

**DES PLAINES PLANNING AND ZONING BOARD MEETING****July 26, 2022****MINUTES**

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, July 26, 2022, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

Vice Chair Saletnik participated by telephone and read the following statement:

Pursuant to the emergency procedures of the Open Meetings Act, the Vice Chair declares that a “bona fide” emergency exists because of a recent COVID-19 diagnosis of one of the Public Body members necessary to establish a quorum. As a result, this meeting is being conducted in person and remotely. The meeting venue will accommodate remote participation such that all discussion and votes may be heard by both in-person and remote participants. All votes this evening will be taken by roll call. The City has made all reasonable efforts to publicize this declaration.

Vice Chair Saletnik called the meeting to order at 7:02 p.m. and roll call was established.

PRESENT: Weaver, Veremis, Hofherr, Saletnik (phone)

ABSENT: Szabo, Weaver, Fowler, Catalano

ALSO PRESENT: John Carlisle, AICP, Director of Community & Economic Development
Jonathan Stytz, AICP, Senior Planner
Laura Fast/Deputy Clerk, Recording Secretary

A quorum was present.

Vice Chair Saletnik requested a nomination to appoint a Chairman Pro-Tem for this evening’s meeting.

A motion was made by Board Member Weaver, seconded by Board Member Hofherr to appoint Member Veremis as the Chairman Pro-Tem for this evening’s meeting.

AYES: Weaver, Veremis, Saletnik, Hofherr

NAYES: None

ABSTAIN: None

APPROVAL OF MINUTES

A motion was made by Board Member Hofherr, seconded by Board Member Weaver to approve the meeting minutes of June 14, 2022.

AYES: Weaver, Veremis, Saletnik, Hofherr

NAYES: None

ABSTAIN: None

A motion was made by Board Member Hofherr, seconded by Board Member Veremis to approve the meeting minutes of June 28, 2022.

AYES: Veremis, Saletnik, Hofherr

NAYES: None

ABSTAIN: Weaver

PUBLIC COMMENT ON NON-AGENDA ITEM.

There was no public comment.

Pending Applications

1. Address: 1628 Rand Avenue

Case Number: 22-024-TA-CU-V

The petitioner requests the following items: (i) a text amendment to Section 12-7-3.F.5 to allow the outdoor display of finished products in the C-3 General Commercial district where such outdoor displays are not currently allowed; (ii) an amendment to the existing Conditional Use permit for a trade contractor use at 1628 Rand Road to allow the outdoor display of finished products on the subject property; (iii) a Major Variation from Section 12-11-6.B to allow a total wall sign area for a single building of 236 square feet, where the maximum is 125 square feet; (iv) a Major Variation from Section 12-11-6.B to allow an electronic message board (EMB) sign located approximately 189.5 feet away from a residence in the R-1 district, where a minimum 250 feet is required; (v) a Major Variation from Section 12-11-6.B to allow an EMB sign to cover 100 percent of the total pole sign area, where a maximum 50 percent of a pole sign is permitted to be an EMB.

PIN: 09-16-104-022-0000

Petitioner: Granite Place & Quartz, LLC and
Cabinet Land Kitchen & Bath Corporation,
2020 Berry Lane, Des Plaines, IL 60018

Case Number: #22-024-TA-CU-V

Ward Number: #1, Alderman Mark Lysakowski

Existing Zoning: C-3, General Commercial District

Surrounding Zoning: North: R-1, Single-Family Residential district
South: C-3, General Commercial district
East: C-1, Neighborhood Shopping district
West: C-3, General Commercial district

Surrounding Land Uses: North: Single-family detached homes
South: Fuel Station/Dentist Office/Vacant Building
East: Office Building
West: Religious Institution

Street Classification: Rand Road is a minor arterial and Grove Avenue is a local street.

Comprehensive Plan : The Comprehensive Plan illustrates the property as commercial

Property/Zoning History: Based on City records, the subject property was annexed into the City in 1965. A conditional use was approved in 2021 through Ordinance Z-36-21 to permit a trade contractor use at this address. Since then, there have been code enforcement warnings issued to this property for outdoor storage and various work done without permits, including, but not limited to, the installation of fencing, awning, signs, and parking lot paving and stripping. However, the applicant has been working with the City to resolve outstanding issues and to address the outstanding code violations. This application is part of the resolution.

TEXT AMENDMENT

Project Description: The Zoning Ordinance currently does not allow outdoor storage or display in the C-3 General Commercial district, in particular for the types of products that might be displayed by a trade contractor. Thus, the first portion of the petitioner’s proposal consists of the attached Proposed Text Amendment to Section 12-7-3.F.5 of the Zoning Ordinance under Standards for Site Plan Review to allow for the display of finished products and fabricated goods on a C-3-zoned property. The petitioner has worked diligently with staff to construct these text amendments in an effort to make outdoor display areas an impactful improvement to trade contractor properties on C-3-zoned properties throughout the City while also ensuring it is designed appropriately to meet the overarching principals of the Zoning Ordinance.

First, the proposed text amendment limits the allowance of outdoor display areas to trade contractor uses with an active business license and a conditional use permit. Since trade contractor uses are only permitted in the C-3 district through a conditional use permit, this would require businesses classified as trade contractor uses (who are interested in installing outdoor displays on their site) to indicate on the proposed Site Plan the location, quantity, and type of outdoor display on a given C-3-zoned property and allow decision makers to determine the practicality and scale of outdoor display areas based on the property’s development, size, location, etc. In addition, outdoor displays on properties with a trade contractor use would be governed by certain general conditions and restrictions—beyond the conditions in a conditional use ordinance—related to location, height, screening, and type of outdoor displays, to ensure that they do not create adverse effects on the subject property or surrounding properties. Outdoor displays would be required on dust-free hard surfaces and would not be permitted within required yards in an effort to prevent outdoor displays from being directly at property lines of neighboring properties.

Moreover, outdoor displays would be limited to eight in height and required to be fully screened by an eight-foot-tall, opaque fence to reduce adverse impacts from neighboring properties, especially when the subject property abuts a residential district. As Section 12-7-3.F.5 already requires properties in the C-3 zoning district to install eight-foot-tall fencing on property lines abutting residential districts, this regulation would be consistent with the intent of the Zoning Ordinance. Finally, the type of outdoor display materials would be regulated to allow only prefabricated finished products to be displayed and prohibiting raw materials or any other materials utilized for the manufacturing, processing or assembly of products from being located outside. The intent is to distinguish “outdoor display” from “open storage,” which is currently only possible in the M-2 General Manufacturing District (see Section 12-7-4). The attached Proposed Text Amendment provides all suggested changes for the allowance of outdoor displays.

CONDITIONAL USE AMENDMENT

Project Description: The following description and analysis assumes approval of the requested amendments as submitted.

The petitioner is requesting an amendment to the existing Conditional Use permit approved in 2021 through Ordinance Z-36-21, which allowed a trade contractor use to operate on subject property. The requested amended approval would remove the condition prohibiting the outdoor storage of fabricated goods on the property. However, if the proposed text amendment is approved, the petitioner proposes to utilize an outdoor portion of the subject property for storage of business products, processing business orders, and as a staging area for incoming and outgoing orders. The attached Site Plan, which was recently approved through a building permit in February 2022, does not specifically identify the area(s) intended for the outdoor display or storage of finished products for this use. Thus, staff recommends a condition that the Site Plan is revised to identify the area(s) on site designed for this purpose prior to the City Council meeting for additional clarity. Because the petitioner's request may differ from staff's recommendation, it is important the Board ask the petitioner to explain clearly what they want to do and why they would not want to be bound to a specific location on site and quantity of outdoor display. It is also important to note that the existing conditions on site do not match the improvements provided on the approved building permit Site Plan. Consequently, staff has added a separate condition that the improvements shown on the approved Site Plan are installed on the subject property if the conditional use amendment is approved.

VARIATIONS

Request Summary: The petitioner's project narrative requests several variations related to signs. The first variation relates to total wall sign area, specifically wall signs totaling 236 square feet in area, that have been installed without a permit and exceed the maximum sign area allowed for the entire building.

Pursuant to Section 12-11-6.B of the Zoning Ordinance: *"The total sign area (including the area of any awning or canopy signs) permitted on any street facing elevation shall not exceed 3 sq. ft. per linear foot of horizontal building face. The total sign area (including the area of any awning or canopy signs) permitted on an entire building (including all elevations) shall not exceed 125 sq. ft. unless such building is a shopping center or office building containing three or more businesses."*

As the existing building does not meet the definition of a shopping center – at least three tenant spaces are required – or office building, it is limited to a total of 125 square feet for the entire building (including all elevations). The petitioner's request to allow almost double the sign area does not meet the sign code requirements and requires a major variation.

The other two variation requests relate to an existing pole sign structure along the southern property line near the southwest corner of the property and at the Rand Road frontage. There is currently no sign installed on the existing pole but rather the framing of the pole sign structure with exposed electrical and internal sign cabinet components. Nonetheless, the petitioner intends to repurpose this pole sign structure with a new electronic message board (EMB) sign. EMB signs and regulations are discussed in Sections 12-11-5.G and 12- 11-6.B of the Zoning Ordinance. However, the two EMB sign regulations in conflict with the petitioner's proposal are noted below pursuant to Section 12- 11-6.B:

1. Location: The animated face of an electronic message board sign shall be a minimum of 250 feet away from a residence in the R-1, R-2, and R-3 Residential Districts and shall be arranged to prevent direct glare onto any adjacent properties.
2. Electronic message boards shall not exceed 50% of the total sign area.

As the existing pole sign structure is located approximately 189.5 feet from the nearest residence in the R-1 district, just north of the subject property, it does not meet the minimum setback distance required. Moreover, the petitioner’s proposal includes an EMB that would equal 100 percent of the pole sign area, double the 50 percent maximum sign area permitted for EMBs in pole signs. As such, two separate major variation requests are necessary for the EMB sign setback distance and area in relation to the total pole sign area.

The petitioner’s requested variations are summarized in the table below.

Regulation Type	Requirements	Proposal
Total sign area (wall, awning, and canopy signs) allowed for Entire Building	125 sq. ft. maximum	236 sq. ft.
Setback Distance for EMB signs from a residence in the R-1, R-2, and R-3 districts	250 feet minimum	189.50 feet
Area allowed for EMB portion for Pole Signs (%)	50% maximum	100%

Standards for Text Amendment:

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 PZB may use this rationale to adopt findings of fact, or the Board may make up its own. See also the petitioner’s responses to standards.

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;

Comment: The 2019 Comprehensive Plan identifies restrictions on the permanent sale or display of merchandise for C-3-zoned properties, so the proposed text amendment could be utilized to build off this allowance and further clarify the use of merchandise displays for these properties. The proposed text amendment provides an allowance for trade contractor uses that have products to display but do not necessarily have the indoor space to display their products. This allowance lessens restrictions for these types of uses in an effort to support existing trade contractor uses and foster a more business-friendly environment.

PZB Additions or Modifications (if necessary): _____.

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

Comment: Amending the regulations to allow outdoor displays of finished products would be compatible with current conditions across the City, as many trade contractor uses and similar uses in the C-3 district have showrooms where finished products are on display for purchase. This allowance is tailored for trade contractor uses and specifically restricted in order to be consistent with the character of area for which the property is located in.

PZB Additions or Modifications (if necessary): _____.

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

Comment: The proposed amendments are not anticipated to impact public facilities and available services but rather enhance existing trade contractor uses in Des Plaines. This new allowance may also result in the rendition of new trade contractor uses that can, in return, provide additional services to residents.

PZB Additions or Modifications (if necessary): _____.

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

Comment: All proposed amendments as written for a specific use with specific restrictions is meant to complement existing properties and be design in a way to have little to no adverse effect on property values throughout the City. All outdoor displays will be screened from all property lines and positioned away from property lines to be less noticeable and less likely to impact neighboring property values.

PZB Additions or Modifications (if necessary): _____.

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

Comment: The proposed text amendments work toward responsible standards for development and growth by addressing concerns of existing trade contractors and, in return, allowing them to provide additional services to residents. The new allowance attempts to provide a balance between trade contractor needs and the City’s desire to foster a business-friendly environment.

PZB Additions or Modifications (if necessary): _____.

Conditional Use Findings: Conditional Use requests are subject to the standards set forth in Section 12-3-4(E) of the Des Plaines Zoning Ordinance. The petitioner seeks to amend the existing conditional use for the sole purpose of striking a condition in the conditional use prohibiting the storage or display of finished products on the subject property. If this conditional use amendment is denied, the petitioner will not lose the entitlement of Ordinance Z-36-21 but will be required to continue to adhere to all the conditions, notably the prohibition of storing or displaying any materials, including their fabricated and finished products.

The petitioner’s rationale for how the conditional use amendment would satisfy each of the standards is attached. The PZB may use this rationale to adopt findings of fact, or the Board may make up its own. The standards that should serve as the basis of findings are the following:

- 1. The proposed conditional use is in fact a conditional use established within the specific zoning district involved;

PZB Additions or Modifications (if necessary): _____.

- 2. The proposed conditional use is in accordance with the objectives of the city’s comprehensive plan and this title;

PZB Additions or Modifications (if necessary): _____.

- 3. The proposed conditional use is designed, constructed, operated, and maintained so as to be harmonious and character of the general vicinity;

PZB Additions or Modifications (if necessary): _____.

- 4. The proposed conditional use is not hazardous or disturbing to existing neighboring uses;

PZB Additions or Modifications (if necessary): _____.

- 5. The proposed conditional use is to be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or the persons or agencies responsible for establishment of the proposed conditional use shall provide adequately any such services;

PZB Additions or Modifications (if necessary): _____.

- 6. The proposed conditional use does not create excessive additional requirements at public expense for public facilities and services and not be detrimental to the economic welfare of the community;

PZB Additions or Modifications (if necessary): _____.

- 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;

PZB Additions or Modifications (if necessary): _____.

- 8. The proposed conditional use provides vehicular access to the property designed that does not create an interference with traffic on surrounding public thoroughfares;

PZB Additions or Modifications (if necessary): _____.

- 9. The proposed conditional use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and

PZB Additions or Modifications (if necessary): _____.

- 10. The proposed conditional use complies with all additional regulations in this title specific to the conditional use requested.

PZB Additions or Modifications (if necessary): _____.

Variation Standards: Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. Staff has the following individual comments for each variation request based on the standards. The PZB may use staff comments, the petitioner’s response, or state their own comments as rationale for their decision.

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.

a. Comment: Staff does not see a hardship or practical difficulty preventing the petitioner from complying with the maximum total building sign area requirements for several reasons. First, the subject property is located on a corner and fronts two separate streets, allowing additional visibility than interior lots. Wall signs on street-facing elevations are allowed an area of up to three square feet of sign area per linear foot of building frontage provided that the total sign area does not exceed 125 square feet for the entire building (all elevations). Furthermore, the maximum 125-square-foot sign area restriction for the entire building is more than sufficient to advertise all aspects of the business activity on site, allowing for up to two wall signs on street-facing elevations (this building fronts two streets and is allowed up to four building signs). Finally, the wrap-around sign straddling two building elevations is not consistent with existing signs in Des Plaines or the character of the area.

b. Some argument could be made for the requested EMB sign distance-from-residential variation, as the sign faces would face Rand Road, not the residences within 250 feet of the EMB sign. The pole sign could be relocated, but given the property characteristics, it may be difficult for the property owner to meet the minimum setback distance for EMB sign given the property's close proximity to the R-1 district.

c. Staff does not see any hardship or practical difficulty regarding the adherence of the maximum EMB sign area regulation, which restricts the EMB portion of the sign to 50 percent of the total sign area. While the petitioner is attempting to repurpose an existing pole sign structure, there is opportunity to install a smaller EMB portion than what is proposed to effectively advertise the property and still meet the code requirement. As the petitioner has not provided an adequate description of this request or justification on how this variation request meets the standards, this request appears to merely be a convenience for the property owner, not a hardship.

PZB Additions or Modifications (if necessary): _____.

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.

a. Comment: The lot is irregular in shape, which forms some basis for the EMB-distance request; perhaps if the lot were more regularly shaped at its north end, sufficient distance would be present. Further, the sign frieze of the single-story building is "tight" in the sense that it does not seem to provide a lot of opportunity for traditional commercial wall signs (e.g. channel letter signs, box signs).

b. On the other hand, as the building has a large frontage on two separate streets, its visibility from the street is larger than it would be for many other properties in Des Plaines. In fact, many properties in the C-3 zoning district are smaller in size than the subject property and only front one street so the subject property’s size and positioning is more of an advantage than a detriment or unique physical condition as compared to other C-3-zoned lots in Des Plaines. In particular, a sign that is half EMB, half static panel would seem to be quite visible from Rand Road. The Board may wish to ask the petitioner to explain why the sign must be 100% EMB based on uniqueness of the lot, the Rand Road frontage, or any issue.

PZB Additions or Modifications (if necessary): _____.

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.

a. Comment: While the subject property’s location, size, and development may not be a result of any action or inaction of the property owner, the subject property was purchased with these attributes and conditions being pre-existing. The wall signs that are the subject of the variation request to allow 236 square feet of sign area where a maximum of 125 square feet is allowed were installed on the building without proper permitting. Thus, this variation request is the direct result of an action of the property owner who wishes to keep the wall signs already installed on the structure for convenience and additional advertising purposes. In addition, the large building frontage and existing pole sign structure alone provide more than adequate advertising potential for this property within the confines of the Zoning Ordinance.

PZB Additions or Modifications (if necessary): _____.

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.

a. Comment: Staff’s review has concluded that carrying out the strict letter of this code for signage does not deprive the property owners of substantial rights. First, there is ample room on site and allowances in the Zoning Ordinance to allow adequate advertising of the site, arguably more than other C-3-zoned properties in this area. Second, there are other C-3-zoned properties that are close to or directly abut R-1, R-2, and R-3 residential districts, limiting their ability to install an EMB sign. Finally, while EMB signs are prevalent in Des Plaines the request for a 100% EMB sign is not. In staff’s opinion, restricting the property owner to applicable code requirements for all three sign-related variation requests does not infringe on the property owner’s ability to advertise their business as other businesses are also restricted to these same regulations.

PZB Additions or Modifications (if necessary): _____.

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.

a. Comment: The approval of any of the wall sign and 100%-EMB variations would result in signage that is not consistent with the character of the area or the intention of the Zoning Ordinance. As the purpose of the sign rules is to allow a balanced amount of advertising for all businesses, the approval of the excessive signage proposed in this application, would not meet this intention. The Board may consider whether all of the signage together goes beyond getting motorists attention to being distracting.

PZB Additions or Modifications (if necessary): _____.

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 from which a variation is sought were enacted or the general purpose and intent of the comprehensive plan.

a. Comment: On one hand, the property owner has made substantial improvements to the site that match the type of development the Zoning Ordinance and Comprehensive Plan want to encourage. The investment has been substantial and now a new business exists on a previously vacant site, generating tax revenue and improving the Rand corridor overall. For this, the petitioner is worthy of praise.

b. However, the proposed signage, some of which was already installed without permits, may actually detract from this investment. In fact, it seems in conflict with the Zoning Ordinance intentions to: (i) provide reasonable yet appropriate conditions for identifying businesses and services rendered in commercial, institutional, and industrial areas (the proposal represents an overabundance of signage that is more excessive and incongruous with surrounding development than attractive in appearance); and (ii) reduce traffic hazards by restricting signs and lights which exceed a viewer's capacity to receive information or which increases the potential for accidents created by signage which distracts or obstructs a viewer's vision (the EMB sign comprising the entire sign face in and of itself would be a direct distraction and safety hazard for motorists and pedestrians alike).

c. For these reasons, there are reasonable options for redesigning or reducing the proposed signage – the wall signage down from 236 square feet and the pole sign at less than 100% of the sign panel – to effectively advertise the site without needing relief from three separate sign regulations.

PZB Additions or Modifications (if necessary): _____.

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.

a. Comment: There are multiple alternatives to the sign-related variations requested by the petitioner. As mentioned above, the code allows street-facing wall signs an area of up three- square feet of area for every linear foot of building frontage, provided that the total sign area does not

exceed 125 square feet. The fact that the building fronts two streets and is larger in size, the available sign area allowed for this property is the maximum 125-square-foot sign permitted by code and can be split up across multiple building elevations providing additional visibility. It is also important to note that EMB signs are a convenience—not a necessity—to effectively advertise a site, meaning that a 100% static sign or 50% static sign with a 50% EMB sign would still provide the adequate identification, advertising, and communication within the community. The Board may wish to ask the petitioner to explain if they have explored or implemented alternatives to reduce the existing wall signage and repurpose or replace the pole sign structure.

PZB Additions or Modifications (if necessary): _____.

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.

a. Comment: Regarding the EMB distance from residential, the relief is minimal in staff’s opinion. However, the wall sign area and EMB percentage requests may exceed the minimum relief needed. The petitioner could consider the multiple alternatives to redesign the proposed signage to provide advertising that is tasteful, balanced, and better aligns with the principals of the Zoning Ordinance.

b. For this reason, the Board may consider that it under Section 12-3-6.I, “The reviewing authority may grant variations less than or different from that requested when the record supports the applicant's right to some relief but not to the entire relief requested.”

PZB Additions or Modifications (if necessary): _____.

PZB Procedure and Recommended Conditions: Under Section 12-3-4.F of the Zoning Ordinance (Conditional Uses), Section 12-3-6.G of the Zoning Ordinance (Major Variations), and Section 12-3-7 of the Zoning Ordinance (Amendments), the PZB has the authority to recommend approval, approval subject to conditions, or denial the requests. The City Council has the final authority.

The decision should be based on review of the information presented by the applicant and the standards and conditions met by Section 12-3-4.E (Standards for Conditional Uses), Section 12-3-6.H of the Zoning Ordinance (Standards for Variations), and Section 12-3-7.E. of the Zoning Ordinance (Findings of Fact for Amendments) as outlined in the Zoning Ordinance. The PZB should take two motions to consider each request individually. First, the Board should consider the text amendments, which may be recommended for approval as submitted, approval as revised, or denial.

Second, based on the outcome of the first motion, the Board can consider a recommendation regarding the conditional use request. Third, the Board can take a motion on its recommendation regarding the variation requests; these are not connected to the text amendment and can be considered regardless of its outcome.

Should the PZB recommend approval or approval with modifications of the conditional use and major variations, staff suggests the following conditions:

Recommended Conditions of Approval:

1. The petitioner shall implement all site improvements shown on the approved Site Plan attached with permit #2021-07000329 approved on February 22, 2022.
2. The petitioner shall add to the site plan to show and label how much/how many products will be displayed outdoors and within which area(s) of the site, prior to consideration of the City Council.
3. The required 3-foot-wide landscape bed, populated with shrubs and perennials, shall be installed around the base of the new EMB pole sign and maintained in accordance with all applicable City of Des Plaines codes.
4. All proposed improvements and modifications shall be in full compliance with all applicable codes and ordinances. Drawings may have to be modified to comply with current codes and ordinances.

Chair Veremis swore in Petitioner Urszula Topolewicz, 2020 Berry Lane, Des Plaines, IL 60018.

Chair Veremis swore in the Petitioner's Attorney for Art Investment, LLC, Joanna Klimek, 6444 N Milwaukee, Chicago, IL 60631.

Attorney Klimek explained that the petitioners previous conditional use agreement stated that there would be no outdoor storage. The outdoor area is used for storage and display of granite and is an essential part of their business. It is not possible to store all the product inside. The petitioner received a violation for storing racks outside and is therefore seeking a text amendment to allow this on site.

Board Member Hofherr expressed his concern that violations have been issued to the business.

Chair Veremis asked the petitioner if she was aware of the conditional use previously agreed to regarding outdoor storage.

Petitioner Topolewicz stated that she was not represented during the last conditional use hearing and did not understand the restrictions. At their previous business location in Schiller Park there were no restrictions. The property has been significantly improved. The reason that they are seeking a text amendment is to have flexibility to relocate the racks where they need to around the lot. Sometimes product comes in and is not unloaded right away.

Chair Veremis swore in Petitioner Peter Topolewicz, 2020 Berry Lane, Des Plaines, IL 60018.

Petitioner Topolewicz stated that he installed an eight (8) foot fence around the parking lot with a gate. The entire area is restricted from the view of the public. Mr. Topolewicz stated that the parking lot will be paved and possibly a loading dock will be added in the future.

Member Saletnik stated that he does not want product stored all over the lot where it can be seen from the street.

Senior Planner Stytz reviewed the proposed text amendments that would allow this use and yet tailor the amendments to place restrictions on certain types of uses.

Community Development Director Carlisle explained that outdoor storage is not allowed in the C-3 district therefore, a text amendment is required.

Discussion ensued whether the outdoor product should be classified as storage or display.

Petitioner Topolewicz explained that all polishing, cutting, and fabrication is done indoors.

Member Weaver agreed to the outdoor storage if it was temporary.

Member Saletnik requested that a site plan should be provided that designates areas where items will be stored.

Attorney Klimek stated that they don't want restrictions as to where items are stored. During different times of the year items are stored differently.

Community Development Director Carlisle amended the proposed language to replace "outdoor display of finished products" to "outdoor storage and display of finished products." The amendment was read aloud.

A motion was made by Board Member Weaver, seconded by Board Member Saletnik to approve a revised zoning text amendment, as read by Community Development Director Carlisle, to allow the outdoor storage and display of finished products on the subject property.

AYES: Weaver, Veremis, Saletnik, Hofherr

NAYES: None

ABSTAIN: None

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

Senior Planner Stytz reviewed the petitioners request for an amendment to the existing conditional use permit for a trade contractor use to allow the outdoor display of finished products on the subject property.

Member Saletnik requested a revised site plan.

Attorney Klimek stated that a specific site plan is difficult because items are stored in different locations as product is delivered.

Members agreed that if all product is behind the fence a site plan is not necessary.

Member Weaver proposed to approve the conditional use amendment with only condition number four (4) as a condition of approval.

Community Development Director Carlisle stated that condition number one (1) is to reinforce fulfilling the building permit; however, fulfilling the project can still be enforced and the condition is not necessary.

A motion was made by Board Member Weaver, seconded by Board Member Saletnik to approve the conditional use with condition number four and to remove the condition of prohibiting outdoor storage.

AYES: Weaver, Veremis, Saletnik, Hofherr

NAYES: None

ABSTAIN: None

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

Senior Planner Stytz reviewed the petitioners request for several variations related to signs.

Attorney Klimek explained that one building houses two businesses and the building fronts two streets. The wrap around sign is completely on the fascia board and totals 236 sq ft. There is a stand-alone sign on the Rand Street side and an existing pole and frame that the petitioner would like to use for an electronic message board.

Member Weaver expressed his concern that the variance is for almost twice the size of the City's requirement of a maximum sign requirement of 125 sq ft.

Chair Veremis would support the variance because of the uniqueness of two businesses in one building and fronting two streets.

Chair Veremis reviewed the petitioners request for a variance to operate an electronic message board sign approximately 189.5 feet from the nearest residence when the City code requires a minimum of 250 feet. The petitioner is also requesting an electronic message board when the City Code required that the sign electronic message board shall not exceed 50% of the total sign area.

Attorney Klimek explained that the electronic message board can be dimmed or shut-off at night and controlled better than a static sign.

Pam Kroschel, 310 Grove, Des Plaines, IL 60016 was sworn in. Ms. Kroschel lives four houses from the building and expressed her concern that bright lights from the message board may be flashing while she is in her backyard.

Senior Planner Stytz explained that both static and electronic message boards have a maximum brightness restriction.

Community Development Director Carlisle stated that a condition could be added with an hours of use restriction.

A motion was made by Board Member Hofherr, seconded by Board Member Saletnik to allow the 236 sq ft sign that is over the 125 sq ft sign.

AYES: Veremis, Saletnik, Hofherr

NAYES: Weaver

ABSTAIN: None

*****MOTION CARRIES *****

A motion was made by Board Member Saletnik, seconded by Board Member Hofherr to allow an electronic message board to be located 189.5 feet from a residence, where a minimum 250 foot-set back is required.

AYES: Weaver, Hofherr, Saletnik, Veremis

NAYES: None

ABSTAIN: None

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

A motion was made by Board Member Hofherr, seconded by Board Member Saletnik to allow a major variation to allow an electronic message board sign to cover 100 percent of the total pole sign area, where a maximum 50 percent of a pole sign is permitted to be an electronic message board.

AYES: Saletnik, Hofherr

NAYES: Weaver, Veremis

ABSTAIN: None

*****MOTION FAILED *****

Board Member Saletnik suggested that the petitioners produce more technical information regarding the proposed sign before this item goes to the City Council.

The Petitioners and Attorney Klimek left the meeting at 10:08 p.m.

New Business/Discussion

Community Development Director Carlisle reviewed a memorandum dated July 22, 2022. The issue is the Zoning Ordinance describes the process for whether the City should consider an application shortly after it has been denied (successive application). The PZB is given certain authority to make an important determination in the process.

Analysis: Section 12-3-1.B reads as follows:

“1. Second Applications Without New Grounds Barred: Whenever any application filed pursuant to this title has been denied on its merits, a second application seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought unless in the opinion of the official, board, or commission before which it is brought there is substantial new evidence available or a mistake of law or fact occurred that significantly affected the prior denial.

“2. New Grounds To Be Stated: Any such second application shall include a detailed statement of the grounds justifying its consideration.”

The Ordinance goes on to state that after a period of 12 months since denial, there is no longer a requirement to state new grounds. Within the 12 months, however, the Ordinance is clear that a detailed statement is required to state the grounds. However, it does not define “substantial new evidence”; it allows the PZB to make that determination.

PZB Discussion: Staff asks the Board to discuss and provide feedback that may be useful to petitioners on what in the members' opinions could constitute "substantial new evidence." Consider the various types of requests such as conditional uses, variations, and map amendments, as well as the proposed projects that may be the purpose of these requests. For instance, staff suggests that if a proposed project and plans submitted with a successive request are altered in a way that the Board considers "substantial," it could qualify as new grounds.

However, once again this is the Board's determination, and staff is simply wanting to make the Board aware of this option and to receive general feedback.

Community Development Director Carlisle requested guidance on what substantial new evidence may be considered.

Member Weaver stated that if the new evidence addresses the problem that the Planning and Zoning Board indicated that the board would be willing to hear the case again.

This item will be further discussed when all the members are present.

ADJOURNMENT

The next scheduled Planning & Zoning Board meeting is Tuesday, August 23, 2022.

A motion was made by Vice Chair Veremis, seconded by Board Member Saletnik to adjourn the meeting.

AYES: Weaver, Hofherr, Saletnik, Veremis
NAYES: None
ABSTAIN: None

Vice Chair Veremis adjourned the meeting at 10:16 p.m.

Sincerely,

Laura Fast, Deputy Clerk/Recording Secretary

cc: City Officials, Aldermen, Planning & Zoning Board, Petitioners