

Case #15-082-MAP-SUB-10194, 10246, & 10256 Higgins Road;
3011, 3036, 3041, 3043, & 3045 Orchard Place-Tentative and Final Plat
of Subdivision and a Zoning Map Amendment
Case #15-077-V-1095 Thacker Street-Variance Request
Case #15-080-V-1623 Van Buren-Variance Request
Case #15-083-V- 860 Elmhurst Road-Variance Requests
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DES PLAINES PLANNING AND ZONING BOARD MEETING

**JANUARY 12, 2016
MINUTES**

The Des Plaines Planning and Zoning Board Meeting held its inaugural meeting on Tuesday, January 12, 2016, at 7 p.m. in Room 102 of the Des Plaines Civic Center.

ZONING BOARD

PRESENT: Catalano, Saletnik, Hofherr, Schell, Yi, Szabo

ABSENT: Green

ALSO PRESENT: George Sakas, AICP, Director/Community & Economic Development
Scott Mangum, AICP, Senior Planner/Community & Economic Development
Lauren Pruss, AICP, Coordinator/Community & Economic Development
Lauren Griffin, Administrative Assistant/Community & Economic Development
Stewart Weiss, General Counsel/Holland & Knight
Gale Cerabona/Recording Secretary

Senior Planner Mangum called the meeting to order at 7:01 p.m. Roll call was conducted.

APPROVAL OF MINUTES

There were no minutes to approve.

PUBLIC COMMENT

There were no comments.

NEW BUSINESS

1. Review Calendar and Roster

Senior Planner Mangum reported the new Planning and Zoning Board (PZB) will meet on the second and fourth Tuesdays at 7 p.m. He noted an exception in December where there is only one meeting. The new roster/Board was referenced.

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2. Election of Chair and Vice Chair

Senior Planner Mangum asked for a nomination for a Chairman.

A motion was made by Board Member Hofherr, seconded by Board Member Catalano, to nominate Board Member Szabo as Chairman for the PZB.

AYES: Hofherr, Catalano, Szabo, Saletnik, Schell, Yi

NAYES: None

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

Senior Planner Mangum asked for a nomination for a Vice-Chair.

A motion was made by Board Member Catalano, seconded by Board Member Szabo, to nominate Board Member Saletnik as Vice-Chair for the PZB.

AYES: Catalano, Szabo, Hofherr, Saletnik, Schell, Yi

NAYES: None

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

Chairman Szabo advised the audience that Planning and Zoning were previously two separate bodies and they are now combined. He also introduced Mr. Stewart Weiss, Legal Counsel for the City of Des Plaines.

3. Review and Adoption of Rules and Procedures

Mr. Weiss advised as a combined Committee, many factors were taken into consideration. He referred to various sections and articles. Final jurisdiction scenarios were highlighted (4 out of 7 is the majority). Mr. Weiss stated some matters may be recommended by the PZB (and noted there will be a stricter policy on a written decision) with final approval then moved to the City Council. He referred to Order of Business/Agendas (where the Chair will enforce same, and the order may be altered). Mr. Weiss referred to the Conflict of Interest section (noting personal or professional connections; where Board members may recuse themselves for the respective agenda item). He stated if there are any questions to inquire or, he advised these items could be read and adopted at a later date.

Chairman Szabo asked the Board if there are any questions. Board Member Yi referred to Page 8 and asked about final determinations. Chairman Szabo and Senior Planner Mangum stated some matters would be final.

Senior Planner Mangum advised that Director Sakas wanted to raise the information on Section 4.07, Page 3 where Attendance is addressed. Director Sakas stated this could be revised by the Chair.

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Chairman Szabo asked the Board if there are any questions. Board Member Saletnik complimented Staff on how well the Rules and Procedures are written. Board Member Catalano stated four absences seems excessive; three may be more in line.

A motion was made by Board Member Hofherr, seconded by Board Member Saletnik, to accept and approve this document as written.

AYES: Hofherr, Saletnik, Catalano, Schell, Yi, Szabo

NAYES: None

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

Chairman Szabo introduced Director Sakas and Senior Planner Mangum who share the goals of this Board.

4. Zoning Training – Schedule Date for Workshop – Propose February 9 or 23

Senior Planner Mangum advised that training is being offered. He noted, based on Board feedback, the dates of March 8th or March 22nd appear available for all; the training class will likely be 2-3 hours.

5. **Addresses:** 10194, 10246, & 10256 Higgins Road; 3011, 3036, 3041 **Case Number: 15-082-MAP-SUB**
3043, & 3045 Orchard Place

Petitioner is requesting Tentative and Final Plat Approval of the Orchard Higgins Subdivision with 3 lots; An Amendment to the Official Des Plaines Zoning Map, as amended, to reclassify the properties from the R-1 Single Family Residential Zoning District and C-2, Limited Office Commercial Zoning District to the C-3, General Commercial Zoning District.

PINs: 09-33-306-001-0000, 09-33-309-001-0000, 09-33-309-002-0000, 09-33-309-003-0000, 09-33-309-004-0000, 09-33-309-005-0000, 09-33-309-010-0000, Part of 09-33-500-005-0000

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

Owner: Rosemont Park District, 6140 North Scott Street, Rosemont, IL 60018

Director Sakas introduced himself as the Director of Community & Economic Development for the City of Des Plaines. He noted the addresses on Pages 11-15 of the Board packet. The property is currently owned by the Rosemont Park District. Director Sakas advised the City is seeking to purchase the majority of this property; Rosemont Park District will retain Lot 3 (50x75) including the billboard. He stated the intent is to rezone. Director Sakas noted there is nothing on the property; is in TIF #7; development is intended.

Chairman Szabo asked if the Board has any questions. Board Member Saletnik asked about adjacent zonings. Director Sakas responded that to the West is C-3, to the South is C-3, to the East is C-2, and to the North is R-1, but separated from the site by the Tollway. He advised this is a simultaneous Preliminary & Final Plat.

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Chairman Szabo asked if the Board has any further questions. There were none. Chairman Szabo asked Staff to summarize the Staff Report:

Issue: The petitioner is requesting Tentative and Final Plat Approval of the Orchard Higgins Subdivision with 3 lots; An Amendment to the Official Des Plaines Zoning Map, as amended, to reclassify the properties from the R-1 Single Family Residential Zoning District and C-2, Limited Office Commercial Zoning District to the C-3, General Commercial Zoning District.

Analysis: In analyzing this request, the staff considered the following information:

General Information

Petitioner	City of Des Plaines, 1420 Miner Street, Des Plaines, IL 60016
Owner(s)	Rosemont Park District, 6140 North Scott Street, Rosemont, IL 60018
Case Number	15-082-MAP-SUB
Address	3011, 3036, 3041, 3043 and 2045 Orchard Place & 10194, 10246, and 10256 Higgins Road
Real Estate Index Numbers	09-33-306-001-0000, 09-33-309-001-0000, 09-33-309-002-0000, 09-33-309-003-0000, 09-33-309-004-0000, 09-33-309-005-0000, 09-33-309-010-0000, Part of 09-33-500-005-0000
Existing Zoning	R-1, Single-Family Residential Zoning District, C-2, Limited Office Commercial Zoning District
Existing Land Use	Vacant Land
Surrounding Zoning	North: I-90, Jane Addams Tollway/C-2, Limited Office Commercial District South: Village of Rosemont (D- Commercial) East: C-2, Limited Office Commercial District West: C-3, General Commercial District
Surrounding Land Use	North: I-90, Jane Addams Tollway/Vacant Land South: Office/Restaurant/Hotel (Village of Rosemont) East: CN Railroad Tracks/Office West: Vacant Land/Restaurant

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Street Classification Orchard Place is identified as a local street in the 2007 Comprehensive Plan.

Comprehensive Plan Entertainment is the recommended use for the land north of Higgins-Willow Creek and Parks and Open Space is the recommended use of the property south of Higgins-Willow Creek.

The applicant, the City of Des Plaines, and the property owner, Rosemont Park District, request approval to reclassify the zoning of the property at the Northeast Corner of Higgins Road and Orchard Place to the C-3, General Commercial District, and resubdivide the property into three parcels of land. The purpose of the request is to facilitate the transfer of the majority of the property from the Rosemont Park District to the City of Des Plaines. In addition, the request will allow proposed Lot 3, which accommodates the existing Billboard on the site, to be retained by the Rosemont Park District, and permit the Billboard to remain on the site. The creation of Lot 3 will also require the approval of a variance of the requirement that a lot front upon a dedicated, public street.

The southern portion of the property is currently within the R-1, Single-Family Residential Zoning District while the northern portion of the site is zoned C-2, Limited Office Commercial. The approximately 3.55 acre property, comprised of eight PINs, is located East of Orchard Place, South of I-90, North of Higgins Road and West of the Canadian National Railroad Tracks with 354.49 feet of frontage on Higgins Road and 708.44 feet of frontage on Orchard Place. Higgins-Willow Creek bisects the property and a portion of the property on either side of the creek is located within the Floodway.

The property was acquired by the Park District in 1999 and 2002. The majority of the property was rezoned from the C-2, Limited Office Commercial District to the R-1 Zoning District in 2005 (Ordinance Z-11-05, Zoning Case# 05-024-A). A Billboard that is located at the northern portion of Parcel A is scheduled to be removed due to I-90, Jane Addams roadway construction by the Illinois Tollway Authority. A recently approved Text Amendment to the Zoning Ordinance (Ordinance Z-15-15, Zoning Case #15-006-TA) allows such impacted nonconforming Billboard signs to be relocated within 500-feet of the original sign location within one-year, subject to location requirements in Table 11.6.B of the Zoning Ordinance, including that Billboards must be located a minimum of 300-feet from a residential property line.

According to Section 7.5-1 of the Zoning Ordinance, the purpose of the C-3 District is to accommodate a variety of businesses in locations to serve the community of Des Plaines.

Standards for a Zoning Map Amendment

To analyze this map amendment request, the standards for amendments contained in Section 3.7-5 of the Zoning Ordinance are used. Following is a discussion of those standards:

A. Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.

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The 2007 City of Des Plaines Comprehensive Plan recommends an Entertainment use for the portion of the property North of Higgins-Willow Creek and Parks and Open Space for the portion of the property South of Higgins Creek. As defined by the Plan, Entertainment areas include entertainment establishments, such as movie theaters, bowling alleys, casinos, indoor sports arenas, and restaurants. Parks and Open Spaces are areas that include public parks and open spaces for active and passive recreation, including Cook County Forest Preserve District property. The proposed C-3 General Commercial Zoning District would not allow for the Park use contemplated by the Comprehensive Plan, but would allow for a number of Entertainment related uses.

B. Whether the proposed amendment is compatible with the current conditions and the overall character of existing developments in the immediate vicinity of the subject property.

The adjacent properties to the west of the subject property are located within the C-3 Zoning District. With the exception of McDonald's, the remaining properties are currently City-owned and subject to a Request For Proposals to develop the properties in a commercial manner. Surrounding properties to the north, east, and south are well buffered from the subject property as they are separated by the Tollway, Canadian National Railroad Tracks, and Higgins Road, I-90 respectively.

C. Whether the proposed amendment is appropriate considering the adequacy of public facilities and services available to the subject property.

If the zoning Map Amendment is approved, no additional expansion of public facilities or services is anticipated at this time. However, road and water main public facilities may need to be upgraded depending on future development of the subject property and adjacent sites. Development on the property would also be subject to the Flood Control regulations in Title 14 of the City Code.

D. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction.

The proposed rezoning of the site would likely increase the value of the properties on site over the existing R-1 Zoning, particularly considering the regulations regarding Billboard relocation. It is not anticipated that the rezoning would have a significant negative impact on other properties within the City and could provide expanded opportunities for commercial development.

E. Whether the proposed amendment reflects responsible standards for development and growth.

The proposed map amendment to reclassify the properties to the C-3, General Commercial District would allow for the type of development contemplated by the Comprehensive Plan on the northern portion of the site (Entertainment), but not on the southern portion (Parks and Open Space).

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Standards for a Variation from the Subdivision Regulations

To analyze this map amendment request, the standards for amendments contained in Section 2-6 C. of the Subdivision Regulations are used. Following is a discussion of those standards:

1. That there are no special circumstances or conditions affecting said property such that the strict application of the provisions of this title would deprive the applicant of the reasonable use of his land.

Lot 3 is being created to allow the transfer of the majority of the Site to the City, while still permitting the Rosemont Park District the right to own Lot 3, the Billboard Parcel. Access easements will be provided to the Rosemont Park District to allow the continued access to the site and the ability to maintain the sign.

2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

The Rosemont Park District currently receives income from the owner of the billboard. The variance will allow the continued use of Lot 3 for the billboard while facilitating the transfer of the remainder of the site to the City.

3. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

Because access easements to Lot 3 will be provided to the Rosemont Park District, the granting of the requested variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.

Recommendation: Based on the above analysis, the Community Development Department recommends approval of the requested zoning map amendment to change the zoning classification to C-3, General Commercial District, the requested variance from the Subdivision Regulations, and the requested Tentative and Final Plat of Subdivision. The proposed zoning classification is compatible with the land use designation for the northern portions of the site expressed in the 2007 Comprehensive Plan and would also be compatible with the existing Zoning classification to the west. While the natural feature on the site, Higgins-Willow Creek, could be used as part of a Park or Open Space, that use is not ideal because the site is cut off from residential areas by major roadways and railroad tracks.

Planning Commission Procedure: Under Section 3.7-4-C of the Zoning Ordinance (Amendments) the Plan Commission has the authority to make a recommendation for approval, approval with modification, or disapproval of the above-mentioned map amendment. The City Council has the final authority on the proposal.

Chairman Szabo asked if anyone in the audience is in favor or objects to this proposal. No one responded.

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Chairman Szabo swore in Terrance D. McCabe, Attorney, Ryan and Ryan, 9501 W. Devon, Rosemont, IL who is representing the Rosemont Park District. Mr. McCabe introduced Rosemont Park District staff Rick Drenobl, President, and Karen Stephens, Director of Parks and Recreation, and stated he concurs with the City of Des Plaines.

A motion was made by Board Member Schell, seconded by Board Member Hofherr, to grant approval of the Tentative and Final Plat of three lots.

AYES: Schell, Hofherr, Catalano, Saletnik, Yi, Szabo

NAYES: None

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

A motion was made by Board Member Schell, seconded by Board Member Hofherr, to approve the reclassification of Zoning from R-1 and C-2 to C-3.

AYES: Schell, Hofherr, Catalano, Saletnik, Yi, Szabo

NAYES: None

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

6. **Addresses:** 1095 Thacker Street

Case Number: 15-077-V

Petitioner is requesting a standard variation to Section 12-7-2-D.4 of the 1998 City of Des Plaines Zoning Ordinance, as amended: to authorize the reconstruction of a shed on an existing concrete pad with a rear yard setback of approximately 2-feet, where a minimum setback of 5-feet is required within the R-1 zoning district.

PINs: 09-20-104-002-0000, 09-20-104-034-0000, 09-20-104-042-0000, 09-20-104-043-0000, 09-20-104-044-0000

Petitioner: Douglas Mitchell, 1095 Thacker Street, Des Plaines, IL 60016

Owner: The Very Rev. M.E. Eccles for St. Martin's Episcopal Church, 1095 Thacker Street, Des Plaines, IL 60016

Chairman Szabo swore in Douglas Mitchell who introduced himself as Treasurer of St. Martin's Episcopal Church at 1095 Thacker Street, Des Plaines, IL 60016. He advised the storage shed in the rear needs to be replaced and is requesting a variation.

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Chairman Szabo asked:

- if the shed is being replaced in the exact same location. Petitioner advised – yes
- if this matter has been discussed with the neighbors. Petitioner advised – yes; they are in favor of it

Chairman Szabo asked if the Board has any questions. There were none. Chairman Szabo asked Staff to summarize the Staff Report:

In reviewing the variation request, staff has considered the following information:

The approximately 35,747 square foot (0.82 acre) property at 1095 Thacker Street has a frontage of approximately 243 feet on Thacker Street and approximately 152 feet on Margret Street. The site is legal conforming with regards to both the minimum lot width (55' would be required of a new subdivision), and lot size (6,875 square feet would be required of a new subdivision) in the R-1, Single Family Residential Zoning District. The property is improved with a one-story church building, a one and one-half story brick single-family residential structure, and a shed. St. Martin's Episcopal Church has requested a standard variation to replace the existing approximately 64 square-foot shed in the same location in order to preserve existing landscaping and the pad where the shed is located. The shed is approximately two-feet from the south property line.

Recommendation: Staff recommends approval of the requested setback variation based on review of the information presented by the applicant and the standards and conditions imposed by Section 12-3-6.H (Findings of Fact for Variations) as outlined within the City of Des Plaines Zoning Ordinance. The recommendation for approval of the rear yard setback is based on the fact that the shed is replacing a similar structure in the same location.

Planning and Zoning Board Procedure:

Under Section 12-3-6.F of the Zoning Ordinance (Standard Variations) the Planning and Zoning Board has the authority to approve, approve subject to conditions, or disapprove the above-mentioned variance for the location setback of a shed within the R-1 Zoning District.

Chairman Szabo asked if anyone in the audience is in favor of the project. One audience member raised his hand. Chairman Szabo asked if anyone objects to this proposal. No one responded.

A motion was made by Board Member Catalano, seconded by Board Member Saletnik, to grant the variation as requested.

AYES: Catalano, Saletnik, Hofherr, Schell, Yi, Szabo

NAYES: None

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

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7. **Addresses:** 1623 Van Buren

Case Number: 15-080-V

Petitioner is requesting a major variation to Section 12-8-1-C.2 of the 1998 City of Des Plaines Zoning Ordinance, as amended: to authorize demolition and construction of a new 20' x 20' two-car garage in front of the building line of the principal structure and minor variations to Section 12-9-6-B.3.d. to 1) construct a driveway with a 30-foot wide garage approach that is wider than the width of the garage door(s) plus thirty inches (30") on each side of the garage door; and 2) to maintain a driveway which is 13-feet (13') wide at property line, where the width of driveway should not be wider than twelve feet (12') at property line.

PIN: 09-21-303-003-0000

Petitioner: Woyciech Niemiec, 1623 Van Buren, Des Plaines, IL 60018

Owner: Woren properties LLC, 1623 Van Buren, Des Plaines, IL 60018

Chairman Szabo swore in Woyciech Niemiec, 1623 Van Buren, Des Plaines, IL 60018 who stated the house needs a lot of work. He advised there is a shared driveway, the one-car garage was demolished, and the intention is to build a two-car garage (6 ft. from property line per code) and expand the driveway.

Chairman Szabo asked if the Board has any questions.

Board Member Hofherr asked:

- if the driveway that juts off will be removed. Petitioner advised – no, it will remain but the driveway will be widened, and the concrete will be replaced
- if the neighbor is doing the same thing. Petitioner advised – he doesn't believe so

Chairman Szabo asked Staff to summarize the Staff Report:

Issue: The petitioner is requesting a major variation to Section 12-8-1-C.2 of the 1998 City of Des Plaines Zoning Ordinance, as amended: to authorize demolition and construction of a new 20' x 20' two-car garage in front of the building line of the principal structure and minor variations to Section 12-9-6-B.3.d. to 1) construct a driveway with a 30-foot wide garage approach that is wider than the width of the garage door(s) plus thirty inches (30") on each side of the garage door; and 2) to maintain a driveway which is 13-feet (13') wide at property line, where the width of driveway should not be wider than twelve feet (12') at property line.

Analysis:

Address: 1623 Van Buren Avenue

PIN: 09-21-303-003-0000

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Existing Zoning: R-1, Single Family Residential District
Petitioner: Woyciech Niemiec, 1623 Van Buren, Des Plaines, IL 60018
Owner(s): Woren properties LLC, 1623 Van Buren, Des Plaines, IL 60018

In reviewing the variation requests, staff has considered the following information:
The 60-foot by approximately 169-foot (10,200 square foot) lot at 1623 Van Buren Avenue is a legal-conforming lot that meets the minimum standards with regards to lot width (55-feet would be required of a new subdivision), and lot size (6,875 square foot minimum). A two-story single-family residence currently exists at the rear of the lot, set back from the front property line by approximately 128-feet. The property lacks a sufficient rear-yard, as the distance from the back of the house to the rear lot line is approximately 7-feet. The petitioner has recently demolished a one-car garage that was accessed via a driveway shared with the neighbor to the west, and wishes to replace it with a two-car garage.

The proposed location of the 20-foot by 20-foot garage is approximately 75-feet from the front property line, well outside of the required 25' front-yard setback, however, the Zoning Ordinance requires accessory structures to be located behind the front building line of the principal structure. The proposed garage would comply with all other accessory structure setbacks and regulations. An additional minor variation is requested to maintain the existing driveway width at the property line of 13-feet, instead of a maximum of 12-feet allowed, and to allow a driveway approach that is more than 30 inches wider than the garage doors. The total width of the driveway at the front of the garage would be approximately 30-feet.

Recommendation: Staff recommends approval of the requested variations based on review of the information presented by the applicant and the standards and conditions imposed by Section 12-3-6.H (Findings of Fact for Variations) as outlined within the City of Des Plaines Zoning Ordinance. The recommendation for approval is based on the existing unique configuration of the structures and pavement on the lot, with the house located in the rear of the property.

Planning and Zoning Board Procedure:

Under Section 12-3-6.G of the Zoning Ordinance (Major Variations) the Planning and Zoning Board has the ability to recommend that the City Council approve, approve subject to conditions, or disapprove the above-mentioned variations for the location of an accessory structure and driveway width within the R-1 Zoning District. The City Council has final authority over the requests.

Chairman Szabo asked if anyone in the audience is in favor of the project. One audience member raised his hand. Chairman Szabo asked if anyone objects to this proposal. No one responded. Chairman Szabo asked if the Board has any further questions. There was no response.

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A motion was made by Board Member Saletnik, seconded by Board Member Hofherr, to recommend to City Council that the variation be approved as requested.

AYES: Schell, Hofherr, Catalano, Saletnik, Yi, Szabo

NAYES: None

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

Chairman Szabo advised Petitioner a recommendation will be submitted to City Council.

8. **Addresses:** 860 Elmhurst Road

Case Number: 15-083-V

Petitioner is requesting major variations to Table 12-11-6.B of the 1998 City of Des Plaines Zoning Ordinance, as amended: to allow a wall sign on a non-street facing façade (west), to permit a canopy sign 14 inches in height rather than 12 inches in height when no canopy sign is allowed in the C-3 zoning district.

PIN: 08-23-021-041-0000

Petitioner: Tomi Minner, 101 E. Illinois St., Aurora, IL

Owner: Wishing Well Shop Ctr., LLC

Chairman Szabo swore in Tomi Minner with J&S Electric, 101 E. Illinois St., Aurora, IL who advised she is representing Burger King. Ms. Minner stated a wall sign and canopy sign are being requested.

Chairman Szabo noted a similar situation; Wendy's on Dempster Street. He asked if the Board has any questions.

Board Member Hofherr asked if this is owned by Wishing Well. Petitioner advised – yes (on behalf of Burger King).

Chairman Szabo asked if these signs are already in operation. Petitioner advised they are.

Board Member Yi asked Petitioner who made her aware since this change is so small. Petitioner responded – Economic Development Coordinator Pruss.

Chairman Szabo asked Staff to summarize the Staff Report; Coordinator Pruss provided same:

Issue: The petitioner is requesting major variations to Table 12-11-6.B of the 1998 City of Des Plaines Zoning Ordinance, as amended: to allow a wall sign on a non-street facing façade (west), to permit a canopy sign 14 inches in height rather than 12 inches in height when no canopy sign is allowed in the C-3 zoning district.

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Analysis:

Address: 860 Elmhurst Road
Existing Zoning: C-3, General Commercial
Petitioner: Tomi Minner, 101 E. Illinois St., Aurora, IL
Owner(s): Wishing Well Shop Ctr., LLC
PIN: 08-23-021-041-0000

The petitioner is seeking Sign Variations for wall signage at the existing Burger King facility at 860 Elmhurst Road. The approximately 20,718 square-foot (0.499 acre) property is located on the west side of Elmhurst Road. The subject site has frontage of approximately 110-feet on Elmhurst Road. The site includes one pole sign along Elmhurst Road. A total of 100 square feet of wall signage is allowed and wall signs are limited to street facing frontages per the Zoning Ordinance. Canopy signs are limited to twelve inches in height. The petitioner requests a major variance to allow a 28.27 square foot wall sign on a non-street facing façade (south) where no signs are allowed. In addition, the petitioner is requesting approval to place one 14” canopy sign containing 27.79 square feet of area on the east building elevation in addition to a 28.27 square foot wall sign, for a total of 56.06 square feet. Canopy signs may not exceed twelve inches in height and are only permitted when there is no additional wall signage on the building.

Recommendation: Staff recommends approval of the variation for signage on a non-street facing façade (south) and approval of the canopy sign on the east elevation based on review of the information presented by the applicant and the standards and conditions imposed by Section 12-3-6.H (Findings of Fact for Variations) as outlined by the City of Des Plaines Zoning Ordinance.

Although the south elevation of the building does not front on a public right-of-way, it does front on Montgomery Street, a Village of Mount Prospect private road. If this road were an actual public street, a 100 square foot sign would be permitted on this building façade.

Although two signs are not typically permitted on this elevation, the Burger King branding requirements do not permit the two messages to be combined into one sign. Accordingly, this provision of the code creates a hardship for the company to properly display the branding message “The Home of the Whopper.” Additionally, the total square footage for both of the proposed signs on the east elevation is 56.06 square feet, 43.94 square feet less than that allowable by the zoning ordinance.

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Zoning Board of Appeals Procedure:

Under Section 12-3-6.G of the Zoning Ordinance (Major Variations) the Zoning Board of Appeals has the authority to recommend that the City Council approve, approve subject to conditions, or disapprove the requested wall signs. The City Council has the final authority on the project.

Chairman Szabo asked if anyone in the audience is in favor of the project. One audience member raised his hand. Chairman Szabo asked if anyone objects to this proposal. No one responded.

A motion was made by Board Member Saletnik, seconded by Board Member Catalano, as signage is in scale and attractive, to recommend these requests for approval to City Council.

AYES: Saletnik, Catalano, Hofherr, Schell, Yi, Szabo

NAYES: None

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

Chairman Szabo advised Petitioner a recommendation will be submitted to City Council.

9. **Addresses:** 1215 Wolf Road **Case Number: 15-084-CU**

Petitioner is requesting a Conditional Use permit under Section 12-7-3-F.3 of the 1998 City of Des Plaines Zoning Ordinance, as amended, operate a Class B Restaurant with Accessory Drive-Through Facility in the C-3 Zoning District.

PIN: 09-19-408-022-0000

Petitioner: John Berta (Architect), 303 N. Northwest Highway, Suite 305, Barrington, IL 60010

Owner: LMP Properties, 44 Park Lane, #526, Park Ridge, IL 60068

Chairman Szabo swore in John Berta, Capital Architects, 303 N. Northwest Highway, Suite 305, Barrington, IL 60010 who advised the property has an existing 700 sq. ft. building. A new fast-food restaurant is being developed (with a walk-up window on the side as well as parking spaces) to accommodate the local business.

Chairman Szabo asked:

- what kind of thought went into nine cars being at a drive-up window? Can people get in very rapidly? Petitioner responded – yes, the menu is limited, lead time is small; quick turnover
- if there will be indoor dining. Petitioner advised – no, but there is an outdoor patio in the rear of the restaurant

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- if there are seven parking spaces and one handicapped. Petitioner responded – yes

Board Member Catalano asked if Petitioner is aware of Staff’s five Conditions. Petitioner advised – yes.

Chairman Szabo asked Staff if landscaping is proposed. Senior Planner Mangum advised it is not.

Chairman Szabo asked Staff to summarize the Staff Report:

Issue: The petitioner is requesting a Conditional Use permit under Section 12-7-3-F.3 of the 1998 City of Des Plaines Zoning Ordinance, as amended, operate a Class B Restaurant with Accessory Drive-Through Facility in the C-3 Zoning District.

Analysis:

Proposed Use	Class B Restaurant with accessory Drive-Through Facility
Petitioner	John Berta (Architect), 303 N. Northwest Highway, Suite 305, Barrington, IL 60010
Owner	LMP Properties, 44 Park Lane, #526, Park Ridge, IL 60068
PIN	09-19-408-022-0000
Plan of Operation	Wolf Road Hot Dogs would operate Monday through Saturday from 10:00 a.m. to 8:00 p.m.
Existing Use	Vacant Building
Surrounding Land Use	North: Vacant Lot East: Institutional (Place of Worship) South: Single-Family Residential West: Industrial (Juno Lighting)
Existing Zoning	C-3, General Commercial
Surrounding Zoning	North: C-3, General Commercial East: R-1, Single-Family Residential South: R-1, Single-Family Residential West: M-3, Special Manufacturing
Street Classification	This portion of both Wolf and Algonquin Roads are identified as collector roads according to the City’s Comprehensive Plan.

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Comprehensive Plan The Comprehensive Plan recommends Community Commercial use for this site.

In reviewing the variation requests, staff has considered the following information:

The applicant, John Berta for Wolf Road Hot Dogs, has requested a Conditional Use Permit to open a Class B (Fast Food) Restaurant with Drive-Through Facility within an existing building at 1215 S. Wolf Road. The approximately 13,875 square-foot parcel is located on the east side of Wolf Road and currently contains a 760 square-foot one-story concrete block building which has been vacant for a number of years but was previously occupied by an ice cream shop. A recent 270 square-foot addition to the rear of the building provides restroom facilities and storage. Additional storage would be provided by a detached accessory structure in the rear of the property. The site is currently accessed by two curb cuts off of Wolf Road and also has access to the adjacent alley which has a one-way flow from east to west. The proposed site plan would allow for a one-way counter-clockwise circulation pattern around the building as well as 8 parking spaces. The hot dog stand use is permitted by right in the C-3 Zoning District and would not provide any interior seating.

A request to waive the traffic study requirement was granted after review by the City's Engineering Division. Engineering comments regarding pavement marking to clarify allowed vehicular movements have been incorporated into the recommended conditions of approval.

Conditional Use Findings: As required by Section 12-3-4.E (Standards for Conditional Uses) of the Zoning Ordinance, the proposed development is reviewed below:

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

Comment: An accessory Drive-Through Facility is a Conditional Use in C-3, General Commercial Zoning District, as specified in Section 12-7-3.F.3 of the 1998 City of Des Plaines Zoning Ordinance, as amended.

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

Comment: The 2007 Comprehensive Plan recommends a Community Commercial use for the site.

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 Class B Restaurant with accessory Drive-Through Facility is located on Wolf Road, a collector road that currently has an auto-oriented character at the Wolf Road and Algonquin Road intersection.

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

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Comment: With proposed conditions of approval relating to lighting, noise, and hours of operation, none of the functions of the Class B Restaurant with Drive-Through Facility are anticipated to be hazardous or disturbing to the surrounding 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: After reviewing the petitioner's plans, the proposed Conditional Use would be served adequately by essential public facilities and it would not overburden existing public services.

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

Comment: The proposed Conditional Use would appear to have adequate public facilities; it would not create a burden on public facilities nor would it be a detriment to the economic well-being of 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: With proposed conditions of approval relating to lighting, noise, and hours of operation, the proposed Drive-Through Facility is not anticipated to create additional traffic, noise, or odors that could be detrimental to surrounding land uses.

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

Comment: The proposed project would utilize the existing curb cuts on Wolf Road for access. The Illinois Department of Transportation has jurisdiction over the adjacent section of Wolf Road. Based on an evaluation of the existing conditions and plans provided, staff does not find any evidence for potential interference with traffic patterns.

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

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Comment: Remodeling of the existing building is proposed and a recent addition has been completed. The proposed plan would not cause the destruction, loss, or damage of any natural, scenic or historic features of major importance.

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

Comment: It appears that the proposed conditional use complies with all additional regulations within the Zoning Ordinance.

Recommendation: The Community Development Department recommends approval of the Conditional Use Permit for the establishment of a Class B Restaurant with accessory Drive-Through Facility, based on 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, subject to conditions of approval:

1. Prior to issuance of the Conditional Use Permit, the applicant shall submit a photometric plan in compliance with Sections 12-9-6.G and 12-12-10 of the Zoning Ordinance.
2. Prior to issuance of the Conditional Use Permit, the applicant shall submit a signage and pavement marking plan to the satisfaction of the Director of Public Works and Engineering that delineates the property boundary at the alley and the drive-through lane, has directional arrows to reinforce the counterclockwise vehicular flow, and includes a stop-bar and stop sign at the northern driveway exit.
3. Prior to issuance of the Conditional Use Permit, the applicant shall complete the improvements reflected on the approved pavement marking and signage plan and install two bike racks.
4. Hours of operation shall be limited to 10:00 a.m. to 8:00 p.m.
5. Noise from the drive-through speaker shall not be audible at the residential property lines to the south.

The proposed use is a reuse of the site and an evaluation of the proposed plans and existing traffic conditions indicates that it will not introduce any new adverse impacts with recommended conditions of approval.

Planning and Zoning Board Procedure: Under Sections 12-3-4.D (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 Permit for the establishment of a Class B Restaurant with accessory Drive-Through Facility in the C-3 zoning district. The City Council has the final authority on the project.

Board Member Saletnik asked Staff where the 10 a.m.-8 p.m. hours of operation came from. Senior Planner Mangum advised – that is what the Applicant proposed. Mr. Berta stated those hours are for Monday-Saturday and closed on Sunday.

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Chairman Szabo asked about the direction of the alley adjacent to the property. Senior Planner Mangum stated that the alley is one-way from east to west.

Board Member Hofherr asked when the opening date is. Mr. Berta advised – April.

Chairman Szabo asked if anyone in the audience is in favor of the project. Four audience members raised their hands. Chairman Szabo asked if anyone objects to this proposal. One audience member came forward:

- Dennis Ingersall was sworn in, advised he represents Trinity Lutheran Church at 675 E. Algonquin, stated he welcomes the Petitioner, and is in favor of what they are doing. He stated the one-way signage in the alley is adequate, but that the one-way direction should be maintained.

A motion was made by Board Member Hofherr, seconded by Board Member Yi, to approve the Conditional Use Permit with five Conditions as recommended by Staff.

AYES: Hofherr, Yi, Catalano, Saletnik, Schell, Szabo

NAYES: None

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

Chairman Szabo advised Petitioner a recommendation will be submitted to City Council.

10. **Addresses:** 1550 S. Mt. Prospect Road

Case Number: 15-085-MAP

Petitioner is requesting a an Amendment to the Official Des Plaines Zoning Map, as amended, under Section 12-3-7 of the 1998 City of Des Plaines Zoning Ordinance, as amended, to reclassify the property from the C-3 General Commercial Zoning District to the I-1 Institutional Zoning District, and a Major Variation to Section 12-9-7 to provide 19 parking spaces where approximately 66 parking spaces would be required for a Place of Worship.

PIN: 08-24-403-027-0000

Petitioner: RCCG Fountain of Life, 1645 S. Des Plaines River Road, Suite 15, Des Plaines, IL 60018

Owner: Mohammed Subhani, 1550 S. Mt Prospect Road, Des Plaines, IL 60018

Chairman Szabo swore in Rolly Adedara and Bayo Adeyemo. Ms. Adedara stated they are requesting a Map Amendment to reclassify the property from C-3 to I-1 for a non-profit Place of Worship.

Board Member Hofherr asked/complimented:

- if the Petitioners are related. Mr. Adeyemo advised he is the realtor

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- what RCCG means. Ms. Adedara advised – Redeemed Christian Church of God; a non-denominational organization
- if they plan to buy the building. Mr. Adeyemo advised – yes
- verified if the congregation is 60 adults, 25 children though seating for 408. Ms. Adedara advised – over the years, we are anticipating growth
- if they are currently negotiating with the Union. Ms. Adedara advised – we are still negotiating
- Staff how many parking spaces are at the Union Hall. Senior Planner Mangum advised – in excess of 100
- how many people will be in the building when there are no services. Ms. Adedara advised – four Administrative Staff
- if remaining space in the building will accommodate other activities. Ms. Adedara advised – we plan to have a Food Pantry, Food Kitchen, Counseling Services consisting of 60%, and 40% devoted to Worship Services
- Petitioner for the services they will be providing

Chairman Szabo asked where the Worship Services are held now. Ms. Adedara advised – we are renting at 1645 S. River Road (at Oakton).

Board Member Hofherr asked/advised:

- if anyone will be staying overnight. Ms. Adedara advised – no
- he is concerned about parking and noted another church with tremendous growth had to secure two subsequent additional parking lots. Mr. Adeyemo advised – the Union or U-Haul company may end up selling. Board Members Hofherr & Saletnik suggested parking perhaps across the street at SAMS Club. Mr. Adeyemo advised he is planning to contact their staff.

Chairman Szabo asked how far along the Petitioner is with the Union. Ms. Adedara advised – the Union is having a Board Meeting next week to discuss this; we anticipate a favorable decision.

Board Member Catalano asked Staff if the parking numbers are correct. Senior Planner Mangum advised they are; 66 spaces are required based on the size of the sanctuary area.

Chairman Szabo asked Staff to summarize the Staff Report:

Issue: The petitioner is requesting an Amendment to the Official Des Plaines Zoning Map, as amended, under Section 12-3-7 of the 1998 City of Des Plaines Zoning Ordinance, as amended, to reclassify the property from the C-3 General Commercial Zoning District to the I-1 Institutional Zoning District, and a Major Variation to Section 12-9-7 to provide 19 parking spaces where approximately 66 parking spaces would be required for a Place of Worship.

Analysis:

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Petitioner	RCCG Fountain of Life, 1645 S. Des Plaines River Road, Suite 15, Des Plaines, IL 60018
Owner	Mohammed Subhani, 1550 S. Mt Prospect Road, Des Plaines, IL 60018
PIN	08-24-403-027-0000
Proposed Use	Place of Worship
Existing Use	Vacant Building
Surrounding Land Use	North: Multi-Family Residential East: Industrial South: Commercial West: Commercial/Multi-family Residential
Existing Zoning	C-3, General Commercial
Surrounding Zoning	North: R-3, Townhouse Residential East: M-2 General Manufacturing South: C-3, General Commercial West: R-3, Townhouse Residential /C-3, General Commercial
Street Classification	The adjacent section of Mount Prospect Road is listed as a collector road in the Comprehensive Plan.
Comprehensive Plan	The Comprehensive Plan recommends Community Commercial use for this site.

In reviewing the map amendments and variation requests, staff has considered the following information:

The RCCG Fountain of Life Church has requested that the subject property at 1550 S. Mount Prospect Road be reclassified from the C-3, General Commercial Zoning District to the I-1 Institutional District. The irregularly shaped approximately 25,037 square foot lot (0.57 acres) is located on the West side of Mount Prospect Road, approximately 300 feet north of Oakton Street. An approximately 12,000 square-foot, one story, brick commercial building with 19 parking spaces is present. The property has 157-feet of frontage on Mount Prospect Road with one curb cut accessing approximately 19 parking spaces. The site is now vacant, with the most recent occupant a wholesale goods establishment.

The applicant proposes to renovate the interior of the building and to use the 3,952 square-foot front portion of the building as a sanctuary without fixed seating. The rear portion of the building would be used for storage, offices, and restrooms. The sanctuary space would primarily be used on Sunday mornings and

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Wednesday evenings. A total of 66 parking spaces would be required based on the ratio of one parking space per 60 square feet of floor area in the sanctuary. A Major Variation is requested to allow the use with the 19 onsite parking spaces. The petitioner has indicated that they are working toward an agreement to provide off-site parking at the adjacent property located at 50 W. Oakton Street which is owned and occupied by the International Association of Machinists and Aerospace Workers. Suggested Conditions of Approval address the form and duration of a potential agreement as well as the need for a signage, circulation and pavement marking plan.

According to Section 12-7-5.A of the Zoning Ordinance, the purpose of the I-1 Institutional District is to recognize the public or semipublic nature of the Institutional District and to provide guidelines for its continued use and future development. The I-1 Institutional District shall provide protection for existing institutional facilities by prohibiting the encroachment of non-compatible uses. A Place of Worship is a permitted use in the Institutional Zoning District, where it is not a permitted use in the General Commercial District. The existing building would not be in compliance with the more extensive I-1 setbacks, and the property would not meet the minimum lot size of 2 acres.

A request to waive the traffic study requirement was granted after review by the City's Engineering Division. Engineering comments regarding signage, circulation, and pavement marking to facilitate safe and efficient pedestrian and vehicular movement between the subject property and off-site parking have been incorporated into conditions of approval.

Standards for a Zoning Map Amendment

To analyze this map amendment request, the standards for amendments contained in Section 12-3-7.E of the Zoning Ordinance are used. Following is a discussion of those standards:

1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan.

The 2007 City of Des Plaines Comprehensive Plan recommends Community Commercial for this site. However, the site is located at the edge of a commercial area and is adjacent to a multi-family residential (R-3) Zoning District where Places of Worship are a permitted use. Additionally, the building was previously used for a noncommercial assembly use (Union Hall) and is adjacent to an existing noncommercial assembly use (Union Hall).

2. Whether the proposed amendment is compatible with the current conditions and the overall character of existing developments in the immediate vicinity of the subject property.

The current conditions around the facility include a mix of industrial, commercial, noncommercial assembly, and multi-family residential uses. The Place of Worship use is similar to adjacent the noncommercial use (Union Hall). The amount of onsite parking provided does not meet Zoning Ordinance requirements or

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potential future parking demands. The compatibility of the use may depend on the ability to maintain and effectively manage off-site parking.

3. Whether the proposed amendment is appropriate considering the adequacy of public facilities and services available to the subject property.

The public facilities and the public services provided by the City of Des Plaines are expected to be adequate. If the zoning amendment is approved, no expansion of public facilities or services is anticipated.

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

The proposed use of the site would change from a commercial use to a noncommercial Place of Worship where surrounding properties are a mix of residential, commercial, noncommercial assembly and industrial.

5. Whether the proposed amendment reflects responsible standards for development and growth.

The proposed map amendment to reclassify the properties to I-1, Institutional does not directly reflect the proposed future land use of the area as Community Commercial, however, the location of the proposed use could act as a transition between a commercial and residential area and would be similar to an adjacent noncommercial assembly use.

Recommendation: The Community Development Department recommends consideration of the Map Amendment, based on review of the information presented by the applicant and the findings made above, as specified in Section 12-3-7.E (Standards for Amendments) of the City of Des Plaines Zoning Ordinance.

Staff also recommends consideration of the Major Variation request based on review of the information presented by the applicant and the standards and conditions imposed by Section 12-3-6.H (Findings of Fact for Variations) as outlined within the City of Des Plaines Zoning Ordinance, subject to conditions of approval:

1. Prior to issuance of building permits the petitioner shall submit a long-term (5-year minimum) off-site parking agreement for a minimum of 50 parking spaces within 500-feet of the property that has been executed and recorded with the Cook County Recorder of Deeds. The agreement shall stipulate that off-site parking spaces shall be made available to the Place of Worship at any time it is in operation.
2. Prior to issuance of building permits the petitioner shall submit a signage, pavement marking, and circulation plan to the satisfaction of the Director of Public Works and Engineering. The plan shall provide for adequate pick-up and drop-off areas and shall direct visitors to the location of off-site parking.

Case #15-082-MAP-SUB-10194, 10246, & 10256 Higgins Road;
3011, 3036, 3041, 3043, & 3045 Orchard Place-Tentative and Final Plat
of Subdivision and a Zoning Map Amendment
Case #15-077-V-1095 Thacker Street-Variance Request
Case #15-080-V-1623 Van Buren-Variance Request
Case #15-083-V- 860 Elmhurst Road-Variance Requests
Case #15-084-CU-1215 Wolf Road-Conditional Use Permit
Case #15-085-MAP-1550 S. Mt. Prospect Road-Map Amendment & Major
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3. The parking Variation allowing operation of the Place of Worship use shall only be valid while an agreement for a minimum of 50 off-site parking spaces located within 500-feet of the subject property is in effect.

Planning and Zoning Board Procedure

Under Sections 12-3-7.D.3 of the Zoning Ordinance (Amendments) and 12-3-6.G (Major Variations) the Planning and Zoning Board has the authority to make recommendations for approval, approval with modifications, or disapproval of the above-mentioned Map Amendment and Major Variation. The City Council has the final authority on the proposal.

Chairman Szabo asked if the Board has any further questions. There were none. Chairman Szabo asked if anyone in the audience is in favor of the project. Six audience members raised their hands. Chairman Szabo asked if anyone objects to this proposal. Two audience members raised their hands, were sworn in, and came forward:

- Daniella Muich, 61 Dover Drive

Ms. Muich stated, on the other side, there are multi-family residences and already parking issues; it's like Wrigleyville

- Victor Dula, 1640 Whitcomb

Mr. Dula asked:

- if there is an overnight parking restriction. Senior Planner Mangum responded – citywide, there is not
- how many parking spaces are at the current location? Chairman Szabo stated there are 19 at the new location. He noted a Condition would apply to secure a parking agreement. Ms. Adedara advised they currently are working on an agreement to have 50 additional spaces.

Chairman Szabo asked what time the Wednesday night services are. Ms. Adedara advised – 6-9 p.m.

Board Member Saletnik stated an agreement with the Union Hall would be required if the Congregation grows. He asked how rapid the growth would be and cited a similar instance. Board Member Saletnik suggested parking at SAMS Club (at the North end). Senior Planner Mangum noted there are 175 parking spaces on the adjacent Union property which is underutilized. Chairman Szabo stated the previous Union seemed to be larger than this one.

Board Member Saletnik asked who the fence belongs to. Ms. Adedara responded – the current owner. Board Member Saletnik suggested if the Union Hall offers parking, the fence could be removed.

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A motion was made by Board Member Hofherr, seconded by Board Member Schell, to recommend a continuance to February 9th pending a parking agreement.

AYES: Hofherr, Schell, Catalano, Saletnik, Yi, Szabo

NAYES: None

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

OLD BUSINESS

There was no Old Business

ADJOURNMENT

A motion was made by Board Member Hofherr, seconded by Board Member Schell, to adjourn the meeting at 8:38 p.m. On a voice vote, the motion carried unanimously.

Sincerely,

Gale Cerabona
Recording Secretary

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