

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments



**DES PLAINES PLANNING AND ZONING BOARD MEETING**

**June 14, 2022**

**MINUTES**

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, June 14, 2022, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

Chairman Szabo called the meeting to order at 7:01 p.m. and read the evening's cases. Roll call was established.

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

ABSENT: Catalano

ALSO PRESENT: John Carlisle, AICP, Director of Community & Economic Development  
 Jonathan Stytz, AICP, Senior Planner  
 Legal Counsel Stewart Weiss  
 Vanessa Wells/Recording Secretary

A quorum was present.

**APPROVAL OF MINUTES**

**A motion was made by Board Member Hofherr, seconded by Board Member Weaver, to approve the minutes of May 24, 2022, as presented.**

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

NAYES: None

ABSTAIN: None

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

**PUBLIC COMMENT ON NON-AGENDA ITEM**

Per the Board's adopted Rules of Procedure, this period may also be used to allow public comment for an item on the agenda if a comment period will not be available for that agenda item.

Case 22-014-V	1285 E. Golf	Major Variation
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Case 22-022-TA		Text Amendments

Chairman Szabo stated that 30 minutes will be dedicated for the public to speak on the 622 Graceland Avenue petition. The comments for this case will be heard first with no public comment heard during the case.

Chairman Szabo invited anyone would like to comment or add something new from the last meeting on Case 21-052-MAP-TSUB-V.

Legal Counsel Weiss stated that testimony has been concluded; this time is for public comments that will be limited to 3 minutes each.

Janet Bar, a resident of Webford, expressed her concern that the project is a large piece of concrete with no greenspace. Along with the other recent development, the area feels congested like an alleyway.

Chris Walsh, 564 Webford, suggested that the City buy the property until a better option is available. This development does not fit the area.

Caryssa Buchholz, 797 Laurel Avenue, is not against development, but believes that the Des Plaines Zoning Ordinance lacks guidance for developers. This type of project should only be in C-5 districts, as outlined in the Comprehensive Plan, until the ordinance is more specific for what can be built in the downtown area.

David Gates, Jr., Crystal Lake, Artwork Preservationist, found U.S. Post Office documents of the guidelines for preserving the artwork.

Kevin Lucas, 943 Woodlawn, supports the project. This project is smaller than the project across the street on Ellinwood Avenue, it will produce tax revenue and offer a better view.

Evan Vogel, supports high-density housing and the added improvements.

Public Comment was closed at 7:18 p.m.

**Pending Applications**

**1. Address:** 1285 E. Golf Road

**Case Number:** 22-014-V

The petitioner is requesting a major variation to allow a pole sign on a property with a lot width that does not meet the minimum lot width requirements for a pole sign, and any other variations, waivers, and zoning relief as may be necessary.

**PINs:** 09-17-200-047-0000

**Petitioner:** Lou Masco, Liberty Flag & Banner, 2747 York Street, Blue Island, IL 60406

Case 22-014-V	1285 E. Golf	Major Variation
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Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

**Owner:** Jack F. Merchant, 1285 E. Golf Road, Des Plaines, IL 60016

The petitioner, Lou Masco of Liberty Flag and Banner on behalf of Auto Krafters, is requesting a major variation to allow for a pole sign at 1285 E. Golf Road on a lot with a lot frontage of 50 feet where a minimum lot frontage of 75 feet is required. This property contains a one-story, 5,332-square-foot building setback roughly 100 feet from Golf Road with a surface parking lot and two accessory structures in the rear yard measuring 2,919 square feet and 539 square feet as shown in the attached Plat of Survey. The L-shaped subject property is located along Golf Road and is positioned behind an existing Nicor Gas service location also located at 1285 E. Golf Road under PIN 09-17-200-046-0000. The property is accessed from Golf road next to the Nicor Gas service station where the property width measures 50 feet. There is an existing wood pole sign that appears to be installed within the public right-of-way along Golf Road as shown in the attached Existing Conditions. Given the existing building's large setback from Golf Road and the existing development on the adjoining parcel at PIN 09-17-200-046-0000, the existing pole sign serves as the only source of identification along Golf Road for the building and its tenants.

The petitioner is requesting the replacement of the existing pole sign, as the pole sign is in disrepair and does not sufficiently identify the businesses in the building for motorists traveling along Golf Road. Please see the Project Narrative for additional information. The petitioner proposes to replace the existing pole sign with a 7.25-foot-tall by 8-foot-wide enclosed pole sign structure with an overall height of 16.25 feet, including a 3-foot-tall by 8-foot-wide electronic message board (EMB) component as shown in the attached Sign Plan. The Zoning Ordinance allows for pole and monument signs to include one EMB sign component so long as this component does not exceed 50 percent of the total sign. As the EMB component yields 24 square feet and the total proposed sign area is 58 square feet, this code requirement is met. The petitioner is also proposing to install a 3-foot-wide landscape bed around the base of the new pole sign as required by the zoning ordinance as illustrated in the attached Landscape Plan.

However, pursuant to Section 12-11-6(B) of the Zoning Ordinance, a maximum of one pole sign is permitted for lots having more than 75 feet of street frontage on a single street or highway. The petitioner's request to construct a pole sign located along a street frontage of less than 75 feet constitute the need for a major variation.

**Variation Findings:** Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. Staff has the following comments based on the standards. The PZB may use staff comments, the petitioner's response, or state their own comments as rationale for its decision, but if recommending approval, the Board should make statements in the affirmative for how the request would meet the standards.

- 1. Hardship: No variation shall be granted pursuant to this subsection H unless the applicant shall establish that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty.**

*Comment:* Carrying out the strict letter of this title would create a particular hardship for the petitioner given that there is limited visibility of the subject property from Golf Road. The removal of the existing pole sign without a new sign could further limit the identification of the building

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

along Golf Road. The subject building is considerably set back from Golf Road and the petitioner is requesting a new pole sign to increase visibility of the business within the building and the property as a whole.

- 2. Unique Physical Condition: The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.**

*Comment:* The subject property's location behind one other lawfully established lot with a narrow driveway entrance creates a unique physical condition when viewing the property from Golf Road. The property located directly between the subject property and Golf Road is developed with a structure and enclosure, which restricts the view of the subject property from Golf Road. The subject lot is also uniquely shaped with the narrow driveway entrance, which not only limits motorist and pedestrian views of the property but also limits space for signage. Thus, the allowance of the variation would assist in reducing the physical constraints of the subject property and provide much needed visibility, especially for the deliveries associated with this property.

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

*Comment:* The hardship was not created by the petitioner or building owner and cannot be corrected without the approval of the requested variation.

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

*Comment:* The property owner may be denied the right to replace or improve an existing pole sign without the approval of the requested variation. Given the abnormal shape of the property, the limited space for signage in accordance with all regulations, and limited visibility of the property, the petitioner would be unable to effectively advertise businesses operating out the building. The lack of a sign in this location could make it difficult to locate the property in a safe and reasonable manner.

- 5. Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot.**

*Comment:* The granting of this variation would not provide the property owner with any special

Case 22-014-V	1285 E. Golf	Major Variation
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Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

privilege or right and is not sought to provide the property owner with economic gain as many of the surrounding commercial buildings do not have visual obstructions or unique physical conditions comparable to the subject building.

- 6. Title And Plan Purposes: The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this title and the provision from which a variation is sought were enacted or the general purpose and intent of the comprehensive plan.**

*Comment:* The proposed wall signage would be in harmony with the general purposes of this title and would be compatible with the general purpose and intent of the comprehensive plan. The replacement of the existing pole sign would improve to the entrance of the property from aesthetic and functional standpoint.

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

*Comment:* The granting of the variation is the only remedy to the existing street frontage length of the existing pole sign without creating additional hardship for the petitioner.

- 8. Minimum Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.**

*Comment:* The granting of these variation is the minimum relief necessary to alleviate the hardship for the petitioner. The petitioner wishes to remove the existing pole sign and replace it with a new pole sign in conformance with all other zoning regulations.

**PZB Procedure and Recommended Conditions:** Under Section 12-3-6(G)(2) (Procedure for Review and Decision for Major Variation) of the Zoning Ordinance, the PZB has the authority to recommend that the City Council approve, approve subject to conditions, or deny the above-mentioned major variation at 1285 E. Golf Road. The City Council has final authority on the proposal.

Consideration of the request should be based on a review of the information presented by the applicant and findings of fact, as specified in Section 12-3-6(H) (Standards for Variation) of the Zoning Ordinance. If the PZB recommends and City Council ultimately approves the request, staff recommends the following conditions:

1. That all appropriate building permit documents and details are submitted as necessary for the proposed pole sign. All permit documents shall be sealed and signed by a design professional licensed in the State of Illinois and must comply with all City of Des Plaines building codes.
2. The pole sign is designed, positioned, and utilized to meet all applicable City of Des Plaines codes.

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

Chairman Szabo swore-in Petitioner John Miller, representing Liberty Flag & Banner, 2747 York Street, Blue Island, IL 60406.

Mr. Miller requested a new pole sign with an electronic banner to replace the existing pole sign. There is only 50-feet of frontage and this size is not allowed. The new sign is proposed in the same area and is located at the required 5-foot setback.

Jonathan Stytz, Senior Planner, reviewed the Staff Report and read aloud the two recommended conditions for approval.

Member Saletnik clarified that the proposed sign is located approximately 35-feet from the roadway.

**A motion was made by Board Member Weaver, seconded by Board Member Veremis, to recommend approval of a Major variation to allow a pole sign on a property with a lot width that does not meet the minimum lot width requirements for a pole sign, and any other variations, waivers, and zoning relief as may be necessary.**

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

NAYES: None

ABSTAIN: None

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

**2. Address:** 676 N. Wolf Road

**Case Number:** 22-018-CU

**Issue:** The petitioner is requesting a conditional use amendment to expand an existing domestic pet service use in the C-3 General Commercial District at 676 N. Wolf Road.

**Address:** 676 N. Wolf Road

**Owner:** Michael Galante, 945 Forestview Avenue, Park Ridge, IL 60068

**Petitioners:** Michelle Janczak, 1008 E. Ironwood Drive, Mount Prospect, IL 60056;  
Catherine Schilling, 1636 E. Clayton Court, Arlington Heights, IL 60004

**Case Number:** 22-018-CU

**PINs:** 09-07-210-046-0000; -047

**Ward:** #7, Alderman Patsy Smith

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

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

**Existing Land Use:** Commercial Shopping Center

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

**Surrounding Land Use:** North: Gas Station (Commercial)  
 South: Shopping Center/Restaurant (Commercial)  
 East: Shopping Center (Commercial)  
 West: Townhouses (Residential)

**Street Classification:** Wolf Road is classified as a minor arterial.

**Comprehensive Plan:** The Comprehensive Plan illustrates the site as Commercial.

**Zoning/Property History:** Based on City records, the property was annexed into Des Plaines in 1927. The subject address has been utilized as a Domestic Pet Service since 2017 through a conditional use permit. This conditional use was amended in 2019 to allow for expanded hours of operation including overnight hours for dog boarding and an allowance of up to 30 dogs during the day and up to 10 dogs boarded overnight.

**Project Description:** The petitioners, Michelle Janczak and Catherine Schilling of Playtime Pup Ranch, are requesting a conditional use amendment to expand an existing domestic pet service use in the C-3 General Commercial District at 676 N. Wolf Road. The business is housed within a tenant space in the Wolf Shopping Plaza, which is generally at the southwest corner of Wolf and Central Roads. The property consists of two parcels totaling 30,930 square feet (0.71 acres) and currently contains an 8,857-square-foot, one-story commercial building with a 182-square-foot outdoor cooler at the rear, 39-space paved parking area to serve the whole center, and a pole sign as shown on the attached Plat of Survey. The subject property is accessed by one curb cut off Wolf. The existing one-story commercial building is set back approximately 92 feet off the east property line (front) along Wolf Road, 25 feet from the west property line (rear), 3 feet off the north property line (side), and 14 feet off the south property line (side).

Playtime Pup Ranch is a dog daycare, pet retail, boarding, and grooming facility that is located in the northern tenant spaces of the shopping center building. The petitioners desire to expand their existing use into the adjoining 1,000-square-foot tenant space to the south of their current location to expand the pet grooming service area, provide a lunch area for employees, and provide an office area for the business owner. The current hours of operation are 6:30 a.m. to 6:30 p.m. Monday through Friday, 8 a.m. to 5 p.m. on Saturday, and closed on Sunday. See the attached Project Narrative for more information. The petitioner is not proposing any enlargements or changes to the exterior of the existing building. However, the proposal does include interior remodeling of the existing and new tenant spaces as shown in the attached Floor Plan of Existing Space and Floor Plan of New Space, which include details of the layout and use of the existing business and proposed floor plan of the new tenant space. Given that the

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

tenant spaces in question are located within a shopping center, Section 12-9-7 of the Zoning Ordinance requires a minimum of one parking space for every 1,000 square feet of gross floor area. Thus, a total of 27 parking spaces are required, which is satisfied by the existing parking spaces available.

The dog daycare, boarding, and grooming activities fall within the domestic pet service use, defined in Section 12-13-3 of the Zoning Ordinance as an establishment where the grooming of domestic animals, the accessory sale of miscellaneous domestic pet food and other items, and the temporary boarding of domestic animals is permitted. The subject property is located in the C-3 district and a domestic pet service use requires a conditional use in this district. The current conditional use for a domestic pet service will need to be amended to allow Playtime Pup Ranch to expand into the new tenant space.

**Conditional Use Findings:** Conditional use requests are subject to the standards set forth in Section 12-3- 4(E) of the Zoning Ordinance. The PZB may use the staff comments below or the attached petitioner responses as its findings, or the Board may adopt its own:

- **The proposed Conditional Use is in fact a Conditional Use established within the specific Zoning district involved:**  
Comment: The proposed principal use is classified as a domestic pet service use. A domestic pet service use is a conditional use as specified in Section 12-7-3 of the Zoning Ordinance.
- **The proposed Conditional Use is in accordance with the objectives of the City’s Comprehensive Plan:**  
Comment: The subject property is a multi-tenant building with available commercial space. The proposal would repurpose available space to provide additional capacity of pet boarding and grooming services for residents.
- **The proposed Conditional Use is designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity:**  
Comment: The expanded domestic pet service use would utilize the existing building and site, which is harmonious with the surrounding commercial development to the east, north, and south of the property. As the domestic pet service use is already operational at this location, the expansion of this use would not change the character or impact of the site on the surrounding region.
- **The proposed Conditional Use is not hazardous or disturbing to existing neighboring uses:**  
Comment: The expanded domestic pet service use would not be hazardous or disturbing to the existing neighboring uses. Instead, the proposal will improve an underutilized portion of the existing commercial building that is self-contained inside a building and will not detract or disturb surrounding uses in the area. The expanded domestic pet service use is not anticipated to be hazardous or disturbing to existing neighborhood uses.
- **The proposed Conditional Use is to be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or, agencies responsible for establishing the Conditional Use shall provide adequately any such services:**



Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

*Comment:* The subject property is an interior lot with direct access to essential public facilities and services. Staff has no concerns that the expansion of the existing domestic pet service use will be adequately served with essential public facilities and services.

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

*Comment:* The expanded domestic pet service use would neither create a burden on public facilities, nor would it be a detriment to the economic well-being of the community. The expansion of the existing use could help the existing business grow and promotes business retention of surrounding commercial areas.

- **The proposed Conditional Use does not involve uses, activities, processes, materials, equipment detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors:**

*Comment:* All activities for the expanded domestic pet service use will continue to take place inside, reducing any noise, smoke fumes, light, glare, odors, or other concerns. The existing development and site improvements currently do not project adverse effects on the surrounding properties.

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

*Comment:* The proposed use will not create an interference with traffic on surrounding public thoroughfares as access is from an existing street. The proposal will not alter the existing access point or add any curb cuts to the existing property.

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

*Comment:* The subject property is already developed so the expanded domestic pet service use would not result in the loss or damage of natural, scenic, or historic features. Instead, the petitioner is repurposing available space in an existing shopping center in an effort to provide additional capacity of services to the city.

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

*Comment:* The expanded domestic pet service use will comply with all applicable requirements as stated in the Zoning Ordinance.

**PZB Procedure and Recommended Conditions:** Under Section 12-3-4(D)(3) (Procedure for Review and Decision of Conditional Uses), the PZB has the authority to recommend that the City Council approve, approve subject to conditions, or deny the above-mentioned conditional use request for 676 N. Wolf Road. The City Council has final authority on the proposal.

Consideration of the request should be based on a review of the information presented by the applicant and the findings made above, as specified in Section 12-3-4(E) (Standards for Conditional Uses) of the Zoning Ordinance. Staff does not recommend any conditions with this request.

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

Petitioner Michelle Janczak, 676 N Wolf Road, Des Plaines, 60016 was sworn in and stated the main purpose for the request is to expand the pet grooming service area, provide a lunch area for employees, and provide an office area for the business owner.

Jonathan Stytz, Senior Planner, reviewed the Staff Report.

**A motion was made by Board Member Saletnik, seconded by Board Member Hofherr, to recommend approval of a conditional use amendment to allow an expansion of the existing domestic pet service use on the subject property in the C-3 General Commercial district, and any other variations, waivers, and zoning relief as may be necessary.**

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

NAYES: None

ABSTAIN: None

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

**3. Addresses:** 622 Graceland Avenue,  
1332 and 1368 Webford Avenue

**Case Number:** 21-052-MAP-TSUB-V

The following is the staff report for the request, revised from the version used for the May 24, 2022 proceeding:

The petitioner is requesting the following items: (i) zoning map amendment to rezone the subject property from C-3 General Commercial District to C-5 Central Business District; and (ii) Tentative Plat of Subdivision to consolidate three existing lots lot of record into one.

**PINs:** 09-17-306-036-0000; 09-17-306-038-0000; 09-17-306-040-0000

**Petitioner:** Joe Taylor, 622 Graceland Apartments, LLC, 202 S. Cook Street, Suite 210, Barrington, IL 60010

**Owner:** Wessell Holdings, LLC, 622 Graceland Avenue, Des Plaines, IL 60016;  
City of Des Plaines, 1420 Miner Street, Des Plaines, IL 60016

**Background:** At its May 24, 2022 meeting, the PZB closed a public hearing, which began on April 12 and was continued to May 10 and May 24, regarding Petitioner 622 Graceland Apartments LLC’s Map Amendment request for the subject property. The Board is also considering a Tentative Plat of Subdivision under Title 13 of the City Code. The Petitioner withdrew their request for variations before the May 24

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

continuation. On May 24 the Board voted 6-1 to continue its deliberation and defer its final votes to June 14 so that staff could specifically address the various standards for Site Plan Review for the Board's consideration. While discussion of various standards occurs throughout the staff memo and attachments, beginning on Page 15 the Board will find a "Standards for Site Plan Review" section inserted. Similar to its consideration of the findings for Map Amendments, the Board may use and adopt the Site Plan Review comments as written as its evaluation and findings, adopt with modification, or create its own.

In addition, the May 20, 2022 memo incorrectly identified the timing of Site Plan Review, which is intrinsic to Map Amendments and therefore is conducted at this time instead of at the time of building permitting. The "PZB Recommendation and Conditions" section has been edited accordingly and also clarifies guidance to the Board. Regarding attachments, Attachment 16 contains a site lighting diagram, which is part of the record from the April 12 proceeding. Attachment 17 is a submission of proposed Findings of Fact regarding Map Amendments and Site Plan Review by the opposition (Hansen and Rominski, 1339 and 1333 Webford Avenue, represented by Mark W. Daniel and Lawrence E. Thompson).

At its April 12, 2022 meeting, the PZB began a public hearing to consider the following requests: (i) a Map Amendment (rezoning) under Section 12-3-7 of the Zoning Ordinance, from the existing C-3 General Commercial District to the C-5 Central Business District; (ii) variations under 12-3-6 of the Zoning Ordinance related to location and design of off-street parking and loading; and (iii) a Tentative Plat of Subdivision to consolidate three lots of record into one (Subdivision Regulations, Title 13 of City Code). The Board heard presentation and testimony from the petitioner and members of the public. Because of substantial input received, the Board voted unanimously to continue the hearing until May 10, 2022. Between April 12 and May 10, the petitioner submitted a written request to continue the hearing to May 24 to provide additional time to undertake a number of design changes in the submittal and to accommodate staff review and preparation of materials for the continued hearing. On May 10, the hearing was opened, members of the public were afforded the opportunity to comment, and the Board ultimately voted 5-1 to continue the hearing to May 24, 2022. The petitioner has since revised various components of the submittal:

- The previously proposed 16 surface *off-street* parking spaces and one *off-street* loading space have been removed; as a result, per the revised Project Narrative the petitioner is withdrawing the request for variation. The matters for the Board's consideration are now (i) Map Amendment and (ii) Tentative Plat of Subdivision.
- Revised plans illustrate an approximately 3,400-square-foot park/green space area directly south of the proposed parking garage. This park area, while proposed on private property, is designated on the Tentative Plat of Subdivision to be reserved for public use, to be maintained by the property owner.
- As part of the petitioner's required public improvements, five parallel *on-street* parking would be provided at the north curb of a newly widened segment of Webford Avenue. An on-street loading

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

area is also shown. These are designed to augment the 179 indoor garage spaces, which are unchanged from the submittal for the initial hearing.

- The traffic study by Eriksson Engineering Associates has been updated to reflect the new circulation pattern and to provide additional data, including direct traffic counts between April 20-27, 2022.
- A knee wall was added along the south elevation intended to block potential headlights from parked vehicles in the garage from being visible from properties on the south side of Webford.
- Additional building openings and fenestration have been created along the west elevation: glazing (residential unit windows facing west) on Levels 5, 6, and 7; scrim (metal screen) at the northwest corner, wrapped around from the north elevation; and an opening for pedestrians at the southwest corner designed to provide a pathway between, for example, the building at 1330 Webford and public parking spaces in the proposed garage.
- A sun study is provided to show the shadow cast by the proposed building at different times of year.

The following report and several attachments have been updated to reflect the revised requests. For administrative consistency, the “V” remains in the case number, but variation is no longer being pursued.

**Issue:** To allow a proposed mixed-use residential, commercial, and parking development, the petitioner is requesting a Zoning Map Amendment and a Tentative Plat of Subdivision.

**Owners:** Wessell Holdings, LLC (622 Graceland, 1368 Webford) and City of Des Plaines (1332 Webford)

**Petitioner:** 622 Graceland Apartments, LLC (Compasspoint Development; Principal: Joe Taylor)

**Case Number:** 21-052-MAP-TSUB-V

**PINs:** 09-17-306-036-0000; 09-17-306-038-0000; 09-17-306-040-0000

**Ward:** #3, Alderman Sean Oskerka

**Existing Zoning:** C-3 General Commercial (proposed C-5 Central Business)

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

**Existing Land Use and**

**History:**

The principal building at 622 Graceland is currently the headquarters of the Journal & Topics newspaper. According to the Des Plaines History Center, the building was constructed as a Post Office in 1940-1941, most likely under the Works Progress Administration (WPA).

A smaller accessory building is also part of the Journal & Topics property. At 1332 Webford is a 38-space surface parking lot owned by the City of Des Plaines and used for public parking, both time-limited (14 spaces) and permit-restricted (24 spaces).

**Surrounding Zoning:**

North: Railroad tracks; then C-3 General Commercial District  
 South: C-3, General Commercial / R-1 Single-Family Residential Districts  
 East: C-5, Central Business District  
 West: C-3, General Commercial District

**Surrounding Land Use:** North: Union Pacific Railroad (Metra UP-Northwest Line); then a pharmacy

South: Commercial building (850 Graceland), United Methodist Church parking lot, single-family detached home in commercial district (1347 Webford), single-family detached homes in residential district (1333 and 1339 Webford)

East: Mixed-use residential and commercial (Bayview-Compasspoint project under construction at 1425 Ellinwood)

West: Commercial building (1330 Webford), followed by multiple-family dwelling (1328 Webford)

**Street Classification:** Graceland Avenue is an arterial, and Webford Avenue is a local roadway.

**Project Summary:**

**Overall**

Petitioner 622 Graceland Apartments LLC (Joe Taylor, Compasspoint Development) proposes a full redevelopment of a just-less-than-one-acre zoning lot (43,500 square feet) at the northwest corner of Graceland Avenue and Webford Avenue. The proposed project would be a mix of residential and commercial space with indoor and outdoor parking. A proposed 82-foot-tall building would contain 131 multiple-family dwelling units – 17 studios, 103 one-bedrooms, and 11 two-bedrooms – on the third through seventh floors. Approximately 2,800 net square feet of an open-to-the-public restaurant and lounge would occupy portions of the first (ground) and second floors. Proposed resident amenities are a coworking office space, a fitness area, lounges and meeting rooms, a club room with bar, a

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

multimedia/game lounge, a dog run and dog wash, indoor bike parking, and an outdoor swimming pool and recreation deck. The proposed building in all is approximately 187,000 square feet.

The project includes a 179-space indoor parking garage. These 179 spaces are intended to fulfill the *off-street* parking minimum requirements for the residential units and the restaurant-lounge (154 spaces), as well as create a supply of public parking to partially replace the current 1332 Webford public lot. The segment of Webford alongside the subject property is proposed to widen to a general distance of 28 feet from curb to curb within existing public right-of-way, except for an area where on-street parallel parking is proposed, in which case the curb-to-curb area is 35 feet: 28 feet for the two-way traffic lanes and 7 feet for parking spaces. The total of off-street and on-street parking proposed is 184 spaces, with an on-street loading area. With the consent of the property owners, the petitioner is seeking zoning and subdivision approvals.

**Request Summary:**

**Map Amendment**

To accommodate the multiple-family dwelling use above the first floor, as well the proposed building’s desired bulk and scale, the petitioner is seeking a Map Amendment (rezoning) from the C-3 General Commercial District to the C-5 Central Business District. C-5 zoning exists on the east side of Graceland but currently is not present west of Graceland. The zoning change is essential for project feasibility, so the staff review of the project is based on C-5 allowances and requirements. Table 1 compares selected use requirements, and Table 2 compares bulk requirements, each focusing on what the petitioner is proposing as well as how the districts differ in what is allowed at the subject property. The C-3 district is generally more permissive from a *use* standpoint, and the C-5 district is more permissive from a *bulk* standpoint.

**Table 1. Use Regulations Comparison, Excerpt from Section 12-7-3.K**

Use	C-3	C-5
Car wash	C	--
Center, Childcare	C	C <sup>10</sup>
Center, Adult Day Service	C	C <sup>10</sup>
Commercial Outdoor Recreation	C	--
Commercial Shopping Center	P	--
Consumer Lender	C	--

Case 22-014-V  
Case 22-018-CU  
Case 21-052-MAP-TSUB-V  
Map Amendment/Tentative Plat  
Case 22-020-CU  
Case 22-022-TA

1285 E. Golf  
676 N. Wolf Road  
622 Graceland Avenue, 1332 and 1368 Webford Ave  
550 Northwest Highway

Major Variation  
Conditional Use  
Conditional Use  
Text Amendments

Convenience Mart Fueling Station	C <sup>4</sup>	--
Domestic Pet Service	C <sup>11,12</sup>	--
<b>Dwellings, Multiple-Family</b>	--	<b>p<sup>3</sup></b>
Leasing/Rental Agents, Equipment	C	--
Motor Vehicle Sales	C <sup>5</sup>	--
Government Facility	--	P
Radio Transmitting Towers, Public Broadcasting	C	--
<b>Restaurants (Class A and Class B)</b>	<b>P</b>	<b>P</b>
Taverns and Lounges	P	P
Offices	P	P
Hotels	P	P

***P = Permitted Use; C = Conditional Use required; -- = Not possible in the district at subject property***

Notes:

3. When above the first floor only.

4. On sites of 20,000 square feet or more.

5. On sites of 25,000 square feet or more. For proposed sites of less than 25,000 square feet but more than 22,000 square feet, the City Council may consider additional factors, including, but not limited to, traffic, economic and other conditions of the area, or proposed business and site plan issues in considering whether to grant a conditional use for a used car business of less than 25,000 square feet but more than 22,000 square feet.

10. Except on Miner Street, Ellinwood Street or Lee Street.

11. Outdoor kennels are not allowed.

12. Outdoor runs are allowed.

Case 22-014-V  
 Case 22-018-CU  
 Case 21-052-MAP-TSUB-V  
 Map Amendment/Tentative Plat  
 Case 22-020-CU  
 Case 22-022-TA

1285 E. Golf  
 676 N. Wolf Road  
 622 Graceland Avenue, 1332 and 1368 Webford Ave  
 550 Northwest Highway

Major Variation  
 Conditional Use  
 Conditional Use  
 Text Amendments

**Table 2. Bulk Regulations Comparison, Excerpt from Section 12-7-3.L**

<b>Bulk Control</b>	<b>C-3</b>	<b>C-5</b>
<b>Maximum Height</b>	45 feet	100 feet
<b>Minimum Front Yard<sup>1</sup></b> -Adjacent Residential:  -Adjacent Other:	-Setback of Adjacent Residential district  -5 feet	-Setback of Adjacent Residential district  -Not applicable
<b>Minimum Side Yard</b> -Adjacent Residential:  -Adjacent Other:	-Setback of Adjacent Residential district  -5 feet if abutting street	-Setback of Adjacent Residential district  -5 feet if abutting street
<b>Minimum Rear Yard</b> -Adjacent Residential:  -Adjacent Other:	-25 feet or 20% of lot depth, whichever is less  -5 feet if abutting street	-25 feet or 20% of lot depth, whichever is less  -Not applicable

Notes:

1. With respect to front yard setbacks, "adjacent residential" shall mean when at least 80 percent of the opposing block frontage is residential.

*Height Implications*

Amending the zoning to C-5 allows for a building up to 100 feet in height. In the public hearing and other proceedings, some public comment has questioned whether the City of Des Plaines Fire Department is capable of adequately serving a proposed 82-foot-tall building at this property. Attached to this report is a memo from the Fire Chief. The memo outlines how Fire staff have consulted with the petitioner as the concept was being designed, how this project would compare to others already built in Des Plaines, and that a 100-foot aerial tower ladder truck is available. From the final paragraph of the memo: "The Fire Department does not have any specific concerns related to the project other than to maintain the standards of construction as well as required fire alarm and sprinkler/standpipe systems." The proposed



Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

construction would be reviewed according to all adopted international building and life safety (i.e. fire) codes before a building permit would be issued, and ongoing inspections of the Building Division would be required during construction before occupancy.

The petitioner’s proposed building footprint is based on the C-5 minimum yard requirements. The Graceland lot line is the front lot line, and the Webford lot line is a side lot line. For the 290 feet of the site’s Webford frontage, much of the opposing block is a commercial district, so for this portion, the minimum required yard under C-5 is five feet. For the westernmost portion of the frontage, where the opposing block is zoned residential, the minimum required yard would be 25 feet. The definition of “yard” in Section 12-13-3 establishes that a yard “...extends *along* a lot line and *at right angles* to such lot line...” Under C-5 zoning, there would not be a required yard along the Graceland/front lot line, nor along the rear lot line – which borders 1330 Webford (“The Dance Building”) – nor along the north/side lot line, which borders the railroad tracks. The required yards exist only from the Webford (south) lot line and are shown in an attached map.

*Minimum Floor Area Per Dwelling*

The C-5 district regulates density by minimum floor area per unit. The floor plans as part of the submittal show the smallest of the studio/efficiency units at 535 square feet, which would comply with the minimum requirement of Section 12-7-3.H. The smallest one-bedroom would be 694 square feet, which exceeds the minimum 620. With 103 units, the one-bedroom type is by far the most common in the building program, with square footages in the 700s; some are as large as 891. Ranging from 1,079 to 1,128 square feet, the two-bedroom units are well in excess of the minimum 780.

**Table 3. Multiple-Family Dwelling Units in the C-5 District**

<b>Number of Bedrooms</b>	<b>Minimum Floor Area (Square Feet)</b>
Efficiency dwelling unit (studio)	535
One-bedroom unit	620
Two-bedroom unit	780

*Commercial Use: Restaurant-Lounge*

At the southeast corner of the building, the petitioner is proposing a bi-level restaurant-lounge, which has access to the public street on the first/ground floor and a second floor that opens to the first. Both restaurants and lounges are permitted in C-5, but the petitioner has described this use as one combined business. Therefore, staff has reviewed based on requirements for a Class A (primarily sit-down) Restaurant. However, note that a walk-up service window is illustrated, as is outdoor seating in the right-of-way. Both of these elements are logical considering the effect

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

of the COVID-19 pandemic on the restaurant business, as they allow for diversified service and revenue. The outdoor seating area has been enlarged in the revised submittal.

The floor plan indicates a kitchen and multiple bar seating areas, as well as different styles of tables and chairs, with the second-floor labeled as a “speakeasy,” giving a glimpse of the envisioned concept. The first floor is demarcated to separate the proposed restaurant area from the first-floor lobby for the residential portion of the development.

*Required Off-Street Parking, Public Parking*

To fulfill required off-street parking, the petitioner’s submittal is designed with C-5 off-street parking requirements in mind. Generally speaking, C-5 has more permissive ratios than other districts. These reduced requirements are laid out in Section 12-7-3.H.6. (Supplemental Parking Requirements) and reflect that downtown Des Plaines is the densest portion of the City, being well served by sidewalks, bike infrastructure, and public transportation (buses and rail). This leads to a reduced need for parking than in other portions of Des Plaines. The following table lists the uses subject to off-street parking requirement shows the pertinent ratios under C-5 zoning.

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

**Table 4. Parking Requirements for the Uses Proposed Under C-5 Rules**

Use	General Ratio	Required
Efficiency and one-bedroom	One space per unit	120 spaces
Two-bedroom	1.5 spaces per unit	(16.5, rounded to 17 spaces)
Restaurant (Class A)	One space for every 100 sq. ft. of net floor area <sup>1</sup> or one space for every four seats <sup>2</sup> , whichever is greater, plus one space for every three employees <sup>3</sup>	17 spaces
<b>Total</b>	-	154 spaces

Exclusive of meeting the minimum off-street parking, the project is also designed to partially replace the existing supply of 38 public spaces at 1332 Webford. Of the 179 proposed off-street garage spaces, there is a surplus of 25 over the minimum zoning requirement. There are also five newly proposed on-street spaces, with one on-street loading space (a designated loading space or area is not required for the development under the Zoning Ordinance, but the petitioner proposes to have a designated area adjacent to the on-street parking.)

Although including public parking spaces in the project would not be specifically required by the Zoning Ordinance under C-5, the petitioner nonetheless must acquire 1332 Webford from the City to accommodate the project. As part of the terms of a sale, the petitioner would accept a requirement to provide public parking on their property. The ongoing development would then be responsible for maintaining the public parking spaces. A requirement that the spaces be reserved for public use would be recorded against the property. The decision to sell 1332 Webford to the petitioner rests solely with the City Council.

*Circulation, Mobility, and Traffic*

The petitioner has submitted a revised traffic study and report, dated May 11, 2022 and prepared by Eriksson Engineering Associates, Ltd. The report is updated from the initial version of February 22, 2022,

<sup>1</sup> The first 2,500 square feet may be deducted in the C-5 district.

<sup>2</sup> Fifty-six seats are shown in the floor plan.

<sup>3</sup> Nine employees working at a given time in the restaurant/lounge are used as an estimate.

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

and factors in the petitioner’s new proposal for on-street parked vehicles along the Webford frontage. In addition, the revised report is based not only on modeling, projections, and secondary<sup>4</sup> data collection but also on direct counts that occurred between Wednesday, April 20, 2022, and Wednesday, April 27, 2022 at multiple different locations in the vicinity. Tables showing the traffic volumes at peak hour is on Pages 17-19 of the report.

As with the original report, the study considers the volume/trips and circulation of individual automobiles, public transportation, and non-motorized (i.e. bike and pedestrian) transportation. The report contains data on the existing conditions and the proposed development, and assesses the capacity of the streets in the adjacent vicinity, using Year 2028 as a benchmark. (Traffic reports typically project to a couple of years after anticipated full occupancy.) Further, the study references and considers the anticipated traffic to be generated by the under-construction development at 1425 Ellinwood Avenue.

The report draws from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11<sup>th</sup> Edition. ITE data are viewed nationally as the urban planning and traffic engineering standard for evaluating how much automobile traffic certain types of uses will generate. The study identifies the uses intended by the petitioner: apartments, restaurant, and lounge. Based on a morning peak hour of 7:15-8:15 a.m. and an afternoon peak hour of 4:30-5:30 p.m. (corrected from the initial report), the study projects 45 total in-and-out automobile movements during a.m. peak and 63 during p.m. peak hour (see Page 8 of the report).

Based on the revised proposed site plan, which includes two driveways perpendicular to Webford that would allow two-way in-and-out traffic from the garage, the study estimates that only 5 percent of inbound and 5 percent of outbound traffic would use the portion of Webford west of the proposed development (i.e. into the residential neighborhood to the west). Unlike the previous submittal, which showed 90-degree perpendicular off-street spaces, on-street parallel (“zero-degree”) spaces are proposed. This alignment will inherently orient parked vehicles to travel west after leaving the development; however, in the attached memo City Engineering takes no issue with the revised traffic report. The City’s engineers believe that 10 percent of inbound and outbound traffic may be more realistic than 5 percent, but the bottom-line difference to the number of automobile movements is quite small in their opinion: “a vehicle or two to the westbound peak hours,” according to the memo.

Webford is still proposed to be widened to 28 feet from curb to curb for the frontage of the development, with approximately 140 linear feet having a curb-to-curb width of 35 feet to accommodate the proposed on-street parking and loading. The existing, narrower width would be retained for Webford west of the property, which should provide a visual cue that Webford west of the development is a local, residential

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<sup>4</sup> The engineer referenced Average Annual Daily Traffic (AADT) data, which is made available by the Illinois Department of Transportation. Accessible at: <https://www.gettingaroundillinois.com/Traffic%20Counts/index.html>.

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

street. An excerpt of the revised report, excluding appendices, is an attachment to this packet<sup>5</sup>. The following conclusions appear on Page 20 of the report: 1. The street network can accommodate the additional traffic from the proposed project and future traffic growth; 2.) The location of the site and the availability of public transportation, walking, and biking will minimize the volume of vehicular traffic generated by the site; and 3.) Access from Webford will have two driveways with one inbound and one outbound lane under stop sign control, and can handle the projected volumes. More discussion of the proposed Webford-segment widening is contained under review of the Tentative Plat of Subdivision.

### *Building Design Review*

Since the initial submittal, the petitioner has adjusted various elevations to address input from the initial public hearing, and has added a sun study that illustrates the shadow to be cast on both December 21 and June 21. These adjustments and additions are summarized under “Update” on Pages 1 and 2 of this report. Nonetheless, the Building Design Review requirements under Section 12-3-11 of the Zoning Ordinance will apply. Although Table 1 of the Section lists approved material types for residential buildings and commercial buildings, it does not directly address a mixed-use building or a parking garage. Therefore, staff would consider the first two floors of the building to be subject to the commercial requirements, with Floors 3 through 7 subject to the multifamily residential requirements.

Regarding the first two floors, the submitted plans show a principal entrance on the front of the building, facing Graceland (east elevation). The proposed materials palette consists of a large amount of glazing (glass) on the Graceland elevation, framed by gray brick and accented by other permissible materials such as metal panels. The non-garage portion of the Webford (south) elevation – where the restaurant and lounge would be located – consists of these same elements and ample glazing. The garage portion of the Webford (south) façade is framed by concrete with scrim (screening). Both glass and screen can be considered as windows/opening to satisfy the blank wall limitations on street-facing facades, provided the openings are transparent. Renderings show decorative ivy grown onto the garage scrim. Ivy is not a prohibited wall material, but the ivy areas would inherently reduce the amount of transparency. The blank wall requirements specify that no greater than 30 percent of a total street-facing façade, and no more than a 15-foot horizontal distance, may be non-transparent.

The petitioner is not requesting relief from the Building Design Review requirements at this time. Complete Building Design Review approval, which may be granted by the Zoning Administrator per the process outlined in Section 12-3-11, must occur before issuance of a building permit.

### **Tentative Plat of Subdivision**

**Request Summary:** To allow for the sale of multiple zoning lots, formally consolidating them into one lot via the subdivision process (Title 13) is required. The Tentative Plat, titled Tentative Plat of Graceland-

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<sup>5</sup> The full study is available at [desplaines.org/gracelandwebford](https://desplaines.org/gracelandwebford).

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

Webford Subdivision, shows the following easements and building lines: (i) a recorded 20-foot building line near the southern property line; (ii) a five-foot public sidewalk easement near the southern property line—relocated from the initial submittal to accommodate the new design; (iii) a 25-foot building setback line along Webford Avenue for the portion of the property adjacent to a residential district; (iv) a five-foot building setback line along Webford Avenue for the portion of property adjacent to a commercial district; (v) a five-foot easement for underground utilities along the north lot line; and (vi) an approximately 3,400-square-foot (not including the sidewalk easement) shaded area that is reserved for passive open space, open to the public but maintained by owner subject to restrictive covenant/easement.

#### *Green Space for Public Use*

The revised landscape plan and renderings, both attached, show a green space area with light or passive recreation such as seating amid ample plantings and trees. Plantings abutting the base of the building could serve as the required foundation landscaping. *The Board may wish to ask the petitioner to explain why they chose to amend their submittal and replace the 16 off-street parking spaces with a “public park” instead.* If the City Council ultimately approves the required entitlements, the City’s General Counsel would advise on the best legal instrument(s) to ensure area is permanently reserved for public use while maintained by the property owner.

#### *Subdivision Process, Required Public Improvements*

Although the petitioner’s request is for a Tentative Plat only at this time, the Board and public may benefit from understanding the requirements of a Final Plat, which is the second step in the Subdivision approval process. Prior to any permitting, a Final Plat of Subdivision would be required. The steps for Final Plat are articulated in Sections 13-2-4 through 13-2-8 of the Subdivision Regulations. In summary, the Final Plat submittal requires engineering plans that must be approved by the City Engineer, in particular a grading and stormwater management plan. Ultimately a permit from the Metropolitan Water Reclamation District (MWRD) will be required for construction. Tentative Plat approval does not require submittal of engineering plans. Regardless, the Department of Public Works and Engineering has provided a revised memo (attached) based on the latest submittal and some public inquiries and comments to this point.

Under 13-3 of the Subdivision Regulations, City Engineering will require the aforementioned widening of the segment of Webford. Resurfacing/reconstruction would be required based on the determination of Engineering. The sidewalk streetscaping (e.g. paver style) would be required to match the downtown aesthetic, which is already present along the Graceland side of the site; under the proposal, this style would be extended around the corner and onto the Webford sidewalk. The developer would be responsible for installing new or replacing existing streetscaping. Certain underground infrastructure, such as water mains and sewers, would be required to be replaced and installed to the standards required by the Public Works and Engineering Department. Of note, the property is currently served by a combined storm and wastewater system, and the developer would be required to separate them into two different systems, which should improve storm drainage capacity for the 1300 block of Webford. Any the above-

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

mentioned public improvements would be required to be secured by a performance guaranty, which allows the City to complete the required improvements if necessary.

### *Water Pressure*

In prior public comment, the issue of this specific development and multifamily/mixed-use development in general affecting water pressure in the area was raised. From the attached Engineering memo: “In connection with a public comment on April 4, we obtained an evening-peak static water pressure in the 600 block of Parsons Street. The reading of 44 psi is consistent with our historical pressure reads in the area of Graceland / Prairie. This pressure is sufficient for the development; the building will have its own booster pump for domestic and fire supplies. The fire line should be connected to the existing 12-inch water main along the east side of Graceland Avenue.”

Since the initial hearing on April 12, Pace Suburban Bus commented to the City that the widening of Webford affects the intersection curb radii and shortens the current bus stop in front of the Journal and Topics building for Routes 226, 230, and 250. For this reason, they recommend the bus stop be relocated to the southwest corner of Prairie and Graceland. Staff agrees with this recommendation and would envision creating a concrete pad for the new stop in the new location large enough to accommodate a shelter, which would be an enhancement over the existing flag stop.

### **Alignment with the 2019 Comprehensive Plan**

The PZB may find the following excerpts and analysis useful in determining the extent to which the proposed project and requests align with the Comprehensive Plan.

- *Under Overarching Principles:*
  - “Expand Mixed-Use Development” is the first listed principle. It is a central theme of the plan.
  - “Preserve Historic Buildings” is also a principle. The First Congregational United Church of Christ (766 Graceland), Willows Academy (1015 Rose Avenue), and the former Des Plaines National Bank / Huntington Bank (678 Lee Street) are specifically listed. However, 622 Graceland is not listed.

The Executive Director of the History Center has expressed interest in two components of the existing building: (i) the exterior ironwork on the front façade and (ii) the cornerstone. Incorporating these elements into the new structure would be encouraged, but the History Center could also potentially acquire these elements and install them at

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

their properties on Pearson Street. The Center is not interested in collecting or preservation of the existing interior murals.

- *Under Land Use & Development:*
  - The Future Land Use Plan illustrates the property as commercial. While the proposal is not strictly commercial, the proposed zoning is a commercial district (C-5). The proposed project is certainly more pronounced in its residential footprint than its commercial. However, the decision makers may consider that supporting a desirable commercial use, like a restaurant-lounge, requires an inherent market of potential customers (i.e. residential households).
  - Further in this chapter: “The Land Use Plan supports the development of high-quality multifamily housing located in denser areas near multi-modal facilities such as the Downtown. New multifamily housing should be encouraged as a complement to desired future commercial development in the area and incorporated as mixed-use buildings when possible” (p. 12).
- *Under Housing:*
  - Recommendation 4.2 calls for housing that would appeal to “young families,” which could include households that have, for example, a small child: “...The City should revisit its current zone classifications and add a new zone exclusively for mixed-use development or amend existing regulations to allow for mixed uses. Focus should be placed on commercial areas zoned C-1, C-2, and **C-3**, for potential sites for mixed-use development” (p. 32).
- *Under Downtown:*
  - The Vision Statement is “Downtown Des Plaines will be a vibrant destination with a variety of restaurant, entertainment, retail, and housing options...” (p. 69). Directly below that statement is the following: “The community desires expanded retail and dining options in Downtown Des Plaines, which can be supported by higher housing density for greater purchasing power.”
  - Recommendation 8.2 is to enhance the streetscape, which would be required for the proposed project along Webford Avenue, where the downtown streetscape is not currently present (p. 70).
  - Recommendation 8.11 states: “Des Plaines should continue to promote higher density development in the Downtown ... complemented by design standards and streetscaping elements that contribute to a vibrant, pedestrian-friendly environment” (p. 74).
  - Recommendation 8.12 calls for pursuing the development of new multifamily buildings, specifically apartments and townhomes: “Market analysis suggests that there is support for an increase in multifamily rental housing and owner-occupied townhomes. Access to transit, freeway connectivity, walkability, and commercial and recreational amenities are all driving market demands for additional housing in the Downtown.... Within Downtown Des Plaines there is an estimated 15.8 acres of land that is either vacant or underutilized (typically having small building footprints and large surface parking lots) that could be developed over the next 10 years.... It is estimated that these sites could accommodate



Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

between 475 and 625 new residential units if developed at densities similar to recent developments in the Downtown” (p. 74-75).

- The same recommendation also states, however: “While the market is prime for new development, the City of Des Plaines should approach new dense housing responsibly to ensure that new developments do not lose their resale value, are not contributing to further traffic congestion, that the City’s emergency services (particularly fire, ambulance, and police) have the capacity to serve them.”
- *Under Appendix A4: Market Assessment<sup>6</sup>:*
  - The study area included the subject property and specifically marked it as one of five properties identified as a “likely development site over the next 10 years” (p. 20).
  - The projected demand of 475-625 units was in addition to any units “proposed or under construction” at the time of publication. Both “The Ellison”/Opus at 1555 Ellinwood (113 units) and Bayview-Compasspoint at 1425 Ellinwood (212 units) were under construction at this time.

**Implications on Property Tax Revenue, Schools (Estimates)**

The existing parcels had a combined tax bill of \$67,215.76 in Tax Year 2020 (Calendar Year 2021). To estimate the potential taxes generated by the petitioner’s proposed development, consider the mixed-use project by Opus (“The Ellison”), which was completed in 2019 and has now been occupied and is fully assessed. It has a comparable number of units to what is proposed at the subject property. The 1555 Ellinwood property (PIN: 09-17-421-041-0000) generated \$580,739.91 in Tax Year 2020. The difference is more than \$500,000. Although the City receives only a small share (approximately 11 to 12 percent) of the tax bill, partners such as school districts stand to receive a greater amount of tax revenue if the development is approved and built. Further, based on the housing unit mix proposed – studios, one-bedroom, and two-bedroom apartments – an estimated total number of school children generated from all 131 units would be 13<sup>7</sup>. An estimated 10 of these would be preschool-to-elementary-aged students.

**Findings of Fact: Map Amendment**

The request is reviewed below in terms of the Findings of Fact contained in Section 12-3-7 of the Zoning Ordinance. The Board may use comments below as its rationale for recommending Findings of Fact, or the Members may adopt their own, in which case space is provided for the Board’s convenience. See also

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<sup>6</sup> Downtown Des Plaines Market Assessment (2018, March 29). S.B. Friedman, Goodman Williams Group Real Estate Research. Accessible at [https://www.cmap.illinois.gov/documents/10180/0/Downtown+Market+Assessment\\_May+2018.pdf/92420bd0-0f5e-d684-4a71-bd91456b7e44](https://www.cmap.illinois.gov/documents/10180/0/Downtown+Market+Assessment_May+2018.pdf/92420bd0-0f5e-d684-4a71-bd91456b7e44).

<sup>7</sup> Source: Illinois School Consulting Service/Associated Municipal Consultants Inc. Accessed at <https://dekalbcounty.org/wp-content/uploads/2018/12/cd-zoning-table-population.pdf>.

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

the petitioner’s responses to standards (Attachment 3) and/or the opposition submission (Attachment 17).

**A. The proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan, as adopted and amended from time to time by the city council:**

*Comment:* The current Comprehensive Plan, adopted in 2019, appears to be supportive of rezoning the site from C-3 to C-5. C-5 on this site is permissive of mixed-use residential-commercial development, while C-3 is not. In particular, the economic benefit of bringing additional household spending power to downtown creates additional market demand for the desired retail and restaurants—and notably a restaurant/lounge is proposed by the petitioner.

PZB Additions or Modifications (if necessary): None.

**B. The proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property:**

*Comment:* C-5 zoning is present directly across the street, where a building of similar scale to what is proposed is being constructed. The downtown train/bus station is a short walk away.

While R-1 zoning is also close to the proposed site, and the desirable “Silk Stocking” residential neighborhood lies to the west, note that a C-3 property would still exist at 1330 Webford, and there is an R-4 residential property at 1328 Webford. On the north side of the street, these could still serve as a transition into the primarily single-family neighborhood.

PZB Additions or Modifications (if necessary): None.

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

**C. The proposed amendment is appropriate considering the adequacy of public facilities and services available to this subject property:**

*Comment:* Public transportation is either directly adjacent or within a short walk. In addition to Metra station access, the site has excellent access to the future Pace PULSE Arterial Rapid Transit route, which will stop at the Des Plaines Metra station and provide service to O’Hare Airport that is faster and more desirable than the current Route 250. For that reason, housing units at this property might be desirable not only to the frequent commuter but also to the frequent flier.

The Fire Prevention Bureau has reviewed the project and signaled that the required fire code access (i.e. reach of a fire engine) would comply, in particular because a new construction C-5 building will almost certainly need to be fully sprinklered. Neither Police nor Public Works have expressed concerns about an inability to serve the site, even with denser development. Its central location is beneficial for service response.

PZB Additions or Modifications (if necessary): None.

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

*Comment:* “Throughout the jurisdiction” is the key measurement. Adding this investment to downtown Des Plaines is likely to raise the profile of Des Plaines overall, making it a more desirable place to live and invest. The impact on immediately adjacent properties, particularly single-family, is unknown but it is important to note that even single-family homebuyers may place a premium on being able to walk to an additional amenity – specifically a restaurant-lounge – at the end of their street, which the C-5 zoning change would support.

PZB Additions or Modifications (if necessary): None.

**E. The proposed amendment reflects responsible standards for development and growth:**

*Comment:* While certainly the scale of C-5/downtown Des Plaines would not be expanded all through the City, for this particular site – given its identification in the market assessment appendix of the Comprehensive Plan – it would be responsible in staff’s view to enable it to its highest and best use.

PZB Additions or Modifications (if necessary): None.

**Standards for Site Plan Review:**

Pursuant to Section 12-3-7.D.2. of the Zoning Ordinance, staff (zoning administrator) should conduct a Site Plan Review as set forth in Section 12-3-2 and forward a written report and recommendations to the

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

Board. The purpose of the Site Plan review process is to examine and consider whether a proposed development furthers or satisfies the following general goals:

1. Compatibility of land uses, buildings, and structures;
2. Protection and enhancement of community property values;
3. Efficient use of land;
4. Minimization of traffic, safety, and overcrowding problems; and
5. Minimization of environmental problems.

Although the main narrative of this CED Memo, as well as Attachment 14 (Engineering Memo) and Attachment 15 (Fire Memo) review various site plan standards and issues, this section compiles and summarizes the issues germane to Site Plan Review to assist the Board in making specific written findings. The PZB may adopt staff’s comments as presented or make any additions or changes, with space provided for the Board’s convenience. The Board may also see Attachment 17.

Section 12-3-2.D. “Standards for Site Plan Review” states: “[i]n reviewing site plans, the zoning administrator or other city body or official *may* evaluate the following characteristics:”

1. **Arrangement of Structures on Site:** The arrangement of the structures on the site with respect to how well it:
  - a. Allows for the effective use of the proposed development;
  - b. Allows for the efficient use of the land;
  - c. Is compatible with development on adjacent property; and
  - d. Considers off site utilities and services and minimizes potential impacts on existing or planned municipal services, utilities, and infrastructure.

*Comment:* As stated on Pages 11-12, petitioner plans to construct a mixed-use development that provides a supply of multifamily residential units as well as a desirable commercial use. The site is centrally located and highly visible.

Regarding compatibility with adjacent properties, as discussed on Page 13 under the Findings of Fact for Map Amendments, the site is across Graceland from a building of similar height. A smaller mixed-use building (1330 Webford, “The Dance Building”) and a multifamily building (1328 Webford) would serve as a transition to less dense uses on the north side of the street. On the south side of the street, there are smaller buildings and less intense uses, notably the R-1-zoned single-family detached homes across Webford from the western portion of the proposed development. However, the C-5 minimum yard area (i.e. setback) and the planned green space and plantings would to provide some physical distance and softening between the uses/structures. See also the sun study provided by the petitioner (Attachment 7) that illustrates the shadow to be cast by the building and its direction based on times of year.

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

Attachments 14 (Engineering Memo) and 15 (Fire Memo) express a staff opinion that utilities, services, and infrastructure would either be unaffected or improved by the proposed development, in particular because of required public improvements such as the construction of upgraded and separated storm and sanitary sewers that would not only serve the proposed development but also surrounding properties.

PZB Additions or Modifications (if necessary): None.

2. **Open Space and Landscaping:** The arrangement of open space and landscape improvements on the site with respect to how well it:

- a. Creates a desirable and functional environment for patrons, pedestrians, and occupants;
- b. Preserves unique natural resources where possible; and
- c. Respects desirable natural resources on adjacent sites.

Comment: As described in Page 10 of the CED staff memo, the proposed development includes an approximately 3,400-square-foot green space, as well as building foundation plantings. Attachment 11 shows the landscape plan including shade trees in the public-access green space area and a mix of deciduous and evergreen shrubbery on the southern side of the site. Six new parkway/right-of-way trees are depicted in the landscape plan, with a note that all plantings would comply with the City's standards for parkway plantings. Staff Photos (Attachment 2) of the subject property show an existing site that is largely covered with impervious surface, including surface parking areas. Therefore, the development may be an improvement on the existing site in terms of intentionally planned open space and landscaping.

PZB Additions or Modifications (if necessary): None.

3. **Site Circulation and Traffic Safety:** Circulation systems with respect to how well they:

- a. Provide adequate and safe access to the site;
- b. Minimize potentially dangerous traffic movements;
- c. Separate pedestrian and auto circulation insofar as practical; and
- d. Minimize curb cuts.

Comment: Attachment 13 (Traffic Study) includes conclusions that "[t]he location of the site and the availability of public transportation, walking and biking will minimize the volume of vehicular traffic generated by the site," and "[a]ccess to the site from Webford Avenue will have two driveways with one inbound and one outbound lane under stop sign control and can handle the projected traffic volumes." In Attachment 14 (Engineering Memo), staff concurs with the traffic study's conclusions, conditioned upon the addition of supplemental safety improvements such as a pedestrian warning system.

PZB Additions or Modifications (if necessary): None.

4. **Parking and Screening:** Parking lots or garages with respect to how well they:

- a. Are located, designed, and screened to minimize adverse visual impacts on adjacent properties; and

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

- b. Provide perimeter parking lot screening and internal landscaped islands as required by chapter 10, "Landscaping And Screening", of this title.

*Comment:* As described on Pages 2 and 9, the garage elevations contain an architectural element to block headlight glare emanating from the south elevation and while balancing architectural openings/transparency (metal scrim) with ivy to soften the wall. The north façade of the garage, facing the railroad tracks, is also rendered with ivy (Attachment 8). An opening into the first floor of the garage for pedestrians, with the 1330 Webford property in mind, is shown on the west elevation.

PZB Additions or Modifications (if necessary): None.

5. **Landscaping:** Landscaping design with respect to how well it:

- a. Creates a logical transition to adjoining lots and developments;
- b. Screens incompatible uses;
- c. Minimizes the visual impact of the development on adjacent sites and roadways; and
- d. Utilizes native plant materials selected to withstand the microclimate of the city and individual site microclimates.

*Comment:* Based on Attachment 11 and Page 10 of this memo, the petitioner's plan includes an approximately 3,400-square-foot green space on the Webford/south side, including evenly-spaced shade trees, as well as building foundation plantings. Attachment 11 categorizes the plantings as shade trees, ornamental trees, deciduous shrubs, evergreen shrubs, perennials, and groundcover. Specific species are not listed, so nativity is unable to be evaluated. Nonetheless, overall the landscape design would allow the building to blend in to the downtown streetscape while using the green space to provide a gap between the parking garage façade, Webford Avenue, and the development on the south side of Webford Avenue.

PZB Additions or Modifications (if necessary): None.

6. **Site Illumination:** Site illumination with respect to how it has been designed, located and installed so to minimize adverse impacts to adjacent properties;

*Comment:* In the materials for the April 12 public hearing, there is a site lighting diagram in which wall-mounted sconces are shown, as well as two illuminated signs at building entry points and two wall-mounted garage signs. This page is Attachment 16 in this packet. Renderings in Attachment 8 show downward-pointed fixtures, both freestanding and building-mounted, which should aid in minimizing adverse impact and complying with the lighting Performance Standards of Section 12-12-10. However, the directional illumination of the sconces (i.e. upward or downward) is unclear. Nonetheless, Section 12-12-10 would apply.

PZB Additions or Modifications (if necessary): None.

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

7. **Conformance with Adopted Land Use Policies and Plans:** The relationship of the site plan to adopted land use policies and the goals and objectives of the comprehensive plan. (Ord. Z-8-98, 9-21-1998)

Comment: See the review on Pages 11-13 and the staff comments on the Map Amendment Standards (Findings of Fact) on Pages 13-14.

PZB Additions or Modifications (if necessary): None.

8. **Business District Design Guidelines.** In addition to the foregoing, development review procedures within those districts outlined in the city's "Business District Design Guidelines", dated March 2005, and approved by the city council May 16, 2005, shall constitute standards in performing site plan review. (Ord. Z-10-05, 6-6-2005)

Comment: Page 8 of this report comments on the project with regard to the Building Design Review standards of Section 12-3-11, adopted initially in 2014, instead of the Business District Design Guidelines from 2005. Nonetheless, per Section 12-3-2.D the Board **may** evaluate this Site Plan standard.

PZB Additions or Modifications (if necessary): None.

**PZB Recommendation and Conditions:** Pursuant to Section 12-3-7 of the Zoning Ordinance, the PZB should vote on a recommendation to City Council regarding the request for Map Amendment. In making its recommendation, the Board should consider both Map Amendment and Site Plan Review standards. The Board may use comments as provided in this packet, make changes, or state its own. Because there is no longer a variation request, staff does not recommend conditions.

**PZB Action:** Through a separate motion, the Board may approve the Tentative Plat of Subdivision based on Sections 13-2-2 and 13-2-3 of the Subdivision Regulations. A Final Plat of Subdivision, to involve the review of more detailed engineering and public improvements, would be required at a later time. Staff recommends one condition: Prior to the Board's review of a Final Plat, written approval of utility easements by all privately owned companies should be provided to the City.

The Chair opened discussion and members began to explain their rationale for evaluating the map amendment request and project overall.

Member Fowler reviewed the zoning map and materials she distributed to the Board and had displayed on screen. She stated that it is not that we don't want to improve the site, the problem is that the C-3 district should not be changed to C-5. There is plenty of available land in the C-5 district. A building over 45-feet tall it too large for the proposed development.

Member Weaver cited from the traffic study that during peak hours 20 percent of the traffic will travel west on Ellinwood Avenue. A potential problem is if the traffic is going west on Ellinwood, south on Graceland and west on Webford. Member Weaver would like to see some type of traffic calming or delineators between the two southbound lanes on Graceland. Understandably this is IDOTs jurisdiction,

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

but he would like the City to inquire if traffic control is possible. This is only in the preliminary plat stage where a lot of changes could be proposed.

Member Fowler addressed compatibility by stating there is no C-5 next to residential in Des Plaines for a reason; it will negatively affect property values. Member Weaver and Chair Szabo interjected that there is residential; it's just not single-family.

Member Saletnik expressed that he is favor of the project but acknowledged concerns over the number of cars that will be going west on Webford. He suggested a limitation on cars leaving the development. He emphasized "The Dance Building" property at 1330 Webford should be included in the project. He discussed how service and deliveries will be handled and called for a design improvement in the right of way.

Member Hofherr believes that this is would be a good project fit for the downtown area but has a problem of where it is located. There will be heavier traffic on Webford and a number of unknown items.

Member Saletnik stated that the property is part of downtown but called for the importance of buffering between uses. Member Fowler asked how this could be achieved in this case, and Member Saletnik responded with ideas to acquire additional property for buffering.

Legal Counsel Weiss suggested the Board ask for staff to review the process and motions.

John Carlisle, Director of Community & Economic Development, explained the changes to the staff report from the May 24 meeting and noted the attachment that contains suggested findings from counsel for the objectors. The Public Hearing is closed and the purpose of continued deliberation is to evaluate the site plan review standards. He informed the Board could use either set of findings in their packet or use their own rationale for voting on the request.

Director Carlisle explained the two motions: First, a recommending vote on the map amendment, and second, a vote on the Tentative Plat of Subdivision. The Planning and Zoning Board has the final approval of the Tentative Plat of Subdivision, but it is tentative. If the Tentative Plat is approved, then the developer works with the Engineering department. The Planning and Zoning Board will then at a later date review and make a recommendation on a final plat. However, the City Council has the final vote on the Final Plat.

Legal Counsel Weiss reiterated the separate motions for Map Amendment and Tentative Plat of Subdivision

**A motion was made by Board Member Saletnik, seconded by Board Member Weaver, to recommend approval of the Map Amendment.**

AYES: Szabo, Saletnik, Weaver

NAYES: Veremis, Hofherr, Fowler



Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

**\*\*\* MOTION FAILED \*\*\***

**A motion was made by Board Member Saletnik, seconded by Board Member Weaver, to approve the Tentative Plat with the notion the items discussed will be addressed before the Final Plat.**

AYES: Szabo, Saletnik, Weaver

NAYES: Veremis, Hofherr, Fowler

**\*\*\* MOTION FAILED \*\*\***

Legal Counsel Weiss reviewed the City Code regarding the tie vote and reported back.

After review of the Subdivision Code, Legal Counsel Weiss reported that the Subdivision Code does not provide guidance if there is a denial of the Tentative Plat. The process if there is a Tentative and Final Plat, the Final Plat is recommended for approval by the Planning and Zoning Board if it is in conformance with Tentative Plat. After reviewing the Code, both items ultimately go to the City Council for final determination. The Planning and Zoning Board recommendation goes to the City Council as a recommendation to deny the Map Amendment, and the Tentative Plat outcome will also go to the City Council and be reflected in the minutes.

Member of the public Chris Walsh and Legal Counsel Weiss discussed the number of votes needed for approval at the City Council level.

**4. Addresses:** 550 Northwest Highway

**Case Number:** 22-020-CU

**Owner:** Sam Jidd, 1505 S. Mount Prospect Road, Des Plaines, IL 60016

**Petitioner:** Sam Jidd and Radek Malinowski, 1505 S. Mount Prospect Road, Des Plaines, IL 60016

**Case Number:** 22-020-CU

**PIN:** 09-18-201-032-0000

**Ward:** #7, Alderman Patsy Smith

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

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

**Existing Land Use:** Vacant Commercial Building

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

**Surrounding Land Use:** North: Domestic Pet Service (Commercial) / Professional Services (Commercial) / Vacant Commercial Space  
 South: Townhouses (Residential)  
 East: Vacant Commercial Space  
 West: Religious Institution (Commercial)

**Street Classification:** Northwest Highway is classified as a minor arterial.

**Comprehensive Plan:** The Comprehensive Plan illustrates the site as Higher Density Urban Mix with Residential.

**Zoning/Property History:** Based on City records, the property was annexed into Des Plaines in 1927. The subject address was developed with a building and parking area as early as 1961. The subject property was previously utilized by a dealership, Des Plaines Honda, which left around April 2021. Although Des Plaines Honda was a motor vehicle sales use, there was no conditional use on record, which meant it was a legal nonconforming use. Per Section 12-5-5 (Nonconforming Uses), when a nonconforming use is discontinued for more than 12 months, a conditional use is required. Therefore, the proposed business, Just Drive It, requires a conditional use to operate on this property.

The petitioner, Adam Jidd of Just Drive It, LLC, is requesting a conditional use to allow a motor vehicle sales use in the C-3 General Commercial district at 550 Northwest Highway. The subject property at 550 Northwest Highway consists of one parcel totaling 23,677 square feet (0.54 acres) and currently contains a 3,624-square-foot, one-story single-tenant commercial building with a lower level and a paved surface parking lot area as illustrated on the attached Plat of Survey. The subject property is currently accessed by one curb-cut off Northwest Highway but does have access to an alley off the northeast property line

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

via a gate. The existing building is set back approximately 3 feet off the south property line (front) along Northwest Highway, 105 feet from the north property line (rear), 0.05 feet off the west property line (side), and 51 feet off the south property line (side).

Just Drive It is a car dealership looking to locate to Des Plaines at the subject property. The business will utilize the full building in its operations and remodel the building's interior to provide a 3,530-square-foot open showroom area on the lower level, a 3,843-square-foot office/showroom area on the main level, a 210-square-foot reception area, restrooms on the main and lower levels, and mechanical space on the lower level as illustrated in the attached Site Plan & Architectural Plans. The petitioner does plan to update the south exterior of the building with new paint, aluminum mesh façade, and new wall signs as shown in the attached Site Plan and Architectural Plans. Given that the proposed exterior changes alter a street-facing elevation, all proposed changes must comply with the Building Design Standards in Section 12-3-11 of the Zoning Ordinance. Metal is a permitted ground story material for a commercial use so the proposed aluminum façade meets this requirement. The proposed hours of operation are 10 a.m. to 8 p.m. Monday through Friday and closed on the weekends. Up to ten employees will be on site at one time.

Just Drive It will have access to the east paved surface parking area for parking for customers and employees. Pursuant to Section 12-9-7 of the Zoning Ordinance, motor vehicle sales uses require a minimum of one parking space for every 500 square feet of showroom and office floor area, plus one space for every 20 vehicle display spaces (required off street parking spaces cannot be occupied by motor vehicles for sale or for lease). The 7,156-square-foot combined showroom/office areas and 40 proposed vehicle display spaces require a minimum of 17 parking spaces, including one accessible space.

The attached Site Plan identifies the surface parking area that extends from the east side of the building to the rear of the lot. However, the allocation of parking between vehicle display parking and employee/customer parking is not shown on this plan. As customer parking is required for this use, staff has added a condition that the Site Plan is revised and resubmitted to staff prior to the City Council meeting to identify that the property can accommodate 40 vehicle display spaces and 17 open parking spaces for patrons and employees, including one handicap accessible parking space in compliance with all applicable City of Des Plaines codes. There are existing exterior lights on the property that the petitioner does not intend to alter as part of this request. While the proposal intends to utilize existing exterior building lighting and there are no immediate plans to add exterior lighting, staff has added a condition that a Photometric Plan will be required at time of building permit if new exterior lighting is proposed for the subject property.

**Conditional Use Findings:** Conditional Use requests are subject to the standards set forth in Section 12-3-4(E) of the Zoning Ordinance. The PZB may use the staff comments below or the attached petitioner responses as its findings, or the Board may adopt its own:

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

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

Comment: The proposed principal use is classified as a motor vehicle sales use. A motor vehicle sales use is a conditional use as specified in Section 12-7-3 of the Zoning Ordinance.

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

Comment: The subject property is a vacant building with available commercial space. The proposal would repurpose the building to provide a new business and services for residents.

**3. The proposed Conditional Use is designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity:**

Comment: The motor vehicle sales use would utilize the existing building and site, which adjoins smaller commercial developments. The proposed use is generally harmonious with the surrounding commercial development on all sides with the exception of the south side that abuts townhouses.

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

Comment: The use would not be hazardous or disturbing to the existing neighboring uses. Instead, the proposal will improve an underutilized property with a new use.

**5. The proposed Conditional Use is to be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or, agencies responsible for establishing the Conditional Use shall provide adequately any such services:**

Comment: The subject property is an interior lot with direct access to essential public facilities and services. Staff has no concerns that the motor vehicle sales use will be adequately served with essential public facilities and services similar to other motor vehicle sales uses in the past.

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

Comment: The motor vehicle sales use would neither create a burden on public facilities, nor would it be a detriment to the economic well-being of the community. The addition of a new use could help the existing business grow and promote business retention of surrounding commercial areas.

**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:**

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

Comment: Aside from the parking of vehicles for sale, activities for the motor vehicle sales use will take place inside, reducing any noise, smoke fumes, light, glare, odors, or other concerns. The existing development and site improvements currently do not create adverse effects on surrounding properties.

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

Comment: The proposed use will not create an interference with traffic on surrounding public thoroughfares as there is an adequate curb-cut off Northwest Highway. The proposal will not alter the existing access point or add any curb cuts to the existing property.

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

Comment: The subject property is already developed so the motor vehicle sales use would not result in the loss or damage of natural, scenic, or historic features. Instead, the petitioner is repurposing a vacant property and single-tenant commercial building to provide new services to the city.

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

Comment: The motor vehicle sales use will comply with all applicable requirements as stated in the Zoning Ordinance.

**PZB Procedure and Recommended Conditions:** Under Section 12-3-4(D)(3) (Procedure for Review and Decision of Conditional Uses), the PZB has the authority to recommend that the City Council approve, approve subject to conditions, or deny the above-mentioned conditional use request for 550 Northwest Highway. The City Council has final authority on the proposal.

Consideration of the request should be based on a review of the information presented by the applicant and the findings above, as specified in Section 12-3-4(E) (Standards for Conditional Uses) of the Zoning Ordinance. If PZB recommends approval and City Council ultimately approves the request, staff recommends the conditions on the following page.

**Conditions of Approval:**

1. The Site Plan is revised and resubmitted to staff prior to the City Council meeting to identify the 40 vehicle display spaces and 17 required open parking spaces for patrons and employees,

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

including one handicap accessible parking space, in compliance with all applicable City of Des Plaines codes.

2. A Photometric Plan will be required at time of building permit if new exterior lighting is proposed for the subject property.
3. All activities on the subject property shall be related to the motor vehicle sales use as defined in Section 12-13-3 of the Zoning Ordinance.
4. That all proposed improvements on the subject property are in full compliance with the City of Des Plaines codes. Any proposed improvements off the subject property shall obtain proper approvals.
5. The property shall be brought into and remain in conformance with all property maintenance code requirements.
6. All vehicles parked on the subject property shall contain valid plates and vehicle registration at all times.

Representative Jackie Noack, 1015 S Mt. Prospect, was sworn-in and provided an overview of the request. The business will utilize the full building in its operations and remodel the building's interior to provide a showroom for the sale of mainly luxury vehicles.

Board members asked Ms. Noack the number of employees, number of cars and type of vehicles that will be at this location. Ms. Noack responded that six employees will be at the location at a time. All vehicles are pre-owned and about 30-40 vehicles will be sold per month. Most of the vehicles sold at this location will be luxury electric vehicles.

Jonathan Stytz, Senior Planner, reviewed the Staff Report. If the recommendation is to approve the request, staff recommended six conditions.

**A motion was made by Board Member Saletnik, seconded by Board Member Weaver to approve a conditional use to allow a motor vehicle sales use in the C-3 General Commercial district at 550 Northwest Highway.**

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

NAYES: None

ABSTAIN: None

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

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

**5. Address:** Citywide

**Case Number:** 22-020-CU

**Issue:** Consideration of the following Zoning Ordinance amendments: (i) establish term definitions for recreational vehicles (RVs), commercial vehicles, moving vehicles, and moving-vehicle leasing agents; (ii) amend existing definitions for vehicle leasing/rental agent and equipment leasing/rental agent; (iii) create a section in the Ordinance to address specifically RV parking regulations; (iv) establish a standard variation from certain RV parking regulations in residential districts; (v) add the newly defined moving vehicle leasing use as a conditional use in the C-3 District, with various limitations; and (vi) add the newly defined moving vehicle leasing use as a permitted use in the M-1 and M-2 Districts.

**PIN:** Citywide

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

**Case Number:** #22-022-TA

**Project Summary:** The City of Des Plaines is applying for various zoning text amendments related to vehicle and use definitions, parking regulations, and relief and approval processes. The proposed amendments cover (i) recreational vehicles and (ii) moving vehicles. Background is provided for each separately, but the amendments (Attachment 1) encompass both issues.

**Background: RV Regulations**

The City Council and City Manager assigned staff in early 2022 to examine the City’s existing RV rules. In particular, the Council and Manager were interested in parking location and size regulations, with an emphasis on vehicles that are not actively or frequently used and those not displayed for sale at a commercial business. They urged staff to compare Des Plaines to other communities. What staff found was Des Plaines does not have regulations on these issues in the Zoning Ordinance, only in the Property Maintenance section of the Construction Regulations of City Code, and further, existing rules do not clearly define a recreational vehicle. Staff provided this cursory research to the Council and Manager, who then asked staff to devise a general summary of a list of potential regulations. Now, staff has been asked to apply for and write full amendments for consideration and recommendation of the PZB, with potential adoption by the Council.

As part of research, staff contacted the Northwest Municipal Conference (NWMC), which provided 2017 survey data results from member communities. These results are Attachment 2. To summarize:

- Like Des Plaines, most communities require RV parking only on a hard surface.
- Some communities also have maximum heights, lengths, and/or widths, while others do not.
- Some communities allow parking only in less-visible portions of properties, such as only in the required rear yard but not in the required front or side yards; and
- Some others establish a minimum distance (setback) from lot lines.

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

### **Proposed Amendments: RV Regulations**

All proposed amendments are contained in Attachment 1. Additions are **bold, double-underline**. Deletions are ~~struck through~~. Amended sections are provided with some surrounding, unamended text for context. The following is a summary of the proposed zoning amendments relating to recreational vehicles:

- Add a term definition for “vehicle, recreational” that includes terms such as “motor home,” “camper,” “trailer,” and smaller vehicles such as all-terrain, snowmobiles, and jet skis.
- In the off-street parking regulations, add the following restrictions (exempting business uses that conduct the permitted sale of RVs):
  - In residential zoning districts:
    - RVs parked outdoors cannot exceed a certain length and width (tentatively 32 feet in length and 8 feet in width).
    - No more than one RV may be parked outdoors per zoning lot of 10,000 square feet or less. No more than two RVs may be parked outdoors on a zoning lot of 10,000 square feet or greater.
    - No portion of an RV may encroach upon public right-of-way, including streets, sidewalks, driveway aprons, or alleys.
    - Except for loading or unloading for a period of 24 hours, no portion of an RV may be parked nearer to front or corner side lot lines than any portion of the principal structure (i.e. usually a house).
    - A screening mechanism, such as a solid fence or dense row of bushes, no less than six feet in height, must be installed, except where an RV is parked for 24 hours for the purpose of loading or unloading.
  - In non-residential zoning districts:
    - No RV parking in the C-1, C-2, or C-5 districts.
    - Where allowed, RVs may be parked in a required yard but at least five feet from any lot line in an off-street parking space that complies with all other rules (e.g. surface, striping, design).
    - Where abutting or adjacent to a residential district, a screening mechanism must be installed.
  - Variation option:
    - For unique circumstances on properties in a residential district, a standard variation (Planning & Zoning Board) may be granted. All other relief would be a major variation.

Although not within the purview of the PZB, once the Board recommends approval of amendments, the City Council would concurrently consider a small amendment to the City Code, specifically in the Local Amendments to the International Property Maintenance Code (Sub-Sections 302.8 Motor Vehicles and 302.8.1 Parking of Section 10-9-2). A reference to the pertinent sections of the Zoning Ordinance would be added there. The existing rules in those sub-sections would be retained. RVs must be:

- Operable and licensed;
- Not in a state of major disrepair or disassembly;
- Parked or stored either inside an enclosed structure such as a garage *or* in an approved off-street parking area, such as a driveway, carport, or parking lot, as further regulated by Zoning;



Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

and

- Cannot be stored on grass, dirt, parkways, or any similar non-hard surface.

### **Background: Moving Vehicles**

In April 2022, code enforcement staff became aware of multiple moving-vehicle rental business operations, specifically U-Haul, that had begun operating without permission of the City. These businesses included a retail establishment within a shopping center, a gas station, a car wash, and an automotive services establishment, all located in the C-3 General Commercial District. While the properties were not overrun with U-Haul vehicles or activity, it was observed that at least a handful of vehicles in each area were parked on the lots at all times. In all four cases, these operations were separate and subordinate from the core, primary business activities occurring there. Staff determined that these operations ran afoul in two ways: a.) the business registrations for these entities had not been updated to accurately reflect the U-Haul operation (Chapter 4-1 of the City Code) and b.) the Zoning Ordinance did not clearly define U-Haul rental. Three existing terms were reviewed, and it was determined the intent of all of the terms did not fit.

- *Commercial Motor Vehicle Sales and Leasing*: Lists as examples very large vehicles and equipment
- *Leasing/Rental Agents, Equipment*: Lists as examples mostly non-vehicles
- *Leasing/Rental Agents, Vehicle*: Lists as examples personal and recreational vehicles, likely contemplating traditional rental car establishments

Therefore, staff notified the violating establishments but suspended enforcement, pending the outcome of zoning text amendments to establish an appropriate regulatory framework. To staff, U-Haul rental as a small portion of a larger business, on certain properties, may make sense as an ancillary revenue stream. Certainly staff aspire to carry out the vision of decision makers that the City be business-friendly. However, there may be practical concerns – such as parking availability for the primary use(s) on properties – and aesthetics or adjacent property character that would prevent moving-vehicle leasing from being compatible necessitates an intentional set of rules.

### **Proposed Amendments: Moving Vehicles**

All proposed amendments are contained in Attachment 1. Additions are **bold, double-underline**. Deletions are ~~struck through~~. Amended sections are provided with some surrounding, unamended text for context. The following is a summary of the proposed zoning amendments relating to recreational vehicles:

- Add term definitions for “Vehicle, Commercial” and “Vehicle, Moving.”
- Add a term definition for “Leasing/Rental Agents, Moving Vehicle.”
  - While similar to Leasing/Rental Agents, Vehicle,” this term expresses intent that it may be a secondary principal use on a zoning lot (i.e. different from an *accessory* use, but secondary to the *primary*, or main, principal use)
  - The use will carry an off-street parking minimum in addition to the requirement for the primary use of the zoning lot.
- Allow “Leasing/Rental Agents, Moving Vehicle” as a conditional use in the C-3 General Commercial

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

District

- Newly proposed Footnote 24 caps the number of moving vehicles for lease or display at five (5). The Footnote requires them to be parked in permanently striped off-street parking spaces and to follow all other off-street parking requirements, including the sum of the total requirements for all uses on the zoning lot.
- Representatives of U-Haul have asked the City to consider allowing this as a permitted use instead of a conditional use. Given the parameters in the footnote, the Board may feel permitted use is appropriate. Staff has put forth conditional use in the proposed amendments but would change the amendment language based on the Board’s recommendation. In general, permitted use is friendlier to business, but conditional use allows the City to determine the appropriateness of the proposed operations on a case-by-case basis.
- Allow “Leasing/Rental Agents, Moving Vehicle” as a permitted use in the M-1 Limited Manufacturing District and M-2 General Manufacturing District.

**Standards for Text Amendments:**

The following is a discussion of standards for zoning amendments from Section 12-3-7.E of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is provided. The Board may use the comments as Findings of Fact, modify, or adopt its own.

**1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan, as adopted and amended from time to time by the City Council;**

Comments: The Comprehensive Plan does not directly address either recreational or moving vehicles, but through its assertion to “preserve and enhance single-family neighborhoods” (p. 11) and strengthen commercial corridors and industrial areas (Chapter 3: Economic Development). Common-sense, reasonable regulations on recreational vehicles and moving vehicles works to achieve that.

PZB            Additions            or            Modifications            (if            necessary):            None

**2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development;**

Comments: The amendments draw from existing terms, parking regulations, and the structure of the Zoning Ordinance and Map (i.e. districts) to craft regulations that are complementary to existing conditions.

PZB Additions or Modifications (if necessary): None

**3. Whether the proposed amendment is appropriate considering the adequacy of public facilities and services available;**

Comments: The amendments should not have an effect on public facilities and services.

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Map Amendment/Tentative Plat		
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

PZB Additions or Modifications (if necessary): None

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

*Comments:* By balancing business and private property needs through reasonable restrictions that address aesthetics and character (by considering district type and classification), the amendments should not have an adverse effect on property values. They intend to allow the reasonable use of property without inhibiting the enjoyment of property by adjacent owners and users.

PZB Additions or Modifications (if necessary): None

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

*Comments:* The amendments are based in research of regulations in peer communities in the region overall, as well as respond to issues encountered by the City Council and staff, with input from private businesses (i.e. U-Haul).

PZB Additions or Modifications (if necessary): None

**PZB Procedure and Recommendation:** Under Section 12-3-7 of the Zoning Ordinance, the PZB has the authority to recommend that the City Council approve, approve with modifications, or deny the above-mentioned amendments. The Board should clearly state modifications so that a recommendation can be incorporated in the approving ordinance passed on to Council, which has final authority on the proposal.

Staff was directed to review the Zoning Ordinance and propose amendments to strength the rules as it pertains to parking of large motor homes and campers parked primarily in residential areas.

John Carlisle, Director of Community & Economic Development reviewed the Recreational Vehicles Parking Survey. Director Carlisle explained that the proposed amendments are standard between other communities and does not feel that imposing the proposed amendments will create issues, but is inline and will fit with other regulations.

Member Hofherr recommended adding a maximum height of 12-feet for a recreational vehicle in Section 12-9-11.

Director Carlisle stated that box trucks, U-Haul type of vehicles are a type of add-on business; they are all located in the C-3 Zoning District. Currently, there is no language in the Zoning Code that fits allowing these secondary use businesses. With the proposed amendments the secondary business would be allowed but has to clearly be related to the principal use.

Case 22-014-V	1285 E. Golf	Major Variation
Case 22-018-CU	676 N. Wolf Road	Conditional Use
Case 21-052-MAP-TSUB-V Map Amendment/Tentative Plat	622 Graceland Avenue, 1332 and 1368 Webford Ave	
Case 22-020-CU	550 Northwest Highway	Conditional Use
Case 22-022-TA		Text Amendments

**A motion was made by Board Member Hofherr, seconded by Board Member Fowler, to recommend approval of various zoning text amendments related to vehicle and use definitions, parking regulations, and relief and approval processes. The proposed amendments cover (i) recreational vehicles and (ii) moving vehicles.**

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

NAYES: None

ABSTAIN: None

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

### **ADJOURNMENT**

The next scheduled Planning & Zoning Board meeting is Tuesday, June 24, 2022.

Chairman Szabo adjourned the meeting by voice vote at 8:26 p.m.

Sincerely,

Laura Fast, Interim Recording Secretary  
cc: City Officials, Aldermen, Planning & Zoning Board, Petitioners