

Case #16-023-V-Major Variation Request-1990 Mannheim Road
Case #16-027-PUD-SUB-Preliminary Planned Unit Development and
Tentative Subdivision Plat-Properties South of I-90, North of Higgins Road and
West of the Canadian National Railroad Tracks, addresses including, but not limited to
2985-3003 Mannheim Road, 3011-3045 Orchard Place, and 10194, 10246 and
10256 Higgins Road and specifically excluding 3067 Mannheim Road

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DES PLAINES PLANNING AND ZONING BOARD MEETING

**June 14, 2016
MINUTES**

The Des Plaines Planning and Zoning Board Meeting held its regularly-scheduled meeting on Tuesday, June 14, 2016, at 7 p.m. in Room 102 of the Des Plaines Civic Center.

ZONING BOARD

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

ALSO PRESENT: Michael Bartholomew, City Manager/City of Des Plaines
Lauren Pruss, AICP, Coordinator/Community & Economic Development
Vijay Gadde, AICP, Interim Senior Planner/Community & Economic Development
Stewart Weiss, General Counsel/Holland & Knight
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 Hofherr, seconded by Board Member Green, to approve the minutes of May 24, 2016, as presented.

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

NAYES: None

ABSTAIN: Catalano

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

PUBLIC COMMENT

There were no comments.

NEW BUSINESS

1. **Address:** 1990 Mannheim Road **Case Number: 16-023-V**

The petitioner is requesting variations to (1) Section 12-11-6.B of the 1998 City of Des Plaines Zoning Ordinance, as amended, to install an electronic message board within 250 feet away from a residential district,

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and (2) Section 12-11-5.A.3 to allow the pole sign constructed with a 0' setback from Mannheim Road and 1' setback from Howard Avenue, where a minimum of 5' is required from the property lines.

PINs: 09-29-229-009-0000

Petitioner: Mary Clauss, 165 Tubeway Drive, Carol Stream, IL 60188

Owner: Raju Mathew and Idiculla Joseph, 1990 Mannheim Road, Des Plaines, IL 60018

Chairman Szabo swore in Mr. Kishore Mahadev, 165 Tubeway Drive, Carol Stream, IL 60188 who advised the pylon sign at the BP Gas Station will be refaced with LED changeable pricing digits (so they may be altered from the inside).

Chairman Szabo asked if the Board has any questions.

Board Member Saletnik asked if there will be no message. Mr. Mahadev advised – correct, just the LED pricing digits – no text.

Chairman Szabo asked if the sign and its size will be located in the same place. Mr. Mahadev advised – yes, except the price of regular gas will only be shown.

Chairman Szabo asked if the Board has any questions. There were none.

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

Issue: The petitioner is requesting variations to (1) Section 12-11-6.B of the 1998 City of Des Plaines Zoning Ordinance, as amended, to install an electronic message board within 250 feet away from a residential district, and (2) Section 12-11-5.A.3 to allow the pole sign constructed with a 0' setback from Mannheim Road and 1' setback from Howard Avenue, where a minimum of 5' is required from the property lines.

Petitioner: Mary Clauss, 165 Tubeway Drive, Carol Stream, IL 60188

Owners: Raju Mathew and Idiculla Joseph, 1990 Mannheim Road, Des Plaines, IL 60018

Case Number: 16-023-V

Real Estate Index Number 09-29-229-009-0000

Ward: #5, James Brookman

Existing Zoning: C-3 General Commercial

Existing Land Use: Gas station

Surrounding Zoning: North: C-3 General Commercial
South: C-3 General Commercial

East: R-1 Single-Family Residential (across the railroad tracks)

West: C-3 General Commercial /R-2 Two Family Residential

Surrounding Land Use: North: Commercial

South: Commercial

East: Residential

West: Commercial (water tower)

Street Classification: Mannheim Road - Arterial Street, IDOT

Comprehensive Plan: Community Commercial Use

Analysis: In reviewing the zoning variation application, staff has considered the following information.

The first variation requested is to vary Section 12-11-6.B of the 1998 City of Des Plaines Zoning Ordinance, as amended, to install an electronic message board within 250 feet of a residential district. The proposed electronic message board sign is approximately 170 feet from the residential district located west of Chestnut Street and 192 feet from the residential district located on the east side, across the railroad tracks. The animated face of the electronic message board sign should prevent direct glare onto any adjacent properties. The proposed electronic message board sign panel is at a 90 degree angle from Mannheim Road and does not direct any glare onto any adjacent residential properties.

The second variation requested is to vary Section 12-11-5.A.3 to allow the pole sign constructed with a 0' setback from Mannheim Road and 1' setback from Howard Avenue, where a minimum of 5' is required from the property lines. The electronic message board sign is permitted on the existing pole sign, which does not meet the setback requirements. The petitioner is allowed to have one electronic message board sign per lot which shall not exceed 30% of the total sign area. The proposed electronic message board sign is approximately 9.5% of the total sign area and is conformance with this requirement.

Variation Standards: The variation requests are subject to the standards set forth in Section 12-3-6 of the 1998 City of Des Plaines Zoning Ordinance -"Variations." In reviewing these standards, staff has the following comments.

1. Regarding the hardship the petitioner cited the existing pole sign is very close to the intersection and inclement weather makes the manual manipulation of the letters unsafe.
2. The pole sign is a legally non-conforming existing structure.
3. The petitioner has affirmed that the physical condition of the property was not created by anyone having property interests in this land.
4. As the Mobil gas station across Howard Avenue has an electronic message board sign, the petitioner would be deprived of rights enjoyed by owners of other lots nearby if this request is denied.
5. Granting these variations would not create any special privilege for the petitioner.

6. The requested variations are in harmony with Comprehensive Plan designation for this property.
7. There is no other means to permit the petitioner a reasonable use of the property.
8. The requested variations are the minimum measure of relief needed.

Recommendation: The Community Development Department recommends approval of the variations to (1) Section 12-11-6.B of the 1998 City of Des Plaines Zoning Ordinance, as amended, to install an electronic message board within 250 feet away from residential districts, and (2) Section 12-11-5.A.3 to allow the pole sign constructed with a 0' setback from Mannheim Road and 1' setback from Howard Avenue, where a minimum of 5' is required from the property lines. The facts and circumstances presented above justify granting the variations requested.

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 variations requested.

A motion was made by Board Member Saletnik, seconded by Board Member Hofherr, to recommend approval to City Council that the two variances be approved.

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

NAYES: None

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

Chairman Szabo stated a recommendation will be submitted to City Council.

Board Member Bader recused himself at 7:15 p.m.

2. **Address:** Properties South of I-90, North of Higgins Road and West of the Canadian National Railroad Tracks, addresses including, but not limited to 2985-3003 Mannheim Road, 3011-3045 Orchard Place, and 10194, 10246 and 10256 Higgins Road and specifically excluding 3067 Mannheim Road **Case Number: 16-027-PUD-SUB**

Petitioner O'Hare Real Estate, LLC is requesting preliminary approval of a Planned Unit Development (PUD) for The Orchards at O'Hare, a commercial PUD under Section 12-3-5 of the 1998 City of Des Plaines Zoning Ordinance, as amended, and a Tentative Plat of Subdivision, under Section 13-2-2 of Subdivision Regulations of the City of Des Plaines Municipal Code, to allow for the construction of a 128 room hotel with a Class A restaurant; gasoline service station with convenience store, car wash, and Class B restaurant; and one freestanding Class A restaurant on approximately 9.0877 acres and eight lots, with one requested PUD exception from the C-3, General Commercial Zoning District standards for building

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height over 45 feet in the C-3 Zoning District, Section 12-7-3.L. of the 1998 City of Des Plaines Zoning Ordinance, Case #16-027-PUD-SUB, 2nd Ward.

PINs: 09-33-305-002-0000, 09-33-305-005-0000, 09-33-305-006-0000, 09-33-305-009-0000, 09-33-305-010-0000, 09-33-305-013-0000, 09-33-305-014-0000, 09-33-306-001-0000, 09-33-306-001-0000, 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, p.t 09-33-500-005-0000

Petitioner: O'Hare Real Estate LLC d/b/a Prominence Hospitality Group, 2480 Bushwood Drive, Suite 250, Elgin, IL 60124

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

Mr. Bartholomew asked for everyone's patience with the current transition in the Community Development Department. He advised the City is a Co-Applicant and referred to the Mannheim & Higgins (TIF 6) Development; after the crash, TIF 6 was made smaller and TIF 7 was added for a New Development. The Applicant will be proposing their vision of the Development.

Chairman Szabo swore in four people including James E. Olguin, Attorney at Law, Goldstine, Skrodzki, Russian, Nemecek and Hoff, Ltd., The Prairie Building, 835 McClintock Drive, Second Floor, Burr Ridge, IL 60527-0860 (who noted he is Petitioner on behalf of the Applicant, Architect, and Engineer) and Todd A. Shaffer, PE, SIT, CFM, Principal, Haeger Engineering LLC, 1304 Plum Grove Road, Schaumburg, IL 60173. Mr. Olguin advised what's being presented tonight:

- A PUD approval with a car wash, convenience store, BP gas station, two quick-service restaurants, sit-down restaurant, Holiday Inn Express (hotel including restaurant)
- Tentative Subdivision of the property

A PowerPoint presentation was provided. Mr. Olguin stated there will be two entrances (in and out). He noted parking requirements are in compliance.

Chairman Szabo asked if the Board has any questions. There were none.

Chairman Szabo asked:

- what the two quick-serve restaurants are. Mr. Olguin advised – one will be a sandwich-type restaurant, and the other a donut-type restaurant
- what the seating for the restaurants is. Mr. Olguin advised – 120 for each

Chairman Szabo asked if the Board has any questions.

Board Member Hofherr asked:

- on the South side of the property, if the water is going East or West. Mr. Olguin responded – East

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- If the water runoff would be managed. Mr. Hofherr was concerned that the creek West of this location by Higgins Road, is much wider than on this property. Mr. Olguin advised – yes, we are in compliance with City requirements
- on the South side of the Tollway embankment, there is a downspout. Is that for Tollway water runoff? Mr. Shaffer, Engineer, advised it is a storm water management area from the toll way and to the West. He noted this property will drain to the creek.

Board Member Schell asked about how egress (page 5 of 96) will work. Mr. Shaffer stated on the South side of Lot 7 (which is being created for the car wash) is a parcel which will have cross access/maintenance.

Chairman Szabo reminded the Case # is 16-027-PUD-SUB.

Chairman Szabo asked if the Board has any questions. There were none.

Chairman Szabo asked Staff to present the Staff Report. Coordinator Pruss provided same.

Issue: Petitioner O’Hare Real Estate, LLC is requesting preliminary approval of a Planned Unit Development (PUD) for The Orchards at O’Hare, a commercial PUD under Section 12-3-5 of the 1998 City of Des Plaines Zoning Ordinance, as amended, and a Tentative Plat of Subdivision, under Section 13-2-2 of Subdivision Regulations of the City of Des Plaines Municipal Code, to allow for the construction of a 128 room hotel with a Class A restaurant; gasoline service station with convenience store, car wash, and Class B restaurant; and one freestanding Class A restaurant on approximately 9.0877 acres and eight lots, with one requested PUD exception from the C-3, General Commercial Zoning District standards for building height over 45 feet in the C-3 Zoning District, Section 12-7-3.L. of the 1998 City of Des Plaines Zoning Ordinance, Case #16-027-PUD-SUB, 2nd Ward

Analysis:

Preliminary Planned Unit Development Report

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

Petitioner: O’Hare Real Estate LLC d/b/a Prominence Hospitality Group, 2480 Bushwood Drive Suite 250, Elgin, IL 60124

Case Number: 16-027-SUB-PUD

Real Estate Index #s 09-33-305-002-0000, 09-33-305-005-0000, 09-33-305-006-0000, 09-33-305-009-0000, 09-33-305-010-0000, 09-33-305-013-0000, 09-33-305-014-0000, 09-33-306-001-0000, 09-33-306-001-0000, 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, p.t 09-33-500-005-0000

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Existing Zoning	C-3, General Commercial
Existing Land Use	Vacant land
Surrounding Zoning	North: C-2, Limited Office Commercial District South: Commercial (Rosemont) East: C-2, Limited Office Commercial District West: Commercial (Rosemont)
Surrounding Land Use	North: I-90 Right-of-Way South: Fast Food/Office/Hotel East: Office West: Hotel
Street Classification	West Higgins and Mannheim Roads – Arterial Streets, IDOT I-90 Jane Addams Tollway – Limited Access Arterial Street, IL Toll Authority
Comprehensive Plan	Restaurant or Entertainment
Development Schedule	2016-2018 Construction
Project Description	In 2015, the City of Des Plaines issued a Request for Proposals and entered into a Redevelopment Agreement with the applicant for the portion of the subject property located at 2985-3003 Mannheim Road, situated south of I-90, west of Orchard Place, north of McDonald's, and east of Mannheim Road, and consisting of 4.4 acres of land. The City subsequently re-subdivided and rezoned the land to the current C-3 zone to facilitate the redevelopment of the site. In early 2016, the City purchased the area west of Orchard Place, south of I-90, east of the railroad tracks and North of Higgins Road, bringing the total tract area to 9.0877 acres. The City has invested significant time and resources in the redevelopment of this site, and has agreed to rebuild Orchard Place to the north line of the creek as well as remove portions of the site from

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floodplain, and construct compensatory storage in order to maximize the buildable area of the property.

The applicant proposes to subdivide the site into eight lots and construct the following:

128 Room Hotel with 6,893 square foot Class A Restaurant
Gasoline Service Station with 16 Pumps
2,460 square foot Convenience Store/1,890 square foot Class B Restaurant
Tunnel Car Wash
6,550 Freestanding Class A Restaurant

PUD Findings

As required, the proposed development is reviewed below in terms of the findings contained in Section 3.5-5 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 12-3.5-1:

Comment: The proposed plan is consistent with the stated purpose of Section 3.5-A of the Zoning Ordinance in so far as the proposed commercial development would allow for a maximum of choice in the types of environment available to the public, and an efficient use of the land resulting in more economic networks of utilities, streets and other facilities that not be possible under the strict application of the Zoning Ordinance based on the proposed density of commercial development proposed for this site. Specifically, the proposed 61.3 foot tall hotel would not be possible given the 45 foot height restriction in the C-3 zone.

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

Comment: The proposed Planned Unit Development meets all PUD requirements contained in Section 12-3.5-B of the Zoning Ordinance as it would be located in a zoning district (C-3) that permits PUDs, it meets the minimum size standard of two acres, as it is 9.0877 acres in size, and the land to be developed is under the control of Prominence Hospitality Group as contract purchaser.

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 development meets or exceeds the following applicable zoning regulations as proposed for the C-3, General Commercial District:

- Minimum size for PUD; Two acres are required; the total site is 9.0877 acres;
- Maximum building coverage (Not applicable in C-3, General Commercial District);
- Parking requirements; 316.5 spaces are required; 328 are proposed;
- Compatibly with surrounding properties; and
- Traffic (Adequate provision for safe ingress and egress and minimal traffic congestion)

A proposed Planned Unit Development exception is requested for:

- Building Height; A maximum height of 45' is allowed and a maximum of approximately 61.3' is proposed;

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

The control of vehicular traffic is addressed by the petitioner's professional traffic study, which was performed by KLOA of Rosemont, IL and reviewed by the City's Engineering Division. The study concludes:

- The proposed development is well situated with respect to the area roadway system.
- The site will be provided with a flexible access system via a right-in/right-out access drive and one full ingress/egress access drive on Mannheim Road and via a connection with Orchard Place.
- With the recommended modifications, southbound left-turns from Mannheim Road into the proposed full ingress/egress access drive will be accommodated without impacting southbound through traffic.
- The intersection of Mannheim Road with Higgins Road will experience minimal increases in delay with an overall increase of one second or less under future conditions.
- The proposed coffee/donut and car wash drive-through facilities, as designed, will have minimal impact, if any, on the internal site circulation.

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 development is consistent with the pattern, form, and land uses within the surrounding area. The areas to the south and west are currently developed with a fast-food restaurant, office, and hotel uses. The area to the east is developed with an office building, and the area to the west is developed with hotels.

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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 site is currently vacant. If the development is built as proposed, the assessed valuation of the property would likely increase, which will result in an increase in property tax revenue for the City of Des Plaines and thus enhance the economic well-being of the City. Additionally, it is anticipated that the proposed hotel, restaurant, and gasoline service station will generate significant amounts of sales and motor fuel tax revenue.

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

Comment: The proposed townhome development conforms to the land use plan contained in the 2007 City of Des Plaines Comprehensive Plan. The proposed development includes two Class A restaurants, and Class B restaurant within the gas station convenience store. While the hotel use does not strictly conform with an entertainment use, the hotel will include a restaurant, and the hotel supports surrounding entertainment uses such as the Allstate Arena and nearby Rivers Casino.

PUD Issues/Considerations: None.

Tentative Plat Report

Name of Subdivision: The Orchards at O'Hare
Address: 2985-3003 Mannheim Road, 3011-3045 Orchard Place, and 10194, 10246 and 10256 Higgins Road and specifically excluding 3067 Mannheim Road
Request: Approval of a Tentative Plat of Subdivision
Total Acreage of Subdivision: 9.0877 acres

General Information

Lot Descriptions and Construction Plans: The Tentative plat shows the existing site being resubdivided into eight lots of record. Section 13-2-5-V requires all lots to have frontage on a public right-of-way. Although Lot 7 does not have frontage on a right of way, an ingress/egress easement will be provided to allow access to the lot.

Tentative Plat Comments

1. Access easements shall be provided on the Final Plat to Lot 1 and the 'not included' property to the satisfaction of City staff;

Tentative Subdivision Plat-Properties South of I-90, North of Higgins Road and West of the Canadian National Railroad Tracks, addresses including, but not limited to 2985-3003 Mannheim Road, 3011-3045 Orchard Place, and 10194, 10246 and 10256 Higgins Road and specifically excluding 3067 Mannheim Road

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2. An ingress/egress easement shall be provided to the north property line at an appropriate point where an access connection under the I-90 bridge can be provided;
3. A 10 foot maintenance easement shall be provided adjacent to the north side of Lot 4;
4. A 10 foot public utility easement shall be provided adjacent to the north side of the drainage easement on Lot 3;
5. The signage easement on Lot 1 shall be removed;
6. The Final Plat shall be in conformance with all applicable codes and ordinances.

Plan Commission Procedure

The Plan Commission may vote to grant or deny approval of the Tentative Plat. If approved, the petitioner's next step is to submit final engineering plans to the Public Works and Engineering Department and return to the Plan Commission with a corrected plat for Final Plat consideration.

Staff Recommendations:

- The Department of Community and Economic Development recommends approval of the Preliminary Planned Unit Development and approval of the Tentative Plat, subject to conditions #1-6 listed below.
- The Public Works and Engineering Department and Fire Department recommend approval of the Preliminary PUD.

Conditions:

1. The petitioner must prepare a Final Planned Unit Development Plat that meets all the requirements of Appendix A-4 (Minimum Submittal requirements for PUDs) of the City of Des Plaines Zoning Ordinance and a Final Plat of Subdivision that meets all the requirements of the Subdivision Regulations and the comments in this report and submit it to the Community and Economic Development Department.
2. Building elevations for the car wash and restaurant shall be provided at time of Final PUD application.
3. The development of Lot 1 shall be subject to an Amendment to the Final PUD.
4. Proposed sign locations and sign details to be approved through a separate application for a Localized Alternative Sign Regulation.
5. Compliance with the comments provided in the May 18, 2016 Memorandum from John La Berg to Tim Oakley regarding The Orchard's at O'Hare.
6. Compliance with all applicable codes and ordinances.

Plan Commission Procedure:

The Plan Commission may vote to *recommend* approval, approval with modifications, or disapproval. The City Council has final authority over the Preliminary PUD.

Chairman Szabo asked if the Board has any questions.

Board Member Green asked if there is a planned phasing or included with PUD. Mr. Olguin advised it is proposed to be done in two phases – August, 2016 then Phase II shortly thereafter. General Counsel, Mr.

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Weiss, stated, per the redevelopment agreement, a phasing plan is required; there is not a timeline at this time; permits are a factor. The service station and restaurant is in the first phase, then the hotel.

Board Member Catalano asked Staff what the other hotel heights are in the area. Coordinator Pruss advised – 5-6 stories tall and taller South of that.

Chairman Szabo asked if anyone is in favor of this proposal. No one responded. Chairman Szabo asked if anyone objects to this proposal. Two people raised their hands, the following came forward and was sworn in by Chairman Szabo:

- John Imreibe, 2711 Mannheim Road, Des Plaines

Mr. Imreibe stated he owns the Car Wash to the North and has attended Council meetings. He stated Car Washes are typically a Special Use and not a Permitted Use. What's being proposed is a direct competitor who will generate traffic and water runoff which are zoning concerns that will hopefully get addressed.

Originally there was to be the same ownership; now there appears to be separate owners.

Chairman Szabo asked if the Board has any questions.

Board Member Saletnik asked Staff to explain Special Uses or PUDs. Mr. Bartholomew agreed that whether there is a Special Use or PUD, there are conditions as noted. Board Member Saletnik stated he wants Mr. Imreibe to know there are no Special Uses for a PUD. Coordinator Pruss advised there is a Land Use condition.

Regarding stacking, she stated there will be dual stacking lanes of 14 cars so there will not be impact. The traffic study can accommodate accordingly. Mr. Olguin advised the stacking is placed as far back as possible; compliance is necessary for all uses on the PUD.

Board Member Saletnik advised the BP Gas Station down the street has a Car Wash. Chairman Szabo noted more information may be found at www.desplaines.org.

Chairman Szabo asked if this is a Preliminary PUD. Coordinator Pruss concurred.

A motion was made by Board Member Hofherr, seconded by Board Member Green, to recommend approval to City Council.

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

NAYES: None

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

Chairman Szabo stated a recommendation will be submitted to City Council.

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OLD BUSINESS

There was no Old Business.

ADJOURNMENT

On a voice vote, Chairman Szabo adjourned the meeting at 7:48 p.m.

Sincerely,

Gale Cerabona
Recording Secretary

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