



DES PLAINES PLANNING AND ZONING BOARD MEETING

August 23, 2022

MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, August 23, 2022, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

Chair Szabo called the meeting to order at 7:00 p.m. and roll call was established.

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

ABSENT: None

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

A quorum was present.

APPROVAL OF MINUTES

A motion was made by Board Member Hofherr, seconded by Board Member Veremis to approve the meeting minutes of July 26, 2022, as amended on page 14 to remove the word unanimous.

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

NAYES: None

ABSTAIN: None

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

PUBLIC COMMENT ON NON-AGENDA ITEM

There was no public comment.

Pending Applications

1. Address: 2064-2074 Mannheim Road

Case Number: 22-026-V

The petitioner is requesting the following variations from the Zoning Ordinance: (i) a Major Variation from Section 12-8-5.B.1 to allow a commercial mobile radio service facility to be located in a required rear yard in the M-2 General Manufacturing district and set back less than 50 feet away from a property line; and (ii) Major Variation from Section 12-8-5.B.2 to allow a commercial mobile radio service facility height to be greater than its set back distance from a residential district.

Addresses: 2064-2074 Mannheim Road

Owner: Extra Space Storage, c/o Thomas Morin, 2795 E. Cottonwood Parkway, Suite 300, Salt Lake City, UT 84121

Petitioner: New Cingular Wireless PCS, LLC by Crown Castle USA INC, c/o Michael Gasser, 9045 River Road, Suite 425, Indianapolis, IN 46240

Case Number: 22-026-V

Real Estate Index Number: 09-29-402-041-0000

Ward: #5, Alderman Carla Brookman

Existing Zoning: Existing Land Use: M-2, General Manufacturing District

Surrounding Zoning: Commercial Storage Facility

Existing Zoning: North: M-2, General Manufacturing District
South: M-2, General Manufacturing District

Existing Land Use: Commercial Storage Facility

Surrounding Zoning: North: M-2, General Manufacturing District
South: M-2, General Manufacturing District
East: M-2, General Manufacturing District
West: R-3, Townhouse Residential District

Surrounding Land Uses: North: Commercial Storage Facility (Industrial)

Street Classification: Mannheim Road is classified as an Other Principal Arterial.

Comprehensive Plan: The Comprehensive Plan illustrates this site as Industrial.

Zoning/Property History: The existing 60-foot-tall commercial mobile radio service facility was approved through a building permit in 1998 to be installed on the subject property 42 feet from the west property line. Later in 1998, Ordinance Z-8-98 was approved, which repealed existing regulations and enacted new land use and zoning regulations city-wide. The new 1998 Zoning Ordinance added the definition, allowance, and bulk regulations for commercial mobile service facilities (i.e., cell towers), including height, setback, and location restrictions based on the zoning district. Specifically, the regulations restricting commercial mobile service facilities from being located in any required yard and requiring them to be a minimum of 50 feet away from all property lines made the existing commercial mobile service facility non-conforming. Since its construction, the commercial mobile service facility equipment was upgraded in 2011 and antennas were added in 2014. This was permitted under the

nonconforming structures rules because the height and location of the facility did not change. However, the desired scope of work at this time requires variation.

Project Description: The petitioner, Michael Gasser on behalf of New Cingular Wireless PCS, LLC, has requested Major Variations to add a 30-foot tall expansion onto an existing 60-foot-tall commercial mobile radio service facility located in the rear of the Extra Space Storage property at 2064-2074 Mannheim Road. The subject property is located within the M-2 General Manufacturing district and consists of one lot with a multi-level building, small storage pods with paved access, and surface parking area as shown in the attached ALTA/ACSM Land Title Survey. The subject property is located along Mannheim Road and is currently accessed by two curb cuts. Access to the existing commercial mobile radio service facility is limited to the gated area located directly north of the commercial storage facility building. The existing commercial mobile radio service facility on site is classified as a freestanding (secondary principal use) as it does not relate the commercial storage facility use (i.e., Extra Space Storage). A commercial mobile service facility is a permitted use in the M-2 district and is governed by Section 12-8-5 of the Zoning Ordinance.

The petitioner wishes to modify the existing commercial mobile radio service facility by adding a 30-foot-tall tower extension with twelve new antennae and related equipment to address coverage and equipment requirements without the addition of a new monopole. The proposed extension would result in a monopole height of 90 feet with an overall equipment height of 93.5 feet as noted in the attached Architectural Plans and Project Narrative. All regulations in Section 12-8-5 apply for commercial mobile radio service facilities.

However, the two regulations in conflict with the petitioner's proposal are noted below pursuant to Section 12-8-5.B:

- No commercial mobile radio service facility shall be located in any required yard, nor shall a freestanding commercial mobile radio service facility be located within fifty feet (50') of any property boundary line.
- A freestanding commercial mobile radio service facility shall be set back from any residential zoning district a distance equivalent to its height; provided however, that in no case shall a freestanding commercial mobile radio service facility be located closer than one hundred feet (100') from any residential district.

Since the proposal does not align with the aforementioned regulations above, major variation requests are required.

Variation Standards

Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. The petitioner's rationale for how the proposal would satisfy each of the standards is attached. The PZB may use this rationale as its findings, or the Board may create its own. The standards that should serve as the basis of findings are the following:

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.

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.

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.

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.

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.

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

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.

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.

PZB Additions or Modifications (if necessary): _____.

PZB Procedure and Recommended Conditions: Under Section 12-3-6.G of the Zoning Ordinance (Major Variations), the PZB has the authority to recommend approval, approval subject to conditions, or denial of the requests. The decision should be based on review of the information presented by the applicant and the standards and conditions met by Section 12-3-6.H of the Zoning Ordinance (Standards for Variations) as outlined in the Zoning Ordinance. The City Council has the final authority.

Chair Szabo swore in Michael Gasser. Mr. Gasser is the petitioner who represents Crown Castle. Crown Castle owns and manages an existing monopole communication tower facility at 2064 Mannheim Road. The existing 60-foot tower facility was originally approved for installation in May 1998. The existing tower was constructed under the previous code and is not compliant with current setback and location regulations. In order to address coverage and equipment requirements in its network, AT&T Mobility desires to collocate a new antenna on the tower which will include a 30' tower extension. The proposed extension would result in a monopole height of 90 feet with an overall equipment height of 93.5 feet.

Residents Heidi Marshall, 1371 Fargo, and Naomi Freeman, 2210 S. Chestnut, asked if product cost or service will be impacted and if there any negative health effects associated with the proposed tower.

Mr. Gasser responded that AT&T's network will improve with 5G communication and increase competition. A lightning rod is installed on top of the tower and there are no concerns regarding health issues.

Jonathan Stytz, Senior Planner reviewed the staff report.

A motion was made by Board Member Saletnik, seconded by Board Member Catalano to approve a variation to allow a commercial mobile radio service facility to: (i) be located in a required rear yard in the M-2 General Manufacturing district and be set back 42 feet from the property line; (ii) be located 60 feet away from a residential district; and (iii) allow the proposed commercial mobile radio service facility height of 93.5 feet to be greater than its set back distance from a residential district, where the facility setback distance from a residential district must be equivalent to its height.

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

NAYES: None

ABSTAIN: None

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

2. Address: Citywide

Case Number: 22-030-TA

Consideration of Zoning Ordinance amendments to establish two uses that currently require a conditional use permit in the C-3 District to become permitted uses, subject to standard regulations: (i) motor vehicle sales and (ii) convenience mart fueling stations.

Director Carlisle presented the petition via reviewing the staff report below.

PIN: Citywide
Petitioner: City of Des Plaines, 1420 Miner Street, Des Plaines, IL 60016
Case Number: #22-030-TA

Project Summary: Petitioner City of Des Plaines is requesting text amendments to the Zoning Ordinance regarding permitted and conditional uses in various zoning districts, as well as corresponding footnotes and specific use regulations of Chapter 8, as well as any other zoning relief as may be necessary. This is envisioned as a multi-part project that will address two-to-three uses at a time. The first part identifies the two uses discussed in this report.

Background

The City Council and City Manager have assigned staff to identify and propose amendments for various uses that currently require a conditional use permit because may be possible to entitle “by right,” or as a permitted use instead. As part of an ongoing goal to increase business friendliness, the Council realizes that when a conditional use is required, it adds a minimum 90 days to the start-up process of any use. Some businesses that currently require a conditional use are those that may activate vacant properties, generate tax revenue, or otherwise benefit the City, and the conditional use process can discourage them from locating or investing here.

However, conditional uses do serve a purpose, as stated in Section 12-3-4.A of the Zoning Ordinance: “...uses which, because of their **unique** character, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the particular use of the particular location.” For this reason, it is unlikely – and not suggested – that all conditional uses be removed. But the assignment of the Council and Manager begs two key questions:

- Which types of conditional uses are routinely approved with similar conditions across various sites?
- Which types of conditional uses are associated with the type of business or investment the City is especially looking to attract?

The C-3 General Commercial District is the most common business district in Des Plaines and is the source of most conditional uses. To begin the process of amending the Ordinance, staff has looked first

at C-3 and identified two uses for which to consider amendments: (i) motor vehicle sales and (ii) convenience mart fueling station.

To summarize the conditional use requests through 2017.

- There have been eight approvals for motor vehicle sales uses.
- There have been two approvals for convenience mart fueling stations.
- o However, note that a convenience mart fueling station is typically a more robust and desirable business than an “auto filling station,” where a gas station has only a small building instead of a larger convenience store building with typically more customers and commercial activity.
- o The business model in consumer motor fuel is moving toward generating more revenue from convenience retail sales than from sales of motor fuel (the movement toward electric vehicles is likely to accelerate this trend).
- o Generally, cities find convenience mart fueling preferable to a barebones, gas-only (or gas plus limited other items) operations. Convenience marts can provide a neighborhood-scale resource for food staples to augment grocery stores, they generate more revenue – namely sales tax – than a fuel-focused business, and when an auto filling station is proposed to be converted to have a larger retail component, this is usually celebrated.
- o Des Plaines has existing auto filling stations that are either a.) vacant or b.) active, but with a conversion to convenience mart foreseeable.

Nonetheless, in considering amendments staff respects the historical purpose of the Ordinance to place an added level of scrutiny on certain uses. However, there is an alternative approach: Instead of requiring a conditional use, establish across-the-board, reasonable regulations that are enforceable on permitted uses and designed to mitigate neighbor impact. The Zoning Ordinance already contains notes that follow the use matrices as well as Specific Use Regulations in Chapter 8, which currently cover antennae, radio towers, cell/mobile towers, bed-and-breakfast establishments, childcare and adult daycare centers, home occupations, residential care homes, consumer lenders, and cannabis business establishments. Using a combination of these two portions of the Ordinance, it is possible to establish regulations that address the use sensitivity and potential neighbor impact without requiring the conditional use process.

If the amendments are approved but a business encounters a hardship or unique circumstance with the newly proposed standards, they could seek a variation. Major variations are akin to conditional uses in start-to-finish time (average 90 days because of the required City Council approval), but standard and minor variations can be finalized faster. Further, staff’s intent at this time is to draft the kind of across-the-board rules that would generally not force a use into variation and instead promote compliance. Note that when building permits are required for either motor vehicle sales or convenience mart fueling, the building permit will require a zoning approval based on the Site Plan Review factors of Section 12-3-2. These are fairly comprehensive and allow staff to require changes and improvements when, for

example, the use on the specific property creates an unsafe or illogical circulation pattern. The applicant's avenue for relief would be to pursue a variation.

Proposed Amendments: Motor Vehicle Sales

All proposed amendments are contained in Attachment 2. Additions are **bold, double-underline**. Deletions are ~~struck through~~. The following is a summary of the proposed zoning amendments relating to motor vehicle sales:

- In the Commercial Districts Use Matrix (Section 12-7-3, Table 3), motor vehicle sales becomes a permitted use in C-3 on sites 22,000 square feet or more, which is roughly .5 acres. The minimum lot area is an existing requirement that staff proposes simplifying.
- A new Section 12-8-14 is created, titled "Motor Vehicle Sales Establishments."
 - Parking and Loading:
 - Requires clear identification and marking of the various types of parking spaces (sales/display area, employee parking, customer parking) with signs or striping.
 - Vehicle display cannot block entrances, drive aisles, etc.
 - Vehicles displayed for sale must be parked inside the property boundaries.
 - Except for vehicles displayed for sale, must always have valid license plate and registration.
 - Landscaping:
 - Must submit and implement a landscape plan when required by the landscape chapter of the Ordinance.
 - Must install landscape buffer, which is usually a combination of plantings and a fence, when required by the landscape chapter.
 - Environmental Performance Standards
 - Reinforces the requirement of the use to comply with the strictest of local, county, state, or federal requirements regarding noise, smell, toxic materials, and all other common safety or operational issues.
 - Sets the expectation for lighting plans and details that must be approved, with some latitude given to the Zoning Administrator regarding examination of existing lighting or installation of new lighting (e.g., requirement for a photometric plan).
 - Signs:
 - Reinforces the requirement to follow the sign chapter (Chapter 12-11) and requires that signs be designed to minimize effects on adjacent property.
 - Prohibits installation on fences, light poles, etc.

Proposed Amendments: Convenience Mart Fueling

All proposed amendments are contained in Attachment 3. Additions are **bold, double-underline**. Deletions are ~~struck through~~. The following is a summary of the proposed zoning amendments relating to convenience mart fueling:

- In the Commercial Districts Use Matrix (Section 12-7-3, Table 3), convenience mart fueling becomes a permitted use in C-3 on sites 15,000 square feet or more. The minimum lot area is reduced from the previous 20,000 square feet because staff is aware of vacant, nonconforming gas station properties, and obtaining a new user and investment will be easier if the threshold is lowered. Note that this amendment would not exempt a user from having to provide the required parking or a reasonable circulation pattern, but it will not automatically disqualify them (or require a variation) to invest in a site that is smaller than 20,000 square feet.
- A new Section 12-8-15 is created, titled “Convenience Mart Fueling Stations.”
 - Parking and Loading:
 - Except for spaces adjacent to fuel pumps, requires appropriate identification and marking of the various types of required spaces (e.g., through signs or striping).
 - Requires that spaces serving the retail portion be located close to the retail entrance.
 - Landscaping:
 - Must submit and implement a landscape plan when required by the landscape chapter of the Ordinance.
 - Environmental Performance Standards
 - Reinforces the requirement of the use to comply with the strictest of local, county, state, or federal requirements regarding noise, smell, toxic materials, and all other common safety or operational issues.
 - Sets the expectation for lighting plans and details that must be approved, with some latitude given to the Zoning Administrator regarding examination of existing lighting or installation of new lighting (e.g., requirement for a photometric plan).
 - Signs:
 - Reinforces the requirement to follow the sign chapter (Chapter 12-11) and requires that signs be designed to minimize effects on adjacent property.
 - Prohibits installation on fences, light poles, etc.

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 written as its findings, 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 calls for strengthening commercial corridors and industrial areas (Chapter 3: Economic Development). C-3 is the most common commercial district, and enabling start-up ease for businesses is likely to help with addressing vacant properties or allowing upgrades to existing properties in these corridors.

PZB Additions or Modifications (if necessary): _____.

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

Comments: In its C-3 commercial corridors, Des Plaines has several existing motor vehicle sales and convenience mart fueling stations, or auto filling stations that may be eventually converting into convenience mart fueling. Allowing this use to sustain broadly throughout Des Plaines is consistent with the character of the City overall.

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.

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

Comments: By balancing business and private property needs through reasonable restrictions that address aesthetics and character, the amendments should not have an adverse effect on property values. In particular, the newly proposed specific use regulations for both motor vehicle sales and convenience mart fueling 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): _____.

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

Comments: The amendments are part of an intentional effort to improve continually the business-friendly climate of Des Plaines, while balancing the need to ensure well-designed properties and developments that mitigate effects on neighbors and can fit in to a neighborhood or corridor context.

PZB Additions or Modifications (if necessary): _____.

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 any modifications so that its recommended language can be incorporated in the approving ordinance passed on to the Council, which has final authority on the proposal.

John Carlisle, Director of Community & Economic Development, explained staff was directed by the City Council and City Manager to identify and propose amendments for various uses that currently require a conditional use permit but may be possible to entitle as a permitted use instead. This change is

proposed as part of an ongoing goal to increase business friendliness, when a conditional use is required, it adds a minimum 90 days to the start-up process of any use.

The C-3 General Commercial District is the most common business district in Des Plaines and is the source of most conditional uses. Staff determined two uses in the C-3 district to consider amendments, motor vehicle sales and convenience mart fueling stations. A map containing properties within the C-3 district was reviewed.

The proposed amendments for Convenience Mart Fueling were summarized. The minimum lot area was reduced from 20,000 to 15,000 square feet. A new section 12-8-15 is proposed that addresses parking and loading, landscaping, environmental performance stands, and signs.

“Site plan” will be added to Section 12-8-15.A.1. A site plan review would still be required. The fire and building department are still consulted during the building permit process.

The proposed amendments for Motor Vehicle Sales were reviewed. Motor vehicles sales becomes a permitted use in C-3 on sites 22,000 square feet or more. A new section 12-8-14 is proposed that addresses parking and loading, landscaping, environmental performance standards and signs. A conditional use will still be required if the business differs than the principal use. Members agreed that additional language should be added to this section that addresses no vehicle repairs outside.

Director Carlisle proposed adding a Subsection (E): “When automotive repairs are accessory to motor sales, all service and repairs must be conducted indoors, and no vehicle parts shall be stored or displayed outdoors.”

A motion was made by Board Member Weaver, seconded by Board Member Saletnik to approve the text amendments to the Zoning Ordinance, with modifications, regarding permitted and conditional uses in various zoning districts, as well as corresponding footnotes and specific use regulations of Chapter 8.

AYES: Weaver, Veremis, Saletnik, Hofherr, Szabo, Catalano, Fowler
NAYES: None
ABSTAIN: None

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

ADJOURNMENT

The next scheduled Planning & Zoning Board meeting is Tuesday, September 13, 2022.

Chairman Szabo adjourned the meeting by voice vote at 8:15 p.m.

Sincerely,

Laura Fast, Deputy Clerk/Recording Secretary

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