

Case 22-049-FPLAT-V-PUD-A      1700 Higgins Road      Final Planned Unit Development, Variation,  
Final Plat of Subdivision, Text Amendment  
Case 22-050-TA                      Citywide                      Text Amendment



**DES PLAINES PLANNING AND ZONING BOARD MEETING  
November 22, 2022  
DRAFT MINUTES**

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, November 22, 2022, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

Chair Szabo called the meeting to order at 7:05 p.m. and roll call was established.

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

ABSENT:                      Catalano

ALSO PRESENT:              John Carlisle, AICP, Director of Community & Economic Development  
Jonathan Stytz, AICP, Senior Planner  
Samantha Redman, Associate Planner  
Margie Mosele, CED Executive Assistant

A quorum was present.

**Chair Announcement:** The public hearing for 1683 Elk Boulevard, Case Number 22-048-CU, has been rescheduled for the Tuesday, December 13, 2022 Planning and Zoning Board Meeting at 7 p.m. in Room 102 of City Hall, 1420 Miner Street, Des Plaines, Illinois. The case is not on the agenda this evening. Any attendees that are present for this case can comment during public comment for matters that are not on the agenda.

**APPROVAL OF MINUTES**

**A motion was made by Board Member Hofherr, seconded by Board Member Fowler to approve the meeting minutes of October 25, 2022.**

AYES:                      Hofherr, Fowler, Saletnik, Szabo

NAYES:                      None

ABSTAIN:                  Veremis, Weaver

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

**PUBLIC COMMENT ON NON-AGENDA ITEM**

There was no public comment.

Case 22-049-FPLAT-V-PUD-A	1700 Higgins Road	Final Planned Unit Development, Variation, Final Plat of Subdivision, Text Amendment
Case 22-050-TA	Citywide	Text Amendment

### **Pending Applications**

**1. Address:** 1700 Higgins Road **Case Number:** 22-049-FPLAT-V-PUD-A

The petitioner is requesting: (i) a Major Change to a Conditional Use for a Final PUD under Section 12-3-5 of the Zoning Ordinance to allow for the construction of a hotel to the east of the existing office building but without the parking garage that was approved in 2021; (ii) a Final Plat of Subdivision under Section 13-2-7 of the Subdivision Regulations to subdivide the site into four lots of record and request of subdivision variations for lot depth and frontage; (iii) Major Variations to the reduce the required parking for the existing office building and for the proposed hotel; and (iv) the approval of any other variations, waivers, and relief as may be necessary.

**Petitioner:** Mariner Higgins Centre, LLC, 117 Macquarie Street, Sydney, NSW 2000, Australia

**Owner:** Mariner Higgins Centre, LLC, 117 Macquarie Street, Sydney, NSW 2000, Australia

**Case Number:** 22-049-FPLAT-V-PUD-A

**PINs:** 09-33-309-007-0000 and 09-33-310-004-0000

**Ward:** #6, Alderman Malcolm Chester

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

**Existing Land Uses:** Office Building, Two Billboards, and Surface Parking

**Surrounding Zoning:**  
North: Tollway; then R-1, Single Family Residential District  
South: Commercial (Rosemont)  
East: Recreation (Rosemont)  
West: Creek; then C-3, General Commercial District

**Surrounding Land Use:**  
North: Tollway; then Single-Family Residences  
South: Fitness Center (Rosemont) and Apartments (Rosemont)  
East: Open Space/Park (Rosemont)  
West: Creek; then Vacant Parcel

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

**Comprehensive Plan:** The Comprehensive Plan illustrates the subject properties as commercial.

Case 22-049-FPLAT-V-PUD-A	1700 Higgins Road	Final Planned Unit Development, Variation, Final Plat of Subdivision, Text Amendment
Case 22-050-TA	Citywide	Text Amendment

### **History and Background:**

Based on City records, 1700 W. Higgins Road has been utilized for an office building with surface parking areas since 1986. The subject property and 1738 W. Higgins Road, which is a separate lot generally west of Willow Creek, were the subject of a PUD originally approved August 19, 2019 through Ordinance Z-21-19. This approval contemplated: (i) substantial renovations of the existing office building; (ii) construction of a new 6,000-square-foot out lot restaurant building; (iii) construction of an 88-space parking lot at 1738 W. Higgins; and (iv) installation of significant infrastructure upgrades to all parcels including the addition of both above-ground and below-ground stormwater detention facilities and new box culvert bridge over Willow Creek connecting the proposed parking lot to the subject property.

Since December 2018, the existing office building has undergone major renovations as identified in the Project Narrative. However, the property owner along with any potential real estate partners expressed in 2021 the intent to construct a hotel instead of the 6,000-square-foot restaurant previously approved by Ordinance Z-21-19. The 1738 W. Higgins property was dropped from the project, requiring the Plat of Subdivision and PUD boundaries to be updated.

Consequently, the approvals were amended in 2021 to incorporate the following: (i) the construction of an approximately 64,760-square-foot hotel on the southeast corner of the lot; (ii) the construction of a new 207-space off-street parking garage on the northwest corner of the lot; and (iii) significant infrastructure upgrades to all properties including the addition of stormwater detention facilities to accommodate run-off (approved September 20, 2021 through Ordinance Z-44-21). The approval included the following bulk exceptions: (i) building height for the hotel (approximately 59 feet, where the maximum is 45 feet), (ii) location of parking lot curb in the hotel parking area within 3.5 feet of the lot line, and (iii) width of parking lot perimeter landscaping in the hotel parking area at less than the minimum required 5 feet.

However, the petitioner and hotel developer NexGen Hotel Management approached the City in 2022 to propose the hotel in substantially the same form, scale, and location as approved in 2021 but *without the previously approved parking garage west of the office*. Pursuant to Section 12-3-5.G.1, the reduction in proposed parking across the PUD necessitates approval of a “major change.” Nonetheless, on September 20, 2022, a request to extend the approval of the amended conditional use for PUD under Ordinance Z-44-21 was granted by the Zoning Administrator, pursuant to Section 12-3-4.H.

Case 22-049-FPLAT-V-PUD-A	1700 Higgins Road	Final Planned Unit Development, Variation, Final Plat of Subdivision, Text Amendment
Case 22-050-TA	Citywide	Text Amendment

Because the previously approved parking garage would not fit on private property, the garage necessitated a vacation of a portion of City right-of-way, approximately 18,195 square feet of the former Webster Avenue. The City approved this vacation via Ordinance Z-45-21, also on September 20, 2021. However, without the parking garage, the vacation is no longer necessary. Nonetheless, the 2021 approval of the Final Plat of Subdivision included this vacation area in its geometry, which means an amended Final Plat of Subdivision pursuant to Section 13-2-9 of the Subdivision Regulations is necessary for the newly proposed project and site arrangement.

Finally, there are also two existing two-sided billboards on the subject property, one on the northwest corner of the site and the other on the northeast portion of the site. Both billboards were permitted between 2005 and 2006 and are both currently in operation on the site. The subdivision places each on their own small lots, which do not front on a public street or meet the minimum lot area of the Subdivision Regulations, which do not contemplate billboard lots.

**Project Overview:**

All of the requests are intended to work in concert to achieve the following:

- Obtain major variation relief for the number of required off-street parking spaces **for both the existing office building and the proposed hotel.**
- Resubdivide the existing lots to provide individual lots for the existing office building, each of the two existing billboards, and the proposed hotel, with subdivision variations for the billboard lots.
- Modify the existing parking lot area in the southeast corner of the subject property to make room for a new hotel building and its parking area.

**Major Change to Final PUD**

**Request Summary:**                      *Overview*

The petitioner, Mariner Higgins Centre, LLC, is requesting a Major Change to the PUD allow for the construction of a 107-room, five-story hotel (Home2 Suites by Hilton brand, which specializes in extended stay) without the construction of a 207-space parking garage that was a part of the Final PUD approved September 20, 2021. The brand and hotel concept, as well as the number of rooms, are unchanged from the approval in 2021.

The Final PUD plan has been revised to show the proposed hotel positioned in the southeast corner of the property substantially in the same location as in the 2021 approval. However, the existing surface parking area on the northwest portion of the property, where the parking garage had been proposed, is now

Case 22-049-FPLAT-V-PUD-A	1700 Higgins Road	Final Planned Unit Development, Variation, Final Plat of Subdivision, Text Amendment
Case 22-050-TA	Citywide	Text Amendment

retained (the garage was going to be built over a portion of this area). The property owner now proposes:

- Construction of an approximately 64,760-square-foot hotel on the southeast corner of the lot.
- Separate parking area and access for the new hotel; and
- Stormwater detention facilities for the hotel parcel (Lot 2) to accommodate run-off.

#### *Site Access*

The subject property is currently accessed by one, signalized entrance off Higgins Road and single drive aisle to the building, surface/covered parking areas, and billboard signs. The proposed lot configuration will reallocate the parking area east of the drive aisle for the new hotel and hotel surface parking area but will not alter the existing drive aisle. The new hotel parcel (Lot 2) will be accessible via a single entranceway, which is aligned with the existing entranceway to the front of the office building. The service drive for the hotel parcel does not provide access to all sides of the proposed hotel building and does not meet width standards for fire truck access due to space constraints. However, the proposal does include a fire hydrant located on the east side of the building, which has been approved by the Fire Prevention Bureau. The location of the fire department connection will be determined by the Division Chief of the Fire Prevention Bureau.

#### *Parking Areas and Requirements*

The off-street parking requirements of Sections 12-9-7 and 12-9-8 of the Zoning Ordinance are based on the types of uses proposed. The existing office building is one use, and the proposed hotel is a separate use. Each use has a specific requirement for off-street parking:

- Office use requires one off-street parking space for every 250 square feet of gross floor area, as defined in Section 12-13-3 and excluding floor area devoted primarily to storage areas (up to 10% of the total combined floor area), food preparation areas, bathrooms, mechanical rooms, hallways, stairwells, and elevators.
- Hotel use requires one off-street parking space for every guest room plus one space for every 200 square feet of area devoted to offices.

The proposed hotel building (Lot 2) consists of 107 rooms and approximately 587 square feet of office space area, requiring a total of 110 spaces. The proposal for the hotel parcel includes 63 spaces, or potentially 61-62 after designation of any loading spaces (see the following page for discussion), which means the minimum requirement is not met and requires variation. Similarly, for the existing office

Case 22-049-FPLAT-V-PUD-A	1700 Higgins Road	Final Planned Unit Development, Variation, Final Plat of Subdivision, Text Amendment
Case 22-050-TA	Citywide	Text Amendment

building (Lot 1), after subtracting the excluded floor areas, the requirement is 541 spaces. The subject property was built under different parking regulations and contains 392 spaces, which does not conform with the current parking requirements.

In the 2021 approval, the petitioner proposed a 207-space parking garage to decrease the parking space deficiency, but nonetheless a major variation for the office building from 541 to 338 was necessary. However, the new proposal—with the hotel and no parking garage—increases the existing parking space deficiency, reducing the total parking count to 310 spaces for the entire site, or 308-309 after loading designation. The new proposal requires greater variation than what was granted in 2021. With 61-63 spaces allocated for the hotel on Lot 2, the office building on Lot 1 will have a balance of 247-249 parking spaces, as compared with 338 in the concept with the parking garage. More details are discussed in the Major Variation request summary.

A KLOA Traffic and Parking Impact Study was completed for the subject property to assess the anticipated effect of the existing office building and proposed hotel on the surrounding infrastructure. While the current proposal yields a net loss of approximately 80 parking spaces, the study concluded that the existing signalized intersection and proposed parking supply were sufficient to accommodate the peak parking needs for both uses. The City’s Public Works/Engineering Department has reviewed and concurs with the findings of the KLOA study noting that the peak parking demands for the office building (mornings) and the hotel (evenings) will be different based on the time of day. Their comments can be found in the attached Public Works and Engineering memo. CED staff adds that it is reasonable and common after the COVID-19 pandemic for an office building’s tenants to allow employees to work remotely at least part time. This would have the effect of reducing parking demand.

The PZB should review the Project Narrative and parking study, and members may ask the petitioner’s team to explain in the public hearing their observations of this trend at this existing office. Further, the Pace 223 route, which provides even days per week service, stops directly in front of the property, providing a clear public transportation alternative to driving and parking. Nonetheless, the PZB may wish to inquire whether the hotel would do either of the following, which could decrease parking need among guests:

- Operate a regular shuttle service to and from the O’Hare terminals as well as, for example, the Rosemont Transit Center (CTA Blue Line Rosemont station and bus terminal); and/or
- Charge for parking on a daily or per-stay basis, for all or some rooms.

Case 22-049-FPLAT-V-PUD-A	1700 Higgins Road	Final Planned Unit Development, Variation, Final Plat of Subdivision, Text Amendment
Case 22-050-TA	Citywide	Text Amendment

Section 12-9-9 of the Zoning Ordinance requires that for any new commercial building, loading shall be provided, with 50,000 square feet of gross floor area as the basis for the number of loading spaces. The petitioner’s submittal does not designate or label a loading space. Further, the Section establishes that the standard size of a loading space is 35 feet long by 15 feet wide. Section 12-9-9.A. does state, however, that the dimensions for a loading space may be “...otherwise specified...” The PZB should invite the petitioner in the public hearing to explain the hotel’s anticipated loading operations, in particular size of expected vehicles and frequency of deliveries. The Board may specify that standard-width (9 feet) and length (18 feet) parking space(s) would suffice as required loading space(s), provided they are signed and marked as such.

*Hotel Landscaping Improvements*

The proposal seeks to add landscaping throughout the new proposed Lot 2 designated for the new hotel including foundation and parking lot landscaping areas as illustrated on the attached Landscape Plans. It is important to note that Ordinance Z-44-21 approved a PUD exception to allow a reduction in the required five-foot-wide perimeter parking lot landscape area behind the south and east parking space rows due to space constraints. However, even with the exception, the proposal is adding a row of perimeter parking lot landscaping in these areas as well as additional landscaping at the corners of the parking areas and throughout the entire site.

**Final Plat of Subdivision**

**Request Summary:**

*Overview*

The existing property consists of two parcels totaling 5.74 acres, containing a six-story office building with 139,000 square feet of leasable office space and a 392 parking lot, including 358 surface spaces, 28 indoor spaces, and six handicap accessible parking spaces, as shown on the attached Plat of Survey. The petitioner proposes to resubdivide the existing parcels into four lots—without the addition of a vacation-of-right-of-way area as approved in 2021. Final Engineering Plans have been approved by the Department of Public Works and Engineering, as expressed in the attached memo. The latest site illustration is shown on the Final Plat of Subdivision and described below:

- Parcel 1 includes the existing office building and existing surface parking areas with the exception of the parking area portion located east of the entrance drive off Higgins Road.

Case 22-049-FPLAT-V-PUD-A	1700 Higgins Road	Final Planned Unit Development, Variation, Final Plat of Subdivision, Text Amendment
Case 22-050-TA	Citywide	Text Amendment

- Parcel 2 includes the proposed hotel and separate new surface parking area located east of the entrance drive off Higgins Road;
- Parcel 3 includes the existing northeastern billboard sign; and
- Parcel 4 includes the existing northwestern billboard sign.

There is an individual lot proposed for each of the two existing billboard signs, which are owned by a separate entity, but these lots would also have 1700 W. Higgins Road as their property address.

### *Easements*

The Final Plat shows the following existing easements: (i) a 34-foot-by-92.29-foot stormwater detention area; (ii) a 51-foot-by-76.9-foot stormwater detention area; (iii) a 10-foot storm sewer easement at the southwestern portion of the property; (iv) a 14-foot public utility easement throughout the south portion of the property; and (v) a 10-foot public utilities easement throughout the north portion of the property.

### *Subdivision Variations*

The proposed Lots 3 and 4, which will contain the billboard signs, are new lots and are subject to the Subdivision Regulations. Pursuant to Section 13-2-5.R, all new lots must be a minimum of 125 feet in depth. Since the proposed Lots 3 and 4 are only 10 feet deep, they do not meet the minimum depth requirements resulting in a need for subdivision variation for each as part of this request. Further, pursuant to Section 13-2-5.V, all lots must front on a public street. The proposed lots border a private parking area, but not a public street, thus each requiring a subdivision variation.

## **Major Variations**

### **Request Summary:**

The petitioner has submitted variation requests for required off-street parking due to the unique size and shape of the development. As noted above, the subject property contains 392 parking spaces, which will be reduced to 308-310 spaces (net loss of 82-84 spaces) with the construction of the hotel and no proposed parking garage. The petitioner has allocated 61-63 spaces for the proposed hotel building on Lot 2 leaving a total of 247-249 spaces for the office building on Lot 1. Since a total of 110 spaces are required for the hotel and 541 spaces for the



Case 22-049-FPLAT-V-PUD-A	1700 Higgins Road	Final Planned Unit Development, Variation, Final Plat of Subdivision, Text Amendment
Case 22-050-TA	Citywide	Text Amendment

office building, the petitioner has requested two major variations, which are summarized in the table below.

<b>Regulation</b>	<b>Required</b>	<b>Proposed</b>
Parking – Office Building (Lot 1)	541 spaces	<i>247-249 spaces*</i>
Parking – Hotel (Lot 2)	110 spaces	<i>61-63 spaces*</i>

*\*Indicates a required major variation request*

**PUD Findings of Fact:** The proposed development is reviewed below in terms of the Findings of Fact contained in Section 12-3-5 of the Zoning Ordinance. The Board should review the petitioner’s responses for each and staff’s comment regarding Standard No. 6. In review of the standards, the Board may use the petitioner’s responses as written as its recommended findings, modify the responses to use as findings, or adopt its own.

**1. The extent to which the Proposed Plan is or is not consistent with the stated purpose of the PUD regulations in Section 12-3.5-1 and is a stated Conditional Use in the subject zoning district:**

PZB Additions or Modifications (if necessary): \_\_\_\_\_

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

PZB Additions or Modifications (if necessary): \_\_\_\_\_

**3. The extent to which the proposed plan departs from the applicable zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to the density, dimension, area, bulk, and use and the reasons why such departures are or are not deemed to be in the public interest:**

PZB Additions or Modifications (if necessary): \_\_\_\_\_

**4. The extent to which the physical design of the proposed development does or does not make adequate provision for public services, provide adequate control of vehicular traffic, provide for, protect open space, and further the amenities of light and air, recreation and visual enjoyment:**

PZB Additions or Modifications (if necessary): \_\_\_\_\_

Case 22-049-FPLAT-V-PUD-A	1700 Higgins Road	Final Planned Unit Development, Variation, Final Plat of Subdivision, Text Amendment
Case 22-050-TA	Citywide	Text Amendment

**5. The extent to which the relationship and compatibility of the proposed development is beneficial or adverse to adjacent properties and neighborhood:**

PZB Additions or Modifications (if necessary): \_\_\_\_\_

**6. The extent to which the proposed plan is not desirable to physical development, tax base, and economic well-being of the entire community:**

*Comment:* The proposed hotel offers notable direct economic and revenue benefits to Des Plaines. The City will collect a total 11-percent-per-night room tax, 7 percent under the normal Hotel-Motel Operator’s Occupation Tax (Title 15, Chapter 4 of City Code) and an additional 4 percent under the O’Hare Corridor Privilege Tax Area (Title 15, Chapter 5 of the City Code). Further, if the hotel charges for parking to manage its supply, the City could collect \$1 per day per the O’Hare Corridor Privilege Parking Tax. The formerly proposed parking garage is a substantial expense to construct—particularly in the current economy with inflation and lingering supply chain disruptions for materials such as concrete—and, if determined to be needed, would inflate the cost of the project and threaten its viability.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

**7. The extent to which the proposed plan is in conformity with the recommendations of the 2019 Comprehensive Plan:**

PZB Additions or Modifications (if necessary): \_\_\_\_\_

**Variation Findings:** Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. The Board should review the staff and petitioner responses. In review of the standards, the Board may use the provided responses as written as its recommended findings, modify the responses to use as findings, or adopt its own.

**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:* The existing office building was developed in 1986 prior to the establishment of modern zoning regulations for parking and does not meet modern standards. The proposed hotel will yield a loss of parking spaces increasing the non-conforming parking count. However, the attached KLOA Traffic and Parking Impact Study concludes that the existing signalized intersection at Higgins Road and the proposed number of spaces is adequate in accommodating the projected peak parking demand for both land uses. Finally, the cost of construction for the parking garage has leapt considerably since the 2021 planning of the project, making the project not economically viable if the parking garage is required.

Case 22-049-FPLAT-V-PUD-A    1700 Higgins Road    Final Planned Unit Development, Variation,  
Final Plat of Subdivision, Text Amendment  
Case 22-050-TA    Citywide    Text Amendment

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:**

*Comment:* The existing access and location of the subject property creates a unique physical condition that limits the available development of this site and prevents full compliance with current zoning standards. The site is landlocked by the I-90 Tollway to the north, the Rosemont Park District to the east, Willow Creek to the west, and Higgins Road to the south, which serves as the site's only access point. While there was an opportunity to construct a bridge across Willow Creek to add parking on the 1738 W. Higgins Road property, this is no longer available, limiting the site development to its current boundaries.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

- 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 physical conditions described above are of no fault to the petitioner as the existing property consists of these characteristics prior to the development proposal for the new hotel. As previously mentioned, the office building was built before the establishment of modern zoning regulations creating several non-conformities. Staff is not aware of any action of the current or previous owner which created the conditions described above.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

- 3. 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:* Carrying out the strict letter of this code could deprive the existing property owner of substantial rights enjoyed by other owners of similarly zoned lots by limiting the redevelopment of the property with uses enjoyed by similar developments in the area. The PUD located west of the subject property and south of the I-90 Tollway includes a mixed-use development with a hotel/Class A Restaurant, Fuel Center/Class B restaurant, and car wash contains multiple structures and parking areas similar to the design for the proposed development.

Case 22-049-FPLAT-V-PUD-A    1700 Higgins Road    Final Planned Unit Development, Variation,  
Final Plat of Subdivision, Text Amendment  
Case 22-050-TA    Citywide    Text Amendment

PZB Additions or Modifications (if necessary): \_\_\_\_\_

- 4. 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 the variations for parking would not provide any special privilege of the property owner or petitioner as similar developments in the C-3 zoning district have the opportunity for this request for development proposals permitted in the C-3 district. The variations would allow for the redevelopment of the existing site and the increase in mixed use developments in Des Plaines.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

- 5. 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 hotel development would be harmonious with the surrounding multi-use developments to the west of the subject property. The mixed-use development proposal supports the goals and objectives of the Comprehensive Plan, which strives to incorporate multiple uses on single lots.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

- 6. 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:* Aside from building structured or vertical parking, which has become essentially impractical in light of recently inflated costs of construction (e.g. concrete and other materials), there are no other reasonable ways to avoid the aforementioned hardship, as the property is land-locked and cannot be expanded to meet minimum standards for commercial development intended for a C-3 zoned property.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

- 7. 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.**

Case 22-049-FPLAT-V-PUD-A	1700 Higgins Road	Final Planned Unit Development, Variation, Final Plat of Subdivision, Text Amendment
Case 22-050-TA	Citywide	Text Amendment

Comment: This would be the minimum amount of relief necessary to alleviate the aforementioned hardships and allow the petitioner to redevelop the subject property with a multi-use development.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

### **PZB Findings for Subdivision Variation**

Pursuant to Section 13-2-6 of the Subdivision Regulations, the PZB may recommend subdivision variations (distinct from zoning variations) when, in its opinion, undue hardship may result from strict compliance. In recommending any variation, the PZB should prescribe only conditions that it deems necessary to or desirable for the public interest. In making its findings, as listed below, the PZB shall consider the nature of the proposed subdivision and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. Staff has the following comments, which the PZB may adopt, modify, or create its own.

**1. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this title would deprive the applicant of reasonable use of his land.**

Comment: The property's close proximity with the tollway and insufficient room for the addition of a public street to the proposed lot makes the variation requests logical. On development sites such as this, billboard land is reasonably expected to exist under separate ownership from the rest of the development, and the land required for a billboard is substantially less than land (i.e., lot area) required for most structures. It will be impractical and unnecessary to extend a public street to the lots for the existing billboards (Lots 3 and 4). Additionally, the petitioner is unable to meet the required lot depth requirements for the two new billboard lots given that the billboards are located in close proximity to the existing office building and that the reallocation of ownership involved with the expansion of each billboard lot to the minimum standards could cause more parking concerns.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

**2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.**

Comment: The petitioner's proposed subdivision aims to reorganize the office campus in an effort to create separate parking and access areas for both land uses. Granting the proposed subdivision variations will allow these improvements to be implemented on the site.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

**3. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the territory in which said property is situated.**

Case 22-049-FPLAT-V-PUD-A	1700 Higgins Road	Final Planned Unit Development, Variation, Final Plat of Subdivision, Text Amendment
Case 22-050-TA	Citywide	Text Amendment

Comment: The proposed subdivision’s intended site improvements address existing site constraints and access point deficiencies which can have positive public-welfare implications for the surrounding area. The approval of the requested subdivision variations allows these improvements to be recognized.

PZB Additions or Modifications (if necessary): \_\_\_\_\_

**Recommendation and Conditions:** The PZB should take the following motions. The zoning motions can be combined or taken individually:

*Zoning Recommendations to City Council*

- A motion pursuant to Section 12-3-5.E of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the requests for a Major Change to Conditional Use for a Final PUD;
- A motion pursuant to Section 12-3-6.H of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the proposed major variations.

*Subdivision Approval*

- A motion pursuant to Section 13-2-2 of the Subdivision Regulations to approve, approve with conditions, or deny the Tentative Plat of Subdivision.

*Subdivision Recommendation to City Council*

- A motion pursuant to Section 13-2-7 of the Subdivision Regulations to *recommend* to the City Council to approve, approve with conditions, or deny the Final Plat of Subdivision with subdivision variations for lot depth and lot frontage.

On the requests, staff recommends approval be subject to the following conditions:

1. Off-street loading in a location, quantity, and size required by Section 12-9-9 of the Zoning Ordinance or as “otherwise specified” will be provided.
2. All governing documents for the proposed development including covenants, conditions, and restrictions, or any operating reciprocal easement agreements must be submitted to and approved by the City’s General Counsel prior to the recording of the Final Plat of PUD or Final Plat of Subdivision.

**Attachments**

- Attachment 1: Location Map
- Attachment 2: Site and Context Photos
- Attachment 3: Plat of Survey
- Attachment 4: Petitioner’s Responses to Standards
- Attachment 5: Public Works and Engineering Memo
- Attachment 6: Conceptual Sign Plan
- Attachment 7: Project Narrative
- Attachment 8: Amended Final PUD (including Site Plan)
- Attachment 9: Select Final Engineering Plans

Case 22-049-FPLAT-V-PUD-A	1700 Higgins Road	Final Planned Unit Development, Variation, Final Plat of Subdivision, Text Amendment
Case 22-050-TA	Citywide	Text Amendment

Attachment 10:	Select Architectural Plans
Attachment 11:	Final Plat of Subdivision
Attachment 12:	Landscape Plans
Attachment 13:	Parking Diagram
Attachment 14:	KLOA Traffic and Parking Impact Study without Appendices
Attachment 15:	Project Schedule

Chair Szabo swore in Mark Rogers – Attorney for the applicant. Mr. Rogers explained the summary of requests which include a major change to the previously passed Final Unit Development with exceptions, Amendment Plat of Subdivision with two subdivision variations, and two major variations. The applicant has invested \$5,900,000.00 for major renovations since 2018. Applicant is looking to construct a 5 story 107 room Homes2Suites Hotel. There have been some changes since the last time they petitioned. There was a decked parking garage on the previous plans. That has been removed because it is no longer needed following the KLOA report. There will be a Hotel Drive and 63 parking spaces for the all-suites hotel. Construction is planned to begin in June 2023 and be complete by November 2024. There are two major Zoning variations requests. The first is to reduce the parking requirement for Lot 1 from 241 spaces to 247 spaces pursuant to 12-9-7 to the zoning ordinance. The second is to reduce the parking requirement in Lot 2 from 110 to 63 spaces pursuant to 12-9-7 to the zoning ordinance. There are also two major Subdivision Variations. The first is for Lots 3 and 4 to reduce the 125 lot depth requirements pursuant to 13-2-5-R of the subdivision ordinance. The second is for Lots 3 and 4 to remove the requirement that lots shall front upon a dedicated, public street pursuant to 13-2-5-V of the subdivision regulations. And the applicant is requesting the City approval of the Final Plat of Subdivision to subdivide the existing lots into four new lots.

Chair Szabo asked if any of the board had questions. Member Fowler asked when the KOLA study was done. Mr. Rogers stated that the KOLA study was done in 2022.

Member Hofherr asked if they would be relying on the Pace Bus for access to O’Hare. Mr. Rogers stated that the hotel will have its own shuttle service for their guests.

Jonathan Stytz, Senior Planner, reviewed the staff report. Mr. Stytz explained the application. The plans for the project were changed from 2019. The application is for a hotel to be built without a parking garage. A traffic study was conducted and shows ample parking. The current proposal is looking at zoning variations for office and hotel. Mr. Stytz went over the power point presentation that included Hotel Renderings, Hotel Facts, Explanation of Variations, Parking and Subdivision, Traffic Study and Billboard locations.

Planning and Zoning has four areas for the Boards consideration: (i) Major FPUD, (ii) Major Variation, (iii) Tentative Subdivision, and (iv) Final Subdivision. Mr. Stytz also mentioned that the Zoning Ordinance requires a loading space for buildings that are 15,000 feet and above, but the ordinance does allow the PZB to otherwise specify the size of the required loading spaces. He added that the PZB can determine if a regular parking space would suffice as a loading area in their motion.

Case 22-049-FPLAT-V-PUD-A	1700 Higgins Road	Final Planned Unit Development, Variation, Final Plat of Subdivision, Text Amendment
Case 22-050-TA	Citywide	Text Amendment

John Carlisle, CED Director, reminded the board that the staff is looking for affirmation about dimensions of the loading space. Without an otherwise specified then they are subject to a 35 x 15 ft loading space, which would require the applicant to amend their plans to meet the bigger loading space requirements.

Chris Patel, Petitioner, said they have a loading area. The loading space would have two designated parking spaces. The hotel will not use semitrucks for deliveries but rather Cisco box trucks and have deliveries twice a week. The loading zone would be two 9-foot wide x 18-foot long spaces near the main entrance of the hotel.

**A motion was made by Board Member Weaver, seconded by Board Member Hofherr to allow two 9-foot-wide by 18-foot-long loading spaces and recommend approval of a motion pursuant to Section 12-3-5.E of the Zoning Ordinance to *recommend* to City Council: (i) to approve a Major Change to Conditional Use for a Final PUD; and (ii) recommend approval of the major variation requests pursuant to 12-3-6.H. of the Zoning Ordinance to reduce the off street parking requirements for the proposed hotel from 110 to 61 spaces and to reduce the off street parking requirements for the existing office building from 541 to 247 spaces with the two conditions in the staff report.**

AYES: Weaver, Hofherr, Fowler, Saletnik, Veremis, Szabo  
NAYES: None  
ABSTAIN: None  
**\*\*\*MOTION CARRIES UNANIMOUSLY \*\***

**A motion was made by Board Member Weaver, seconded by Board Member Hofherr to approve the Tentative Plat of Subdivision pursuant to Section 13-2-2 of the Subdivision Regulations subject to the conditions already approved.**

AYES: Weaver, Hofherr, Fowler, Veremis, Saletnik, Szabo  
NAYES: None  
ABSTAIN: None  
**\*\*\*MOTION CARRIES UNANIMOUSLY \*\***

**A motion was made by Board Member Weaver, seconded by Board Member Hofherr to *recommend* to the City Council to approve a Final Plat of Subdivision with subdivision variations for lot depth and lot frontage subject pursuant to Section 13-2-7 of the Subdivision Regulations with the condition that all governing documents for the proposed development including covenants conditions and restrictions or any operating reciprocal easement agreements must be submitted and approved by the general council prior to the recording of the FPUD.**

AYES: Weaver, Hofherr, Fowler, Veremis, Saletnik, Szabo  
NAYES: None  
ABSTAIN: None  
**\*\*\*MOTION CARRIES UNANIMOUSLY \*\***



Case 22-049-FPLAT-V-PUD-A	1700 Higgins Road	Final Planned Unit Development, Variation, Final Plat of Subdivision, Text Amendment
Case 22-050-TA	Citywide	Text Amendment

**2. Address:** Citywide

**Case Number:** 22-050-TA

The petitioner is requesting text amendments to the Zoning Ordinance related to privately or publicly owned parks, public open space and/or recreational facilities, related off-street parking requirements, and any other amendments or relief as may be necessary.

**PIN:** Citywide

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

**Case Number:** #22-050-TA

**Project Summary:** The City of Des Plaines is applying for zoning text amendments to facilitate development and re-development of existing and future recreational space within the City.

### **Background**

The current definition of “Park” in Section 12-13-3 defines and provides an overview of the typical uses for parks, including any accessory uses. The definition also states a park must be owned by one of three public entities to be classified as a park. The definition states:

“A City, park district, or County owned public recreation facility which may be improved with a combination of active recreation areas such as field game areas, court game areas, crafts, playground apparatus, passive recreation areas, such as picnicking, and/or other facilities, such as swimming pools, recreation centers, and on-site parking. Concession sales, indoor and outdoor art, craft, and plant shows, exhibits, and sales, and temporary or seasonal tree sales are considered accessory uses for parks of over five (5) acres in size.”

The origin of this definition is Ordinance Z-7-13, part of a series of text amendments to the Zoning Ordinance in 2013 to update definitions and use matrices to better “reflect responsible development patterns.”<sup>1</sup> Several commercial recreational uses are newly defined within Ordinance Z-7-13 alongside “parks,” and the City’s intent in adding the definitions was to distinguish between commercial and non-commercial recreational uses. “Indoor commercial recreation” and “outdoor commercial recreation” are similar to “park,” but they identify the uses as operating on a commercial or membership basis. To draw a sharp distinction at the time, the “Park” definition included the requirement to be “...City, park district, or County owned....”

Parks are permitted by right in the majority of zoning districts, including all residential districts, the mobile home park district, most commercial districts, and the institutional district. No specific

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<sup>1</sup> City Council Staff Report for May 1, 2013 Meeting - Zoning Ordinance Text Amendments, Case #12-072-TA, page 2.

standards exist within the Zoning Ordinance about park design or other City expectations. This guidance exists in Section 13-4-2 of the Subdivision Regulations, which require the dedication of park land for residential developments or subdivisions with more than fifteen (15) dwelling units, or payment of fee in lieu. Most residential development subject to these requirements is completed by private developers.

Section 13-4-2 lists the amount of land required for dedication and depends on the estimated number of people generated by a proposed development. The “service area” of the park is matched to the required size and type of park; a service area is the area intended to be served by park or recreational purposes. For example, a 15-unit development that is estimated to generate 2.5 residents per unit (a total of 38 residents) would require 0.21 acres of recreation area, which would serve a half-mile radius surrounding the new park or recreational space. The table below appears in Section 13-4-2.A and outlines the types of recreation areas and requirements.

<b>Types Of Recreation Area</b>	<b>Size Range</b>	<b>Service Area (Approximate Distance)</b>	<b>Minimum Acres Per 1,000</b>
Neighborhood playground	1,200 - 4,000 sq. ft. +/-	0.5 mile	5.5 acres/1,000
Open space	0.2 - 4.5 acres	0.5 mile	5.5 acres/1,000
Mini park	0.15 - 1.0 acre	0.5 mile	5.5 acres/1,000
Neighborhood park	0.5 - 5 acres	2 miles	5.5 acres/1,000
Community park	5.0 - 75 acres	Citywide	5.5 acres/1,000

New developments may dedicate land to the city or park district to meet these requirements; however, this practice adds another facility requiring maintenance to the City or park district. An unintended consequence of limiting ownership in the current park definition to public entities is the prohibition of private and non-profit development and maintenance of parks for public access and benefit. An increasingly common trend in the last two decades is public-private partnerships or private ownership of park facilities within cities.<sup>2</sup> This trend shifts the burden of construction and maintenance of public spaces away from municipalities and park districts to developers either required to or keen to provide services to residents or tenants of their development. Smaller “pocket parks” may be challenging for park districts in many communities because these spaces

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<sup>2</sup> Nemeth, J., & Schmidt, S. (2011). The privatization of public space: modeling and measuring. *Environment and Planning B: Planning and Design*, page 7.

Case 22-049-FPLAT-V-PUD-A	1700 Higgins Road	Final Planned Unit Development, Variation, Final Plat of Subdivision, Text Amendment
Case 22-050-TA	Citywide	Text Amendment

require maintenance, but often are not large enough to provide an opportunity to build or provide robust programming.

### **Off-Street Parking Requirement**

The off-street parking requirement for parks made its first appearance in the original 1998 Zoning Ordinance, preceding the definition of “park.” The requirement has remained unchanged since 1998 – a minimum of 2 spaces, plus 1 space for every ½ acre of park space is required for any outdoor park. However, an analysis of 50 parks and green spaces within the city (attached) has revealed 30 did not contain any off-street parking. Smaller parks within residential neighborhoods did not contain any off-street parking. In fact, no parks one acre or less in size contained off-street parking.

Pursuant to Section 13-4-2, new park spaces of one acre or less are projected to have a service area of 0.5 miles. For the average person, this is an 8-15-minute walk.<sup>3</sup>; It is unlikely an individual would drive this distance for outdoor recreation instead of walking or riding a bike. If it is assumed smaller parks one acre or less in size are intended for pedestrians within the 0.5-mile service area, off-street parking is unnecessary. Neighborhood or pocket parks are intended to be enjoyed by the surrounding community rather than be a regional or communitywide destination that would necessitate a visitor driving to the park. This position is further supported by the existing land patterns of parks within the city, with no existing parks one acre or less containing off-street parking areas.

The current requirement also places a burden on any future redevelopment of existing parks. Pursuant to Section 12-5-5.E, existing parks not meeting the parking requirement are not required to come into conformance, but any expansion or enlargement of the park would require the site to follow all applicable parking requirements in Section 12, Chapter 9. Most smaller parks would not have space to accommodate the required parking and would require a reduction in usable park area and/or greenspace. Examples of these smaller parks, including photos and the service area per Section 13-4-2 is included as an attachment.

Revisions to the off-street parking requirements for parks are proposed below. Staff suggests eliminating parking requirements for parks one acre or less in size.

### **Examples in Other Municipalities and Maintaining Public Access**

A survey of the Northwest Municipal Conference (NWMC) in October 2022 received fourteen (14) responses from municipalities in the north and northwest suburbs of Chicago about standards for parks in their zoning ordinances. Of the 14 responses, only three did not allow for private ownership of publicly accessible parks. The remainder either explicitly allowed for private parks,

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<sup>3</sup> Bohannon, R. W. (1997). Comfortable and maximum walking speeds of adults aged 20-79 years: reference values and determinants. *Age and Ageing*, page 17.

Case 22-049-FPLAT-V-PUD-A	1700 Higgins Road	Final Planned Unit Development, Variation, Final Plat of Subdivision, Text Amendment
Case 22-050-TA	Citywide	Text Amendment

did not specify ownership in the definition or did not include a definition of park in their zoning ordinance. The municipalities also provided information on parking – of the 14 surveyed, four required off-street parking for parks and 11 did not.

Examples from these municipalities were used to shape the suggest revisions to the park definition. An important consideration during the revision process was maintaining the intent of the original park definition to provide *public* access to recreational facilities. Urban parks are a vital public good benefitting the quality of life, environment, economic value, and aesthetics of communities. However, maintaining public access to parks does not necessitate ownership by public entities; legal instruments such as recorded permanent easements and development agreements can establish a framework where the space must be open to the public but the maintenance and programming expenses lies with a private property owner. The proposed revisions to the definition maintain public access by requiring any park to maintain land for “the general public.”

**Proposed Amendments**

Amendments to the park definition and the parking requirements are suggested, shaped by staff analysis of the current Zoning Ordinance, existing park design, and trends in other cities and similar municipalities, as discussed above. Additions are **bold, double-underline**. Deletions are ~~struck through~~. Amended sections are provided with some surrounding, unamended text for context.

**Section 12-13-3: DEFINITION OF TERMS**

“PARK: A ~~City, park district, or County owned public recreation~~ **tract of land dedicated to, set aside, and maintained for recreational purposes of the general public facility which may be improved** and may include, without limitation, ~~with a combination, of~~ active recreation areas such as field game areas, court game areas, crafts, playground apparatus, passive recreation areas, such as **turf and trees**, picnicking, and/or other facilities, such as swimming pools and, recreation centers, ~~on-site parking~~. Concession sales, indoor and outdoor art, craft, and plant shows, exhibits, and sales, and temporary or seasonal tree sales are considered accessory uses for parks of over five (5) acres in size.”

**Section 12-9-7: OFF STREET PARKING REQUIREMENTS**

<b>Parks – Outdoor<sup>3</sup></b>	A minimum of 2 spaces, plus 1 space for every ½ acre
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**3. No off-street parking is required for parks one acre or less in size.**

**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 PZB may use the statements below as its rationale or adopt its own.

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

Incorporating parks and open space is one of the overarching principles of the Comprehensive Plan and its goal is to “promote recreational facilities to boost the local economy”<sup>4</sup>. In fact, the plan discusses creating additional small-scale, pocket parks on underutilized or vacant lands<sup>5</sup>. The amendments provide additional flexibility for the development and ownership of parks and maximize the amount of usable recreation or greenspace by eliminating parking requirements on properties of one acre or less, which are likely to face space constraints if forced to accommodate paved off-street parking spaces.

PZB Modifications (if any): \_\_\_\_\_

**2. Whether the proposed amendments are compatible with current conditions and the overall character of existing development.**

Amendments to the park definition would create flexibility in the entities developing park spaces within the city, while maintaining the intent of the original definition of requiring public access. The definition allows for the private or non-profit development and long-term ownership and maintenance of parks, reducing the obligation for public entities.

As discussed within this staff report, no existing small parks (one acre or less in size) contain off-street parking. Eliminating this parking requirement matches existing conditions, allowing for the continued development of recreation spaces on smaller parcels and allowing the re-development of existing parks to continue to offer the same amount of usable park space without requiring the construction of parking areas on space-constrained properties.

PZB Modifications (if any): \_\_\_\_\_

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

The revised definition of parks will allow for the development of additional recreational and green spaces, without burdening existing city and park district resources. Private and non-profit entities would be provided the opportunity to develop and maintain these areas, contributing to the inventory of park spaces for existing and future residents without creating strain on existing public facilities and services. The revised parking requirement will have no effect on public facilities and services.

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<sup>4</sup> Des Plaines Comprehensive Plan (2019), page 27

<sup>5</sup> Des Plaines Comprehensive Plan (2019), page 8

Case 22-049-FPLAT-V-PUD-A	1700 Higgins Road	Final Planned Unit Development, Variation, Final Plat of Subdivision, Text Amendment
Case 22-050-TA	Citywide	Text Amendment

PZB Modifications (if any): \_\_\_\_\_

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

The proposed amendments are likely to increase the inventory of parks available to the community. Research on urban parks has demonstrated a positive effect on property values for areas surrounding park spaces, with property buyers consistently willing to pay a larger amount for property close to parks and open space<sup>6</sup>. Amendment to the parking requirements would increase the amount of usable recreation and greenspace within new parks and maintain it when existing parks are re-developed.

PZB Modifications (if any): \_\_\_\_\_

**5. Whether the proposed amendments reflect responsible standards for development and growth.**

Parks are an essential component to a healthy, vibrant community and support the economic vitality of the city by increasing property values and appeal to businesses seeking attractive environments for employees and customers. The amendments will increase both the inventory of parks and the quality of parks; revising the definition is anticipated to increase the number of parks available and promote more usable recreation and greenspace rather than requiring the paving of surfaces to accommodate off-street parking spaces.

PZB Modifications (if any): \_\_\_\_\_

**PZB Procedure and Recommended Conditions:** 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. City Council has final authority on the proposal.

**Attachments:**

- Attachment 1: Example Parks without Off-Street Parking and Maps with Service Areas
- Attachment 2: Parking Inventory of Des Plaines Parks
- Attachment 3: Summary of NWMC Results

Samantha Redman, Associate Planner went over the staff report which includes the information and explanation of the Text Amendment. Ms. Redman went over the power point presentation

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<sup>6</sup> Kolimenakis, A., Solomou, D. A., & Proutsos, N. (2021). The Socioeconomic Welfare of Urban Green Areas and Parks; A Literature Review of Available Evidence. *Sustainability*, 20.

Case 22-049-FPLAT-V-PUD-A	1700 Higgins Road	Final Planned Unit Development, Variation, Final Plat of Subdivision, Text Amendment
Case 22-050-TA	Citywide	Text Amendment

which gave a current definition of “Park” in Section 12-13-3. “A City, park district, or County owned public recreation facility which may be improved with a combination of active recreation areas such as field game areas, court game areas, crafts, playground apparatus, passive recreation areas, such as picnicking, and/or other facilities, such as swimming pools, recreation centers, and on-site parking. Concession sales, indoor and outdoor art, craft, and plant shows, exhibits, and sales, and temporary or seasonal tree sales are considered accessory uses for parks of over five (5) acres in size”. Ms. Redman went over the table that show park requirements Most of the parks in Des Plaines to not meet the parking requirements. Mr. Redman explained the off-street parking requirements and park regulations. 30 of the 50 small parks would not meet the parking requirements. Examples of Des Plaines parks were shown.

Ms. Redman created a survey with the Northwest Municipal Conference. The survey results show that 11/14 municipalities allow private parks. And 10/14 municipalities do not have parking requirements.

Staff is suggesting an amended park definition to remove the ownership part of the definition. Suggesting the definition as: “A track of land that dedicated too, set aside and maintained correct recreational purposes of the general public.” The general public part is really important. because we want to make sure parks are something that are public service.

Staff is suggesting an amendment to the off-street parking requirements. To not require new parking for parks that are 1 acre or less in size. Supported by the existing land pattern of the city and it is also supported by other neighboring municipalities who have similar or less restrictive requirements for parks.

Member Fowler asked who would be responsible for the maintaining the park?

John Carlisle, CED Director stated that the maintenance, equipment, repair, and replacement would be covered by the private entity.

Member Hofherr- from my experience generally a privately owned lot like this that is used as a park handles any problems before having to go to a notice of violation

Member Weaver- In larger cities the Friends of the Park take care of the smaller parks and if it helpful and welcomed by the municipalities. Also, just to clarify -as long as the current parks have no major changes then they can continue the way they are?

Ms. Redman stated that yes, we have a non-conforming use section in our zoning ordinance that says they can exist as they remain. But if they want to expand or change, they would need to find space for at least two parking spaces.

Member Fowler – How would someone know a private park is open to the public?

Case 22-049-FPLAT-V-PUD-A	1700 Higgins Road	Final Planned Unit Development, Variation, Final Plat of Subdivision, Text Amendment
Case 22-050-TA	Citywide	Text Amendment

Ms. Redman stated that they would need to make sure there were no gates to restrict public access. We would make sure the park went through a zoning review that would show access to the park before we approve and allow them to construct.

**A motion was made by Board Member Weaver, seconded by Board Member Saletnik to recommend, and amend text amendments to the Zoning Ordinance: 12-13-3 as proposed in the staff memo.**

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

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

**A motion was made by Board Member Weaver, seconded by Board Member Fowler to recommend, and amend text amendments to the Zoning Ordinance 12-9-7 regarding street parking:**

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

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

## **ADJOURNMENT**

The next scheduled Planning & Zoning Board meeting is Tuesday December 12, 2022.

Chairman Szabo adjourned the meeting by voice vote at 8:03 p.m.

Sincerely,  
Margie Mosele, Executive Assistant/Recording Secretary

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