

Case 21-004-CU  
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## **DES PLAINES PLANNING AND ZONING BOARD MEETING**

**March 23, 2021**

### **MINUTES**

As the City of Des Plaines continues to follow social distancing requirements and Governor Pritzker's Restore Illinois Order, the Planning and Zoning Board Meeting on Tuesday, March 23, 2021 was held virtually, via Zoom, and in person in Room 101 of the Des Plaines Civic Center beginning at 7:00 p.m.

### **ZONING BOARD**

Chairman Szabo called the meeting to order at 7:00 p.m. and read this evening's cases. Roll call was established.

**PRESENT:** Fowler, Hofherr, Saletnik, Veremis, Szabo

**ABSENT:** Bader, Catalano

**ALSO PRESENT:** Michael McMahon/Director/Community & Economic Development  
Jonathan Stytz, Planner/Community & Economic Development  
Wendy Bednarz/Recording Secretary

A quorum was present.

### **PUBLIC COMMENT**

There was no Public Comment.

### **APPROVAL OF MINUTES**

**A motion was made by Board Member Fowler, seconded by Board Member Veremis, to approve the minutes of February 23, 2021, as presented.**

**AYES:** Fowler, Veremis, Hofherr, Saletnik, Szabo

**NAYES:** None

**ABSTAIN:** None

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

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### **OLD BUSINESS**

### **NEW BUSINESS**

1. **Address:** 110 S. River Road

**Case Number:** 21-004-CU  
Public Hearing

The petitioner is requesting a Conditional Use under Section 12-7-3(F)(3) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow for an auto service repair use in the C-3 zoning district, and approval of any other such variations, waivers, and zoning relief as may be necessary.

**PINs:** 09-17-200-089-0000

**Petitioner:** Jason Churak, CC Automotive, LLC, 110 S. River Road, Des Plaines, IL 60016

**Owner:** Marek Amarex, Amarex Real Properties, 110 S. River Road, Des Plaines, IL 60016

Chairman Szabo swore in Jason Churak, representing the property at 110 S. River Road, Des Plaines, IL 60016.

Mr. Churak provided an overview of his request and stated that the building was previously used for an auto repair shop and that there was ample parking due to the warehouse style building.

Chairman Szabo asked if the Board had any questions.

Member Veremis asked why a business license was not acquired prior to opening. Mr. Churak stated that he was not opened and submitted the business licensing paperwork as soon as possible, he reiterated that he was not open or operating.

Director McMahan stated that some equipment has been installed and that there were cars on site at the location.

Member Fowler inquired about the other extenuating circumstances that prevented the application from obtaining a business license. Mr. Churak stated that he was starting the business from scratch and that work on the property needs to be completed. Mr. Churak stated that when he applied for the business license he was informed of the zoning change.

Chairman Szabo asked about the length of the lease on the property. Mr. Churak stated he has a three year lease on the property, with the option to renew.

Mr. Hofherr asked the Petitioner if he had received the staff report and read the conditions regarding the petition. Mr. Churak stated that he had read the paperwork.

Mr. Hofherr asked Mr. Churak why he began operating in December 2020 without a business license. Mr. Churak stated that he never officially opened his business.

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Chairman Szabo swore in Marek Amarex, 110 S. River Road, Des Plaines, IL 60016, owner of the subject property. Mr. Amarex stated he is preparing and working diligently on welcoming the tenant. Mr. Amarex stated that the other cars on the property are not the Petitioners, but other building tenants.

Mr. Hofherr asked that since the nature of the use of the building is auto repair, does the building have firewalls? Mr. Amarex stated the building does have firewalls.

Member Veremis inquired what the use for the space was previously. Mr. Amarex stated that the space has been vacant for a long time, but previous uses included a warehouse, office space, painting shop and t-shirt printing space.

Mr. Churak stated that the space is a generic warehouse building with bays; there will be no construction of extra doors or change to the structure of the building. Chairman Szabo inquired about the lifts, the Petitioner stated that there would be three above ground electric lifts.

Chairman Szabo asked if there were any other questions from the Board. There were no other questions asked.

Chairman Szabo asked if there were any questions or comments from the audience. The following comments were recorded:

- Denise Green, 485 Florian Dr
  - Ms. Green asked if there was a provision regarding disabled parking, she stated that only 1 of the 5 parking spaces were handicapped accessible. Mr. Amarex responded that additional handicapped spaces are available at the next unit.
  - Ms. Green also asked about waste disposal. Mr. Churak stated that disposal contracts are associated with the business owner. Mr. Churak stated that he also has contracts with an oil hauler, who complies with all EPA rules and a scrap metal hauler.
  
- Michael Yurkovic, 1330 Rand Rd #124
  - Mr. Yurkovic has been a neighbor of the property for several years, with this property abutting the subject building.
  - Concern over automotive work performed over the summer and the idling of diesel engines and additional noise concerns. Mr. Yurkovic was able to speak to one of the persons working and the issue was rectified. Mr. Yurkovic expressed a concern for noise and pollution problems at that space, especially during the summer.
  - Mr. Yurkovic inquired about the possibility of installing a privacy fence to assist as a noise buffer.
  - A secondary problem is the garbage, garbage continues to pile up at the northwest corner of the lot.

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- Patrick Harrison, 1330 Rand Rd # 119
  - Mr. Harrison voiced the same complaints of the idling engines and noted that the radio is played loudly into the evening. Mr. Harrison inquired about the locations hours of operation.
  - Mr. Harrison also inquired about where vehicles will be worked on (inside or outside the establishment).

Mr. Yurkovic also inquired about the hours of operation.

Planner Stytz provided the hours of operation from the supplied project narrative. Business hours are Monday – Friday, 8:00 a.m. – 6:30 p.m., Saturday, 9:00 a.m. – 2:00 p.m. and closed Sunday.

Member Fowler directed a question to Mr. Stytz/Mr. McMahon about making a condition of approval a taller privacy fence. Mr. McMahon stated that the Board would be able to make that a condition.

Member Fowler asked the Petitioner about the idling of cars and how often that occurs, Mr. Amarex responded that the idling of engines occurred based on a multitude of reasons and that he is aware of the issue. Mr. Amarex continued that if a stable business was able to occupy that space it would help alleviate the randomness.

Mr. Amaraex stated that he is not in control of most of the fence; that the railway and mobile home park are responsible but he is willing to work with the park about the fence. The owner also stated that the majority of the problem is near the dumpsters and stated that the majority of the problem is due to the lack of a stable presence on the property.

Director McMahon interjected that the fence is not on the mobile home property.

Chairman Szabo stated that the owner of the commercial property is responsible for proper screening/fencing and not the residential owner. Director McMahon confirmed.

Member Saletnik asked for clarity about issues from other entities and not the petitioner. Mr. Amarex does not know the degree of problems, but would like to remedy the concerns. Member Saletnik suggested the installation of a fence and security system to the subject property.

Member Fowler inquired about signage, such as “no trespassing”. Mr. Amarex stated that he does have some signage, but was not sure of the type of signage. Staff reminded the petitioner of the sign ordinance.

Mr. Churak stated that he does not allow for work outside the facility and that the work will be performed inside the building. The Petitioner stated that he is not interested in a dirty building and is not in his best interest. The Petitioner also stated that approximately 70% of his business is mobile, and he has appointments off site at dealerships.

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Chairman Szabo asked that the Staff Report be entered into record. Planner Stytz provided a summary of the following report:

**Issue:** The petitioner is requesting a Conditional Use under Section 12-7-3(F)(3) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow for an auto service repair use in the C-3 zoning district.

**Analysis:**

**Address:** 110 S. River Road

**Owners:** Jason Churak, 10 E. Comfort Lane, Palatine, IL 60067

**Petitioner:** Ararey Real Properties, 110 S. River Road, Des Plaines, IL 60016

**Case Number:** 21-004-CU

**Real Estate Index Number:** 09-17-200-089-0000

**Ward:** #1, Alderman Mark A. Lysakowski

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

**Existing Land Use:** Multi-Tenant Commercial Building

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

**Surrounding Land Use:** North: Rand Road Community (Residential)  
South: Rand Road Community (Residential) / Pesche's (Commercial)  
East: Lions Woods Park (Recreational)  
West: Rand Road Mobile Home Park (Residential)

**Street Classification:** South River Road is classified as a Principal Arterial road.

**Comprehensive Plan:** The Comprehensive Plan designates this site as Commercial Industrial Urban Mix.

**Project Description:**

The petitioner, Jason Churak, has requested a Conditional Use Permit to operate an auto service repair facility, CC Automotive, at 110 S. River Road. The subject property is located within the C-3, General Commercial district and auto service repair is a conditional use with the C-3 zoning district. The subject property contains a multi-tenant building with a surface parking area as shown in the Plat of Survey. The subject property is located along South River Road east of the Rand Road Community Mobile Home Park

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and north of Pesche’s Flowers. The subject property is currently accessed by two curb cuts off South River Road. The petitioner began operating CC Automotive out of this location in December 2020 without a business license. Code Enforcement contacted the petitioner on December 11, 2020 requesting that business operations on the subject property would cease immediately until a conditional use permit was received for the auto service repair use. Thus, the petitioner is requesting a conditional use permit to bring his auto service repair use into compliance with the Des Plaines Zoning Ordinance.

The existing one-story, 26,320-square foot building is made up of five suites with a front customer entrance and service entrance with garage door at the rear of the unit. The petitioner wishes to operate CC Automotive out of Suite 6, which has its main entrance located on the south side of the building and consists of approximately 3,430-square feet. The existing suite is mostly open with one frame partition separating the main entrance and restroom from the open shop floor. Based on the Floor Plans, the petitioner proposes to utilize the existing frame partition area as an office and waiting area with the restrooms totaling approximately 675-square feet. The remaining area, totaling approximately 2,121-square feet, will be utilized for three service bays and open shop area. The petitioner’s proposal does not include any changes to the building. However, the petitioner does plan to add landscaping in front of his suite in addition to the existing landscaping throughout the site as indicated in the Site Plan. The dumpster for this suite will be stored inside the building at all times with the exception of trash pickup days in compliance with Section 12-10-11 of the Des Plaines Zoning Ordinance.

Pursuant to Section 12-9-7 of the Des Plaines zoning Ordinance, auto service repair facilities are required to provide two parking spaces per service bay and one space for every 200 square feet of accessory retail. Thus, a total of 12 off-street parking spaces are required including one handicap accessible parking space (three service bays plus 1,094-square feet / 200-square feet of accessory office space = 12 spaces). The Site Plan proposes 15 total parking spaces on the property, including a handicap accessible space, which meets this requirement.

CC Automotive will be open on Monday through Friday from 8 am to 6:30 pm, Saturday from 9 am to 2 pm, and closed on Sundays. Their services will include general automotive repair and maintenance such as electrical diagnostic, tune-ups, oil changes, brakes, batteries, light exhaust work, and check engine repair. A maximum of two employees and the petitioner will be present on site at a given time. Please see the Project Narrative for more details.

**Compliance with the Comprehensive Plan**

The proposed project, including the proposed the site improvements, address various goals and objectives of the 2019 Comprehensive Plan including the following aspects:

- **Future Land Use Plan:**
  - This property is designated as Commercial Industrial Urban Mix on the Future Land Use Plan. The Future Land Use Plan strives to create a well-balanced development area with a healthy mixture of commercial and industrial uses. While the current use is commercial and the existing building contains multiple tenant spaces, the petitioner will work to enhance the subject tenant space with general maintenance and additional landscaping along the front of the tenant space. All activities and items stored will be inside to reduce any negative impacts.

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- The subject property is located along the defined River Road commercial corridor with a mobile home community to the north and west, commercial development to the south, and park to the east. The subject property contains a multi-tenant building with a variety of different commercial uses and is located in between large, established commercial developments along River Road. The request would assist in the retention of a new commercial business at this location and provide additional automotive services for the residents of Des Plaines.
- **Landscaping and Screening:**
  - The Comprehensive Plan seeks to encourage and actively pursue beautification opportunities and efforts, including the installation of landscaping, street furniture, lighting, and other amenities, to establish a more attractive shopping environment and achieve stronger corridor identity in Des Plaines.
  - The existing site contains landscaping around the multi-tenant building. However, the proposal seeks to add evergreen bushes along the front of the subject tenant space where the petitioner plans to locate the auto service repair use. While the front of this tenant space is not directly facing River Road, the addition of the evergreen bushes will improve the aesthetics of this site.

While the aforementioned aspects represent a small portion of the goals and strategies of the Comprehensive Plan, there is a large emphasis on improving existing commercial developments and enhancing commercial corridors throughout Des Plaines.

**Conditional Use Findings:** Conditional Use requests are subject to the standards set forth in Section 12-3-4(E) of the 1998 City of Des Plaines Zoning Ordinance, as amended. In reviewing these standards, staff has the following comments:

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

Comment: Please see the petitioner’s responses to Standards for Conditional Uses.

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

Comment: Please see the petitioner’s responses to Standards for Conditional Uses.

**C. 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: Please see the petitioner’s responses to Standards for Conditional Uses.

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

Comment: Please see the petitioner’s responses to Standards for Conditional Uses.

**E. 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:**

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Comment: Please see the petitioner's responses to Standards for Conditional Uses.

**F. 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: Please see the petitioner's responses to Standards for Conditional Uses.

**G. 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: Please see the petitioner's responses to Standards for Conditional Uses.

**H. 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: Please see the petitioner's responses to Standards for Conditional Uses.

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

Comment: Please see the petitioner's responses to Standards for Conditional Uses.

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

Comment: Please see the petitioner's responses to Standards for Conditional Uses.

**Recommendation:** Staff does not recommend approval or disapproval of the Conditional Use Permit for auto service repair use at 110 S. River Road based on a review of the information presented by the applicant and the findings made above, as specified in Section 12-3-4(E) (Standards for Conditional Uses) of the City of Des Plaines Zoning Ordinance. If a motion to approve is made, staff recommends the following conditions:

1. The parking area shall be repaved with a dust-free hard surface and the parking spaces shall be painted on the property to match the approved Site Plan.
2. No damaged or inoperable vehicles are allowed outside at any time.
3. No vehicles shall be stored within the required drive aisles or customer parking spaces at any time.
4. Only three service bays shall be allowed for the life of this conditional use.
5. No auto body related activities are permitted at any time.

**Planning and Zoning Board Procedure:** Under Section 12-3-4(D) (Procedure for Review and Decision for Conditional Uses) of the Zoning Ordinance, the Planning and Zoning Board has the authority to *recommend* that the City Council approve, approve subject to conditions, or deny the above-mentioned conditional use for a new auto service repair use at 110 S. River Road. The City Council has final authority on the proposal.



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**A motion was made by Board Member Saletnik, seconded by Board Member Fowler, to recommend approval of the Conditional Use at 110 S River Road, with the two additional conditions of an appropriate privacy fence between the residential and commercial property be constructed and that a security system be installed.**

AYES: Saletnik, Fowler, Hofherr, Veremis, Szabo

NAYES: None

ABSTAIN: None

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

Member Veremis thanked the Petitioner for improving the building landscape and his involvement in the community.

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2. **Address:** 1700 Higgins Road

**Case Number:** 21-005-PUD-A  
Public Hearing

The petitioner is requesting an amendment to an existing Planned Unit Development under Section 12-3-5 of the Des Plaines Zoning Ordinance, as amended, to construct a four-story, 107-room hotel building and 207-space parking garage in lieu of the approved restaurant use at 1700 Higgins Road, and the approval of any other such variations, waivers, and zoning relief as may be necessary.

**PINs:** 09-33-309-007-0000; 09-33-310-004-0000  
**Petitioner:** Mariner Higgins Centre, LLC, 117 Macquarie Street, Sydney, NSW 2000, Australia  
**Owner:** Mariner Higgins Centre, LLC, 117 Macquarie Street, Sydney, NSW 2000, Australia

Chairman Szabo swore in Mark Rogers, Attorney for the Petitioner, Bret Duffy representing SpaceCo and Julie Piszczek, representing Monoceros Corp.

Mr. Rogers provided a thorough overview of the request, including a major amendment to the Final Planned unit Development, a major amendment to the Final Plat of Subdivision, three major variations for off-street parking and subdivision variations to allow for the construction of a new freestanding hotel, new decked parking lots and other improvements, as well as any zoning reliefs that may be necessary.

Amendments to the Planned Unit Development include construction of five story hotel, renovations to the existing office building, and parking garage. The three major variations include a reduction of off street parking in Lot 1 from 541 spaces to 338 spaces, a reduction of the required number of spaces in Lot 2 from 110 to 63, and a reduction of lot depth requirements from 125' to 6' for Lots 3 and 4 for the billboards.

The Final Plat of Subdivision request includes subdividing the property into four new lots.

Chairman Szabo asked if the Board had any questions.

Member Hofherr asked about what is happening to the property on the west side of the creek that was to be connected via bridge. Mr. Rogers stated that the parking garage will be taking the place of that project and that the bridge will not be constructed over the creek.

Member Fowler asked what the plans were for that space. Ms. Piszczek stated that the land on the west side over the creek is not part of the ownership and will remain undeveloped.

Chairman Szabo inquired about the building of the parking deck and a temporary parking provision for the office building. Ms. Piszczek stated phased construction is planned, with the hotel and parking deck constructed at different times.

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Member Hofherr had a comment regarding page four and the proposed restaurant; Lot 2 with existing office building and proposed restaurant. The Petitioner clarified that the restaurant was in the previous plan and there are no plans for a restaurant at this time.

Chairman Szabo asked if there were any questions or concerns from the public. There were no questions.

Chairman Szabo asked that the Staff Report be entered into record. Planner Stytz provided a summary of the following report:

**Issue:** The petitioner is requesting: (i) a Major Amendment to the existing Planned Unit Development (PUD) to allow for the construction of a five-story, 64,760-square foot hotel in lieu of the Class A restaurant approved in Ordinance Z-21-19; (ii) a Final Plat of Subdivision to resubdivide the existing property from two lots to four lots; (iii) Major Variations to allow a lot depth of 6-feet for Lots 3 and 4 where a minimum lot depth of 125-feet is required; (iv) Major Variations to allow a reduction in the number of required parking spaces from 541 to 338 spaces for Lot 1 and a reduction in the number of required parking spaces from 110 to 63 spaces on Lot 2; and (v) the approval of any other such variations, waivers, and zoning relief as may be necessary for the property at 1700 W. Higgins Road.

**Analysis:**

**Address:** 1700 W. Higgins Road

**Owner:** Andrew Saunders, Mariner Higgins Centre, LLC, 117 Macquarie Street, Sydney, NSW 2000, Australia

**Petitioner:** Mark Rogers, Mariner Higgins Centre, LLC, 117 Macquarie Street, Sydney, NSW 2000, Australia

**Case Number:** 21-005-FPLAT-PUD-A

**Real Estate Index**

**Numbers:** 09-33-309-007-0000; 09-33-310-004-0000

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

**Existing Land Uses** Multi-tenant Office Building and Surface Parking

**Surrounding Zoning**

North: I-90 Tollway; R-1, Single Family Residential  
South: G, Government and Institutional (Rosemont)  
East: C-2, Limited Office Commercial District  
West: C-3, General Commercial District

**Surrounding Land Use**

North: I-90 Tollway; Single Family Residences  
South: Health & Fitness / Village Manor Apartments (Rosemont)  
East: Open Space / Park  
West: Vacant lot

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**Street Classification**

Higgins Road is classified as a minor arterial street.

**Comprehensive Plan**

The Comprehensive Plan designates this property as Commercial.

**Final Planned Unit Development**

**Project Description**

The applicant, Mark Rogers on behalf of Mariner Higgins Centre, LLC, is requesting a Major Amendment to the PUD to amend Ordinance Z-21-19 to allow for the construction of a five-story, 64,760-square foot hotel in lieu of the Class A restaurant that was a part of the Final PUD approved August 19, 2019. The existing property consists of two parcels containing a six-story office building with 135,000-square feet of leasable office space and a 392 parking spaces, including 358 surface spaces, 28 indoor spaces, and six handicap accessible parking spaces. With all lots combined, the property encompasses 5.744 acres in land area.

This request comes after the approval of Ordinance Z-21-19, which granted a Final PUD with exceptions, major variations for lot depth and parking, and a Final Plat of Subdivision for (i) substantial renovations of the existing office building; (ii) construction of a new 6,000-square foot out lot building for use as a restaurant; (iii) construction of an 88-space parking lot on vacant property located across Willow Creek; and (iv) installing significant infrastructure upgrades to all parcels including the addition of both above-ground and below-ground stormwater detention facilities and new box culvert bridge over Willow Creek connecting the proposed parking lot to the subject property. Since December of 2018, the existing office building has undergone major renovations as identified in the Project Narrative, including, but not limited to, the modernization of elevators, installation of business generator/incubator spaces, rehabilitating suites, remodeling the café, and replacement of the roof. However, the property owner is now desirous to construct a hotel instead of the 6,000-square foot restaurant previously approved with Ordinance Z-21-19. As a result in the change of project scope, the sale and use of the vacant property became unavailable to the petitioner requiring the Plat of Subdivision and Plat of PUD boundaries to be updated.

The major amendment to the existing PUD has been revised to show the proposed hotel positioned in the southeast corner of the property where the original restaurant out lot building was intended and a new 34,658-square foot parking deck (total gross square footage of 68,290 including the ground and top tiers) proposed on the northwest portion of the development. The new hotel development will result in a loss of 82 parking spaces for the site as a whole. However, the proposed parking garage will consist of 207 parking spaces bringing the total number of parking spaces on site to 401 and providing a net increase of nine parking

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spaces. The property owner proposes to conduct the following enhancements to the existing property:

- Construction of an approximately 67,500-square foot hotel on the southeast corner of the lot;
- Construction of a new 207-space off street parking garage on the northwest corner of the lot; and
- Significant infrastructure upgrades to all properties including the addition of stormwater detention facilities to accommodate run-off.

The petitioner successfully obtained Final PUD approvals in 2019 given the multiple uses, the unique lot configurations, the notion of existing office building and proposed restaurant building within the same development, the concept of the proposed parking lot to serve the existing office building and the proposed restaurant, and the proposed level of open space with the new parking lot to accommodate stormwater run-off. While the new request offers a hotel in place of the restaurant and a parking garage in place of a surface parking lot, the proposal still represents a unique mixed use development with multiple structures, unique lot configurations, additional parking availability for use of the entire development, and improvements for storm-water detention. To achieve the intent of PUDs for these types of developments, Section 12-3-5(C) of the Zoning Ordinance allows for permitted exceptions to the bulk regulations of the Zoning Ordinance. Due to the unique property characteristics identified above, the petitioner has requested the following exceptions to the bulk regulations of the Zoning Ordinance:

- A building height exception of 59'-1/8" for the proposed hotel building where the maximum allowed is 45 feet.
  - In the C-3 district, the maximum building height is 45 feet. The property owner received a PUD exception for building height of the existing office building that was legally non-conforming. The new hotel building would not be as tall as the existing office building but would not meet the maximum height requirement. Thus, the petitioner looks to protect this building with the proposed PUD exception (Section 12-7-3.L).
- An exception to the back of curb setback from the southern and eastern edges of the proposed off street parking lot to the south and east property lines, respectively for the new hotel (Section 12-9-6-C) – the required setback is 3.5 feet and the closest back

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of curb setback is 2.07-feet.

- The property owner is proposing to provide ample room for parking, circulation, and fire truck movements on the new hotel site by reducing the proposed back of curb setback.
- An exception to the five-foot perimeter parking lot landscaping area requirement for the proposed hotel parking lot (Section 12-10-8-C).
  - The amount of space available for landscaping is limited behind the southern and eastern parking space rows. However, the petitioner proposes to add a row of landscaping in these areas as well as additional landscaping in the corner of these parking areas and throughout the hotel site.

It is important to note that PUD exceptions were awarded to the subject property in 2019 given that the existing office building was built in 1986 prior to the establishment of modern zoning regulations making elements of the property non-conforming. Note, there is currently a deficit of parking for the existing office building as the office building was built under a different parking requirement. With the addition of the new parking garage to the west, the entire development will have a positive gain on the parking count which reduces the extent of the variance request. The attached traffic study discusses the parking and trip generation in more detail. The parking variance request is explained in the Major Variations section of the staff report below.

#### **Final Plat of Subdivision**

#### **Project Description**

The petitioner has submitted a revised Final Plat of Subdivision in order to re-subdivide the existing lots into four new lots to reflect the change in scope for the redevelopment of this property. The proposed new lot

configuration is found below:

**Final Plat of Subdivision - Lot Matrix**

| <b>Proposed Lot Number</b> | <b>Proposed/Existing Use</b>                       | <b>Proposed Land Area</b> | <b>Proposed Acreage</b> |
|----------------------------|--|---------------------------|-------------------------|
| Lot 1                      | Existing Office Building & Proposed Parking Garage | 197,350 SF                | 4.531                   |
| Lot 2                      | Proposed Hotel                                     | 52,774 SF                 | 1.212                   |
| Lot 3                      | Western Billboard                                  | 36 SF                     | 0.001                   |
| Lot 4                      | Eastern Billboard                                  | 36 SF                     | 0.001                   |

A description of each proposed lot is as follows:

- Lot 1 – The existing office building is currently situated across both of the existing parcels, but will be reconfigured on the revised Plat of Subdivision so that Lot 1 includes the entire office building and the proposed parking garage. The petitioner has indicated that a portion of the proposed parking garage will be located on property owned by the City of Des Plaines, which will be vacated/sold to the petitioner so it can be incorporated into Lot 1.
- Lot 2 – The proposed hotel and the proposed surface parking area will be located on a separate lot at the southeast corner of the property. Lot 2 will lot for the existing office building will be reduced to accommodate the new proposed restaurant and to create two separate lots for the existing billboards.
- Lot 3 – This lot encompasses the base of the westernmost billboard sign.
- Lot 4 – This lot encompasses the base of the easternmost billboard sign.

**Major Variations**

**Project Description**

The petitioner has submitted variance requests for parking and lot depth due to the unique size and shape of the development. The existing office building property contains 392 parking spaces, which is a non-conforming parking count for today's standards. However, this office building was constructed under a different parking regulation. Thus, as part of the development proposal, the petitioner is requesting a major variation to reduce the off street parking requirement for the existing office building on the new Lot 1 from the required 541 spaces to 338 off street parking spaces. Pursuant to Section 12-9-7, the proposed hotel requires a total of 110 parking spaces. Since the hotel site on the new Lot 2 will only contain 63 spaces, the petitioner is also requesting a major variation to reduce the parking from 110 spaces to 63 spaces. The proposed hotel building footprint will remove 82 spaces from the site. However, the petitioner is constructing a brand new 207-space parking garage on the northwest

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corner of the lot directly east of Willow Creek bringing the parking total for the entire development to 401 spaces, which is a net gain of nine off street parking spaces compared to the current parking total. It is important to note that some of the existing office parking spaces will be transitioned to the new hotel as necessary. However, the new parking garage will provide additional parking for the existing office use and effectively reduce the nonconforming status.

Additionally, the petitioner is requesting major variances to reduce the lot depths from 125 feet to six feet for Lots 3 and 4, which entail the base of the billboards. These requests are a deviation from Subdivision Code Section 13-2-5.R. However, staff does not have a concern with the lot depth variance requests as the lot configuration is for tax purposes. All variation requests are summarized in the table below:

| <b>Regulation</b>                 | <b>Required</b> | <b>Proposed</b> |
|-----------------------------------|-----------------|-----------------|
| Parking – Office Building (Lot 1) | 541 spaces      | 338 spaces      |
| Parking – Hotel (Lot 2)           | 110 spaces      | 63 spaces       |
| Lot Depth (Lot 3)                 | 125-feet        | 6-feet          |
| Lot Depth (Lot 4)                 | 125-feet        | 6-feet          |

### **Compliance with the Comprehensive Plan**

As found in the City of Des Plaines’ 2019 Comprehensive Plan, there are several parts of the Comprehensive Plan that align with the proposed project. Those portions are as follows:

- Under Future Land Use Map:
  - The property is marked for commercial land use. The proposed expanded parking garage will further enhance the existing office building property, reduce the existing parking non-conformity, and allow for mixed use development on the site. This will also allow the subject property to support multiple uses in close proximity to transit and the higher density commercial corridor in its immediate vicinity.
- Under Economic Development:
  - The Comprehensive Plan recognizes the economic vitality of the surrounding area and its importance to the broader region. The proposed enhancements of this site would be in-keeping with prior development efforts from the office building.

### **Planned Unit Development (PUD) Findings**

As required, the proposed development is reviewed in terms of the findings contained in Section 3-5-5 of the Zoning Ordinance. In reviewing these standards, staff has the following comments:

**A. The extent to which the Proposed Plan is or is not consistent with the stated purpose of the PUD regulations in Section 12-3-5-1 and is a stated Conditional Use in the subject zoning district:**



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**Comment:** A PUD is a listed conditional use in the C-3 zoning district. The proposed project meets the stated purpose of the PUD. Additionally, the proposed improvements of the subject parcels will enhance the neighboring area, but also be cognizant of nearby land uses. Please also see the responses from the applicant.

**B. The extent to which the proposed plan meets the prerequisites and standards of the planned unit development regulations:**

**Comment:** The proposed development will be in-keeping with the City's prerequisites and standards regarding planned unit development regulations. Please also see the responses from the applicant.

**C. The extent to which the proposed plan departs from the applicable zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to the density, dimension, area, bulk, and use and the reasons why such departures are or are not deemed to be in the public interest:**

**Comment:** The proposed project is in-line with the intent of a PUD as exceptions for building height, back of curb setback, and a five-foot landscape setback have been proposed for the new hotel and parking garage plans on the subject property. Aside from variation requests for parking and lot depth, all other aspects of the revised development proposal comply with the Zoning Ordinance. Please also see the responses from the applicant.

**D. The extent to which the physical design of the proposed development does or does not make adequate provision for public services, provide adequate control of vehicular traffic, provide for, protect open space, and further the amenities of light and air, recreation and visual enjoyment:**

**Comment:** All provisions for public services, adequate traffic control and the protection of open space are being accommodated in the development. The petitioner is proposing to adjust the main entrance and drive- aisle areas to the site to accommodate the building expansion, improve circulation and access throughout the site, and allow for sufficient emergency vehicle turning radii throughout the site. Please also see the responses from the applicant.

**E. The extent to which the relationship and compatibility of the proposed development is beneficial or adverse to adjacent properties and neighborhood:**

**Comment:** The proposed expansion complements existing development to the east, west and south as all surrounding properties, except for the Rosemont Park District property directly east of the subject property are built up. Additionally, measurements will be made to reduce any impact on the nearby properties as all elements will have to comply with the Des Plaines Subdivision and Zoning Ordinances.

**F. The extent to which the proposed plan is not desirable to physical development, tax base and economic well-being of the entire community:**

**Comment:** The proposed project will contribute to an improved physical appearance within the City by adding a new use to the existing office building property with updated landscaping, utility connections, and vehicular access and circulation. This will contribute positively to the tax base and economic well-being of the community. Please also see the responses from the applicant.

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**G. The extent to which the proposed plan is in conformity with the recommendations of the 2019 Comprehensive Plan:**

**Comment:** The proposed development meets the goals, objectives and recommendations of the 2019 Comprehensive Plan. Please also see the responses from the applicant.

**Variation Findings:** Variation requests are subject to the standards set forth in Section 12-3-6(H) of the 1998 City of Des Plaines Zoning Ordinance, as amended.

- 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:* Carrying out the strict letter of this code would create a practical difficult for the property owner as the existing office building was developed in 1986 prior to the establishment of modern zoning regulations for parking. Thus, the existing office building was developed under a parking regulation that does not meet modern standards. The proposal includes the construction of a 207-space parking garage which will reduce the non-conforming parking count, but will by no means meet the minimum parking standards requiring the petitioner to request a variation. The subject property also contains two active billboards, one on the east side and the other on the west side of the property, which are currently incorporated with the existing office lots. As part of the development, the site will be resubdivided to include an individual lot for each billboard for taxing purposes. The minimum lot depth requirement of 125-feet for the intended use is not practical for the subject property. Please see the Petitioner's responses to Standards for Variations.

- 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 existing access and location of the subject property creates a unique physical condition that limits the available development of this site and prevents full compliance with current zoning standards. The site is landlocked by the I-90 Tollway to the north, the Rosemont Park District to the east, Willow Creek to the west, and Higgins Road to the south, which serves as the site's only access point. The petitioner originally had an opportunity to construct a bridge across Willow Creek to construct additional parking on property owned by the Village of Rosemont. However, this arrangement fell through limiting the development of the site to its current boundaries. Additionally, the petitioner is unable to meet the required lot depth requirements for the two new billboard lots given that the billboards are located in close proximity to the existing office building and that the reallocation of ownership involved with the expansion of each billboard lot to the minimum standards could cause more parking concerns.

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Please see the Petitioner's responses to Standards for Variations.

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

*Comment:* The physical conditions described above are of no fault to the petitioner as the existing property consists of these characteristics prior to the development proposal for the new hotel. As previously mentioned, the office building was built before the establishment of modern zoning regulations creating several non-conformities. Staff is not aware of any action of the current or previous owner which created the conditions described above. Please see the Petitioner's responses to Standards for Variations.

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

*Comment:* Carrying out the strict letter of this code could deprive the existing property owner of substantial rights enjoyed by other owners of similarly zoned lots by limiting the redevelopment of the property with uses enjoyed by similar developments in the area. The PUD located west of the subject property and south of the I-90 Tollway includes a mixed use development with a hotel/Class A Restaurant, Fuel Center/Class B restaurant, and car wash contains multiple structures and parking areas similar to the design for the proposed development. Please see the Petitioner's responses to Standards for Variations.

- 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:* The granting of this variation for density would not provide any special privilege of the property owner or petitioner as similar developments in the C-3 zoning district have the opportunity for this request for development proposals permitted in the C-3 district. This variation would allow for the redevelopment of the existing site and the increase in mixed use developments in Des Plaines. Please see the Petitioner's responses to Standards for Variations.

- 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 proposed multi-family development would be harmonious with the surrounding multi-use developments to the east and west of the subject property. The mixed use development proposal supports the goals and objectives of the Comprehensive Plan, which strives to incorporate multiple uses on single lots. Please see the Petitioner's responses to Standards for Variations.

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

Comment: There are no other reasons that the aforementioned hardships can be avoided or remedied as the property is land-locked and cannot be expanded to meet minimum standards for larger commercial development intended for a C-3 zoned property. Please see the Petitioner's responses to Standards for Variations.

**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: This would be the minimum amount of relief necessary to alleviate the aforementioned hardships and allow the petitioner to redevelop the subject property with a multi-use development. The proposed meets or exceeds all other requirements of the Des Plaines Zoning Ordinance. Please see the Petitioner's responses to Standards for Variations.

**Recommendations:** Staff supports the following requests for the development at 1700 W. Higgins: (i) a Major Amendment to the existing Planned Unit Development (PUD) to allow for the construction of a five-story, 64,760-square foot hotel in lieu of the Class A restaurant approved in Ordinance Z-21-19; (ii) a Final Plat of Subdivision to resubdivide the existing property from two lots to four lots; (iii) Major Variations to allow a lot depth of 6-feet for Lots 3 and 4 where a minimum lot depth of 125-feet is required; (iv) Major Variations to allow a reduction in the number of required parking spaces from 541 to 338 spaces for Lot 1 and a reduction in the number of required parking spaces from 110 to 63 spaces on Lot 2 with the condition that drawings may have to be amended to comply with all applicable codes and regulations.

**Planning and Zoning Board Procedure:**

The Planning and Zoning Board may vote to *recommend* approval, approval with modifications, or disapproval over the requested Major Amendment for the Planned Unit Development, Final Plat of Subdivision, and Variation requests for 1700 W. Higgins Road. The City Council has final authority over the proposal.

**A motion was made by Board Member Saletnik, seconded by Board Member Hofherr, to recommend approval of an amendment of the Planned Unit Development and the approval of any such other variations, waivers, and zoning relief, as presented.**

AYES: Saletnik, Hofherr, Fowler, Veremis, Szabo

NAYES: None

ABSTAIN: None

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

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3. **Address:** 800 Beau Dr

**Case Number:** 21-006-V  
Public Hearing

The petitioner is requesting a Major Variation under Section 12-3-6 of the 1998 Des Plaines Zoning Ordinance, as amended, to allow for increased density at 800 Beau Drive in the R-3 zoning district to construct a 50-unit apartment building where only 29-units are permitted, and approval of any other such variations, waivers, and zoning relief as may be necessary.

**PIN:** 08-24-100-022-0000  
**Petitioner:** HTG Illinois Developer, LLC, 3225 Aviation Avenue, 6th Floor, Coconut Grove, FL 33133  
**Owner:** Sae Khwang United Presbyterian Church, 800 Beau Drive, Des Plaines, IL 60016

Chairman Szabo swore in the following individuals via Zoom: Jake Zunamon, representing the Housing Trust Group (HTG) & Turnstone Development, John Clark from Cordogan Clark and Fran Frazio representing Manhard Consulting.

Mr. Zunamon stated the development group has been working with Community Development staff on a multi-family, affordable housing development in Des Plaines. Mr. Zunamon provided an overview of the development, including unit layouts and green spaces.

Chairman Szabo inquired about sound from the elevator shaft. Mr. Clark stated that the elevator shafts will most likely be concrete blocks and meet U.S. Department of Housing and Urban Development (HUD) standards regarding sound mitigation.

Chairman Szabo asked if there were any questions from the Board.

Member Fowler inquired about the rents of the affordable housing units? Mr. Zunamon stressed that this is not Section 8 housing and that rent was determined by income limits; residents may make no more than 60% of the median income, approximately \$38K for a single person, and \$63K for a three person household. Example rents: \$870 for a one bedroom, \$1050 for a two bedroom and \$1200 for a three bedroom unit.

Member Fowler asked if a market study was conducted to see if this was a need of the community. Mr. Zunamon stated that affordable housing is an underserved need in the area and it is the goal of the development group to have a development they are proud of.

Mr. Zunamon provided an overview of how the development is being financed.

Member Fowler asked about the current owner of the property, Sae Khwang United Presbyterian Church. Mr. Zunamon stated that the church is looking to relocate and has an open ended contract with the development group, which has a flexible schedule to close through March 2022.

Member Fowler asked the Petitioner is he was aware of other three bedroom developments in Des Plaines, and if he was aware that they were not renting as well. Member Fowler also had a concern about the lack of greenspace for children to play. Mr. Zunamon stated that there several walkable areas and the

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development is near large parks. Mr. Zunamon also stated that the units will be built to a very high standard and have sought after amenities, like a washer and dryer in unit.

Member Fowler asked what non-profit the developers are working with. Mr. Zunamon stated that they are working with Turnstone Development.

Member Fowler had questions about subsidizing rent. Mr. Zunamon explained that income limits are put in place by HUD, and HUD establishes annual rents and maximum gross charges. Mr. Zunamon stated that there are screenings of all applicants, and income is the main factor. Mr. Zunamon went on to state that other communities are creating these types of developments. Mr. Clark interjected that he lives in Wilmette, and an affordable housing development is being constructed; there is a strong demand for these types of communities. Mr. Clark also stated that "three bedroom" does not necessarily have to mean three bedrooms, the third bedroom may be used as a home office, den, etc.

Mr. Zunamon provided further explained the applicants need to be income qualified their first year; the goal of the program is to assist the person to save and get on their feet and move upward, this type of housing is not intended to provide long term housing.

Member Hofherr asked about the projected effect on School District 59/214. At the current time, Mr. Zunamon has not had conversations with the school districts about the impact of this development.

Director McMahan stated that the current projection is that the development will only house approximately 10-30% of school age children. Mr. McMahan reminded the Board that this is technically not a family development, but a development based on income restrictions.

Member Hofherr inquired about the dimensions of the bedrooms. Mr. Clark clarified that the size of the bedroom in the one bedroom unit is roughly 10X11, excluding closets. Director McMahan inquired why he wanted to know the bedroom sizes, Member Hofherr stated that the bedroom sizes determine the number of people that can stay there, per code. Mr. Zunamon stated that each bedroom is designed for no more than two people.

Member Hofherr inquired about funding for the development. Mr. Zunamon stated that funding is through low income tax credits, those credits are sold to banks to secure funding. Each state has an agency that allocates those tax credits, developers apply for credits based on proposed projects.

Member Fowler asked how many developments are currently considered affordable housing. Member Fowler interjected that he has a list of four low income developments in Des Plaines, which are primarily apartment complexes.

Member Saletnik remarked that the purpose of this type of affordable housing development is to raise stature in life and move upward to somewhere else. Mr. Zunamon stated that yes, the goal of the development is to save and gather income and move within two-four years. Mr. Zunamon stated that he would ask his property management team for numbers.

Member Veremis asked about the community patio and the garden plots/greenspace, and also commented that the development looks like an office building. Mr. Zunamon stated the development has several nice amenities inside for residents to use.

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Director McMahon stated that the community patio is not included on the site plan. Mr. Clark stated that the extent of the community gardens is based on the City's landscape ordinance.

Member Fowler asked how the development would affect neighboring property values. Mr. Zunamon stated that on the simplest level the development does not affect property values, but often enhances the value of the property.

Director McMahon stated that this is a \$20 million dollar development in Des Plaines. He also mentioned that the property is currently tax exempt (church), but once the development is constructed the City could collect property taxes.

Chairman Szabo asked if there was anyone from the public that would wish to speak on this matter.

Lewis and Denis Pennisi, 710 Beau Ct, had the following concerns: concerns over the number of children waiting for the bus in the morning for school, where the children are going to play as they currently play in the street and the increase of traffic in the area. They stressed the increase of congestion in the area, especially on Beau Ct and Beau Dr. They suggested a smaller building or a location near the other apartments.

Steve Maciejczyk, 711 Beau Dr, (corner of Dempster & Beau), agreed with Mr. Pennisi on his comments and provided the following:

1. The area is a high density population, where is the parking to accommodate spillover or guests.
2. Large percentage of land is being developed for the building and parking, where are the children going to play? The closest park is across Dempster, which can lead to children playing in the parking lot.
3. Concern over police/fire/EMS and social services. There are three railroad tracks that cross throughout Des Plaines, concern about train traffic and police response times.
4. The proposed project is to improve the neighborhood, but the suggested development brings additional congestion and stress.
5. What is the effect on the local economy?

Mr. Maciejczyk also provided additional comments that with everyone that occurred in 2020, the proposed high density development adds additional stress. Residents of the area should be able to live in a peaceful community, and the developers should assert their conscience and look long and hard at the project.

Laura Wolff, 809 Beau Dr, has lived across from the church the past 55 years and has the following concerns over the proposed development: the increase of congestion along Beau Dr, echoed statements regarding police response time, and where children will be playing. Ms. Wolff also commented about the length of construction and if the area could accommodate a 50-unit apartment building, as she stated the area is completely saturated, and residents are parking on grass. Ms. Wolff also stated that she circulated a petition and collected 135 names of individuals opposed to the development. Ms. Wolff also expressed concern over the lack of greenspace, the increase of traffic, and the nearest park. Ms. Wolff also stated she had done some research of other HUD properties and home values around the development decreased. Ms. Wolff stated that she also found additional HUD housing developments, one in Mt. Prospect and two other buildings off Dempster.

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Leonardo Romano, 731 Beau Ct, had the following concerns: there have been several people who have been in accidents due to traffic, he also stated that many of the new developments have been senior housing, not low income, and that the City should explore more senior housing.

Denise Green, 485 Florian Dr, provided the following comments: Ms. Green lauds the City's efforts to provide affordable housing, as she was once a single parent, however, she has safety concerns, especially regarding the berm on Beau Dr, you cannot see children playing in front of or behind the berm. Ms. Green also stated that the drawings do not reflect the limits of green space. She also stated that the street was not wide enough, and was a traffic study performed? She also inquired regarding the reason for double occupancy units.

Anna, 870 Highland Ct (around corner from Beau), echoed concerns of visitor parking, congestion, decrease of property values, and the number of school-age children being filtered into the school districts. Anna estimated that the school districts would be accepting approximately 60 children into the district based on the development size.

Tracey Mahoney, 1013 Perda Ln, provided the following comments; due to the nature of the development, people will be moving out every two-four years, and not become invested in the community or maintain the area. Ms. Mahoney also stated that the increase of moving trucks will also lead to more congestion in the area.

Mr. Zunamon stated that he is not claiming to know the neighborhood better than the residents, and provided the following comments: he believes that people care about their community and he wants to address everyone's concerns and believes a community meeting may be needed to discuss this project further. To answer some concerns, the Development group employed KLOA, a best in class company in the area, to conduct a traffic study. The report stated that there would not be an increase of traffic, and the report was included in the full staff report. Concerns regarding parking, due to the property type it was determined that 100 parking spaces are needed, which exceeds the 1.66 space/per unit (roughly 83 spaces) requirement identified by KOLA. Mr. Zunamon stated the number of children living at the development is potentially quite low, since 20 of the units are 1-bedroom and unlikely to have children. The Petitioner reiterated that the main qualification for housing at the development is income based. Mr. Zunamon explained the development security; there is no type of surveillance, but there are fob systems in place for common areas. Mr. Zunamon also stated that traditionally HUD properties are maintained by HUD and not private companies, this development will continue to be maintained by a private company. Mr. Zunamon stressed that is his open to feedback and is looking for ways to work together in the community to alleviate concerns.

Member Fowler asked if the development would address the number of units in the building; the building would be the largest in the area and would they entertain dropping to 29 units, and what the financial viability of the project would be. Mr. Zunamon stated that the target is 50 units in order for the development to be successful, the development team runs a first rate operation and expenses occurred include utilities, taxes, payroll and other expenses, and rent is capped at a rate determined by HUD.

Member Veremis commented that she heard that one bedroom units are the trend and that the increase of one bedroom units would mean less bodies, less cars, and less children.



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The following public comments were received via email ([publiccomments@desplaines.com](mailto:publiccomments@desplaines.com)). Correspondence was received by Community & Economic Development Staff following the Planning & Zoning Board meeting, however; comments were emailed prior to the stated cut-off time (Tuesday, March 23<sup>rd</sup> at 5:00 p.m.)

**From:** Stephen Maciejczyk  
**Sent:** Sunday, March 21, 2021 3:52 PM  
**To:** Public Comments <[PublicComments@desplaines.org](mailto:PublicComments@desplaines.org)>  
**Subject:** Planning and Zoning Board Meeting Public Comment - 800 Beau Drive Variation

*My Information -  
Steve and Susan Maciejczyk  
711 Beau Drive Des Plaines  
Case Number 21-006-V  
800 Beau Drive*

*Comments/questions regarding the above proposed project –*

- *There is no indication on the site plan regarding a retention pond for flooding issues that already occur on Beau Drive and the surrounding area.*
- *A large percentage of the property is occupied by the building and parking with no usable green space for recreation*
- *High density population and congestion adding to existing problems*
- *Neighbors in the community were not notified regarding this project -Nothing should be decided until complete information on this project can be disseminated to residents.*
- *Who owns the property and what is their reputation with maintaining the property? How will the property look in 5, 10 years?*
- *How does this project improve the neighborhood and quality of life in the area?*
- *What about the impact on police, fire, paramedics, and social services?*
- *How will this project affect the local economy?*
- ***Would you want this project within 300 feet of your front door? Once developed it will be permanent.***

**From:** Len  
**Sent:** Friday, March 19, 2021 4:02 PM  
**To:** Public Comments <[PublicComments@desplaines.org](mailto:PublicComments@desplaines.org)>  
**Cc:** Maciejczyk Stephen  
**Subject:** Planning and Zoning Board Meeting Public Comment

*My information  
len romano  
731 Beau Dr  
Des Plaines  
CaseNumber:21-006-V Public Hearing*

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*800 Beau Drive*

- 1) Our Property values with a building of this type*
- 2) Congestion in already congested area*
- 3) Why is this a good project for our area*
- 4) Size of the building and proximity to street*
- 5) Safety and police presence*
- 6) Why were so many residents uninformed*

**From:** Stacy Strama  
**Sent:** Thursday, March 18, 2021 2:39 PM  
**To:** Public Comments <[PublicComments@desplaines.org](mailto:PublicComments@desplaines.org)>  
**Subject:** Zoning Beau/Dempster

*I strongly oppose changing the zoning on Beau/Dempster to add an apartment/condo building. It is already way too congested over there, people can not park or drive down Beau without issues. The bus can barely fit with the cars parked. Accidents already happen because of the traffic with all the people. Adding a residential building is just reckless!*

**From:** Gary C  
**Sent:** Wednesday, March 17, 2021 9:26 PM  
**To:** Public Comments <[PublicComments@desplaines.org](mailto:PublicComments@desplaines.org)>  
**Subject:** Dempster and Beau Drive Apartment Building

*Please do not change zoning to allow a 50-unit apartment building at the corner of Beau Drive and Dempster.*

- 1) The Development would be out-of-scale with the neighborhood, destroying the character of the area*
- 2) The neighborhood is already quite dense given current apt. buildings and townhomes in the immediate vicinity. This would put density over the top.*
- 3) Traffic would be drastically, negatively, impacted. The intersection is already the site of about a half dozen vehicle accidents a year.*
- 4) Deliver a message back to developers that they have to work within the bounds of current zoning and that they can't run amok over city zoning at their pleasure.*
- 5) School capacity could be negatively impacted.*

*Thank you for your consideration.*

*Gary Carmichael  
Ambleside Road  
Des Plaines, IL*

Chairman Szabo asked that the Staff Report be entered into record. Planner Stytz provided a summary of the following report:

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**Issue:** The petitioner is requesting a Major Variation under Section 12-7-2(J) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a 50-unit multi-family development at 800 Beau Drive where the maximum number of units permitted is 29.

**Analysis:**

**Address:** 800 Beau Drive

**Owner:** Sae Khwang United Presbyterian Church, 800 Beau Drive  
Des Plaines, IL 60016

**Petitioner:** HTG Illinois Developer, LLC, 3225 Aviation Avenue, 6<sup>th</sup> Floor,  
Coconut Grove, FL 33133

**Case Number:** 21-006-V

**PIN:** 08-24-100-022-0000

**Ward:** #8, Alderman Andrew Goczkowski

**Existing Zoning:** R-3, Townhouse Residential District

**Existing Land Use:** Sae Khwang United Presbyterian Church

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

**Surrounding Land Use:** North: Single Family Residences  
South: Townhouse Residences  
East: Townhouse Residences  
West: Townhouse Residences

**Street Classification:** Dempster Street is classified as a minor arterial street and Beau Drive is classified as a local street.

**Comprehensive Plan:** The Comprehensive Plan designates the site as Institutional.

**Project Description:** The petitioner, Jake Zunamon on behalf of Housing Trust Group, is requesting a major variation to allow for a 50-unit multi-family development in the R-3, Townhouse Residential District at 800 Beau Drive where a maximum of 29-units are permitted. The subject property, located at the southwest corner of the Dempster Street / Beau Drive intersection, is 81,422-square feet (1.87 acres) in size and is currently improved with a one-story building, detached garage, three accessory sheds, surface parking area, and open space as shown on the Plat of Survey (Attachment 4). Pursuant to Section 12-7-2(J), the minimum lot area for corner lots in the R-3 zoning district is 2,800-square feet per dwelling unit. Given the size of the subject property, the total number of units permitted is 29 (81,422-square feet / 2,800-square feet = 29).

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The petitioner is requesting to construct a four-story, 59,000-square foot building with 50-units consisting of 20 one-bedroom / one- bathroom units, 15 two-bedroom / two-bathroom units, and 15 three-bedroom / three-bathroom units. The development is designated to serve low income families with 40 units set aside for families earning 60% of the Area Median Income (AMI) and 10 units set aside for families earning 30% AMI or below. The proposed resident amenities will include a community room, computer café, open lobby area, weather protection covered entries, community patio, residential garden plots, and on-site management personnel. The proposed floor plan will allow for units that are approximately 15% larger in size than the minimum size required by the Illinois Housing Development Authority (IHDA) as shown in the Project Narrative. The proposed building will be located along Dempster Street at the southwest corner of the Dempster Street / Beau Drive intersection with parking and site access in the back from Beau Drive as shown on the Site Plan. This portion of Beau Drive contains a center landscaped median from Dempster Street in the north to Florian Street in the south. However, the proposal includes the use of the existing break in the center landscape median at the intersection of Beau Drive / King Lane for full access in and out of the site.

Pursuant to Section 12-9-7 of the Des Plaines Zoning Ordinance, multiple-family dwellings in all districts approved for such use, except for the R-4, C-5, and C-3 Mixed Use Planned Unit Development lots, require two parking spaces per dwelling unit. Given the 50 proposed units proposed in this development, the total number of parking spaces required is 100, including four handicap accessible parking spaces. As shown on the Site Plan , the proposal includes 96 regular parking spaces and four handicap accessible parking spaces in compliance with Sections 12-9-7 and 12-9-8 of the Des Plaines Zoning Ordinance.

#### **Compliance with the Comprehensive Plan**

The proposed project, including the proposed the site improvements, address various goals and objectives of the 2019 Comprehensive Plan including the following aspects:

- **Future Land Use Plan:**

- This property is designated as Institutional on the Future Land Use Plan. The Future Land Use Plan strives to promote institutional uses in order to provide additional services to the community and support diversity and inclusion within the City of Des Plaines such as the existing church currently located on the site. While the proposed use does not specifically fall into the category of an institutional land use, it does offer an opportunity for the inclusion of diverse groups such as low-income individuals who may have limited housing options. The site is also located near denser development areas with direct access to transit and the Elmhurst Road commercial corridor.
- The subject property is located near the defined Elmhurst Road commercial corridor with townhouse developments to the south, east, and west. The subject property currently contains a place of worship with surface parking and open space. However, the request would increase the amount of low-income housing options available in the City of Des Plaines. The proposal would assist in achieving the goal of the comprehensive plan to increase affordable housing in Des Plaines with on-site amenities for residents.

- **Landscaping and Screening:**

- The Comprehensive Plan seeks to encourage and actively pursue beautification opportunities and efforts, including the installation of landscaping, street furniture,

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- lighting, and other amenities, to establish a more attractive shopping environment and achieve stronger corridor identity in Des Plaines.
- The proposal includes extensive landscaping around the building, throughout the parking lot, and along the property boundaries to enhance the aesthetics of the site and properly screen it from surrounding properties. The Site Plan indicates a two-foot reduction in depth of the parking stalls along the perimeter of the parking lot, which directly abut curbed landscape areas and permit the overhang of the adjacent vehicle’s front bumper. However, the proposed landscaping beds in these areas are still a minimum of 5-feet in width excluding the vehicle overhang area in compliance with Section 12-9-6 of the Des Plaines Zoning Ordinance.

While the aforementioned aspects represent a small portion of the goals and strategies of the Comprehensive Plan, there is a large emphasis on improving existing commercial developments and enhancing commercial corridors throughout Des Plaines.

**Variation Findings:** Variation requests are subject to the standards set forth in Section 12-3-6(H) of the 1998 City of Des Plaines Zoning Ordinance, as amended.

**9. 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:* Carrying out the strict letter of this code would reduce the number of affordable housing units permitted on the property effectively making the proposal impractical and ultimately reducing development opportunities for the subject property zoned for higher density residential development. Please see the Petitioner’s responses to Standards for Variations.

**10. 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 existing access and location of the subject property creates an unique physical condition that limits the available development of this site. The site is currently only accessed by one curb cut off Beau Drive, which is improved with a center landscaped median. Given the property’s close proximity to the Dempster Street / Beau Drive intersection, the addition of a full access curb cut on Dempster Street could negatively impact traffic flow and circulation thus limiting viable access to the site. In addition, the subject property is land-locked with multi-family development in the R-3 zoned district to the south, west, and east preventing the size of the lot to be enlarged to meet the minimum lot area standards. Please see the Petitioner’s responses to Standards for Variations.

**11. 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**

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**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 physical conditions described above are of no fault to the petitioner as the existing property consists of these characteristics prior to the development proposal for 50 multi-family units. Staff is not aware of any action of the current or previous owner which created the conditions described above. Please see the Petitioner's responses to Standards for Variations.

**12. 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:* Carrying out the strict letter of this code could deprive the existing property owner of substantial rights enjoyed by other owners of similarly zoned lots by limiting the development or selling of the property to be redeveloped with a use permitted in the R-3 zoning district. The R-3-zoned lot directly west of the subject property is of similar size and contains a development of a similar type and design compared to the proposed development at 800 Beau Drive. Please see the Petitioner's responses to Standards for Variations.

**13. 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:* The granting of this variation for density would not provide any special privilege of the property owner or petitioner as similar developments in the R-3 zoning district have the opportunity for this request for development proposals permitted in the R-3 district. This variation would allow for the redevelopment of the existing site and the increase in affordable housing options in Des Plaines. Please see the Petitioner's responses to Standards for Variations.

**14. 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 proposed multi-family development would be harmonious with the surrounding multi-family development south of Dempster Street. The addition of affordable housing in this area with direct access to transit and the Elmhurst Road commercial corridor support the goals and objectives of the Comprehensive Plan. Please see the Petitioner's responses to Standards for Variations.

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

*Comment:* There are no other reasons that the aforementioned hardships can be avoided or remedied as the property is land-locked and cannot be expanded to meet minimum standards for larger residential development intended for a R-3 zoned property. Please see the Petitioner's responses to Standards for Variations.

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**16. 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: This would be the minimum amount of relief necessary to alleviate the aforementioned hardships and allow the petitioner to redevelop the subject property with a multi-family development. The proposed meets or exceeds all other requirements of the Des Plaines Zoning Ordinance. Please see the Petitioner’s responses to Standards for Variations.

**Recommendation:** Staff recommends approval of the requested increase in density from 29 to 50-units in the R-3, Townhouse Residential District at 800 Beau Drive based on review of the information presented by the applicant and the standards and conditions met by Section 12-3-6(H) (Findings of Fact for Variations) as outlined within the City of Des Plaines Zoning Ordinance, as amended.

**Planning and Zoning Board Procedure:** Under Section 12-3-6(F) of the Zoning Ordinance (Major Variations), the Planning and Zoning Board has the authority to *recommend* that the City Council approve, approve subject to conditions, or disapprove the above-mentioned variance for density within the C-3 Zoning District at 800 Beau Drive. The City Council has the final authority on the proposal.

**A motion was made by Board Member Hofherr, seconded by Board Member Veremis to deny approval of the Major Variation to allow increase density in the R-3 Zoning District at 800 Beau Drive, due to size concerns.**

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

**\*\*\*MOTION CARRIES \*\*\***

Member Fowler commented that she hopes the developers reconsider the scale of the project.

**ADJOURNMENT**

The next scheduled Planning & Zoning Board meeting is Tuesday, April 13, 2021.

Chairman Szabo adjourned the meeting by voice vote at 9:16 p.m.

Sincerely,

Wendy Bednarz, Recording Secretary

cc: City Officials, Aldermen, Zoning Board of Appeals, Petitioners