

Case #16-021--PUD-MAP-240-310 Potter Road-Map Amendment, Planned Unit Development
Case #16-030-V-567 West Algonquin Avenue-Variation Request
Case #16-032-V-955 E. Grant Drive-Variation Request
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DES PLAINES PLANNING AND ZONING BOARD MEETING

**June 28, 2016
MINUTES**

The Des Plaines Planning and Zoning Board Meeting held its regularly-scheduled meeting on Tuesday, June 28, 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: Lauren Pruss, AICP, Coordinator/Community & Economic Development
Vijay Gadde, AICP, Interim Senior Planner/Community & Economic Development
Davorka Kirincic, Associate Planner/Community & Economic Development
Stewart Weiss, General Counsel/Holland & Knight
Cheryl Sandecki, Court Reporter/Amicus Court Reporters, Inc.
Gale Cerabona/Recording Secretary

Chairman Szabo called the meeting to order at 7:07 p.m. and read this evening's cases. Roll call was conducted.

APPROVAL OF MINUTES

Board Member Hofherr stated he would like last meeting's minutes of June 14, 2016 to be restated as:

Board Member Hofherr asked:

- on South side of property, if the water is flowing East or West. Mr. Olguin responded – East
- if water runoff would be managed as he was concerned 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 South side of toll way embankment, there is a downspout. Is that for toll way water runoff?

A motion was made by Board Member Hofherr, seconded by Board Member Catalano, to approve the minutes of June 16, 2016, as amended.

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

NAYES: None

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

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PUBLIC COMMENT

There were no comments.

Chairman Szabo advised the order of cases this evening would be altered. Case #1 under New Business will go first.

Board Member Hofherr recused himself at 7:17 p.m. as he is a parishioner of the Church.

NEW BUSINESS

1. Address: 567 W. Algonquin Road **Case 16-030-V**

The petitioner is requesting major variations to Table 12-11-6 of the 1998 City of Des Plaines Zoning Ordinance, as amended, to allow the installation of an Electronic Message Board Sign, on the existing monument sign with the following variations: 1) to allow the height variance from the allowable 5 feet to 7.5 feet, 2) to allow the LED portion of the sign to occupy 36.74% of the total sign area when only 30% is permitted, 3) to permit the electronic message sign to be located within 155 feet of a residence when 250 feet is required.

PIN: 08-24-301-020-0000

Petitioner: Deacon David Brezinski, 567 West Algonquin Road, Des Plaines, IL 60016

Owner: Rev. John Plotkowski, 567 West Algonquin Road, Des Plaines, IL 60016

Chairman Szabo swore in Deacon David Brezinski, 567 West Algonquin Road, Des Plaines, IL 60016 who stated the sign on Algonquin Road is in disrepair, and Stewart Signs will replace the sign. Due to the City requirement of sign size, a variance is requested; the sign will remain 90% as is (and attached to soldier columns) though not as wide and lower.

Chairman Szabo asked:

- if the sign was posted. Deacon Brezinski advised – yes
- if there were any comments. Deacon Brezinski advised – no

Chairman Szabo asked if the Board has any questions. There were none. He asked Staff to provide the Staff Report which Associate Planner Kirincic gave:

Issue: The petitioner is requesting a Major Variation to Table 12-11-6 of the 1998 City of Des Plaines Zoning Ordinance, as amended, to allow the installation of an Electronic Message Board Sign, on the existing monument sign with the following variations: 1) to allow the height variance from the allowable 5 feet to 7.5 feet, 2), to allow the LED portion of the sign to occupy 36.74% of the total sign area when only 30% is permitted, and 3) to permit the electronic message sign to be located within 155 feet of a residence in the R-1, R-2 and R-3 residential districts when 250 feet is required.

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Analysis:

Address: 567 West Algonquin Road, Des Plaines, IL 60016

PIN: 08-24-301-020-0000

Existing Zoning: R-1, Single Family Residential District

Petitioner: Deacon David Brezinski, 567 W. Algonquin Road, Des Plaines, IL 60016

Owner(s): Rev. John Plotkowski, 567 W. Algonquin Road, Des Plaines, IL 60016

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

The approximately 11.14 acre lot has 621.96-feet of frontage on the south side of Algonquin Road, 757.07-feet of frontage on Andrea Lane and 768.39-feet frontage on the Kolpin Lane. One existing monument sign is located toward the center of the site, approximately 12-feet from the south property line along Algonquin Road. The applicant, Deacon David Brezinski, proposes to use the same pillar structures of the existing monument sign to support a new sign 7.5-foot tall and 30.50 square feet in area while incorporating an Electronic Message Board (EMB) component. The sign will be composed of 11.03 square feet of viewable Electronic Message Board (EMB) and 19.52 square feet of static sign area. Based on the maximum EMB percentage allowed (30%), the 30.50 square foot monument sign is allowed up to a 9 square foot EMB component. Therefore, the proposed 11.03 square foot EMB component occupy 36.74% of total sign area when only 30% is permitted.

The major variation requested is to allow the EMB sign approximately 156-feet from the nearest residence, a 3 flat multifamily building at 541 Dorothy Drive, where a minimum distance of 250-feet is required from a residence in the R-1, R-2, and R-3 zoning districts. The applicant is looking to replace the old existing deteriorating sign with a new modernized EMB sign that will facilitate providing community information to help in keeping property in good looking and operating condition as a reason for the variation request.

Recommendation: Staff recommends approval of the requested sign 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 by the City of Des Plaines Zoning Ordinance.

The recommendation for approval of the subject sign variation is based on the existing location of the sign on the property and the fact that current property use is institutional. If the property would be zoned I-1, Institutional District, according to their current use, installation of the proposed EMB would be allowed per right.

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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 installation of the EMB sign on the existing monument sign to allow: height of 7.5 feet, installation of the LED portion of the sign to occupy 36.74% of the total sign area, and to permit electronic message sign to be located within 155 feet of a residence in the R-1, R-2 and R-3 residential districts.

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

A motion was made by Board Member Saletnik, seconded by Board Member Green, to approve the variations as requested.

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

NAYES: None

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

Board Member Hofherr returned at 7:26 p.m.

CONTINUED FROM MAY 24, 2016

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

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Mr. Vance stated there was a meeting with the neighbors (there were 18 comments). He distributed a list pertaining to these. Mr. Vance gave a PowerPoint presentation and illustrated the site and parking lot expansion. He noted nearby neighbors.

Following his document, Mr. Vance reviewed:

1. Site Planning
 - a. 8' solid fencing around all lines adjacent to residential. He noted a new 6 ft. solid fence will be installed and mentioned it is not feasible to remove other fencing. An 8 ft. fence along the neighbor's property who is adjacent will be placed.
 - b. Leave 25' landscape buffer along residential to the West and South (okay to leave existing parking zero lot line to Northwest). He advised this has increased significantly – now 20-24 ft.
 - c. Relocate 9 West parking spots to the East with landscape buffer on Potter Road to include parkway trees and shrubbery. He noted this has been accommodated.
 - d. Maintain as many existing trees as possible. He stated 14 trees will be preserved; increased from initial plan
 - e. Plant new foliage pursuant to approved landscape plan. It has been agreed to do so.
 - f. Bond over the landscape work as it has been omitted in the past. It has been agreed to do so.
2. Vehicular/Pedestrian Flow
 - a. Close a redundant drive; use two remotely located.
 - b. One-way in, one-way out. For a and b above, everything will remain as intended; no redesign of added parking lot
 - c. School drop-off lane in lieu of 90-degree parking. Petitioner believes this is not necessary.
 - d. 12x32 fenced loading/dumpster bay. It has been agreed to do so.
 - e. 9' landscaped circulation corridor through lot between buildings. A pedestrian walkway has been added.
 - f. Zero-lighting spillage onto residential. Petitioner will adhere to City requirement.
3. Engineering
 - a. Flow-through pavers for new lot to minimize detention size and protect tree roots. Petitioner does not believe this is necessary as a detention pond is being provided; referred to comment #4.c. stating it is a request for the City
 - b. Natural detention shape in rear, outflow to Potter minimizing tree disturbance. Petitioner advised water will flow to Potter Road and not toward neighbors.
 - c. New landscaped detention engineered to adequately contain new, existing parking and site, existing building improvements, to include parsonage and school building. The plan will remain as is.
4. Procedural
 - a. Remain as R-1, Conditional Use with Variances. Plan will remain as is.
 - b. Specific Variances to be determined to follow the appropriate adopted plan. Will remain as is.
 - c. Introduce Zoning Code Amendment to use paving materials. See comments above.

Board Member Schell asked:

- Staff if some areas have permeable paving. Coordinator Pruss stated there is, and though it is not stated in the Code, it is allowed.
- Petitioner regarding #3.a., why not provide pavers? Mr. Vance advised – it may be considered; it is costly and there is no obligation to provide.

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Board Member Green asked if the parking count stays the same. Mr. Vance advised – yes, and there are spaces lost in the pedestrian walkway.

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

Chairman Szabo stated if more trees are being preserved, that's impressive and shows you are working with the neighbors and accommodating their comments.

Board Member Hofherr asked, regarding the 8 ft. fence area, does the neighbor know this will only be 8 ft. on his/her property? Mr. Vance replied – that can be addressed to the neighbor.

Chairman Szabo asked Staff to provide the Staff Report which Interim Senior Planner Gadde gave.

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.

The public hearing on this matter was continued from the May 24, 2016 Planning and Zoning Board meeting.

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

Ward: #1, Patricia Haugeberg

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

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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: 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.

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.

The Church representatives met with the neighbors on June 15, 2016 and reviewed their planning issues. To address the site plan concern, the petitioner has revised the PUD/site plan increasing the buffer yard between the new parking and the west lot line from 10' to 20'. This increase allowed for an additional 14 existing trees along the west property line to be preserved.

Analysis: Based on the neighborhood discussion, the Church is willing to increase the height of the proposed fence along the west lot line abutting the new parking from 6' to 8'. The height of a fence for residential use is typically 6' when located in rear yard. Eight-foot-high fences are typically used when nonresidential uses, such as commercial, abut residential uses. The Church also agreed to screen the refuse disposal dumpster, to be located behind the church, near the NW corner of the existing parking lot.

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 zone with PUD is consistent with this designation for the following reasons:

1. Churches and parish houses are a conditional use in the existing R-1 zone, but permitted by right in the R-3 zone. Given that the applicant has applied for R-3 zoning with PUD approval, the same protective measures that would be afforded the neighborhood and surrounding area by a conditional use are applied during the approval process for the planned unit development.
2. If approved, the PUD approval would restrict the use of the property to exactly as outlined in this application and would not permit the development of townhomes on the property.

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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.

In general, churches generally compatible with residential uses in close proximity as evidence by their classification as a conditional use in the R-1 and R-2 zoning, and as a permitted use in all other residential zones.

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,

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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 for the reasons stated in Subsection A of the Zoning Map Amendment.

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 PUD is consistent with this designation for the following reasons:

1. Churches and parish houses are a conditional use in the existing R-1 zone, but permitted by right in the R-3 zone. Given that the applicant has applied for R-3 zoning with PUD approval, the same protective measures that would be afforded the neighborhood and surrounding area by a conditional use are applied during the approval process for the planned unit development.

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2. If approved, the PUD approval would restrict the use of the property to exactly as outlined in this application and would not permit the development of townhomes on the property.

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 subject to the following condition:

- The applicant shall engage the services of a certified arborist and provide to the City a tree preservation action plan prior to issuance of building permits for the grading and construction of the parking lot expansion. The arborist shall analyze the proposed trees to be saved and determine proper procedures and practices to ensure minimal impact to the saved trees including, but not limited to, installation of protective fencing and root pruning.

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 noted that conditions could be added regarding 8 ft. fence and refuse enclosure (but not required as these are existing).

Chairman Szabo asked if the Board has further questions. There were none. He asked if anyone in the audience is in favor of this proposal – 55 people raised their hands. Chairman Szabo asked if anyone objects to this proposal – 6 people raised their hands. Three people identified themselves as not being with the Church. He asked if anyone in favor has something new to add to please step forward. No one responded. He asked if anyone objects. The following came forward and were sworn in by Chairman Szabo:

- Kerry Levin 1455 Golf Road

Mr. Levin advised he is speaking on behalf of the neighbors and owns 3 homes around the Church. He advised a meeting took place on June 15th. On June 20th, he noted a revised plan was provided and negligible. Mr. Levin developed his own site plan. This presentation will give solutions to more changes. The two plans (original and revised from the Church) were referenced. Mr. Levin noted the below refers to planning issues:

- Two driveways 25 ft. apart cause a loop and two more driveways are being added. The neighbors would like 1 driveway in and 1 driveway out
- Would like to continue landscaping on Potter Road
- As trees will not survive, would like 9 parking spaces removed; increase landscaping
- Struggling with having an 8 ft. fence for only 1 neighbor; looks inconsistent. Due to rezoning, an 8 ft. fence is warranted. Regarding this large monetary project, closing a curb cut may cost \$5,000.
- Neighbors request this petition be declined until:
 - More requested changes are made
 - Zoning is retained as R-1 District (with variances); R-3 is not needed
 - A traffic study is conducted
 - An amendment for permeable pavers is introduced; minimizes detention; less maintenance; keep it green

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Board Member Catalano asked Mr. Levin what his total parking spaces are. He advised the same as the Petitioner's.

Board Member Green asked:

- if there is a 6ft. fence now. Audience member, Diane Nelson, 285 Good Court, replied there is an existing 6 ft. fence already. Audience Member, Kevin Creely, 283 Good Court, advised it is a 6 ft. chain-link fence.
- with the proposed islands in your plan, how does that impact existing drainage? Mr. Levin advised – there would be two new islands, and the old islands would be removed; more water would soak in the ground.

Board Member Catalano stated, regarding landscaping, it does indicate 50% more is being proposed. Mr. Levin advised – Petitioner's plan could now be meeting the landscaping increase. Also a dumpster enclosure and fencing should be added. He noted he appreciates the Petitioner adding an enclosure around existing dumpster.

Board Member Hofherr asked, on the driveways, if Mr. Levin is suggesting the drive closest to the Church be "in" and the next driveway closed, and the next driveway "out". In the revised plan, the second drive is open. Discussion took place on driveway issues (traffic control may be needed). Coordinator Pruss stated, if the driveways alter, a continuance is recommended so the Engineering and Fire Dept. staff can review same. She noted the Engineer has already reviewed this proposal.

Board Member Green asked what the maintenance is for permeable pavers. Ms. Pruss advised it depends on the material.

Board Member Saletnik asked Mr. Levin if his plan was presented to Petitioner. Mr. Levin advised it was not. Mr. Vance stated they have addressed the neighbors' comments and would like to proceed with this proposal.

Board Member Catalano advised, regarding Engineering comments, if there was a traffic report though it may not have been required. Ms. Pruss advised – if Engineering had significant comments, they would've been noted in the Staff Report.

Mr. Levin provided comments of absent neighbors for the record. Mr. Levin stated he believes these outstanding issues are significant enough to not push this petition through.

More audience members came forward and were sworn in by Chairman Szabo:

- Pamela Warford 2530 E. Church

Ms. Warford commented on:

- the driveway situation and cited the Mosque was only allowed two driveways. She noted this should also be considered with this proposal as it is a better plan for traffic control.
- She is against the R-3 Zoning and referred to May 20th's memorandum. She asked why 310 Potter can't have its own parcel which can eliminate R-3 Zoning.

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Case #16-035-V-1385 Brown-Variation Request

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- As the City is plagued with water issues, we should gravitate and improve our environment and therefore request permeable pavers. While water may flow to Potter Road, it is not going away

Board Member Green stated, based on the first plan, the Church staff and neighbors met (both plans were approved by Staff); believe the Church did a good job on addressing the comments.

Coordinator Pruss addressed zoning issues and stated a PUD cannot be requested in the R-1 Zone. This must be considered as contiguous parcels on one Zone. Mr. Weiss, General Counsel, stated this must be considered as a single-zoning lot.

A motion was made by Board Member Green to recommend approval to City Council, with Staff recommendations and these proposed modifications:

- **have an arborist review**
- **8 ft. fence in the area of one neighbor**
- **enclose refuse area**

Board Member Catalano seconded the motion and amended these neighbors' planning issues be met:

- **leave landscape buffer along residential to the West and South (okay to leave existing parking zero lot line to Northwest)**
- **Relocate 9 West parking spots to the East with landscape buffer on Potter Road to include parkway trees and shrubbery**
- **Maintain as many existing trees as possible**
- **Plant new foliage pursuant to approved landscape plan**
- **Bond over the landscaping work as it has been omitted in the past**
- **12x32 fenced loading/dumpster bay**
- **9' landscaped circulation corridor through lot between buildings**

Board Member Green accepted the amendment.

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

NAYES: None

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

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

Church Representative, Shijy Alex thanked the Board, and as a Christian organization, he advised they will work with and improve the City of Des Plaines.

Chairman Szabo called for a 5-minute recess at 8:40 p.m. The meeting reconvened at 8:45 p.m.

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NEW BUSINESS

2. **Address:** 955 E. Grant Drive **Case Number: 16-032-V**

The petitioner is requesting a Standard Variation under (1) Section 12-9-6.B.h of the 1998 Des Plaines Zoning Ordinance, as amended, to permit driveway accessing the rear yard garage closer than 2' from the side property line, and (2) Section 12-8-1.C.3 of the 1998 Des Plaines Zoning Ordinance, as amended, to permit the replacement garage closer than 5' from the side property line.

PIN: 09-20-107-014-0000

Petitioner: Michael Mueller, 955 E. Grant Drive, Des Plaines, IL 60016

Owner: Michael Mueller, 955 E. Grant Drive, Des Plaines, IL 60016

Chairman Szabo swore in Michael Mueller, 955 E. Grant Drive, Des Plaines, IL 60016 who advised there is an 8 ft. easement for the utility; would like the setback to the North of the property to be 1 ft. A vehicle cannot currently approach the second parking spot. He noted, per the City's memorandum, the house is only 8 ft. back from the property line.

Chairman Szabo asked if any of the neighbors have approached the Petitioner. Mr. Mueller advised – yes, and there are no issues (except to go big with the garage).

Board Member Green asked if the proposed garage has gutters. Mr. Mueller advised – yes.

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

Issue: The petitioner is requesting Standard Variations pursuant to (i) Section 12-9-6.B.h of the 1998 Des Plaines Zoning Ordinance, as amended (Zoning Ordinance), to permit a driveway accessing the rear yard garage closer than 2 feet from the side property line, and (ii) Section 12-8-1.C.3 of the Zoning Ordinance, to permit the replacement garage closer than 5 feet from the side property line.

Owners: Michael Mueller, 955 E. Grant Drive, Des Plaines, IL 60016

Petitioner: Michael Mueller, 955 E. Grant Drive, Des Plaines, IL 60016

Case Number: 16-032-V

Real Estate Index Number 09-20-107-014-0000

Ward: #3, Denise Rodd

Existing Zoning: R-1 Single Family Residential

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Existing Land Use: Single Family Residential

Surrounding Zoning: North: Single Family Residential
South: Single Family Residential
East: Single Family Residential
West: Single Family Residential

Surrounding Land Use: North: Residential
South: Residential
East: Residential
West: Residential

Street Classification: East Grant Drive is a local street

Comprehensive Plan: The Comprehensive Plan designates the site Single Family Residential

Analysis: The first variation requested is to permit the driveway accessing the rear yard garage to have a 0-foot setback, whereas 2 feet is required from the side property line. The Subject Property has an existing 8-foot wide driveway, abutting the north lot line, which is proposed to be widened to 19 feet at the entrance to the new garage. The Zoning Ordinance allows the Zoning Administrator to change this requirement through the site plan review process.

The second variation requested is to permit the replacement garage with 1-foot setback from the side lot line, whereas a 5-foot setback is required. An existing staircase is located at the northeast corner of the house which further restricts the approach to the proposed garage. There are several existing rear-yard garages in this neighborhood that have less than the required 5-foot setback from the side lot lines.

Findings of Fact For Variations: 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. **Hardship:** The Subject Property has an existing 8-foot wide driveway, abutting the north lot line. The Zoning Ordinance allows the Zoning Administrator to change this requirement through the site plan review process.
2. **Unique Physical Condition:** The existing driveway is legally non-conforming as it does not meet the required minimum 10 feet in width. Also, an existing staircase is located at the northeast corner of the house which further restricts the approach to the proposed garage.
3. **Not Self-Created:** The physical condition of the property was not created by anyone having property interests in this land as the lot is restricted by existing structure and property lines.
4. **Denied Substantial Rights:** Denying these variances would deprive the owner of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

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5. Not Merely Special Privilege: The hardship is not merely the inability of the owner to make more money from the use of the subject lot.
6. Title and Plan Purposes: The requested variations are in harmony with the Comprehensive Plan designation for this property.
7. No Other Remedy: There are no means other than the requested variations by which the owner can reasonably use the subject lot.
8. Minimum Required: The requested variations are the minimum measure of relief necessary to remove the hardship presented by the strict application of the code.

Recommendation: The Community Development Department recommends approval of Standard Variations pursuant to (i) Section 12-9-6.B.h of the 1998 Des Plaines Zoning Ordinance, as amended (Zoning Ordinance), to permit a driveway accessing the rear yard garage to have a 0-foot setback from the side property line, and (ii) Section 12-8-1.C.3 of the Zoning Ordinance, to permit the replacement garage closer than 5 feet from the side property line.

Planning and Zoning Board Procedure: The Planning and Zoning Board may vote *to approve*, approve with modifications, or disapprove.

Chairman Szabo asked the Board if there are any questions.

Board Member Hofherr asked if this Board has the final say. Chairman Szabo advised it does.

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

Board Member Hofherr moved, seconded by Board Member Schell, to approve as presented.

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

NAYES: None

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

3. **Address:** 1385 Brown **Case Number: 16-027-PUD-SUB**

The petitioner is requesting a Standard Variation under Section 12-7-2.J of the 1998 Des Plaines Zoning Ordinance, as amended, to vary the required minimum lot area from 10,000 square feet to 9,375 square feet. The petitioner is also requesting two Minor Variations under Section 12-7-2.J of the 1998 Des Plaines Zoning Ordinance, as amended, to reduce the required side yard from 7' to 6', and to reduce the minimum rear yard from 27' to 25'6".

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PIN: 09-17-406-011-0000

Petitioner: Drew Klee, 421 N. Pine Street, Mt. Prospect, IL 60056

Owner: Sonoma Builders, LLC, 8111 N. St. Louis Street, Suite 2c, Skokie, IL 60076

Chairman Szabo swore in owner's client Dragan Djonovic, President & CEO, and Bruce A. Blair, Project Architect, My Home Architects & Engineers, 2956 W. Irving Park Road, Chicago, IL 60618. Mr. Djonovic presented a new construction 4-story building which was presented 10 years ago. He noted tonight they are asking for a standard zoning Variance (as the proposal is 700 sq. ft. less than required) and side-yard setback. The building in R-4 is 44 ft. tall and offset 6 ft. from the property line.

Chairman Szabo asked if Mr. Djonovic is the Petitioner, Mr. Djonovic advised he is.

Board Member Hofherr asked:

- why this expired and if Petitioner owns the lot. Mr. Djonovic stated he did own it and now there is new ownership; due to the recession, this was put on hold.
- about Sonoma Builders. Mr. Djonovic stated he does not have information to be able to respond
- about My Home. Mr. Djonovic stated they perform about 50 projects per year.

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 a Standard Variation under Section 12-7-2.J of the 1998 Des Plaines Zoning Ordinance, as amended, to vary the required minimum lot area from 10,000 square feet to 9,375 square feet. The petitioner is also requesting two Minor Variations under Section 12-7-2.J of the 1998 Des Plaines Zoning Ordinance, as amended, to reduce the required side yard from 7' to 6', and to reduce the minimum rear yard from 27' to 25'6".

Owners: Sonoma Builders, LLC, 8111 N. St. Louis Street, Suite 2c, Skokie, IL 60076

Petitioner: Drew Klee, 421 N. Pine Street, Mt. Prospect, IL 60056

Case Number: 16-035-V

Real Estate Index Number 09-17-406-011-0000

Ward: #1, Patricia Haugeberg

Existing Zoning: R-4 Central Core Residential. The purpose of the R-4 central core residential district is to provide a location for high density multiple-family dwellings in and near the downtown.

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Existing Land Use: Vacant lot

Surrounding Zoning: North: R-4 Central Core Residential
South: R-4 Central Core Residential
East: R-4 Central Core Residential
West: R-4 Central Core Residential

Surrounding Land Use: North: Residential
South: Residential
East: Residential
West: Residential

Street Classification: Brown Street is a collector street.

Comprehensive Plan: The Comprehensive Plan designates the site Multi Family Residential – High Density.

Analysis: A zoning variation application has been previously approved for this project in 2007, which has expired. The petitioner is proposing a new 4-story brick apartment building with 10 units and enclosed garage at ground floor. It has six, two bed room units and four, three bed room units.

As the existing lot is under the required 10,000 square feet (9,375 square feet), the petitioner is requesting a variation. Based on the building and parking layout, the side yard has been reduced from the required 7 feet to 6 feet and the rear yard has been reduced to from the required 27 feet to 25'6". The proposed development complies with all other R-4 bulk requirements, and also meets the parking requirement at two spaces per dwelling unit.

The petitioner agreed to comply with permitted façade materials. The proposed plans indicate face brick with limestone coping.

Findings of Fact For Variations: 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. Hardship: The variations requested for the side yard and the rear yard are minor, while the parking in the rear yard meets all other zoning requirements.
2. Unique Physical Condition: The subject lot is legally non-conforming as it does not meet the required minimum lot area of 10,000 square feet in the R-4 zoning district.
3. Not Self-Created: The physical condition of the property was not created by anyone having property interests in this land as the lot does not meet the minimum lot area.
4. Denied Substantial Rights: Denying these variances would deprive the owner of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

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Case #16-036-V-835 E. Grant Drive-Variation Request

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5. Not Merely Special Privilege: The hardship is not merely the inability of the owner to make more money from the use of the subject lot.
6. Title and Plan Purposes: The requested variations are in harmony with the Comprehensive Plan designation for this property. Denying this request may result in a use or development of the subject lot that may not be in harmony with the general and specific purposes of this code or the general purpose and intent of the comprehensive plan.
7. No Other Remedy: During the technical review of this project, staff was able to minimize other potential variations and meet the building design standards. There are no means other than the requested variations by which the owner can reasonably use the subject lot.
8. Minimum Required: The requested variation is the minimum measure of relief necessary to remove the hardship presented by the strict application of the code.

Recommendation: The Community Development Department recommends approval of a 1.) Standard Variation under Section 12-7-2.J of the 1998 Des Plaines Zoning Ordinance, as amended, to vary the required minimum lot area from 10,000 square feet to 9,375 square feet, and 2.) two Minor Variations under Section 12-7-2.J of the 1998 Des Plaines Zoning Ordinance, as amended, to reduce the required side yard from 7' to 6', and to reduce the minimum rear yard from 27' to 25'6".

Planning and Zoning Board Procedure: The Planning and Zoning Board may vote to *recommend* approval, approval with modifications, or disapproval. The City Council has final authority over major variations.

Chairman Szabo asked if anyone is in favor of this proposal. No one responded. Chairman Szabo asked if anyone objects to this proposal. The following came forward and was sworn in by Chairman Szabo:

- Mike Roach 1327 Brown Street

Mr. Brown advised he is on the Board of Park Place Condominiums. These are concerns from the residents:

- overnight parking on Brown Street is at capacity; many residents have 2 cars
- there is excessive use of our private drive. While being used as a shortcut, this causes a safety hazard
- heavy use of alley between Brown & Perry; like a 2-lane highway; this would add to it
- there is a skunk den in the construction site

Chairman Szabo asked how many skunks there are. Petitioner advised – there are many.

Chairman Szabo asked if the Board has any questions.

Board Member Saletnik asked Staff to comment on parking. Coordinator Pruss stated there should be 2 spaces per unit which is being accommodated.

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A motion was made by Board Member Saletnik, seconded by Board Member Hofherr, to approve variations as requested.

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

NAYES: None

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

4. **Address:** 835 E. Grant Drive **Case Number: 16-036-V**

The petitioner is requesting a variation to Section 12-7-2 (J) of the 1998 City of Des Plaines Zoning Ordinance, as amended: to authorize the re-construction of a one-story addition to rear of an existing single family residence with a building coverage of 38.35%, where a maximum of 30% is allowed within the R-1 Single Family Residential zoning district.

PIN: 09-19-203-075-0000

Petitioner: Dennis Ulm, Trustee, 835 East Grant Drive, Des Plaines, IL 60016

Owner: Dennis Ulm, Trustee, 835 East Grant Drive, Des Plaines, IL 60016

Chairman Szabo swore in Dennis Ulm, Trustee, 835 East Grant Drive, Des Plaines, IL 60016 who advised the addition to his home was previously built over a sidewalk; would like to build this correctly with a foundation and proper roofing; will add a new electrical circuit.

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

Chairman Szabo asked Staff to present the Staff Report. Associate Planner Kirincic provided same.

Issue: The petitioner is requesting a Standard Variation under Section 12-7-2(J) of the 1998 City of Des Plaines Zoning Ordinance, as amended to authorize the re-construction of a one-story addition to the rear of an existing single family residence with a building coverage of 38.35%, where a maximum of 30% is allowed within the R-1 Single Family Residential District.

Analysis:

Address: 835 East Grant Drive

PIN: 09-19-203-075-0000

Existing Zoning: R-1 Single Family Residential District

Petitioner: Dennis Ulm, Trustee, 835 East Grant Drive, Des Plaines, IL 60016

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Case #16-036-V-835 E. Grant Drive-Variation Request

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Owner(s): Dennis Ulm, Trustee, 835 East Grant Drive, Des Plaines, IL 60016

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

The approximately 7,184.00 square foot property at 835 East Grant Drive is a legal conforming lot with regard to both lot width and lot size in the R-1 District. A one story brick and frame single-family residence, frame garage, car-port and shed currently exist on the site. The applicant proposes to demo the existing, one-story, frame addition and to replace with a new one story brick construction to the rear of the house. The existing addition was constructed on the slab without a proper foundation, by the previous owner and is not in code compliance. He would like to replace it with a new one story addition to comply with all city codes. The applicant states that the added size (23.64 square feet) would allow enclosure of the existing electrical circuit for subject addition.

The existing house and accessory structures cover approximately 2,728.88 square feet (37% of the lot). The proposed addition would place the total building coverage at approximately 2,752.43 square feet (37.5% of the lot), where the zoning ordinance allows a maximum building coverage of 2,199.99 square feet (30%). The owner acquired property with the existing addition and would like to replace it to comply with the code.

Recommendation: Staff recommends approval of the above-requested building coverage 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 by the City of Des Plaines Zoning Ordinance.

The recommendation for approval of the building coverage is based on the existing condition of the property which was not created by the current owner and his wish to reconstruct a non-complying addition.

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 deny the above-mentioned variance for building coverage for an addition to a single-family residence in the R-1 Zoning District.

Petitioner advised this has existed for 30 years. The neighbors have no issues.

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

Chairman Szabo advised normally he would be against this however this is unique and Petitioner is improving his property.

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

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

NAYES: None

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

5. **Address:** 395 Eighth Avenue **Case Number: 16-010-SUB**

The petitioner is requesting a Final Plat of Subdivision for the Johler Farm Subdivision to create two lots of 41,015 square feet and 18,221 square feet (0.94 and 0.42 acres) in the R-1, Single-Family Residential Zoning District.

PINs: 09-07-424-038-0000, 09-07-412-002-0000

Petitioner: Robby Johler, 395 N Eighth Avenue, Des Plaines, IL 60016

Owner(s): Robby Johler, 395 N Eighth Avenue, Des Plaines, IL 60016

Petitioner advised he is seeking final approval as he would like to build a single family residence for his brother.

Chairman Szabo asked if Petitioner read Staff's requirements. Petitioner advised he did.

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

Issue: The Petitioner is requesting a Final Plat of Subdivision for the Johler Farm Subdivision to create two lots of 41,015 square feet and 18,221 square feet (0.94 and 0.42 acres) in the R-1, Single-Family Residential Zoning District.

Petitioner: Robby Johler, 395 N Eighth Avenue, Des Plaines, IL 60016

Owner: Robby Johler, 395 N Eighth Avenue, Des Plaines, IL 60016

Case Number: 16-010-SUB

Real Estate Index Numbers: 09-07-424-038-0000

Ward: #7, Don Smith

Subdivision: Johler Farm Subdivision

Existing Zoning: R-1, Single-Family Residential

Existing Land Use: Manufacturing

Surrounding Zoning:
North: R-1, Single-Family Residential
South: R-1, Single-Family Residential
East: R-1, Single-Family Residential

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West: R-1, Single-Family Residential

Surrounding Land Use:

North: Single-Family Residential

South: Single-Family Residential

East: Single-Family Residential

West: Single-Family Residential

Street Classification:

Rand Road is a four lane arterial street as identified in the Comprehensive Plan, while Meadow Drive and Eighth Avenue are local streets.

Comprehensive Plan:

Single-Family Residential is the recommended use of the property.

Total Acreage:

59,236 square feet (1.36 acres)

Analysis: The Petitioner proposes a two-lot subdivision to create lots of 41,015 square feet and 18,221 square feet (0.94 and 0.42 acres). The Planning & Zoning Board recommended approval of the Tentative Plat of Subdivision at its April 12, 2016 meeting subject to the Petitioner addressing the engineering comments which include drafting a 'Deferred Site Improvements Covenant' including the list of site improvements to be completed, once Lot 1 is sold or proposed to be developed. This agreement is currently being drafted by the Village Attorney's office.

Recommendation: The Departments of Community and Economic Development, Fire, and Public Works and Engineering recommend approval of the Final Plat subject to following conditions:

1. The site improvements can be deferred per the 'Deferred Site Improvements Covenant,' until Lot 1 is sold or proposed to be developed.
2. Lot 2 will need to have its own drainage and is not allowed to have its drainage or sump pump discharge drain on to adjacent properties. Swales with catch basins will be required.

Planning and Zoning Board Procedure: The Planning and Zoning Board may vote to *recommend* approval, approval with modifications, or disapproval. The City Council has final authority over the Final Plat of Subdivision.

Chair asked why this Petitioner returned. Coordinator Pruss advised this is needed for final approval.

Chairman Szabo asked if anyone in the audience is in favor or against. No one responded

A motion was made by Board Member Saletnik, seconded by Board Member Green, to approve the Subdivision with 2 Conditions as stated.

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

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NAYES: None

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

6. **Address:** 783-841 Lee Street

Case Number: 16-037-PUD-SUB

A Final Planned Unit Development (PUD) is requested under Section 3.5 of the 1998 City of Des Plaines Zoning Ordinance, as amended, to allow for the construction of 58 Townhomes on approximately 3.1 acres as the Lexington Pointe PUD with requested PUD exceptions from the R-4, Central Core Residential Zoning District standards for lot sizes as small as 4,992 square feet, instead of not less than 10,000 square feet, setbacks as small as 6-feet (front yard) instead of not less than 12-feet and 10-feet (rear yard) instead of not less than 25-feet; A Final Plat of Subdivision to create the Lexington Pointe Subdivision with 13 lots;

PINs: 09-20-200-011-0000, 09-20-200-012-0000, 09-20-200-013-0000, 09-20-200-023-0000, 09-20-200-037-0000, 09-20-200-038-0000, 09-20-200-039-0000, 09-20-200-040-0000, 09-20-200-043-0000, 09-20-200-044-0000, 09-20-200-045-0000, 09-20-200-046-0000, 09-20-200-047-0000.

Petitioner: Lexington Homes, 1731 Marcey Street, Suite 200, Chicago, IL 60614

Owner: Jim Moehling, 301 N. Bay, Lake Barrington, IL 60010

Chairman Szabo swore in Lawrence M. Freedman, Ash, Anos, Freedman & Logan, LLC, 77 West Washington, Suite 1211, Chicago, IL; Jay W. Cox, Project Manager, BSB Design, 1540 E. Dundee Road, Suite 310, Palatine, IL; Josh Terpstra, PE, Project Engineer, Haeger Engineering LLC, 1304 Plum Grove Road, Schaumburg, IL; Karl T. Krogstad, Pla, LEED AP, President, Krogstad, 519 Pembroke Ct. N, Crystal Lake, IL & William J. Rotolo, Vice President of Land Acquisitions & Government Relations, Lexington Homes, 1731 N. Marcey Street, Suite 200, Chicago, IL 60614.

Mr. Freedman, Attorney, introduced himself and advised there was a Preliminary Approval and now they are requesting Final Approval.

Mr. Terpstra provided comments and changes since the Preliminary proposal:

- 12 buildings; 58 units
- access from Center Street
- alleyways to each garage
- sidewalk system

Changes are:

- sidewalk connections in 2 areas
- sidewalk in interior areas to 5 ft. with curb stops

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Case #16-032-V-955 E. Grant Drive-Variation Request

Case #16-035-V-1385 Brown-Variation Request

Case #16-036-V-835 E. Grant Drive-Variation Request

Case #16-010-SUB-395 Eighth Avenue-Final Plat of Subdivision

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Mr. Krogstad offered landscaping changes:

- added trees
- changed species
- signage on Lee Street (dimensions, etc.); monument sign was illustrated

Mr. Cox, Architect, noted building changes:

- elevations are consistent
- on front elevation, materials were added
- on side elevation, brick has been lowered

Chairman Szabo asked if the Board has any questions.

Chairman Szabo asked where the Lexington sign is located. Mr. Krogstad illustrated same.

Board Member Hofherr asked:

- if there are other towns with similar projects. Mr. Rotolo advised – yes, in Rolling Meadows, Palatine, etc.
- if those townhomes are the same size. Mr. Rotolo stated – almost the same size

Board Member Schell asked Staff if a traffic study was done. Coordinator Pruss advised – yes, and was approved.

Chairman Szabo asked:

- what landscape changes there are. Mr. Krogstad advised
 - perennials
 - planting shrubs
 - shade trees (flowering)
 - Evergreen on corners
- how large the trees are. Mr. Krogstad advised – 2 ½ inch trees
- if Petitioner had discussions with the Church. Mr. Freedman advised – yes, initially

Board Member Hofherr asked if the starting price is in the \$300s. Mr. Rotolo advised – they start at \$309,000 (with granite as standard); typical buyer is between 35-45 years of age.

Chairman Szabo asked if anyone in the audience is in favor of the proposal. No one responded. He asked if anyone objects to this proposal. The following came forward and were sworn in:

- Christine C. Schap Chairman, Immanuel Lutheran Church and School, 1790 Dexter Lane

Ms. Schap advised there was a meeting about the fence issue. She stated no choice was given. A solid fence needs to be placed between the properties. If this is not done, snow will be plowed between the fence into our property which we don't want to deal with. She noted parking will be an issue as there is not enough parking. We have asked repeatedly to install a solid wood fence as a barrier. Please consider this to alleviate our concerns.

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Case Number:	16-023-PUD-SUB
Real Estate Index Numbers	09-20-200-011-0000, 09-20-200-012-0000, 09-20-200-013-0000, 09-20-200-023-0000, 09-20-200-037-0000, 09-20-200-038-0000, 09-20-200-039-0000, 09-20-200-040-0000, 09-20-200-043-0000, 09-20-200-044-0000, 09-20-200-045-0000, 09-20-200-047-0000
Existing Zoning	R-4, Central Core Residential
Existing Land Use Parking	Partially Vacant shopping Center, Church, Vacant Banquet Hall,
Surrounding Zoning	North: C-5, Central Business Commercial District South: C-5, Central Business Commercial District East: R-4, Central Core Residential West: C-5, Central Business Commercial District
Surrounding Land Use	North: Commercial (Banks/Offices) South: Place of Worship East: Multi-Family Residential West: Commercial
Street Classification	The Comprehensive Plan designates Lee Street as an arterial and Center Street as a local street.
Comprehensive Plan1	High Density Mixed-Use is the recommended use of the property.
Development Schedule	2.5-3 year anticipated construction period beginning in Fall 2016

Project Description

The proposed through-block townhome development would incorporate 3.12 acres of land with approximately 558 feet of frontage on Lee Street and 415 feet of frontage on Center Street. The property was rezoned to the R-4, Downtown Core Residential Zoning District in 2015.

Twelve townhome buildings, organized into four rows of townhomes are proposed on the site. The four westernmost buildings would front on Lee Street (22 units), the three easternmost buildings (12 units) would front on Center Street, while four of the interior buildings (20 units) would face each other with a 30-foot wide landscaped courtyard with walkway separating the structures, and the remaining 6-unit building would front a "Central Commons." Vehicular access would be provided by two curb-cuts off of Center Street. Two-car garages on the first level of the units meet the minimum parking requirement of 2.0 spaces per dwelling unit. Additionally, 22 off-street surface parking spaces are proposed. Eleven of the three-level townhomes would have two bedrooms, while the remaining 47 would be three-bedroom units.

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Planned Unit Development Findings

As required, the proposed development is reviewed below in terms of the findings contained in Section 12-3-5.E. 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.E.:

Comment: The proposed plan is consistent with the stated purpose of Section 12-3-5.E. of the Zoning Ordinance in that the proposed townhome development would allow for a more efficient use of land resulting in more economic networks of utilities, streets and other facilities not be possible under the strict application of the Zoning Ordinance. As a townhouse PUD the development does not require lots to front on a public street as would normally be required, thus allowing additional townhome buildings in the middle of the site. Additionally, the proposed site plan is in substantial conformance with the approved preliminary PUD plan.

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 of the Zoning Ordinance as it would be located in the R-4 zoning district that permits PUDs, it meets the minimum size standard of two acres, as it is 3.12 acres in size, and the land is under unified control of Lexington Homes, LLC as the 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 would meet or exceed the following applicable zoning regulations if the property is reclassified to the R-4, Central Core Residential District:

- Minimum size for PUD; Two acres are required; the total site is 3.12 acres;
- Maximum building coverage (Not applicable in R-4, Central Core Residential);
- Parking requirements; 116 spaces (2/unit) are required; 146 are proposed;
- Building Height; A maximum height of 80' would be allowed in the R-4 District and a maximum of 34.5' is proposed;
- Compatibility with surrounding properties; while the project is not expected to be detrimental to surrounding properties, it would alter the character of the downtown core by introducing low-scale moderate density housing to a commercial corridor within the downtown core. The character of the development would not be complementary with the commercial development adjacent to the site to the north and on the opposite side of Lee Street;
- Traffic (Adequate provision for safe ingress and egress and minimal traffic congestion per traffic study); and

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- General Design; The general design of the development is not expected to be detrimental to the public health, safety or general welfare. Although there was significant discussion regarding the compatibility of the project with the downtown urban core at preliminary approval, the proposed development was ultimately approved by the City Council after the applicant reduced the density of the development and increased the proposed parking and the amount of brick on the front and side elevations of the buildings. Additionally, staff is working with the applicant to further improve the elevations and landscaping with this submittal.

In addition to proposed Map Amendment to classify the property within the R-4 Zoning District, Planned Unit Development exceptions are requested for:

- (1) Lot sizes as small as 4,992 square feet, instead of not less than 10,000 square feet. The proposed lot sizes are smaller than what is allowed by code. The development does exceed the minimum lot area required per unit of 800 square feet per two bedroom unit and 1,000 square feet per three bedroom unit in the R-4 District and a common open space in front of building 6 is provided.
- (2) Front-yard setbacks of as little as 6' instead of not less than 12', and rear-yard setbacks of 10-feet instead of not less than 25-feet. The setbacks are proposed to be measured from the perimeter of the property as opposed to from the individual lots that are proposed to be created for each building. The reduced front setbacks are appropriate in the downtown, where much of the development is at zero lot-line, however, the buildings would have a strong presence on the street without the gaps in between the buildings that comprise the street wall.

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.

Pedestrian access to the site would be provided by a continuation of the sidewalk network. Conditions of approval address the need to improve the connectivity of the sidewalk network and width of proposed sidewalks. A "Central Commons" in front of building 6 would provide some open space and two benches.

The control of vehicular traffic is addressed by the petitioner's professional traffic study, which was performed by Kenig Lindgren, O'Hara, and Aboona, Inc. of Rosemont, IL and was submitted as part of Map Amendment, Preliminary PUD, and Tentative Plat approval case #14-073-PUD-SUB-MAP. The study concluded, "The site is well located with respect to the current roadways. Its proximity to downtown Des Plaines and to the Metra train station will help reduce the amount of trips generated. The number of trips expected to be generated by the proposed townhome development will be low. The addition of the site generated traffic is projected to have little to no significant impact on the studied intersections. The increase in delay at the studied intersections will not be significant and will not affect the operational characteristics of the intersections. The proposed access with two full ingress/egress access points on Center Street will be adequate in accommodating site traffic" The City's Engineering Division reviewed the traffic study.

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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 architecture has been revised since approval of the preliminary planned unit development. Due to concerns regarding the proposed architecture expressed by staff and the City Council, the ordinance approving the preliminary PUD contained a condition stating “The Petitioner must revise the proposed elevations and site plans for the Subject Property so that the Proposed Development is, in the sole judgment of the City Zoning Administrator, more compatible with the urban context of downtown Des Plaines, which revisions must include, without limitation, the use of higher quality materials, such as masonry.” In response to this condition, the architectural plans submitted with the final application have been revised to add first floor brick to the side elevations and additional brick on the front elevations. In addition to these revisions, staff has included a condition for approval which will require the applicant to further refine the side building elevations and add brick to the rear of those units which face the “Central Commons.” As such, the proposed Final PUD is more compatible with the urban context of the surrounding area and the proposed density is consistent with the applied R-4 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:

Comment: The proposed townhouse use of the site would likely increase the value of the properties on site and increase the tax base over the existing mostly vacant commercial uses, surface parking lots, and institutional uses. Once the townhomes are built and occupied, there will be greater demands on city services, city streets and other public facilities. It is assumed that the city’s current public services and public facilities will be able to handle the increased need for services at this downtown location without being overburdened. In contrast, the additional population created by the proposed development will increase the demand for retail and service establishments which will, in turn, generate additional tax revenue for the City.

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

Comment: The 2007 City of Des Plaines Comprehensive Plan designates the area where the site is located as an area of proposed change and recommends High Density Mixed-Use for this site. As defined by the Plan, High-Density Mixed-Use is an area containing a mix of uses within the same building with retail or entertainment uses on the ground floor and office, commercial services and residential above. The recommended residential density would be 43 dwelling units per acre, while the proposed strictly residential development provides approximately 20 units per acre.

PUD and Map Amendment Issues/Considerations:

1. The proposed Map Amendment would effectively shrink the Downtown Central Business District by moving the southern boundary and would create inconsistencies with the long-range land use vision expressed in the Comprehensive Plan and with the existing zoning and land use of

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surrounding properties. The proposed site is one of the few sites large enough to accommodate the type of large-scale mixed-use development allowed in the Central Business Zoning District.

Tentative Plat Report

Name of Subdivision: Lexington Pointe

Address: 783-841 Lee Street, (Located between Lee and Center Streets)

Request: Approval of a Tentative Plat of Subdivision consisting of 13 lots

Total Acreage of Resubdivision: 3.12 acres

General Information

Lot Descriptions and Construction Plans: The Final plat shows the existing lots being resubdivided into 13 lots. Each of Lots #1-12 would contain one townhome building ranging from four to 6 units. These lots range in size from 4,992 square feet in size to 7,202 square feet in size. Additionally, Lot #13 (65,106 square feet) would extend to the perimeter of the site and contain common areas such as vehicular driveways, surface parking spaces, and the open space in front of Lot # 6.

A PUD exception is requested for lot sizes of less than 10,000 square feet, however, no Variations to the Subdivision regulations are requested at this time. Recent Text Amendments (Case #12-078-TA) eased restrictions regarding the subdivision frontage requirements and minimum lot depth requirements for townhome Planned Unit Developments.

Final Plat Comments

1. If approved, the Final Plat must show the Name of the Owner(s) and notarized signatures;
2. The Final Plat must show the proper easement provisions and signature lines and have them signed by all the public service utilities;
3. On the Final Plat, the petitioner shall sign the owner certificate(s) and have them notarized.
4. The Final Plat must show Municipal Boundaries.

Planning and Zoning Board Procedure

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

Staff Recommendations:

- The Department of Community and Economic Development recommends approval of the Final Planned Unit Development and Final Plat of Subdivision subject to the following conditions.
- The Public Works and Engineering Department recommends approval of the Final PUD and Final Plat of Subdivision, subject to condition #1 and #3 below.

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- The Des Plaines Fire Department recommends approval of the Final PUD and Final Plat of Subdivision.

Conditions:

1. The petitioner shall submit subdivision lighting plans to the satisfaction of the Director of Public Works and Engineering.
2. The petitioner shall provide covenants and declarations for review and recording, which shall indicate that maintenance of utilities (with the exception of water mains), snow plowing, pavement maintenance, and lawn cutting is the responsibility of the homeowners association.
3. The petitioner shall construct, or pay the City to construct the Lee Street streetscape in accordance with the Downtown Streetscape Master Plan.
4. The side elevations of the following buildings shall provide the proposed optional window bay as a standard architectural feature on the following side elevations:
 - a. Right side elevation building 1
 - b. Right side elevation building 2
 - c. Left and right side elevations Building 4
 - d. Left and right side elevations building 5
 - e. Left and right side elevations building 9
 - f. Left side elevation building 11
 - g. Left side elevation Building 12

Planning and Zoning Board Procedure:

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

Board Member Catalano asked if Petitioner is aware of the Conditions. Mr. Freedman stated – they are.

Board Member Saletnik stated:

- he embraces this development as Des Plaines needs a shot in the arm
- he likes the architecture of Lexington Homes
- this is designed to be a walking environment; residents will take the train
- he welcomes Petitioner to Des Plaines

Chairman Szabo stated he concurs. This will help the churches, stores (to be opened), restaurants, etc.

A motion was made by Board Member Hofherr, seconded by Board Member Catalano, to recommend approval to City Council with Conditions as proposed on the June 28, 2016 memorandum.

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

NAYES: Schell

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

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7. **Address:** 445 S. River Road

Case Number: 16-025-CU

The petitioner is requesting a Conditional Use permit under Section 12-7-3.K of the 1998 City of Des Plaines Zoning Ordinance, as amended, to operate a car wash and auto detailing facility on a site less than 25,000 square feet.

PIN: 09-17-404-026-0000

Petitioner: Mathew Edukutharayil, 1090 Flamingo Drive, Roselle, IL 60172

Owner: Joan Peterson, Successor Trustee of John R. Peterson, 10704 Rio Mar Circle, Estero, FL 33928

Chairman Szabo swore in Ms. Nancy Sander & Mathew Edukutharayil. Ms. Sander advised Mr. Edukutharayil operates a car wash 1 block away from this space. He wishes to improve the space with an auto detail and hand car wash. Perhaps 3 cars will be detailed daily. The site plan was illustrated. There will be 2 car bays and 2 employees. She advised the principal business is with car dealerships though he would not turn locals away. There should be no traffic concerns. Petitioner will be moving from leased space.

Chairman Szabo asked where the current business is. Ms. Sander advised – 305 S. River Road.

Board Member Hofherr referred to page 6 of 27, letter H, where it states the general public would not require parking. Ms. Sander replied – 99% of the business is with dealerships. She illustrated parking area. There will be an overhead door added where cars will enter. There will be a demolition. We are focusing on the Conditional Use.

Board Member Bader asked what the exterior will be. Ms. Sander advised – there will not be exterior, only interior changes.

Chairman Szabo stated the mansard roof is dated. Will it be resingled or power washed? Mr. Edukutharayil stated he is amenable; whatever is necessary.

Board Member Schell stated, on page 6 and traffic study, it is open to the public but there's no solicitation, correct? Ms. Sander reiterated – it is really not open to the public. 99% of the business is with dealerships. There couldn't be back-up traffic as cars stay in a stall for 5 hours. Chairman Szabo recommended appointments.

Board Member Bader asked what the signage will say. Mr. Edukutharayil stated – Auto Detail and Car Wash.

Board Member Catalano asked if Staff holds the view that this is not open to the public. Coordinator Pruss advised that is a concern; that's why Condition #1 was initiated.

Board Member Hofherr asked what if you lose a car dealership clients. Mr. Edukutharayil advised – we have several.

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Chairman Szabo asked:

- how many private citizens do you detail now? Mr. Edukutharayil advised – perhaps 2 cars weekly
- how many years at your current location? Mr. Edukutharayil advised – 5 years

Board Member Saletnik stated he is concerned about the exterior of the building; shingles on roof and wood has deteriorated. Conditions should be repaired. Ms. Sander stated this building has not yet been purchased. Coordinator Pruss advised there is a Business Grant available (if roof is removed, awnings could be replaced; wood siding could be refurbished). Chairman Szabo advised this is very valuable information for the Petitioner.

Chairman Szabo asked if anyone in the audience is in favor of this proposal. No one responded. He asked if anyone objects. An audience member came forward and was sworn in by Chairman Szabo:

- Nancy Blonn 1644 Elk Boulevard

Ms. Blonn distributed correspondence and noted she lives in the adjacent property; this doesn't appear to be a good use due to the small space. This property floods and is in a flood way. She noted her home was the first home torn down due to flooding.

She advised snow is a concern and cannot be plowed onto their property; there is no place for snow. Regarding the employee parking, there is not enough blacktop and abuts our property. A fence is requested but may not be allowed.

It was noted Petitioner may not realize the current and future property tax fees.

Ms. Blonn doesn't believe 5 hours is realistic for 1 car detail. Ms. Sander responded, illustrated, and distributed the boundary survey.

Stewart Weiss departed the meeting at 10:28 p.m.

Board Member Catalano asked Ms. Sander how snow was handled before. Ms. Sander advised – it was pushed into our space. She asked if this needs to be considered as it is in a flood plain. Coordinator Pruss advised – since there is no additional building, a fence cannot be erected in a flood way.

Ms. Sander stated a lot of businesses wouldn't do well in this space due to the flooding. Chairman Szabo advised the creek is behind there; it will flood.

Board Member Hofherr asked if there are 2 cars parked inside and not in driveway, they will not be coming and going. Ms. Sander stated if parking spaces block a door, it is what it is. Coordinator Pruss advised – on page 13, there are 2 parking spaces noted.

The Staff Report was provided`.

Issue: The petitioner is requesting a Conditional Use permit under Section 12-7-3.K of the 1998 City of Des Plaines Zoning Ordinance, as amended, to operate a car wash and auto detailing facility on a site less than 25,000 square feet.

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Petitioner: Mathew Edukutharayil, 1090 Flamingo Drive, Roselle, IL 60172

Owner: Joan Peterson, Successor Trustee of John R. Peterson, 10704 Rio Mar Circle, Estero, FL 33928

Case Number: 16-025-CU

Real Estate Index Numbers 09-17-404-026-0000

Ward: #3, Denise Rodd

Existing Zoning: C-3 General Commercial

Existing Land Use: Vacant

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

Surrounding Land Use: North: Commercial
South: Commercial
East: Commercial
West: Commercial

Street Classification: South Des Plaines River Road is a collector street.

Comprehensive Plan: The Comprehensive Plan designates the site Community Commercial.

Analysis: The Subject Property is 8,370 square feet, whereas the Zoning Code requires 25,000 square feet or more for car washes open to the public. Staff is considering the following business plan in evaluating whether to recommend approval of the car wash facility.

The Petitioner proposes to serve customers from an auto dealership and an auto body shop at this time and plans to hire two employees. The Zoning Code requires two parking spaces for each manual washing rack. The proposed remodeling plan includes two manual washing racks inside which require four parking spaces. The personal garage space can be used for two employee parking spaces. The Petitioner also plans to seal and restripe the parking lot when he applies for the remodeling permit.

Standards For Conditional Uses: The Planning and Zoning Board should consider the particular facts and circumstances of the conditional use requested in terms of the following standards. Please refer to the Zoning Application for a detailed response from the Petitioner for each of these standards.

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Case #16-036-V-835 E. Grant Drive-Variation Request

Case #16-010-SUB-395 Eighth Avenue-Final Plat of Subdivision

Case #16-037-PUD-SUB-783-841 Lee Street-Final Planned Unit Development

Case #16-025-CU-445 S. River Road-Conditional Use Permit

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1. The proposed conditional use is in fact a conditional use established within the specific zoning district involved;
2. The proposed conditional use is in accordance with the objectives of the city's comprehensive plan and this title;
3. The proposed conditional use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;
4. The proposed conditional use is not hazardous or disturbing to existing neighboring uses;
5. The proposed conditional use is to be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or the persons or agencies responsible for the establishment of the proposed conditional use shall provide adequately any such services;
6. The proposed conditional use does not create excessive additional requirements at public expense for public facilities and services and not be detrimental to the economic welfare of the community;
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;
8. The proposed conditional use provides vehicular access to the property designed that does not create an interference with traffic on surrounding public thoroughfares;
9. The proposed conditional use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and
10. The proposed conditional use complies with all additional regulations in this title specific to the conditional use requested. (Ord. Z-8-98, 9-21-1998)

Recommendation: The Community Development Department recommends approval of a Conditional Use permit under Section 12-7-3.K of the 1998 City of Des Plaines Zoning Ordinance, as amended, to operate a car wash and auto detailing facility on a site less than 25,000 square feet subject to the following conditions:

1. The Petitioner shall limit the manual car washing and detailing to two automobiles at a time.
2. Should the Petitioner plan to hire more than two employees at any time, he should reconfigure the site to provide additional employee parking.
3. The Petitioner shall seal and restripe the parking lot prior to obtaining the occupancy permit.
4. The new rooftop unit shall be properly screened.
5. Prior to issuance of building permits the petitioner shall work with staff to upgrade the exterior appearance specially the roof and wood siding using the City's business assistance programs if applicable.

Case #16-021--PUD-MAP-240-310 Potter Road-Map Amendment, Planned Unit Development

Case #16-030-V-567 West Algonquin Avenue-Variation Request

Case #16-032-V-955 E. Grant Drive-Variation Request

Case #16-035-V-1385 Brown-Variation Request

Case #16-036-V-835 E. Grant Drive-Variation Request

Case #16-010-SUB-395 Eighth Avenue-Final Plat of Subdivision

Case #16-037-PUD-SUB-783-841 Lee Street-Final Planned Unit Development

Case #16-025-CU-445 S. River Road-Conditional Use Permit

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Planning and Zoning Board Procedure: The Planning and Zoning Board may vote to approve; approve with modifications, or disapprove.

A motion was made by Board Member Catalano, seconded by Board Member Hofherr, to recommend approval to City Council with 4 Conditions with an additional Condition that Petitioner work with Staff to improve the exterior of building. Board Member Saletnik amended in particular the wood siding and roof repair. Board Members Catalano and Hofherr accepted the amendment.

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

NAYES: None

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

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

Chairman Szabo asked if there should be a limit on the number of cases per evening. A brief discussion took place.

OLD BUSINESS

There was no Old Business.

ADJOURNMENT

On a voice vote, Chairman Szabo adjourned the meeting at 10:42 p.m.

Sincerely,

Gale Cerabona
Recording Secretary

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