

Case 23-021-V
Case 23-024-CU
Case 23-025-TA

260 Dulles Road
984 Lee
Citywide

Major Variation
Conditional Use
Text Amendment



DES PLAINES PLANNING AND ZONING BOARD MEETING
May 23, 2023
MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, May 23, 2023, 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: Catalano, Hofherr, Fowler, Saletnik, Veremis, Weaver, Szabo

ABSENT: None

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

A quorum was present.

Call to Order and Roll Call

APPROVAL OF MINUTES FROM APRIL 25, 2023

A motion was made by Board Member Hofherr, seconded by Board Member Veremis to approve the meeting minutes of April 25, 2023.

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

NAYES: None

ABSTAIN: Weaver

*****MOTION CARRIES****

PUBLIC COMMENT ON NON-AGENDA ITEM

- None

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Applications

1. Address: 260 Dulles Road

Case Number: 23-021-V

The petitioner is requesting a major variation to extend the use of the temporary classroom structure on the site beyond the 12-month period permitted via the zoning ordinance and any other variations, waivers, and zoning relief as may be necessary.

PIN: 08-13-214-018-0000

Petitioner: Community Consolidated School District 59 (Representative: Ron O-Connor), 1001 Leicester Road, Elk Grove Village, IL 60007

Owner: Community Consolidated School District 59, 1001 Leicester Road, Elk Grove Village, IL 60007

Ward: #4, Alderman Dick Sayad

Existing Zoning: R-1 Single Family Residential district

Existing Land Use: Brentwood Elementary School

Surrounding Zoning: North: R-1 Single Family Residential district

South: R-1 Single Family Residential district

East: R-1 Single Family Residential district

West: R-1 Single Family Residential district

Surrounding Land Use: North: Single Family Residence (Residential)

South: Single Family Residence (Residential)

East: Single Family Residence (Residential)

West: Single Family Residence (Residential)

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Street Classification: Dulles Road and Brentwood Drive are classified as local roads.

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

Zoning/Property History: Based on City records, the subject property was annexed into the City in 1959 and has been used as an elementary school.

Background: *Text Amendment for Temporary Classroom Structures*

On August 1, 2022, a new temporary classroom structure use, as defined below, was added as a new temporary use to Section 12-8-11, Temporary Uses, of the Zoning Ordinance, through Ordinance Z-24-22.

- **TEMPORARY CLASSROOM STRUCTURE:** A temporary structure that is (i) detached from a principal structure, (ii) located on the same zoning lot as, and is incidental and subordinate to, a public or private elementary, middle, or high school, and (iii) used solely as an educational classroom facility. Temporary classroom structures must comply with the Temporary Uses section of this title.

In addition to the new definitions, a summary of the Temporary Classroom Structure regulations is below.

- **Eligibility:** This structure is only permitted on lots where the principal use is a public or private elementary, middle, or high school and only after the approval of a Zoning Certificate;
- **Duration:** This structure is only permitted for up to 12 months after the date it is constructed or placed on an eligible zoning lot unless otherwise extended by the Zoning Administrator due to an active construction project on the subject lot;
- **Location:** The structure must be located on a dust-free hard surface outside of any public right-of-way or utility easement and shall not reduce, block, or interfere with parking lot drive aisles and spaces;
- **Quantity:** Up to two temporary classroom structures are permitted on an eligible lot at a given time unless a greater number is approved by the Zoning Administrator due to an active construction project on the subject lot;
- **Area:** The total combined area of all temporary classroom structures cannot exceed five percent of the gross floor area of the school building footprint; and
- **Height:** This structure cannot exceed 15 feet in height as measured from grade to the highest point of the roofline.

Zoning Certificate

On August 2, 2022, a Zoning Certificate was approved for one temporary classroom structure on the subject property pursuant to the aforementioned

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regulations. On February 24, 2023, the petitioner requested from staff an extension of the temporary classroom structure for an additional academic year (2023-2024, or into Summer 2024). As there was no active construction project occurring on site, the lot was not eligible for an extension, requiring a major variation.

Project Description:

Overview

The petitioner, Ron O'Connor on behalf of the Community Consolidated School District 59, has requested a major variation to allow a year extension for the use of a temporary classroom structure in the R-1 Single Family Residential district at 260 Dulles Road, which was installed on the subject property in 2022 and is permitted for up to a year unless an active construction project on the subject property requires its continued use. The subject property is at the northeast corner of the Dulles Road/Brentwood Avenue intersection and consists of a 3.28-acre lot with a 59,452-square-foot, one-story school building, playground area, bus and passenger car drop-off/pickup areas, and recreational area as shown in the attached Plat of Survey. The temporary structure currently installed on the subject property consists of two separate classroom spaces and a restroom totaling 1,650 square feet in area and 8.5 feet in height as shown on the attached Architectural Plans in conformance with the area and height requirements above. It is located along the east school building elevation on a dust-free paved surface with access from the north (facing Brentwood Avenue).

The current zoning certificate for the temporary classroom structure was awarded on August 2, 2022 and is valid for one year, currently set to expire on August 2, 2023, requiring the removal of the temporary classroom structure. While the duration for the use of a temporary classroom structure can be extended by the zoning administrator when an active construction project on the subject property necessitates its continued use, there is currently no such construction project in progress or proposed to be in progress prior to the upcoming August 2, 2023 deadline. As such, the petitioner's request to extend the use of the temporary classroom structure without meeting this prerequisite requires a major variation approved by the City Council.

Current Proposal and Potential Long-Term Solution

The petitioner's request for the extension of the zoning certificate for another year to allow the school district to finalize plans to address the current concerns addressed in the attached Project Narrative. This proposal does not include any changes to the existing temporary classroom structure itself or its location on the

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subject property. However, the attached Temporary Classroom Structure Architectural Plans have been provided for reference.

In addition, the petitioner has also provided plans related to a potential expansion of the school building including the addition of two new classrooms and enlarged gym space as noted in the attached School Building Addition Architectural Plans (Potential). The PZB may wish to inquire if the school building addition illustrated on these plans will be pursued and the anticipated timing for this project, or, if this option is not pursued, what other long-term solutions the school district has proposed to address the issues raised and the anticipated timing of the implementation of each solution if selected.

Variation Findings:

Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. Rationale for how the proposed amendments would or would not satisfy the standards is provided below and in the attached petitioner responses to standards. The Board may use the provided responses as written as its rationale, modify, or adopt its own.

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

Comment: Given the increase in student enrollment in recent years and the general timing, planning, execution, and completion of a school addition project of this scale, the zoning challenges encountered may rise to the level of hardship or practical difficulty necessary for consideration of relief. The petitioner explains that the consistent increase in student enrollment the past three years has required the school district to seek short-term alternatives while considering larger scale projects to address the overcrowding issues in the long-term. While the school district has engaged an architect to design a much-needed addition for the school, the time required to finalize the designs, hire contractors, and begin construction on the subject property—with minimal impact to the students during the school year—is a practical difficulty that the school district cannot address before the deadline of the zoning certificate for the temporary classroom. In an effort to work with the school district and address the aforementioned issues, a variation to extend the use of the temporary classroom structure for a year may be warranted. However, in their consideration of the testimony in the public hearing or via the submitted responses, the Board should review, question, and evaluate whether a hardship or practical difficulty exists.

PZB Additions or Modifications (if necessary): _____

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

Comment: The subject property is exceptional in shape given the curvilinear streets and single-family residence that abut it on three of its five sides. While the lot is relatively large for a property in a residential district, the existing school building and related improvements fill a majority of the available space. In addition, the unique shape limits available locations for additions given the building setback requirements in the R-1 Single Family Residential district, which do not distinguish between uses. Further, the petitioner’s continued efforts to address the overcrowding issue through a building expansion indicate that long-term solutions exist aside from the unique physical characteristics of the subject property, but that additional use of the existing temporary classroom structure is necessary for the time-being. The unique physical features existing on this site do appear to be exceptional compared to other school uses located within the R-1 district, which potentially justify the current need for a temporary classroom structure on the subject property.

PZB Additions or Modifications (if necessary): _____

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

Comment: There is no indication that the current property owner or previous property owner created the aforementioned unique physical characteristics of the subject property. It is conceivable that the current development on the subject property—and any space constraints related to it—can be attributed to the past or current owner. However, the specific overcrowding issue stemming from continual student enrollment growth over the past three years may or may not be attributable to the current owner. On one hand, school districts are presented with student population trends beyond their control. On the other hand, part of their planning is to adjust for increases as it relates to facilities. Depending on the Board’s opinion, the variation request for the use of the existing temporary classroom structure for one year could be viewed as a temporary, short-term solution to address this issue and potentially avoid future variation requests.

PZB Additions or Modifications (if necessary): _____

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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: While denying the variation request to utilize the existing temporary classroom structure may not necessarily deprive the property owner of their rights per se, it would negatively impact the operations and use of the subject property as an elementary school, which could have lasting adverse effects on the school district and school-aged children alike. Given the importance of providing a sufficient environment for the education of youth and the opportunities available to the City to assist the school district in providing said environment, it may arguably benefit the City and residents as a whole to provide this temporary allowance in order to permit a more permanent, long-term solution.

PZB Additions or Modifications (if necessary): _____

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

Comment: Granting this variation does not provide a special privilege for the property owner not available to other school uses in the City but rather addresses a current issue facing School District 59 in the short term. Variation decisions are made on a case-by-case, project-by-project basis upon applying the variation standards. In those evaluations, the determining body (e.g. PZB and/or City Council) usually determines the applicant has exhausted options that do not require a variation. In this case, there are a variety of options that the school district is considering to effectively resolve this issue, but none of which can be accomplished in the remaining time allotting for the use of the temporary classroom structure. Granting a one-time variation for the continued use of the temporary classroom structure at this location while permanent solution is enacted does not constitute a special privilege.

PZB Additions or Modifications (if necessary): _____

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

Comment: Since a temporary classroom structure is a short-term use only permitted as accessory to existing eligible educational institutions in Des Plaines, its limited presence on a school property is compatible with the current conditions and overall character of the existing development. A temporary classroom is intended to be active only for a limited period of time on an existing dust-free hard surface so as to not change the existing

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development on the site but rather serve the school building and community as a whole. A variation to extend the use of a temporary classroom structure for a period of one year to address a larger overcrowding problem on the subject property still meets this intention while also promoting the implementation of permanent, long-term solution that negates the need of the temporary classroom structure in the future. For those reasons, the request to extend the use of the existing temporary classroom structure would be harmony with the general purposes of the Des Plaines 2019 Comprehensive Plan.

PZB Additions or Modifications (if necessary): _____

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

Comment: There are no reasonable alternatives in the short-term—aside from the extended use of the existing temporary classroom structure—to address the current overcrowding issues exhibited on site with the active use of the property as a school. Given the expiration date of the zoning certificate for the temporary classroom structure approaching in less than three months, the completion, passing of inspections, and opening of any addition to the school building, all while school is actively in session, would not be possible. As such, the variation request to extend the use of the temporary classroom structure appears to be one of the few plausible options in the short-term.

PZB Additions or Modifications (if necessary): _____

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

Comment: The approval of the requested variation is the minimum relief required to alleviate the aforementioned hardships in the short-term and allow the school district to move forward on the implementation of larger, permanent improvements on the subject property.

PZB Additions or Modifications (if necessary): _____

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

Attachments:

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- Attachment 1: Location and Zoning Map
- Attachment 2: Site & Context Photos
- Attachment 3: Existing Condition Photos
- Attachment 4: Petitioner’s Responses to Standards for Variation
- Attachment 5: Project Narrative
- Attachment 6: Select Temporary Classroom Structure Architectural Plans¹
- Attachment 7: School Building Expansion Architectural Plans (Potential)

Chair Szabo swore in Terri Bresnahan, Superintendent of Community Consolidated School District 59. She said that they are excited to continue our partnership with the City of Des Plaines. The school district serves a wide range of students. She stated that they will be discussing Brentwood today and wanted to take this opportunity to describe our current conditions and factors as we bring forth a long-term solution for the overcrowding at the school, which resulted in portable classrooms last fall. The school received the permit to allow for these portable classrooms, which have been utilized for art and music classes. They are asking for a one-year extension for these portable classrooms. They have shared this data on the screen for our Brentwood families and staff; over the last 10 years, their enrollment has risen and are required by law to look at the balance of our demographic groups. This shows a trend over 10 years. Over the past 10 years, they have been looking at a minimum target of 300 students at any elementary school, but as you can see the school will exceed that.

Ms. Bresnahan gave a presentation including a graph of their capacity. Based on architecture of the site, they have a maximum capacity that is determined. The target for the school to be healthy and functional is 75% utilization. We are utilizing every available inch. In other school years, we saw larger class sizes. Sizes 28, 29, upwards of 30 students per class. We are lower at 88%, but we need additional space. The need for space includes classrooms for students, functional spaces for small group learning, dedicated art and music rooms rather than placing them on carts, physical education three times per week (as required by law), and a library resource center, and provide playground space, which will be upgraded this year. They need spaces for adults, including offices and resources staff (including ESL teachers, with ever growing population of students using this resource). They have had more than 40 new students at Brentwood that have affected our capacity. Our teachers eat in portable spaces or outdoors when the weather permits, but they do not have a dedicated lunchroom.

Ms. Bresnahan stated that they are also concerned about safety and accessibility, which is a top priority given the conditions of the world today. They are conscious of how students arrive/depart, with safe routes for pedestrians, buses, vehicle drop off by parents, and ensuring space for parking. They keep all these pieces in mind as they develop the long-term plan.

¹ Full plans available upon request to the Community and Economic Development department.

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The images on the screen are for our books and classrooms. You can see how small and tight the spaces are. Our principal is making sure there are spaces for everyone and limiting students working in hallways or places less conducive for learning.

The school district has engaged in a comprehensive study in our district about our buildings. Some buildings are over or under capacity. Rather than building on, they want to look comprehensively along all communities to explore solutions. They had a lot of community feedback and input. They are taking time to look exclusively at Brentwood. Our temporary solution is the portable classroom. The portable classrooms let us expand our art and music programs with dedicated spaces.

The map on the screen gives an idea of what they control and do not control as a school district. They have boundaries across our 14 schools. This is the Brentwood boundary area. Moving the boundary line moves families from one school to another. The boundary on the screen is the district boundary of the school. Directly to the right of the boundary is the open field space that is owned by the Mount Prospect Park District. There are a few options to find a solution for overcrowding. They can adjust the boundaries, renovate, construct spaces, adjust class sizes (although we have committed to maintain small class sizes, especially since the pandemic), or they can relocate programs, but it limits students who are receiving services that are required by law and this can contribute to segregation of students into certain schools so she hesitates moving forward with this approach.

Ms. Bresnahan stated that they have engaged with an architect as a partner in this process to look at Brentwood to look at capacity, flow of the building, safety features, etc. They are working with an architect and our staff will be meeting with them tomorrow about this. They will be acquiring things like traffic studies and other analyses. They would make a decision by December 2023, implement the solution by 2024, and they would not need the portable classrooms after that time frame. The extension and the time frame would allow us time to look at all facets of the district and how it impacts Brentwood to make decisions for our students and communities.

Chair Szabo asked if they would consider acquiring the property from Mt Prospect and, if not, if they would consider adding a second floor to the existing building.

Ms. Bresnahan stated that as part of the study the architects would look at how feasible it would be and how it would impact space. That has been brought up.

Member Fowler asked what are your class sizes at Brentwood like compared to others.

Ms. Bresnahan state that they are comparable but trending higher. Last year, the class peaked at 34 students, which is much higher than any other classroom in the school district.

Member Fowler asked if they have temporary classroom structures at other schools in District 59.

Ms. Bresnahan stated that they are utilizing one other temporary classroom structure at a different location.

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Member Fowler: I have a problem with your numbers. I don't see an increase; it has seemed to stay the same. I am not sure how overcrowding is an issue. If you are growing, why are the numbers growing in Brentwood.

Ms. Bresnahan stated I agree; there are two factors. I have made a commitment as a superintendent to this. We have chosen to create multi-grade classrooms and some classes we have chosen to reduce sizes, which has impacted the utilization of the building. There is a long history of the buildings making do and I do not believe the district has done a long-term study to analyze those numbers. I acknowledge this is the problem with District 59, not just a Des Plaines problem, and our board needs to find a solution. This is a long overdue issue.

Member Weaver: You have had an overcrowding problem for years, based on the data. You have had a set of portable classrooms for one year and you need an extension of that while you come up with a longer-term solution. You are looking for a 12-month extension. During those 12 months, your board and district will come to a solution to solve the problem. If it is a capital improvement problem that could take several years to be completed, correct?

Ms. Bresnahan stated if a capital improvement project, we would hope that could be done by next year. We can stagger the timing of that. It could be a combination of efforts like boundary changes and construction to have temporary relief while we engaged in the long-term spaces. As a district, we have more space than we need, we just have concentrations of students in other areas. This year, Brentwood has had 60 new students from other countries.

Member Weaver: It must be difficult to project with new students arriving from other countries.

Ms. Bresnahan said it had an unanticipated impact for sure. They have embarked on a study with a demographer about growth; we did see a decline in enrollment during the pandemic, although we saw it more in other areas than Brentwood.

Member Fowler asked how the class sizes at Brentwood compare to the schools in District 62.

Ms. Bresnahan stated that she did not know.

Member Hofherr: I am looking at the layout of the project. On the east end, they are showing a new area (proposed gym). I know you have an existing gym at the left end, what will happen to that?

Ms. Bresnahan stated we do not have a plan for that yet. We have very small gyms for our enrollment. There is overlap with gym time, requiring us to hold gym in the lunchroom, outside, classrooms, etc. That couldn't address overcrowding.

Member Hofherr: That gym is currently on election day for the area, because people can get out easily to cast their vote. If moved to the west or east end, this could present a parking problem. The existing area shows cars filled in the north lot (I assume teachers?).

Ms. Bresnahan said those things are proposed. The topic of using schools on election day is a topic for another day, in terms of safety of students, which we are reviewing with legislators.

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Member Fowler: Why do you hesitate to redistrict if you have underutilized buildings?

Ms. Bresnahan stated that it significantly impacts our families; they have a lot of feedback. We are working collaboratively to find a solution. We have spent more time explaining what our urgency is to the families. We have a strong urgency to discuss re-districting given the City's code now, but it is a difficult decision because no one wants to leave their school. Our board rejected a vote to eliminate the portable classrooms.

Member Fowler: I think you will be here a year from now to construct. I think you may need to do a referendum with this, and that takes time. How confident are you that this project will be completed in 2024?

Ms. Bresnahan said there is no intent nor plan to maintain the portables past this coming school year. Every plan does not include the use of that. That means Art and Music goes back on carts, and if we need to increase class sizes, that is our districts problem to own. We have no desire to come back here and ask for an extension and it was not originally planned for. There is an understanding of how this problem needs to be solved from within. It is irresponsible as a district to promise this without a solution. She added that additional options such as boundary adjustments can significantly help with implementation.

Member Saletnik asked if there a limitation on what constitutes temporary and what makes it allowable in zoning. Why are we looking at one year? The construction is going to be more than a year. Can you speak about what the ordinance says and why we are limited in the year?

Jonathan Stytz, Senior Planner, stated that the temporary use structure was granted last year to assist schools with this concern. It has specific restrictions on the time. It does allow for additional time to be awarded by the zoning administrator if the property is under construction (an active construction project on the site). If they were to get the extension and could implement the project, they could request additional time.

Member Weaver asked how long it took to secure the temporary classroom structure.

Ms. Bresnahan stated it took six months from board approval to installation.

Member Weaver asked if the potential expansion plan noted in the staff report was designed before or after the architectural study was started.

Ms. Bresnahan stated it was done before; the board is not bound to this plan.

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Jonathan Stytz, Senior Planner, gave the staff report. He explained the Major Variation for 260 Dulles. He went over the site photos, Temporary Classroom Overview, Regulation Slides, Background of the Project, Floor Plans, Elevations, and PZB Considerations.

Chair Szabo asked if anyone was in favor of the proposal. Many hands were raised. He asked if anyone wanted to speak in favor of the proposal.

Chair Szabo swore in Barb Novak, Teacher at Brentwood School. Stated that she is currently teaching in a portable classroom. She is the music teacher; my partner is the art teacher. She stated that they love teaching there and we hope for the one-year extension so our district can make wonderful plans moving forward. The students love coming out there; last year she taught in the staff lounge, she used to teach on a cart, it is great to have my own space. The students love going out there, a little mini field trip, and it is a great space for art and music. Previously, the district used to only have a fine arts class, just art and music taught at the same time by one teacher. Dr. Bresnahan was influential in splitting it into two subjects, something that occurred for decades. I went to Brentwood myself and it is a fabulous change the district has made.

Chair Szabo swore in Laurie Olson, parent at Brentwood School.: She stated her kids go to Brentwood, 1st and 2nd grade, they have experienced art on a cart, in the faculty lounge, and now in the portable classrooms. They love talking about art and music after this. My son wants a ukelele because he is able to learn that in music class. With the cart, she cannot move around these instruments. It is all the kids talk about when they come home. If you take this away, the projects and classes would not be as phenomenal.

Chair Szabo swore in Kim Barrett, principal of Brentwood Elementary School. It is a wonderful school. These are big decisions that impact families and making smart decisions is important. Art and music on the cart diminish experiences with students, areas where artists and musicians can thrive. Conditions were unsustainable in our classrooms previously; we had multi-age classrooms, 2nd and 3rd graders together learning the same curriculum when there are diverse needs (and there are 34 of them) and then during the pandemic conditions made it not optimal. She stated that they need time to make the best decisions for a smart path forward.

A motion was made by Board Member Saletnik, seconded by Board Member Weaver to recommend approval to council of major variation request for a one-year extension of the temporary classroom structure on the site.

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

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

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2. Address: 984 Lee Street

Case Number: 23-024-CU

The petitioner is requesting a conditional use request in the C-3 General Commercial zoning district for a food processing establishment, and any other variations, waivers, and zoning relief as may be necessary.

PIN: 09-20-203-016-0000; 09-20-203-017-0000, 09-20-203-018-0000, 09-20-203-031-0000

Petitioner: Sang Chul Hong, 3721 Vantage Lane, Glenview, IL 60026

Owner/Property Control: Ho and Chul LLC, 3721 Vantage Lane, Glenview IL 60026

Ward Number: #2, Alderman Colt Moylan

Existing Zoning: C-3, General Commercial

Surrounding Zoning: North: C-3, General Commercial

South: C-3, General Commercial

East: C-3, General Commercial

West: C-3, General Commercial

Surrounding Land Uses: North: Commercial building

South: Commercial building

East: Commercial buildings

West: Vacant parking lot

Street Classification: Oakton Street is classified as a minor arterial road.

Comprehensive Plan: Industrial is the recommended use for this property.

Property/Zoning History:

The property currently consists of a commercial building and a gravel parking area to the north. Because the multiple parcels are under single ownership/control and will be seeking permitting as a unit, they are considered one zoning lot. This building was most recently used for Illinois Carpet and Drapery, which closed in 2022. The property has been commercially zoned since the 1940s.

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Prior to the current owner/petitioner acquiring the property, it received several code enforcement violations over the past few years related to outdoor storage, garbage and debris, and parking of vehicles unrelated to the business. However, all complaints have been addressed at the time of this application. Any necessary alterations to meet building or fire code requirements will be addressed at the time of building permit. A permit is currently being processed to repair the roof of the building to address safety concerns.

Project Description:

The petitioner, Sang Chul Hong, is proposing a conditional use to allow a food processing establishment at 984 Lee St. A food processing establishment requires a conditional use in the C-3 district if the space/use is more than 2,500 square feet.

Proposed Use and Business Operation Details

The business, 5000 Years Foods, processes kimchi, a fermented vegetable product commonly consumed with Korean cuisine. The company has operated for more than 30 years in Chicago at 3465 Kimball Ave. The kimchi production process involves chopping cabbage, radish and green onion and placing them in salt water with seasoning and spices. No preservatives or other chemicals are used by this facility in the processing of their kimchi product. The kimchi is individually canned and distributed to retailers in sizes ranging from 16 ounces to five-gallon tubs.

Limited noise and odor are generated by this use. The supplies used for the production of kimchi include a vegetable mixer, specialty cabbage and radish cutters, and a garlic grinder. The loading/unloading of kimchi will involve a forklift and pallet/hand jacks. Walk-in coolers will be installed on site to hold supplies in between production and distribution. The existing office in the building will be used for business operations. Loading and unloading will occur within the loading dock inside the building. Dumpster pickup is scheduled for every day. Refer to provided Floor Plan for locations of existing and proposed building amenities.

The proposed hours of operation are Monday through Friday from 8 a.m. to 4 p.m. The total number of employees proposed are six office employees and six warehouse employees, for a total of twelve employees. 5000 Years Foods is a solely a food processor and does not intend to have direct retail operations at this time.

Loading

All loading and unloading will occur in the loading dock inside the building, accessed from Oakwood Avenue, a local street. Products are proposed to received

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daily by 24-foot box trucks. Kimchi distributors, which would be the primary customers, are anticipated to pick up products five to eight times daily at the loading docks. The average time spent loading/unloading at the loading dock is estimated to be less than 10 minutes.

Buildings in commercial districts are required to have one loading space, measuring fifteen feet in width and 35 feet in length. The loading space located within the building is 16 feet by 55 feet, exceeding the minimum requirements in Section 12-9-9.

Parking

Food processing establishments are required to provide 2 spaces for every 1000 feet of dedicated food preparation and office areas. The below table provides an overview of required and provided parking for this building and use.

Total Square Feet of Building	15235 sq ft
Total Square Feet of Dedicated Food Preparation and Office Areas	7,777 sq ft
Total Parking Required*	16 spaces*
Total Accessible Spaces Required	2 spaces
Total Proposed Parking Provided**	43 spaces
Total Accessible Spaces Provided	2 spaces
*Parking spaces rounded up to next whole number	
**Recommended condition of approval language would allow site plan revision to reduce parking lot size; provided, however, the minimum must be met.	

Off-street parking will be located along the alley and in a newly constructed parking lot to the north. Presently the parking lot to the north is a gravel lot without any striping. The petitioner proposes to pave and provide 28 standard spaces and two accessible spaces. This parking lot is currently gated and will continue to be gated to prevent parking by non-employees or customers of the facility.

Standards for Conditional Use

The following is a discussion of standards for conditional uses from Section 12-3-4(E) of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is

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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: Food processing establishments more than 2,500 square feet in size require 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 Industrial. Food processing establishments are only possible within the C-3, M-1, and M-2 districts and the use involves the processing of goods, more similar to manufacturing than typical commercial uses. Therefore, this conditional use is aligned with the comprehensive plan classification for this property.

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; the only notable appearance changes proposed are (i) the signs for the business, which will be designed to meet requirements of the Zoning Ordinance; and (ii) the parking lot enhancements on the northern lot. The existing building is harmonious with other similar buildings in this area.

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 business will operate Monday through Friday from 8 a.m. to 4 p.m. The property is within an existing commercial area and there are not anticipated hazardous or disruptive activities to this neighborhood. See the Petitioner’s Narrative and Response to Standards for additional information about business operations.

PZB Additions or Modifications (if necessary): _____

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- 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 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. The establishment will follow all local, state and federal regulations regarding the preparation, storage and distribution of food products.

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 not create a burden on public facilities. This new business would be located within an existing, unoccupied portion of the building and provide additional business activity to this corridor.

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: Loading/unloading will be during business hours and will be located inside the building. Delivery of materials is anticipated to be daily and up to eight pickups by distributors are expected, with a total loading/unloading time of approximately 10 minutes. The tools used to manufacture kimchi are not noisy and all production will occur inside the building. Odor will be mitigated by a daily dumpster pickup at the facility to eliminate any food product. No odor is generated by the machinery used in the production.

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: Access to the building will continue to be provided by Oakwood Avenue for the loading/unloading and through the alley for the parking lot. New traffic generated will be associated with employees and the loading/unloading of materials for processing and distribution. The previous use for this building included a similar amount of traffic without

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documented traffic issues and the proposed use will not generate large truck traffic, so a traffic study was not requested by staff. Staff believes that the existing street network can accommodate the traffic for this new use.

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 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.

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 permit. 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.

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Recommend Conditions of Approval:

1. The Subject Property shall have a daily dumpster pickup during any day of regular business operations.
2. No motor vehicles unassociated with the petitioner’s business operations may be parked in any of the parking areas associated with the property. Outdoor storage outside of a permitted accessory structure is prohibited on the site.
3. All parking areas must be paved, striped, and landscaped according to all applicable Zoning Ordinance standards. Accessible parking spaces shall be located on site to meet accessibility standards pursuant to Section 12-9-8 and Illinois Accessibility Code. The petitioner may revise the site plan to reduce the number of parking spaces; provided, however, the minimum number are provided.

Attachments:

- Attachment 1: Location Map
- Attachment 2: Site and Context Photos
- Attachment 3: Project Narrative and Responses to Standards
- Attachment 4: Floor Plans and Site Plans

Chair Szabo swore in Sang Hong Lee, Petitioner. Mr. Lee stated that he is the manager of 5000-year foods. They have 30 years of excellence in Chicago. He stated that they are moving to Des Plaines because their current location is under construction. They are the top brand of Kimchi. Their philosophy is customer satisfaction is their number one priority. He went over the founder’s journey. Mr. Lee explained the Kimchi product. He stated that are simple and natural. He explained the health benefits of Kimchi. Mr. Lee presented a Food Processing Establishment Graph. He described the construction plans and discussed the reasons to move the location.

Member Fowler asked what the size is of the current location in Chicago and the size of the space on the subject property.

Mr. Lee stated that the new building would be over 15,000 square feet. The current location is 4,000 square feet.

Member Weaver asked if the product requires refrigeration.

Mr. Lee stated that the product is refrigerated at 38-degree Fahrenheit for two days. The product is picked up by the wholesalers in refrigerated box trucks.

Member Veremis asked if he is projecting additional business growth and if that affect pick up and deliveries.

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Chair Szabo swore in Richard Kim, Attorney for the petitioner. Mr. Kim stated that they do expect additional growth as additional purchases from the wholesalers. They currently have 3 wholesalers. They expect their growth will be with larger deliveries. He stated that their clients are Korean Wholesalers and would distribute the product to other retailers. This would mean the same number of pickups.

Member Fowler asked if there is shipping on site. Mr. Lee stated that there will be shipping once a day from 8-9 a.m.

Member Saletnik asked if the wholesalers, after picking up the product from there business, ship directly to specific grocery stores. Mr. Kim stated that wholesalers can ship directly to grocery stores or to other intermediaries.

Chair Szabo asked how many trucks would be doing pick-ups.

Mr. Lee stated they will have three box truck pick-ups a day. The trucks will be loaded inside the building.

Member Veremis asked to explain the production process and if there is hot cooking involved.

Mr. Lee stated that there is not hot cooking. Once the Kimchi is placed into the jars they are put in the refrigerator. They follow the FDA rules and have annual inspections. They will also have daily dumpster pick-ups.

Member Veremis asked if there are any new products in the future. Mr. Lee responded no.

Member Catalano asked if there are any complaints or violations at the current location. He also asked if the petitioner accepts the three recommended conditions of approval which includes:

1. The Subject Property shall have a daily dumpster pickup during any day of regular business operations.
2. No motor vehicles unassociated with the petitioner’s business operations may be parked in any of the parking areas associated with the property. Outdoor storage outside of a permitted accessory structure is prohibited on the site.
3. All parking areas must be paved, striped, and landscaped according to all applicable Zoning Ordinance standards. Accessible parking spaces shall be located on site to meet accessibility standards pursuant to Section 12-9-8 and Illinois Accessibility Code. The petitioner may revise the site plan to reduce the number of parking spaces; provided, however, the minimum number are provided.

Mr. Lee stated that they have been no complaints or violations at their current location. He also stated that he is ok with the recommended conditions.

Member Hofherr asked about the FDA warning letter from January 2022 and if the issues at the current location have been addressed. Mr. Lee stated that everything was corrected.

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Chair Szabo asked if their current location passed their Fire and Health Departments Inspections. Mr. Lee stated that they passed.

Member Veremis asked about the product shelf life, number of employees, and whether the employees cook their lunches at the facility.

Mr. Lee stated that the shelf life is 3 months. He has 12 employees and they do not cook food on site.

Member Veremis asked how much they are investing in remodeling. Mr. Lee stated that they have invested \$300,000 in improvements.

Ms. Redman, Associate Planner, gave the staff report. She explained the Location Map for the four parcels in the C-3 District. She provided site photos including the loading dock and entrance. She gave some background of the property. It has been vacant and was a carpet store. The petitioner has a roof permit and has invested a significant amount of money on the roof. They have proposed remodeling the site to make it suitable for their uses. She explained the parking lot which is gated.

Ms. Redman stated that the conditional use is for the size of the land that the food processing area is on. She explained that a food processing plan is allowed by right in the C-3 district for spaces up to 2,500 square feet. She explained the site plan which includes improving the parking lot. She also described the loading dock which is located inside the building. Ms. Redman went over the floor plan which includes two walk-in coolers, loading dock, office space and food preparation area. A total of 16 parking spaces are required and the petitioner is proposing 30 spaces which exceeds the requirements. The other considerations are for loading and unloading, odor and noise, and number of employees and hours of operation.

Ms. Redman stated that for tonight - 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 permit. City Council has final authority on the proposal. If the PZB recommends and City Council ultimately approves the request, staff recommends the following conditions.

Recommend Conditions of Approval:

1. The Subject Property shall have a daily dumpster pickup during any day of regular business operations.
2. No motor vehicles unassociated with the petitioner’s business operations may be parked in any of the parking areas associated with the property. Outdoor storage outside of a permitted accessory structure is prohibited on the site.
3. All parking areas must be paved, striped, and landscaped according to all applicable Zoning Ordinance standards. Accessible parking spaces shall be located on site to meet

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accessibility standards pursuant to Section 12-9-8 and Illinois Accessibility Code. The petitioner may revise the site plan to reduce the number of parking spaces; provided, however, the minimum number are provided.

Member Weaver had a comment about the parking area: if you build a full parking layout it is advantageous to have a plan for drainage. He would encourage the petitioner to provide less impervious space, it would be a benefit to the City. This is not a requirement but an encouragement not to over build impervious space.

Chair Szabo asked if any audience members have questions or object to the proposal.

Chair Szabo swore in Jim Chrzan, Neighbor of the property. Mr. Chrzan stated that worked for an editorial team that wrote a magazine called Pro Food World. He was glad to see there is no cooking on site. He is concerned about the property being close to the park. He has questions on wastewater, traffic, and the park. He also stated that he doesn't get what the upside would be since it is not adding new jobs.

Chair Szabo swore in Richard Schell, neighbor to the property stated that he is concerned about the warning letter from the FDA. He presented a copy of the letter, stating that on page 5 of the letter, they mentioned a pest management problem when they left the door open and had flies. He wanted to know who would regulate the pest issue and what would be done about odors. He stated that the Citizens for Oakwood ask that the case be continued so they can some answers to important questions, such as what does the odor abatement plan and pest control plan look like. He cited 5-3-1 of the Des Plaines Municipal Code.

Chair Szabo swore in Daniel Pejchinovski, neighbor of the property. He stated that he owns a transportation business, which has semi-trucks and picks up from facilities. He said there is odor coming out of the facilities. He also stated that trucks take a lot longer to load and there will be traffic. He also said refrigeration in the building will make noise. He is worried about bringing property value down.

Chair Szabo swore in Regina Mensching, neighbor of the property. She said she is concerned about the odor and pests. She also said that the property is close to a school and park. She is also concerned about traffic on Oakwood. She asked if there would be garbage build up on holidays.

Chair Szabo swore in Kimberly Maks, neighbor of the property. She stated that this would cause a lot of traffic on Oakwood. They already have lots of trucks going through because of other businesses and its hard to get across Lee Street. She believes factories should be put in other areas. She is concerned about trucks, pollution, odor, and smell.

Chair Szabo asked the petitioner if he would like to answer the concerns of the residence.

Mr. Lee stated that he respects the residents' opinions. He stated that he has a contract with a pest control company. He stated that there is no odor because he has daily dumpster pick-ups at the end of the day. He stated that the dumpsters are emptied and cleaned every business day. Mr. Lee

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also stated that he has corrected any past issues from the FDA and that they comply by the rules. He stated that there is no noise because the coolers are inside the building. He stated that there will not be a traffic problem because the trucks will not be picking up at the same time. They will also be loading from inside the facility.

Member Fowler asked about traffic and trucks for pick-ups. Is there anything we can do to stop trucks going down Oakwood?

Mr. Lee stated that there are appointments for pick-ups, so they do not come at the same time. The facility already has the pallets packed in the refrigerated area. They have their own forklifts to load trucks for the pick-ups.

Member Weaver asked what size trucks are used for pick-ups. Mr. Lee stated that they use 24-foot box trucks.

Member Veremis asked when the dumpster is picked up- time of day and what are you doing for ventilation. Mr. Lee stated that the dumpster pick-up is at the end of the business day. He stated everything is stainless and there is no odor.

Member Saletnik asked why they already have a pest control contract. He asked what issues are present for you to have that contract. He also stated that the petitioner can mandate that the trucks do not go East of Lee street – meaning that trucks are going down the residential streets. Mr. Saletnik asked what they will be doing to control the pests and what will be done to make sure there is no odor or pest issues.

Mr. Lee stated that the FDA has a mandatory requirement to have pest control. They also have commercial grade fly traps.

Samantha Redman stated that for a Business License in Des Plaines you have to have a Pest Control contract. And in addition, the FDA requires it. In terms of odor – the City of Des Plaines regulates within their zoning ordinance 12-12-6 -that they cannot have an emission of odor. If this were to be approved, any scent that was detected at the zoning lot, they would have to mitigate that and eliminate that issue. Also, the intent of the first condition is to have daily dumpster pick-ups which would remove odorous substances and eliminate the chance of pest feeding.

Member Fowler asked if other sites were suggested and how the City will enforce the regulations.

Samantha Redman stated that they have shown other sites. She stated that the City of Des Plaines utilizes code enforcement and staff inspections.

John Carlisle, CED Director stated that this property has been vacant. It also had major code enforcement problems while vacant. He stated that the City of Des Plaines welcomes new business and the much-needed investment in the property. The roof problem has already been addressed. He stated that the zoning ordinance in the C-3 district allows a food processing facility of up to

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2,500 square feet as a permitted use. Since the space is larger, they need to come in for conditional use.

Member Weaver stated that there seems to be five concerns: Emission of Odors, Dumpster Practices, Pests, Traffic and Noise. In the case of dumpsters, odor and pests, the issue is compliance and if neighbors or other interested parties want this turned down for those things, they are essentially saying they don't believe that this new business will comply. He is having a problem with turning down a project on a basis of, "We don't think someone will comply." If we have standards to be enforced, we enforce them. So, if they are approved, they will have to meet the guidelines. That leaves the concerns with traffic and noise: if we had conditions in place that would address that then maybe that would take care of those issues, but I do not see that we have compliance issues on those.

Chair Szabo stated that prior there was a carpet store and before that they sold windows and before that he believes they sold lumber. He stated that there has always been traffic generated by this location.

Member Saletnik stated that he wants to hear staff's comments because he is concerned about pests. If there is no compliance at this operation, it will draw pests. And this location is too close to homes and that is a valid concern. How would this facility compare to a large restaurant or a large grocery store? What does the City do to monitor pest control for those operations and how would it be applicable here?

John Carlisle stated that the City of Des Plaines uses a health inspector and regular inspections. A Registered Business associated with food which includes restaurants, grocery stores and food preparation have to have pest control contracts. They must go through the Business License process every year. Health inspections happen every year and more often if there is a complaint. Complaint inspections are unannounced.

Member Veremis asked about traffic and what the natural way is to leave the facility. It seems to me that it would be hard for the trucks to go over a couple lanes of traffic to get to the residential side of Oakwood.

Member Weaver asked if there are current restrictions on the use of Oakwood Avenue.

John Carlisle stated that he is not aware of any posted signs restricting vehicles over B plate or something similar on Oakwood Avenue. He also stated that looking on the map it looks like it would be illegal to go east Oakwood into the residential area because you would have to temporarily go the wrong way on a one-way street to make a turn onto Oakwood.

Chair Szabo stated that looking at the map it is illegal for the trucks to go down Lee Street the wrong way.

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A motion was made by Board Member Weaver, seconded by Board Member Hofherr to recommend approval to the City Council of the Conditional Use subject to the conditions listed in the staff report which includes:

1. The Subject Property shall have a daily dumpster pickup during any day of regular business operations.
2. No motor vehicles unassociated with the petitioner's business operations may be parked in any of the parking areas associated with the property. Outdoor storage outside of a permitted accessory structure is prohibited on the site.
3. All parking areas must be paved, striped, and landscaped according to all applicable Zoning Ordinance standards. Accessible parking spaces shall be located on site to meet accessibility standards pursuant to Section 12-9-8 and Illinois Accessibility Code. The petitioner may revise the site plan to reduce the number of parking spaces; provided, however, the minimum number are provided.

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

* Member Saletnik stated he is voting No. He would normally vote Yes in a situation like this but he is concerned about the pests. He does not think traffic will be an issue because it can be monitored. However, if this attracts pests, then that is a problem.

*****MOTION CARRIES****

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3 Address: Citywide Case Number 23-025-TA

The petitioner is proposing zoning text amendments to Section 12-11-8 of the Zoning Ordinance to: (i) allow commercial developments with multiple buildings to establish a LASR; and (ii) create an allowance for changes to a LASR sign plan with certain restrictions.

PIN: Citywide

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

Request Description: The City of Des Plaines is proposing amending the Zoning Ordinance to allow commercial developments with multiple buildings to establish a LASR, and create an allowance for changes to a LASR sign plan with certain restrictions.

Background

Chapter 11, “Signs”, of the Zoning Ordinance was created for the purpose of “provid[ing] a legal framework for the comprehensive regulation of signs in the City of Des Plaines” while “recogniz[ing] the need for adequate identification, advertising, and communication within the community, which is structurally sound, well maintained and attractive in appearance.” With this purpose in mind, Section 12-11-1 of the Zoning Ordinance specifically identifies the following objectives:

“to control the height, area, location and other similar aspects of signs and sign structures, while also: (i) preserving the noncommercial character of residential neighborhoods; (ii) providing reasonable yet appropriate conditions for identifying businesses and services rendered in commercial, institutional and industrial areas; (iii) reducing traffic hazards by restricting signs and lights which exceed a viewer's capacity to receive information or which increases the potential for accidents created by signage which distracts or obstructs a viewer's vision; and (iv) protecting the health, safety and general welfare of the residents of the City.”

Section 12-13-3 defines a sign broadly, as shown below, with the intention of effectively regulating a wide variety of different advertising methods while also adhering to the objectives and purpose of the Ordinance.

SIGN: Any object, device, or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, state, city, or organization; works of art which in no way identify a product; scoreboards located on athletic fields.

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This section also defines different sign types that are listed and regulated by standards in Sections 12-11-4, 12-11-5, and 12-11-6 of the Zoning Ordinance based their type and the zoning district of the property for which they are proposed to be installed. However, while a majority of developments within the City are able to meet the existing sign requirements, some larger developments or distinct uses are unique or contain multiple buildings, which can present a practical difficulty to comply with the specific sign regulations, such as size, quantity, location, projection, height, and setbacks. For this reason, Section 12-11-8 of the Zoning Ordinance allows for a LASR, or sign plan, for specific uses in order to provide an option for developments with additional signage needs that do not meet the standards in Zoning Ordinance. In simple terms, a LASR is similar to a planned unit development (PUD) but *just for signs*.

Expand Possibility for LASRs

A LASR requires a conditional use application submittal which must be approved by City Council and recorded to be effective. The Zoning Ordinance allows for only a limited list of uses to be eligible for a LASR: (i) planned developments; (ii) commercial shopping centers (“shopping center” having a specific definition); (iii) office parks; (iv) universities and colleges; (v) medical centers; and (vi) institutions having multi-building campuses. Properties or proposed developments that are not one of the aforementioned items must comply with the sign regulations in Chapter 11 of the Zoning Ordinance or must apply for a sign variation. When relief is granted in the form of a variation, it requires demonstration of hardship and seven other criteria, when, in fact, the more appropriate type of relief is one that simply acknowledges the uniqueness and specific purpose of signs within a development (akin to exceptions in a PUD). Further, while shopping centers (buildings with three or more commercial units) are eligible for a LASR Sign Plan, this regulation does not account for larger commercial developments with multiple individual lots, each with its own building. As such, the intent of these amendments is to create an allowance for larger commercial developments which necessitate additional signage or want to obtain City Council approval for brand-standard signs that do not conform with the sign regulations in the Zoning Ordinance.

Distinguish Between Major and Minor Changes to LASR Sign Plans

The other purpose of these amendments is to add an allowance for changes to existing LASR Sign Plans. A parallel process is already in place for PUDs under Section 12-3-5.G, but currently not considered for LASR Sign Plans in the Zoning Ordinance. At this time, eligible uses that have a LASR Sign Plan are required to submit a conditional use application to add or adjust *any* signs included in the LASR Sign Plan, even if the proposed changes would comply with the sign standards in Chapter 11. The conditional use process—which consists of a minimum 90-day process and City Council approval—adds a delay in the issuance of sign permits and improvements to properties, including those improvements that relate to wayfinding for pedestrian and motorists alike.

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That said, the proposed amendments provide the language to allow changes to LASR Sign Plans through two separate categories: Major and Minor changes. Major changes are defined as those which alter the intent of the approved LASR Sign Plan and/or propose signs that do not conform with the sign regulations in Chapter 11. These changes require conditional use and City Council approval to amend the Sign Plan and record it with Cook County. Conversely, minor changes are those which do not alter the intent of the approved Sign Plan and conform with the sign requirements. These changes can be administratively approved by the Zoning Administrator, kept on file with the City (Department of Community and Economic Development), and be recorded to become the newly effective LASR.

Proposed Amendments

The full proposed amendments are attached and are summarized below:

Section 12-11-8, Localized Alternative Sign Regulations: Modify this section accordingly:

- Modify Section 12-11-8.A, “Authority,” to add an allowance for “commercial developments with multiple buildings”.
- Add subsection E, “Changes to a Localized Alternative Sign Regulation After Approval,” to identify major versus minor changes to a LASR Sign Plan and provide an allowance for changes to a LASR Sign Plan without City Council approval but with certain restrictions.

Standards for Zoning Text Amendment:

The following is a discussion of standards for zoning amendments from Section 12-3-7.E of the Zoning Ordinance. The PZB may recommend the City Council approve, approve with modifications, or deny the amendments. The PZB *may* adopt the following rationale for how the proposed amendments would satisfy the standards, and or the Board may use its own.

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

These amendments help fulfill the intended purpose of Chapter 11, “Signs”, of the Zoning Ordinance by expanding the allowance of LASR Sign Plans for more commercial developments to meet their existing signage needs as well as providing a more stream-lined path for changes to existing LASR Sign Plans to address changing signage needs in the future. These amendments provide more flexibility in the code to allow for different development designs and uses that can greatly benefit the community as a whole and make Des Plaines more development-friendly. As the City is mostly built-out, these amendments also provide more opportunities for the redevelopment or extension of existing sites throughout the City that can ultimately encourage reinvestment in properties overall.

Case 23-021-V	260 Dulles Road	Major Variation
Case 23-024-CU	984 Lee	Conditional Use
Case 23-025-TA	Citywide	Text Amendment

PZB Additions or Modifications (if necessary): _____

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

The proposed amendments allow for further flexibility for unique and larger non-residential developments to provide adequate identification, advertising, and communication within the community as is enjoyed by uses currently eligible for LASR Sign Plans. These amendments also allow for a more streamlined path for the update or adjustment of existing LASR Sign Plans depending on the request, meaning that changes which meet the existing sign regulations will be processed more efficiently through administrative review and approval, but major changes that either do not comply with the sign regulations or significantly change the intent of the LASR Sign Plan will require the review and approval of the City Council. This ensures that proposed major changes are analyzed in detail to ensure that the proposed signs meet the general purpose of Chapter 11.

PZB Additions or Modifications (if necessary): _____

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

The proposed amendments would allow for additional signs on properties eligible for a LASR Sign Plan that may require additional public facilities and services for an individual site based on its use and design. However, these amendments would still require site plan review and adherence to applicable municipal codes to ensure that any proposed buildings are compliant and are adequately serviced.

PZB Additions or Modifications (if necessary): _____

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

It is not anticipated that the proposed amendments will have any adverse effect on surrounding properties. Instead, the flexibility provided with these amendments encourages reinvestment in properties and can lead to new uses or improvements to existing uses that benefits the City and its residents.

PZB Additions or Modifications (if necessary): _____

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

Case 23-021-V	260 Dulles Road	Major Variation
Case 23-024-CU	984 Lee	Conditional Use
Case 23-025-TA	Citywide	Text Amendment

The proposed text amendments facilitate a path towards responsible standards for development and growth for eligible uses and properties by establishing a clear and streamlined permitting path for additional signs or updates to existing LASR Sign Plans.

PZB Additions or Modifications (if necessary): _____

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

Attachment

Attachment 1: Proposed Amendments

Chair Szabo asked for the staff report.

Jonathan Stytz, Senior Planner stated gave the staff report. He explained the background for the LASRs and gave an overview of eligible LASRs. He stated that there is no allowance for minor changes. He stated that they would like to speed up the process for changes. Mr. Stytz explained Major versus Minor changes. He stated it would speed up the process of permitting. It would also not penalize certain zoning districts He explained the full proposed amendment:

Section 12-11-8, Localized Alternative Sign Regulations: Modify this section accordingly:

- Modify Section 12-11-8.A, “Authority,” to add an allowance for “commercial developments with multiple buildings”.
- Add subsection E, “Changes to a Localized Alternative Sign Regulation After Approval,” to identify major versus minor changes to a LASR Sign Plan and provide an allowance for changes to a LASR Sign Plan without City Council approval but with certain restrictions.

Case 23-021-V	260 Dulles Road	Major Variation
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Case 23-025-TA	Citywide	Text Amendment

Mr. Stytz stated the PZB considerations: 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.

Member Weaver stated that it seems like we are looking at the following:

1. Broaden the range of Urban Activities to have LASRs;
2. Minor changes can be authorized by CED Director; and
3. Major changes will still come before the Planning and Zoning Committee.

Member Weaver stated that it seems like we are trying to streamline the process. He added that this also seems to prevent people from putting up objectional signage.

Mr. Stytz responded that these amendments allow staff to review sign proposals based on the sign regulations and, in the event they do not comply, require the petitioner to go through the PZB hearing and City Council process.

Member Szabo asked about the recent Oakton College sign proposals and if this would have come before them if these amendments were imposed.

Mr. Stytz confirmed that with these amendments, minor changes to existing signs that comply with the sign regulations would only need approval from the Zoning Administrator.

Member Weaver mentioned that the Oakton College request was related to branding. Chair Szabo added that Holy Family hospital had a similar request.

Director Carlisle explained that color and copy changes have to do with branding, which is very routine for businesses and, in the past, has been routine for both the PZB and City Council. He added that the current process adds a lot of extra time for rebranding, which is what the proposed amendments will correct.

Member Saletnik asked if a developer has a property with multiple lots and individual buildings, but they are all owned by the same entity, that they could request a LASR for all lots.

Mr. Stytz confirmed that a LASR sign plan would be an option for the developer in that scenario. Director Carlisle added that businesses have branding requirements, which can meet requirements to an extent, but may need a unique sign plan. He defined a shopping center as a building with at least three units, noting that currently many different developments have one or two units and are not eligible for a LASR. However, with these changes they would be.

A motion was made by Board Member Weaver, seconded by Board Member Saletnik to recommend that the City Council approves the amendments as presented.

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

Case 23-021-V
Case 23-024-CU
Case 23-025-TA

260 Dulles Road
984 Lee
Citywide

Major Variation
Conditional Use
Text Amendment

New Business:

1. Discussion of Potential PZB Workshop and Special Meeting

John Carlisle, CED Director, stated that the developer/interested party in the two developments were looking to hold the workshop. They are hoping to be ready by Tuesday May 30th but now they are looking at holding the workshop on Tuesday June 6, 2023. Mr. Carlisle stated that they would have material ready for the PZB before, the workshop would have a press release and there would be public noticing through all the social media sites.

A1D.JOURNMENT

The next scheduled Planning & Zoning Board meeting is Tuesday June 13, 2023.

Chairman Szabo adjourned the meeting by voice vote at 9:17 p.m.

Sincerely,

Margie Mosele, Executive Assistant/Recording Secretary

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