

Planning and Zoning Board Agenda

January 10, 2023

Room 102 – 7:00 P.M.

Call to Order and Roll Call

Approval of Minutes: December 13, 2022

Public Comment: For matters that are not on the agenda

Pending Applications:

1. Address: 827 Elmhurst Road

Case Number: 22-054-CU

The petitioner is requesting a conditional use permit to operate an auto service repair use in the C-3 zoning district and any other variations, waivers, and zoning relief as may be necessary.

PIN: 08-24-100-031-0000

Petitioner: GW Properties (Representative: Mitch Goltz, 2211 N. Elston Avenue, Suite 400, Chicago, IL)

Owner: RDK Ventures, LLC c/o Mac's Convenience Stores, LLC, P.O. Box 347, 4080 W. Jonathan Moore Pike, Columbus, IN

2. Address: 1300 Miner Street

Case Number: 23-001-CU

The petitioner is requesting an amendment to a previously approved conditional use permit for auto body repair to allow an expansion of an existing establishment into a second tenant space at 1300 Miner Street, and the approval of any other such variations, waivers, and zoning relief as may be necessary.

PIN: 09-17-408-011-0000

Petitioner: Melbin Ordonez, 8417 Austin Avenue, Morton Grove, IL 60053

Owner: GXK Properties, 1300 Miner Street, Des Plaines, IL 60016

3. Address: Citywide

Case Number: 23-002-TA

The petitioner is requesting text amendments to the Zoning Ordinance related to definitions and regulations for fences, trellises, arbors, and yard features; permitting requirements for obstructions in required yards; and any other amendments or relief as may be necessary.

PIN: Citywide

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

Owner: N/A

4. Address: Citywide

Case Number: 23-003-TA

The petitioner is requesting text amendments to the Zoning Ordinance related to the procedure for variation requests and any other amendments or relief as may be necessary.

PIN: Citywide

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

Owner: N/A

City of Des Plaines, in compliance with the Americans With Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in the meeting(s) or have questions about the accessibility of the meeting(s) or facilities, contact the ADA Coordinator at 847-391-5486 to allow the City to make reasonable accommodations for these persons. The public hearing may be continued to a further date, time and place without publication of a further published notice such as this notice.

Case 22-048-CU

1683 Elk Blvd

Conditional Use

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**DES PLAINES PLANNING AND ZONING BOARD MEETING
December 13, 2022
DRAFT MINUTES**

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, December 13, 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: Szabo, Fowler, Hofherr, Veremis, Weaver

ABSENT: Catalano, Saletnik

ALSO PRESENT: Jonathan Stytz, AICP, Senior Planner
Samantha Redman, Associate Planner
Margie Mosele, CED Executive Assistant

A quorum was present.

Chair Announcement: The public hearing for 1378 Margret Street, Case Number 22-055-APPEAL, 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.

PUBLIC COMMENT ON NON-AGENDA ITEM

There was no public comment.

APPROVAL OF MINUTES

A motion was made by Board Member Fowler, seconded by Board Member Veremis to approve the meeting minutes of November 22, 2022.

AYES: Fowler, Veremis, Hofherr, Weaver, Szabo

NAYES: None

ABSTAIN: None

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

Case 22-048-CU	1683 Elk Blvd	Conditional Use
Case 22-053-CU-LASR	1600 E. Golf	Conditional Use Localized Alternative Sign Regulation

Pending Applications:

1. Address: 1683 Elk Boulevard Case Number: 22-048-CU

The petitioner is requesting (i) a variation from the collective off-street parking requirements for the mix of uses proposed at the subject property and (ii) a conditional use permit to operate a Commercially Zoned Assembly Use in the C-3 General Commercial District, as well as any other variations, waivers, and zoning relief as may be necessary.

PINs: 09-16-300-119-0000 & 09-216-300-120-0000

Petitioner: Jiju Matthew, Living Hope Church, 1683 Elk Blvd, Des Plaines, IL 60016

Owner: Thomas H. Ahlbeck, Elk Creek LLC, 1651 Elk Blvd Des Plaines, IL 60016
Property Control and Elk Boulevard LLC, 1665-1695 Elk Blvd., Des Plaines, IL 60016)

Ward Number: #1, Alderman Mark Lysakowski
Existing Zoning: C-3, General Commercial
Surrounding Zoning: North: C-3, General Commercial
South: C-3, General Commercial
East: R-1, Single Family
West: C-3, General Commercial

Surrounding Land Uses:
North: Commercial buildings
South: Open space/river
East: Single Family Residence
West: Commercial Building

Street Classification: Elk Blvd is classified as a local street.

Comprehensive Plan : Commercial is the recommended use of the property.

Property/Zoning History: This property is one unit of a two-building, six-unit office complex (west building: 1651 Elk Blvd., east building: 1665-1695 Elk Blvd.), and is one zoning lot. The property is zoned C-3 and the uses operating at this site have consisted of commercial office space throughout the known history of the development. This site is located within the 100-year floodplain, requiring adherence to Federal Emergency Management Agency (FEMA) regulations for any construction in this location.

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Project Description: The petitioner, Jiju Mathew of the Living Hope Church, is proposing a conditional use to allow a commercially zoned assembly at 1683 Elk Blvd. Specifically, the petitioner is interested in using one unit of the 1665-1695 building (east building) for worship services. The church has used this property as an office space for approximately three years and now proposes to host worship services on Sundays and weeknights after standard business hours. A conditional use permit is necessary to operate a commercially zoned assembly use in this location.

Proposed Use and Hours of Operation

1683 Elk is one unit out of six in a two-building, multi-tenant office complex (six total uses/tenants). All other tenants are classified as “office” in the Zoning Ordinance, including Ahlbeck and Company, an accounting company; a dentist office; an IT company; a video production company; and the Center of Concern, a nonprofit organization that provides housing and social services to senior and other at-risk populations.

The attached floor plan of the 1683 Elk unit includes office space and a common meeting area that the petitioner intends to use for worship services. The proposed hours of operation are as follows:

- 9 a.m. to 5 p.m. for hours of the office use (Tuesday through Friday; Saturday and Sunday for occasional office use)
- 5 p.m. to 9 p.m. for assembly uses on weekdays (Monday through Friday)
- 7:30 a.m. to 2 p.m. for assembly uses on Sundays

Generally, the hours of operation for the other tenants in this office building are Monday through Friday, 8 a.m. to 5 p.m.

Off-Street Parking

Pursuant to Section 12-9-7, commercially zoned assembly uses for places of worship are required to provide 1 space for every 60 square feet of gross floor area. For comparison, the existing office use for the 1683 space requires 1 space for every 250 square feet of gross floor area. The definition of “floor area” in Section 12-13-3 allows spaces such as restrooms, mechanical rooms, hallways, and storage areas to be excluded. The following reflects the required parking.

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Address	Business	Use	Gross Floor Area	Existing Required Parking	New Required Parking
1651 Elk Blvd	Ahlbeck and Company	Office	2,673	10.69	10.69
1665 Elk Blvd	Center of Concern	Office	3,632	14.53	14.53
1677 Elk Blvd	H M S Media	Office	1,848	7.4	7.4
1683 Elk Blvd	Living Hope Church	Office (existing); Commercially Zoned Assembly (proposed)	1,727	6.9	28.78
1689 Elk Blvd	Jensen	Office	1,727	6.91	6.91
1695 Elk Blvd	Des Plaines Family Dentistry	Office	1,713	6.85	6.85
Total*				54	76
*Spaces rounded up to next whole number					

The parking lot currently includes 56 standard parking spaces and two accessible spaces (58 total) to serve the two buildings collectively. Although the 1651 Elk (office building) adjoins 1645 Elk (Pavestone Brick Paving), Pavestone is a separate zoning lot, with its own parking lot and does not use this parking area.

A minimum of three accessible spaces are required, so designating additional accessible parking spaces to satisfy Section 12-9-8 is a recommended approval condition. The spaces in front of 1683 Elk have striping for a loading zone and a handicap-accessible curb but are missing some necessary striping and signage. These may be an option for the petitioner to fulfill the condition.

Staff determined the available parking for all tenants in the complex – without the proposed assembly use – meets the requirement. Section 12-9-3.A provides that required parking may be provided collectively. Adding the assembly use increases the total requirement to 76, making the parking lot 18 spaces short of the requirement without the practical ability to add more. However, it is important to note the assembly use is not proposed to overlap in hours with the other office uses. The petitioner states in the attached Response to Standards that they have confirmed that no tenants in this office complex currently operate on Sunday, and therefore the parking lot would not be in regular use by the other businesses in the complex on this day of the week. Note the

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neighboring tenants do not have hours of operation after 5 p.m. on any day of the week, leaving many spaces unoccupied. In addition, per the Fire Prevention Bureau, the maximum occupancy load for the unit is 21.

The attached Parking Study completed in October 2022 indicates an average of 32 spaces are occupied on a weekday and average of 2 spaces occupied on Sundays. Additionally, the church requests to use the space on occasional evenings for meetings or other worship activities, intending to operate after 5 p.m. and not exceeding 20 attendees.

Standards for Variation

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.**

Comment: The existing 58 parking spaces are not sufficient to meet the parking requirement for the proposed mix of uses on this property. However, 1683 Elk for the proposed use will have limited occupancy: a maximum 21 attendees per the determination of the Fire Prevention Bureau Chief. Requiring parking to meet the Zoning Ordinance would be unreasonable given this limitation in the size of assembly. Twenty-eight spaces are required when a maximum of only 21 attendees could be present—and presumably if any of these attendees are in the same family, they would likely come to the property together.

Without the variation, to meet the existing parking requirements the occupants and/or the property owner would need to (i) expand the parking lot to accommodate the proposed assembly use or (ii) acquire or sign a parking agreement with property owners with available parking on nearby parcels to meet the collective parking requirements in Section 12-9-3. In staff’s view, the second option would necessitate pedestrian crossings of Elk Boulevard where there is a not a convenient or reasonably close pedestrian crossing.

As discussed in Standard 2 below, expansion of the parking area is not feasible due to physical constraints. Due the limitations on the size of the assembly and the location of the property, it presents a hardship and practical difficulty to meet the parking requirements in Section 12-9-7.

PZB Additions or Modifications (if any): _____

- 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**

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relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

Comment: 1683 Elk is a small space and limited to 21 occupants per the fire code, reducing parking demand for this use. In addition, this property is within a 100-year floodplain in close proximity to the river and a water feature to the south, which presents constraints to construction and expansion of impervious surface (parking lot) due to local and federal regulations.

If required to meet collective parking standards pursuant to Section 12-9-7, the acquisition of other parking areas would also present a challenge due to the location. The collective parking requirements limit the location of any off-street parking spaces to properties that are partially or fully unoccupied (i.e., no existing uses) within 1,000 feet of the subject parcel. There are few available vacant or partially vacant properties within 1000 feet that could provide an additional 18 parking spaces, and anything across the street might induce unsafe crossings.

PZB Additions or Modifications (if any): _____

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

Comment: At the time of construction, the site met parking requirements and did not have the same physical constraints (floodplain and development of the surrounding parcels) that now limit the expansion of the parking lot. When constructed, an assembly use was not envisioned to occupy any of the office spaces. However, it is increasingly common for churches and other places of worship to occupy office spaces, as it is often more economical for smaller churches to lease existing properties rather than purchasing or constructing new facilities.

PZB Additions or Modifications (if any): _____

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

Comment: Due to the fire code, this assembly use could not exceed 21 attendees. The Zoning Ordinance requires 28 spaces to accommodate the parking needs of the assembly use, exceeding the total number of possible attendees. Meeting the requirement in this circumstance would be burdensome and unnecessary for the proposed use to harmoniously operate in this location with the other existing tenants and within the neighborhood. If the variation is not approved, the conditional use could not be granted because parking requirements for the new mixture of uses could not be satisfied due to the physical limitations of the site, discussed in Standard 2.

PZB Additions or Modifications (if any): _____

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

Comment: This variation would not constitute a special privilege for the occupant. It is a reasonable request in this circumstance to reduce the parking standards due to the limited occupancy load for the site and the physical limitations of the property.

PZB Additions or Modifications (if any): _____

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

Comment: As discussed in the petitioner’s narrative, the petitioner and property owner have confirmed with neighbors that the use of the parking spaces on Sunday and after hours would not disturb their business activities. A parking agreement exists between the property owner and petitioner discussing the exact hours and spaces allocated for Living Hope Church to ensure the proposed use is in harmony with the other tenants and that off-street parking demand is met to limit any potential nuisance to the neighborhood.

PZB Additions or Modifications (if any): _____

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

Comment: Expansion of the parking lot to accommodate the new use would be challenging due to the location in the floodplain, constraints with the existing water feature to the south, and the fact the area surrounding this site is already fully developed. If the church was required to find additional parking elsewhere, it would be challenging to meet the collective parking requirements section of the zoning ordinance; the petitioner or the property owner would need to locate and sign an agreement with the owner of a parcel within 1000 feet of 1683 Elk, with available parking that could accommodate this use. This would be unnecessary, as the narrative discusses the lack of overlap in the hours of operation of the other tenants and the availability of parking during the proposed hours of service.

PZB Additions or Modifications (if any): _____

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

Comment: This is the minimum required relief needed to alleviate the hardship.

PZB Additions or Modifications (if any): _____

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Standards for Conditional Use

The following is a discussion of standards for zoning amendments from Section 12-3-4(E) of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is provided below and in the petitioner’s response to standards. The PZB may use this rationale toward its recommendation, or the Board may make up its own.

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

Comment: Commercially zoned assembly use requires a conditional use permit in the C-3 Zoning District.

PZB Additions or Modifications (if necessary): _____

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

Comment: The 2019 Comprehensive Plan illustrates this area to be used for commercial activities. This use would not conflict with any policies of the comprehensive plan.

PZB Additions or Modifications (if necessary): _____

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

Comment: All uses will be located within an existing building; no changes to the appearance are proposed. The worship services will occur indoors. Although an office complex, this use will not alter the appearance of this property and will not result in excess traffic or deliveries.

PZB Additions or Modifications (if necessary): _____

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

Comment: As discussed in the Petitioner’s Response to Standards, the petitioner discussed the proposed worship services with each of the existing tenants in the office complex and confirmed no businesses operate on Sunday. The businesses in this complex operate during typical business hours, 8 a.m. to 5 p.m. The proposed worship services will occur between 7:30 a.m. and 1:30 p.m. and no activities after 9 p.m. are proposed after business hours during weeknights. Parking can be accommodated on site and will not require any overflow parking into the adjacent neighborhood.

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

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structures, refuse disposal, water and sewer, and schools; or, agencies responsible for establishing the Conditional Use shall provide adequately any such services:

Comment: The existing building has been adequately served by essential public facilities and services. Staff has no concerns that the proposed use will not be adequately served with essential public facilities and 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 will not be detrimental to the economic well-being of the entire community:

Comment: The proposed use would neither create a burden on public facilities, nor would it be a detriment to the economic well-being 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:

Comment: As discussed in this staff report and the Petitioner’s Narrative and Response to Standards, the hours of operation for the proposed uses do not overlap with the hours of operation for the other existing tenants; therefore, the parking demand of this request would be met. No larger truck traffic will be generated by any uses. All proposed activities would take place inside the building reducing any noise, smoke fumes, light, glare, odors, or other concerns.

PZB Additions or Modifications (if necessary): _____

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

Comment: Vehicular access will continue to be provided through one access point on Elk Blvd. This use will generate new traffic and parking on Sundays. However, the site is located on Elk Blvd, a generally low-traffic connection between Rand Road and River Road with two lanes of traffic in either direction, and near two arterial roads; therefore, the existing street network is capable of accommodating new traffic. The number of vehicles entering/exiting the parking lot would not exceed the number of vehicles typically located at the site Monday through Friday. As discussed in the parking section of this report, adequate parking would be available for this use given the worship services will not overlap with the normal business owners of the other businesses in the complex. Refer to the Parking Study for additional details.

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

Comment: The subject property is within an existing building and thus would not result in the loss or damage of natural, scenic, or historic features. No new development is proposed for this site.

PZB Additions or Modifications (if necessary): _____

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

Comment: The proposed uses comply with all applicable requirements as stated in the Zoning Ordinance. A Standard Variation for parking is necessary and submitted concurrently with this application to provide relief to the parking standards for this conditional use.

PZB Additions or Modifications (if necessary): _____

PZB Procedure and Recommended Conditions: There are two requests upon which the PZB must take action. First, a Standard Variation, for which the PZB is the deciding body, and second, a recommendation to the City Council regarding a conditional use permit.

Standard Variation

Pursuant to Sections 12-3-6(F), (I), and (J) of the Zoning Ordinance, the PZB may vote to approve, approve with conditions, deny, or approve relief less than requested. The request is to vary the off-street parking requirement for the proposed mix of uses, which includes a commercially zoned assembly, from 76 spaces to 58 total spaces. This relief is 24 percent of the requirement, which falls under a Standard Variation (up to 30 percent relief).

If the variation fails, consideration of the conditional use will be moot.

Conditional Use

Pursuant to Section 12-3-4(E) of the Zoning Ordinance, the PZB may vote to recommend approval, approval with modifications, or disapproval of the conditional use. The City Council has final authority over both requests.

Should the PZB vote to approve the variation and recommend approval of the conditional use, staff suggests the following conditions:

Recommend Conditions of Approval:

1. The Subject Property shall only be used for the Activities during the following times:
 - a. 9 a.m. to 5 p.m. for hours of the office use (Tuesday through Friday; Saturday and Sunday for employees, as needed).
 - b. 5 pm to 9 pm for assembly uses on weeknights (Monday through Friday).

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- c. 7:30 am to 1:30 pm for assembly uses on Sundays.
 - d. Any other hours of operation that are approved by the Director of Community and Economic Development.
2. Additional accessible parking for the development shall be located on site to meet the mobility accessible standards pursuant to Section 12-9-8.
 3. The Activities and the Subject Property must comply at all times with the maximum occupancy load prescribed by the Fire Department.

Attachments:

- Attachment 1: Location Map
- Attachment 2: Site and Context Photos
- Attachment 3: Project Narrative and Responses to Standards
- Attachment 4: Parking Study
- Attachment 5: Floor Plan
- Attachment 6: Plat of Survey/Site Plan

Chair Szabo swore in Jiju Matthew and Jimi Vilson from Living Hope Church and Thomas H. Ahlbeck, property owner. Mr. Matthew explained that they are requesting to operate a commercially zoned assembly use, specifically a place of worship in C-3 District. Mr. Vilson gave a summary of requests which include a variation from the off-street parking requirements for the existing uses and proposed assembly use at the subject property and a conditional use permit to operate a Commercially Zoned Assembly Use in the C-3 General Commercial District. Mr. Vilson stated that they leased 1683 Elk Blvd about one year ago. Mr. Matthew stated the hours of operation for services would be Sundays from 7:00-1:30 pm. The church is looking to have music/worship practice starting at 7:30 a.m. and worship services afterwards. He expects about 21 people at the music practice. In terms of parking, Tom the owner emailed all the neighbors and received support from the other tenants. An engineer did a parking study and said the subject property has ample parking for Sundays.

Member Fowler asked how many members there are and if they would be having events during the week.

Mr. Vilson stated that they currently have 40-50 members and do not have plans for events during the week but they do have meetings in the office space.

Samantha Redman, Associate Planner, reviewed the staff report. Ms. Redman explained the application. There are two requests for this application which includes a Conditional Use for a Commercially Zoned Assembly Use and a related Standard Variation for parking.

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Ms. Redman went over the presentation. The Standard Variation is to reduce the parking requirement by less than 30 percent. The Conditional Use is for the commercially zoned assembly. The hours of operation are 9 a.m. to 5 p.m. for hours of the office use (Tuesday through Friday; Saturday and Sunday for employees, as needed), 5 pm to 9 pm for assembly uses on weeknights (Monday through Friday) and 7:30 am to 2 pm for assembly uses on Sundays.

Ms. Redman added that all activities are indoors. Fire Code occupancy limit states they are not to exceed 21. For the parking variation, there are no concerns on parking because adequate parking is available for the hours in the proposal. The petitioners do not overlap with the tenants in this complex. For the parking variation request, the petitioner is requesting a reduction in the required parking spaces, required 76 spaces to the available 58 spaces.

Chair Szabo asked the petitioners how many services they would have every week. Mr. Mathew responded that they would have one service.

Chair Szabo asked how many members would attend each service. Mr. Mathew responded 20-50 people.

Chair Szabo asked if they would be having more than one service on Sundays since there is an occupancy limit. He asked how they anticipate membership would grow. Member Weaver asked if this location would allow your congregation to grow given the occupancy restriction.

Mr. Vilson stated that the fire department originally said that we were allowed 50 people and that they were just notified on the reduction to 21 last week. They are still looking at all our options for multiple services. He stated that he will consider all options.

Chair Szabo asked how long the services would last. Mr. Matthew responded 1.5 hours.

Member Weaver asked if having a Saturday service would affect other tenants. Mr. Ahlbeck responded that the subject property is not busy on Saturdays because most businesses operate Monday to Friday.

Thomas H. Ahlbeck, property owner, stated that the petitioners are always conscious about following the law. They have been working to follow all the rules and procedures so he does not believe they would ever not follow the law.

Member Veremis asked if adding Saturday services would be an option.

Ms. Redman stated that staff does not have an issue with Saturday but that it was not requested by the petitioners. She added it is something that PZB can amend in their conditions of approval. Conditions of approval amended by Board to expand hours of operation to include Saturday and extend hours on weekdays to 10pm.

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A motion was made by Board Member Weaver, seconded by Board Member Fowler to approve the Standard Variation for 1683 Elk Blvd to vary the off-street parking requirement for the proposed mix of uses, which includes a commercially zoned assembly, from 76 spaces to 58 total spaces.

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

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

A motion was made by Board Member Weaver, seconded by Board Member Fowler to approve the Conditional Use Pursuant to Section 12-3-4(E) of the Zoning Ordinance with the following.

- 1. The Subject Property shall only be used for the Activities during the following times:**
 - a. 9 a.m. to 6 p.m. for hours of the office use (Tuesday through Friday; Saturday and Sunday for employees, as needed).**
 - b. 5 pm to 10 pm for assembly uses on weeknights (Monday through Friday).**
 - c. 7 am to 3 pm for assembly uses on Saturdays and Sundays.**
 - d. Any other hours of operation that are approved by the Director of Community and Economic Development.**
- 2. Additional accessible parking for the development shall be located on site to meet the mobility accessible standards pursuant to Section 12-9-8.**
- 3. The Activities and the Subject Property must comply at all times with the maximum occupancy load prescribed by the Fire Department.**

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

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

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2 . Address: 1600 E. Golf Road **Case Number:** 22-053-CU LASR

The petitioner is requesting a conditional use permit for a Localized Alternative Sign Regulation (LASR) in the I-1 zoning district and any other variations, waivers, and zoning relief as may be necessary.

PINs: 09-08-200-006-0000; 09-08-400-013-0000; & 09-09-300-021-0000

Petitioner: Oakton Community College, 1600 E. Golf Rd, Des Plaines, IL 60016

Owner: Illinois Board of Higher Education, 1 N. Old State Capitol Plaza, Suite 333, Springfield, IL 62701

Case Number: 22-053-CU LASR

Ward: #1, Alderman Mark A. Lysakowski

Existing Zoning: I-1, Institutional District

Surrounding Zoning:

North: I-1, Restricted Industrial District (Cook County) / P-1, Open Land District (Cook County)
South: R-1, Single Family Residential District (Des Plaines) / P-1, Open Land District (Cook County)
East: P-1, Open Land District (Cook County)
West: River; then I-1, Institutional District (Des Plaines) / P-2, Open Land District (Cook County)

Existing Land Use: Community College Campus and Surface Parking Areas

Surrounding Land Use:

North: Landfill (Industrial) / Open Space (Recreational)
South: Vacant Lot / Open Space (Recreational)
East: Open Space (Recreational)
West: River; then Hospital(Institutional)/Open Space (Recreational)

Street Classification: Golf Road is classified as an other principal arterial and Central Road is classified as a minor arterial.

Comprehensive Plan: The Comprehensive Plan illustrates the site as institutional.

Case 22-048-CU	1683 Elk Blvd	Conditional Use
Case 22-053-CU-LASR	1600 E. Golf	Conditional Use Localized Alternative Sign Regulation

Project Description: Mike Brodnan and Matt Pyter of Olympik Signs on behalf of petitioner, Oakton Community College have requested a Conditional Use for a LASR to allow for increased and updated signage on the property located at 1600 E. Golf Road. The existing property contains a multi-building college campus with multiple surface parking areas, multiple pedestrian walkways, and separate drive aisles for different areas of the campus, which connect to Golf Road and Central Road. With all lots combined, the property encompasses 167.2 acres in land area.

The existing building and site as a whole currently contain a variety of different static, non-illuminated freestanding signs including parking entrance identity, building entrance identity, vehicle directional, and pedestrian directional signs as illustrated in the Existing Conditions and Sign Plan. However, the petitioner is requesting to add six new vehicle directional signs, replace nine existing vehicle directional signs, and add seven new pedestrian directional/building identification signs, totaling 13 new signs altogether:

- ***Vehicle Directional Signs:*** The new vehicle directional sign locations are concentrated along the main access drives near parking lot entrances and main campus entrances to direct traffic to parking areas and various portions of the campus. The existing vehicle directional signs to be replaced are directional signs to assist motorists and pedestrians in navigating the property.
- ***Pedestrian Directional/Building Identification Signs:*** The new pedestrian directional/building identification sign locations are in high visible areas to identify various buildings and services throughout the campus for pedestrians. These signs are interspersed throughout the subject property along paved walkways and at main building entrances to further direct pedestrians and motorists to their desired destinations.

All proposed signage is shown in the table on the following page. The Project Narrative and Existing Conditions and Sign Plan provide additional information.

Case 22-048-CU

1683 Elk Blvd

Conditional Use

Case 22-053-CU-LASR

1600 E. Golf

Conditional Use

Localized Alternative Sign Regulation

Vehicle Directional Signs		
Sign ID	Location	Sign Area
A2 – S011 NEW	Southwest corner of Entrance to Parking Lot A	31 SF
A2 – S014 NEW	Northeast corner of Entrance to Parking Lot D (near Central Rd)	31 SF
A2 – S035 NEW	Southeast corner of Entrance to Parking Lot D (near Central Rd)	31 SF
A2.1 – S012 REPLACE	South of Entrance to Parking Lot B	31 SF
A2.1 – S013 REPLACE	Southwest corner of Entrance to Parking Lot C	31 SF
B1 – S001 REPLACE	Main Central Directional Sign Facing Golf Road Entrance	86 SF
B1 – S002 REPLACE	Main Central Directional Sign Facing East Towards Campus	61 SF
B1 – S003 REPLACE	Main South Directional Sign Facing Golf Road Entrance	74 SF
B1 – S004 REPLACE	Main Central Directional Sign Facing Central Road Entrance	61 SF
B1 – S005 REPLACE	Main North Directional Sign Facing Central Road Entrance	61 SF
B1 – S036 REPLACE	Main South Directional Sign Facing Golf Road Entrance	61 SF
B1 – S037 REPLACE	Sport Court Directional Sign Facing Golf Road Entrance	42 SF
B2 – S006 NEW	Southwest corner of Parking Lot D	19 SF
B2 – S007 NEW	South of lake near Main Campus Building (Zone 3)	19 SF
B2 – S008 NEW	Southeast corner of Parking Lot A	19 SF
B2 – S009 NEW	South of lake near Main Campus Building (Zone 3)	19 SF
B2 – S010 NEW	South of Parking Lot A	19 SF
TOTAL		696 SF
Pedestrian Directional/Building Identification Signs		
Sign ID	Location	Sign Area
A4 – S015 NEW	West Entrance ID sign for Main Building West (Zone 2)	16 SF
A4 – S016 NEW	South Entrance ID sign for Main Building West (Zone 3)	16 SF
A4 – S017 NEW	South Entrance ID sign for Main Building East (Zone 4)	16 SF
A4 – S020 NEW	North Entrance ID sign for Main Building West (Zone 1)	16 SF
A4 – S034 NEW	East Entrance ID sign for Main Building East (Zone 3)	16 SF
TOTAL		80 SF
GRAND TOTAL		776 SF

Case 22-048-CU	1683 Elk Blvd	Conditional Use
Case 22-053-CU-LASR	1600 E. Golf	Conditional Use Localized Alternative Sign Regulation

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 following is a discussion of standards for zoning amendments from Section 12-3-7.E of the Zoning Ordinance. The Board should review staff and the petitioner’s responses. The Board may use the petitioner’s responses as written as its rationale, modify, or adopt its own.

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

Comment: A Localized Alternative Sign Regulation is a Conditional Use, as specified in Section 12-11-8 of the Zoning Ordinance.

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

Comment: The use of the site as a public college, which consists of multiple buildings and surface parking areas, requires ample signage to identify its buildings and services. The proposed signage for the site is intended to help further identify the college campus and assist both residents and visitors alike in navigating the site.

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

Comment: The proposed Conditional Use for a Localized Alternative Sign Regulation requests additional signage to assist in the identification of the college campus and help both motorists and pedestrians navigate the property. The petitioner has designed the sign plan to reutilize existing ground signs on the property and add new ground signs for enhanced wayfinding that match the character of the college campus. The proposal does not impact the surrounding vegetation and open space surrounding the college campus as new signs are located on areas that have already been developed.

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

Comment: The proposed signs are not hazardous or disturbing to the existing neighboring uses as the college campus is surrounded by open space and the signs will not be illuminated. All signs will meet all required performance standards as outlined in Section 12-11-6(B) of the Zoning Ordinance.

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

Comment: The proposed signs have no effect on essential public facilities and services. Instead the new and upgraded signs will improve wayfinding services for motorists and pedestrians alike.

6. The proposed Conditional Use does not create excessive additional requirements at

Case 22-048-CU	1683 Elk Blvd	Conditional Use
Case 22-053-CU-LASR	1600 E. Golf	Conditional Use Localized Alternative Sign Regulation

public expense for public facilities and services and will not be detrimental to the economic well-being of the entire community:

Comment: The proposed signs would not create a burden on public facilities, nor would they be a detriment to the economic well-being of the community. The signs are intended to share information and help visitors safely and easily access the site.

- 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:**

Comment: The proposed signs will not create additional traffic or noise that could be detrimental to surrounding land uses. Instead the signs will help better direct and circulate traffic throughout the site.

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

Comment: The proposed signs will not create an interference with traffic on surrounding public thoroughfares but rather establish building identification and wayfinding for both motorists and pedestrians.

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

Comment: The proposed new signs would not cause the destruction, loss, or damage of any natural, scenic or historic features of major importance. The signs will be used to enhance a site that has already been developed.

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

Comment: All signs do comply with setback requirements as stated in the Zoning Ordinance.

PZB Procedure and Recommended Conditions: Under Section 12-3-4(D) (Procedure for Review and Decision for Conditional Uses) of the Zoning Ordinance, the PZB has the authority to *recommend* that the City Council approve, approve subject to conditions, or deny the above-mentioned conditional use for a LASR at 1600 E. Golf Road. City Council has final authority on the proposal.

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

1. A three-foot landscape bed in all directions be provided at the base of all freestanding signs, per the standards set forth in Section 12-11-4(G). This landscaping shall be comprised of low-lying evergreen shrubs, perennials, and annuals.

Case 22-048-CU	1683 Elk Blvd	Conditional Use
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2. That structural design plans shall be provided for all signage at time of permit.
3. The applicant shall provide sight line analysis for vehicle-to-vehicle sightlines and vehicle-to-pedestrian/bicycle sightlines showing that the sign position does not intrude upon the American Association of State Highway Transportation Officials (AASHTO) Green Book sight triangles for the freestanding signs proposed along the roadway driveways and site access drives. The location of the freestanding signs may have to be slightly adjusted at the time of building permit review to comply with AASHTO site triangle clearance.

Attachments:

- Attachment 1: Location and Zoning Map
- Attachment 2: Site and Context Photos
- Attachment 3: Plat of Survey
- Attachment 4: Petitioner's Standards for a Conditional Use
- Attachment 5: Petitioner's Project Narrative
- Attachment 6: Existing Conditions and Sign Plan

Chari Szabo swore in Mike Brodman, Olympic Signs, and Kunal Patel from Oakton College. Mr. Brodman explained that they are requesting a conditional use to replace signage. The signage is used as way finding and directory signage and to help motorist find the exits. There is no electric that is needed for the signs. The signs will bring the College up to date. He added that no ADA signs outside because there are no sidewalks and no foot traffic. The signs will be on the campus interior roads for vehicular traffic and not on the streets.

Jonathan Stytz, Senior Planner, reviewed the staff report. The request is for a conditional use for localized alternative sign regulations LASR. Mr. Stytz went over the application though power point. This location is over 160 acres in size and is zoned I-1 Institutional District. The petitioner is planning to add six new vehicle directional signs, replace nine existing vehicle directional signs and add seven new pedestrian / building identification signs. Mr. Stytz went over the signs and their locations.

Member Weaver asked if the signs are required to have braille on them. Mr. Brodman stated that the signs do not have braille on them because they are wayfinding signs, not ADA signs. M. Patel added that they do have signs with braille inside the campus buildings.

Member Weaver asked that the ADA requirements are met inside but not outside. Mr. Patel mentioned that they do not have a need for the exterior signs to have ADA requirements because there are no walkways along Golf Road or Central Road and therefore no pedestrian traffic coming to and from the subject

Chair Szabo asked if the petitioner is familiar with the three conditions that the city is proposing and if it passes at the PZB to be prepared to bring it to City Council. Mr. Brodman responded no. Chair Szabo read the recommended conditions of approval as written in the staff report.

Case 22-048-CU	1683 Elk Blvd	Conditional Use
Case 22-053-CU-LASR	1600 E. Golf	Conditional Use Localized Alternative Sign Regulation

A motion was made by Board Member Veremis, seconded by Board Member Hofherr to recommend approval the Conditional Use LASR, 12-3-4(D) of the Zoning Ordinance, authority to *recommend* that the City Council approve, , mentioned conditional use for a LASR at 1600 E. Golf Road as proposed in the staff memo including these conditions:

- 1. A three-foot landscape bed in all directions be provided at the base of all freestanding signs, per the standards set forth in Section 12-11-4(G). This landscaping shall be comprised of low-lying evergreen shrubs, perennials, and annuals.**
- 2. That structural design plans shall be provided for all signage at time of permit.**
- 3. The applicant shall provide sight line analysis for vehicle-to-vehicle sightlines and vehicle-to-pedestrian/bicycle sightlines showing that the sign position does not intrude upon the American Association of State Highway Transportation Officials (AASHTO) Green Book sight triangles for the freestanding signs proposed along the roadway driveways and site access drives. The location of the freestanding signs may have to be slightly adjusted at the time of building permit review to comply with AASHTO site triangle clearance.**

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

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

New Business – Approval of the 2023 Calendar

A motion was made by Board Member Weaver, seconded by Board Member Veremis to approve the Planning and Zoning Board 2023 Calendar:

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

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

ADJOURNMENT

The next scheduled Planning & Zoning Board meeting is Tuesday January 10, 2023.
Chairman Szabo adjourned the meeting by voice vote at 7:50 p.m.

Sincerely,
Margie Mosele, Executive Assistant/Recording Secretary
cc: City Officials, Aldermen, Planning & Zoning Board, Petitioners



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

1420 Miner Street
Des Plaines, IL 60016
P: 847.391.5380
desplaines.org

MEMORANDUM

Date: January 4, 2023
To: Planning and Zoning Board (PZB)
From: Jonathan Stytz, AICP, Senior Planner JS
Cc: John T. Carlisle, AICP, Director of Community and Economic Development jc
Subject: Consideration of Conditional Use for an Auto Service Repair Use in the C-3 District at 827 Elmhurst Road, Case #22-054-CU (8th Ward)

Address: 827 Elmhurst Road
Petitioner: GW Properties (Representative: Mitch Goltz, 2211 N. Elston Avenue, Suite 400, Chicago, IL 60614)
Owner: RDK Ventures, LLC c/o Mac's Convenience Stores, LLC, P.O. Box 347, 4080 W. Jonathan Moore Pike, Columbus, IN 47201
Case Number: 22-054-CU
PIN: 08-24-100-031-0000
Ward: #8, Alderman Shamoan Ebrahimi
Existing Zoning: C-3 General Commercial District
Existing Land Use: Vacant Lot (previous auto fuel station)
Surrounding Zoning: North: C-3 General Commercial District
South: C-3 General Commercial District
East: C-3 General Commercial District
West: C-3 General Commercial District
Surrounding Land Use: North: Grocery Store (Commercial)
South: Bank (Commercial)
East: Grocery Store (Commercial) / Shopping Center (Commercial)
West: Shopping Center (Commercial)

- Street Classification:** Elmhurst Road is classified as an other principal arterial road.
- Comprehensive Plan:** The Comprehensive Plan illustrates the site as commercial.
- Zoning/Property History:** Based on City records, the subject property was used as an auto filling station until 2019. Since then, the fuel station has been demolished and the property has been vacant.
- Project Description:** The petitioner has requested a Conditional Use Permit to allow the construction of a new automotive service repair use, Strickland Oil, at 827 Elmhurst Road. The subject 20,099-square-foot (0.46-acre) vacant property is in the C-3 General Commercial district. An oil change business falls underneath an auto service repair use, which requires a conditional use permit in the C-3 district.

The petitioner proposes to redevelop the subject property by building a new 1,700-square-foot, single-story building with surface parking area, dumpster enclosure, and freestanding monument sign. The proposed building consists of three service bays, lobby area, unisex restroom, and office/waste oil storage area. The subject property fronts Elmhurst Road but is accessed via a single access point through the Jewel-Osco parking lot at 811 Elmhurst Road. The proposal does not include any changes to the existing access point or the addition of new access points. The proposal includes the addition of both three-foot-wide foundation landscape areas around the north and south elevations of the building, and five-foot-wide parking lot landscaping areas around the perimeter of the parking area as required in Sections 12-10-8 and 12-10-10 of the Zoning Ordinance. New exterior lighting is also proposed for the new development as shown on the Photometric Plan. Section 12-12-10 restricts the amount of excess light that can bleed into surrounding properties based on the zoning of the properties surrounding the subject property. Since the subject property is surrounded by C-3-zoned properties, a maximum of 2.0 foot-candles is allowed. The attached Photometric Plan indicates that the maximum foot-candles encroaching into surrounding properties will not exceed 1.2 in conformance with the applicable regulations.

Auto repair facilities are required to provide two parking spaces per service bay, plus one space for every 200 square feet of accessory retail. As a result, a total of seven off-street parking spaces, including a minimum of one mobility-impaired accessible parking space, are required. The Site Plan illustrates a total of 14 parking spaces, including one mobility-impaired accessible space, which meets this standard. All proposed parking spaces, including the accessible space, are proposed to be nine-feet-wide by 18-feet-long in conformance with Section 12-9-6 of the Zoning Ordinance.

Strickland Oil proposes to operate from 8 a.m. to 7 p.m. Monday through Friday, 8 a.m. to 5 p.m. on Saturdays, and 10 a.m. to 5 p.m. on Sundays. Their services include stay-in-your-car oil changes, state inspections, tire rotations, air filter replacement, wiper blade replacement, and coolant and washer fluid refills. During normal operations, a total of 3-4 employees will be on site at a given time. Please see the attached Project Narrative for more information.

Conditional Use Findings: Conditional Use requests are subject to the standards set forth in Section 12-3-4.E of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is provided below and in the petitioner’s response to standards. The PZB may use this rationale toward its recommendation, or the Board may adopt its own.

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

Comment: Auto service repair is a Conditional Use, as specified in Section 12-7-3.K. of the Zoning Ordinance for properties in the C-3 General Commercial District.

PZB Additions or Modifications (if necessary): _____

_____.

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

Comment: The Comprehensive Plan illustrates this property as commercial. The Comprehensive Plan strives to foster growth and redevelopment of existing commercial corridors to retain new businesses in Des Plaines. The addition of a new commercial development meets this intent while also repurposing a vacant lot along a major commercial corridor in Des Plaines.

PZB Additions or Modifications (if necessary): _____

_____.

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

Comment: The petitioner proposes to repurpose the property with a new commercial development designed to be consistent with and complementary to the surrounding commercial uses in the area. The proposed improvements, including landscaping, will transform the vacant property into a new use that will benefit the site from both a functional and aesthetic standpoint.

PZB Additions or Modifications (if necessary): _____

_____.

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

Comment: The proposed automotive repair use will not be hazardous or disturbing to neighboring uses because all operations will be conducted within this building. The proposed landscape screening and exterior lighting is designed to minimize the impact on surrounding properties. In addition, the new business will provide new services to Des Plaines’ residents.

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, agencies responsible for establishing the Conditional Use shall provide adequately any such services:**

Comment: The subject property was adequately served by essential public facilities and services when the previous auto filling station was in operation. The proposed auto service repair use will also be adequately served by public facilities and services as the existing access point from Elmhurst Road via the Jewel-Osco parking lot will remain unchanged.

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 will not be detrimental to the economic well-being of the entire community:**

Comment: The proposed auto service repair facility will not create a burden on public facilities or be a detriment to the economic well-being of the community. When compared to the previous auto filling station, there is no anticipated increase in demand for public facilities as a result of the Conditional Use Permit for a new auto service repair use.

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:**

Comment: The proposed auto service repair use is not anticipated to create additional traffic as compared to the previous auto filling station. None of the proposed activities occurring on site that will be detrimental to the public. Staff has notified the petitioner of the required mechanical systems that will need to be installed to reduce the production of traffic, noise, smoke fumes, glare, and odors generating from this use.

PZB Additions or Modifications (if necessary): _____

_____.

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

Comment: The proposed auto service repair use will not create an interference with traffic on surrounding public thoroughfares. There will be no changes to the existing access point onto the property through the Jewel-Osco parking lot from Elmhurst Road that was utilized by the previous auto filling station.

PZB Additions or Modifications (if necessary): _____

_____.

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

Comment: The proposed auto service repair use would not cause the destruction, loss, or damage of any natural, scenic or historic features since the site was already developed for the use of an auto filling station. The petitioner will redevelop the site with a freestanding building and add landscaping and screening to improve the aesthetics of the property.

PZB Additions or Modifications (if necessary): _____

_____.

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

Comment: The proposed auto service repair use meets all other requirements of the Zoning Ordinance for the C-3 General Commercial District. No variations or additional actions are requested beyond the Conditional Use Permit.

PZB Additions or Modifications (if necessary): _____

_____.

PZB Procedure and Recommended Conditions: Under Section 12-3-4.D (Procedure for Review and Decision for Conditional Uses) of the Zoning Ordinance, the PZB has the authority to *recommend* that the City Council approve, approve subject to conditions, or deny the above-mentioned conditional use for an auto service repair use at 827 Elmhurst Road. City Council has final authority on the proposal.

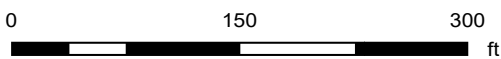
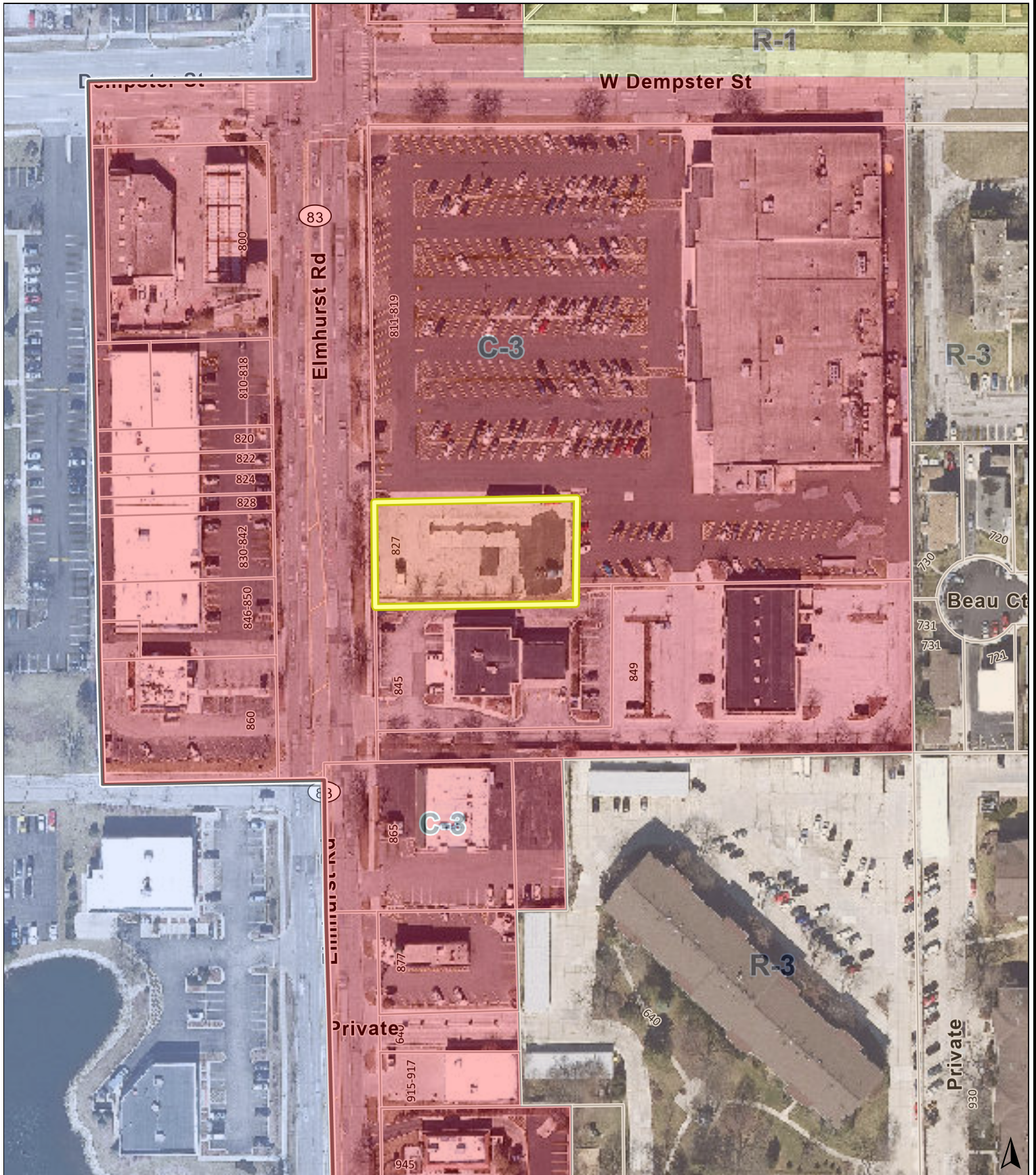
Consideration of the request should be based on a review of the information presented by the applicant and the findings made above, as specified in Section 12-3-4.E (Standards for Conditional Uses) of the Zoning Ordinance. If the PZB recommends and City Council ultimately approves the request, staff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

Conditions of Approval:

1. Vehicles related to the business cannot be stored or parked overnight on the surrounding streets.
2. No damaged or inoperable vehicles shall be parked or stored outside at any time.
3. A cross-access agreement between the ownership of the subject property and the property at 811 Elmhurst (Jewel-Osco) will be provided at the time of building permit approval and maintained throughout the operation of the conditional use.
4. That all submitted permit documents shall be sealed and signed by a design professional licensed in the State of Illinois and must comply with all City of Des Plaines building codes.

Attachments:

- Attachment 1: Location and Zoning Map
- Attachment 2: Site and Context Photos
- Attachment 3: ALTA/ACSM Land Title Survey
- Attachment 4: Petitioner's Standards for a Conditional Use
- Attachment 5: Petitioner's Project Narrative
- Attachment 6: Site Plan
- Attachment 7: Elevations
- Attachment 8: Floor Plan
- Attachment 9: Photometric Plan
- Attachment 10: Landscape Plan
- Attachment 11: Public Comment Received January 5, 2023



Print Date: 1/4/2023

Notes

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.



827 Elmhurst Rd – Public Notice



827 Elmhurst Rd – Looking Southeast at Existing Lot



827 Elmhurst Rd – Looking Southwest at Existing Lot



827 Elmhurst Rd – Looking West at Existing Lot

NOTES CORRESPONDING TO SCHEDULE B

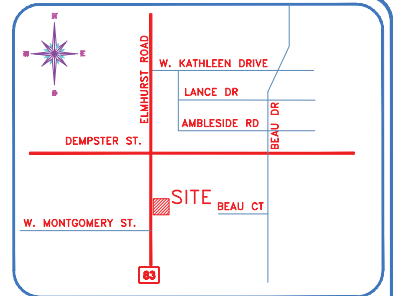
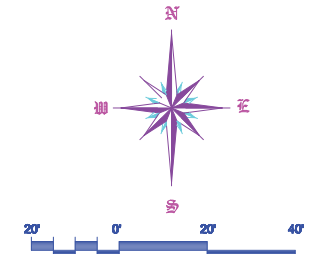
- AS PER COMMITMENT NO. 1401 008861057 D1, DATED JUNE 22, 2011.
- AGREEMENT MADE BY DES PLAINES-DEMPSTER PROPERTIES, INC., A CORPORATION OF DELAWARE, WITH JETCO PROPERTIES, INC., A CORPORATION OF DELAWARE, DATED OCTOBER 19, 1964 AND RECORDED OCTOBER 22, 1964 AS DOCUMENT 19281756 FOR A PARTY WALL TO BE CREATED ON EXISTING IMPROVEMENTS ON THE LAND. (DOES NOT AFFECT LOT 2)
 - EASEMENT IN FAVOR OF THE ILLINOIS BELL TELEPHONE COMPANY AND COMPANY, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT RECORDED/FILED AS DOCUMENT NO. 19288573, AFFECTING THE EAST 1/2 OF DDT 1, AND OTHER PROPERTY NOT NOW IN QUESTION. (DOES NOT AFFECT LOT 2)
 - TERMS, PROVISIONS AND CONDITIONS OF THE AGREEMENT MADE BY AND BETWEEN THE CITY OF DES PLAINES AND DES PLAINES-DEMPSTER PROPERTIES, INC., RECORDED DECEMBER 2, 1983 AS DOCUMENT 26882542, RELATING TO THE REGULATION OF TRAFFIC. (AFFECTS LOT 2, BLANKET IN NATURE, NOTHING TO PLOT.)
 - 5 FOOT BUILDING LINE AS SHOWN ON THE PLAT OF VANDERCAR SUBDIVISION RECORDED AS DOCUMENT 0817016012, OVER THE EAST AND WEST LINE OF LOT 1 AND OVER A PORTION OF THE NORTH LINE OF LOT 1, AND OVER THE WEST LINE OF LOT 2. (AFFECTS LOT 2, SHOWN HEREON)
 - EASEMENT FOR PUBLIC UTILITY AND DRAINAGE AS SHOWN ON THE PLAT OF SUBDIVISION AFORESAID, AS FOLLOWS:
OVER THE EAST 5 FEET, THE SOUTH 5 FEET, THE SOUTH 5 FEET OF THE MOST NORTHERLY SOUTH LINE, AND OVER THE WEST 5 FEET OF THE MOST EASTERLY WEST LINE OF LOT 1,
THE NORTH, EAST AND SOUTH 5 FEET OF LOT 2. (AFFECTS LOT 2, SHOWN HEREON)
 - EASEMENT IN FAVOR OF SEC/AT&T, ILLINOIS BELL TELEPHONE CO. (AMERITECH), THE COMMONWEALTH EDISON COMPANY, NORTHERN ILLINOIS G&B COMPANY, COMCAST AND WIDE OPEN WEST, AND ITS/THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE PLAT RECORDED/FILED AS DOCUMENT NO. 0817016012, AFFECTING THOSE PORTIONS OF THE LAND SHOWN WITHIN THE DOTTED LINES AND MARKED "PUBLIC UTILITY EASEMENT" "COMMON AREA OR AREAS". (AFFECTS LOTS 1 AND 2) (AFFECTS LOT 2, SHOWN HEREON)
 - NOTATION AS SHOWN ON THE PLAT OF SUBDIVISION, AFORESAID:
EACH OWNER, AS GRANTOR, HEREBY GRANTS TO THE OTHER OWNERS, A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS BY VEHICULAR AND PEDESTRIAN TRAFFICS AND VEHICULAR PARKING, SUBJECT TO CONDITIONS OF THE DECLARATION OF RESTRICTIONS AND EASEMENTS.
EACH OWNER, AS GRANTOR, HEREBY GRANTS TO THE OTHER OWNERS, A NON-EXCLUSIVE EASEMENT FOR PUBLIC OR PRIVATE UTILITIES OR UNDERGROUND FACILITIES, INCLUDING STORMWATER DETENTION, SUBJECT TO THE CONDITIONS OF THE DECLARATION OF RESTRICTIONS AND EASEMENTS. (AFFECTS SUBJECT PROPERTY, BLANKET IN NATURE, NOTHING TO PLOT.)
 - EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THE DECLARATION OF RESTRICTIONS AND EASEMENTS EXECUTED BETWEEN ELMHURST AND DEMPSTER, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY AND JETCO PROPERTIES, INC., A DELAWARE CORPORATION, RECORDED JUNE 18, 2008 AS DOCUMENT 0817016013. (AFFECTS THE LAND AND OTHER PROPERTY) (AFFECTS SUBJECT PROPERTY, BLANKET IN NATURE, NOTHING TO PLOT)

LEGAL DESCRIPTION

LOTS 1 AND 2 IN VANDERCAR SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 18, 2008 AS DOCUMENT 0817016012, IN COOK COUNTY, ILLINOIS.

FOR THE PURPOSES OF THIS SURVEY ONLY LOT 2 WAS SURVEYED. LOT 1 IS OWNED BY THE SAME JEWEL/OSCO COMPANY. THE FUEL CENTER IS ONLY ON LOT 2.

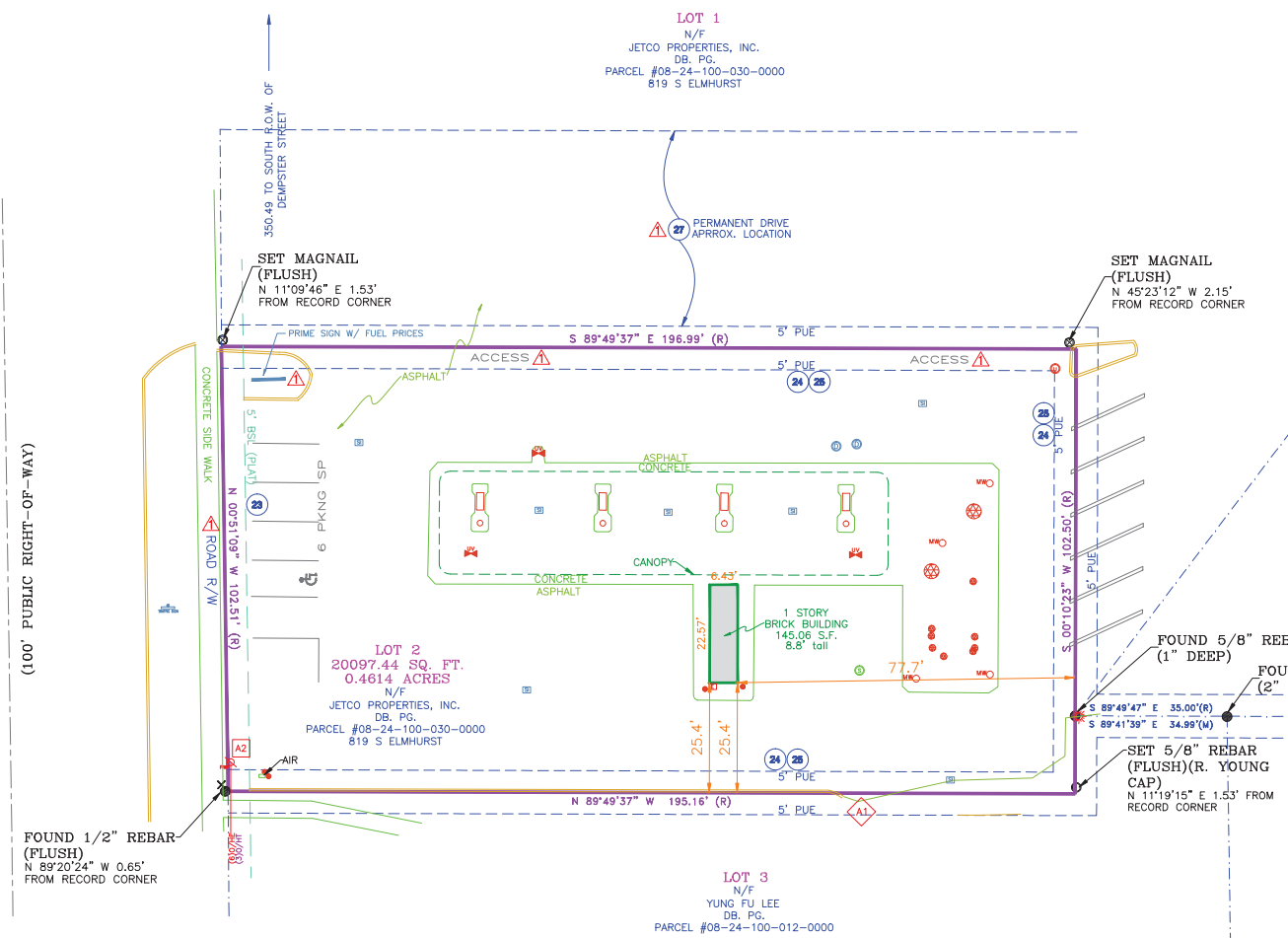
ALTA/ACSM LAND TITLE SURVEY



VICINITY MAP
NOT TO SCALE

STANDARD LEGEND

- | | | | |
|---------------------------|-----------------------------|------|------------------------------|
| ● MONUMENT FOUND | ⊗ POWERPOLE | —SS— | SALISBERY LINE |
| ○ MONUMENT SET | —GUY WIRE | ⊗ | SEWER MANHOLE |
| ■ P.K. NAIL FOUND | ⊗ LIGHT POLE | ⊗ | GREASE TRAP |
| ⊗ P.K. NAIL SET | ⊗ GROUND LIGHT | ⊗ | CLEAN OUT |
| ⊗ MAG NAIL FOUND | ⊗ STREET LIGHT POLE | —SD— | STORM DRAIN LINE |
| ⊗ FOUND X MARK | ⊗ AIR CONDITIONER | ⊗ | STORM INLET |
| ⊗ SET X MARK | ⊗ ELEC. TRANSFORMER | ⊗ | CURB INLET |
| ▲ R.R. SPIKE FOUND | ⊗ BURIED ELECTRIC | ⊗ | PAY PHONE |
| ▲ R.R. SPIKE SET | ⊗ OVERHEAD ELECTRIC | ⊗ | ELECTRIC MANHOLE |
| ⊗ BENCHMARK | ⊗ ELECTRIC METER | ⊗ | TELEPHONE BOX |
| ⊗ CONC. R/W MARKER | ⊗ ELECTRIC BOX | ⊗ | TELEPHONE MANHOLE |
| (R) RECORD DATA | ⊗ WATER METER | —T— | TELEPHONE LINE |
| (M) MEASURED DATA | ⊗ WATER VALVE | ⊗/HT | OVERHEAD TELEPHONE |
| (C) CALCULATED DATA | ⊗ HYDRANT | ⊗ | UNDERGROUND TELEPHONE MARKER |
| R/W RIGHT OF WAY | ⊗ BACK FLOW PREVENTER | ⊗ | CABLE TELEVISION |
| BRK. BACK SET LINE | ⊗ FIRE DEPARTMENT | ⊗ | FIBER OPTIC CABLE |
| RCF REINFORCED CONC PIPE | ⊗ FIRE PROTECTION | ⊗/HC | OVERHEAD CABLE |
| CMP CORRUGATED METAL PIPE | ⊗ W/RE | ⊗ | CABLE BOX |
| PLC PLASTIC PIPE | ⊗ HOSE BIBB | ⊗ | UNDERGROUND CABLE MARKER |
| W/L METAL | ⊗ GAS VALVE | ⊗ | TELECOMMUNICATIONS |
| AGL ABOVE GROUND LEVEL | ⊗ GAS METER | ⊗ | TELECOMMUNICATIONS |
| F.P. FOOTPRINT | ⊗ GAS MARKER | ⊗ | PEDESTAL |
| DECIDUOUS TREE | ⊗ GAS MANHOLE | ⊗ | TRAFFIC POLE |
| LANDSCAPING | ⊗ GAS VALVE | ⊗ | TRAFFIC SIGNAL |
| CONIFER | ⊗ BORE HOLE | ⊗ | TRAFFIC MANHOLE |
| ⊗ SQUARE METAL LID | ⊗ ROLLAND | ⊗ | TRAFFIC SIGNAL BOX |
| ⊗ FUEL TANK LID | ⊗ BORE HOLE MONITORING WELL | ⊗ | STOP SIGN |
| ⊗ FLAG POLE | ⊗ MAIL BOX | ⊗ | ⊗ SIGN |
| ⊗ UNKNOWN MANHOLE | ⊗ GUMM NAIL | ⊗ | |
| ⊗ FROZEN MANHOLE | ⊗ FENCE | ⊗ | |



FOUND 1/2" PIPE (1" DEEP)

CALCULATED PLAT BEARING
N 37°10'15" W 34.58'(R)
N 57°10'15" E 54.43'(R)

SITE DATA

- ZONING AND RESTRICTIONS SHOWN HEREON WERE OBTAINED BY A GENERAL REQUEST AS THE PUBLIC COUNTER OF THE LOCAL ZONING AUTHORITY. NO REPRESENTATION IS MADE FOR THE ACCURACY OR COMPLETENESS OF SAID THIRD PARTY INFORMATION. THIS FIRM IS NOT AN EXPERT IN THE INTERPRETATION OF COMPLEX ZONING ORDINANCES, COMPLIANCE IS BEYOND THE SCOPE OF THIS SURVEY. ANY USER OF SAID INFORMATION IS URGED TO CONTACT THE LOCAL AGENCY DIRECTLY.
- ZONING—C-3 COMMERCIAL
- SETBACKS—
-FRONT= 5 FOOT
-SIDE= 0
-REAR= 5 FOOT
- HEIGHT RESTRICTIONS— NOT TO EXCEED 45'
- PARKING PROVIDED—
-REGULAR= 5 SPACES
-HANDICAP= 1 SPACES
TOTAL SPACES PROVIDED= 6 SPACES
- PARKING REQUIRED= 2 SPACES FOR EACH PUMP, PLUS 1 SPACE FOR EACH 200 SQ. FT. OF RETAIL SPACE.

IMPROVEMENT NOTES

- THIS IS A LISTING OF OBSERVED IMPROVEMENTS THAT CROSS DEED LINES. STATEMENT OF OWNERSHIP OR POSSESSION IS NOT THE INTENT OF THIS LISTING.
- A1 ASPHALT CROSSES DEED LINE

SURVEYOR NOTES

- THIS SURVEY IS SUBJECT TO ANY AND ALL ENFORCEABLE RESTRICTIVE COVENANTS. ITEMS LISTED BELOW MAY REPRESENT AN EASEMENT THAT WAS NOT SHOWN IN SCHEDULE B DOCUMENTS.
- A2 POWERPOLE REPRESENTS POSSIBLE ELECTRIC EASEMENT

GENERAL NOTES

- THIS PROPERTY HAS AN AREA OF 20,097.44 SQUARE FEET OR 0.4614 ACRES OF LAND.
- THIS PROPERTY IS DESIGNATED BY COOK COUNTY, IL AS TAX MAP ID #08-24-100-030-0000.
- THERE WAS NO VISIBLE EVIDENCE OF CEMETERIES FOUND AT THE TIME OF THIS SURVEY.
- THE PROPERTY HAS ACCESS VIA ELMHURST ROAD, WHICH IS A PUBLIC RIGHT-OF-WAY.
- INTERIOR ROADWAYS APPEAR TO BE PRIVATE, VARIABLE IN WIDTH AND UNNAMED.

ALTA/ACSM LAND TITLE SURVEY

SURVEYOR'S CERTIFICATION

TO: CHICAGO TITLE INSURANCE COMPANY, BAKER & DANIELS LLP, MAC'S CONVENIENCE STORES LLC, RDK VENTURES LLC AND JETCO PROPERTIES, INC. THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a)(b), 7(a)(b)(c), 8, 9, 10a, 11a, 13 & 14 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 29, 2011

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

FIELD SURVEY: Mike Ward, PLS

For inquiries, questions or concerns about this survey contact inquiries@usesurveyor.com or call 1-800-867-8783 ext. 200

U.S. SURVEYOR
4929 Riverwind Points Drive
Evansville, Indiana 47715
"America's Land Surveyor"
1-800-TO-SURVEY

PREPARED FOR:
BAKER & DANIELS

PROJECT LOCATION:
COOK COUNTY, STATE OF ILLINOIS
STORE #6846

PROJECT ADDRESS:
827 ELMHURST ROAD
DES PLAINES, IL 60016

PROJECT TYPE:
ALTA/ACSM LAND TITLE SURVEY

RODNEY K. YOUNG
2999
PROFESSIONAL
LAND
SURVEYOR
STATE OF
ILLINOIS

RODNEY K. YOUNG, L.S.
ILLINOIS REGISTRATION NO. 2999
DATE OF CERTIFICATION 10/07/11
LICENSE EXPIRATION DATE 11/30/12

SHEET 1 OF 1

JOB NUMBER:
884062.DWG_RY

NOTE: THIS SURVEY SHALL NOT BE USED WITH AN AFFIDAVIT OR LETTER OF ANY KIND FOR REUSE INCLUDING, BUT NOT LIMITED TO, FUTURE CLOSINGS, MORTGAGES, PLAT PLANS, CONSTRUCTION, LANDSCAPING, FENCING, ETC. IT IS A VIOLATION OF THE FEDERAL COPYRIGHT ACT, DIGITAL MILLENNIUM COPYRIGHT ACT TO COPY OR MODIFY AND REUSE THIS SURVEY BEYOND THE DATE AND SCOPE USE, SUPERSEDES ITS ASSOCIATES. ANYONE WHOSE NAME IS LISTED FOR USE OF THIS SURVEY BY ANY OTHER ENTITIES OR PERSONS FOR ANY PURPOSE BEYOND THE ORIGINAL DATE, SCOPE.

FLOOD DATA This property is in Zone X
of the Flood Insurance Rate Map, Community Panel No. 17031C.0212J which has an effective date of AUGUST 19, 2008 and IS NOT in a Special Flood Hazard Area. Field surveying was not performed to determine this zone. An elevation certificate may be needed to verify this determination or apply for an amendment from the Federal Emergency Management Agency.

IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE ALL UTILITIES, WHETHER SHOWN ON THIS SURVEY OR NOT PRIOR TO COMMENCEMENT OF WORK. THIS SURVEY HAS BEEN PREPARED USING AVAILABLE UTILITY DATA. THIS SURVEYOR DOES NOT MAKE STATEMENTS OF ACCURACY BASED UPON MAPS AND UTILITY LOCATES OF OTHERS.

RY, PE, PLS
DATE REVIEWED: _____

INT. —
RECORD CLOSURE 1:500,000+
MEASURED CLOSURE 1:500,000+
LEGAL DESCRIPTION REVIEWED BY:
INT. —
INT. —
CERTIFICATION IS ONLY TO THE PARTIES HEREIN NAMED.
THIS SURVEY IS NOT VALID FOR ANY FUTURE TRANSACTIONS OF THIS PROPERTY.

DATE OF ORIGINAL: OCTOBER 7, 2011
REVISION: CLIENT COMMENTS DATE: NOVEMBER 4, 2011
REVISION: DATE: _____, 2011
REVISION: DATE: _____, 2011

STANDARDS FOR CONDITIONAL USES

The Planning and Zoning Board and City Council review the particular facts and circumstances of each proposed Conditional Use in terms of the following standards. Keep in mind that in responding to the items below, you are demonstrating that the proposed use is appropriate for the site and will not have a negative impact on surrounding properties and the community. Please answer each item completely and thoroughly (two to three sentences each).

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

This property is located in the C-3, General Commercial zoning district. Pursuant to Section 12-7-3, the proposed “auto service repair” facility requires a conditional use permit.

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

The proposed Oil Change is in accordance with the objectives of the City's Comprehensive Plan by providing a business that enhances the welfare and serviceability of the community through ease of access to annual maintenance and safety checks on patrons vehicles. In addition, the Land Use Plan within the Comprehensive Plan recommends that the community stay within the existing land use framework and locate specific redevelopment opportunities to help realize its vision over the next ten years.

3. The proposed conditional use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;

The proposed design, use and operation will be in harmony with all other elements of compatibility pertinent to the Conditional Use and this particular location. The building design, materials and colors are complementary to the surrounding area and neighboring structures.

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

The proposed Oil Change facility is a nationally recognized chain that does not pose a hazard to the safety or health of neighboring uses. Through the implementation of strict safety protocols such as rolling down service bay doors while in use and immediately storing used fluids in special containers, neighboring uses will not have worry about obnoxious noises or smells.

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

The proposed Oil Change will not require any disproportionate facilities or services and will not place undue burdens upon existing developments in the area. The prior facility on this property was serviced by the same public facilities and had a greater burden on the systems than our proposed use.

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;

The proposed Oil Change will not create or cause excessive or additional requirements to the public facilities and services and will not be detrimental to the economic welfare of the community. The prior facility on this property was serviced by the same public facilities and had a greater burden on the systems than our proposed use. Additionally, this new business will help increase the economic welfare of the community by providing jobs and local tax proceed.

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;

The proposed Oil Change and subsequent conditional use does not involve uses, activities, process or materials that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odor. Through the implementation of strict safety protocols such as rolling down service bay doors while in use and immediately storing used fluids in special containers, neighboring uses will not have worry about obnoxious noises or smells.

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

The proposed access provided is similar to what was existing, which ultimately provides adequate and safe vehicular access without causing interference with surrounding thoroughfares and traffic. In addition, this access point will have stop signs in order to mitigate any potential conflicts on site within the shopping center.

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

The proposed use is in harmony with all other elements of compatibility pertinent to the site and will not cause any undue destruction, loss or damage to the natural scenic features of the surrounding area. The building shape and size is similar to what was existing, but more importantly will be constructed using more sustainable elements and toned down colors that blend into the overall area more adequately.

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

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



After being turned down for a management-track position when working as an oil change technician, Strickland opted to start his own lube shop, Strickland Brothers 10 Minute Oil Change, in 2016. Unable to secure traditional funding at first, Strickland used a \$35,000 HELOC loan from his grandfather to open his first shop. By combining a streamlined business model with an obsessive focus on the customer experience, Strickland Brothers has experienced tremendous growth with over 125 locations now open across the country.

Strickland Brothers provides a unique customer experience by offering essential maintenance services without the high-pressure sales tactics that are standard within the automotive industry. Strickland Brothers is a one-stop-shop for fast and friendly oil changes and other preventative maintenance services including tire rotations, air filters, wiper blades, state inspections, coolant and washer fluids.

Our mission at Strickland Brother's 10 Minute Oil Change is to **exceed the expectations of every customer** by setting and meeting service standards that are innovative and centered around the highest level of service, **every time**.

Services provided on site:

- Stay in your car oil changes
- State inspections
- Tire rotations
- Air filters
- Wiper blades
- Coolant and washer fluids

Number of Employees

- 3-4 employees will be on site at any given time

Hours of Operation:

Monday – Friday: 8:00 am – 7:00 pm

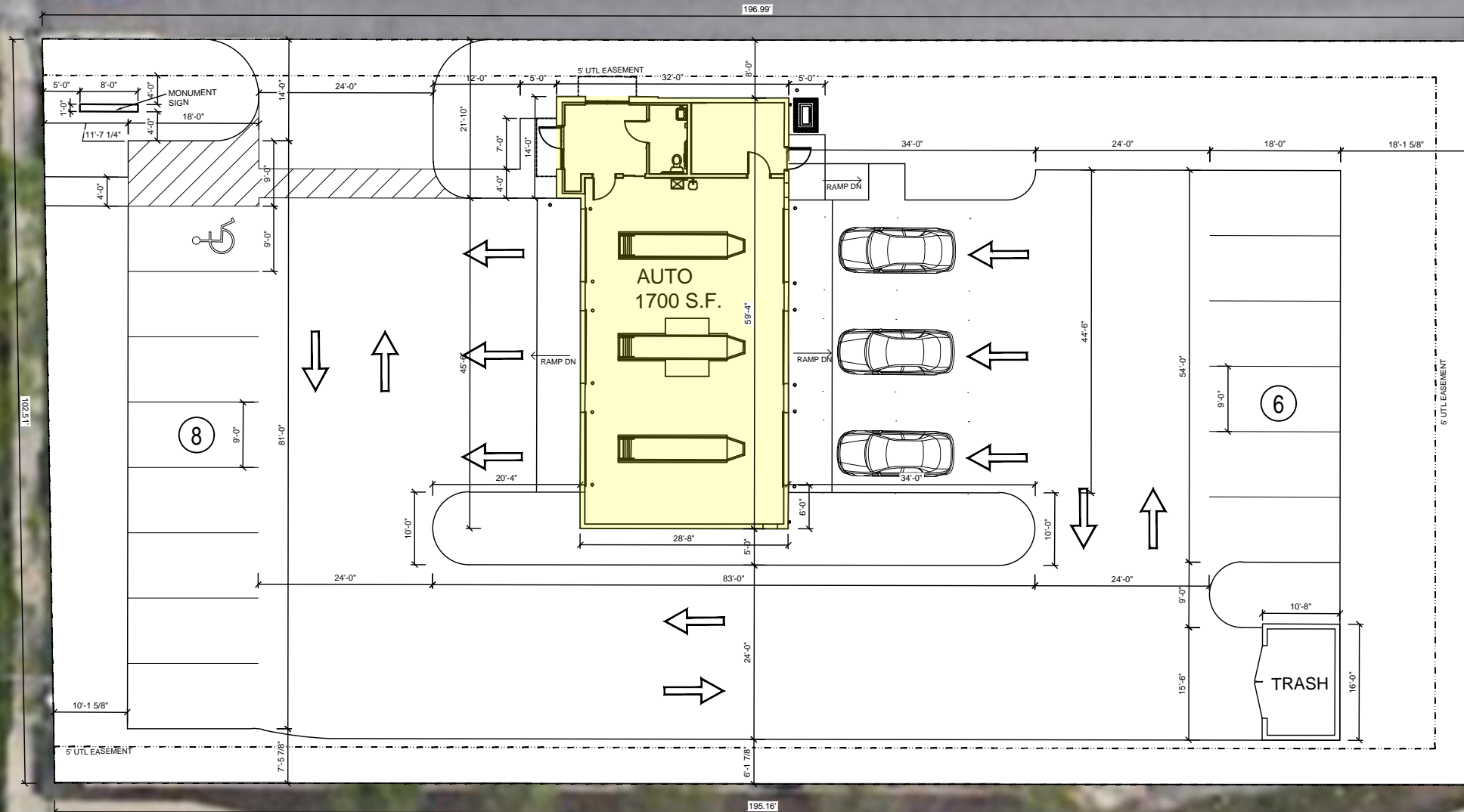
Saturday: 8:00 am – 5:00 pm

Sunday: 10:00 am – 5:00 pm

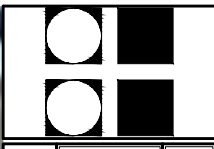
Parking Breakdown:

Minimal parking. 3-5 spaces in rear of site for employees. Customers stay in their vehicles as model is centered around drive thru services. Customers spend an average of 10 minutes in the bays.

ELMHURST ROAD



SITE STUDY
PARKING: 13 + (1 H.C.) = 14
 SCALE: 1"=20', APPROX. TOTAL 20,095 S.F.



SITE STUDY - AUTOMOTIVE
GW PROPERTIES
827 ELMHURST RD
DES PLAINES, IL 60016
 DESIGN STUDIO 24 LLC
 ARCHITECTS - INTERIORS - PLANNERS
 2211 N. Elston Ave. Chicago, IL 60614 Tel.: 847.885.7751 Fax: 847.885.9300

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 CAUTION: This drawing may have been reproduced at a size different than originally drawn. The owner and architect assume no responsibility for the use of incorrect scale. Drawings are NOT to be scaled. Not published. All rights reserved. Notify architect of any discrepancies.

STATEMENT OF COMPLIANCE
 I have prepared, or caused to be prepared under my supervision, the attached plans and specifications and state that, to the best of my knowledge and belief and to the extent of my contractual obligation, they are in compliance with the Codes and Ordinances of DES PLAINES, ILLINOIS

STATEMENT OF COMPLIANCE
 I have prepared, or caused to be prepared under my supervision, the attached plans and specifications and state that, to the best of my knowledge and belief and to the extent of my contractual obligation, they are in compliance with the Environmental Barriers Act (II Rev Stat 1985, ch 111 1/2, pars 3711 as seq as amended) and the Illinois Accessibility Code, 11 s. Adm. Code 400.

LAST UPDATED	01.04.23
REVISIONS	

SCALE AS SHOWN
 DRAWN BY: MITESH PATEL

MARK T. DiGANCI
 REG. ARCHITECT

ST-1

EXTERIOR MATERIALS SCHEDULE AND IMAGES



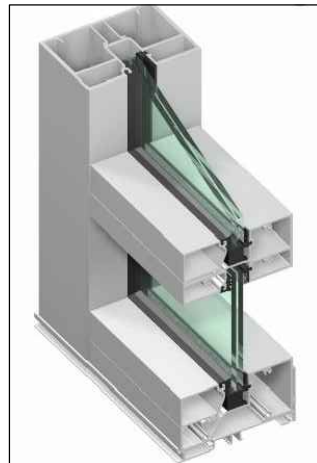
BLUE COLOR



CORRUGATED METAL ROOFING



LIGHT GRAY COLOR



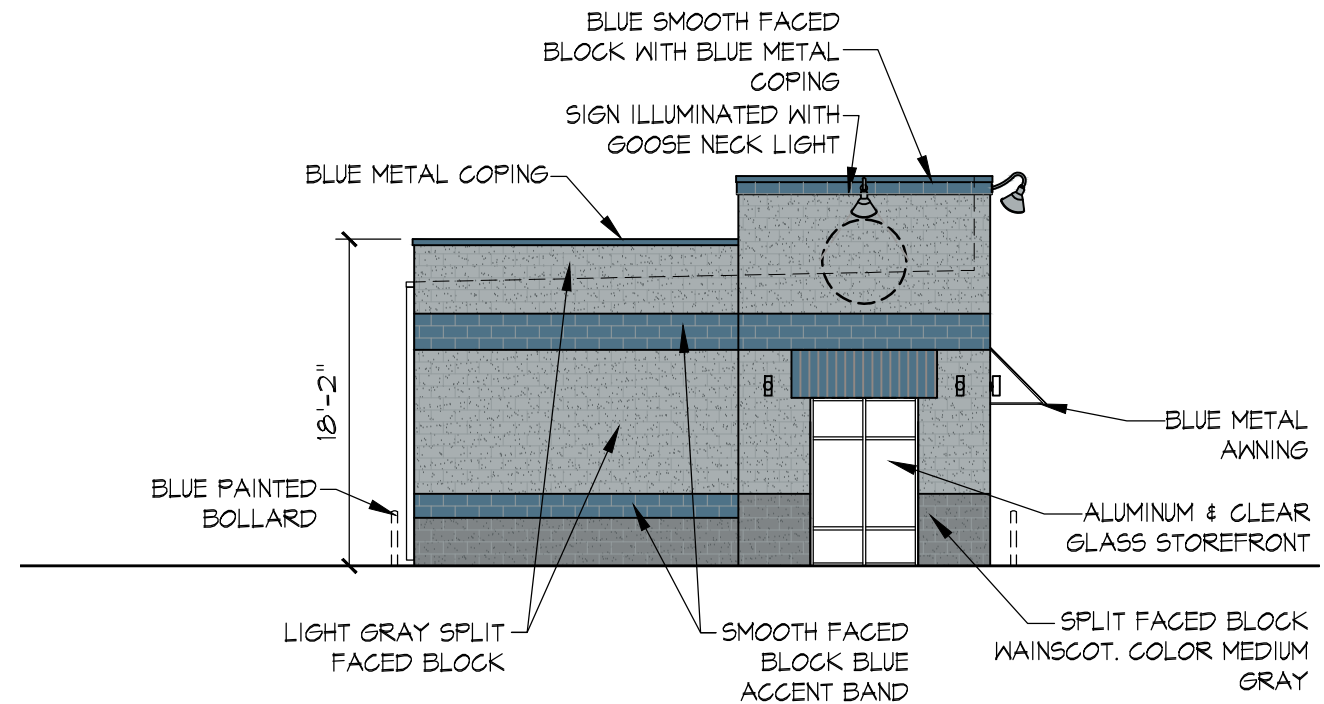
CLEAR ANODIZED ALUMINUM



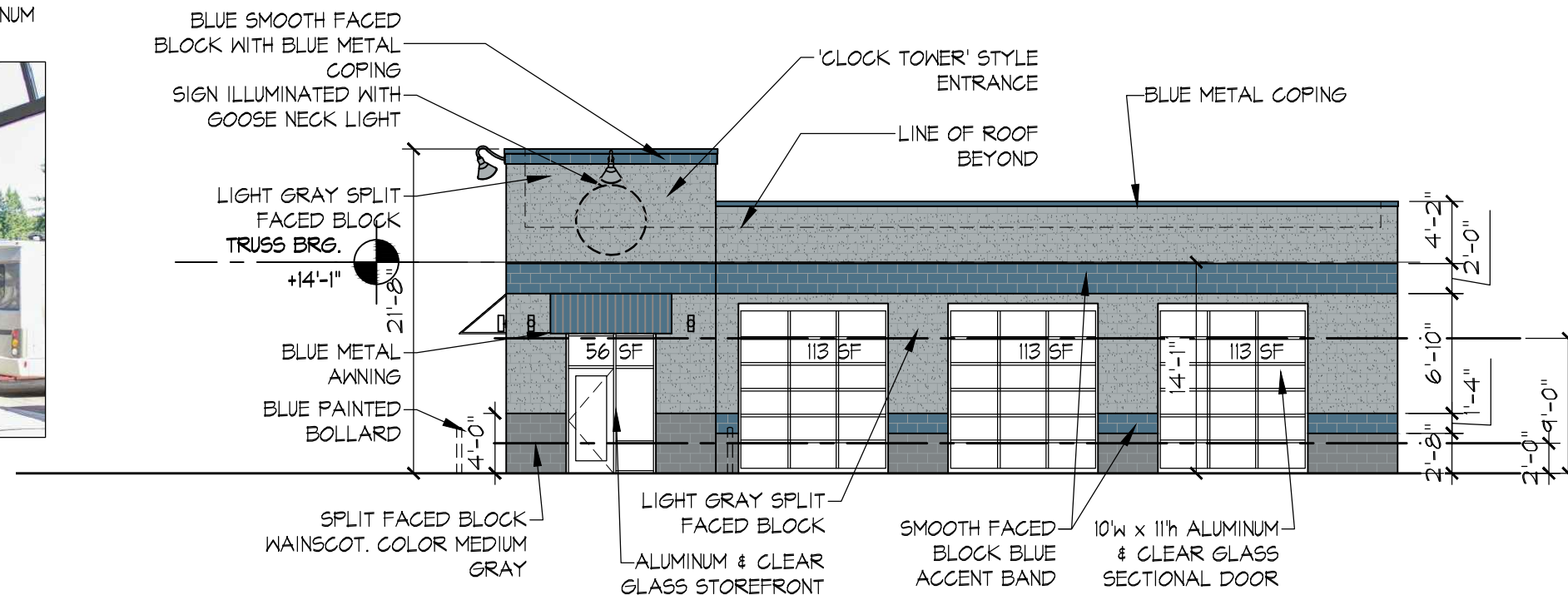
MEDIUM GRAY COLOR



SECTIONAL DOOR



2 LEFT SIDE ELEVATION
SCALE: 3/32" = 1'-0"



56 SF

TRANSPARENCY CALCULATION:
TOTAL AREA BETWEEN 2' AND 9' = 417 SF
417 x .75 = 313 SF REQUIRED TRANSPARENCY
= 395 SF PROVIDED TRANSPARENCY

1 FRONT ELEVATION
SCALE: 3/32" = 1'-0"

oak
line

421 PENMAN STREET, SUITE 200
CHARLOTTE, NC 28203
704.373.1900
OAKLINESTUDIO.COM

STRICKLAND BROTHERS 10
MINUTE OIL CHANGE
COLOR ELEVATIONS
DES PLAINES, IL



DATE: REVISED 1-3-23

PROJECT #: _____

DRAWN BY: VW

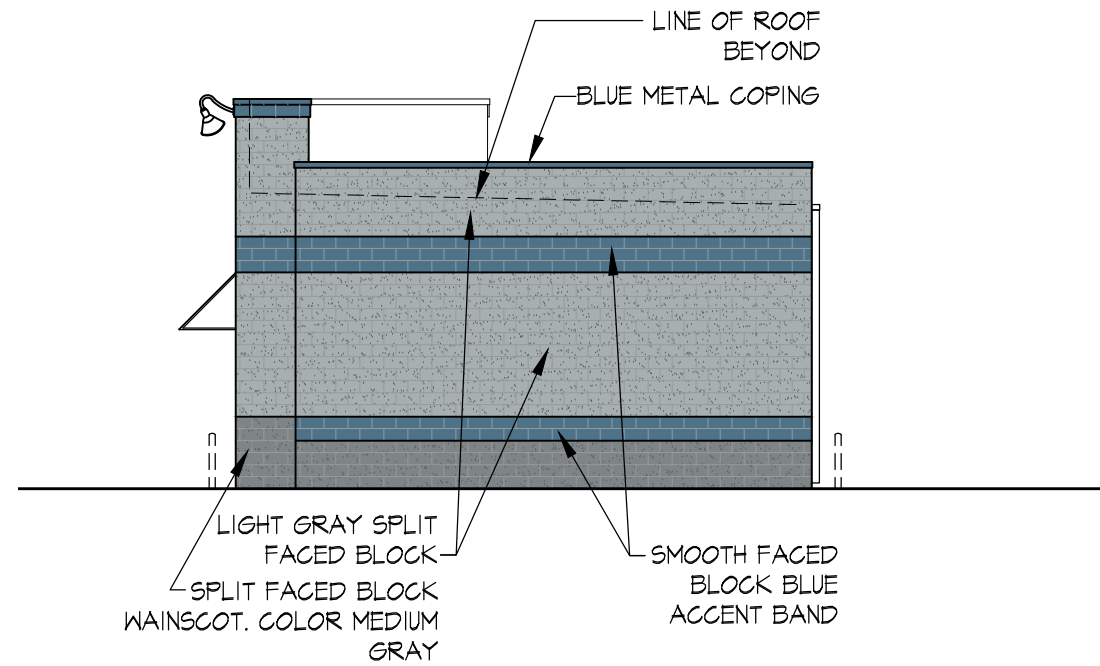
CADD FILE NAME: _____

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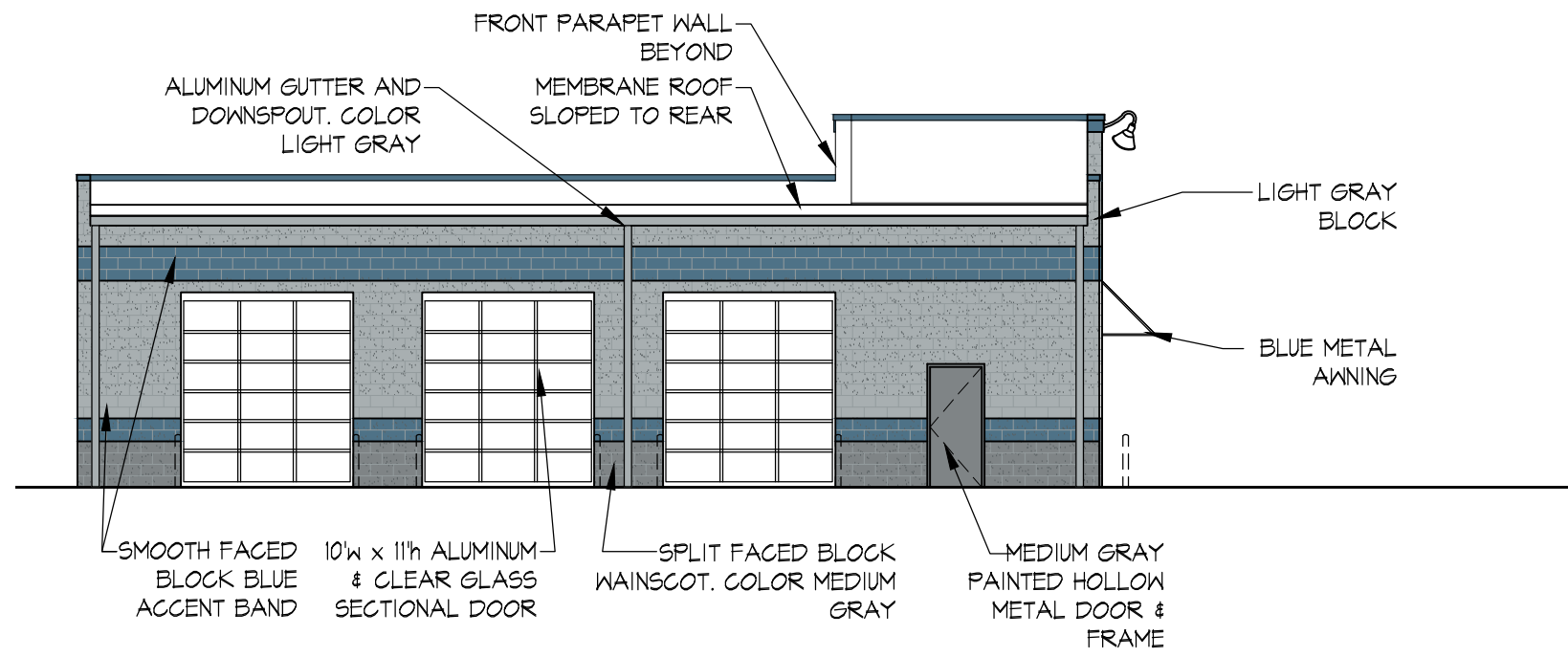
Sheet

1

EXTERIOR MATERIALS SCHEDULE AND IMAGES ON PAGE 3



2 RIGHT SIDE ELEVATION
 SCALE: 3/32" = 1'-0"



1 REAR ELEVATION
 SCALE: 3/32" = 1'-0"



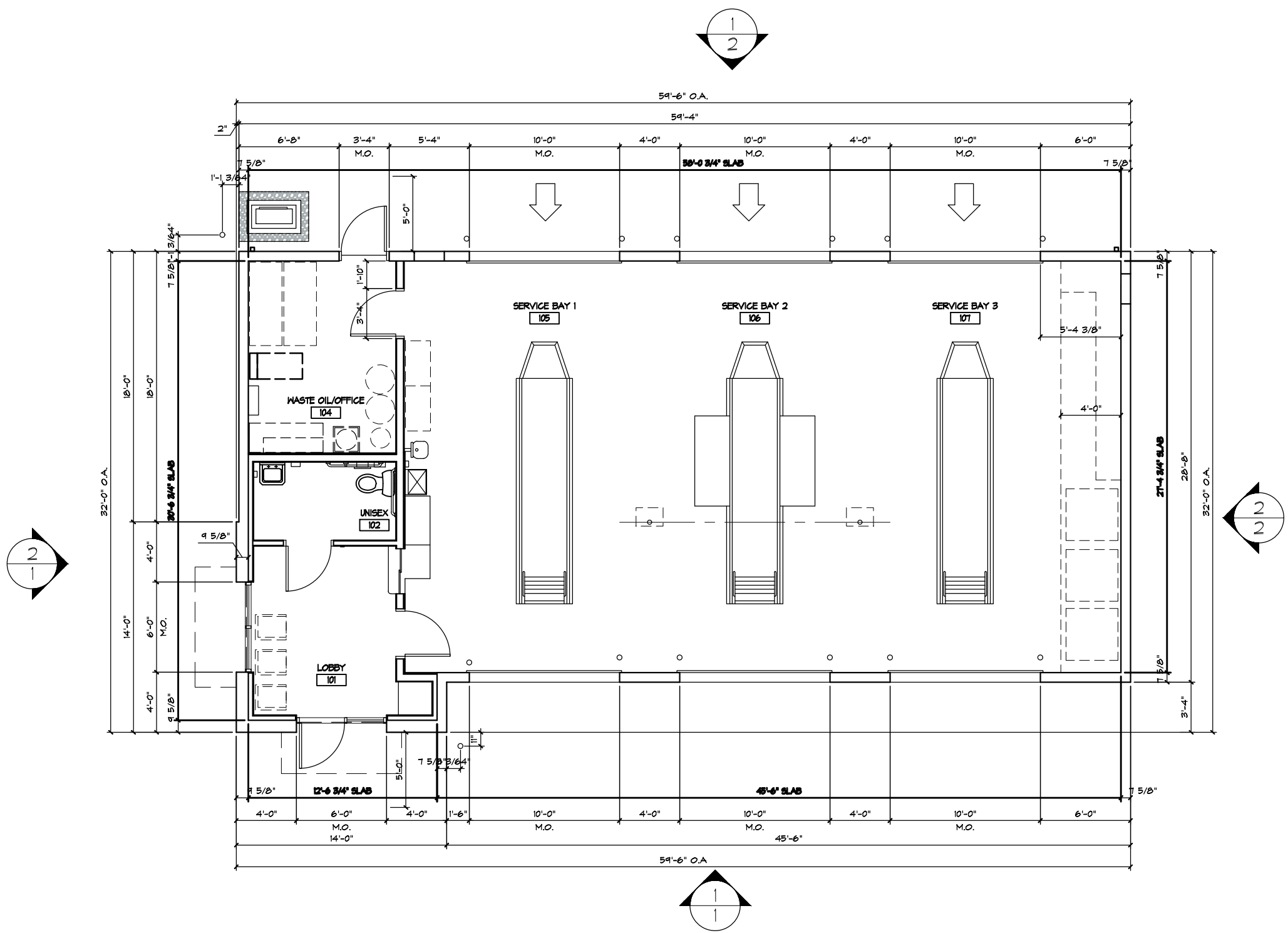
421 PENMAN STREET, SUITE 200
 CHARLOTTE, NC 28203
 704.373.1900
 OAKLINESTUDIO.COM

STRICKLAND BROTHERS 10
 MINUTE OIL CHANGE
 COLOR ELEVATIONS
 DES PLAINES, IL



DATE: REVISED 1-3-23
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1 FLOOR PLAN
SCALE: 3/32" = 1'-0"

STRICKLAND BROTHERS 10
MINUTE OIL CHANGE
COLOR ELEVATIONS
DES PLAINES, IL



DATE: REVISED 1-3-23
PROJECT #: _____
DRAWN BY: VW
CADD FILE NAME: _____

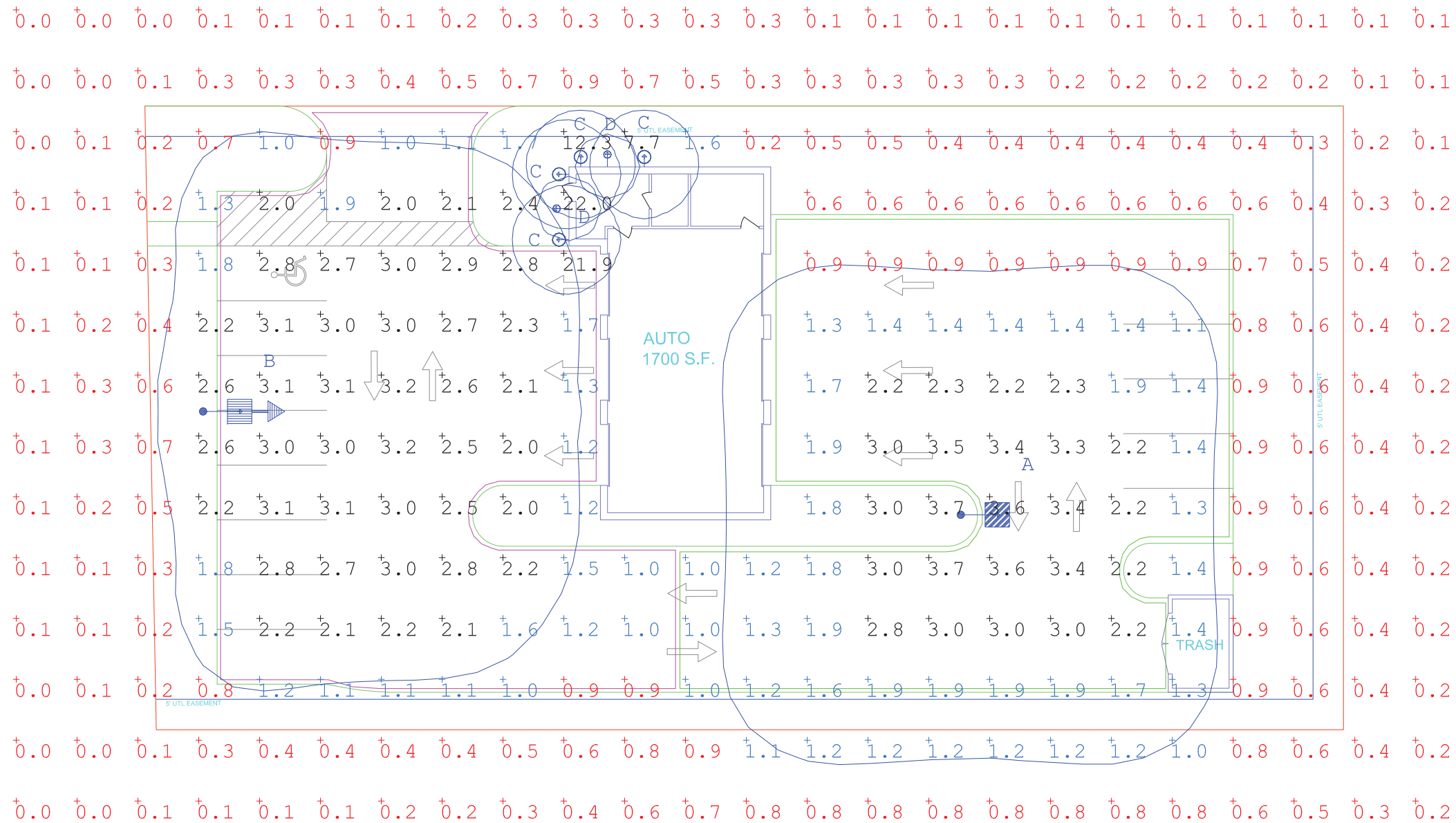
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Sheet
3

REVISIONS

REV #	DATE	BY:
-------	------	-----

ELMHURST ROAD



Label	Units	Avg	Max	Min	Avg/Min	Max/Min	PtSpcLr	PtSpcTb
FRONT	Fc	2.55	21.9	0.9	2.83	24.33	10	10
REAR	Fc	1.97	3.7	0.9	2.19	4.11		

Symbol	Qty	Label	Lum. Lumens	LLF	Description	Lum. Watts
	1	A	22900	0.980	WLS-A-L-B-22L-40K7-5Q-SLW 25' MOUNTING HEIGHT	132
	1	B	17000	0.980	WLS-A-L-B-22L-40K7-4M-BLSLF-SLW 25' MOUNTING HEIGHT	132
	4	C	2327	0.950	WLS-CL6-940-D25L-UN0-D72-SLW 10' MOUNTING HEIGHT	27.888
	2	D	1388	0.950	WLS-ADL-15L-40-GWT-SLW 21' MOUNTING HEIGHT	10.9

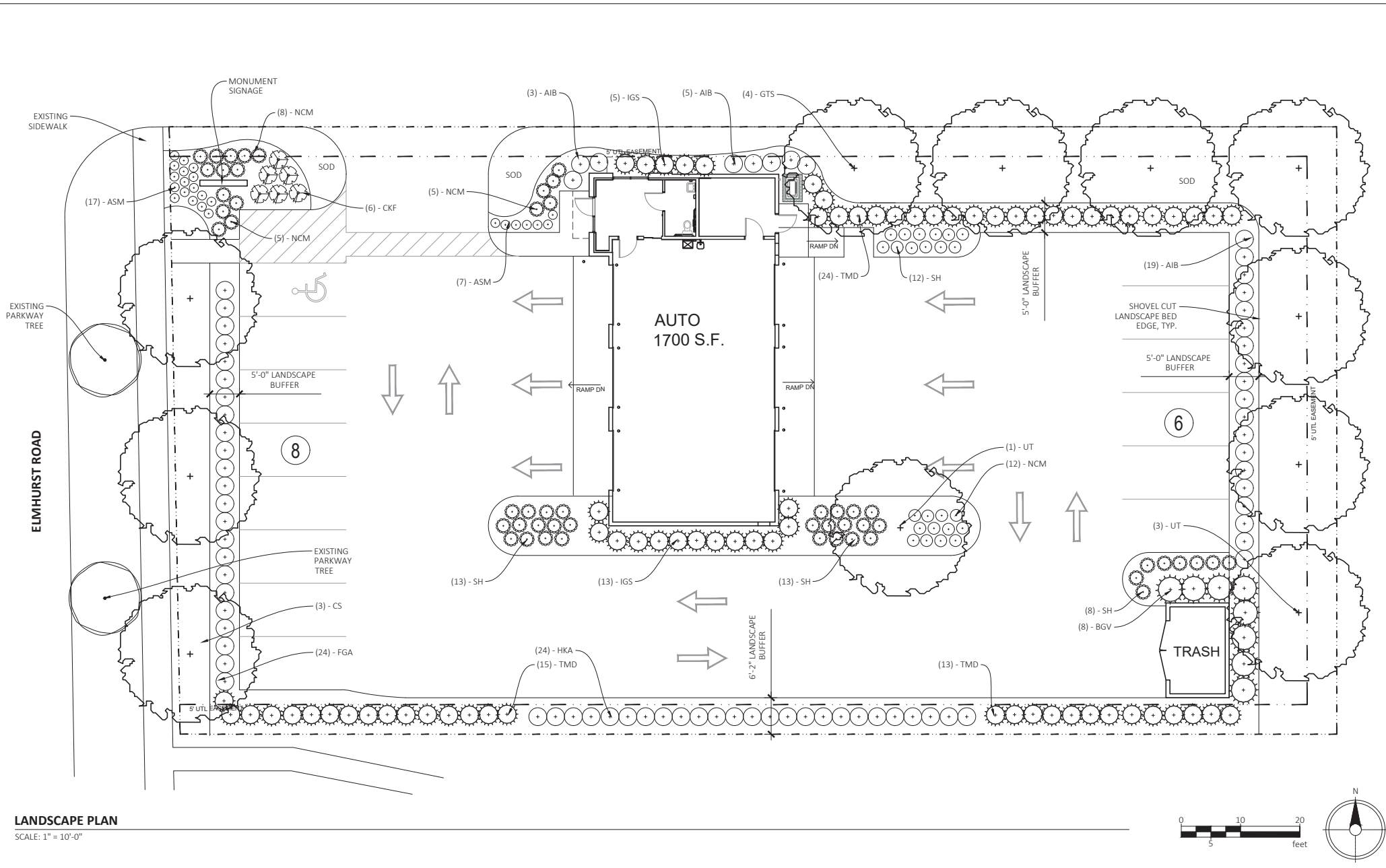
BASED ON THE INFORMATION PROVIDED, ALL DIMENSIONS AND LUMINAIRE LOCATIONS SHOWN REPRESENT RECOMMENDED POSITIONS. THE ENGINEER AND/OR ARCHITECT MUST DETERMINE APPLICABILITY OF THE LAYOUT TO EXISTING OR FUTURE FIELD CONDITIONS.
 THIS LIGHTING PATTERN REPRESENTS ILLUMINATION LEVELS CALCULATED FROM LABORATORY DATA TAKEN UNDER CONTROLLED CONDITIONS UTILIZING CURRENT INDUSTRY STANDARD LAMP RATINGS IN ACCORDANCE WITH ILLUMINATING ENGINEERING SOCIETY APPROVED METHODS. ACTUAL PERFORMANCE OF ANY MANUFACTURER'S LUMINAIRE MAY VARY DUE TO VARIATION IN ELECTRICAL VOLTAGE, TOLERANCE IN LAMPS AND OTHER VARIABLE FIELD CONDITIONS.

6820 CORPORATION PKWY
 FORT WORTH, TX 76126
 WWW.WLSLIGHTING.COM

WLS LIGHTING
 a WLS company

STRICKLAND BROTHERS OIL CHANGE
 DES PLAINES, IL

G:\Shared drives\Projects\GW Properties\Des Plaines - 827 Elmhurst\cad\GW_Des Plaines 827 Elmhurst_LA.dwg



LANDSCAPE PLAN
SCALE: 1" = 10'-0"



LANDSCAPE ORDINANCE REVIEW: DES PLAINES, ILLINOIS			
SPECIFIC ORDINANCE	CODE REQUIRES	CALCULATION	COMPLIANCE
12-10-8: PARKING LOT LANDSCAPING	INTERIOR PARKING LOT LANDSCAPING: NOT LESS THAN FIVE PERCENT OF THE INTERIOR OF PARKING LOT SHALL BE DEVOTED TO LANDSCAPING. LANDSCAPED AREAS ALONG THE PERIMETER OF THE PARKING LOT BEYOND THE CURB OF EDGE OF PAVEMENT SHALL NOT BE COUNTED TOWARD THE SATISFACTION OF THIS REQUIREMENT.	INTERIOR OF PARKING LOT = 10,380 SF * 5% = 519 SF REQUIRED	650 SF PROVIDED.
	PERIMETER PARKING LOT LANDSCAPING - SHADE TREES: ONE SHADE TREE FOR EVERY 40 OF PERIMETER LANDSCAPE AREA LENGTH. TREES MAY BE CLUSTERED.	TOTAL PERIMETER LANDSCAPE AREA LENGTH = 450 LF. / 40 = 11 TREES REQUIRED	11 TREES PROVIDED
	PERIMETER PARKING LOT LANDSCAPING - SHRUBS: ONE SHRUB, MEASURING A MINIMUM OF 18 INCHES AT PLANTING AND NOT TO EXCEED FOUR FEET AT MATURITY, FOR EVERY THREE FEET OF PERIMETER LANDSCAPE AREA LENGTH, CLUSTERED OR SPACED LINEARLY. THE LANDSCAPE TREATMENT SHALL RUN 75 PERCENT OF THE YARD WHEN ABUTTING A NON-RESIDENTIAL USE.	TOTAL PERIMETER LANDSCAPE AREA LENGTH = 450 LF. * 75% = 338 LF/3 = 112 SHRUBS REQUIRED	127 PERIMETER SHRUBS PROVIDED
12-10-10: FOUNDATION PLANTING	CORNER LOTS: ALL CORNER LOTS SHALL BE IMPROVED WITH A MINIMUM LANDSCAPE AREA AROUND 35% OF THE FOUNDATION OF THE PRINCIPLE AND ACCESSORY STRUCTURES WITH EMPHASIS ON STREET FACING ELEVATIONS AND SHALL PROJECT AT LEAST THREE (3) FEET FROM THE BUILDING.	N/A	FOUNDATION PLANTING HAS BEEN MAXIMIZED

PLANTING SCHEDULE					
KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
DECIDUOUS TREES					
CS	3	CATALPA SPECIOSA	NORTHERN CATALPA	2.5" CAL.	PER PLAN
GTS	4	GLEDITSIA TRIACANTHOS 'SKYCOLE'	SKYLINE HONEYLOCUST	2.5" CAL.	PER PLAN
UT	4	ULMUS 'MORTON GLOSSY'	TRIUMPH ELM	2.5" CAL.	PER PLAN
DECIDUOUS SHRUBS					
AIB	27	ARONIA MELANOCARPA 'MORTON'	IROQUOIS BEAUTY CHOKEBERRY	#3 CONT.	36" O.C.
FGA	24	FOTHERGILLA GARDENII	DWARF FOTHERGILLA	#3 CONT.	36" O.C.
HKA	24	HYPERICUM KALMIANUM	KALM'S ST. JOHNSWORT	#3 CONT.	36" O.C.
EVERGREEN SHRUBS					
BGV	8	BUXUS 'GREEN VELVET'	GREEN VELVET BOXWOOD	#3 CONT.	48" O.C.
IGS	18	ILEX GLABRA 'SHAMROCK'	SHAMROCK INKBERRY	#3 CONT.	36" O.C.
TMD	52	TAXUS X MEDIA 'DENSIFORMIS'	DENSE YEW	#3 CONT.	36" O.C.
PERENNIALS & GRASSES					
ASM	24	ALLIUM 'MILLENNIUM'	MILLENNIUM ALLIUM	#1 CONT.	18" O.C.
CKF	6	CALAMOGROSTIS X 'KARL FOERSTER'	KARL FOERSTER FEATHER REED GRASS	#3 CONT.	36" O.C.
NCM	30	NEPETA 'CATS MEOW'	CAT'S MEOW NEPETA	#1 CONT.	24" O.C.
SH	46	SPOROBOLUS HETEROLEPIS	PRAIRIE DROPS EED	#1 CONT.	24" O.C.

PROJECT NAME:
REDEVELOPMENT SITE
827 ELMHURST ROAD
DES PLAINES, IL 60018

OWNER NAME:
GW PROPERTIES
2211 N. ELSTON AVENUE, UNIT 304
CHICAGO, IL 60614

CONSULTANTS:

Planned Environment Associates
P.O. Box 2258
Chesterton, IN 46304
(219) 398-3333
www.plannedenv.com

SUBMITTAL & REVISIONS	
1	11/07/22 INITIAL DESIGN
2	01/03/23 REVISED PLAN
3	01/04/23 SITE PLAN REVISION

STAMP:

Jon Ruble
187-001345
STATE OF ILLINOIS
EXP: 8/31/2023

TITLE:
LANDSCAPE PLAN

SHEET:
L101

DRAWN BY: JRR
CHECK BY: JJF
PROJECT #: 22-048

NOTES:
1. SEE SHEET L201 FOR LANDSCAPE NOTES & DETAILS.

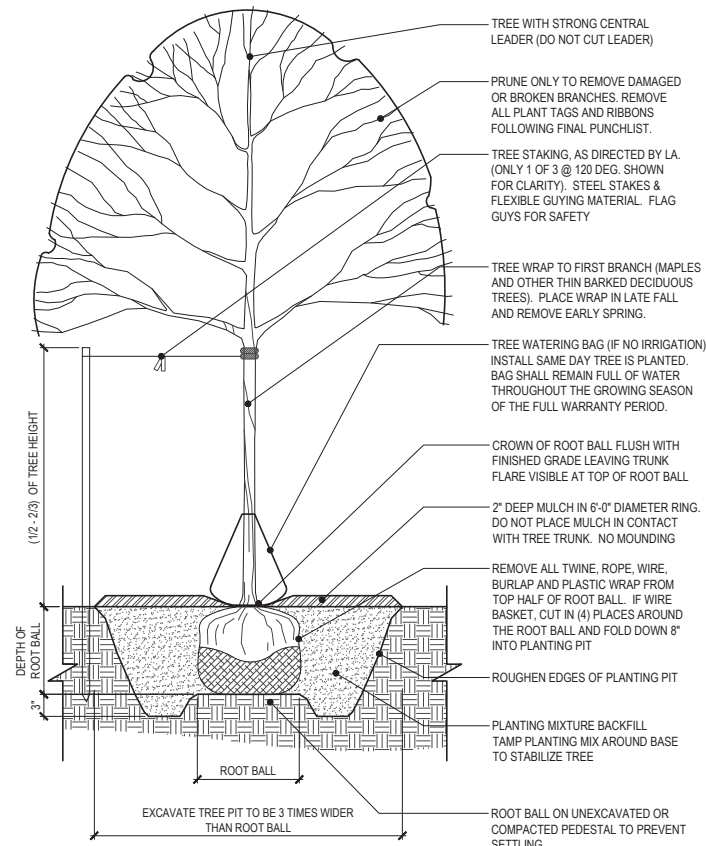


PLANTING NOTES:

- SEE SHEET L101 FOR LANDSCAPE ORDINANCE REVIEW DATA TABLE AND PLANT SCHEDULE.
- THE CONTRACTOR SHALL CONTACT 811 PRIOR TO WORK.
- IN CASE OF DISCREPANCIES BETWEEN THE PLAN AND THE PLANT LIST, THE GRAPHIC SYMBOLS SHOWN ON THE PLAN SHALL DICTATE.
- PLANT MATERIALS:
 - ALL PLANT MATERIALS SHALL MEET OR EXCEED THE AMERICAN STANDARDS FOR NURSERY STOCK, MOST CURRENT EDITION, AS SET FORTH BY AMERICAN ASSOCIATION OF NURSERYMEN.
 - PLANTS SHALL BE EQUAL TO OR EXCEED THE MEASUREMENTS SPECIFIED IN THE PLANT LIST.
 - PLANTS SHALL BE SOUND, HEALTHY, VIGOROUS AND FREE FROM INSECT PESTS, PLANT DISEASES, AND INJURIES.
 - TREES SHALL HAVE STRAIGHT TRUNK WITH LEADER INTACT, UNDEMANAGED AND UNLIT. BRANCHING MUST BE WELL DEVELOPED.
 - ALL PLANT MATERIAL AND SEED SHALL BE PROVIDED FROM A NURSERY (WITHIN 200 MILES) WITH A SIMILAR PLANT HARDINESS ZONE AS PROJECT LOCATION.
 - NO SUBSTITUTIONS OF PLANT MATERIALS WILL BE ALLOWED. IF PLANTS ARE NOT AVAILABLE, THE CONTRACTOR SHALL NOTIFY OWNER AND LANDSCAPE ARCHITECT PRIOR TO BID IN WRITING.
 - ALL PLANTS ARE SUBJECT TO INSPECTION AND APPROVAL. THE LANDSCAPE ARCHITECT AND OWNER RESERVE THE RIGHT TO SELECT AND TAG ALL PLANT MATERIAL AT THE NURSERY PRIOR TO PLANTING AND REJECT UNACCEPTABLE PLANT MATERIAL AT ANY TIME DURING THE PROGRESS OF THE PROJECT.
 - CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT IN WRITING PRIOR TO BID DATE OF ANY PLANTS THEY FEEL MAY NOT SURVIVE IN LOCATIONS NOTED ON PLANS.
- IRRIGATION:
 - CONTRACTOR SHALL PROVIDE BID ALTERNATE FOR IRRIGATION PER THE IRRIGATION PERFORMANCE SPECIFICATIONS. IF BID ALTERNATE OF IRRIGATION SYSTEM IS NOT SELECTED BY OWNER, CONTRACTOR SHALL BE RESPONSIBLE FOR ESTABLISHMENT WATERING THROUGH TEMPORARY FACILITIES, WATERING BAGS, ETC., AS APPROVED BY OWNER FOR PLANT WARRANTY.
- TOPSOIL & PLANTING MIXTURES:
 - ENSURE THAT SOIL CONDITIONS AND COMPACTION ARE ADEQUATE TO ALLOW FOR PROPER DRAINAGE AROUND THE CONSTRUCTION SITE. UNDESIRABLE CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO BEGINNING OF WORK. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ENSURE PROPER SURFACE AND SUBSURFACE DRAINAGE IN ALL AREAS.
 - SALVAGE TOPSOIL FROM THE EARTHWORK AREAS AS APPROPRIATE AND/OR AS DIRECTED BY LANDSCAPE ARCHITECT AND STOCKPILE FOR REUSE IN LOCATION APPROVED BY OWNER.
 - TOPSOIL SHALL BE MATERIALS CONSISTING OF FERTILE, FRIABLE, FINE SANDY LOAM, UNIFORM IN COMPOSITION AND FREE OF SUBSOIL, STONES, LUMPS, CLODS OF HARD EARTH, PLANTS, PLANT ROOTS, STICKS, NOXIOUS WEEDS, SLAG, CINDERS, DEMOLITION DEBRIS OR OTHER EXTRANEOUS MATTER OVER 1" IN LARGEST DIMENSION.
 - EXISTING TOPSOIL SHALL BE PREPARED BY THOROUGHLY MIXING IN COMPOST AT THE RATE OF 1/3 VOLUME OF SOIL REPLACED.
 - TOPSOIL SHALL BE TESTED AND AMENDED (AS SPECIFIED BY THE TESTING AGENCY) TO THE FOLLOWING:
 - ADJUST SOIL TO A pH OF 6.0 TO 6.5.
 - ORGANIC MATTER: 4% MIN, 10% MAX
 - AVAILABLE PHOSPHORUS: 25 PPM, MIN
 - EXCHANGEABLE POTASSIUM: 125 PPM, MIN
 - THE FOLLOWING FERTILIZERS SHALL BE USED AS FOLLOWS, OR ALTERNATIVES SUBMITTED BY CONTRACTOR TO OWNER AND LANDSCAPE ARCHITECT FOR APPROVAL:
 - TREES & SHRUBS = 14-4-6 BRIQUETTES @ 17g
 - LAWN = HIGH NITROGEN STARTER FERTILIZER
 - LAWN SEED & SOD AREAS SHALL RECEIVE A MINIMUM OF 4" DEPTH OF TOPSOIL.
 - PLANTING BEDS SHALL RECEIVE MINIMUM 6" DEPTH OF AMENDED TOPSOIL.
 - NATIVE LANDSCAPE SEEDING AREAS SHALL RECEIVE A MINIMUM 18" DEPTH OF TOPSOIL.
- MULCH MATERIALS:
 - ALL MULCH MATERIALS SHALL BE PROCESSED DOUBLE SHREDDED HARDWOOD BARK MULCH OF UNIFORM SIZE. NO UTILITY MULCH OR PROCESSED TREE TRIMMINGS WILL BE ALLOWED. SUBMIT SAMPLE TO ARCHITECT.
 - MULCH SHALL BE 2-INCH THICK MINIMUM COVERAGE IN ALL AREAS OF TREE PITS OR PLANTING BEDS, UNLESS OTHERWISE NOTED.
 - MULCH SHALL BE HELD 1" BELOW SURFACE ELEVATION OF DOWNHILL SIDE OF WALK, SLAB, CURB, LAWN, ETC.
- LANDSCAPE BED EDGING:
 - ALL LANDSCAPE BED EDGING SHALL BE SHOVEL-CUT SPADE EDGE BETWEEN LAWN AREAS UNLESS OTHERWISE NOTED.
- STORAGE & INSTALLATION:
 - CONFIRM LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO START OF CONSTRUCTION.
 - EXISTING TREES FOUND ON SITE SHALL BE PROTECTED AND SAVED UNLESS NOTED TO BE REMOVED OR ARE LOCATED IN AN AREA TO BE GRADED. NO VEHICLES OR EQUIPMENT ARE ALLOWED WITHIN THE DRIP LINE OF TREES TO BE PROTECTED. QUESTIONS REGARDING EXISTING PLANT MATERIAL SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO REMOVAL.
 - PRUNING AND REMOVAL OF BRANCHES ON EXISTING TREES SHALL BE DIRECTED IN THE FIELD BY OWNER OR LANDSCAPE ARCHITECT.
 - EQUIPMENT, PLANTS AND ALL OTHER MATERIALS TO BE STORED ON SITE WILL BE STORED OUTSIDE OF THE DRIPLINE OF TREES TO BE PROTECTED AND PLACED WHERE THEY WILL NOT CONFLICT W/ CONSTRUCTION OPERATIONS.
 - NEW PLANTING AREAS ARE TO BE TREATED WITH HERBICIDE (APPROVED BY STATE CHEMIST) TO KILL ALL EXISTING GROUND COVER. THERE SHALL BE A MINIMUM OF TWO (2) APPLICATIONS SEPARATED BY 10 DAYS. IF ALL EXISTING GROUND COVER VEGETATION IS NOT KILLED WITHIN 10 DAYS OF 2ND APPLICATION, A 3RD APPLICATION IS REQUIRED.
 - WHERE PROPOSED PLANTINGS ARE INDICATED IN EXISTING PAVING AREAS, CONTRACTOR SHALL EXCAVATE A MINIMUM OF 2'-0" BELOW PAVING SURFACE.
 - FINAL PLACEMENT OF PLANT MATERIALS, ETC., ARE SUBJECT TO APPROVAL BY OWNER AND LANDSCAPE ARCHITECT BEFORE PLANTING OPERATIONS ARE TO PROCEED. ALL TREE LOCATIONS SHALL BE MARKED WITH A WOOD STAKE OR FLAG INDICATING VARIETY AND SIZE OF TREE. ALL GROUND COVER AND PLANTING BED LINES SHALL BE MARKED W/ HIGHLY VISIBLE PAINT LINES W/ OCCASIONAL WOOD STAKES FOR REFERENCE. ALL STAKES SHALL BE REMOVED FOLLOWING PLANTING OPERATIONS. OWNER RESERVES THE RIGHT TO ADJUST PLANT LOCATIONS ON SITE.
 - ALL DISTURBED AREAS OUTSIDE THE LIMITS OF WORK SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION AT NO ADDITIONAL COST TO THE OWNER.
 - PRIOR TO FINAL PAYMENT, CONTRACTOR SHALL COORDINATE A FINAL INSPECTION WALK-THROUGH WITH OWNER AND LANDSCAPE ARCHITECT FOR OWNER ACCEPTANCE. THE LANDSCAPE ARCHITECT WILL PROVIDE A PUNCHLIST OF ANY DEFICIENCIES AND PROVIDE TO OWNER AND CONTRACTOR FOR REVIEW AND REMEDIATION.
- MAINTENANCE:
 - INCLUDE PRICING WITH THE BID FOR A 60-DAY MAINTENANCE PERIOD OF ALL LANDSCAPE PLANTINGS FOLLOWING COMPLETE INSTALLATION AND FINAL INSPECTION BY OWNER AND LANDSCAPE ARCHITECT. MAINTENANCE SHALL INCLUDE WATERING, WEEDING, CULTIVATING, MULCHING, MOWING, AND ALL OTHER NECESSARY OPERATIONS REQUIRED FOR PROPER ESTABLISHMENT OF LAWNS AND PLANTINGS.
- WARRANTY:
 - ALL LANDSCAPE PLANTINGS SHALL BE WARRANTED FOR A PERIOD OF ONE YEAR FOLLOWING 60-DAY MAINTENANCE PERIOD. AT THE END OF THIS PERIOD, PLANT MATERIAL TERMED DEAD OR UNSATISFACTORY (EXCEPT FOR DEFECTS RESULTING FROM ABUSE OR DAMAGE BY OTHERS, OR OTHER ACTS DETERMINED AS FORCE MAJEURE) BY OWNER AND LANDSCAPE ARCHITECT SHALL BE REPLACED AT NO ADDITIONAL CHARGE BY THE CONTRACTOR. THE REPLACEMENTS SHALL ALSO BE WARRANTED FOR 1 YEAR.

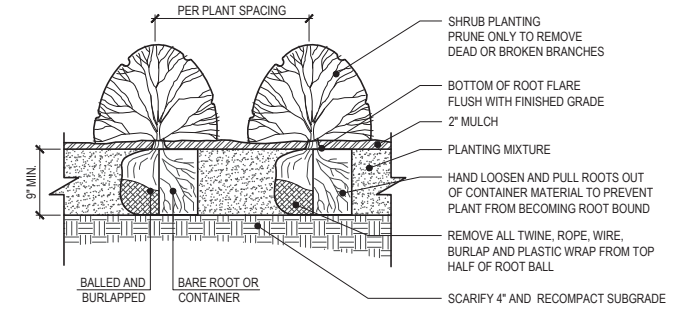
IRRIGATION NOTES:

- CONTRACTOR SHALL PROVIDE DESIGN/BUILD IRRIGATION SYSTEM PER THE IRRIGATION NOTES BELOW:
 - DESIGN GUIDELINES: CONTRACTOR TO VERIFY PRESSURE AND AVAILABLE WATER SERVICE SIZE
 - EMISSION (LAWNS): HUNTER I-40 SPRAY ROTARS (OR APPROVED EQUAL)
 - DRIP (BEDS): HUNTER HDL-CV (OR APPROVED EQUAL)
 - QUICK COUPLER: HUNTER QCV - 3/8C
 - CONTROLLER: HUNTER HCC (OR APPROVED EQUAL)
 - SENSOR: HUNTER SOLAR-SYNC & HC FLOW METER (OR APPROVED EQUAL)
 - PIPING: PVC OR APPROVED EQUAL
 - INSECT REPELLENT: AUTOMATED PRO FEEDER SYSTEM WITH 5-GALLON STORAGE FOR NATURE SHIELD
- CONTRACTOR SHALL PROVIDE A QUALIFIED IRRIGATION DESIGNER OR IRRIGATION CONSULTANT TO DESIGN THE SYSTEM FOR EFFICIENT AND UNIFORM DISTRIBUTION OF WATER. "QUALIFIED" MEANS CERTIFIED BY ONE OF THE FOLLOWING AGENCIES BELOW:
 - CERTIFIED IRRIGATION CONTRACTOR (CIC)
 - CERTIFIED LANDSCAPE IRRIGATION AUDITOR (CLIA)
 - CERTIFIED LANDSCAPE IRRIGATION MANAGER (CLIM)
 - CERTIFIED IRRIGATION DESIGNER (CID)
 - CERTIFIED WATER CONSERVATION MANAGER-LANDSCAPE (CWCM)
- SYSTEM DESIGN:
 - THE SYSTEM SHALL BE COMPRISED OF EITHER:
 - DRIP/MICRO-IRRIGATION COMPONENTS THAT ALLOW FOR HIGHER DISTRIBUTION UNIFORMITY AND LOWER EVAPORATION AND RUNOFF.
 - THE DESIGN AND LAYOUT OF THE EMISSION DEVICES PROVIDES FOR ZERO OVERSPRAY ACROSS OR ONTO A STREET, PUBLIC DRIVEWAY OR SIDEWALK, PARKING AREA, BUILDING, FENCE OR ADJOINING PROPERTY. OVERSPRAY MAY OCCUR DURING THE OPERATION OF THE IRRIGATION SYSTEM DUE TO THE ACTUAL WIND CONDITION THAT DIFFER FROM THE DESIGN CRITERIA.
- SYSTEM CONTROLLER:
 - THE SYSTEM SHOULD USE A CONTROLLER THAT HAS MULTI-PROGRAM CAPABILITY WITH AT LEAST FOUR START TIMES (FOR MULTIPLE REPEAT SOAK CYCLES) AND RUN TIME ADJUSTMENT IN ONE MINUTE INCREMENTS. THE CONTROLLER PROGRAMMING (SCHEDULING) SHOULD BE MANAGED TO RESPOND TO THE CHANGING NEED FOR WATER IN THE LANDSCAPE.
- DESIGN FEATURES:
 - FOLLOW ALL ORDINANCES RELATING TO IRRIGATION SYSTEMS INCLUDING THE INSTALLATION OF BACKFLOW DEVICES.
 - INSTALL A MASTER VALVE TO STOP UNSCHEDULED FLOW OF IRRIGATION WATER
 - A DESIGN THAT RESULTS IN UNIFORM AND EFFICIENT COVERAGE. SPRINKLER HEAD SPACING SHOULD BE A MINIMUM OF "HEAD-TO-HEAD" (MINIMUM 50% OF DIAMETER) UNLESS THE COVERAGE IS DESIGNED FOR WIND DE-RATING. WIND DE-RATING SHOULD BE BASED ON AVERAGE NIGHTTIME WIND SPEED.
 - A MINIMUM OF "HEAD-TO-HEAD" (MINIMUM OF 50% OF DIAMETER) UNLESS THE COVERAGE IS DESIGNED FOR WIND DE-RATING. WIND DE-RATING SHOULD BE BASED ON AVERAGE NIGHTTIME WIND SPEED.
 - HAVE SEPARATE STATIONS/ZONES (HYDROZONES) FOR AREAS WITH DISSIMILAR WATER OR SCHEDULING REQUIREMENTS
 - PROVIDE SENSOR TO SUSPEND IRRIGATION DURING WET WEATHER CONDITIONS.
 - PROVIDE FLOW METER FOR MONITORING FLOW CONDITIONS AND SAVING WATER.
 - PROVIDE OWNER WITH WALKTHROUGH FOR SYSTEM OPERATIONS, PRIOR TO FINAL ACCEPTANCE. INCLUDE PROCEDURES FOR CONTROLLER PROGRAMMING, MAINTENANCE AND WINTERIZATION.



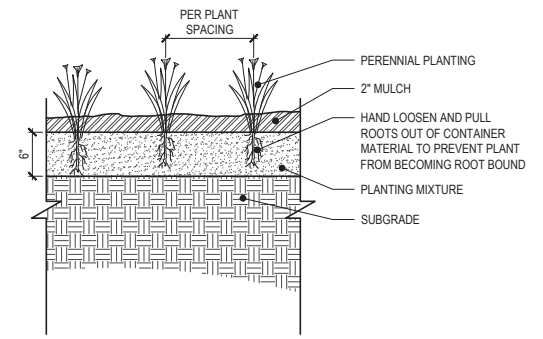
1 TREE PLANTING

SCALE: 1/2" = 1'-0"



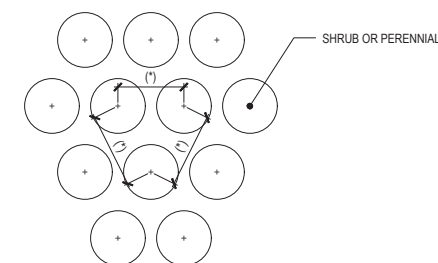
2 SHRUB PLANTING

SCALE: 1" = 1'-0"



3 PERENNIAL PLANTING

SCALE: 1" = 1'-0"



4 PLANT SPACING

NOT TO SCALE

PROJECT NAME:
REDEVELOPMENT SITE
827 ELMHURST ROAD
DES PLAINES, IL 60018

OWNER NAME:
GW PROPERTIES
2211 N. ELSTON AVENUE, UNIT 304
CHICAGO, IL 60614

CONSULTANTS:

planned
PLANNED ENVIRONMENT ASSOCIATES
(219) 398-3383
www.planned.com
P.O. Box 2258
CHESTERON, IN 46304

SUBMITTAL & REVISIONS	
1	11/07/22 INITIAL DESIGN
2	01/03/23 REVISED PLAN
3	01/04/23 SITE PLAN REVISION

STAMP:

 EXP: 8/31/2023

TITLE:
PLATING DETAILS & NOTES

SHEET:
L201

DRAWN BY: JRR
CHECK BY: JJF
PROJECT #: 22-048



G:\Shared drives\Projects\GW Properties\Des Plaines - 827 Elmhurst\cad\GW_Des Plaines 827 Elmhurst_La.dwg

From: countryacres640650@gmail.com
To: [Jonathan Stytz](#)
Subject: Zoning Board Petition
Date: Thursday, January 5, 2023 10:44:10 AM
Attachments: [image005.png](#)

Country Acres Condominium Association, Inc.
Country Acres Condominium Homeowners Association, Inc.
640 Murray Lane Box CACHA
Des Plaines, Illinois 60016-5685

January 4, 2023

Telephone: 847-454-7686

Facsimile: 847-574-7414

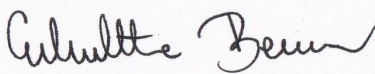
Email: countryacres640650@gmail.com

Dear Mr. Stytz,

Please accept this email communication from the Board of Directors of Country Acres Condominiums at 640 & 650 Murray Lane in relation to the Zoning Board Hearing for PIN: 08-24-100-031-000, Petitioner: Mitch Goltz. RDK Ventures LLC.

The property in question abuts the Country Acres Condominium property and the Board voices its opposition to the zoning variance as it would lower the value of the 138 owner's property. If there is any doubt in the Zoning Board member's minds about the unsightliness of an automobile service operation, then they should take a look at the automobile service operation at the corner of Elmhurst Road and Holiday Lane

Yours truly,



Elzbieta Bezen
President

From: [Amy Mate](#)
To: [Jonathan Stytz](#)
Subject: the Zoning Board Hearing for PIN: 08-24-100-031-000
Date: Thursday, January 5, 2023 11:18:21 AM

Mr. Stytz,

I unfortunately will be out of town when this meeting is being held but am hoping you will accept this email from me as my OBJECTION to the zoning for this location at 827 Elmhurst Road to be used for an auto repair shop.

Our neighborhood already has a glutton of auto shops within just a few blocks radius. This one will be right in my backyard as I reside at 640 Murray Lane. The last thing I want is to have to stare at broken down cars, tow trucks and and extra parts laying around from my window! Aside from the visual distaste, the noise and fumes will be disruptive to my life as I work from home.

Allowing this type of business to take up this space will undoubtedly also affect my property value in a negative way and is unacceptable.

I do hope you will take all of this and my earnest appeal into account as you are making decisions about this location.

Again - I OBJECT to having Petitioner: Mitch Goltz. RDK Ventures LLC. get a permit to open their auto shop at the 827 Elmhurst Road location at your Board Hearing for PIN: 08-24-100-031-000 being held on 1/10/2023.

Thank you for your consideration,
Amy Mate
640 Murray Lane



COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT

1420 Miner Street
Des Plaines, IL 60016
P: 847.391.5380
desplaines.org

MEMORANDUM

Date: January 4, 2023
To: Planning and Zoning Board (PZB)
From: John T. Carlisle, AICP, Director of Community and Economic Development *JTC*
Subject: Request to Continue 23-001-CU: 1300 Miner Street

Due to current workload of City Council, staff has requested and the petitioner has accepted to continue the hearing to the Board's regular meeting on Tuesday, January 24, 2023. I recommend the Board grant this request, which is attached.

From: [Blessing Automotive](#)
To: [Jonathan Stytz](#)
Subject: 1300 Miner St
Date: Wednesday, January 4, 2023 4:05:16 PM

Good afternoon Jonathan,

I want it to see if you could postpone the meeting on Jan 10th for the 24th instead? Thank you

Regards,
Melbin O.

MEMORANDUM

Date: January 4, 2023

To: Planning and Zoning Board (PZB)

From: Samantha Redman, Associate Planner *SR*
Jonathan Stytz, AICP, Senior Planner *JS*

Cc: John T. Carlisle, AICP, Director of Community and Economic Development *JTC*

Subject: Zoning Text Amendments Regarding Fences, Trellises, Arbors, and Yard Features

Issue: Consider the following Zoning Ordinance amendments: (i) add the terms “Fence”, “Trellis” and “Arbor” and revise the term “Yard Features” in Section 12-13-3; (ii) amend yard feature regulations in Section 12-7-1.C to create separate regulations for trellis, arbor and yard features; (iii) add Section 12-8-14: Arbors and Trellises to create regulations for arbors and trellises.

PIN: Citywide

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

Case Number: #23-002-TA

Project Summary: The City of Des Plaines is applying for zoning text amendments to create definitions and clarify regulations for fences, arbors, trellises and yard features.

Background

In 2022 City staff encountered multiple instances where property owners erected structures attached or close to fences that were challenging to define and extended above the allowable fence height. Ambiguity ensued on how to define the structures by the fence: *Are they part of the fence? Separate? How tall are they allowed to be? Can they be solid or do they need to be partially open?* Complicating the decision is the fact there is no term definition for fence in the Zoning Ordinance.

In lieu of clear, specific definitions for fences, trellises and similar structures, staff relied on the normal dictionary definition, as instructed by Section 12-13-1.A. Section 12-7-1.C allows trellises to be a maximum of eight feet tall and one foot from the property line. However, staff seeks to resolve issues with the fence, arbor, trellis, and yard feature regulations to ensure the intent of the requirements are met and structures that have been recently confused are henceforth accurately defined.

Fences are currently regulated in height, opacity, and location for both residential and nonresidential properties. Broad dictionary definitions for terms like “fences” are often too general to be applied to the variety

of scenarios planners and zoning administrators face. For example, Merriam Webster dictionary defines fence as, “*a barrier intended to prevent escape or intrusion or to mark a boundary.*” However, fences can have a variety of purposes within a city, including delineating boundaries, creating enclosures on property for people, animals and equipment, and providing screening to support an aesthetically pleasing environment for residents and businesses.

Nonetheless, the fence regulations have remained relatively consistent since adopted in the original 1998 Zoning Ordinance, even without an expressed definition. Amendments over the years have included permitting eight-foot-tall fences on properties abutting railroad rights of way and adding regulations for dog runs. The most substantial amendments occurred in 2019 and included placing restrictions on abutting fences, as well as adding the “corner side” yard definition and attendant rules.

Section 12-8-2 regulates height, setbacks, location, and appearance of fencing. Staff most commonly receive questions about the height and opacity of fencing for properties from residents seeking to alter an existing fence or erect a new fence. Generally side and rear yards are permitted to have a six-foot-tall fence, if located outside of the 10-foot sight triangle of an alley, driveway, or street. Fencing in the front yards can be a maximum of four-foot-tall and cannot be less than 50 percent open. For corner lots, the corner side yard (along the longest side fronting a street) cannot be taller than four feet and can be open or solid. The intent of the shorter fencing in areas visible from the street is to create a more cohesive, inviting neighborhood, allowing for the display of landscaping and preventing the appearance of a walled community.

Examples from Other Municipalities

Examples from other municipalities were used to shape the suggested amendments. Fence, trellis, and arbor definitions from twenty-two (22) municipalities of the Northwest Municipal Conference (NWMC) were collected and compared (refer to attached Fence Definitions of Other Communities). In particular, definitions from Barrington, Lincolnwood, Mount Prospect, Niles, and Northfield were used to shape the definitions. The majority of other zoning ordinances include a definition of fence and regulate the location, height, and/or materials (18 out of 22). Several communities (eight out of 22) also define trellises and arbors and/or regulate the location, height, and materials.

Proposed Amendments

The full proposed amendments are attached and are summarized below:

- **Section 12-13-3, Definition of Terms**
 - Added or revised definitions for:
 - Fence
 - Trellis
 - Arbor
 - Yard Feature

- **Section 12-7-1.C – Permitted Obstructions in Required Yards**
 - Arbors and trellises added to table with applicable setbacks from lot lines and other structures:
 - Arbors permitted at lot line of front and corner side yards and one foot away from the lot line at side and rear lot lines.
 - Trellises permitted in front and corner side yards if they do not exceed 4 feet in height and do not encroach more than 5 feet into the front and corner side yards; may be six feet tall in side and rear yards if located at least one foot from rear and side lot lines.
 - Footnote 3 removed regarding when a permit is required for recreational equipment and yard features. A separate amendment to the Local Amendments

to the adopted Building Code (Section 10-1-2 of City Code) will be submitted to clarify work exempt from permit; the Zoning Ordinance is not the correct location to regulate what construction requires a permit.

- **Section 12-8-14 – Arbor and Trellis Regulations**
 - New section added to regulate arbors and trellises on zoning lots generally, not just in required yards. This section includes restrictions on:
 - Size
 - Material
 - Quantity
 - Setbacks

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;

The Comprehensive Plan calls for the preservation and enhancement of residential and non-residential properties. The proposed amendments serve to clarify fencing and yard feature regulations, encouraging cohesive, aesthetically pleasing and welcoming neighborhoods and corridors.

PZB Modifications (if any): _____
_____.

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

The amendments clarify fence and other yard feature regulations to ensure the intent of the existing fence rules are met, provide clearer direction on the height, materials, and location of yard features. The proposed definitions match current trends in the size and materials of trellises and arbors per staff’s research with several hardware and landscaping stores. The additions to the encroachment table in Section 12-7-1.C and adding Section 12-8-14 regarding arbors and trellises support the fence regulations in Section 12-8-2 by removing ambiguity about the ability to use other yard features to serve as an extension of a fence. Overall, the proposed amendments provide clarity to other sections of the Zoning Ordinance, which are the agreed upon regulations used to control the character and development patterns of properties in the city.

PZB Modifications (if any): _____
_____.

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

The proposed amendments will not have an impact on public facilities or services. The amendments refine existing regulations for fences and yard features and will not result in development necessitating additional services.

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 remove ambiguity regarding the location, height, and materials of fence and other yard features, creating certainty about appearance and scale of yard features and providing a cohesive appearance for residents, business owners and visitors. Regulating the allowable materials serves to ensure fences, arbors and trellises would be constructed of high quality, durable components, and the additions to Section 12-7-1.C and new Section 12-8-14 provide assurance that the scale of any yard features will not create a nuisance to neighborhoods, allowing for sufficient natural light and encouraging an inviting and aesthetically pleasing appearance of properties.

PZB Modifications (if any): _____
_____.

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

The proposed amendments provide clarity and reduce ambiguity regarding allowable height, materials and location of fence and yard features of properties, supporting the intent of the existing Zoning Ordinance to create responsible and harmonious development and growth within the city. There is no anticipated negative effect on development or growth with the proposed amendments.

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: Proposed Amendments

Attachment 2: Summary of Fence Definitions from Other Municipalities

PROPOSED AMENDMENTS

Proposed additions are **bold, double-underlined**. Proposed deletions are ~~struck through~~. Surrounding text that is not proposed to be amended is provided for context.

“12-13-3: DEFINITION OF TERMS:

ARBOR. A freestanding, doorway-type structure comprised of two sides attached by an arched or flat top, intended for aesthetic purposes, and typically located adjacent to gardens, landscaping, walkways, or entryways. Height shall be measured from the immediately adjacent finished grade to the highest point of the arbor.

FENCE. A structure used as a barrier or boundary to enclose, divide, or screen a piece of land. This term shall include fences, walls, and other structural or artificial barriers that function as a wall or a fence. For the purposes of this Title, a "fence" shall not include arbors, trellises, or naturally growing shrubs, bushes, and other foliage. Fences shall be made of wood, vinyl, metal, masonry, or combination thereof. Height shall be measured from the immediately adjacent finished grade to the highest point of the fence.

TRELLIS. A freestanding structure with latticework intended primarily to support vines or climbing plants. Height shall be measured from the immediately adjacent finished grade to the highest point of the trellis.

YARD FEATURE: Objects and features, including ~~arbors, trellises,~~ gazing balls, bird baths, statues, wishing wells, ornamental lights, and other similar features, intended to be used for aesthetic ~~or practical~~ purposes.”

“12-7-1 GENERAL DISTRICT REGULATIONS:

C. Permitted Obstruction In Required Yards: The following structures and uses shall be permitted in the following required yards:

	Required Yards			
	Front	Side	Rear	Corner Side ¹

<u>Arbors</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>May not be less than 1 foot from side and rear lot lines</u>				
<u>Refer to Chapter 8 of this title for additional regulations.</u>				

<u>Trellis</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>In the front and corner side yards, may not exceed four feet in height or encroach more than five feet.</u>				
<u>May not be less than 1 foot from rear and side lot lines</u>				
<u>Refer to Chapter 8 of this title for additional regulations.</u>				

Yard Features ³	P	P	P	P
Arbors and trellises:				
May not exceed 8 feet in height				
May be located no closer than 1 foot from all lot lines				
If located in a front yard, must be constructed in such a manner so as to provide at least 50 percent open “see through” area of uniform distribution				
Other <u>Y</u> ard features:				
May not exceed 4 feet in height when				

located in the required front yard				
May not encroach in the required front yard more than 5 feet				
May be located no closer than 5 feet from side, corner side and rear lot lines				

1. Corner side yard regulations shall only apply within the R-1, R-2, R-3 and R-4 Districts.
2. There is no limit to the number of recreational equipment items allowed on any lot. However, any recreational equipment that adds impervious surface will count towards the maximum rear yard coverage for properties zoned R-1.
- ~~3. Recreational equipment and yard features do not require a permit unless electrical and/or a foundation is required for installation.~~
- 3.4. Accessory Auto Filling Station Canopies do not have to follow the bulk regulations set forth in section 8-1.C. of this title; provided, however, Accessory Auto Filling Station Canopies may not exceed 25 feet in height.
- ~~4.5.~~ All driveways must comply with the applicable regulations in Section 12-9-6.”

“ 12-8-14 ARBOR AND TRELLIS REGULATIONS:

A. Arbor

1. **Size: Arbors shall adhere to the following standards:**
 - i. **Height: Arbors may not exceed 8 feet in height as measured from the immediately adjacent grade to the highest point of the arbor.**
 - ii. **Width: Arbors may not exceed 8 feet in width as measured from one side of the arbor to the other; provided; however, that that the “doorway” opening between the two sides of the arbor must be at least 24 inches wide or 50% of the total width of the arbor, whichever is greater.**
 - iii. **Depth: Arbors may not exceed 3 feet in depth.**
2. **Material: Arbors shall be constructed of wood, brick, stone, wrought iron, vinyl, or similar decorative material.**
3. **Quantity: There shall be no more than two arbors on a residential zoning lot.**
4. **Setbacks: With the exception of fences, arbors may not be attached to or located less than 1 foot from other structures including but not limited to trellises and other arbors. Arbors located within a required yard shall also adhere to regulations in Section 12-7-1.C.**

B. Trellis

1. Height: Trellises may not exceed 6 feet in height as measured from the immediately adjacent grade to the highest point of the trellis; provided, however, the regulations in Section 12-7-1.C. shall govern those trellises within a required yard.
2. Material: Trellises shall be constructed of wood, wrought iron, vinyl, or similar decorative material.
3. Setbacks: Trellises may not be attached to or located less than 1 foot from any other structure, including arbors, fences, and other trellises.

Fence, Arbor and Trellis Regulations for Surrounding Municipalities

Arlington Heights

No definitions of fence or arbor/trellis. Structure definition includes fence:

STRUCTURE. Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a fence or a freestanding wall, television antenna towers, earth stations, or other devices receiving electronic signals. A sign, billboard, or other advertising medium, detached or projecting, shall be construed to be a structure.

Arbors and trellis regulations: Location and size regulated by Table of Permitted Obstructions (6.6-5.1).

Fence regulations: Fence location, height, materials, and opacity regulated in Section 6.13.

Bannockburn

FENCE, CLOSED-TYPE. A wall, fence, gate, or similar barrier that is not an open-type fence.

FENCE, OPEN-TYPE. A wall, fence, gate, or similar barrier, or any ten-linear-foot segment of such a barrier, where the visibility at right angles to any surface of such barrier or segment thereof is not reduced by more than 50%.

Arbor and trellis regulations: Permitted obstructions in required yards, [Section 260-909](#).

Fence regulations: Fence location, height, opacity regulated by Permitted obstructions in required yards in [Section 260-909](#).

Barrington

FENCE. A barrier of posts, wire, rails, boards, metal sheets, masonry, or other material which is used as a boundary or means of screening, protection, security, or confinement.

DOG RUN. An area enclosed by a fence for the containment of dogs or other domestic animals. For purposes of this definition, "fence" shall not include invisible electronic fences.

TRELLIS. See Arbor/Trellis.

ARBOR/TRELLIS. A freestanding device used to support vines or climbing plants. In order to qualify as an Arbor or Trellis, the main function and/or purpose of the structure in design and/or use shall be to support vines or climbing plants. Arbors and/or Trellises shall not exceed six (6) feet in height and shall be constructed of wood, brick, stone, wrought iron or similar decorative material.

Arbor and trellis regulations: Limited by Accessory Structure [Section 4.5](#).

Fence regulations: Fence location and height regulated by [Section 4.5](#) and Table 4.2 – Allowable Obstructions (Required Yards).

Buffalo Grove

No definitions of fence or arbor/trellis in Zoning Ordinance.

Arbor and trellis regulations: Size and location regulated by [Section 17.20.030 – Building height, bulk and coverage](#).

Fence regulations: Fence location and height regulated by [Building and Construction Code – Chapter 15.20](#).

Deer Park

FENCE. Any structure, from whatever material, serving as an enclosure, barrier, boundary or separation.

GARDEN FENCE. Any fence designed for the protection of vegetation.

LANDSCAPING SCREENING. Planted earth berm, densely planted evergreens, shrubs or trees or any combination thereof.

Fence regulations: Fence location, height, materials, opacity regulated by [Chapter 151: Fences](#).

Elk Grove

FENCE: A structure forming a barrier at grade level between lots, between a lot and a street or an alley or between portions of a lot or lots.

Fence regulations: Fence location and height regulated by [Section 3-7.D, Structures in Yards](#) and in [Zoning District Regulations in Chapter 7](#) for applicable zoning districts.

Glencoe

FENCE. A man-made barrier structure used as a boundary or as a means of protection, confinement, or screening.

SUN DECK. An area without roof or any other overhead structure or element located above any story of a building, which area has a fence, wall, or rail exceeding 42 inches in height above its floor.

ARBOR. A structure used as a decorative element or for the display or support of climbing vines, flowers or other plants as a complementary use to a residential structure.

Arbor and trellis regulations: Height, size, location, opacity regulated by [Section 5-101 – Accessory Structures and Uses](#). No specific trellis regulations.

Fence regulations: Fence location, height and opacity regulated by [Article XI. Fences](#).

Grayslake

No definitions of fence or arbor/trellis.

Fence regulations: Fence location, height, opacity regulated by [Building Code – Chapter 15.36 – Fences](#).

Libertyville

Fence means a barrier structure used as a boundary or as a means of protection, confinement or screening.

Grade, fence, and sign shall be measured from the level of the street nearest the proposed location of the fence or sign or from the average ground level within a distance of fifty (50) feet from the location of the fence or sign.

Arbor and trellis regulations: Height and location regulated by zoning district standards.

Fence regulations: Fence materials, location, height, opacity regulated by [Article 13 Part B Fences](#).

Lincolnshire

FENCE A structure, other than a building, which is a barrier and used as a boundary or means of protection or confinement.

FENCE, NATURAL A fence made of natural growth, such as trees, deciduous shrubs, evergreens, etc.

FENCE, OPEN A fence, including gates, which contains no greater than 60% opaque materials, as measured horizontally along each foot of the length of the fence facing each yard.

FENCE, SOLID A fence, including gates, which conceals from view from adjoining properties, streets, or alleys activities conducted behind it

Fence regulations: Fence location, height, materials, color and opacity regulated by [Title 6-15 of Zoning Ordinance](#).

Arbor and trellis regulations: Permitted obstruction in rear yards ([Section 6-3-8.B](#)).

Lincolnwood

FENCE. An accessory structure, assembled using cut or formed natural materials or artificial materials, which is used as a barrier, boundary, decorative accessory, means of protection or confinement enclosing or dividing a piece of land, and which is over 12 inches in height above the ground level. Examples include, but are not limited to, open fences, solid fences, masonry

and stone walls. For the purposes of this chapter, a "fence" shall not include naturally growing shrubs, bushes and other foliage.

FENCE HEIGHT. All sections of fence (excluding the post) in any lot may have a total height that shall not exceed the prescribed maximum fence height; provided that the space between the bottom of a section of fence and the ground beneath it shall not exceed three inches. A fence post may extend no more than a maximum of three inches above the section of fence.

FENCE, LEGAL NONCONFORMING, or LEGAL NONCONFORMING FENCE. Any fence which was erected pursuant to a permit and is maintained in good condition and existing prior to the passage of the regulation, but which does not conform to the regulations set forth in this Zoning Ordinance.

FENCE MAINTENANCE. The painting, staining, sand scraping, nailing, screwing, riveting, welding, tie-wiring, or clamping so as to restore the like new appearance, restore the safe condition, or maintain the condition of what would generally be considered a good functioning fence.

FENCE MATERIAL, UNACCEPTABLE. Materials such as concrete block, cinder block, plank lumber over six inches in width, scrap lumber, scrap materials, barbed wire (except at the top of a fence in an M District where not abutting a residential lot or in any zoning district where used to enclose utility or telecommunications facilities), pallet lumber, plastic pipe, plastic or synthetic materials, (except as otherwise permitted pursuant to Section **3.13** of this chapter), exterior insulation finish systems, combinations of materials, "chicken wire mesh" (except as allowed immediately around compactly planted vegetable gardens, as seasonally needed in rear and side yards only, square wire farm fence, in residential zones welded wire fence with members less than 1/2 inches in diameter, fabric, burlap, plastic sheets (except approved synthetic composite materials), wood and plastic snow fence, rubble and debris and open fences with obstructions. [Amended 4-1-2014 by Ord. No. 3090]

FENCE, OPEN or OPEN FENCE. A fence including gates, which has, over its entirety, no less than 50% of the surface area in open space as viewed from an angle of 90°, from the fence line. Examples include, but are not limited to: chain link; wrought iron; picket; Kentucky rail; split rail.

FENCE PANEL. That portion of a fence that is between the fence posts.

FENCE, REAR or BACK FACE. The face side of a fence which shows the most amount of structural supports.

FENCE REPAIR. Any action in which a person fixes, mends, restores, or removes that portion of a fence which provides its opacity (e.g., vertical boards, individual post replacement, slats, pickets, chain link) and/or associated horizontal supports. Repair shall include any action to an existing fence within a calendar year not specifically included within the definition of "fence replacement" or "fence maintenance."

FENCE REPLACEMENT. Any action in which a person removes and replaces more than 25% of the number of posts or horizontal or vertical members in a fence within a calendar year.

FENCE, SEMIPRIVATE or SEMIPRIVATE FENCE. A fence which is not a solid fence nor an open fence, and including, without limitation, shadow box and louvered fences; provided, however, that "semiprivate fence" does not include any louvered fence for which (i) the gaps between the fence boards are less than 50% of the board width; (ii) the angle of the boards exceeds a fifty-degree angle, from horizontal or vertical; or (3) it is possible to see from one side of the fence through to the other side. [Amended 6-3-2014 by Ord. No. 2014-3102; 8-18-2015 by Ord. No. 2015-3164]

FENCE, SOLID or SOLID FENCE. A fence which is not open over 50% of the surface area. Examples include, but are not limited to: stockade, board and batten, basket weave, chain link with woven slat inserts, and brick, except as otherwise provided.

Fence regulations: Fence location, height, materials, color, opacity regulated by [Section 3.13 – Fences](#) and [Section 3.10 – Permitted obstructions in yards](#) and definitions.

Arbor and trellis regulations: In [Section 3.10 – Permitted obstructions in yards](#), see below:

- Arbors and trellises, not in excess of 8 feet in height; permitted in rear, side, and corner side.

Mount Prospect

FENCE, AREA. A fence located immediately adjacent to a permitted patio, deck or similar accessory structure.

FENCE, OPEN. A fence, including gates, designed and constructed with at least fifty percent (50%) of its surface area as open space of uniform distribution, when viewed from a right angle.

FENCE, PERIMETER. A fence located on or within six inches (6") of a property line.

FENCE, SOLID. A fence, including gates, designed and constructed with greater than fifty percent (50%) of its surface area as opaque material of uniform distribution, when viewed from a right angle.

FENCE/WALL. A freestanding structure resting on or partially buried in the ground and rising above the ground level, forming a barrier which is not otherwise a part of any building or other structure and is used to delineate a boundary or as a means of confinement or privacy.

TRELLIS. A decorative feature, linearly constructed of latticed or patterned materials, often used to support climbing plants, that is no more than twenty five percent (25%) opaque. Temporary trellises used to support seasonal plants, such as tomato cages or bean pole frames, shall not be considered trellises for the purposes of the regulations outlined in section [14.319](#) of this chapter.

ARBOR. A latticework bower or archway supported by three (3) or more nonlinear posts, typically intertwined with climbing vines and flowers.

Fence regulations: Fence height and location regulated by [Section 14.318 – Fences and Walls](#).

Arbor and trellis regulations: Permitted obstructions table ([Section 14.319](#)) includes maximum dimensions for arbors and trellises

- Arbors, not to exceed a width of 5', a depth of 3', and a height of 8', with a minimum setback of 3' from side lot lines, permitted in side and rear yards
- Trellises, not to exceed 8' in height and a total width of 10', maximum of 2 structures per lot, permitted in side and rear yards.

Niles

FENCE. A structure used as a boundary, screen, separation, means of privacy, protection, or confinement, and is constructed of wood, metal, wire mesh, masonry, or similar material and is used as a barrier.

ARBOR. A freestanding structure of latticework comprised of two sides and a roof, which may serve as an entry feature and/or support vines or trained climbing plants.

TRELLIS. A frame made of bars of wood or metal crossed over each other, fixed to a wall, to support vines or climbing plants.

Arbor and trellis regulations: Location regulated by [Section 9.4 – Permitted Encroachments](#)

Fence regulations: Fence height, location, opacity, regulated by [Article XV – Fences](#).

Northfield

FENCE. A barrier of wood, masonry, stone, metal or manufactured material or combination of materials erected to enclose, screen or separate outdoor areas. This term shall include fences, walls and other structural or artificial barriers that function as a wall or a fence.

Arbor and trellis regulations: Location regulated by [Section 18-2 – General Standards](#).

Fence regulations: Fence height, location, materials regulated by [Article 18-II Fences Walls or Artificial Barriers](#).

Park Ridge

FENCE. An artificially constructed barrier of wood, masonry, stone, wire, metal or other combination of materials of thirty (30) inches or more in height erected to enclose, screen or separate areas. Artificial barriers of less than thirty (30) inches shall be considered a landscape feature.

FENCE, OPEN. A fence, including any gates, designed and constructed so that the surface area of any segment of such fence contains at least fifty percent (50%) open space as compared to solid materials.

FENCE, SOLID. A fence, including gates, made entirely of opaque material.

ARBOR. A freestanding structure used in a garden to support vines or climbing plants; also called a "Trellis."

TRELLIS. A freestanding structure used in the garden to support vines or climbing plants; also called an "Arbor."

Rolling Meadows

FENCE. A free-standing structure of metal, masonry, composite or wood, or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes

Fence regulations: Fence height and location regulated by [Article VIII. - Fences](#)

Schaumburg

DECORATIVE BARRIER. A fence like structure intended for ornamental purposes and not forming a part of an enclosure.

FENCE. A nonliving, freestanding structure resting on or partially buried in the ground and rising above the ground level, which forms a barrier which is not otherwise a part of any building or other structure and is used to delineate a boundary or as a means of confinement or privacy.

FENCE, OPEN. A fence having a regular pattern that is greater than eighty percent (80%) permeable to both light and air when viewed perpendicular to the plane of the fence.

FENCE, PERIMETER. A fence which is located on or within six inches (6") of a property line.

FENCE, SEMIOPEN. A fence having a regular pattern that is between thirty percent (30%) and eighty percent (80%) permeable to both light and air when viewed perpendicular to the plane of the fence.

FENCE, SOLID. A fence having a regular pattern that is thirty percent (30%) or less permeable to both light and air when viewed perpendicular to the plane of the fence.

ARBOR. A structure similar to a trellis, with two (2) sides and an arched top with latticework typically used as a support for vines and other climbing plants.

TRELLIS. A structure of open latticework, often used as a support for vines and other climbing plants.

Arbor and trellis regulations: Location regulated by Permitted Locations in Yards table in [Section 154.63 -Accessory Buildings, Structures and Uses](#).

Fence regulations: Fence height and location regulated by [Chapter 102 – Fences](#).

Streamwood

FENCE. A barrier at grade, used as a boundary or means of protection or confinement. The term "fence" shall include, but is not limited to, walls, railings and similar items.

Vernon Hills

FENCE. A manmade structure forming a barrier which is not part of any building or structure, and which is more than 24 inches overall in height above the existing grade.

FENCE, SOLID. A fence which is impenetrable by vision, and which conceals activities on a lot from view of adjoining lots or rights-of-way.

Fence regulations: Fence height and location regulated by [Section 11-4-5-6 – Fences](#).

Wheeling

FENCE. means a structure which is a barrier and is used for purposes of privacy, protection or confinement.

FENCE, DECORATIVE. means any fence having a regular pattern that has more than thirty percent of the surface open and unobstructed to vision, light and air, when viewed perpendicular to the plane of the fence and intended primarily for aesthetic purposes.

FENCE, SOLID. means any fence having a regular pattern that has less than thirty percent of the surface open and unobstructed to vision, light and air, when viewed perpendicular to the plane of the fence and intended primarily for privacy or security purposes.

Arbors and trellis regulations: Height and location regulated by [Section 19.03.080 – Permitted obstructions in required yards](#).

Fence regulations: Fence height and location regulated by individual zoning districts and uses and by [Section 19.10.070 – Accessory uses and structures](#).

Wilmette

FENCE. A free standing structure, including gates as needed, made of metal, masonry, wood or synthetic fiber or material, or any combination thereof, including gates, resting on or partially buried in the ground, rising above ground level, and used to delineate a boundary or as a barrier or means of protection, confinement, or screening. A fence that is installed atop or resting on a foundation rather than posts is considered a wall for purposes of this Ordinance.

FENCE, OPEN. A fence which has, over its entirety, fifty percent (50%) or more of its surface area as open, defined as allowing a direct view through the fence from eye level at a position perpendicular to the fence.

FENCE, SOLID. A fence which has, over its entirety, less than fifty percent (50%) of its surface area as open, defined as allowing a direct view through the fence from eye level at a position perpendicular to the fence.

ARBOR. A shelter of latticework intertwined with climbing vines and flowers.

TRELLIS. A frame or panel of latticework used as a screen or as a support for climbing shrubs or plants.

Trellises and arbors: Location, size, number and opacity regulated by [Section 30.13.4 – Accessory structures and uses](#). See below:

- (1) Arbors and trellises are limited to maximum height of nine (9) feet, a maximum width of six (6) feet and a maximum depth of three (3) feet. The sum of depth in feet and width in feet is limited to eight (8) feet.
- (2) Each surface of an arbor or trellis must be at least fifty percent (50%) open.
- (3) No more than a total of three (3) arbors or trellises, or a combination thereof, is permitted on a lot. No more than one (1) arbor or one (1) trellis is permitted along a single lot line.
- (4) Arbors attached to a principal building may not encroach more than four (4) feet into the required front, side yard adjoining a street, or rear yard, and no more than two (2) feet into the interior side yard. Attached arbors are limited to ten percent (10%) coverage of a front yard. Detached arbors are permitted encroachments in any required yard. Trellises are permitted encroachments in the interior side and rear yards.

Fence regulations: Fence location and height regulated by [Section 30.13-.4 – Accessory structures and uses](#).

Winnetka

No definition for fence.

ARBOR. "Arbor" means a shady garden shelter or bower, often made of rustic work or latticework on which vines, roses, or the like are grown.

TRELLIS. "Trellis" means a frame supporting open latticework, used for training vines and other creeping plants.

Arbor and trellis regulations: Height, location, size, opacity, number regulated by separate zoning district standards.

Fence regulations: Fence locations and height regulated by separate ordinances and standards for zoning districts.

MEMORANDUM

Date: January 6, 2023
To: Planning and Zoning Board (PZB)
From: John T. Carlisle, AICP, Director of Community and Economic Development *JTC*
Subject: Zoning Text Amendments Regarding the Procedure for Minor Variations

Issue: Consider Zoning Ordinance amendments that would allow the Zoning Administrator to determine that variation requests that are classified as Minor Variations – for which the Administrator has the right to decide – may also be escalated to be decided by the City Council.

PIN: Citywide

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

Case Number: #23-003-TA

Project Summary: The City of Des Plaines is applying for zoning text amendments to the variation procedure.

Background and Purpose

Section 12-3-6 of the Zoning Ordinance establishes three types of variations and the procedures for each: Minor, Standard, and Major. Currently Minor Variations must be decided by the Zoning Administrator with the following outcomes: approved, approved with modifications/conditions, or denied. These variations include the following instances (paraphrased from the Ordinance):

- Vary any required front, side, or rear yard setback by no more than thirty percent (30%);
- Vary the height, type, and location of any fence (but no barbed wire may be allowed within a residential district);
- Allow replacement or expansion of an existing residential detached garage located in a residential district, or the expansion of an existing structure located within a residential district, when the replacement or expansion would not further encroach into the required side yard;
- Vary the location of accessory structures for lots that are "double frontage lots" or lots that are both "corner" and "double frontage lots" (lots at the end of a block with three street frontages), where the construction or installation of an accessory structure is between the principal structure and the street of secondary frontage (generally bordering busy or industrial streets);
- Vary the size, location, and number of parking or driveway areas as established in the driveway rules (Sections 12-9-6.B.3 and C. of the Ordinance) when a property improved with a residential single-family detached dwelling cannot accommodate two parking spaces within a garage, carport, on a

surface driveway or a combination (but cannot use this if the result is more than two parking spaces on the property);

- Vary the Building Design Review Standards;
- Vary the open storage requirements in the M-2 District; and
- Vary the minimum distance from a lot line for a driveway in a required yard in the R-1 and R-2 Districts or in any other district where the property has a single-family detached dwelling.

The ability to provide relief administratively, without a full public hearing and approval of either a board or council, is common among municipal zoning ordinances. This approval avenue is seen to allow small relief from the code when there is essentially no wide-reaching effect on a property’s surrounding neighborhood or the city overall. In 2021 the City Council approved Ordinance Z-42-21, which eliminated the fee for Minor Variations. As part of the basis for this, the Council recognized the most common source of requests are owners or residents of single-family detached residences. Occasionally there are requests from townhome residents/owners, and less frequently, there are non-residential requests from, for example, an industrial property or a public utility. By far the most common type of request is related to fences or screening; requesters want a fence that is either taller or opaquer than allowed, in a non-permitted location, or a combination of these. Research of recent minor variation cases shows that the vast majority have been approved or approved with conditions.

Year	Approvals or Approvals with Conditions	Denials	Total Requests
2022	12	1	13
2021	8	1	9
2020	6	1	7

Nonetheless, there are occasional denials. Any approval requires the Zoning Administrator to consider the eight Findings of Fact pursuant to Section 12-3-6. Examples of these findings include determining there is a practical hardship preventing compliance, a physical uniqueness related to existing lots or structures, and a demonstration that all other reasonable remedies for complying with the Ordinance have been exhausted. If the Zoning Administrator’s opinion is that these findings cannot be made because the petition has not presented sufficient evidence, a denial is the administrator’s appropriate action.

While there is an existing appeal-of-denials option (heard and decided by the PZB) for petitioners under the Ordinance (Section 12-3-9), a more time-efficient process in certain circumstances would be to allow the Zoning Administrator to treat a Minor Variation like it is a non-administrative application; in other words, one that will go to the PZB for a public hearing and recommendation and subsequently to the City Council for a final vote. Although these instances are generally rare, when the Zoning Administrator believes a request is sensitive or controversial enough that those duly elected should ultimately decide its outcome, there is no procedural allowance for this path. The Zoning Administrator is currently obligated to be the final decider on all Minor Variations. The proposed amendments are intended to change this.

Proposed Amendments

The full proposed amendments are attached and are summarized below:

- **Section 12-3-6.E.2: Procedure for Review and Decision**
 - Added language to express that because of the nature of an application for minor variation, it should be decided by the City Council in accordance with the procedures for a major variation.
- **Section 12-2-6: Decision Making Diagram**
 - Updates to correspond with Section 12-3-6.E.2.

In the instances where a Minor Variation has been elevated to be determined by the City Council as if it were a Major Variation, notice of the public hearing to be held by the PZB (recommendation vote) will be required. What is *not* proposed to change is the lack of application fee for these Minor Variations. Regardless of whether the Zoning Administrator chooses to decide upon them or escalate them to be decided by the City Council, there will remain to be no fee.

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;

The Comprehensive Plan does not address the avenues for variation relief, but it does generally support any changes that would lead to stronger neighborhoods and commercial areas. A decision process that could lead to better resolutions of contentious requests is part of having a strong city with strong neighborhoods.

PZB Modifications (if any): _____
_____.

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

The amendments are compatible because they allow for an additional approach to deciding contentious requests where, for example, direct neighbors have adamant disagreement about the outcome. Unfortunately, staff has observed this is somewhat regular and has become increasingly common.

PZB Modifications (if any): _____
_____.

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

The proposed amendments will not have an impact on public facilities or services.

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 a simple procedural change with no effect on property values.

PZB Modifications (if any): _____
_____.

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

Because these changes allow for more decisions to be made through public meetings, there is increased opportunity for the public to participate. The trade-off is that some minor variations may take longer to be decided, but the Zoning Administrator intends use the new option granted by the amendments sparingly.

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. If recommending approval with modifications, the PZB should state the modifications. City Council has final authority on the proposal.

Attachments:

Attachment 1: Proposed Amendments to Section 12-3-6: Variations

Attachment 2: Proposed Amendments to Section 12-2-5: Decision Making Diagram

PROPOSED AMENDMENTS

Additions are **bold, double-underlined**

Deletions are ~~struck through~~.

12-3-6: VARIATIONS:

* * *

2. Procedure For Review And Decision:

a. Upon receipt of a properly completed application for a minor variation, the zoning administrator shall conduct a site plan review subject to the requirements of section 12-3-2, "Site Plan Review", of this chapter. The zoning administrator may also (i) hold a public hearing on the application, ~~at the applicant's request~~, in accordance with the requirements of section 12-3-1, "Applications And Hearings", of this chapter ~~pursuant to N~~notice for the public hearing shall be performed in the manner as prescribed by subsection 12-3-1.C, "Notice", of this chapter; or (ii) determine that, because of the nature of the application, the application for minor variation should be decided upon by the City Council in accordance with the procedures for a major variation as set forth in Subsection G below.

b. Within fifteen (15) days of the close of the hearing, or completion of site plan review where no hearing was requested the zoning administrator shall, by written findings either approve, approve with modifications, or disapprove the application. The failure of the Zoning Administrator to act in such fifteen (15) days, or such further time to which the applicant may agree, shall be deemed to be a decision of disapproval.

c. If the application is approved or approved with modifications, the Zoning Administrator shall issue a variation permit, listing any specific conditions specified by the Administrator for approval. If the application is disapproved, the Zoning Administrator shall provide the applicant with written notification of his decision.

F. Standard Variations (Planning And Zoning Board):

1. Authorized Variations: Variations from the regulations of this title may be granted by the Planning and Zoning Board in the following instances, and then only in accordance with the standards set out in subsection H of this section:

a. To vary any required front, side or rear yard setback more than thirty percent (30%) of the yard required by the applicable district regulations.

b. To permit the improvement of a lot for a use otherwise prohibited solely because of the insufficient lot area, but in no event shall the area of the lot be less than eighty percent (80%) of the required lot area.

c. To vary the applicable off street parking or loading requirements up to but not more than thirty percent (30%) of the applicable regulations, except for multi-family

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buildings in R-4, Central Core Residential and C-5, Central Business Zoning Districts. All variation petitions for off street parking requirements for multi-family dwellings in R-4, Central Core Residential and C-5, Central Business Districts shall be approved by the City Council.

d. To vary the lot frontage requirements set forth in the residential districts up to but not more than thirty percent (30%) of the applicable district requirement.

e. To vary the maximum lot requirements set forth in the residential districts up to but not more than twenty percent (20%) of the applicable district requirement.

f. To vary the dimension of any sign (height, length, width, or area) up to but not more than ten percent (10%) of the corresponding dimensions normally permitted by chapter 11, "Signs", of this title.

2. Procedure For Review And Decision:

a. Action By Zoning Administrator: Upon receipt of a properly completed application for a standard variation, the Zoning Administrator shall conduct a site plan review subject to the requirements of section 12-3-2, "Site Plan Review", of this chapter. The Zoning Administrator shall forward his written report and recommendations to the Planning and Zoning Board for its review and decision.

b. Action By Planning And Zoning Board:

(1) The Planning and Zoning Board shall hold a public hearing on the application in accordance with the requirements of section 12-3-1, "Applications And Hearings", of this chapter. Notice for the public hearing shall be performed in the manner prescribed by subsection 12-3-1C, "Notice", of this chapter.

(2) Within thirty (30) days of the close of the public hearing, the Planning and Zoning Board shall in writing either approve, approve with modifications, or disapprove of the application. The failure of the Planning and Zoning Board to act in such thirty (30) days, or such further time to which the applicant may agree, shall be deemed to be a decision of disapproval.

(3) If the application is approved or approved with modifications, the Planning and Zoning Board shall instruct the Zoning Administrator to issue a variation permit, listing any specific conditions specified by the board or by the Zoning Administrator. If the application is disapproved, the board shall instruct the Zoning Administrator to provide the applicant with written notification of the board's decision.

G. Major Variations (City Council):

1. Authorized Variations: For all variations not authorized to be decided by the Zoning Administrator or the Planning and Zoning Board, **or for variations that the Zoning Administrator has determined should be decided upon by the City Council rather than the Zoning Administrator, in accordance with Section 12-3-6.E.2.a,** the City Council may vary any other provision of this title, but no such variations shall be made

without a public hearing before the Planning and Zoning Board; provided, however, that both principal and accessory use variations are expressly prohibited.

2. Procedure For Review And Decision:

a. Action By Zoning Administrator: Upon receipt of a properly completed application for a major variance, the zoning administrator shall conduct a site plan review subject to the requirements of section 12-3-2, "Site Plan Review", of this chapter. The zoning administrator shall forward his written report and recommendations to the planning and zoning board for its review and recommendations.

b. Action By Planning And Zoning Board:

(1) The planning and zoning board shall hold a public hearing on the application in accordance with the requirements of section 12-3-1, "Applications And Hearings", of this chapter. Notice for the public hearing shall be performed in the manner prescribed by subsection 12-3-1C, "Notice", of this chapter.

(2) Within thirty (30) days of the close of the public hearing, the planning and zoning board shall forward its recommendation of either approval, approval with modifications, or disapproval in writing to the city council.

c. Action By City Council:

(1) The city council shall consider the application at its next available scheduled public meeting, and shall schedule a hearing if, in the opinion of the mayor, city manager or by written call by three (3) of the aldermen, it appears necessary and shall either approve, approve with modifications, or disapprove of the application. The failure of the city council to act at such time, or such further time to which the applicant may agree, shall be deemed to be a decision of disapproval.

(2) If the application is approved or approved with modifications, the zoning administrator shall issue a variation permit, listing any specific conditions specified by the council or the planning and zoning board. If the application is disapproved, the city council shall instruct the zoning administrator to provide the applicant with written notification of the council's decision.

H. Findings Of Fact For Variations: A variation from the terms of this title shall not be granted unless the reviewing authority makes specific written findings of fact directly based on the standards and conditions imposed by this section and any conditions imposed by the reviewing authority, to the extent each may be applicable.

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.

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.

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.

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.

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.

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.

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.

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.

Decision Making Responsibilities Under the Zoning Ordinance

