 spaces	66 spaces
<i>Leasing / Rental Agent</i> (365 Equipment & Supply)	10 spaces <i>(One space per 500 SF of showroom and office floor area, plus one space for every 20 vehicle display spaces)</i>	13 spaces <i>(no proposed vehicle display spaces)</i>	3 spaces
Off-Street Parking Totals	83 spaces (four accessible)	149 spaces* (five accessible)	66 spaces

**Some of these parking stalls may be removed or modified in accordance with the current proposal to comply with drive aisle and design requirements.*

As noted in the table, there is a sufficient supply of parking spaces on the subject property. However, the allocation of parking spaces needs to be adjusted in order to ensure that an adequate number of parking spaces are available for each use as required by the Zoning Ordinance. As such, staff have added a condition requiring the petitioner to reallocate the parking spaces on the Site Plan to meet the minimum parking requirements for each use to

conform to Sections 12-9-6, 12-9-7, and 12-9-8 of the Zoning Ordinance.

Access and Circulation

There are currently two full access curb cuts off both Oakton Street and Winthrop Drive providing access to the subject property, which will both be maintained as part of this proposal without any changes. While both curb cuts are wide at the street, the specific width of these curb cuts is not identified on the ALTA-NSPS Land Title Survey or the Site Plan. Section 12-9-6 of the Zoning Ordinance requires drive aisles to be a minimum of 22 feet in width for two-way travel and a minimum of 12 feet in width for one-way travel. If this width cannot be obtained, then the direction of travel of the entrances to the subject properties will need to be adjusted as necessary to ensure adequate access to and from both sites.

Depending on the access type for these entrances (i.e., one-way or two-way), existing striped parking spaces may need to be altered or removed to accommodate the appropriate drive aisle width. To this end, staff have added a condition that the parking space dimensions, drive aisle widths, and direction of travel arrows for all drive aisles are added to the Site Plan to ensure the code requirements are met.

Landscaping and Screening

The existing site contains some natural vegetation along its north and west boundaries and minimal landscape improvements up near the front of the building. The City's 2019 Comprehensive Plan promotes enhancements to landscaping and screening to improve the appearance of the Oakton corridor, especially on larger properties where additional space is often available to install these types of improvements. Given that the subject property is located along the Oakton Street corridor, additional landscaping considerations should be made to improve—at a minimum—the northern boundary of the subject property abutting Oakton Street to meet this goal. The Comprehensive Plan also considers revisions and administrative flexibility towards the landscape code to consider the context of existing developments while continuing to promote landscaping improvements on properties with existing open space constraints.

There are clear space constraints on the west side of the property both along the building foundation and property line abutting Winthrop Drive due to the existing parking area layout. However, there is more open space available along the north portion of the building both along the building's foundation and the north property line abutting Oakton Street. The attached Site Plan denotes the installation of a three-foot-wide foundation landscape area along a portion of the north building elevation behind a new row of parking spaces. However, the specific details of the landscape improvements are not shown. Since these details are not provided and in alignment with the Comprehensive Plan, staff have added a condition requiring a diagram—either as a separate landscape plan or as a detail on the attached Site Plan—illustrating the existing

landscape improvements on the subject property and detailing the following required improvements:

- The plant names and quantities proposed for the minimum three-foot-wide foundation landscape bed in conformance with Section 12-10-10 of the Zoning Ordinance; and
- The plant names and quantities proposed for the minimum five-foot-wide foundation landscape bed in between the north parking area and the north property line in conformance with Section 12-10-8.B of the Zoning Ordinance, noting that where space constraints exist all of the available space shall be improved with landscaping.

Existing and Proposed Signs

The current building contains two wall signs and one awning sign, all for the existing Feldco warehouse use. While no changes to these signs are proposed, new wall and monument signs are proposed for both the Pepper Construction and 365 Equipment and Supply uses as illustrated in the attached Sign Plan. The table below summarizes the existing and proposed signs for the subject property. Note that all proposed signs are underlined.

Building Signs			
Sign Type	Tenant	Building Location	Sign Area
Wall <i>(existing)</i>	Feldco	West Elevation <i>(near SW corner)</i>	11 SF
Wall <i>(existing)</i>	Feldco	West Elevation <i>(near NW corner)</i>	11 SF
Awning <i>(existing)</i>	Feldco	West Elevation <i>(middle of building)</i>	11 SF
<u>Wall</u> <i>(proposed)</i>	<u>365 Equipment and Supply</u>	<u>North Elevation <i>(near NE corner)</i></u>	<u>24 SF</u>
<u>Wall</u> <i>(proposed)</i>	<u>365 Equipment and Supply</u>	<u>East Elevation <i>(near NE corner)</i></u>	<u>24 SF</u>
Total building sign area =			81 SF

Ground Signs			
Sign Type	Tenant	Property Location	Sign Area
<u>Monument</u> <i>(Proposed)</i>	<u>Pepper</u> <u>Construction</u>	<u>NW corner of Site</u> <i>(Oakton/Winthrop intersection)</i>	<u>18 SF</u>
<u>Monument</u> <i>(Proposed)</i>	<u>365 Equipment</u> <u>and Supply</u>	<u>North portion of Site</u> <i>(near eastern curb cut off Oakton)</i>	<u>27 SF</u>
Total ground sign area =			45 SF

While the attached sign Plan provides details for the Pepper Construction and 365 Equipment and Supply tenants, staff have added a condition that the petitioner provides at time of building permit a revised sign plan showing the type, dimensions, and locations of all existing and proposed signs on the subject property to conform compliance with Section 12-11 of the Zoning Ordinance.

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

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

Comment: The proposed services are classified under the *leasing/rental agents, large equipment use*, which is a Conditional Use as specified in Section 12-7-3.K of the Zoning Ordinance for properties in the M-2 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 industrial and strives to promote growth and retention of existing industrial businesses in Des Plaines. This property is located along the Oakton Street corridor and is surrounded by industrial development. The addition of the proposed rental/leasing agent use for large equipment at the subject property generally 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 on the subject property has been utilized for a variety of warehousing and manufacturing uses in the past similar to the existing warehouse tenants and arguably related to an equipment leasing/rental business. While there are no proposed changes to the structure size, interior and exterior remodeling is proposed for the building to accommodate the new use. The petitioner also proposes a new row of off-street parking spaces for EV charging and new fencing around the portion of the property devoted for the 365 Equipment and Supply tenant. Staff have added a condition concerning

the reallocation of parking spaces to ensure that all tenants have sufficient parking space and adverse effects on surrounding properties are minimized. However, there are site access, circulation, and parking considerations that have not been fully addressed with the proposal. The PZB may request additional justification and detail from the petitioners as to how all of the uses will coexist and operate on the subject property at the same time.

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

Comment: The proposed large equipment leasing/rental use will store and maintain all equipment within the existing building, which will make it less hazardous and disturbing to surrounding uses. The petitioner has also noted that large equipment such as cranes, excavators, and similar equipment will not be stored on the subject property but on a separate lot they currently operate outside of Des Plaines. With this in mind there are no perceived aspects that would be hazardous or disturbing. However, the delineation and continued maintenance of the different uses throughout the subject property could—if not done properly or consistently—lead to a condition that is hazardous or disturbing to surrounding property owners.

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 uses on this site are adequately served by essential public facilities and services. While the proposal adds a third use to the subject property, staff do not have concerns that this will impact the essential public facilities and services that are currently serving the subject property.

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

Comment: The existing uses have not created a burden on public facilities and have not been detrimental to the economic well-being of the community. There is no indication that the addition of the large equipment leasing/rental business will have negative economic impact on the community or create the need for additional City services provided that it operates according to all requirements in the M-2 district and appropriate screening improvements are installed.

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

Comment: The types of large and small equipment that are proposed to be leased or rented by this business—which account for a majority of the noise, smoke fumes, glare, and odors—will be operated off-site at respective job sites. However, some equipment, based on its type and design, may need to be operated in order to be loaded or unloaded from a vehicle and/or trailer, which could produce noise, fumes, and/or odors. In addition, the location at which the equipment is loaded and unloaded could impact traffic flow depending on its location. The PZB may wish to ascertain from the petitioner how the loading and unloading process will take place and where on the subject property to ensure that considerations are in place to reduce the production of traffic, noise, smoke fumes, glare, or odors.

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 cuts on the subject property so as to not increase any interferences with traffic on surrounding public thoroughfares. However, with the addition of a third use on the subject property, additional adjustments to the Site Plan will be necessary to clearly define the direction of travel and width of the existing drive aisles throughout the subject property to ensure that sufficient access and circulation are maintained for all uses. The same can also be said for the proposed loading and unloading area for 365 Equipment and Supply, which should be clearly striped and located so as not to interfere with access and circulation throughout the property.

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 similar uses.

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

Comment: This proposal with the aforementioned adjustments will meet all other requirements of the Zoning Ordinance for the M-2 General Manufacturing District.

PZB Procedure and Recommended Conditions: Under Section 12-3-4.D (Procedure for Review and Decision for Conditional Uses) of the Zoning Ordinance, the PZB has the authority to *recommend* that the City Council approve or deny the above-mentioned conditional use.

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

Conditions of Approval:

1. Prior to the City Council meeting, the Site Plan shall be revised to: (i) identify the number, dimensions, and designation of all parking spaces ensuring the minimum off-street parking requirements are met for each tenant pursuant to Sections 12-9-7 and 12-9-8 of the Zoning Ordinance; and (ii) identify the width and direction of travel of all drive aisles on the subject property in conformance with Section 12-9-6 of the Zoning Ordinance.
2. Prior to the City Council meeting, the Site Plan shall be revised, or a separate Landscape Plan provided, to illustrate the required: (i) foundation landscape area; and (ii) perimeter parking lot landscaping area between the northern parking areas and the north property line in compliance with Sections 12-10-9 and 12-10-10 of the Zoning Ordinance. This plan shall also detail the location, design, and height of the required enclosure for all dumpsters stored outside.
3. The Building Elevations shall be revised to meet the transparency requirements in Section 12-3-11 of the Zoning Ordinance or a minor variation is requested.
4. Open storage for any of the tenants on the subject property shall be in conformance with Section 12-7-4.E.5.a at all times.

5. At time of building permit, the petitioner shall provide a revised sign plan showing the type, dimensions, and locations of all existing and proposed signs on the subject property to conform compliance with Section 12-11 of the Zoning Ordinance.

Member Weaver inquired about the relationship between the existing tenants, asking if Pepper Real Estate holdings owns 365 Equipment and Supply and Pepper Construction. Mr. Panter responded that this is correct.

Member Weaver inquired if 365 Equipment and Supply is already operating and if Pepper Construction was utilizing the east portion of the building where 365 Equipment and Supply is proposed. Mr. Panter responded that 365 Equipment and Supply is operating, and Pepper Construction is not utilizing any portion of the east building side.

Member Weaver asked if Feldco is a separate entity and if there is any change to their space in the building. Mr. Panter responded that Feldco is a separate entity from the other two businesses and its current building area will not change.

Member Weaver asked if there are any changes to the building area for Pepper Construction. Mr. Panter responded that the current building area for Pepper Construction will not change.

Member Saletnik asked if 365 Equipment and Supply will deliver larger equipment. Mr. Planter confirmed that larger equipment would be delivered to the jobsite. The showroom on the subject property will house smaller equipment for lease and rental.

Member Saletnik asked what is considered large equipment. Mr. Planter responded equipment such as excavators, scissor lifts, utility task vehicles, etc.

Member Weaver inquired whether the City's Public Works & Engineering (PWE) Division had reviewed the proposed plans and whether any recommendations from that review are included in staff's draft motion. Senior Planner Stytz responded that the PWE has reviewed and commented on the proposal and their comments have been added into the staff report.

Member Saletnik requested confirmation that scissor lifts would be stored and rented from this site. Mr. Planter responded that they would be stored on the subject property inside the building.

Chairman Szabo inquired about indoor or outdoor storage of scissor lifts and bobcats. Cole Breese confirmed that scissor lifts would be stored indoors while bobcats would likely be stored outdoors.

Chairman Szabo opened public comment. No members of the public came forward. Chairman Szabo closed the public hearing and entertained a motion regarding the case.

A motion was made by Member Saletnik and seconded by Member Catalano to recommend approval of the request to the City Council, with the staff recommended conditions.

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

MOTION CARRIED

2. Address: Citywide

Case Number: 24-034-TA

The petitioner is requesting text amendments related to food processing establishments and to allow this use in all commercial districts as a conditional use.

PIN: Citywide
Petitioner: Pepi Company of Illinois, LLC d/b/a Alonti Catering Kitchen, 3512 Lake Street, Houston, TX 77098
Owner: PJR Properties, LLC 1153 Lee St Suite 109, Des Plaines, IL 60016

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

Bernard Citron, attorney for the petitioner, George Pepi, petitioner from Alonti Catering Kitchen, and Brian Bucaro, property manager were sworn in.

Mr. Citron summarized the circumstances of the applicant's request. Presently, a catering kitchen or food processing business is not a use that can be requested in the C-4 District.

George Pepi summarized the proposed operations of the business. The business primarily focuses on business-to-business catering to schools, hospitals, and other businesses but provides a web portal allowing for the public to order catering orders. Pick up orders are available but most of the orders are for delivery. Four Alonti Kitchen businesses are in the Chicagoland area and they are hoping for a fifth.

Chairman Szabo inquired about locations outside of the region.

Mr. Pepi confirmed that the corporate business office is based in Texas and has locations across the country.

Member Veremis inquired whether individuals can place orders with the business.

Mr. Pepi confirmed that the company maintains a retail website and allows orders from all customers with no minimum order size. No different than a "Pizza Place/Restaurant."

Member Weaver inquired about the catering to schools, universities and hospitals and asked if they are the exclusive supplier. Mr. Pepi confirmed they are not.

Mr. Citron confirmed that there would be no fleet vehicles.

Member Veremis inquired about the locations of currently operating branches.

Mr. Pepi confirmed that Alonti operates numerous locations across Texas, Chicago, the Chicago suburbs, Los Angeles & Orange County, and will soon be opening a location in Atlanta.

Member Veremis inquired how they are regulated and Mr. Pepi confirmed they are regulated by Health Depts.

Brian Bucaro represents the property owner. The proposed occupancy would include two tenant spaces in the interior corner beside Planet Fitness.

Chairman Szabo inquired about the location of loading and unloading of catering orders.

Mr. Pepi stated the front of the business will be used for pick-up even though there is access to the rear of the building as well.

Member Weaver inquired about the proposed method for delivery.

Mr. Pepi clarified that their employees operate their own vehicles for deliveries and receive mileage reimbursement.

Member Weaver inquired about the types of vehicles used.

Mr. Pepi clarified that the operator does not have specific requirements for the type of vehicles provided they comply with all legal and insurance requirements and that food would be transported in packaging that would maintain required temperatures.

Member Bronakowski inquired about the quantity and size of orders.

Mr. Pepi stated that their average order is approximately \$400 which would be sufficient for between 20-30 people. There are approximately 14-15 orders daily.

Member Veremis inquired about the specific tenant spaces proposed.

Mr. Bucaro confirmed that the user would occupy a vacant tenant space that was previously occupied by a flooring company and a relocated nail salon tenant.

Member Veremis inquired about the extent of the proposed investment.

Mr. Pepi noted that the proposed investment would include approximately \$300,000 in kitchen improvements and an additional \$250,000-\$300,000 in related construction costs.

Mr. Bucaro noted that the tenant is proposing a 10-year lease.

Chairman Szabo requested a summary of the case from staff.

Senior Planner Samantha Redman summarized the request for text amendment including the applicant's proposal and staff's potential alternate proposal.

Issue: Consider Zoning Ordinance amendments to: (i) add a definition for "catering kitchen" to Section 12-13-3 and (ii) specify a "catering kitchen" as a conditional use within all commercial zoning districts in Section 12-7-3-K. Staff propose an alternative Zoning Ordinance amendment to add "food processing establishment" as a conditional use

Background

Pepi Company of Illinois, LLC, operating at Alonti Catering Kitchen, are seeking to open a “catering kitchen” in a combined tenant space in The Oaks Shopping Center at 1545-1547 Lee Street. This property is zoned C-4, Regional Shopping District. The proposed type of use has historically been classified as a “food processing establishment”, which is not a permitted or conditional use within the C-4 Zoning District. The definition for food processing establishment is below:

“Establishments producing or processing foods and certain related products. Includes: a) bakery products, sugar and confectionery products (except facilities that produce goods only for on site sales with no wider distribution); b) dairy products processing; c) fat and oil products (not including rendering plants); d) fruit and vegetable canning, preserving, and related processing; e) grain mill products and byproducts; f) meat, poultry, and seafood canning, curing, and byproduct processing (not including facilities that also slaughter animals); and g) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants” (Section 12-13-3).

In 2014, the food processing establishment was defined and added to the C-3 Zoning District and the M-1, Light Manufacturing District as a conditional use and in the M-2, General Manufacturing district as a permitted use.¹ In 2020, requirements for food processing establishments within the C-3 Zoning District were revised, allowing them as a permitted use if comprised of less than 2,500 square feet and a conditional use for any larger operations.²

As the petitioner discusses in their narrative and response to standards, the intent with the text amendments is to provide a path to allow for this business in this specific location. However, any text amendment is widely applicable to the city as a whole and must be evaluated for any of its impacts. Staff provide an alternative text amendment that would result in a similar outcome, with a narrower scope in greater harmony with the existing zoning ordinance.

Examples from Other Municipalities

The zoning ordinances of six surrounding municipalities were referenced to understand how catering operations are generally regulated by other communities. The definition of this type of use varies, with most having a separate definition for catering and some combining this use with food processing or light manufacturing. Generally, the use is permitted within the manufacturing zoning districts, although many also permit the use with a conditional or special use in commercial or business districts. Refer to Surrounding Community Regulations (Attachment 5).

Proposed Amendments by Petitioner

Definition

A new definition is proposed to be added to Section 12-13-3, see below:

“CATERING KITCHEN: An establishment whose principal business is the sale of edible, prepared foodstuffs and/or beverages specifically for consumption off of the premises.”

Zoning Regulations

The petitioner proposes the follow amendment to the Commercial Use Matrix in Section 12-7-3.K:

Uses	C-1	C-2	C-3	C-4	C-5	C-6	C-7
<u>Catering Kitchen</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>

Refer to the Petitioner’s Standards for Amendment (Attachment 2) for justification of this request.

Proposed Amendments by Staff

Definition

Staff consider the existing food processing establishment definition to adequately encompass the proposed use. Below is the existing food processing establishment definition, with sections underlined presenting similarities to the catering kitchen definition:

“Establishments producing or processing foods and certain related products. Includes: a) bakery products, sugar and confectionery products (except facilities that produce goods only for on site sales with no wider distribution); b) dairy products processing; c) fat and oil products (not including rendering plants); d) fruit and vegetable canning, preserving, and related processing; e) grain mill products and byproducts; f) meat, poultry, and seafood canning, curing, and byproduct processing (not including facilities that also slaughter animals); and g) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants” (Section 12-13-3).

Therefore, staff do not propose an amendment to add a new definition for catering kitchen. Rather, staff would continue to classify this use under a “food processing establishment.”

Zoning Regulations

The purpose of this amendment by Alonti Foods is to permit this business at 1545-1547 Lee Street, within the C-4 Zoning District. Presently, this use is not permitted in this zoning district. The C-4 Regional Shopping District purpose is stated to be, “to accommodate shopping centers in a location to serve the general public. The district is designed to permit, as of right, uses commonly associated and concentrated within a commercial shopping center.”

C-4 zoned properties are located in four sections of the city: 721 Golf Rd., 101 W. Oakton St., and the properties on the northeast and the northwest corners of the intersection of Oakton Street and Lee Street. Shopping districts are generally intended to concentrate public-facing commercial activities, primarily retail activities into one area. Generally, the range of uses permitted by right or with a conditional use within this zoning district have some type of public facing component.

Staff proposes to add this use as a conditional use, with a footnote requiring incorporation of a public facing component to their business and regulations on number of vehicles. The following amendments are proposed to the Use Matrix for the C-4 District:

Adult Day Service Center	C
Alternative tobacco establishments	C ¹⁸
Animal clinic	C
Artisanal retail establishments	P ¹⁴
Auto filling station	P ⁴
Brewpub	P
Cannabis dispensaries	P ¹⁹
Car wash	C ⁵
Childcare center	C
Commercial art gallery	P
Commercial indoor recreation	P
Commercial shopping center	P
Congregate housing	C
Convenience mart fueling or charging station	P ⁴
Convenience retail store	P
Domestic pet service	C
Drive-through facility (located adjacent to residential use)	C ²
Drive-through facility (not located adjacent to residential use)	C ²
Dry cleaners with plants on premises	P
Financial institutions	P
<u>Food Processing Establishment</u>	<u>C</u>
Grocery retail	P

Hotels	C
Leasing/rental agents, equipment	C
Libraries, private	P
Libraries, public	P
Massage establishments	C
Motor vehicle sales	P
Offices	P
Parks	P
Pharmacies/drugstores	P
Planned developments	C
Post Office	P
Public utilities	P
Radio transmitting towers, public broadcasting	C
Restaurants:	
Class A	P
Class B	P
Retail goods establishments	P
Retail service establishments	P
Specialty food stores	P
Studios, artist, dance and music	P
Taverns and lounges	P
Wholesale goods establishments	C

26 With on-site consumption, public facing retail, or carryout service available. One commercial vehicle associated with the business per 1,000 sq ft is permitted to be parked onsite overnight, or a larger quantity as otherwise authorized by the conditional use ordinance.

The intent with the first half of the proposed footnote 26 is to ensure that this type of use will be compatible with the goals of this zoning district. The intent of the second half provides control over the number of commercial vehicles stored overnight on the property. The limitation is stated to be 1 per 1,000 square feet, but allows some flexibility within the conditional use process to permit additional vehicles on a case-by-case basis. This is intended to prevent an overburdening of parking in shopping centers with fleet vehicles as well as provide limitations on the intensity of operations (i.e. a catering company with two vehicles likely has a different input for the delivery of raw materials and output of delivery for manufactured meals compared to thirty vehicles).

For the proposed Alonti Catering Kitchen Use, the business would be required to demonstrate at time of the conditional use process that they intend to have on-site consumption, public facing retail, or a carryout service available and specify the location and type and number of vehicles to be stored on the property. The proposed commercial space is approximately 2,400 square feet, allowing 2 commercial vehicles to be located on the property overnight, unless a different quantity is permitted with the conditional use. If the text amendment is adopted, the applicant and property owner will need to apply for a conditional use to consider a potential food processing establishment on the premises, requiring a public hearing before the Planning and Board, and consideration of a recommendation regarding an Ordinance by the City Council.

Standards for Text Amendment:

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 would foster additional commercial options for existing, vacant properties within shopping centers of the city, promoting the economic development initiatives of the Comprehensive Plan.

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

The staff proposed amendments provide an avenue to promote the purpose of the C-4 Zoning District, allowing for this type of use with a public facing component required.

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

Staff does not see any indications that the amendments will not affect public facilities and services. The limitation on the number of vehicles in the staff proposed amendments provides greater certainty that sufficient parking will be available for this type of use, and prevent an overburdening of shopping centers with large operations that necessitate a substantial number of fleet vehicles.

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 and overall economic stability of the shopping centers within the city by expanding the range of commercial uses to fill vacant storefronts.

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

The proposed amendments encourage a range of uses within commercial districts. However, the staff proposed amendments provide a more specific location and limitations for this type of use, preventing potential incompatibilities of uses. The petitioner proposed amendments request a catering kitchen as a conditional use in all zoning districts, which creates the potential for incompatibilities in zoning districts intended for lower intensity businesses.

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.

Chairman Szabo asked about the Houston mailing address. Mr. Pepi responded that they have several locations in Texas.

Member Veremis asked if the general public was able to order and pick up food at this location. Mr. Pepi responded that they can do personal orders.

Member Weaver commented on changes in customer behavior since the pandemic and encouraged thoughtful consideration of new and creative uses of office and retail spaces. He recommended staff develop a plan or strategy for responding to these types of pressures to try to address persistent vacancies.

Member Veremis inquired about weekly operations. Mr. Pepi noted that the primary operations occur on weekdays. Large orders may create a demand for work on Saturdays, but the use would not typically be open on Sundays.

Member Weaver inquired if the business was a major supplier of food for institutions such as hospitals, schools, etc. Mr. Pepi confirmed that they are not. They cater special events and gatherings.

Member Veremis asked about other locations of the business. Mr. Pepi responded that they have locations in Texas, California, and Illinois (Chicago).

Member Veremis asked if the other locations are also located in shopping centers. Mr. Pepi responded yes.

Member Veremis asked if this type of business is regulated by cities. Mr. Pepi confirmed that they are regulated by health agencies.

Chairman Szabo asked if food pickups were done at the rear of the building. Mr. Pepi responded that there is a roll-up door in the back, and they could consider pickups occurring at the rear but are currently proposing to handle pickups at the front.

Member Weaver asked about the vehicle requirements for the pickup drivers. Mr. Pepi confirmed that all pickup drivers would need to pass licensing and vehicle inspection requirements but there is no restriction on the vehicle type.

Member Weaver asked if the pickup drivers need to provide heating or cooling apparatuses to deliver the food. Mr. Pepi responded that they would not.

Member Bronakowski asked about the quantity of meals that the business does per day on average. Mr. Pepi responded they do approximately 14-15 orders per day with each order ranging from \$300-\$400.

Member Veremis asked about the previous tenant in this space. Mr. Bucaro responded that a flooring company and nail salon have operated out of this location.

Member Veremis asked about the extent of the build-out and its cost for this business. Mr. Pepi responded that the build-out would include a standard kitchen with the total investment of around \$300,000.

Member Veremis inquired about the quantity of new positions. Mr. Pepi confirmed that the use would create 12 positions. Chairman Szabo noted that a food processing establishment at this location might be a good tenant.

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.

Member Weaver asked about the alternate motions included in the staff report and whether they conflict.

Senior Planner Redman summarized that the staff's text amendment would retain the current classification of the use as a food processing establishment, but would add it to the C-4 Zoning District use matrix with the proposed footnote. The petitioner's representative stated support of the staff drafted amendments.

A motion was made by Member Weaver and seconded by Member Bronakowski to recommend approval to the City Council.

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

MOTION CARRIED

3. Address: 555 Howard Avenue **Case Number:** 23-039-TSUB

The petitioner is requesting a Tentative Plat of Subdivision to consolidate the existing two lots into one lot of record.

PIN's: 09-30-400-002-0000; 09-30-400-032-0000
Petitioners: Doug Klein, 9525 W. Bryn Mawr Avenue, Rosemont, IL 60018
Owner: Doug Klein, 9525 W. Bryn Mawr Avenue, Rosemont, IL 60018

Chairman Szabo introduced the third case on the agenda.

Doug Klein, Bridge Industrial, was introduced. He noted that the property was acquired and a request to consolidate the parcels has been filed to allow for a demolition of the building in favor of a new class A industrial warehouse. Bridge was purchased back in 2020.

Member Weaver inquired about Nu-Way moving to a new facility and that was confirmed. Mr. Klein noted that he understood that Nu-Way would be vacating and moving to Elk Grove Village.

Member Weaver also inquired about a Green Cuisine Catering inside of Nu-Way, in which Mr. Klein was not familiar with that company.

Weaver inquired about the parcel addresses.

Senior Planner Stytz confirmed that the entire property is currently addressed at one street address, 555 Howard Avenue.

Member Weaver inquired about the limitations of the existing building.

Mr. Klein noted that the clear height inside the existing building was insufficient for modern tenant needs.

Chairman Szabo inquired about the potential tenant.

Mr. Klein confirmed that they are in discussions with a potential tenant, but nothing has been finalized at this time.

Chairman Szabo inquired whether building renderings were available.

Mr. Klein confirmed that renderings of other properties in their portfolio that they operate could be provided. That would depend on whether it was a speculative building or a build to suit.

Member Veremis inquired whether the developer intended to seek a single tenant or if it might be occupied by multiple tenants.

Mr. Klein confirmed that there may be between 4-5 tenants.

Member Veremis requested confirmation of the area of the proposed building.

Mr. Klein noted that the building would likely be comprised of approximately 170,000-250,000 square feet.

Member Saletnik inquired about whether a speculative development would be more likely to yield a multi-tenant building.

Mr. Klein that it would most likely be a multi-tenant building. That will depend on the build.

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 Tentative Plat of Subdivision to consolidate the existing two lots into one lot of record.

Petitioner: Doug Klein, 9525 W. Bryn Mawr Avenue, Rosemont, IL 60018

Owner: Doug Klein, 9525 W. Bryn Mawr Avenue, Rosemont, IL 60018

Case Number: 23-039-TSUB

PINs: 09-30-400-002-0000; 09-30-400-032-0000

Ward: #5, Alderman Carla Brookman

Existing Zoning: M-2, General Manufacturing District

Existing Land Use: Industrial building

Surrounding Zoning: North: M-2, General Manufacturing District
South: M-2, General Manufacturing District
East: R-1, Single Family Residential District
West: M-2, General Manufacturing District

Surrounding Land Use: North: Industrial buildings (Manufacturing)
South: Industrial buildings (Manufacturing)
East: Single Family Residences (Residential)
West: Industrial building (Manufacturing)

Street Classification: Wolf Road is a minor arterial street under Illinois Department of Transportation (IDOT) jurisdiction and Howard Avenue is a local street under City of Des Plaines jurisdiction.

Comprehensive Plan: The Future Land Use map designates this property as industrial.

Project Description: *Overview*

Petitioner Doug Klien, on behalf of Bridge Industrial, intends to consolidate the two existing parcels into one lot of record. The subject property is located in the M-2 General Manufacturing district at the southwest corner of the Wolf Road and Howard Avenue intersection and is comprised of two lots totaling approximately 11.77-acres. The subject property is improved with two main structures: (i) a two-story, 59,740-square-foot metal and brick building; and (ii) a one-story brick building consisting of an 11,643-square-foot office area and 219,648-square-foot warehouse space. The subject property also contains multiple surface parking lots, which are accessed from the existing single curb-cut off Wolf Road and the seven existing curb-cuts off Howard Avenue. Approximately 789 feet of the north portion of the property extends to the centerline of Howard Avenue before stair-stepping down outside of the Howard Avenue right-of-way. Please see the attached ALTA/NSPS Land Title Survey for additional information related to the existing improvements on the property.

Proposed Improvements

The proposal includes the removal of all existing site improvements to redevelop the subject property for a new Class A industrial building with surface parking areas as noted in the attached Project Narrative. The petitioner indicates that the proposed development will be constructed as either a speculative building or as a built-to-suit for a potential tenant. While the exact building size of the future development has been finalized, the petitioner has considered installing all underground detention or a mixture of above ground and underground detention, details of which will need to be provided with the final engineering plans at the final plat of subdivision stage.

TENTATIVE PLAT OF SUBDIVISION

Request Description: *Overview*

The proposal includes the consolidation of the two existing lots into one 11.77-acre lot. The attached Tentative Plat of Subdivision, titled Bridge Point Des Plaines Subdivision, shows the location, boundary, and size of the proposed consolidated lot. The plat also notes the dedication of the existing 789-foot-long by 40-foot-wide northwest corner of the subject property to the City of Des Plaines to provide a full 80 feet of right-of-way for roadway purposes.

Building Lines and Easements

The subdivision plat shows the following easements and building lines: (i) a new 65-foot front building setback line along Wolf Road where the proposed subdivision abuts the street; (ii) new 25-foot side building setback lines along the north and south side property lines of the proposed subdivision; (iii) a new 25-foot rear building setback line along the west boundary of the proposed subdivision; (iv) an 83-foot public utility easement and 82.5-foot perpetual right and easement for utilities across the northern portion of the subdivision; (v) a 10-foot ComEd easement along the west subdivision line; and (vi) a 15-foot public utility easement along the east subdivision line abutting Wolf Road.

Subdivision Process, Required Public Improvements

Although the petitioner’s request is for a Tentative Plat only at this time, the Board and public may benefit from understanding the requirements of a Final Plat, which is the second step in the subdivision approval process. The steps for Final Plat are articulated in Sections 13-2-4 through 13-2-8 of the Subdivision Regulations. In summary, the Final Plat submittal requires engineering plans that must be approved by the City Engineer, in particular a grading and stormwater management plan.

Ultimately a permit from the Metropolitan Water Reclamation District (MWRD) will be required for construction. Tentative Plat approval does not require submittal of engineering plans. The Engineering review is more detailed for plans at the Final Plat stage, as those are accompanied by civil drawings, which are not required at the Tentative Plat stage.

Regardless, the Department of Public Works and Engineering (PWE) has provided brief comments (attached) based on the submittal. The memo comments that a minimum seven-foot walkway shall be provided along Wolf Road and Howard Avenue for the full extent of the subject property.

PZB Procedure and Recommended Conditions:

Under Section 13-2-3 (Planning and Zoning Board’s Procedure) of the Subdivision Regulations, the PZB has the final authority to approve, approve with conditions, or deny the Tentative Plat of Subdivision request at 555 Howard Avenue.

Member Weaver inquired about the anticipated length of the design, demolition, and construction phases. Mr. Klein noted that the anticipated construction schedule would be early 2026.

Chairman Szabo asked if Nu-Way is currently building a new building. Mr. Klein confirmed that Nu-Way is constructing a new building and is scheduled to vacate this property by October.

Member Saletnik inquired whether construction would proceed speculatively before a tenant was identified. Mr. Klein confirmed that the developer would proceed with design whether or not a tenant was identified imminently.

Chairman Saletnik speculated that there would be demand for a new building in proximity to the airport. Mr. Klein agreed. Member Bronakowski asked if Mr. Klein would hold the property or flip it and sell it. Mr. Klein responded that they would hold on to the property.

Chairman Szabo asked for any public comment. No members of the public came forward.

A motion was made by Member Weaver and seconded by Member Veremis to approve the Tentative Plat of Subdivision.

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

MOTION CARRIED

Discussion:

Reporting of Minor Variation Decisions: Method of Communication. Board discusses how this information will be communicated. Staff discusses how this information can be communicated simply on each Planning and Zoning Board Agenda with a sentence describing the address, requested relief, and decision. The Board agreed this would be the simplest way to share this information and supported the effort towards transparency.

ADJOURNMENT

Chairman Szabo adjourned the meeting by affirmative voice vote at 8:19 p.m.

Sincerely,

Jeff Rogers/Recording Secretary

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