



# Planning and Zoning Board Agenda October 22, 2024 Room 102 – 7:00 P.M.

## Call to Order and Roll Call

**Approval of Minutes:** October 8, 2024 Planning and Zoning Board Meeting

**Public Comment:** For matters that are not on the agenda

## General Communications:

**Administrative Decisions** – Administrative determinations by staff were made for the following properties:

- Case 24-49-V – 660 N. Wolf Rd – Minor Variations for Transparency on Street-Facing Elevations, approved 10/11/24 with conditions.
- Case #24-053-V: 411 Edward Ct – Variation for fence height and type, Denied on 10/18/2024
- Case # 24-056-V: 261 Dover Ln – Variation for fence height, Approved with Conditions on 10/18/2024.
- Case #24-057-V: 933 Mason Ln – Variation to allow stucco and fiber cement board siding as ground level building material. Approved with Conditions on 10/18/2024.
- Case #24-059-V: 1920 E Touhy Ave - Millie's House – Variation for fence height. Approved with Conditions on 10/17/2024.

## Pending Applications:

- Address:** 1387 Prospect Avenue **Case Number:** 24-052-CU-V

The petitioner is requesting the following: (i) conditional use for a trade contractor use; (ii) standard variation to reduce the required front yard; (iii) a major variation to vary from loading space requirements; and (iv) any other variations, waivers, and zoning relief as may be necessary.

**PIN:** 09-29-228-034-0000

**Petitioner** Vasile Haures, 1980 Pine Street, Des Plaines, IL 60018

**Owner:** 1387 Prospect Ave LLC, 1980 Pine Street, Des Plaines, IL 60018

## Adjournment

**Next Agenda:** Next meeting is on Tuesday, November 12, 2024.

City of Des Plaines, in compliance with the Americans With Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in the meeting(s) or have questions about the accessibility of the meeting(s) or facilities, contact the ADA Coordinator at 847-391-5486 to allow the City to make reasonable accommodations for these persons. The public hearing may be continued to a further date, time and place without publication of a further published notice such as this notice.



**DES PLAINES PLANNING AND ZONING BOARD MEETING  
OCTOBER 7, 2024  
MINUTES**

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

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

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

A quorum was present.

**APPROVAL OF MINUTES**

A motion was made by Board Member Fowler, seconded by Board Member Bronakowski to approve the meeting minutes of September 24, 2024.

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

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

**PUBLIC COMMENT ON NON-AGENDA ITEM**

There was no public comment.

**General Communications – Administrative Decisions:**

Chairman Szabo noted the administrative stated the list of administrative decisions is now located on the agenda for each meeting for approvals or denials of minor variations.

**Pending Applications:**

Chairman Szabo introduced the case on the agenda.

1. **Address:** 1345 E Prairie Avenue

**Case Number:** 24-044-CU-V

The petitioner is requesting the following items: (i) a Conditional Use to allow a residentially zoned assembly use in the R-4 zoning district; and (ii) a Variation for off-street parking at 1345 Prairie Avenue.

PIN: 09-17-423-011-0000

Petitioner: St. Vakhtang Gorgasali Orthodox Church (Representative: Arsen Mskhvilidze, 400 E. Illinois Road, Lake Forest, IL 60045)

Owner: Victor J. Grandinetti, 333 W. Kathleen Drive, Park Ridge, IL 60068

Chairman Szabo swore in the applicant's representative, Ms. Katie Ingorokva.

Ms. Ingorokva stated that St. Vakhtang Gorgasali Orthodox Church is requesting a conditional use for a residentially zoned assembly use in the R-4 district. She mentioned that the building was constructed as a place of worship in 1871 and has been in use over time only as an assembly use. She referenced the staff report concerning the zoning ordinance changes in 2018 to require a conditional use for residentially zoned assembly uses, which includes churches.

Ms. Ingorokva confirmed that there is no off-street parking associated with the existing use except for one accessible stall. Attempts to secure parking sharing agreements from owners of adjacent property were not successful. Instead, the applicant requests consideration of on-street parking, public parking within the existing Welkin Apartments development, and shared parking in an off-street parking lot at 780 Lee Street. The applicant would be amenable to the design and installation of an additional accessible stall on the site subject to review and approval of a design by the City.

Ms. Ingorokva noted that their church is currently renting space at St. John's Church along Dempster Street and is excited about a potential relocation to the City of Des Plaines.

Member Fowler noted concern with reliance upon the public parking in the Welkin building in light of future demands associated with restaurants and other future commercial tenants in the building.

Member Fowler inquired about the location of parking stalls at 780 Lee.

Ms. Ingorokva responded that there are 32 off-street parking spaces located at the rear of the site.

Member Fowler requested confirmation of the quantity of available public stalls within the Welkin building.

Senior Planner Stytz confirmed that there are 79 public parking stalls in the Welkin building in the location noted on Exhibit 5 of the staff report.

Chairman Szabo mentioned once the Korean restaurant opens, the Welkin parking spaces may be utilized, but does not feel the hours of operation would overlap.

Member Fowler was concerned with reliance upon on-street parking for the proposed use, especially if the parking encroached into the adjacent residential neighborhood.

Member Fowler requested confirmation of the quantity of accessible parking stalls.

Senior Planner Stytz responded that a minimum of two off-street accessible spaces are required.

Member Veremis asked if the petitioner would be willing to add accessible spaces on the subject property.

Ms. Ingorokva confirmed that the petitioner is amenable to adding an accessible stall on private property.

Member Fowler asked for confirmation on where the church is currently operating.

Ms. Ingorokva confirmed that the applicant currently operates at a location in Lake Forest.

Member Veremis inquired whether the applicant had approached the owner of the funeral home since it is in closer proximity.

Ms. Ingorokva noted that this has been discussed and no agreement has been made with the funeral home.

Chairman Szabo requested clarification.

Ms. Ingorokva confirmed they are open to further discussions.

Member Veremis asked if there were services on Saturdays and Sundays of each week.

Ms. Ingorokva responded that they have full services on Sundays and a shorter service on some Saturdays throughout the year.

Member Fowler inquired about the hours of Saturday services.

Ms. Ingorokva responded that the Sunday services are approximately three hours long whereas the occasional Saturday services would be approximately 45 minutes long.

Member Fowler requested clarification of peak Easter holiday services.

Ms. Ingorokva confirmed that services are similar to Greek Orthodox services but are entirely indoors.

Member Vermis requested confirmation of congregation size.

Ms. Ingorokva confirmed that the congregation size is approximately 30 patrons during a Sunday service.

Member Vermis inquired about trends in congregation size.

Ms. Ingorokva confirmed that the congregation size has been mostly the same for the past three years.

Member Fowler inquired about supplemental services such as language services.

Ms. Ingorokva confirmed that they would like to explore these.

Member Bronakowski noted concerns related to parking encroaching into the residential neighborhood to the west. He disclosed that he had spoken with the alderman for this Ward and was aware of various concerns with parking encroachments and traffic disruption in the area.

Chairman Szabo inquired about potential public parking in a proposed mixed-use development on the Graceland/Prairie/Lee site. He asked if there was available public parking as part of this development, and, if so, how many spaces were available.

Mr. Stytz responded that there are public spaces available as part of this development but did not have the exact number of spaces but maybe around 15 or so.

Member Fowler inquired whether the City was aware of parking utilization of on-street stalls.

Member Bronakowski asked if the petitioners have considered adding off-street parking on the subject property.

Ms. Ingorokva responded that they have been looking into options, including the addition of a curb cut off Graceland Avenue, but told by the Illinois Department of Transportation (IDOT) that they could not since the new curb cut would be too close to the intersection.

Member Veremis inquired about operations when the property was previously in use through 2018.

Senior Planner Stytz noted that the City did not have records relating to parking utilization or congregation size associated with the prior tenant of the building.

Member Fowler noted that she recalled that parking was common in the private parking lot across the street to the east.

Member Veremis inquired about the path from the proposed off-site parking.

Ms. Ingorokva confirmed they would pass through the funeral home property.

Chairman Szabo asked if the current proposed development on the Streussner property (750 Lee Street) would have public parking available.

Senior Planner Stytz indicated that public parking stalls may be provided, however no plans for this site have been formally presented for consideration or approved by the City.

Director Rogers summarized requirements for potential private mixed-use private development of the site current utilized as a private parking lot. Off-street parking would be required for the residential units and additional off-street parking would be required for the proposed commercial space, however all such stalls would be private and for the use of the residents of the building and the employees, customers, and visitors to the commercial space.

Member Weaver noted that parking for various assembly uses in the region includes expansive off-street parking lots that go underutilized most of the time.

Chairman Szabo generally agreed that public on-street parking is often utilized in addition to off-street parking for assembly uses, especially during large events, and holidays.

Chairman Szabo requested a summary of the project from staff.

Senior Planner Stytz entered the staff report.

**Issue:** The petitioner is requesting the following items: (i) a Conditional Use to allow a residentially zoned assembly use in the R-4 zoning district; and (ii) a Variation for off-street parking at 1345 Prairie Avenue.

**Petitioner:** St. Vakhtang Gorgasali Orthodox Church (Representative: Arsen Mskhvilidze, 400 E. Illinois Road, Lake Forest, IL 60045)

**Owner:** Victor J. Grandinetti, 333 W. Kathleen Drive, Park Ridge, IL 60068

**Case Number:** 24-044-CU-V

**PIN:** 09-17-423-011-0000

**Ward:** #3, Alderman Sean Oskerka

**Existing Zoning:** R-4, Central Core Residential

**Existing Land Use:** Vacant building (former church)

**Surrounding Zoning:** North: R-4, Central Core Residential District  
South: R-4, Central Core Residential District  
East: C-5, Central Business District  
West: R-4, Central Core Residential District

**Surrounding Land Use:** North: Assembly Use (institutional)  
South: Multi-family Residences (residential)  
East: Parking Lot  
West: Multi-family Residences (residential)

**Street Classification:** Graceland Avenue is a principal arterial road under Illinois Department of Transportation (IDOT) jurisdiction and Prairie Avenue is a local road under the City of Des Plaines jurisdiction.

**Comprehensive Plan :** Institutional is the recommended future land use.

**Zoning/Property History:** Based on aerial imagery, the subject property was developed as early as 1938. The subject property was occupied by the Masonic Temple Lodge for use as for assembly from 2015 to 2017 as a nonconforming use. In 2018, the Zoning Ordinance was amended to establish regulations surrounding assembly uses in the City. A conditional use is required for assembly uses in this zoning district; however, this use was established prior to the 2018 amendments and no conditional use for a residentially zoned assembly use is on file. The existing building has been vacant since 2017 and thus the subject property must come into conformity with the regulations of

the R-4 district and any new assembly use must obtain a conditional use prior to operating on the subject property.

Earlier this year, staff conducted an inspection of the existing building on the subject property noting various items that would need to be addressed prior to issuance of a building permit. The petitioner has worked with staff and provided the attached Floor Plans to address these items. However, revisions to the Floor Plans and submittal of additional information may be required prior to issuance of a building permit to ensure compliance with the City's Municipal Ordinance.

**Project Description:**

*Overview*

Petitioner St. Vakhtang Gorgasali Orthodox Church, represented by Arsen Mskhvilidze, has requested a Conditional Use Permit to allow the operation of a residentially zoned assembly use and major variation for off-street parking at 1345 Prairie Avenue. The 12,000-square-foot property contains a single-story building comprised of approximately 3,850 square feet with a frame shed, patio, paved pedestrian entry area, and no off-street parking area as shown in the attached Boundary Survey. The subject property is a corner lot with the front property line adjacent to Graceland Avenue on the east and the corner-side property line adjacent to Prairie Avenue to the north.

*Proposed Operations*

The St. Vakhtang Gorgasali Orthodox Church primarily operates on the weekends providing services from 9 a.m. to 12 p.m. on both days. However, they will also be open for special Christian holidays listed in the attached Project Narrative, some of which falling on weekdays. The PZB may wish to confirm the hours of operation for the entire week as well as anticipated hours for special events held throughout the week for holidays to ascertain the anticipated intensity of this use.

The staff includes the priest, two assistants, two singers, and a board of three church members. A typical weekend service is anticipated to include no more than 30 individuals. However, major holidays as noted in the attached Project Narrative, can generate up to 80 individuals for a service or event.

The proposed use intends to utilize both on-street parking and off-street parking on nearby properties to fulfill its parking obligation given the non-existent parking area on the subject property and limited space to install a new parking area. The attached petitioner's

Project Narrative (dated 10/01/2024) outlines their proposed use of off-site parking to satisfy their parking needs and justify their proposed 100% parking provision variation. The plan to do this using remote off-street parking and on-street parking options. Please see the attached Petitioner’s Project Narrative and the major variation section below for more details on the petitioner’s proposed use of alternative parking areas.

**CONDITIONAL USE**

**Request Description:**

*Overview*

The proposed religious institution is categorized as a residentially zoned assembly use as defined below, which requires a conditional use in the R-4, Central Core Residential district:

*RESIDENTIALLY ZONED ASSEMBLY USES: A use that is primarily for the purpose of the assembly of people for a non-commercial purpose, which can contain a combination of uses that take place in both principal and accessory structures. Such uses include: community center, membership organizations, **church, synagogue, temple, meeting house, mosque, or other place of worship.** (Section 12-13-3 of the Zoning Ordinance).*

As noted above, there was a previous assembly use operating on the subject property as a nonconforming use given that no conditional use is on file authorizing the assembly use. After the termination of this use in 2017, any future assembly use would require the approval of a conditional use permit prior to its operation. As such, the petitioner has submitted a conditional use request to operate a residentially zoned assembly use (i.e., church) on the property.

*Floor Plan and Elevations*

The existing two-story building includes a first floor and a basement area as illustrated in the attached Petitioner’s Project Narrative and summarized in the following table.

<b>Floor Plan Summary</b>		
<b>Floor</b>	<b>Space</b>	<b>Square Feet (SF)</b>
Lower	Kitchen Area	465 SF
Lower	One Mechanical Room	99 SF
Lower	Three Storage Rooms	1,750 SF
First	Sacristy	140 SF
First	Narthex	318 SF
First	Sanctuary	1,441 SF



First	Two single-stall restrooms	65 SF
First	Coat Room	137 SF
First	Three Storage Rooms	108 SF
Second	Storage Area	193 SF

The proposal includes minor alterations to the interior of the building consisting of: (i) removal of the existing kitchen and gas fired appliances from the lower level and (ii) removal of the existing raised platform in the sanctuary to make the floor level consistent throughout that space. There are no plans to alter the existing exterior of the building, including the building material of face brick.

*Building Code Occupancy Requirements*

Occupying this building may require ADA accessibility improvements within the building and site under the City’s building code. The petitioner must be aware of this which will be addressed during building permit/certificate of occupancy review as this is not directly germane to the Conditional Use process.

*Excessive Noise/Sound Generation*

Activities and operations of the proposed assembly use generated excessive or noise/sound that escapes the subject property must comply with Sections 12-12-8 and 6-2-7 of the City’s code. This could include, but not limited to, amplified bell ringing, calls to pray, processions, worship services’ music and activities, etc.

*Off-Street Parking and Access*

Pursuant to Section 12-9-7 of the Des Plaines Zoning Ordinance, the minimum off-street parking requirement is based upon the specific type of assembly use. For assembly uses comprised of places of worship and commercial theaters, the following parking regulations apply:

Seating Type	Parking Requirement
Fixed Seating	<b><u>1 space for every 5 seats</u></b> in the main auditorium, sanctuary, nave or similar place of assembly and other rooms (gymnasiums, classrooms, offices) which are to be occupied simultaneously
No Affixed Seating	<b><u>1 space for every 60 square feet of floor area</u></b> in the main auditorium, sanctuary, nave or similar place of assembly and other rooms (gymnasiums, classrooms, offices) which are to be occupied simultaneously

The attached Petitioner's Project Narrative indicate that there is fixed seating in the narthex space but not in the sacristy or sanctuary spaces. Based on this and the required off-street parking requirements above, a total of 29 off-street spaces—including at least two accessible spaces—are required for the proposed residentially zoned assembly use on the subject property. The subject property currently does not have any established off-street parking spaces, and the attached Site Plan does not propose any new parking spaces. Consequently, the lack of off-street parking accommodations does not meet Zoning Ordinance requirements and requires a major variation.

### **MAJOR VARIATION**

#### **Request Description:**

##### *Overview*

Given the lack of off-street parking on the subject property and the limited space to install new off-street parking spaces with the current property configuration and development, the petitioner has applied for a major variation to reduce the required off-street parking requirement on the subject property to zero with a plan to utilize existing off-street parking on one nearby property as well as on-street parking on surrounding streets.

##### *Petitioner's Proposed Alternative Parking Solutions*

While staff recognize the physical constraints for on-site off-street parking on the subject property, an additional parking option has been provided by the petitioner in support of their major variation request.

The petitioner's attached Petitioner's Project Narrative outlines their plan to accommodate their required parking supply in three ways:

- a. Use the public parking spaces in the Welkin parking garage across Graceland Ave;
- b. Use the existing public on-street parking in the immediate surrounding neighborhood; and
- c. Enter into a shared parking agreement with the responsible party at 780 Lee St. to use 31 off-street parking spaces on this private property.

Method **a.** and **b.** are publicly available and regulated parking for use by anyone but cannot be solely dedicated to the petitioner's use as these parking spaces are specifically intended to be generally available to the community on a first-come-first-served basis. Further, both on-street parking and public stalls in the Welkin

parking garage are likely to be at least partially occupied by other vehicles during these specific time frames.

Method **c.** could be a reliable location for a dedicated supply of parking spaces, but 780 Lee St. is approximately 936 feet away from the subject property along the pedestrian sidewalks on Prairie Ave. and Lee St. and may not be ideal proximity to the subject property. Additionally, there appears to be only 34 spaces currently at the rear and sides of 780 Lee St. These existing parking spaces currently serve an existing multi-tenant office building that is approximately 13,400 square feet in size. Under the City's parking regulations, this existing office building could require up to 44 parking spaces based on the building size. However, the definition of "floor area" in Section 12-13-3 allows spaces such as restrooms, mechanical rooms, hallways, and storage areas to be excluded. City staff will review any shared parking agreements to determine if the required parking requirements would be met for all uses on this property, if the PZB includes the associated staff recommended condition of approval

The PZB can review the applicant's 100% parking variation argument and proposed solutions for off-street parking to determine satisfaction of the Conditional Use and Major Variation review standards as outlined later in this memo.

#### *Public Comment*

There have been inquiries from the public related to this proposed use but no written comments have been provided yet.

**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 religious institution is classified as an assembly use. Since the subject property is located in the residential district, the proposed use is a residentially zoned assembly use, which requires a conditional use as specified in Section 12-7-2.I of the Zoning Ordinance for properties in the R-4 Central Core Residential 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 institutional, a land use that strives to foster growth and retention of institutions that provide services to the Des Plaines

residents and the surrounding area including schools, libraries, community organizations, places of worship, and public facilities. This property is positioned on the edge of the downtown area at the corner of Graceland Avenue and Prairie Avenue and is surrounded by residential development on all sides except the east side, which is zoned C-5 Central Business district. The establishment of a residentially zoned assembly use—especially given the properties former use as an assembly use—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 proposed assembly use utilizes the existing site improvements, which have been established for many decades, arguably harmonious and appropriate in appearance to the surrounding multifamily residential uses. It also serves as an effective buffer between the high-density commercial uses permitted in the C-5 Central Business district to the east from the single-family residential developments in the R-1 Single Family Residential district.

The petitioner proposes minor interior work to the building, but nothing that would alter the exterior or overall appearance of the building. Dependent on cooperation from surrounding property owners and potential approval from IDOT, the petitioner could alternately design and construct an on-site parking lot however this would be expected to accommodate only a small portion of the minimum quantity of required off-street parking.

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

*Comment:* The proposed assembly use operations are performed within the confines of the existing building and mostly limited to weekends, though holidays throughout the year may result in more intensive use of the property during the week. This could reduce hazardous and disturbing effects on neighboring properties.

However, since there is no on-site parking availability and only the petitioner's proposed off-site parking solutions, there could be significant actual or perceived concerns that the petitioner's parking could create disturbing or hazardous effects on surrounding properties when using the surrounding public on-street parking. The applicant should identify the manner by which congregants with mobility impairments would access the property from their vehicles. The PZB should consider whether the proposed operations may be hazardous or disturbing to existing neighboring uses, especially during peak periods of arrivals and departures associated with peak occupancies.

**5. The proposed Conditional Use is to be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or, agencies responsible for establishing the Conditional Use shall provide adequately any such services:**

*Comment:* The subject property is adequately served by essential public facilities and services, although there is no current off-street parking. Staff do not have concerns that the proposed

assembly use will be adequately served by other essential public facilities and services. However, the lack of off-street parking could be a concern, especially for mobility impaired individuals who do not have nearby spaces to park and may have to travel greater distances to reach 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 subject property is currently vacant. However, staff is not aware of any burdens on public facilities created by the previous assembly use on this site or detriments to the economic well-being of the community. Aside from concerns related to parking location and availability, there are no other especially evident potential concerns for the community.

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

*Comment:* All activities will take place inside the building to reduce any noise, smoke fumes, glare, or odors. As for traffic, the petitioner has indicated that the congregation on a majority of weekends will be up to 30 persons, which may result in a little—but potentially not excessive—production of traffic. However, on holidays the congregation can reach numbers of up to 80, which could result in a traffic and parking impact. As such, staff propose a condition that the petitioner obtain at least one shared parking agreement to fully satisfy the off-street parking requirement for the proposed assembly use.

**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:* There is currently no on-site parking and none proposed as part of this request. While there is not direct interference with surrounding public thoroughfares at the subject property itself, the use of on-street parking by patrons of the proposed assembly use could interfere with public thoroughfares. Nonetheless, the PZB should consider whether the evidence presented indicates the proposed use would comply with this requirement.

**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 have already been developed.

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

*Comment:* Aside from the variation request for off-street parking, the proposal will meet all other requirements of the Zoning Ordinance for the R-4 Central Core Residential District.

**Standards for Variation:** Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. Rationale for how the proposed amendments would or would not satisfy the standards is provided below and in the attached petitioner responses to standards. The Board may use the provided staff comments as its rationale, modify, or adopt its own.

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

*Comment:* The subject property does not include an established off-street parking area and limits the space available for the addition of an off-street parking area. Staff have provided the petitioner with advice to help address the parking deficiencies and solutions have been pursued by the petitioner to address the code required on-site parking. See the petitioner's attached Petitioner's Project Narrative for their specific proposed off-site parking solutions.

- 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 current physical conditions of the subject property are arguably not unique, especially in relation to shape and size. This corner lot does provide options for site access from either Graceland Avenue or Prairie Avenue. However, the existing building position, location, and size on the property substantially limit the available space for new off-street parking area improvements.

- 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 area constraints associated with the existing improvements are a long-standing existing condition not created by the petitioner or the owner but instead were the subject site's existing condition at the time of application.

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

*Comment:* The site configuration is a long-established existing condition known to the current owner and the petitioner. There are many other uses available to the owner under the current R-4 zoning that may not result in a substantial deprivation of rights.

- 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 may not provide the petitioner with special privilege not available to other owners. In fact, it could help alleviate the petitioner of the burden associated with fully redesigning the subject property—and potentially removing a portion of the building—to comply with the off-street parking requirement.

- 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 proposal, except for off-street parking, is consistent with the general purpose and intent of the comprehensive plan related to retention and growth of institutional uses. It is in line with the intended Institutional land use in the Future Land Use map and the property has been used for an assembly use in the past. Despite this, the absence of off-street parking could generate perceived or actual disharmony with the surrounding neighborhood, especially during peak periods.

- 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:* In this case, there are limited alternatives available. These alternatives involve either an additional curb cut onto Graceland Avenue, subject to IDOT approval, or using publicly available parking nearby and a shared off-street parking agreement with a nearby private property.

- 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:* Combined with the conditional use request, the variation requested may be the minimum relief necessary to alleviate the hardships described above.

**PZB Procedure and Recommended Conditions:** Under Sections 12-3-4.D (Procedure for Review and Decision for Conditional Uses) and 12-3-6.G.2.b (Procedure for Review and Decision for Major Variations), the PZB has the authority to *recommend* that the City Council approve, approve subject to conditions, or deny the above-mentioned requests at 1345 Prairie 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 12-3-4.E (Standards for Conditional Uses) and 12-3-6.H (Standards for Variations) of the Zoning Ordinance. If the PZB recommends approval of the request, staff recommends the following conditions.

**Conditions of Approval:**

1. Prior to the issuance of a certificate of occupancy, the petitioner shall provide confirmation that all required off-street parking for the assembly use is satisfied through an executed

shared parking agreement, the construction of on-site parking area installation, or a combination of the two in conformance with Section 12-9-7 of the Zoning Ordinance. The on-site parking area shall meet the requirements of Section 12-9-6 and Site Plan Review standards pursuant to Section 12-3-2.B.

2. Any installation of noise generating equipment on the site (bells, speakers, etc.) and all activities on this site must be in compliance with Section 12-12-8 of the Zoning Ordinance and Section 6-2-7 of the Police Regulations.
3. Prior to installation of any additional seating or expansion of operations related to the proposed use, contact City Staff to determine compliance with this conditional use ordinance and all other applicable regulations.

Chairman Szabo inquired about requirements associated with the building department and accessibility.

The petitioner stated they are working with the building department on determining necessary improvements to the building, but many items are grandfathered in and city staff provided guidance and no accessibility improvements were noted at that time.

Member Saletnik states that to their knowledge, ADA is a federal law and it must be complied with and not exempt by something being “grandfathered in.”

Director Rogers clarified that the ADA is at a federal law and applied in the state of Illinois through the IL Accessibility Code. It may apply with a change in occupancy. Most changes are triggered when there is a new investment or modification to the space proposed. Re-occupancy “as-is” may not have requirements in the near term, but any future investment or modification will require compliance. Once modifications are proposed, there may be accessibility improvements required.

Member Weaver stated that he does not believe this needs to be a condition of approval, because it is applicable regardless of the proposed use.

Member Veremis asked about opportunities for the site if no off-street parking is available.

Director Rogers noted public parking is intended for public use. The Code requires off-street parking for each use and includes provisions for collective off-street parking. Demands for public parking will change over time.

Member Fowler suggested the property could be utilized for an alternate use such as a single-family residence. Member Fowler inquired about adding a curb cut on the property.

The petitioner stated that DOT indicated this curb cut would not be allowed because it is too close to the intersection.

Member Weaver commented, if you don't have curb cuts, and there is parking enforcement, this R4 property has no use. If that is the case, because of the parking requirement and IDOT restrictions, it could be torn down.

The petitioner stated that they asked the city staff about placing a single family home in this location, but it also faced constraints due to the parking requirement.



Member Bronakowski noted that demands upon public parking may change over time.

Member Fowler noted that the duration of anticipated parking demands may extend over several hours.

Chairman Szabo stated he would rather see the 1871 church standing there than it being torn down. He believes they will do some improvements that will enhance the property.

Chairman Szabo stated a park could go there, but it might not be needed in that area. Member Weaver stated a small park is already located a block away.

Member Veremis inquired about the general public concerns with on-street parking.

Member Bronakowski relayed that his understanding of the community concerns was that on-street parking utilization will extend into the neighborhood into stalls frequently utilized by the residents of the community.

Chairman Szabo entertained a motion regarding the case.

A motion was made by Member Weaver and seconded by Member Saletnik to recommend approval of the conditional use and variation in accordance with the draft motion and associated conditions.

AYES:	Saletnik, Veremis, Weaver, Szabo
NAYS:	Bronakowski
ABSTAIN:	Fowler

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

**ADJOURNMENT**

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

Sincerely,  
Jeff Rogers/Recording Secretary  
cc: City Officials, Aldermen, Planning & Zoning Board, Petitioners

## MEMORANDUM

Date: October 17, 2024

To: Planning and Zoning Board (PZB)

From: Samantha Redman, Senior Planner *SR*

Cc: Jonathan Mendel, AICP, Assistant Director of Community and Economic Development *JM*

Subject: Conditional Use for Trade Contractor, Major Variation for Loading Zone, and Standard Variation to Reduce Required Front Yard at 1387 Prospect Avenue.

**Issue:** The petitioner requests the following: (i) conditional use for a trade contractor use; (ii) standard variation to reduce the required front yard; and (iii) a major variation to allow the loading space to face a public way (alley).

**PIN:** 09-29-228-034-0000

**Petitioner/Owner:** Vasile Haures (1387 Prospect Ave. LLC), 1980 Pine Street, Des Plaines, IL 60018

**Case Number:** #24-014-CU-V

**Ward Number:** #5, Alderman Carla Brookman

**Existing Zoning:** C-3, General Commercial

**Surrounding Zoning:** North: R-3, Townhouse Residential District  
South: R-3, Townhouse Residential District  
East: C-3, General Commercial District  
West: R-1, Single Family Residential District

**Surrounding Land Uses:** North: Townhouses  
South: Townhouses  
East: Vacant  
West: Single Family Residence

**Street Classification:** Prospect Avenue and Chestnut Street are classified as local roads.

**Comprehensive Plan:** The Comprehensive Plan illustrates this site as commercial.

**Property/Zoning History:** The property is currently undeveloped and located at the southwest corner of the Prospect Avenue and Chestnut Street intersection. In 2022, a zoning map

amendment was approved to change the zoning of this property from C-1, Neighborhood Shopping to C-3, General Commercial. A multitenant office building was contemplated when the property was re-zoned. Since 2022, this property was sold to the petitioner. Historic aerials and city records do not indicate any structure has existed on this property in known history.

The area surrounding the property is generally commercial properties and townhouses. However, the property immediately adjacent to the subject project, 1383 Prospect Avenue, is a single-family house re-zoned from C-1, Neighborhood Commercial to R-1, Single Family Residential in 2016. The presence of an adjacent single family residential property creates additional requirements in terms of the required front yard and requires a landscape and fence buffer between the properties.

**Project Description:**

In May 2024, an identical request with a different building and site plan was recommended by PZB and approved by City Council. The petitioner, Vasile Haures, proposes a one-story commercial building for a trade contractor use. The new plan is one tenant space, including a showroom, office, and fabrication/storage for a hardwood flooring business.

*Trade Contractor Use*

A business classified as a “trade contractor” is defined in the zoning ordinance as,

“A building or portion thereof where building and construction trade services are provided to the public. "Trade contractor" shall include, but will not be limited to, contractor offices, including landscaper's showrooms, construction supplies and storage including plumbing, heating, air conditioning, and building equipment, materials, sales, and other uses similar in nature and impact.” (Section 12-13-3).

Refer to the Petitioner’s Letter of Intent for business operation information. The petitioner describes their business as a hardwood flooring company. Customers will be able to access the showroom by appointment only. Other services performed onsite will be deliveries and pickups of materials and limited fabrication work (e.g. custom cutting of hardwood planks). Activities would primarily include performing installation and finishing pre-made materials offsite at customer locations. The business currently includes two employees and four subcontractors.

Storage of materials must occur indoors, except as permitted by Section 12-7-F.5.d. Trade contractor businesses in the C-3 district can display materials outside of the building, although they cannot be displayed within any required yards. With the current site plan, there are few locations on the property where outdoor display would be possible. The petitioner has not indicated any intent to display materials outdoors; if this changes, all requirements of Section 12-7-3.F.5.d must be followed, limiting the location, height, and types of material displayed.

*Proposed Building and Front Yard Variation*

The proposed building on the site will be 4,512 square feet in size and one story, 17 feet 9 inches in height. One overhead door and loading zone is located adjacent to the alley. Landscaping and fencing are noted on the site

plan to meet landscape buffer requirements pursuant to Section 12-10-9.

In the C-3 zoning district, the required front yard must equal the required setback of any adjacent residential district, or 5 feet if it is not adjacent to residential. This property is adjacent to an R-1 zoned property on the west side, thus requiring a 25-foot front yard setback. A standard variation to reduce the required front yard is requested to allow the building to be setback 5 feet instead of 25 feet from the property line. The proposed setback of the building from the property line is consistent with the other commercial properties on this block.

The current building design does not meet Section 12-3-11 – Building Design Standards. The proposed materials meet requirements, with brick and metal proposed on the façade. However, for street-facing elevations (north and east facades) a minimum of 50% transparency from 2 feet to 9 feet above the sidewalk is required for this type of use. The petitioner may request a minor variation, reviewed administratively by zoning staff, to vary from this requirement.

#### *Off-Street Parking*

One accessible parking space and six standard parking spaces are provided on the site plan. The trade contractor use does not require a specific amount of off-street parking per Section 12-9-7. Because trade contractor is a conditional use within the C-3 Zoning District, a specific amount or location of off-street parking can be a condition of approval. On-street parking is available on Prospect Avenue and on the west side of Chestnut Street.

If the PZB requires modifications to the parking plan or if it is determined that parking agreements should be sought to relieve parking concerns associated with this use, a condition of approval can be suggested with the recommendation to City Council.

#### *Traffic and Loading*

Access to the property will be provided by the existing 16-foot-wide alley accessed from Chestnut Street. Traffic generated by this use would include vehicle trips associated with employees, customers, and deliveries and loading of materials. A major variation is requested to permit the loading zones to open onto the alley. Due to the location and size of the property, the loading zone area opening into the alley provides access without requiring an additional curb cut along Chestnut Street or Prospect Avenue.

The Letter of Intent provided by the petitioner (refer to attachments) states deliveries will occur between 8 A.M. and 5 P.M. on weekdays, and larger deliveries would be scheduled outside of peak traffic hours. Loading and unloading will occur within the designated loading zones. A suggested condition of approval states that any loading and unloading outside of the building may not occur between the hours of 10:00 P.M. and 7:00 A.M.

The petitioner proposes an eight-foot-tall fence around the rear of the building, enclosing the parking lot and loading space. A gate is proposed at the entrance from the public alley. To prevent any issues with visibility for motorists or pedestrians navigating within and around the property, a proposed condition

of approval is that the fencing within the ten-foot sight triangle must be partially transparent, and landscaping must be maintained to a height of no taller than three feet. Chain link, wrought iron, or another type of partially open fencing option must be located in this area. Note Section 12-8-2 of the Zoning Ordinance allows nonresidential properties to have fences up to eight feet tall, without specific requirements for the sight triangle. The suggested condition of approval provides greater certainty that adequate visibility will be present with the development of this property.

Due to the proposed use of the alley for entrance and exit for all loading, deliveries and parking, and the poor condition of the existing pavement, a suggested condition of approval is to complete alley improvements. The petitioner acknowledges this condition in the Letter of Intent and states plans for the improvements will be provided at time of building permit.

### **Standards for Conditional Use**

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

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

*Comment:* Trade contractor is a conditional use within the C-3, General Commercial District.

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

*Comment:* The 2019 Comprehensive Plan designates the subject site as Commercial. This business would create a commercial use for this vacant, commercially zoned property. A zoning map amendment was approved in 2022 to re-zone this property from C-1 to C-3 to expand the permitted uses for this parcel. Per historic aerials and City records, the property has been undeveloped for known history. The zoning was changed from residential to commercial for this block of Prospect Avenue in 1989; despite the commercial zoning, no commercial building has been constructed on this site. The conditional use would provide a commercial use for this property for the first time in known history.

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

*Comment:* Many suggested conditions of approval are included with this case to provide assurances about the use being compliant with applicable zoning requirements and minimize impact in terms of noise. Suggested conditions include limitations on the timeframe for loading and unloading at the exterior of the building, improvements to the alley, and providing information at time of building permit to ensure the turning radius of trucks will be adequate in the loading zones.

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

*Comment:* As discussed in the Petitioner's Letter of Intent, the business will operate Monday through Saturday 8:00 A.M. to 5:00 P.M. and closed on Sunday. See the Petitioner's Letter of Intent and Response to Standards for additional information about business operations. The suggested conditions of approval are meant to provide assurances that limit any disturbance or nuisance to the neighborhood.

- 5. The proposed Conditional Use is to be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or, agencies responsible for establishing the Conditional Use shall provide adequately any such services:**

*Comment:* The subject site is adequately served by essential public facilities and services. During the permitting and construction phase and business registration approval, the petitioner must undergo an inspection of the building by the fire, building, and zoning divisions to determine compliance with this conditional use and all applicable local, state, and federal regulations.

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

*Comment:* The proposed use would not create a burden on public facilities or services. This business would be located within a new building, and it is not anticipated that this use would generate additional need for public facilities or services compared to any other building constructed in this area.

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

*Comment:* Traffic generated by this use will include trips generated for employees, deliveries, and customers (by appointment). The Letter of Intent by the petitioner states deliveries would occur between 8 A.M. and 5 P.M. A suggested condition of approval states that any loading and unloading outside of the building may not occur between the hours of 10:00 P.M. and 7:00 A.M., intended to limit the amount of noise associated with the business impacting neighboring properties. No extraordinary glare, smoke fumes, or odors are anticipated to occur with the operation of this business; however, any business within Des Plaines must meet Chapter 12 – Environmental Performance Standards of the Zoning Ordinance regulating noise, odor, glare, and any other specified nuisances, otherwise enforcement action can be taken.

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

*Comment:* Access to the building will be provided through the existing alley accessed from Chestnut Street. No additional curb cuts are proposed for this property. A suggested condition of approval will require a turning radii analysis submitted to City staff prior to building permit issuance to ensure adequate space is available for trucks entering/exiting the loading zone and any vehicles entering or exiting through the overhead doors.

- 9. The proposed Conditional Use does not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance:**

*Comment:* The proposed project would not result in the damage of natural, scenic, or historic features. A large parkway tree is present in the public right of way in front of the property, which is within public property and required to be preserved regardless of this development unless otherwise authorized by the City. Section 8-4-4 of the Public Ways and Property title of the municipal code prevents any injury or movement of this tree without authorization by the city.

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

*Comment:* The proposed use complies with all applicable requirements as stated in the Zoning

Ordinance. Two variations are proposed with this application associated with the required front yard and the loading zone and one minor variation may be requested upon approval of this conditional use to vary from building design standards in Section 12-3-11.

**Standards for Variation:**

Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. Rationale for how the proposed requests would or would not satisfy the standards is provided below and in the attached petitioner responses to standards. The Board may use the provided staff comments as its rationale, modify, or adopt its own.

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

*Comment:* Without the variation to reduce the required front yard, the buildable area of this relatively small C-3 zoned property would be further reduced. Hardships were imposed on this property in 2016 when the adjacent property, 1383 Prospect Avenue, petitioned for a zoning map amendment from C-1, Neighborhood Commercial to R-1, Single-Family Residential. Commercially zoned properties adjacent to residentially zoned properties are required to meet certain setback and screening/landscaping requirements. Prior to 2016, the front yard would have been required to be 5 feet for this property.

The major variation for the loading zone is necessary due to the size of the property. This property is relatively small for a C-3 zoned property and this specific use requires more dedicated areas for loading/unloading than other businesses. There is insufficient space for this loading space with the proposed size of the building, unless the petitioner chose to have loading space within the building. However, loading within the building would be challenging due to the size of the property.

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

*Comment:* This commercial property is unique in this neighborhood due to its location adjacent to an R-1 zoned property. Refer to the Zoning Map attachment. Other parcels in this area are zoned commercial or townhouse residential. The other commercial properties have smaller front yard setbacks along Prospect Avenue, like what is requested by this petitioner.

The location of the loading zone facing the alley is primarily due to size limitations of the property. Unless the petitioner chose to have loading inside the building, there are few design alternatives to add the necessary loading areas for the business without requiring the driveway to face a public way. This orientation of the loading zone presents a less significant impact compared to a loading zone along the public streets.

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

*Comment:* With the re-zoning of the adjacent property (1383 Prospect Avenue) to residential, a

hardship was imposed on this property requiring a larger front yard setback for a new building than other commercial properties along this block.

The property owner was aware of the size limitations when purchasing this property and because this is a new building, the hardship related to the loading zone is related to their chosen site design, rather than a hardship imposed by the physical property. However, any commercial property on this site would require a loading space, pursuant to Section 12-9-9, and may face similar challenges with its orientation on the small property away from a public way.

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

*Comment:* The rights denied to the property owner could be the ability to develop this building as proposed. However, it is conceivable that additional options exist to redesign the property to be compliant with all zoning ordinance standards. The PZB may ask the petitioner if this property is suitable for this type of use and clarify why specific decisions were chosen regarding the building design.

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

*Comment:* Variation decisions are made on a case-by-case, project-by-project basis upon applying the variation standards. In those evaluations, the determining body (e.g., PZB and/or City Council) usually determines the applicant has exhausted design options that do not require a variation. The PZB may ask the petitioner to explain whether they have exhausted other alternatives.

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

*Comment:* If the variations and conditional use were approved, it would meet all applicable requirements except for a minor variation required for the proposed building design.

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

*Comment:* A remedy to relieve necessary relief for the required front yard would be to locate the building further from the property line along Prospect Avenue. However, the property is small, and this would further reduce the buildable area of the parcel.

Unless the petitioner chose to have loading inside the building, there are few design alternatives to adding the necessary loading areas for the property without requiring the driveway to face a public way. This orientation of the loading zone presents a smaller impact compared to a loading zone along the public streets.

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

*Comment:* With the variations sought, it would meet all applicable requirements with the exception of a minor variation required for the proposed building design.



**PZB Procedure and Recommended Conditions:** Under Section 12-3-7.D (Procedure for Review and Decision for Amendments) and Section 12-3-6.F (Major Variations) of the Zoning Ordinance, the PZB has the authority to *recommend* approval, approval subject to conditions, or denial of the request to City Council. City Council has final authority on these requests.

Under Section 12-3-6.F.2.b (Standard Variations) of the Zoning Ordinance, the PZB has the authority to approve, approve subject to conditions, or deny the standard variation request. However, under Section 12-2-2 (Legislative and Administrative Authority), when other relief requiring city council approval is sought, such as conditional uses or major variations, the PZB serves as the *recommending* body for all requests.

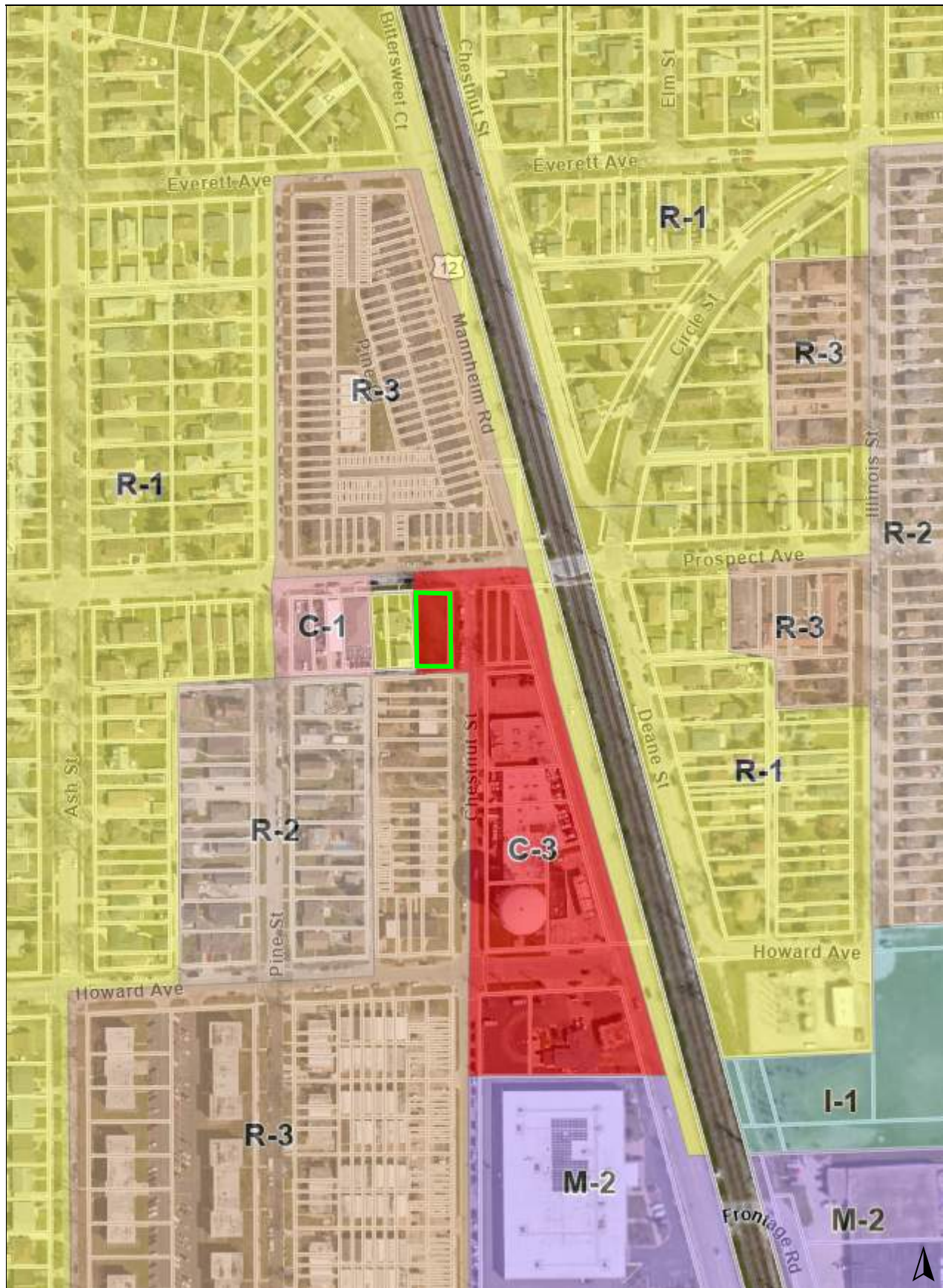
The PZB has the final authority to *recommend* approval, approval subject to conditions, or denial of all requests to City Council. All requests can be reviewed and recommended in separate motions or combined into one motion. Staff recommends the following conditions:

**Conditions of Approval:**

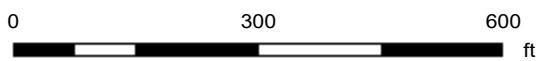
1. Full reconstruction of the portion of alley along the rear frontage is required, with a catch basin connected to the storm sewer in Chestnut Street. The improvements must be demonstrated on plans prior to issuance of a building permit.
2. Prior to issuance of a building permit, replacement of existing public sidewalks deemed unsatisfactory must be demonstrated on plans, as determined by the Director of Public Works and Engineering or their designee.
3. A turning radii exhibit is required to be submitted prior to issuance of building permit demonstrating acceptable turning radiuses for loading/unloading, to the satisfaction of the Director of Public Works and Engineering or their designee.
4. Loading and unloading of materials outside of the building is prohibited between the hours of 10:00 P.M. and 7:00 A.M. No loading and unloading can occur within any public ways.
5. Fencing within the ten-foot sight triangle at the intersection of the driveway, Chestnut Street, and the alley must be chain link, wrought iron, or another type of fencing that provides sufficient transparency for motorist and pedestrian visibility. Any landscaping within this sight triangle must be three feet in height or shorter.

**Attachments:**

- Attachment 1: Location Map
- Attachment 2: Staff Site and Context Photos
- Attachment 3: Petitioner’s Letter of Intent
- Attachment 4: Petitioner’s Response to Standards
- Attachment 5: Plat of Survey
- Attachment 6: Site Plan and Building Plans



- Legend**
- Subject Site
  - C-1: Neighborhood Shopping
  - C-3: General Comm
  - I-1: Institutional
  - M-2: General Manufacturing
  - R-1: Single Family Residential
  - R-2: Two Family Residential
  - R-3: Townhouse Residential



Print Date: 4/17/2024

Notes

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.





View of property



View of alley and rear of property



Attachment 2

1387 Prospect Ave – Public Notice Sign



View of street parking along Chestnut Street



**General Hardwood Flooring Inc.**

**Letter of Intent for Conditional Use Permit and Building Permit**

**To:** Planning and Zoning Board, Des Plaines, IL

**From:** Vasile Haures, President of General Hardwood Flooring Inc

**Date:** Sep 25, 2024

**Subject:** Conditional Use Permit and Building Permit Application - Hardwood Flooring Business

**Dear Zoning Board Members,**

I am writing to express my interest in establishing a hardwood flooring business, General Hardwood Flooring Inc, at 1387 Prospect in Des Plaines, Illinois. I have been the owner and operator of General Hardwood Flooring Inc for 18 years, specializing in the installation, sanding, refinishing, and repair of hardwood flooring.

**Why Des Plaines?**

We have chosen Des Plaines as the location for our new business due to several factors:

- **Thriving Community:** Des Plaines offers a vibrant community with a strong demand for high-quality home improvement services.
- **Strategic Location:** The proposed location provides excellent access to major transportation routes, facilitating efficient deliveries and customer service throughout the area.
- **Availability of Space:** The property at 1387 Prospect will offer ample space to accommodate our operations, including designated areas for showroom, workshop, and storage.

**Our Business Operations:**

- **Services:** We will provide a comprehensive range of hardwood flooring services, including installation, sanding, refinishing, repair, and potentially stain application.
- **Deliveries and Pick-Ups:** Deliveries of materials will be scheduled during off-peak hours (e.g., weekdays between 8-5) to minimize traffic disruption. We work with suppliers to deliver all the materials directly to customer home so wood floor can acclimate for 2 weeks prior installation.
- **Customer Interaction:** We anticipate a moderate level of customer traffic by appointment primarily for consultations, showroom visits, and pick-up/drop-off of materials for smaller jobs.
- **Fabrication:** Limited fabrication work may occur on-site, such as custom cutting of hardwood planks. However, the majority of our work will involve installation and finishing pre-made materials.
- **Employees:** We currently have 2 employees, 4 subcontractors and anticipate expanding this number as our business grows in Des Plaines.
- **Hours of Operation:** Our proposed hours of operation are 8-5 weekdays, 8-5 Saturdays, and closed on Sundays.

**Commitment to the Community:**

We are committed to being a responsible business neighbor in Des Plaines. We will prioritize practices that minimize noise, dust, and traffic congestion. Additionally, we plan to incorporate landscaping that complements the surrounding area.

We are confident that General Hardwood Flooring Inc will be a valuable asset to the Des Plaines community. We look forward to the opportunity to discuss our plans in more detail and answer any questions you may have.

**Building Permit Considerations:**

We understand the comments from the City regarding the building permit application and are prepared to address them as follows:

- **Loading:** Our current loading area design meet zoning ordinance requirements. We appreciate the addition of the variation request for off-street loading onto the alley. We will not be revising the plans at this time and will present the case for the variation at the public hearing.
- **Improvements to Lot and Alley:** We acknowledge the requirements from the Public Works and Engineering Department and will ensure these improvements, including full alley reconstruction with a storm sewer connection and a turning radii exhibit demonstrating acceptable maneuvering for loading/unloading, are demonstrated on the plans prior to building permit issuance.
- **Building Design Standards:** We understand the need for window transparency on street-facing elevations. We will review the attached markups and explore design revisions to meet the code section requirements. Alternatively, we may seek a minor variation from these standards after the PZB and Council review, if necessary.
- **Landscaping and Dumpster Enclosure:** We will incorporate landscaping and a dumpster enclosure into the plans prior to building permit issuance, if the case is approved. We will refer to the notes on the attached plans for specific requirements.

**Parking Considerations:**

We understand the concerns regarding on-site parking for customers and employees. Our new layout will include 5 stalls and 1 handicapped accessible parking. However, we will consider implementing the following strategies to manage parking:

- Showroom viewings by appointment only.

**Thank you for your time and consideration.**

**Sincerely,**

**Vasile Haures**

**Owner, General Hardwood Flooring Inc**

**Contact Information:**

- Phone: (773) 562-0396
- Email: generalflooring@gmail.com
-

## STANDARDS FOR CONDITIONAL USES

**The Planning and Zoning Board and City Council review the particular facts and circumstances of each proposed Conditional Use in terms of the following standards.** Keep in mind that in responding to the items below, you are demonstrating that the proposed use is appropriate for the site and will not have a negative impact on surrounding properties and the community. Please answer each item completely and thoroughly (two to three sentences each).

1. The proposed conditional use is in fact a conditional use established within the specific zoning district involved;

Response: Yes, trade contractor is a conditional use permitted in the C-3, General Commercial zoning district.

2. The proposed conditional use is in accordance with the objectives of the city's comprehensive plan and this title;

Response: The Comprehensive Plan illustrates this parcel as intended for commercial. The Comprehensive Plan encourages economic development within the city, which includes the development of new businesses and redevelopment of available properties to accommodate industry growth.

3. The proposed conditional use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;

Response: Our proposed trade contractor building will be designed to harmonize with the surrounding historic district. The neighborhood primarily consists of two-story red brick buildings with pitched roofs and large storefront windows. Our building will be one stories tall and incorporate a modern facade with large windows to maintain a cohesive streetscape. Additionally, landscaping will include mature trees and native plants to create a visually appealing and environmentally friendly space that integrates seamlessly with the existing streetscape.

4. The proposed conditional use is not hazardous or disturbing to existing neighboring uses;

Response: Our Hardwood Flooring Business Operations:

Our primary business is the installation, sanding, refinishing, and repair of hardwood flooring. Sometimes a service comes with the product.

Deliveries of hardwood materials will typically occur during weekdays between 8-5 to minimize disruption.

Our regular business hours will be 8-5 on weekdays, and 8-5 on Saturdays.

We will be closed on Sundays.

Parking: We will designate a specific area on our rear property for employee parking and our vans to be parked inside the building to avoid using on-street parking during business hours.

We will incorporate landscaping around the building to enhance the aesthetics and create a visually appealing space.

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 the persons or agencies responsible for the establishment of the proposed conditional use shall provide adequately any such services;

Response: We understand that the proposed use must be adequately served by essential public facilities and services. We will work with the relevant authorities to ensure all necessary services are in place.

Our business operations will not require any additional capacity from existing public facilities and services. We will utilize existing infrastructure for utilities, waste disposal, and public safety needs

6. The proposed conditional use does not create excessive additional requirements at public expense for public facilities and services and not be detrimental to the economic welfare of the community;

Response: This use is not anticipated to generate any additional burden on public facilities or services.

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;

Response: Traffic: We will schedule deliveries during off-peak hours to minimize traffic congestion. Customer traffic will be minimal as most of our work is conducted on-site.

Noise: We will prioritize using muffled power tools whenever possible and schedule noisy work for less busy times to reduce noise disturbance.

Smoke, Fumes, and Odors: Our business does not involve any significant sources of smoke, fumes, or odors. Dust generated during operations will be controlled through dust collection systems and proper ventilation.

8. The proposed conditional use provides vehicular access to the property designed that does not create an interference with traffic on surrounding public thoroughfares;

Response: Our property access is designed to minimize traffic on surrounding streets. We will primarily utilize the existing alley for deliveries and customer pick-up/drop-off. This reduces the number of vehicles entering and exiting onto the main road, minimizing congestion and ensuring smooth traffic flow for everyone.

9. The proposed conditional use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and

Response: Our hardwood flooring business will not cause any destruction, loss, or damage to natural, scenic, or historic features of major importance. Our operations are contained within a building and will not impact any protected areas.

10. The proposed conditional use complies with all additional regulations in this title specific to the conditional use requested

Response: With the requested standard variation to allow the building to be closer to the street, this conditional use would meet all regulations.



## STANDARDS FOR VARIATIONS

**In order to understand your reasons for requesting a variation, please answer the following items completely and thoroughly (two to three sentences each).** Variation applicants must demonstrate that special circumstances or unusual conditions prevent them from following the specific regulations of their zoning district. Applicants must prove that the zoning regulations, in combination with the uncommon conditions of the property, prevents them from making any reasonable use of the land. Keep in mind that no variation may be granted that would adversely affect surrounding properties or the general neighborhood.

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.

Response: This is a smaller commercial lot located in a primarily commercial area. Most of the commercial parcels in this neighborhood are not located adjacent to a residential use and do not have to meet the setback requirements. This limits the size and location of the building on the property.
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.

Response: This property is located in a commercial zoning district and adjacent to one single family residential use to the west. This property is also smaller than many commercial properties and has remained vacant for a significant period of time due to the size limitations. Reducing the setback allows for this building to be developed with the proposed building and operate as a commercial space, which is what is intended for the C-3, General Commercial zoning district.
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.

Response: The property owner purchased this property with the existing zoning and size and did not create the uniqueness or hardship.

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.

Response: If this variation reducing the required distance of the building to the property line is not granted, it limits the amount of the property that can be developed with a building.

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.

Response: Most other commercial buildings are located the same distance from the property line in this neighborhood as the proposed development. Therefore, this would not grant the property owner 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.

Response: This development would be in harmony with the remainder of the zoning ordinance and would need to meet all applicable zoning, building, and other municipal codes prior to construction.

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.

Response: The other remedy would be reducing the footprint of the building or moving the building backwards.

This positioning allows us to maximize usable space within the building for our hardwood flooring operations. Having more space allows for efficient workflow, improved storage capacity for materials, and potentially a dedicated loading/unloading area within the building itself. A closer location to the property line facilitates a more efficient use of the existing alley for deliveries and customer pick-up/drop-off. This minimizes the need for maneuvering large vehicles on the main road and reduces overall traffic impact.

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.

Response: Yes, this is the minimum relief necessary.

# ALTA/NSPS LAND TITLE SURVEY

OF

PROPERTY ADDRESS: 1387 PROSPECT AVENUE, DES PLAINES, ILLINOIS

THE EAST 8 FEET OF LOT 3 AND ALL OF LOTS 1 AND 2 IN BLOCK 1 IN BAKERS ADDITION TO RIVERVIEW IN THE SOUTH 1/2 OF THE SOUTH WEST 1/4 OF THE NORTH EAST 1/4 OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

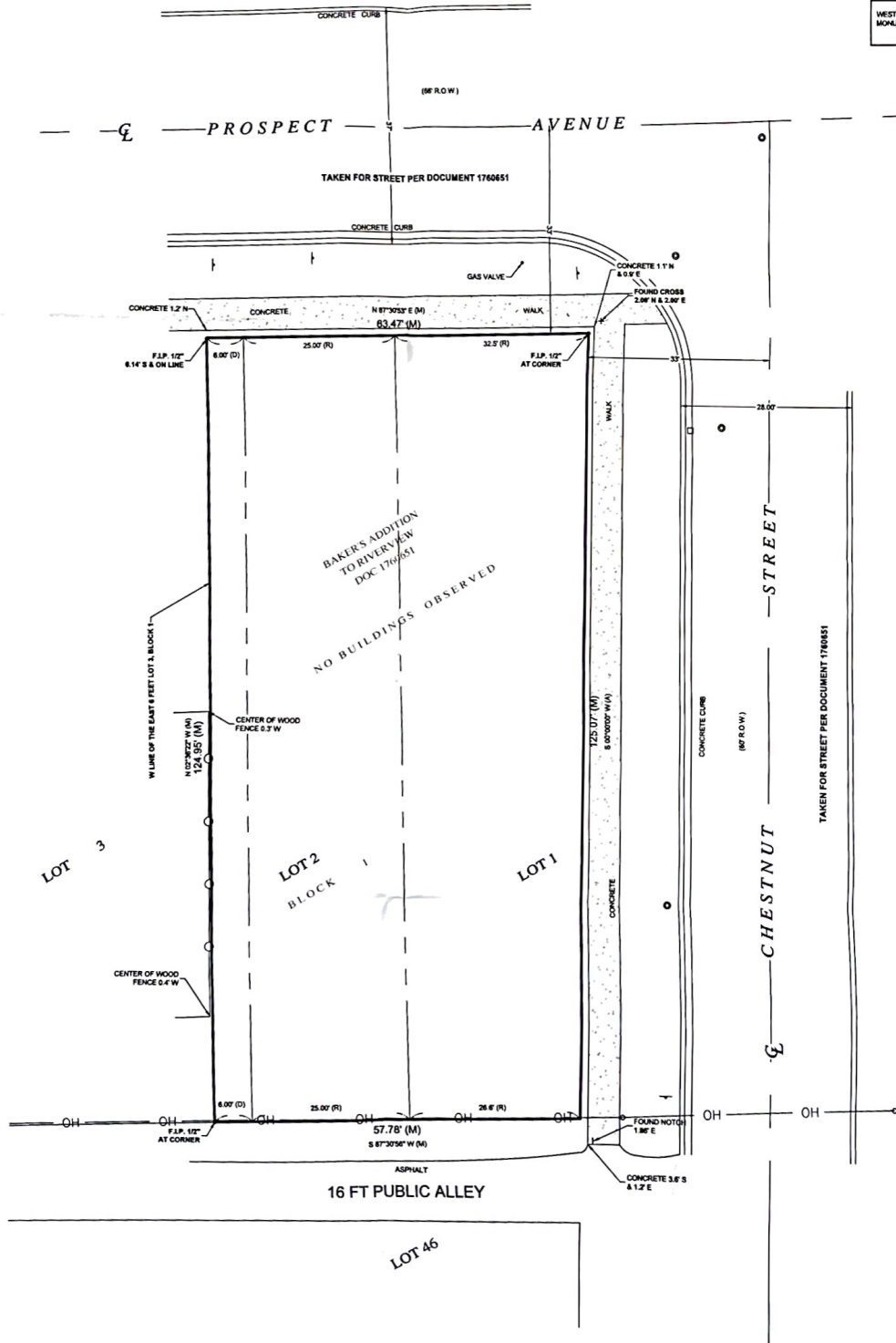
LAND AREA = 7,574.8 SF  
OR 0.17 ACRES MORE OR LESS



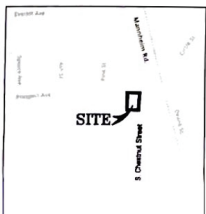
BASIS OF BEARING  
WEST LINE OF CHESTNUT STREET AS FOUND  
MONUMENTED AND OCCUPIED.  
S 07°00'00" W (ASSUMED)  
P.L.N. 09-28-228-034-0000

## LEGEND

- |       |                           |       |                     |
|-------|---------------------------|-------|---------------------|
| —     | EXISTING BOUNDARY         | ○     | MANHOLE             |
| - - - | EXISTING EASEMENT         | ○     | EXIST. GATCH BASIN  |
| - - - | EXISTING SETBACK          | □     | EXIST. CURB INLET   |
| - - - | EXISTING CHAIN LINK FENCE | - - - | STORM SEWER         |
| - - - | EXISTING WOOD FENCE       | - - - | SEWERY SEWER        |
| - - - | EXISTING METAL FENCE      | ○     | WATER VALVE         |
| - - - | EXISTING VINYL FENCE      | ○     | BURIED BOX (B-BOX)  |
| - - - | EXISTING BUILDING         | ○     | WATER VALVE & VAULT |
| - - - | CENTER LINE               | ○     | FIRE HYDRANT        |
| ▨     | ASPHALT SURFACE           | ○     | GAS METER           |
| ▨     | BUILDING/STRUCTURE        | ○     | GAS LINE            |
| ▨     | CONCRETE SURFACE          | ○     | ELECTRIC METER      |
| (C)   | CALCULATED                | □     | ELECTRIC WIRES      |
| (M)   | RECORD/MEASURED           | ○     | UTILITY POLE        |
| SF    | SQUARE FEET               | □     | PHONE PEDestal      |
|       |                           | □     | CABLE TV PEDestal   |
|       |                           | ○     | LIGHT POST          |
|       |                           | →     | STREET SIGN         |
|       |                           | →     | DOWNSPOUT           |
|       |                           | +     | BOLLARD             |



Know what's below.  
Call before you dig.



CONSULTANT

OWNER

**VASILE HAURES**

1980 PINE STREET  
DES PLAINES, ILLINOIS 60018  
(773) 562-0398

USER

PROJECT

**HAURES BUILDING**

SCOPE

**COMMERCIAL ONE-STORY  
TRADE CONTRACTOR  
OFFICE/SHOP**

ADDRESS

1387 PROSPECT AVE.  
DES PLAINES, ILLINOIS 60018

OWNER PROJ. NO.

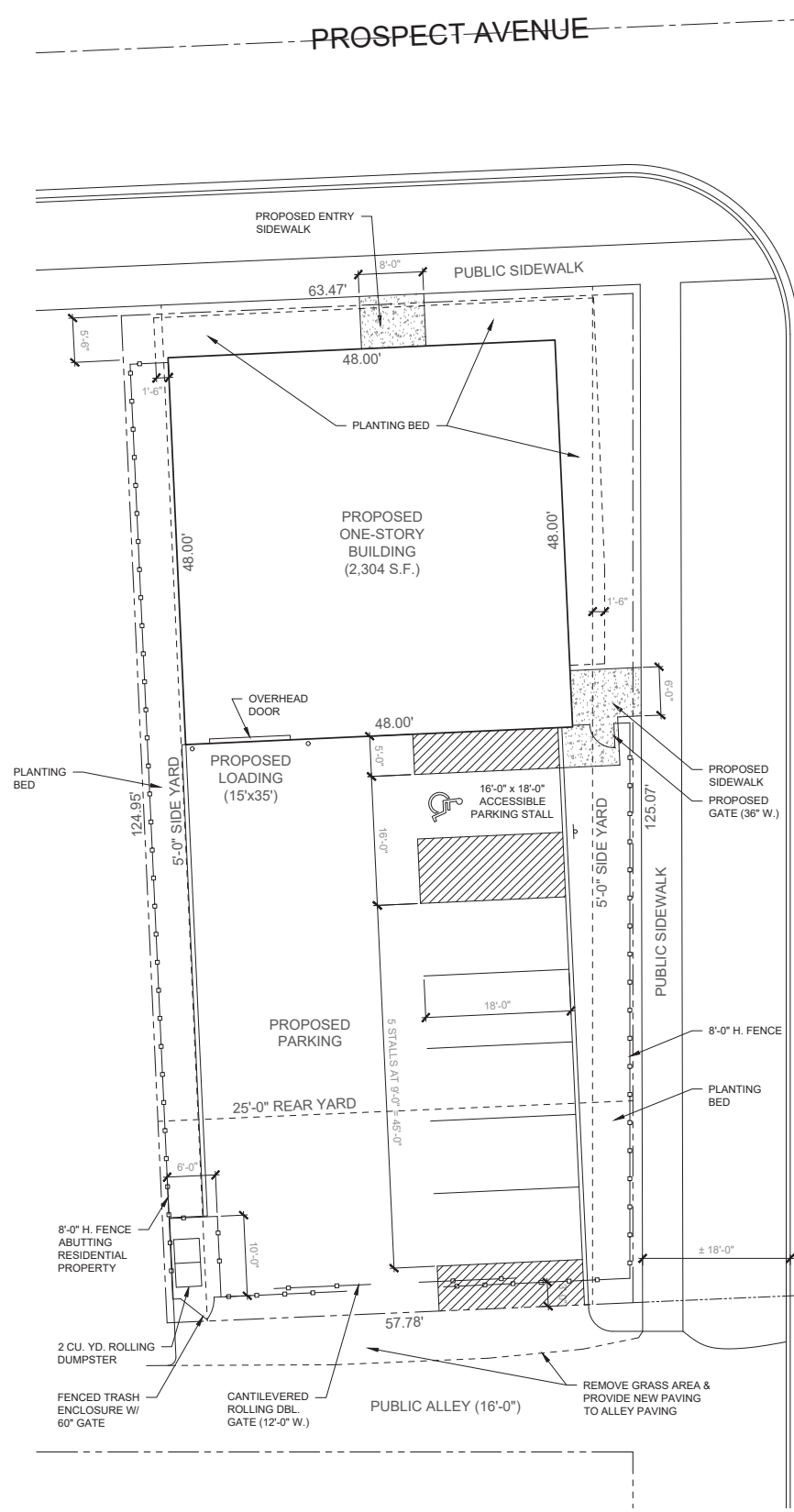
**N/A**

#	DATE	REVISIONS/SUBMISSIONS
	08/26/2024	REVISION 3
	04/18/2024	REVISION 2
	03/04/2024	REVISION 1
	02/02/2024	ISSUED FOR STAFF REVIEW

**GROUND FLOOR PLAN**

TELQS PROJ. NO.	ISSUING DATE
24-001	02/02/2024

**A-101 (2)**



**2 SITE PLAN**

A-101

0 10' 20'

1" = 10'

LOT AREA: 7,574.8 S.F.

NORTH

**ZONING REQUIREMENTS**

ZONING: C-3 GENERAL COMMERCIAL DISTRICT  
ALLOWABLE USE: TRADE CONTRACTOR

PARKING REQUIRED: (1) ACCESSIBLE STALL, 16'-0" x 18'-0"  
(5) STANDARD STALLS, 9'-0" x 18'-0"  
LOADING REQUIRED: (1) BAY, 15'-0" x 35'-0"

ALLOWABLE HEIGHT: 45'-0"  
PROPOSED HEIGHT: 17'-0"

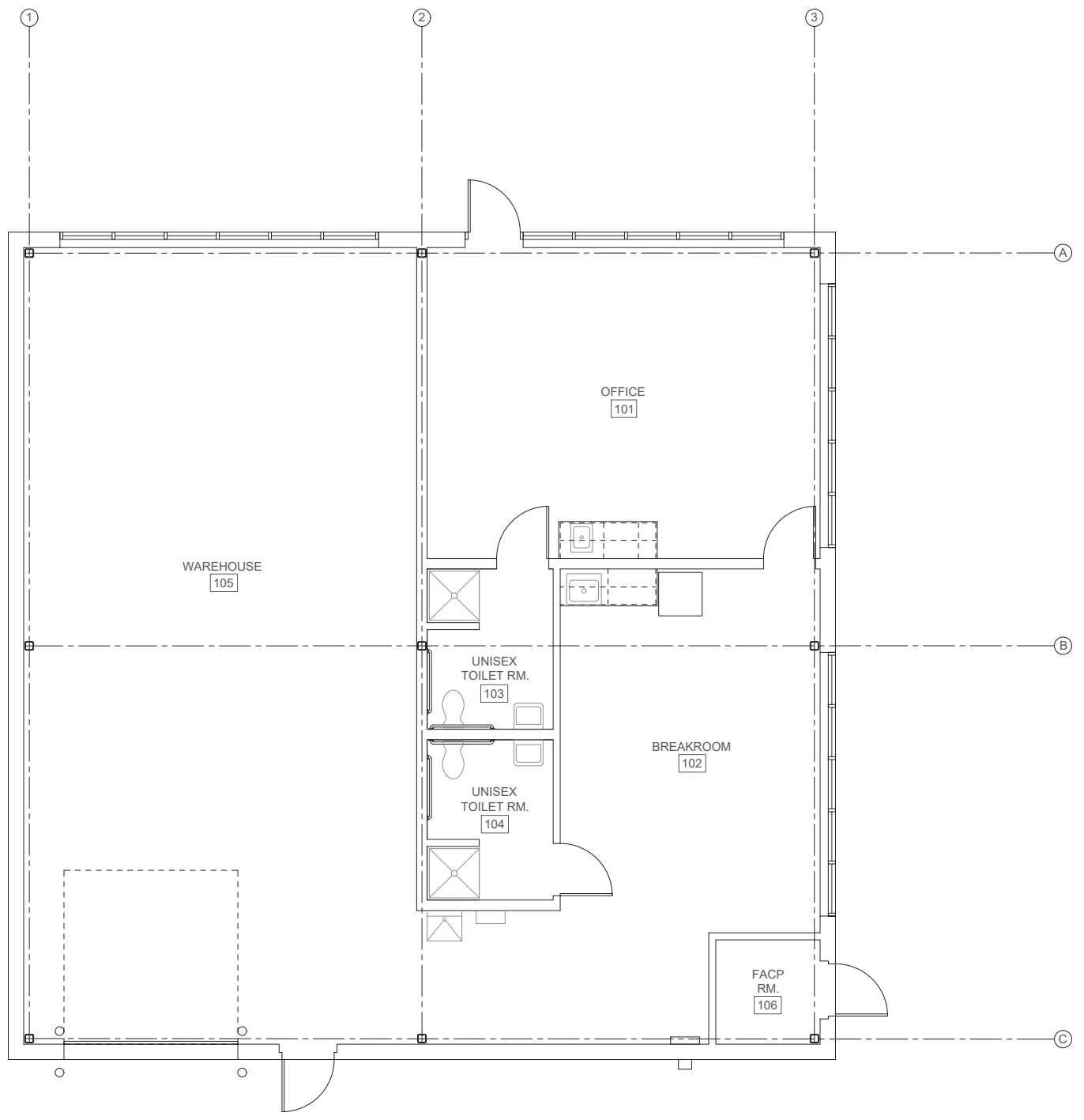
FRONT YARD: 25'-0"  
PROPOSED FRONT YARD: 5'-0"

SIDE YARD: 5'-0"  
PROPOSED SIDE YARD: 5'-0"

REAR YARD: 25'-0"  
PROPOSED REAR YARD: 25'-0"

ALLOWABLE GROUND FLOOR EXTERIOR BUILDING FINISH MATERIALS:

- FACE BRICK
- STUCCO
- CMU
- METAL



**1 GROUND FLOOR PLAN**

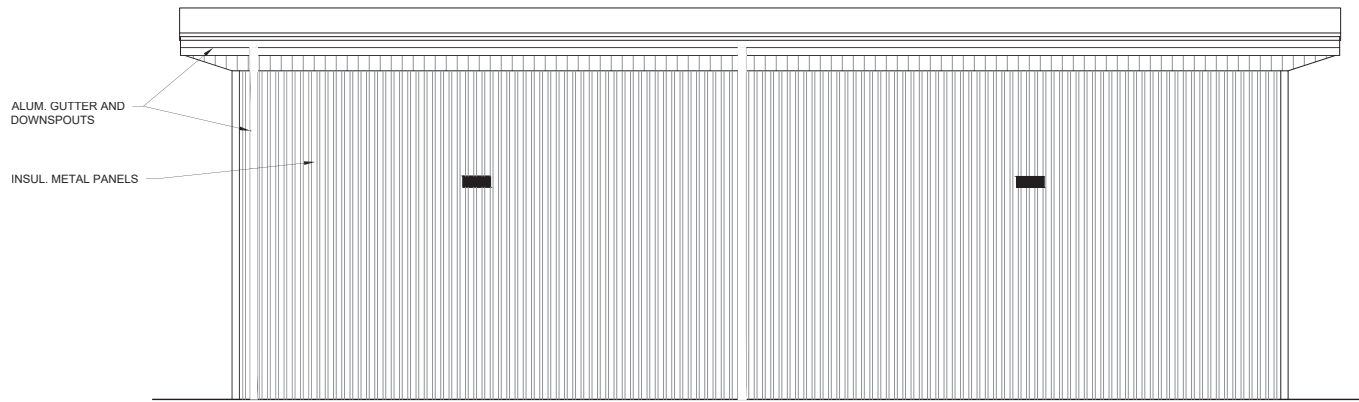
A-101

0 4' 8'

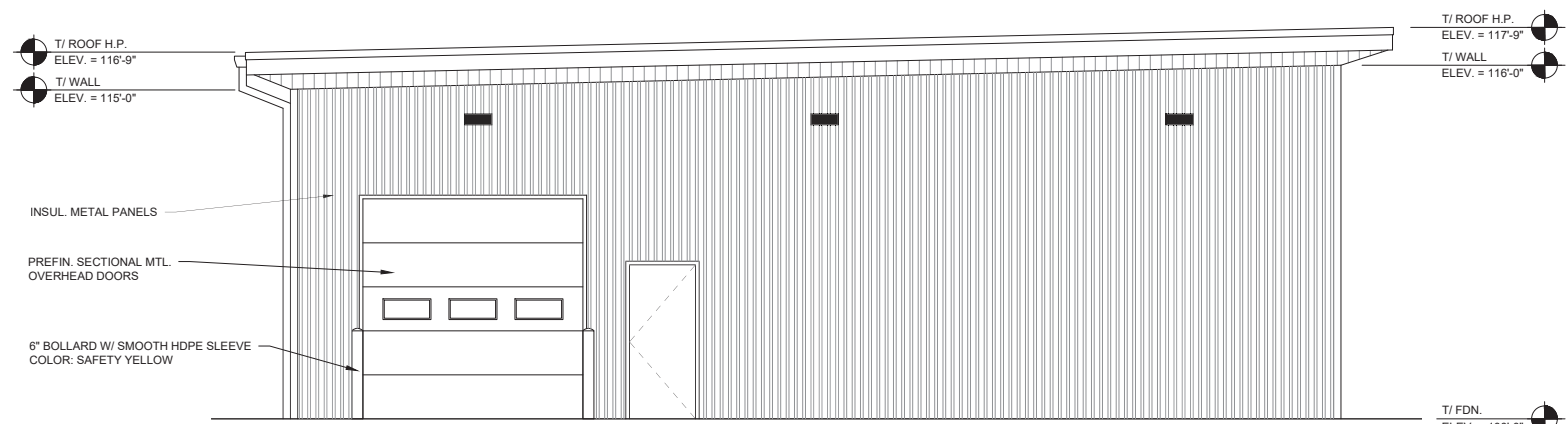
1/4" = 1'-0"

BUILDING AREA: 2,304 S.F.

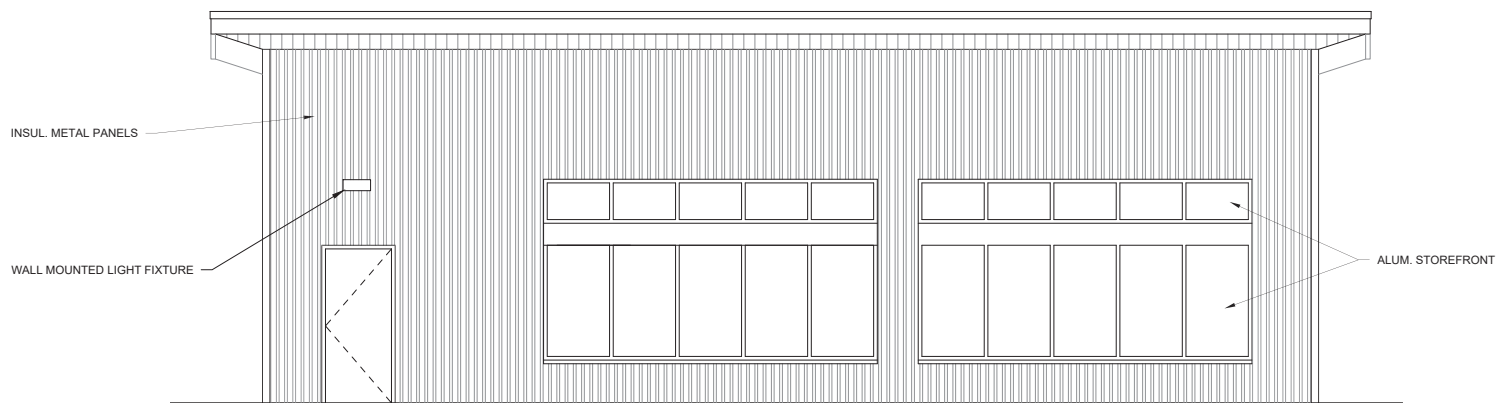
NORTH



4 ELEV. - WEST FACADE  
 1/4" = 1'-0"



3 ELEV. - SOUTH FACADE  
 1/4" = 1'-0"



2 ELEV. - EAST FACADE  
 1/4" = 1'-0"



1 ELEV. - NORTH FACADE  
 1/4" = 1'-0"

CONSULTANT

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**VASILE HAURES**  
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USER

PROJECT  
**HAURES BUILDING**

SCOPE  
**COMMERCIAL ONE-STORY  
 TRADE CONTRACTOR  
 OFFICE/SHOP**

ADDRESS  
 1387 PROSPECT AVE.  
 DES PLAINES, ILLINOIS 60018

OWNER PROJ. NO.  
**N/A**

#	DATE	REVISIONS/SUBMISSIONS
04/18/2024	REVISION 2	
03/04/2024	REVISION 1	
02/02/2024	ISSUED FOR STAFF REVIEW	

**EXTERIOR ELEVATIONS**

TELOS PROJ. NO.	ISSUING DATE
24-001	02/02/2024

**A-200 (2)**