



DES PLAINES PLANNING AND ZONING BOARD MEETING

**May 24, 2016
MINUTES**

The Des Plaines Planning and Zoning Board Meeting held its regularly-scheduled meeting on Tuesday, May 24, 2016, at 7 p.m. in Room 102 of the Des Plaines Civic Center.

ZONING BOARD

PRESENT: Bader, Green, Saletnik, Hofherr, Schell, Szabo

ABSENT: Catalano

ALSO PRESENT: Lauren Pruss, Coordinator/Community & Economic Development
Vijay Gadde, AICP, Interim Senior Planner/Community & Economic Development
Gale Cerabona/Recording Secretary

Chairman Szabo called the meeting to order at 7:02 p.m. and read this evening's cases. Roll call was conducted.

APPROVAL OF MINUTES

A motion was made by Board Member Green, seconded by Board Member Hofherr, to approve the minutes of May 10, 2016, as presented.

AYES: Green, Hofherr, Bader, Saletnik, Schell, Szabo

NAYES: None

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

PUBLIC COMMENT

There were no comments.

NEW BUSINESS

1. **Address:** 240-310 Potter Road **Case Number: 16-021-PUD-MAP**

The petitioner is requesting an Amendment to the Official Des Plaines Zoning Map, as amended, to reclassify the properties from the R-1 Single Family Residential District to the R-3 Townhouse Residential District; and

A Preliminary Planned Unit Development (PUD) is requested under Section 12-3-5 of the 1998 City of Des Plaines Zoning Ordinance, as amended, to allow for the expansion of the parking lot of a Place of Worship that was approved as a Conditional Use and construction of a Parsonage with a PUD bulk exception for an existing 8-foot front yard setback, instead of not less than 25-feet.

PINs: 09-15-102-013-0000, 09-15-102-014-00000, 09-15-102-015-0000, 09-15-102-041-0000, 09-15-102-042-0000

Petitioner: Richard Vane, 240 N. Industrial Drive, Bradley, IL 60915

Owner: Chicago Mar Thoma Church, 240 Potter Road, Des Plaines, IL 60016

Chairman Szabo swore in Mr. Vane, 240 N. Industrial Drive, Bradley, IL 60915 who offered a PowerPoint presentation. He identified the existing church and parking lots noting an addition to the parking lot and a Parsonage for clerical staff that would be supplemented. He also noted the Church currently has a Conditional Use permit and has acquired a total of 5 parcels. Mr. Vane described if a building is added, it must be rezoned to have a PUD in the R-3 Residential District; permitted use. He advised this is strictly for church usage – not a Planned Unit Development with townhomes, etc. He noted, currently, parishioners must go across Potter Road to park.

Chairman Szabo swore in Ms. Shijy Alex, Mr. Sunny Cherian, and Mr. Shani Abraham. Ms. Alex gave a history of the Chicago Mar Thomas Church. She advised it was established in Chicago in 1973. In 2009 in Des Plaines, the church was expanded due to its growing congregation. Ms. Alex stated there are 1,300 members with 1/3 living in Des Plaines. She advised there are two worship services on Sunday (7:30 a.m. and 10:30 a.m.), children and senior services, and outreach programs. Ms. Alex shared that the attendees exceed the parking capacity; parking is found on other streets which is difficult for seniors and children. She noted 67 parking spaces and a Parsonage will be added and is in concert with the City's Comprehensive Plan.

Chairman Szabo asked if the Board has any questions.

Chairman Szabo stated the area is impacted by another House of Worship in the neighborhood. He asked if this additional parking would be sufficient for the church's needs. Mr. Abraham stated it will be sufficient.

Board Member Green asked how many total parking spaces there will be after completion. Mr. Abraham responded – 227.

Chairman Szabo asked Staff to present the Staff Report. Interim Senior Planner Gadde provided same.

Issue: A Preliminary Planned Unit Development (PUD) is requested under Section 12-3-5 of the 1998 City of Des Plaines Zoning Ordinance, as amended, to allow for the construction of a parsonage and parking.

An Amendment to the Official Des Plaines Zoning Map, as amended, to reclassify the property from the R-1 Single-Family Residential to R-3 Townhouse Residential District.

Analysis:

Owners: Chicago Mar Thoma Church, 240 Potter Road, Des Plaines, IL 60016

Petitioner: Richard Vane, 240 N. Industrial Drive, Bradley, IL 60195

Case Number: 16-021-PUD-MAP

Real Estate Index Numbers 09-15-102-013-0000, 09-15-102-014-0000, 09-15-102-015-0000, 09-15-102-041-0000, 09-15-102-042-0000

Existing Zoning	R-1 Single-Family Residential
Existing Land Use	Place of Worship
Surrounding Zoning	North: R-1 Single-Family Residential South: R-1 Single-Family Residential East: Unincorporated Cook County West: R-1 Single-Family Residential
Surrounding Land Use	North: Residential South: Residential East: Residential West: Residential
Street Classification	Potter Road is a collector street.
Comprehensive Plan	The Comprehensive Plan designates the site Single Family Residential.
Development Schedule	The immediate development includes parking lot expansion and a parsonage building. Future plans include a class room building.
Project Description	<p>A Place of Worship is a conditional use in the R-1 Single-Family Residential District and a Conditional Use was granted in 2006 (Z-5-06, Case# 05-86-CU) which allowed the expansion of the building and parking.</p> <p>The contiguous properties on Potter Road are all owned by the Church and are considered to be one zoning lot. The proposed Map Amendment allows more than one principal building on the zoning lot. The 3.43 acre site meets the 2 acre minimum requirement in the R-3 Single-Family Residential District to request a Planned Unit Development (PUD) as a Conditional Use.</p>

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.

A. 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 Single Family Residential for this site. The proposed R-3 Zoning District is consistent with this designation as it allows townhouses as a permitted use. Multi-family dwellings are also permitted in the R-3 zone but would be precluded if the requested PUD is approved.

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 contiguous parcels on Potter Road, shown in the attached Location Map, are owned by the Church. The proposed parsonage and the future class room building would be consistent with the residential environment surrounding the zoning lot.

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

The Public Works and Engineering and Fire Departments have reviewed the preliminary plans and provided comments regarding public utilities.

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

The proposed Church expansion is unlikely to have an adverse effect on the value of the residential properties throughout the jurisdiction. The proposed use is permitted in the proposed R-3 Zoning District.

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

The proposed map amendment to reclassify the properties to R-3 Zoning District is consistent with the future Single Family Residential land use expressed in the adopted Comprehensive Plan.

Planned Unit Development Findings

The proposed development is reviewed below in terms of the findings contained in Section 12-3-5 of the Zoning Ordinance.

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:

The proposed plan is consistent with the stated purpose of Section 12-3-5 (A) of the Zoning Ordinance. The plan would provide a maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the zoning regulations which would require the proposed house at 310 Potter Road to be developed under separate ownership and control from the Church.

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

The proposed Planned Unit Development meets all PUD requirements contained in Section 12-3-5 of the Zoning Ordinance as it would be located in a zoning district (R-3, as proposed) that permits PUDs, it meets the minimum size standard of two acres, as it is 3.43 acres in size, and the land is under unified control of Chicago Mar Thoma Church.

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:

The proposed development would meet or exceed the following applicable zoning regulations if the property is reclassified to the R-3, Townhouse Residential District:

- Minimum size for PUD: Two acres are required; the total site is 3.43 acres.
- Maximum building coverage: Not applicable in R-3, Townhouse Residential.
- 193 parking spaces required; 227 are proposed in addition to 2 spaces in front of the parsonage garage.
- Maximum Building Height 45'; proposed 35'.
- Compatibility with surrounding properties: The project is not expected to be detrimental to surrounding residential properties.
- General Design: The general design of the development is not expected to be detrimental to the public health, safety or general welfare.

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:

After reviewing the petitioner's preliminary building and site improvement plans, it appears that the proposed development provides adequate provision for the necessary infrastructure. Comments from the Public Works and Engineering Department, and Fire Department further address this issue.

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

The proposed Church expansion is unlikely to have an adverse effect on the adjacent residential properties. The proposed use is permitted in the proposed R-3 Zoning District.

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

We do not anticipate any negative impact on the city's tax base or the economic well-being of the community.

G. The extent to which the proposed plan is in conformity with the recommendations of the 2007 Comprehensive Plan:

The 2007 City of Des Plaines Comprehensive Plan recommends Single Family Residential for this site. The proposed R-3 Zoning District is consistent with this designation as it allows townhouses as a permitted use. Multi-family dwellings are also permitted in the R-3 zone but would be precluded if the requested PUD is approved.

Recommendation:

The Community Development Department recommends approval of the Map Amendment from R-1 to R-3 Zoning District and the Preliminary Planned Unit Development (PUD) to allow for the construction of a

parsonage and parking. The proposed development is in accordance with the Comprehensive Plan, and the proposed zoning and use of the property is not anticipated to cause adverse impacts on surrounding properties.

Plan & Zoning Board Procedure:

The Planning & Zoning Board may vote to *recommend* approval, approval with modifications, or disapproval. The City Council has final authority over the Map Amendment and PUD.

Coordinator Pruss added that the 35 ft. height is consistent with heights in the R-1 District.

Chairman Szabo asked the Board if there are any questions. He asked if anyone in the audience is in favor of this proposal. Approximately 50 people raised their hands. Chairman Szabo asked if anyone is opposed to this proposal. Approximately 11 people raised their hands.

Chairman Szabo asked audience members who wish to speak to please come forward. He swore in the following who extended their comments:

- Arnold Whitakey, Fire Marshall, Fire Department on Potter Road – in favor

He advised he has been in the district for 20 years and is familiar with this group whom the fire department staff works well with. The church allows the Fire Department to use their parking lot when needed. He welcomes the extended parking.

- William Lichtfuss, 241 Good Avenue – opposing

He distributed a packet to Board Members and offered a PowerPoint presentation. He stated he's a good neighbor, loves the neighborhood, etc. Concerns are:

- Lack of time to perform due diligence; did not receive a certified letter
- When this group and the City allowed an earlier expansion, adverse effects have been:
 - Unmanaged storm water run-off with no help from church management. Photos from 2011 were illustrated and referenced. Photos of another flood in 2013 were also shown.
- Environmental impact pollutants, poor drinking water. Photos of exterior flooding with ducks in standing water were shown. A quote was given by the U.S. Geological Survey's web site from 2014. It was noted the basin does not reach the curb.
- Negative impact of 18 existing trees holding run-off water; increased noise, fire pollution, and traffic. Contextual photos of trees were shown. It was noted foliage is thick and prevents noise and fire pollution. Puddles were identified as there are not enough trees on the church's property.
- Reduction of property values
- By switching districts, this will allow the church to build townhomes
- Developers have a lack of personal interest in the neighborhood. The Board was asked to check if the majority of church members do, in fact, live in Des Plaines.

Mr. Lichtfuss concluded by asking that the neighbors be given more time so that better solutions may be developed.

Board Member Saletnik asked that Staff explain the reckless handling of storm-water run-off. Coordinator Pruss stated the City Engineer did not find any inappropriate storm water management. She advised the developer will have to comply with the City's storm water management and provide storage. It was noted this area is in a flood plain. Board Member Saletnik stated this will help the situation – not deter it.

Board Member Hofherr asked:

- where the run-off water goes. Mr. Lichtfuss stated, after a torrential downpour, the water goes into residences on Good Avenue
- what happened before the parking lot was expanded. Mr. Lichtfuss advised he did not move to the area until 2013. He stated videos were taken to capture this. Coordinator Pruss asked if a complaint has been made. Mr. Lichtfuss advised he is not aware of that. Coordinator Pruss stated an inspection would be conducted to be sure areas aren't clogged, etc.

Back to more opposing audience comments. Chairman Szabo swore in the following:

- Diane Nelson, 285 Good Court

She stated she has lived there before the church was built (over 30 years ago). She noted the flooding seems to increase annually. The concern is the progression of the flooding. It appears the retention basin will not be enough. She noted her property abuts the new parking (which is 39 ft. from her bedroom window). Due to members gathering for the early service, the noise wakes her up.

She suggests leaving the trees and turn the retention to the area near Potter Road.

- Kerry Levin, 1047 Crabtree Lane and owns three adjacent lots – 287 Good Court, 271 Good Street, and 325 Potter Road

He advised he is an architect, builder, and a lifelong resident. He has met with the staff at Chicago Mar Thoma Church. He stated a better layout could have been done. He also never received public notice at any of the addresses mentioned. He subsequently could not serve notice to his patrons. He is not opposed to accommodating the church's growth. Rezoning with a PUD is a concern. He would like zoning to remain as R-1; the church can still expand and keep a greener layout with parking around the trees. He would like time to work with the neighbors to create a better plan that both parties can be proud of.

Board Member Schell asked:

- Staff what the notice protocol is. Coordinator Pruss advised a notice is placed 15 days prior in a newspaper, mailings to residents are distributed, and an affidavit is received from Petitioner. Certified mail is not a requirement.
- Staff if the affidavit from Petitioner was received. Coordinator Pruss advised it was.

Coordinator Pruss advised that townhomes would not be allowed if this petition is approved. Conditions could be placed on the operation of the uses.

More opposed audience members were sworn in by Chairman Szabo as follows:

- Francisco Javier Perez, 2535 E. Emerson

He stated life is stressful enough without having more. He noted he attends religious services on Sunday. He stated there is a respect issue. Concerns are:

- At home, noise is noticed in the evening
- He never saw the photos
- As he is a Catastrophe Risk Manager, the statement the previous neighbor raised is not reckless

He wants to be sure that rezoning is not detrimental to the neighborhood.

Board Member Green asked if Mr. Perez received a notice; Mr. Perez advised he did.

Mr. Vane advised he mailed over 80 letters, Certified Mail; all responses haven't been signed, and 50 have been received.

- Pamela Warford, 2530 Church Street

She would like more time to potentially find other solutions. She is concerned about rezoning and recalled a case from 10 years ago. She does not see the reference in the Comprehensive Plan where R-3 is okay in residential zoning. Spot zoning is a bad precedent. There are 5 PINs listed in the letter without 5 addresses. She reminded the flooding issues are phenomenal. She has raised issues with the City (regarding detention ponds) in the past and hopes that this parcel is reviewed for proper detention.

Interim Senior Planner Gadde stated the zoning would be consistent as no development of townhomes could be built.

- Kevin Creely, 283 Good Court

He stressed additional time is needed to review proposals. He told the church staff that neighbors want to work with them. He asked for a 20 ft. buffer zone where there are 18 trees; this could be a viable solution for some neighbors.

- Nancy Hitch, 251 Good Avenue

She advised she has owned the home west of the church for 21 years. After paving was completed at the church, her home now floods – which rarely happened prior to paving. She noted the area where the ducks were shown was paved over, and that's why her home floods. This large parking lot will create more flooding. She also wants to work with the church. She is not certain that removing 18 trees (some of which are 100-years old) is in harmony with the environment. She does not agree with Staff's comments as to property values *not* being reduced.

She concluded in the short time allotted, there are other ideas and ways this could be managed.

- Alan Nelson, 285 Good Court

He advised he is a licensed engineer and attorney. He has four sump pumps going from recent rains. Regarding snow, it takes the church staff hours to remove it. He would like the church staff to harmonize with his neighbors. He asks for a continuance.

Mr. Vane, who advised he is a professional engineer designing the storm water requirements, responded that he has been in touch with the City Engineer. He illustrated two retention areas; an overflow will occur. Water quality detention will happen in tandem with the Ordinance; compliance will occur so no impact happens with the neighbors.

Mr. Cherian, representative for the church, stated they are trying to make the neighborhood better according to the City's direction.

Board Member Saletnik asked:

- in your opinion, will this improve or deteriorate the situation? Mr. Vane stated – it will improve as the storm water drain system goes to Potter Road
- what percentage of water will go to Potter Road now? Mr. Vane advised – 90%

Chairman Szabo asked Staff if records are available to neighbors. Staff explained same.

Chairman Szabo asked if the Board has any questions.

Board Member Saletnik stated the church is not going away; it wishes to improve the situation. If there wasn't enough time for notice, perhaps a continuance should occur. The parking situation needs to be rectified along with water issues. He suggested everyone should want this to be handled positively for everyone.

Chairman Szabo stated there would be very few residents having impact. The Petitioner could slightly tweak their plan to accommodate the neighbors.

Board Member Hofherr asked if church staff would like this continued so they could speak with the neighbors; would like to see both groups get together with the City Engineer. Mr. Cherian reminded four things are proposed tonight. As the issue is parking, he asks that three items be approved and parking be continued so that they could potentially provide a 20 ft. buffer and work with the neighbors.

Board Member Saletnik advised that neighbors should know all the issues will not necessarily go away if water is directed to Potter Road. He believes the Petitioner is doing everything possible to make this a win-win situation.

Chairman Szabo reminded the sign has been posted.

A motion was made by Board Member Schell, seconded by Board Member Green, to continue this matter to June 28th, 2016.

AYES: Schell, Green, Bader, Saletnik, Hofherr, Szabo

NAYES: None

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

Case #16-021-PUD-MAP-Map Amendment, Planned Unit Development at:

240-310 Potter Road

May 24, 2016

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Mr. Abraham asked if a point person from the neighbors could come forward; then a meeting will ensue.

OLD BUSINESS

There was no Old Business.

ADJOURNMENT

On a voice vote, Chairman Szabo adjourned the meeting at 8:39 p.m.

Sincerely,

Gale Cerabona
Recording Secretary

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