

Case 23-045- FPLAT-CU-LASR	2777 Mannheim	Final Plat of Subdivision, Conditional Use, Localized Alternative Sign Regulation
Case 23-042-AX-TA-MAP-TSUB-PUD	180 N. East River Road	Annexation, Text Amendment, Map Amendment, Tentative Plat Subdivision, Planned Unit Development
Case 23-044- V	1378 Margret	Variation



DES PLAINES PLANNING AND ZONING BOARD MEETING
August 8, 2023
MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, August 8, 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: Weaver, Catalano, Hofherr, Saletnik, Veremis, Szabo

ABSENT: Fowler

ALSO PRESENT: John Carlisle, AICP, Director Community & Economic Development
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 - July 25, 2023 PZB Meeting

A motion was made by Board Member Weaver, seconded by Board Member Hofherr to approve the meeting minutes PZB Workshop of July 25, 2023 with adjustments to page 27 as discussed.

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

NAYES: None

ABSTAIN: None

*****MOTION CARRIES ****

PUBLIC COMMENT ON NON-AGENDA ITEM - None

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Pending Applications:

1. **Address:** 2777 Mannheim Road **Case Number:** 23-045-FPLAT-CU-LASR
 The petitioner is requesting the following: (i) a Final Plat of Subdivision to create three lots of record on the subject property; (ii) a Conditional Use for a Localized Alternative Sign Regulation (LASR); and (iii) any other variations, waivers, and relief as may be necessary.

PINs: 09-33-108-012-0000, 09-33-108-013-0000, 09-33-108-014-0000, 09-33-108-022-0000, and 09-33-108-023-0000

Petitioner: GW Property Group, LLC, 2211 N. Elston Avenue, Suite 400, Chicago, IL, 60614

Owner: 2777 North Mannheim Property, LLC, 2777 Mannheim Road, Des Plaines, IL, 60018

Date: August 4, 2023

To: Planning and Zoning Board (PZB)

From: Jonathan Stytz, AICP, Senior Planner

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

Subject: Request to Continue 23-045-FPLAT-CU LASR: 2777 Mannheim Road

Due to additional time necessary for the Public Works and Engineering (PWE) department to review the Final Engineering Plans for approval, staff has requested, and the petitioner has accepted to continue the hearing to the Board’s regular meeting on Tuesday, August 22, 2023. I recommend the Board grant this request, which is attached.

A motion was made by Board Member Saletnik, seconded by Board Member Veremis to approve a continuation to the August 22,2023 Planning and Zoning Board Meeting.

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

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

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2. **Address:** 180 N. East River Road **Case Number:**23-042-AX-TA-MAP-TSUB-PUD

The petitioner is requesting a city-wide Text Amendment to amend Section 12-3-5. B.3.a of the Zoning Ordinance to remove the minimum lot size requirement for a PUD on lots in the R-1 Single Family Residential, R-2 Two-Family Residential, R-3 Townhouse Residential, and R-4 Central Core Residential zoning districts for detached single-family or attached townhouse developments that consist of multiple principal buildings.

The petitioner is also requesting the following under the Zoning Ordinance for the property at 180 N. East River Road: (i) a Map Amendment to rezone from R-1 Single Family Residential to R-3 Townhouse Residential District; (ii) a Preliminary PUD, with exceptions for minimum lot area, building design, and required rear yard, to allow a 16-unit townhouse development; and (iii) a Tentative Plat of Subdivision to subdivide the existing single lot into 17 lots of record.

While not part of the Planning and Zoning Board’s purview, annexation of the subject property to the City of Des Plaines will be a prerequisite for final approval. The City Council has sole authority for approval of annexation, and such review and approval will happen pursuant to an annexation public hearing held later and time that will be duly noticed as required by law.

- Petitioner:** MAS Land Investments 2, LLC (Representative: Todd Polcyn, 837 N. Maple Avenue, Palatine, IL 60067)
- Owner:** Ed Del Castillo, 711 Middleton Court, Palatine, IL 60067
- PIN:** 09-09-402-007-0000
- Ward:** None, unincorporated Cook County (future ward once annexed: #1, Alderman Mark A. Lysakowski)
- Existing Zoning:** Single Family Residential District (R4 in *Unincorporated Cook County*)
- Existing Land Use:** Single Family Residence
- Surrounding Zoning:** North: Single Family Residential District (R4) (Unincorporated Cook County)
South:R-3, Townhouse Residential District (City of Des Plaines)
East: R-3, Townhouse Residential District (City of Des Plaines)
West: Single Family Residential District (R4) (Unincorporated Cook County)
- Surrounding Land Use:** North: Single Family Residence (Residential)
South: Townhouse Residences (Residential)
East: Townhouse Residences (Residential)

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West: Single Family Residence (Residential)

Street Classification:

North East River Road is classified as a major collector street and is under Cook County jurisdiction.

Comprehensive Plan:

The subject property is in unincorporated Cook County and is not illustrated on the Future Land Use map in the 2019 Comprehensive Plan. However, the neighboring property abutting the subject property to the south is illustrated as multifamily residential. The Comprehensive Plan is generally supportive of exploring annexation opportunities.

Project Description: Overview

Petitioner MAS Land Investments, LLC, owner of the subject property, intends to annex land to the City of Des Plaines and build a townhouse development. The subject property is located in unincorporated Cook County along North East River Road and is comprised of one 40,245-square-foot (0.92-acre) parcel.

The subject property is improved with a one-story, 1,665-square-foot residence, a 1,194-square-foot detached garage (including two additions), two frame sheds approximately 82 and 90 square feet in size, and a combination of concrete and gravel driveway and parking areas as shown on the attached Plat of Survey.

Proposed Improvements

The proposal includes the removal of all existing site improvements to redevelop the subject property into a 16-unit PUD similar to the Insignia Glen PUD located directly south of the subject property at 172 N. East River Road, which is already incorporated within Des Plaines (in other words, the property subject of this request is immediately north of and contiguous to Des Plaines’ corporate boundary).

The proposed development consists of four separate three-story principal buildings—each with four units—as shown on the attached PUD Plat. The anticipated unit mix will be predominately two-bedrooms, but the floor plan is adaptable to create a third bedroom; the developer has not finalized the unit mix. Each unit will have a two-car attached garage on the lower level, living space with a balcony on the middle level, and bedrooms on the top level.

The proposal intends to mirror the general building and driveway design of the existing Insignia Glen development, built via PUD in the early 2000s, and will utilize the same private drive for access to East River Road via an existing access easement that was granted and recorded via the early 2000s PUD. For this reason, the existing gravel curb cut onto the subject property will be removed and replaced with turf and landscaping areas. New

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walkways are proposed along the private drive (south property line)—with walkway connections to each unit—and along North East River Road (east property line) of the subject property for pedestrian access throughout the site and connections to the existing Insignia Glen PUD. The development also proposes common green spaces for residences opposite the driveway entrances where separate front door, porch area, and walkway connections are provided.

TEXT AMENDMENT

Request Description: *Overview*

As noted above, the subject property is less than an acre in size, which does not meet the minimum two-acre requirement for a PUD pursuant to Section 12-3-5.B.3.a of the Zoning Ordinance and therefore requires a text amendment to allow the subject property to be eligible for a PUD.

Proposed Text Amendment

The petitioner has provided the attached Proposed Text Amendments to identify the requested language in Section 12-3-5.B.3.a. Based on the proposal, there would be no minimum PUD size for detached single family and attached townhouse residence developments that consist of multiple principal buildings. The proposed amendments would allow the proposed townhouse (single-family attached) PUD on the subject property, which includes multiple residential buildings (i.e., dwellings) and represents four principal structures.

The proposed amendments would not, however, remove the existing minimum two-acre requirement for PUDs that do not meet the criteria above. For example, a single-family detached or townhouse development that consists of a single principal building would still need to be a minimum two-acres in area in order to be eligible to establish a PUD as currently required in the Ordinance. Similarly, a proposed two-family residence (i.e., duplex) or multi-family (i.e., apartment) development would also need to meet the minimum two-acre requirement in order to be eligible for a PUD. The petitioner’s rationale for the proposed amendments is found in the attached Petitioner’s Responses to Standards for Text Amendments.

MAP AMENDMENT

Request Description: *Overview*

The subject property is currently located in unincorporated Cook County and is not classified under any zoning district classification identified in Chapter 7 of the Des Plaines Zoning Ordinance. However, upon approval of an annexation of the subject property into the municipal boundaries, absent a Map Amendment to establish an “...appropriate district

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classification...” (Section 12-6-3, Annexed Land), the default zoning district classification is R-1 Single Family Residential per Section 12-6-4.B. The proposed townhouse dwelling use is not allowed in the R-1 district as a permitted or conditional use but is permitted in the R-3 Townhouse Residential district as noted below.

Residential Districts Use Matrix				
<i>Use</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>
Dwellings, townhouse*			P	P
Planned Developments	C	C	C	C

*This use is not allowed in the R-1 and R-2 zoning districts.

As such, the petitioner is requesting a map amendment to rezone the property, once annexed, from R-1 to R-3 to construct the proposed townhouse PUD. A PUD in the R-3 district does require approval of a conditional use permit by the City Council as noted in the table, which will be discussed in more detail in the *Preliminary PUD request* section.

Bulk Regulations

A townhouse dwelling use is subject to the bulk regulations in Section 12-7-2.J of the Zoning Ordinance. The table below compares the R-3 district regulations with the proposed development on the subject property.

R-3 Townhouse Residential District Bulk Standards		
<i>Bulk Controls</i>	<i>Required</i>	<i>Proposed</i>
Maximum height	45 ft	36 ft
Minimum front yard [east] (adjacent residential)	25 ft	35 ft
Minimum side yard		
• North (building height over 35 ft)	10 ft	10 ft
• South (building height over 35 ft)	10 ft	13 ft
Minimum rear yard [west] (building height over 35 ft)	30 ft	24 ft*
Minimum lot width (interior lot)	45 ft	105 ft
Minimum lot** area (interior lot)	2,800 SF per DU	1,040 SF per DU*
Maximum building coverage (interior lot)	None	N/A

*Indicates that the regulation is not met; staff recommends seeking PUD exceptions for the rear yard setback and density pursuant to Section 12-3-5.C of the Zoning Ordinance. See the Preliminary PUD request section for additional details.

**For fee-simple, individually platted townhouse developments, the definition and context of “Lot” has been historically interpreted to refer to individual townhouse lots of record. Therefore, with a minimum required of 2,800 square feet, when a smaller area is proposed, an exception is required.

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Site Plan Review

Pursuant to Section 12-3-7.D.2 of the Zoning Ordinance, a Site Plan Review is required for all map amendment requests to assess how the request meets the characteristics identified in Section 12-3-2, which are listed below along with staff’s assessment of each in relation to the current Site Plan provided by the petitioner. Note that the attached PUD Site Plan may be adjusted as necessary by the petitioner to address staff/public comments and incorporate all needs of the proposed townhouse development.

Site Plan Review	
<i>Item</i>	<i>Analysis (based on Proposal)</i>
The arrangement of structures on the site	<ul style="list-style-type: none"> • Positions buildings to make better use of space and create separate parking and open spaces. • Compatible with uses to the south and east in incorporated Des Plaines
The arrangement of open space and landscape improvements	<ul style="list-style-type: none"> • Multiple open space and landscape areas proposed throughout development. • Creates a functional and desirable environment for patrons, pedestrians, and occupants.
The adequacy of the proposed circulation system on the site	<ul style="list-style-type: none"> • Relies solely on existing private drive for all site access, no alternate connections throughout site. • Minimizes curb-cuts on North East River Road
The location, design, and screening of proposed off-street parking areas	<ul style="list-style-type: none"> • Landscape screening of parking areas provided in between individual driveways and parking areas. • Provides a defined separation between pedestrian and vehicle circulation.
The adequacy of the proposed landscaping design on the site	<ul style="list-style-type: none"> • Adequate perimeter parking lot landscaping provided in front of and behind parking areas. • Intends to preserve existing trees on site. • Both foundation and site perimeter landscaping proposed all of sides of buildings to create an adequate a defined transition between uses.
The design, location, and installation of proposed site illumination	<ul style="list-style-type: none"> • Location of proposed exterior illumination is not clearly identified and should be shown.
The correlation of the proposed site plan with adopted land use policies, goals, and objectives of the comp. plan	<ul style="list-style-type: none"> • In line with the multifamily residential use designated for neighboring properties on the future land use map in the Comprehensive Plan. • Aligns with the Comprehensive Plan objective to create additional and more dense housing options.

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PLANNED UNIT DEVELOPMENT (PUD)

Request Description: *Overview*

The proposed development includes four separate principal buildings. Section 12-13-3 of the Zoning Ordinance defines a principal building as “*a non-accessory building in which a principal use of the lot, on which it is located, is conducted.*” In a townhouse development, the townhouse dwelling itself represents the principal use of the property, which is to provide:

“A room or group of contiguous rooms that include facilities used or intended to be used for living, sleeping, cooking and eating, and that are arranged, designed or intended for use exclusively as living quarters” (Section 12-13-3, Zoning Ordinance).

In short, the proposed PUD on the subject property includes attached townhouse residential units in four separate buildings (i.e., dwellings), which represent four principal structures. However, pursuant to Section 12-7-1.A of the Zoning Ordinance, not more than one principal building or structure can be located on a zoning lot, except in certain cases. In the list of available exceptions, a planned development, defined below, is the only case suitable for the proposal.

A development occurring on a parcel under single ownership or unified control which is developed as a unit and includes two (2) or more principal buildings or uses and is processed under the planned development procedure of this title” (See section 12-3-5, "Planned Unit Developments", of this title.) (Section 12-13-3, Zoning Ordinance).

The purpose of a PUD is to permit a type of development that aligns with the characteristics in Section 12-3-5.A of the Zoning Ordinance, which are listed below along with staff’s assessment of each in relation to the attached Preliminary PUD Plat provided by the petitioner.

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Preliminary PUD Plat Review	
<i>Item</i>	<i>Analysis (based on Proposal)</i>
A maximum choice in the types of environment available to the public by allowing a development that would not be possible under the strict application of the other sections of this title	Provides an additional housing option with increased density and multiple principal buildings that is not permitted elsewhere in the Zoning Ordinance.
Permanent preservation of common open space and recreation areas and facilities	Creates common open space and/or recreation area where there is none currently.
A pattern of development to preserve natural vegetation, topographic and geologic features	Includes a tree prevention plan to minimize impacts to vegetation and physical site features.
A creative approach to the use of land and related physical facilities that results in better development and design and the construction of aesthetic amenities	Building design/layout provides a defined separation between paved areas and common space; provides adequate screening between these areas and neighboring lots.
An efficient use of the land resulting in more economic networks of utilities, streets and other facilities	Utilizes existing private drive to reduce curb cuts onto the street and tie into existing utilities and facilities.
A land use which promotes the public health, safety, and general welfare	Transforms an under-utilized site with dilapidated/unsafe structures to a safer and beneficial use.

Prerequisites: Location, Ownership, and Size

PUDs are authorized in all zoning districts in the City subject to the regulations in Section 12-3-5 of the Zoning Ordinance and are required to be under single ownership and/or unified control. While the subject property is currently not owned by the petitioner, the petitioner does intend to take ownership of the property upon approval of the requests in this application and the annexation of the property. While not part of the Planning and Zoning Board’s purview, staff will require the petitioner to enter into a development and annexation agreement which will need to be approved by the City Council. The establishment of a Homeowner’s Association (HOA) will also be required to manage and maintain the proposed PUD.

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These regulations also specify minimum size requirements for PUDs depending on the zoning district for which it is located. Pursuant to Section 12-3-5.B.3.a of the Zoning Ordinance, the minimum size of a planned unit development must not be less than two acres for a property in the R-3 zoning district. Since the property is less than an acre, the proposed PUD does not meet this requirement and therefore requires a text amendment to the Zoning Ordinance to allow the proposed PUD on the subject property. See the *Text Amendment* request section earlier in the report for additional information.

Parking Requirement

Pursuant to Section 12-9-7, a townhouse (single-family attached) residential use requires a minimum of two off-street parking spaces per dwelling unit plus one common guest space for every four dwelling units. As such, the proposed 16-unit PUD requires a minimum of 36 off-street parking spaces: 32 for direct use of the units and four common guest spaces and two accessible spaces. The attached PUD Site Plan indicates two covered off-street garage spaces for each unit and eight standard parallel parking spaces off the private drive.

PUD Bulk Exceptions

As identified in the R-3 Bulk Regulations table above, the proposal does not meet the minimum rear yard, building design, and density (minimum lot area) regulations. As such, PUD exceptions are required through Section 12-3-5.C.1 (Necessity of Bulk Exceptions), Section 12-3-5.C.2 (Perimeter Yards), and Section 12-3-5.C.6 (General Design).

TENTATIVE PLAT OF SUBDIVISION

Request Description: *Overview*

The proposal includes a subdivision of the subject property from one, 43,476-square-foot lot to 17 lots of record, including a separate lot for each of the 16 units (Lots 1-16) and one lot (Lot 17) for the common area of the PUD.

The attached Tentative Plat of Subdivision, titled Insignia Glen 2 Subdivision, shows the location, boundaries, and size of each lot, which vary from 1,040 to 1,248 square feet in size for the townhouse lots and equates to 20,986 square feet for the single common space lot proposed, totaling 39,290 square feet (0.90-acres). The remaining 4,186 square feet accounts for the portion of the property that extends into the North East River Road right-of-way, which is proposed to be dedicated to Cook County as part of this request.

Building Lines and Easements

The Insignia Glen 2 Subdivision shows the following easements and building lines: (i) a new 25-foot front building setback line along North East River Road where the proposed

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subdivision abuts the street; (ii) a new 10-foot side building setback line along the north and south of the proposed subdivision; (iii) a new 22-foot rear building setback line along the west boundary of the proposed subdivision; (iv) a 2.5-foot cross access easement located on 172 N. East River Road but serves the subject property; and (v) a blanket easement for ingress, egress, public and private utilities, and drainage for Lot 17.

Subdivision Process, Required Public Improvements

Although the petitioner’s request is for a Tentative Plat only at this time, the Board and public may benefit from understanding the requirements of a Final Plat, which is the second step in the subdivision approval process. The steps for Final Plat are articulated in Sections 13-2-4 through 13-2-8 of the Subdivision Regulations. In summary, the Final Plat submittal requires engineering plans that must be approved by the City Engineer, in particular a grading and stormwater management plan.

Ultimately a permit from the Metropolitan Water Reclamation District (MWRD) will be required for construction. Tentative Plat approval does not require submittal of engineering plans. The Engineering review is more detailed for plans at the Final Plat stage, as those are accompanied by civil drawings, which are not required at the Tentative Plat stage.

Regardless, the Department of Public Works and Engineering (PWE) has provided brief comments (attached) based on the submittal. The memo comments that the proposed 4-foot-wide walkway/sidewalk immediately north of the parallel parking should be widened to a minimum seven feet to accommodate for door swing and ability for pedestrians to pass on the walkway.

Standards for Zoning Text Amendment:

The following is a discussion of standards for zoning text amendments from Section 12-3-7.E of the Zoning Ordinance. Rationale for how well the proposal addresses the standards is provided 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. 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;

Please see the Petitioner’s Responses to Standards for Text Amendments.

PZB Additions or Modifications (if necessary): _____

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

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Please see the Petitioner’s Responses to Standards for Text Amendments.

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;

Please see the Petitioner’s Responses to Standards for Text Amendments.

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

Please see the Petitioner’s Responses to Standards for Text Amendments.

PZB Additions or Modifications (if necessary): _____

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

Please see the Petitioner’s Responses to Standards for Text Amendments.

PZB Additions or Modifications (if necessary): _____

Standards for Zoning Map Amendment:

The following is a discussion of standards for zoning map amendments from Section 12-3-7.E of the Zoning Ordinance. Rationale for how well the proposal addresses 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. 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;

When annexed the subject property will automatically be classified R-1 Single-Family Residential pursuant to Section 12-6-4.B of the Zoning Ordinance, a district similar to the Single-Family Residential District (R4) for which it is classified in unincorporated Cook County. While a single-family residential district is practical for some properties and a new single-family residence could be built on the subject property once annexed, it is not the best and most efficient use of the property, especially when next to existing multiple-unit and townhouse residential developments; R-3 zoning is immediately next to this site in all directions within Des Plaines’ corporate boundaries. In addition, the expansion of housing stock and variety is listed as an overarching principal of the 2019 Comprehensive Plan, which the proposed map amendment and future PUD would accomplish.

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PZB Additions or Modifications (if necessary): _____

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

The subject property is adjacent to townhouse residential zoning to its south and east, but it also is adjacent to single-family residence zoning (Unincorporated Cook County) to its north and west. That said, the existing townhouse PUD at 172 N. East River Road directly abuts the subject property and 210 N. East River Road, both of which are zoned single-family residential (Unincorporated Cook County) and contain single-family residences. The access drive of the townhouse PUD at this address directly abuts the north property line with little to no transition between uses. However, with the current townhouse PUD proposal on the subject property, it can be argued that the proposed layout and design of the PUD would create a smoother and more defined transition between the townhouse PUD use and the single-family residences in unincorporated Cook County to the north and west. In addition, the proposal is consistent with the existing townhouse developments in the immediate area, all of which create additional housing stock and options.

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;

There are no perceived concerns with the adequacy of public facilities and services for the subject property with the proposed map amendment. The anticipated use of the subject property upon approval of the map amendment would arguably improve the public facilities and services available on the site.

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

The proposed map amendment would allow for residential uses that are by nature denser in development. However, there are no perceived concerns that an allowance for denser residential uses would negatively affect surrounding properties by way of traffic, noise, fumes, dust, and odors. Staff is not aware of any issues from the existing higher density residential uses in the immediate area. In addition, it could be argued that the current state of the subject property is in disrepair, and the approval of the map amendment allows for additional residential development types, which could maximize the use of the subject property and improve its overall appearance. It is anticipated that this request could reduce any existing adverse effects on the subject property and an increase the values of neighboring properties, both of which benefit the City.

PZB Additions or Modifications (if necessary): _____

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

The proposed amendment allows for additional uses not currently eligible for the subject property given its default single-family residential zoning designation and repurposes an underutilized/run-down property.

PZB Additions or Modifications (if necessary): _____

PUD Findings of Fact:

The following is a discussion of standards for PUDs from Section 12-3-5 of the Zoning Ordinance. Rationale for how well the proposal addresses 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. The extent to which the Proposed Plan is or is not consistent with the stated purpose of the PUD regulations in Section 12-3-5.A of this title:

The proposed townhouse PUD generally aligns with the stated purposes of PUDs as analyzed in the Preliminary PUD Plat Review table above with a proposed multiple principal building development, designated open/common space, separate vehicular and pedestrian areas, perimeter and interior landscaping areas, and tree prevention plan, all of which foster public health, safety, and general welfare for residents.

PZB Additions or Modifications (if necessary): _____

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

The proposal is intended to meet the ownership/unified control requirements in the Zoning Ordinance. However, it does not meet the minimum size requirement, requiring a text amendment to this portion of the Zoning Ordinance to permit its construction. However, the PZB may determine that the removal of the minimum PUD size requirement for single-family and townhouse (two-family) developments with multiple principal buildings may promote more unique and multiple use developments throughout the city, which could benefit Des Plaines as a whole.

PZB Additions or Modifications (if necessary): _____

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

The proposal departs from the bulk regulations in Section 12-7-2.J of the Zoning Ordinance as it includes a denser townhouse residential development that exceeds the 2,800-square-foot minimum

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lot area requirement and proposes a rear yard building setback of 22 feet, which is less than the required minimum 25-foot-setback. The proposed density is similar to the density on surrounding townhouse developments in the area and allows for additional housing stock in the City. The rear yard building setback deficiency is located on the west side of the lot, which faces a single-family residence. However, the proposed landscape screening around the perimeter of the proposed townhouse PUD is sufficient to provide a defined transition between the two uses. In the addition, the proposed development improves the current conditions of the subject property and development that is in disrepair.

PZB Additions or Modifications (if necessary): _____

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

The proposed design of the townhouse PUD and layout of residential buildings allow for a distinct open space/pedestrian area for all units, consolidated paved vehicular areas, and a defined separation between the two. It does provide for some recreational space in between the residential buildings, which could foster a greater quality of life for its residents. In addition, it substantially improves the aesthetic appearance and reduces adverse effects on the subject property.

PZB Additions or Modifications (if necessary): _____

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

The proposal is consistent with the existing townhouse residential developments to its south and east, especially the townhouse PUD located at 172 N. East River Road, which the proposed PUD development on the subject property is intended to mirror. It also redevelops a blighted property into a multiple unit residential development that will potentially improve surrounding property values.

PZB Additions or Modifications (if necessary): _____

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

The proposal would provide additional housing stock that helps to increase the tax base for the City and improve the economic well-being of Des Plaines. It would also provide extra economic benefit through utility and public service fees that are currently not eligible for the subject property at this time.

PZB Additions or Modifications (if necessary): _____

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

The proposal increases housing stock and create additional housing options for residences, which aligns with the housing goals and objectives of the Comprehensive Plan. It also redevelops an underutilized property and reduces blighted areas, both of which are promoted by the Comprehensive Plan.

PZB Additions or Modifications (if necessary): _____

PZB Procedure and Recommended Conditions:

Under Section 13-2-3 (Planning and Zoning Board’s Procedure) of the Subdivision Regulations, the PZB has the final authority to approve, approve with conditions, or deny the Tentative Plat of Subdivision request at 180 N. East River Road.

Under Section 12-3-5.D.2.c (Procedure for Review and Decision for PUDS) and Section 12-3-7.D (Procedure for Review and Decision for Amendments) of the Zoning Ordinance, the PZB has the authority to *recommend* that the City Council approve, approve with modifications, or deny the above-mentioned requests at 180 N. East River Road. The City Council has final authority on these requests.

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

Zoning Recommendations to City Council

- A motion pursuant to Section 12-3-7.E of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the proposed Text Amendments.
- A motion pursuant to Section 12-3-7.E of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the proposed Map Amendment.
- A motion pursuant to Section 12-3-5.E of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the request for a Conditional Use for a Preliminary PUD, with exceptions for minimum lot area, building design, and minimum required rear yard; and

Subdivision Approval (Tentative Plat)

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

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If the PZB recommends approval, staff recommends the following conditions.

Conditions of Approval:

1. All proposed improvements and modifications shall be in full compliance with all applicable codes and ordinances. Drawings may have to be modified to comply with current codes and ordinances.
2. The Final PUD, plat, and site plan documents shall be revised to provide either (i) a minimum 7-foot-wide walkway/sidewalk adjacent to the proposed parallel parking or (ii) sufficient buffer through curb or planting strip to accommodate door swing, as well as any other revisions required of the Public Works and Engineering Department in the attached memo.
3. Improvements to the private drive for driveway curb cuts and on-street parking shall comply with the cross-access easement recorded with the approved PUD for the Insignia Glen development immediately to the south.
4. All governing documents for the construction and ongoing operation of the proposed development including but not limited to any development/annexation agreements, covenants, conditions, and restrictions, or any operating reciprocal easement agreements must be submitted to and approved by the City’s General Counsel prior to the recording of the Final Plat of PUD or Final Plat of Subdivision.
5. All land use and permitting approvals shall not become effective until the City finalizes approval of annexation of the subject property.

Attachments:

Attachment 1: Location Map

Attachment 2: Site and Context Photos

Attachment 3: Photos of Existing Conditions

Attachment 4: Petitioner’s Responses to Standards for Map Amendments, Text Amendments, & PUDs

Attachment 5: Plat of Survey

Attachment 6: Project Narrative

Attachment 7: Preliminary PUD Plat (includes Site Plan)

Attachment 8: Architectural Plans

Attachment 9: Landscape Plan (includes Tree Preservation Plan)

Attachment 10: Excerpt from Preliminary Engineering Plans¹

Attachment 11: Public Works and Engineering (PWE) Department Memo

Attachment 12: Proposed Text Amendments

Attachment 13: Tentative Plat of Subdivision

¹ A full copy is available by request to the Department of Community and Economic Development.

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Chair Szabo swore in Todd Polcyn, Petitioner, Len Kleinjan, Engineer, Todd Cox, Architect and Tom Burney, Lawyer.

Mr. Polcyn described the proposed project Insignia Glen 2 at 180 North East River Road. There would be 16 Townhomes. They would be 2 and 3 bedrooms. He explained the projects they have completed in neighboring areas. He said they have a second phase of the property to the south. They are conscious about the layout being consistent. They have been in communication with the property management company for the development in the south. He stated they want to work with them and offered to share the cost to maintain the detention pond and part of the road.

Len Kleinjan, Principal with Haeger Engineering. He is a licensed land surveyor and engineer in Illinois. He explained the project location map at 180 N. East River Road. It is currently located in Unincorporated Cook County. It is just north of the City of Des Plaines limits. One of the requests is to annex and zone into R-3 which is complementary to the adjacent zoning. It will need to be subdivided and a planned unit development is requested. To allow to be a Planned Unit Development. They will need a text amendment to change the size. This property was not considered in the comprehensive plan but appears to be an extension of that area. The intent of the project was to mirror the 16 units on the south for Insignia Glen. Mr. Kleinjan was part of that project in 2002 with Haeger Engineering. Access was granted with the private road with the hope that this development would come to Des Plaines. As part of this request, improvements are included, such as a new entrance along River Rd. Improvements and maintenance costs are associated with this project.

Mr. Kleinjan explained the improvements and new entrance to River Road and the private road. He displayed photos of the property condition. He described the Planned Unit Development site plan. There would be 16 lots. They would be 20 x 52 and 24 x 52 for the corner units. Each townhome will be in its own lot. There is also a common lot with shaded open space. The driveways will be aligned with the south driveways. There will be two car garages. 4 spaces, two in the garage and two in the driveway, are planned. They also propose 8 parallel parking spaces on the development. There is also an extension of the sidewalks that will connect to existing sidewalks.

He stated there is also a preliminary PUD associated with this request that includes what is proposed along with utilities, commercial entrance, water and sewer extensions, driveway and drainage improvements. They will use permeable pavers and large rocks that will help with infiltration to help with volume control. The PUD shows the area and neighborhood conditions. This property is on a hill, and it flows in each direction. Most is draining to the south and it will end up going to E River Rd and the other part will go to the Insignia Glen drainage system and to the Cook County Forest Preserve. They need to subdivide to create the lots for city approval. The slide shows the proposed dedications. They will be subdividing the 16 lots and the common space proposed.

Mr. Kleinjan said that the landscape architect is not here. They are proposing landscaping around the units and in front of the building. There is also a 6-foot board on board fence along the edge of

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the property. The landscape plan includes a tree preservation plan. Many trees cannot be saved, but some will be preserved if they can.

Jay Cox, Architect with Cobu Architecture Studio stated they utilized the footprints by Haeger to create this design. They looked at the neighborhood, site size, grading and integration into Des Plaines. Mr. Cox stated since these are an extension of the homes to the south, they have been considerate and complimentary to that development. It is important to note the elevations are simplified but the materials and design elements are consistent with the development to the south. These units will look the same as the adjacent development. He displayed an elevation slide. He describes the design guidelines, other townhome in Des Plaines and exteriors of Insignia One. He displayed slides showing the front, side and back of the development. He displayed slides of the floor plans including lower, main, and upper floor and detailed unit plans.

Tom Burney has been a land use Attorney for 43 years. He explained the Developer Request. He went over pages 31-37 of the packet which includes the Map Amendment, Text Amendment and Planned Unit Development. He stated that they have been in contact with the Homeowner's Association. He explained the offer to pay 43% of the maintenance of the road and the detention pond. He stated that the two developments would be partners. He stated that they will be adding a new base on the road that will improve the conditions. He stated that the annexation would be a blessing. The property is in disrepair. Once the property is in Des Plaines it will have to follow the rights and obligations. He stated that it is time for the property to come into the rules and regulations. When the property is a PUD, the city will have tools to get what the developer promises. When you look on the zoning map Len showed, everything that the city has zoned in here is R-3. A couple of extra units in this development make sense given the challenges this developer is facing. There is a setback in the rear yard that will be landscaped for the property owner to the west. Those two departures are not out of line, and they are warranted. He stated your responsibility is to determine if this proposed use promotes the public welfare and impact the quiet use and enjoyment. He believes it will do these things and hopes that at the conclusion of the presentations and the hearings that you will recommend approval.

Jonathan Stytz, Senior Planner gave the staff report. He explained the request for 180 North East River Road which includes Annexation, Text Amendment, Map Amendment, Tentative Plat of Subdivision and Planned Unit Development. He reviewed the slides which include Location Map and Background, Site Photos, Overview of Requests, Text Amendments, Existing Standards and Proposed Amendments, Map Amendment, Consideration and Proposed Map Amendment, Proposed PUD Site Plan, Site Plan Review, Preliminary PUD, Proposed PUD Site Plan, Proposed Elevations, Proposed Floor Plans, Tentative Plat of Subdivision, Tentative Plat of Insignia Glen 2 Subdivision and PZB Considerations

Member Catalano asked about the alleys. Are people able to park there?

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Mr. Burney said that they have seen some cities that allow for police power to police those kinds of parking things. This could be entered with a development agreement.

Member Hofherr stated that the property nearby is shown as R-4 single family on the map, are there plans to develop this location at a later time? Has the City discussed this? How do they get to the property? Is that a public access road though?

Mr. Burney stated no, there is a weird flag lot on the Cook County parcel. There is a road that snakes north and gets access to the road.

Mr. Stytz stated there has been no requests to the City that involve the development of that property. The access road is most likely a shared driveway.

Member Hofherr asked if someone comes in for a development back there, would there be proper access to develop that property? He was surprised that this developer isn't looking into adding another set of buildings there. His thought is there that with the private road you are planning, at the west end, you could make access to that property. If you had buildings there, you could access from there.

Mr. Burney stated there is the cul-de-sac bulb at the existing Insignia Glen that goes back. I am not sure the city has reserved that R-4 existing area. Between the two properties, it is possible to provide it. The client was not able to get that property.

Mr. Kleinjan stated the current property has access to the north. There is an access easement that comes down to the South. I am not sure if they are owned by the same person, but you can see the access easement on the aerial. There is no access through this property.

Chair Szabo asked if anyone in the audience has questions.

Chair Szabo swore in Linda Rettberg: 172 N. E. River Rd. She said her concern is traffic. They have 21 units with two people per unit with 2 cars. If the 16 units are built, that will be an additional 32 cars, 74 cars with the existing development. She said that is a lot of traffic for a small road along with delivery trucks. Plus, they have family and friends around the holidays. They like having that curve on the north end of the private road although most people use the south part to be closer to the unit they are visiting. She also stated there is a lot of people walking with children and young families with dogs. She doesn't see that a small road can help accommodate the additional traffic. Ms. Rettenburg also stated as far as the HOA, this would be additional work for them. She is a board member and there are two other board members here. They have full time jobs and families.

Chair Szabo swore in Piotr Niewiaowski, 210 N. E. River Rd: He stated that they are the R-4 property to the west. They are concerned with drainage and privacy. They are one of the properties the lawyer mentioned. They mentioned a 6-foot fence. He stated that the property already gets a lot of water. They would like some water mitigation. There is a retention pond at the Insignia property.

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They are concerned about the elevated property proposed. He suggested 8 ft or taller privacy fence. He stated the access road is shared with ComEd and has access to the forest preserve.

Chair Szabo asked if that is access for people to the north and if they share the driveway to this property.

Mr. Niewiaowski stated when the road is west, that is ComEd, when it goes south it is joint ownership with the property owner there.

Chair Szabo swore in Monica Smith, 160 N. E. River Rd: She stated she has a few concerns. They own the R-4 property north to the development. They have a single-family home. There was mention of the fabric of the neighborhood. She stated that fabric is divided and not all townhomes. There are single family homes too. Their concern is privacy with a three-story building looking to the backyard. It is a different quality of life with that many windows. Another concern is noise and 32 cars for parking in garages. Water runoff is a concern. Their water is on a well. It seems densely planned. I am not sure if the retention pond will be enlarged.

Member Veremis said that the property there now is a single-family home. She asked how long it has been vacant.

Todd Polcyn stated that he purchased the property four months ago.

Mr. Burney stated as far as the privacy fence, they can evaluate with staff if an 8-foot fence would be a significant difference. They have seen pictures of what they have been living next to for many years. I would suggest this is a great improvement. They are sensitive to privacy too. In terms of water, is there any community in Chicago that doesn't know more about drainage and flooding than Des Plaines? They will not get approval unless we meet all requirements. They will not increase the flooding problem and in fact will improve it.

Chari Szabo asked if they could please be specific about the flood and sewer plan.

Mr. Kleinjan stated that they do understand there are drainage concerns. The site is on a hill, and it flows in all directions. There is drainage to the north and west. With the improvements, they will have storm sewers and will drain to the permeable paver where there is volume control under the drive ports to hold the water. The water will be sent through the Insignia Glen project into the detention pond and into the forest preserve. The neighbors to the west will have the water issue they are experiencing now that are improved.

Member Weaver stated he commends the petitioner for the permeable pavers, we need more of that in Des Plaines and I thank you for doing that. He asked a question for the staff – staff has drafted 4 motions and 5 conditions of approval. Given the PUD nature of this, the conditions of approval apply all over the place to some motions more than others. If we vote separately, which conditions apply to each motion?

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John Carlisle stated all conditions are intended to apply for a PUD. A map and text amendment can't be conditioned. It is tied to the PUD which is the fourth of the requests. He said -let me correct myself – the City Attorney has advised that the map amendments effectiveness to be delayed as a procedural order of operations. The annexation must be approved by Council before the R-3 zoning can take into effect. Condition 5 addresses that. That could be a preliminary PUD condition, but condition 5 is to be expressed in the council approval.

Member Weaver asked if they don't annex, then none of this will matter.

Mr. Carlisle stated except the text amendment, that will apply to all of the city, and it is independent.

Mr. Burney stated for the record, we have no objection to any of the conditions.

A motion was made by Board Member Catalano seconded by Board Member Saletnik to recommend to City Council approval of the Tentative Plat of Subdivision as requested.

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

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

A motion was made by Board Member Catalano seconded by Board Member Saletnik to recommend to City Council approval of the Text Amendment as requested.

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

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

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A motion was made by Board Member Catalano seconded by Board Member Saletnik to recommend to City Council approval of the Map Amendment with condition number 5.

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

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

A motion was made by Board Member Catalano seconded by Board Member Weaver to recommend to City Council approval of the Conditional Use for Preliminary PUD as requested with staff conditions 1-4.

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

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

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3. **Address:** 1378 Margret Street **Case Number:** 23-044-V
 The petitioner is requesting Major Variations to allow an 8-foot-tall and 50-foot-wide trellis in the interior side yard at 1378 Margret Street where a maximum height of six feet and a maximum width of eight feet are permitted.

PIN: 09-20-314-012-0000

Petitioner: Patrick Howe, 1378 Margret Street, Des Plaines, IL 60018

Owner: Patrick Howe, 1378 Margret Street, Des Plaines, IL 60018

Petitioner: Patrick Howe, 1378 Margret Street, Des Plaines, IL 60018

Owner: Patrick Howe, 1378 Margret Street, Des Plaines, IL 60018

PIN: 09-20-314-012-0000

Ward: #3, Alderman Sean Oskerka

Existing Zoning: R-1 Single Family Residential district

Existing Land Use: Single Family Residence

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)

Street Classification: Margret Street and Forest Avenue are classified as local roads.

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

Zoning/Property History: Based on City records, the subject property was annexed into the City in 1953 and has been used as a single-family residence.

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Background:

Structure Installation and Enforcement

In April 2022, an eight-foot-tall structure, attached to a fence, was erected on the north property line between 1368 and 1378 Margret Street. A code enforcement case was opened to address any violations associated with the structure. Initially, the structure was classified as a “fence” and a violation was issued for the fence exceeding the allowable height. Section 12-8-2 allows for solid fences in the side yards up to six feet in height. The structure measured eight feet from grade to the top of the structure.

Between April and October 2022, City staff completed several site visits and meetings with the property owner/petitioner to discuss this structure. In October 2022, a Final Zoning Decision Letter classified the structure as a “trellis,” based on the fact that the structure had been detached from the fence and the Zoning Ordinance at the time (which has since been amended) permitted a trellis to be up to eight feet in height and located at least one foot away from the lot line.

Zoning amendments were approved by City Council on April 3, 2023 that (i) define fence and trellis separately and (ii) limit trellises’ size, location, and width. The structure is not in compliance with maximum height (8 feet instead of 6 feet) or width (50 feet instead of 8 feet). The structure was not able to be classified as a “nonconforming structure” per Section 12-5-6 because it was not lawfully established; an inspection in mid-April revealed the structure was taller than 8 feet, or the prior height limitation, and therefore could not be considered lawful. The property owner was required to remove the existing structure, which they did, and chose to apply for a variation from the new trellis rules to re-install the former structure.

Recent Text Amendments for Fences, Trellises, and Arbors

The text amendments to clarify regulations and add terms for fences, trellises, and arbors were approved through Ordinance Z-6-23. The following definitions have been established for fence and trellis:

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

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In addition to the new definitions, a summary of the new trellis regulations—as they relate to the petitioner’s request—are below.

- **Location:** Trellises are permitted in all required front, side, corner-side, or rear yards or the buildable area with some limitations.
- **Height:** Allows trellises up to six feet in height in the interior side yards.
- **Width:** Trellises cannot exceed 8 feet in width.
- **Material:** Trellises must be constructed of wood, wrought iron, vinyl, or similar decorative material; and
- **Separation:** Trellises may not be attached to or located less than six feet from other trellises.

Project Description: *Overview*

The petitioner, Patrick Howe, has requested a major variation to allow an 8-foot-tall and 50-foot-wide trellis structure. Plans for the proposed structure are attached. The subject property consists of a 9,081-square-foot (0.21-acre) lot with a 1,285-square-foot, two-story house, one frame shed, a large playground structure, and a deck. The petitioner provided photos of the previous trellis structure prior to dismantling to resolve code enforcement violations.

In the Responses to Standards, the petitioner indicated that the proposed structure would be used as a support for climbing plants. However, the photos display several arborvitaes, which do not require support unless recently planted or damaged², and no evidence of climbing plants that are typically in need of a trellis for support. Nonetheless, if the PZB accepts that the structure’s purpose would be for plant support, the petitioner’s desired height and width require variation from Sections 12-7-1.C and 12-8-14. B.1 of the Ordinance.

PZB Considerations

Based on the substantial size, positioning, and design of the structure in question, the PZB may wish to analyze if the true intent/utilization of the structure, as proposed to be designed, is more to serve as a barrier to screen the petitioner’s property from view from the neighbor instead of a structure for the primary purpose of providing support for climbing plants. Further, the PZB may inquire as to what plantings the petitioner intends to install on the property that necessitate an 8-foot-tall, 50-foot-wide trellis structure, or namely why alternative plantings that do not need support from other structures were not installed in its place. See staff’s analysis of the variation standards. Refer to attachment for public comment received for this project.

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

² University of Minnesota Extension, 2020, *Planting and Growing Guides: Staking and guying trees*, <https://extension.umn.edu/planting-and-growing-guides/staking-and-guying-trees>

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standards is provided below and in the attached petitioner responses to standards. The Board may use the provided staff comments 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: Considering the other opportunities available, the zoning challenges encountered do not rise to the level of hardship or practical difficulty. The petitioner argues that the arborvitae and ivy require a trellis to support their growth. Thuja, commonly called “arborvitae” are a genus of evergreen trees popular for providing screening and privacy on properties either in lieu of or in addition to a fence, with some species native to the Midwest. Arborvitae prefer full sun exposure and are known for their hardiness and their compact but tall appearance.³ Like many trees, arborvitae may temporarily require support with stakes when freshly planted, but improper or long-term support of the tree can be damaging.⁴ Staff were unable to find any planting guides that suggested long term use of supports or the use of a trellis to provide support for a tree. On the other hand, ivy may require a trellis for growth, depending on the species. However, the photos and documents provided by the petitioner did not indicate any ivy is currently growing nor the type of ivy. Overall, staff were unable to validate the claim that a trellis of this size is necessary to support the existing or proposed plants.

Approval would allow a structure that is six times the allowable width. Through either 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): _____

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

³ Ohio Department of Natural Resources, *Arborvitae*, <https://ohiodnr.gov/discover-and-learn/plants-trees/scale-like-leaves/arborvitae-thuja-occidentalis>

⁴ University of Minnesota Extension, 2020, *Planting and Growing Guides: Staking and guying trees*, <https://extension.umn.edu/planting-and-growing-guides/staking-and-guying-trees>

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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 a typical rectangular, corner lot that is neither exceptional to the surrounding lots nor contains unique physical features that prevent the petitioner from complying with the appropriate regulations. As there are ample opportunities for the petitioner to locate a code-compliant trellis or trellises on the subject property, the request for an 8-foot-tall and 50-foot-wide trellis appears to be more of a personal preference of the property owner instead of a definable unique physical condition.

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: Any perceived unique physical conditions or hardships created from these items are a direct result of the actions of the property owner. The petitioner has not yet provided evidence that the proposed planting requires a structure of this size to sustain its vitality.

PZB Additions or Modifications (if necessary): _____

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

Comment: Enforcing the trellis height and width requirements does not deny the property owners from constructing a trellis on their property but requires said trellis structure to conform with the applicable requirements that apply to any trellis structure installed throughout the City.

Given the initially installed 8-foot-tall and 50-foot-wide structure on the subject property, as illustrated in the attached Photos of Prior Conditions, and the petitioner’s rationale that the structure in question is necessary to support plants, the PZB may discuss whether the true intention of this structure is more to provide a substantial barrier between the two properties rather than providing support for climbing plants. Even if solely for the intention of supporting climbing plants, the PZB may ask itself if the ability to install a structure at this scale is a right to which Des Plaines property owners are entitled given there are available alternatives to achieve the functional needs of a trellis.

PZB Additions or Modifications (if necessary): _____

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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: Granting this variation may, in fact, provide a special privilege for the property owner not available to other single-family residential properties. 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 design options that do not require a variation. In this case, there may be different design options, sizes, and positions for a trellis structure on the subject property. The PZB may ask the petitioner to explain whether they have exhausted other alternatives.

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: On one hand, the project would allow enhancement of a single-family home, which the Zoning Ordinance and Comprehensive Plan want to encourage. However, the existing structure is solely for the benefit of the property owner and is not consistent with any general and specific purposes of the Comprehensive Plan. The structure is 50-feet-wide and 8-feet-tall, close to a fence. A trellis is a built structure for decoration or support of climbing plants. The existing barrier-type structure is not harmonious with other residences in the R-1 district and does not meet the regulations for either trellis or fence structures. There are reasonable options for designing a trellis structure to create an adequate space for the growing of various plant material without the height and width of the existing structure in question.

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: It appears there would be several alternatives to the height and width variations being requested. The code allows for the installation of multiple trellis structures on the property, with a minimum 6-foot-separation between structures. It also allows for various trellis heights based on the trellis location on the property, restricting trellis height to 6 feet or less in required yards but allowing a maximum trellis height of 8 feet in the buildable area. In addition to the above improvements, natural plantings can also be added to provide a natural

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barrier between the properties as sought by the petitioner. The PZB may wish to ask why certain alternative designs are not feasible.

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 height and width variations may provide relief for the petitioner. However, staff argues that the alleged hardship could be satisfied with alternative proposals that better utilize the physical characteristics of the property, incorporate trellis structures in a cohesive and harmonious way with the neighboring built environment, and meet the appropriate requirements. The PZB may determine if the measure of relief is appropriate or necessary in its recommendation.

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. If the PZB recommends approval of the request, staff recommends the following conditions.

Conditions of Approval:

1. No drainage concerns are created.
2. The trellis must be used to support vines or climbing plants.

Attachments:

- Attachment 1: Location Map
- Attachment 2: Staff Site Visit Photos
- Attachment 3: Petitioner Photos of Previous/Proposed Structure
- Attachment 4: Petitioner’s Narrative and Responses to Standards for Variation
- Attachment 5: Plat of Survey and Site Plan
- Attachment 6: Trellis Diagram
- Attachment 7: Public Comment

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Chair Szabo swore in Patrick Howe petitioner of 1378 Margret Street. Mr. Howe stated in Fall of 2021, he put up an approved deck. He said part of his plan was to put up trellis along the property line. The City of Des Plaines had questions on what was and was not allowed for placement of the trellis. The trellis was taken up and down a few times to comply with requests. On October 14, Mr. Carlisle stated that it was a trellis. In spring of 2023, a new ordinance was passed on trellis definition and regulations. When the city came out to remeasure the trellis did not follow the code, so he took it down. He is at the PZB meeting to request a major variation to put the structure back up. He stated he has money in materials and trees and climbing ivy in the property line that would require the trellis.

Samantha Redman, Planner, explained the major variation request at 1378 Margret Street. She described the property being on a corner lot with a house, shed, playground and deck. She explained the previous code enforcement cases regarding the trellis. She gave a PowerPoint presentation explaining the Location Map and Description, Site Photos, Requests which included old photos, Site Plan, Previous Trellis Rules, New Applicable Trellis Rules, Section 12-8-2 of the Fence Regulations, Conditions of Approval and PZB Consideration. Ms. Redman stated that the petitioner provided justification stating that the trellis is necessary to support the plants that they have and will plant.

Member Catalano asked for clarification on the timeline for the trellis.

John Carlisle stated that initially the trellis was attached to a fence. Since it was attached it was considered a fence. Upon detaching it was then considered a trellis since they were separate structures. Mr. Carlisle did not approve the trellis. He determined that the structure was a trellis under the old rules. Looking at the structure, it did not follow the rules since it was less than a foot from the lot line. Under the old rules upon inspection, the structure was determined to be too tall. You cannot modify and regain the lawful establishment of a non-conforming structure. The rules changed in 2023 which allows a maximum height of 6 feet, maximum width of 8 feet and 6 feet between each trellis.

Member Weaver asked about 1368 Margret Street. He asked if the 1368 fence meets the current requirements.

Ms. Redman stated to her knowledge the fence at 1368 Margret meets the current requirements.

Member Saletnik stated that we need to get down to the issue. He stated that when you have a resident on both sides the maximum fence is 6 feet. Adding a trellis on the fence still makes it a fence. It seems like they are looking to make an 8-foot fence and calling it a trellis to get away with it and he doesn't think that it right.

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Chair Szabo swore in Rich Marecek, 1359 Margret Street. Mr. Marecek stated that he lives across the street from this property. He said he purchased home in Des Plaines because they have a good set of ordinances, rules, and regulations to protect his future purchasers from things that may happen down the road. He does not want something that would compromise a resident’s home value and impact their safety and health. He stated he does not have a problem with variations unless they come dangerously close to property lines where they impact the wellbeing and property value of the neighbors. He stated we have the ordinances in place to protect the homeowner.

Chair Szabo swore in Adam Findlay, Attorney for Jennifer Toner, the neighbor to the north of the subject property. Mr. Findlay is a zoning attorney that has been involved with this matter for some time. There was a zoning determination and an appeal on calling the structure a trellis. He stated that we agree with Member Saletnik’s comment that this is fence. He stated it’s a 50-foot structure intended to create an obstruction between two adjoining residential properties. He stated that the motivation for this is to create a line of privacy between the two properties. He stated that this is a self-created condition. Mr. Findlay stated that the petitioner constructed a deck in 2021 to raise the livable plane of the back yard area two feet. Mr. Findlay produced a photograph to show the raised deck that raised the elevation of the property. He stated the trellis is being proposed to be the entire perimeter of the deck. He stated the proposal is to put an 8-foot fence along the perimeter on an artificially elevated ground level. Mr. Findlay stated that this is not what the code permits. He stated under Illinois law variations are for meant for conditions that are created out of our control that need intervention. He stated trees have been used for privacy. He stated the Arborvitaes Trees are commonly used. Mr. Findlay stated that the petitioner stated that they need the trellis for Arborvitaes and Ivy. He stated Arborvitaes are trees that do not need trellis for support. He also stated that Ivy has not been in any of the before photos and there is no information that states Ivy requires a support height of over 6 feet to grow.

Mr. Findlay stated that in April after the code was passed a letter was sent to the petitioner stating, “to avoid further enforcement proceedings and fines, the structure must be removed in its entirety or altered to comply.” He stated as of two hours ago and what is shown in the petitioners’ photos, the structure has not been removed in its entirety or altered to comply. He stated that none of the requirements of a variation have been met in including Hardship, Unique Physical Condition, Not Self-Created, Denied of Substantial Rights, Not Merely Special Privilege, Title and Plan Purposes, No Other Remedy and Minimum Required.

Mr. Findlay stated that regarding the two Proposed Conditions, they would be unmeetable.

1. *No drainage concerns are created.* – Mr. Findlay stated that since the structure was created, the walkway along Jennifer Toners property has increasingly been flooded.
2. *The trellis must be used to support vines or climbing plants* – He stated that if this was a threshold an applicant could put as high of a fence as you want as long as you install Ivy.

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Member Saletnik stated having a corner lot could be a unique physical condition. However, if Des Plaines allows an 8-foot fence for a corner lot, then there would be corner lots all over Des Plaines looking to add an 8-foot fence. He stated that this is a residential area, and 6-foot fences are the norm.

Member Weaver stated he went on a walk in the neighborhood and he was impressed with the openness of the neighborhood with the lawns and landscaping. Then he went to this area, and it looked like fence wars. It is out of character with the neighborhood and that has been reflected in the comments that the Des Plaines staff has received from the neighbors. He stated that arborvitae can be used on properties for privacy. He stated that they do not have anything to do with a trellis.

A motion was made by Board Member Weaver seconded by Board Member Saletnik to recommend to City Council to deny the Major Variation petition.

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

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

ADJOURNMENT

The next scheduled Planning & Zoning Board meeting is Tuesday August 22, 2023.

Chairman Szabo adjourned the meeting by voice vote at 8:47 p.m.

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