

Case No. 24-003-V
Case No. 23-005-FPLAT

Variation
Final Plat

692 W Oakton Avenue
2991-3025 Mannheim Road
3041 Orchard Place and
1620-1630 W Higgins Road
1628 Rand Road

Case No. 24-004-CU

Conditional Use



DES PLAINES PLANNING AND ZONING BOARD MEETING
February 13, 2024
MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, February 13, 2024, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

Chair Szabo called the meeting to order at 7:02 p.m. and roll call was established.

PRESENT: Szabo, Fowler, Weaver, Saletnik, Veremis
ABSENT: Hofherr, Catalano
ALSO PRESENT: Jeff Rogers, CED Director
Ryan Johnson, Assistant CED Director
Samantha Redman, Senior Planner
Jonathan Stytz, Senior Planner

A quorum was present.

APPROVAL OF MINUTES

A motion was made by Board Member Saletnik, seconded by Board Member Veremis to approve the meeting minutes of January 23, 2024.

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

MOTION CARRIED

APPROVAL OF MINUTES

A motion was made by Board Member Fowler, seconded by Board Member Saletnik to approve the Special Meeting minutes of February 6, 2024.

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

MOTION CARRIED

PUBLIC COMMENT ON NON-AGENDA ITEM

There was no public comment.

Pending Applications:

1. Address: 692 W. Oakton Case Number: 24-003-V

The petitioner has requested the following items: i) a major variation to allow a garage to exceed the maximum size; ii) a major variation to allow for three accessory structures where two are allowed; and iii) an accessory structure (gazebo) that exceeds the maximum size.

Petitioner: Krzysztof Sleszynski, 692 W. Oakton Avenue, Des Plaines, IL 60018

Owner: Krzysztof Sleszynski, 692 W. Oakton Avenue, Des Plaines, IL 60018

Case Number: 24-003-V

PIN: 08-24-309-013-0000

Ward: #8, Alderman Mike Charewicz

Existing Zoning: R-1, Single Family Residential

Existing Land Use: Single Family Residence

Surrounding Zoning: North: R-1, Single Family Residential District
South: M-2, General Manufacturing
East: R-1, Single Family Residential District
West: R-1, Single Family Residential District

Surrounding Land Use: North: Single family detached house
South: Water reclamation facility
East: Single family detached house
West: Single family detached house

Street Classification: Oakton Street is an Illinois Department of Transportation (IDOT) minor arterial roadway.

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

Zoning/Property History: This property currently consists of a single-family detached house with an attached and detached garage, shed, gazebo and shared driveway connecting to the neighboring property at 688 Oakton Street. A permit to construct a 720 square-foot detached garage and associated driveway was approved in 1997 for the previous owner of the property.

Per City records, the current property owner purchased the property in July 2015. An interior remodeling permit for the house, unrelated to the structures subject to this variation request, was issued to the current owner in October 2015. Per aerials between 2015 and 2023, the garage addition, new shed, and new gazebo were constructed. The 2013 Plat of Survey notes no permits are on file for the construction or alteration of these accessory structures. This property is the subject of an active code enforcement case to address the non-permitted structures, which has been ongoing since January 2023.

Project Description: *Overview*

The subject property at 692 W. Oakton St. consists of a one-story house with an attached two-car garage, a detached two-car garage, a shed, gazebo, and a driveway on a 20,229 square foot lot. The subject of this variation is to allow several accessory structures to exceed the maximum size and number permitted by Section 12-8-1 of the Zoning Ordinance. The petitioner did not receive a building permit for any of the additions or structures subject to this variation request.

Major Variation Requests

The detached garage, shed and gazebo are classified as “accessory structures” and are subject to Section 12-8-1 of the zoning ordinance, regulating location, size, and height. The requested relief is outlined in the table below.

	Maximum Allowed	Existing
Variation Request 1 - Exceed Maximum Garage Area (Section 12-8-1.C.5)	720 square feet	1,001 square feet
Variation Request 2 - Exceed number of accessory structures (Section 12-8-1.C.4)	2 accessory structures	Three accessory structures (shed, gazebo, detached garage)
Variation Request 3 – Exceed Maximum Accessory Structure Area (Section 12-8-1.C.5)	225 square feet	Gazebo: 258 square feet

Refer to the variation findings below as well as the petitioner’s response to standards and narrative attachments for justification for variation requests.

Variation Findings: Variation requests are subject to the standards set forth in Section 12-3-6.H. 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. **Hardship:** No variation shall be granted pursuant to this subsection H unless the applicant shall establish that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty.

Comment: The petitioner states a hardship or practical difficulty is the shared driveway with the adjacent property. As shown on the plat of survey, the driveway providing access to the property is shared with 688 W. Oakton St. The petitioner states additional space on the property is necessary to store vehicles to not block access along the driveway. However, the driveway is a non-conforming structure, exceeding the maximum allowable width in the current zoning ordinance, which includes more available off-street parking space than most properties. Although the shared driveway may be considered a hardship not encountered by many other properties, the necessity to store additional vehicles is unique to the current property owner and would not be a hardship encountered by a different occupant.

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.

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: This lot is larger than the typical interior lot for R-1, Single Family Residential properties. The minimum lot area for any new R-1 zoned lot is 6,875 square feet; this property is 20,229 square feet in area, nearly three times the size of a standard lot. Building coverage, or the total area covered by roofed structures, is limited to 30% of an R-1 zoned lot. If the 30% maximum was met, principal or accessory structures could cover 6,068 square feet. With all the existing structures, the total building coverage is 3,326 square feet, or 16.4% of the property is covered by buildings (Refer to Site Plan for structure dimensions and locations). Thus, the larger lot means additional space for structures is available without exceeding the building coverage requirement and the depth of the lot and existing screening limits visibility of the structures from the street (Refer to Petitioner's Site and Context Photos).

The petitioner states in their response to standards for variation and narrative that the property is unique due to the shared driveway with the adjacent property, leading to limitations for parking along this road, and the property is located in close proximity to a busy roadway. Oakton Street has a greater than average traffic count compared to most residential streets and no parking available on the street, as discussed in the petitioner's narrative.

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: The shared driveway, abnormally large lot, and proximity to a major roadway were not conditions created by the property owner. However, these conditions were present when the owner purchased the property. In addition, limitations to the size and number of accessory structures were present in the Des Plaines Zoning Ordinance when this property was purchased, and it is advisable that any property owner consider these limitations prior to purchase.

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: Although this property is larger than typical, it is not inherently a right to exceed the size and number of accessory structures on a residential property, no matter the size of lot or unique conditions.

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: It can be argued the petitioner would experience a special privilege by allowing the three major variations, as all other properties in Des Plaines are limited in size and number of accessory structures no matter the property size. The property can still be reasonably used without these variations.

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: The variations are generally in harmony with the intent of several requirements of the zoning ordinance for residential properties, namely building coverage and adherence to required setbacks. The primary purpose of regulations for accessory structures is to limit overcrowding of buildings on a property and reduce visual clutter to preserve property values and ensure the character and appearance of a residential neighborhood are maintained. The zoning ordinance, in an attempt to limit clutter and allow for sufficient separation between buildings, allows for up to 30% of a property to be covered by buildings and accessory structures are required to be at least 5 feet from a property line. The existing structures cover only 16.6 percent of the property, and all structures are over 5 feet from any property lines. If the accessory structures were not detached, but instead attached to the principal building (house), no variations would be necessary.

The presence of trees to screen the property and the placement of the structures far from any street facing elevations serves to accomplish similar outcomes as the accessory structure regulations in the Zoning Ordinance. The Comprehensive Plan does not specifically address accessory structures but does encourage the preservation of residential character and investment into the housing stock by property owners.

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: Another remedy for this variation is the reduction of size of accessory structures and elimination of one structure to meet code requirements. Reasonable use of the property is still possible without these variations.

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 variation request is the minimum measure of relief necessary.

PZB Procedure:

Major Variation

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.

Note: Section 12-3-6.I of the Zoning Ordinance states that the reviewing authority may grant variations less than or different from that requested when the record supports the petitioner's right to some relief but not the entire relief requested. In the recommendation to City Council, the PZB is able to recommend a modification to the relief requested.

Conditions of Approval:

1. Vehicles may only be driven and parked on driveway or within the attached or detached garage structure. Any other accessory structures may not be used for parking or storage of vehicles.
2. Building permits must be issued for all accessory structures within ninety days of City Council approval unless extension is requested and granted by the Community and Economic Development Director.
3. Under no circumstance may a motor vehicle repair business occur on this property, including any motor vehicle related home occupation, without issuance of a zoning certificate or business registration.

Chairman Szabo swore in the petitioner and a group of other individuals.

Krzysztof Sleszynski, petitioner, explained that his house is located on a large residential lot. One request is for a larger garage, the other is for a gazebo.

Chairman Szabo asked if the structures are already erected and when they were built. Mr. Sleszynski responded that the structures are erect. The gazebo was built last year, and the garage several years ago. The petitioner explained that parking is allowed on Oakton, however he feels that is unsafe to park on the street. The lot is 20,000 square feet, almost 3 times the minimum lot in that residential district. There is plenty of green area, so it is not affecting the water, and both the garage and gazebo are not visible from the street due to the trees. The garage addition is set back from the lot and is needed to keep their lawnmower and other equipment.

Chairman Szabo asked if any permits were obtained. The petitioner responded that a permit was obtained only for the shed years ago. The garage was just added to, and he did not know that a permit was required for the gazebo.

Board Member Weaver asked if the gazebo is up 12 months per year. The petitioner responded that it is.

Board Member Fowler asked when the garage was built. The petitioner responded perhaps 1998, but they just added the extension to the garage. The shed replaced another shed.

Board Member Veremis inquired how many structures were there when the house was built. The petitioner responded that there were three structures when he bought the house, including a shed and second garage.

Senior Planner Redman provided the staff overview and a favorable letter from the neighbor. The petitioner noted that the GIS map in the packet was marking the neighbors property, and clarified the location of the subject project.

Board Member Saletnik clarified that the garage is only for tools and not a business. The petitioner replied that he does not have a business. The garage is for the kids and working on old cars with his father. The driveway helps for turning around.

Board Member Saletnik said he would usually be in opposition, but he finds that the addition to garage roof structure is minor. This cannot be seen from the street, and it's also a long, large yard.

Board Member Weaver asked what was the accessory structure maximum until the code was changed last year. Senior Planner Redman replied 150 square feet. Board Member Weaver noted that the size would have been twice the size at the time it was constructed.

A motion was made by Board Member Saletnik, seconded by Board Member Fowler to approve the Major Variations as presented, as well as the conditions by staff noting that he sees exception for this due to the large lot.

- AYES: Szabo, Fowler, Weaver, Saletnik, Veremis
- NAYS: None
- ABSENT: Hofherr, Catalano
- ABSTAIN: None

MOTION CARRIED

**2 . Address: 2991-3025 Mannheim Road, 3041 Orchard Place and 1620-1630 W. Higgins Road
Case Number 23-005FPLAT**

The petitioner is requesting the following: (i) a Major Change to a Final PUD for an existing commercial development to develop an electric vehicle (EV) charging area on Lot 7 of Orchards at O'Hare; and (ii) an amendment to the conditional use for a Localized Alternative Sign Regulation (LASR) under Section 12-11-8 of the Zoning Ordinance.

Petitioner: Rehan Zaid, 1375 Remington Rd, Ste E, Schaumburg, IL 60173

Owners: Orchards Lot 5, LLC; Orchards Lot 6, LLC; Orchards Lot 7, LLC; Prominence O'Hare, LLC; and DP Higgins, LLC (Manager: Rehan Zaid, 1375 Remington Rd, Ste E, Schaumburg, IL 60173)

Case Number: 24-007-FPUD-CU LASR

PINs: 09-33-305-018-0000, -019, -020, -023, -024, -025

Ward: #6, Alderman Mark Walsten

Existing Zoning: C-3, General Commercial District

Existing Land Uses: Hotel (commercial) with attached restaurant under construction (commercial), Convenience Mart Fueling Station with accessory food and beverage (commercial), Multi-Tenant Commercial Building (commercial), and Class B restaurant with EV charging lot under construction (commercial)

Surrounding Zoning: North: C-3, General Commercial District (City of Des Plaines)
South: Commercial (D) (Village of Rosemont)
East: C-2, Limited Office Commercial District / C-3 General Commercial District (City of Des Plaines)
West: C-3 General Commercial District (City of Des Plaines) / Commercial (D) (Village of Rosemont)

Surrounding Land Use: North: I-90 Tollway, Commercial restaurants and retail development under construction
South: Class B Restaurant in City of Des Plaines (Commercial); Two Hotels and Class A Restaurant in Village of Rosemont (Commercial)
East: Railroad; then Multi-tenant Office Building (Commercial)
West: Hotel (Commercial) in Village of Rosemont

Street Classification: Mannheim and Higgins Roads are arterial roads under Illinois Department of Transportation (IDOT) jurisdiction.

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

Zoning/Property History: Based on City records, the eight lots comprising the subject property

were annexed into the City in 1956 as vacant lots. A portion of the subject property was originally utilized as an office and warehouse building until 2010 when the building was demolished and the site was utilized as parking lot.

On August 1, 2016 via Ordinance Z-18-16, City Council approved a Final PUD with a height exception and a Final Plat of Subdivision consisting of a hotel (Lot 3), a freestanding Class A restaurant (Lot 5), an automotive service station with two food services (Lots 6 and 8), and a car wash (Lot 7). Out of the eight-lot subdivision, Lots 1, 2, and 4 were not included in the original PUD. Ordinance Z-18-16 required certain conditions, among others, related to signs and any future adjustments to the approved PUD. All signs on the PUD would require a LASR through Section 12-11-8 of the Zoning Ordinance, and any proposed changes to uses within the PUD would be a major change requiring City Council approval pursuant to Section 12-3-5.G of the Zoning Ordinance. As such, in 2017 the petitioner applied for a conditional use for a LASR, which was approved by City Council on June 18, 2018 through Ordinance Z-18-18. The LASR request included a variety of different wall, monument, pole, directional, and canopy signs. Lots 3, 6, and 8 were developed and improved with the approved signs. However, Lots 5 and 7 have not yet been developed.

In 2019, the petitioner requested to amend both the original PUD and LASR sign plan approvals was submitted to develop Lot 1 of the subdivision with a one-story commercial building with two tenant spaces, a drive-through, and separate surface parking area. These proposed amendments were approved by City Council on April 1, 2019 through Ordinance Z-5-19, and all associated improvements have been completed on Lot 1.

The most recent application associated with this property was in 2023, where the petitioner requested to amend both the original PUD and LASR sign plan approvals was submitted to develop Lot 5 of the subdivision with a one-story, Class B restaurant, a drive-through, surface off-street parking area, and a separate off-street EV parking lot, which was approved by City Council on October 2, 2023 through Ordinance Z-28-23.

Development Summary:

The Orchard's at O'Hare Petitioner, Rehan Zaid, which is an owner and authorized agent for all of the ownership entities within the Orchards at O'Hare campus, is proposing a major change to the existing PUD to develop Lot 7 of the PUD with an EV charging space lot instead of the originally approved car wash use. Lot 7 is 34,681 square feet in size, located on the north of the PUD behind the BP automotive fuel station, and is currently an unimproved lot with two partially paved curb-cut areas.

There are no proposed changes to the dimensions or size of Lot 7. Instead, the petitioner looks to develop the existing site with EV charging parking spaces as illustrated on the attached Site Plan for Lot 7. The subject property will be improved with 20 DC chargers that each provide service for two parking stalls, accommodating 40 users at one time. The charging stations are open 24/7 with an anticipated charging time of approximately 20-30 minutes per vehicle.

MAJOR CHANGE TO PUD

Request Summary:

Overview

The petitioner is requesting a Major Change to PUD to allow for the construction of EV charging parking spaces on Lot 7 of Orchards at O'Hare. The current PUD (originally approved in 2016) permitted a Class A—or primarily sit-down service—restaurant, as well as the hotel, gasoline fueling station with two food services, a car wash, and the two-unit commercial building approved in 2019 for Lot 1. Last year, a major change to the PUD was approved to replace the Class A restaurant with a Class B – or primarily take out or drive-through – restaurant and Tesla EV charging spaces.

The current request proposes another major change to the PUD to allow BP Pulse EV charging spaces on Lot 7 instead of the originally approved car wash use. While the EV charging spaces—classified under *Convenience Mart Fueling or Charging Station* definition—are permitted in the C-3 General Commercial district, this use differs from the originally approved use of Lot 7, requiring the request for a major change to the PUD.

As such, the petitioner now proposes:

- Construction of 40 EV charging off-street parking spaces, including two accessible EV charging spaces, which may serve businesses on the campus; and
- Construction of water, electric, gas, communication, and sanitary utilities for Lot 7 and necessary connections.

Site Access

There are currently two means of access to Lot 7: to the north from Mannheim Road through Lot 6, and to the south from Higgins Road (via local street Orchard Place) through Lot 3. Neither the access points on Lot 3 nor Lot 6 are subject to change as part of this request. The proposed lot configuration will utilize the existing access points while also providing a single 22- to 24-foot- wide, two-way travel drive aisle through Lot 7. The drive aisle for Lot 7 provides access to all proposed EV charging spaces and a paved connection between Lots 3 and 6 as shown on the attached Fire Truck Turning Radius diagram. The drive aisles meet the width standards for fire truck access and have been approved by the Fire Prevention Bureau.

Site Adjustments

The current development of Lot 6 partially encroaches onto Lot 7 given the current site configuration. An existing trash enclosure serving the convenience mart fueling station on Lot 6 is located fully on Lot 7 along with a paved access area off the drive-through lane for Dunkin Donuts. There is no proposal to relocate the trash enclosure and pavement area fully onto Lot 6, so staff has added a condition that an easement is established and maintained in perpetuity of the life of the PUD for the access and use of the trash enclosure by Lot 6. The proposal also includes the widening of the existing drive-through lane to 12 feet and addition of a 12-foot-wide drive-through escape lane located directly north of the convenience mart building in conformance with Section 12-9-6 of the Zoning Ordinance.

In addition, a new paved walkway and crosswalk will be added on Lot 6 to provide direct pedestrian access between the new EV charging spaces on Lot 7 and the existing convenience mart building on Lot 6. The new walkway will be positioned so it is easily accessible from the two proposed accessible EV charging spaces on Lot 7 to the front of the convenience mart. Additional landscape areas will be installed on either side of the paved walkway portion on Lot 6 as shown on the attached Landscape Plans and described in more detail in the *Landscape Improvements* section below.

Landscaping Improvements

The original approving ordinance for the Orchards at O'Hare PUD—Ordinance Z-18-18—includes a landscape plan for Lot 7 of the PUD. However, the proposal includes amending the proposed landscaping for the lot to accommodate the EV charging spaces. The attached Landscape Plan for Lot 7 illustrates landscape beds around existing and proposed ground signs as well as designated perimeter and interior parking lot landscaping areas required in Section 12-10-8 of the Zoning Ordinance.

The landscape plan also notes the installation of additional landscaping on the northeastern portion of Lot 6 directly north of the convenience mart building to provide more screening along the proposed pedestrian walkway connecting Lot 7 with Lot 6 and separating the existing paved convenience mart fueling area and the proposed EV charging space pavement area.

PUD Exceptions

The proposed Lot 7 landscape plan does provide perimeter and interior parking lot landscaping throughout Lot 7. However, the plan does not fully meet the width and planting requirements for the perimeter and interior parking areas pursuant to Section 12-10-8 of the Zoning Ordinance, each requiring a PUD exception. Section 12-3-5.C.6 allows a PUD exception for the general design of the PUD when the governing body finds that the PUD is designed to “offer more architectural features, enhanced landscaping and extra open space” and not be “detrimental to or endanger the public health, safety, morals, comfort or general welfare.” The PZB

may assess how the proposal means this requirement and if the PUD exception is warranted. Note that staff has added a condition that an easement is established and maintained in perpetuity of the life of the PUD for the new landscape area on Lot 6, which are both under the control of the petitioner.

CONDITIONAL USE LASR

Request Summary:

Overview of Existing LASR Sign Plan

The existing LASR sign plan for the Orchard’s at O’Hare development has been amended multiple times since its approval in 2018 through Ordinance Z-18-18. The table below summarizes the signs included in the original LASR, the approved amendments since then, and the proposed amendment to be considered. See the attached Amended LASR Sign Plan for Lot 7 for more information.

Version	Z-18-18	Z-5-19	Z-28-23	<i>Proposal</i>
Lot 1 Signs	<i>Not included in original LASR sign plan</i>	<ul style="list-style-type: none"> • 2 wall signs each for restaurant and commercial space • 3 directional signs • 2 drive-through menu board signs • 1 multi-tenant monument sign 	<ul style="list-style-type: none"> • Retention of signs previously approved • <i>2 New monument tenant panel signs for hotel restaurants and freestanding Class B restaurant</i> 	<ul style="list-style-type: none"> • Retention of signs previously approved • <i>New monument tenant panel sign for EV Charging use</i>
Lot 3 Signs	<ul style="list-style-type: none"> • 6 wall signs for hotel; • 1 EMB pole sign; • 4 directional signs 	<ul style="list-style-type: none"> • Retention of signs previously approved 	<ul style="list-style-type: none"> • <i>6 new wall signs for hotel restaurants</i> 	<ul style="list-style-type: none"> • Retention of signs previously approved
Lot 5 Signs	<ul style="list-style-type: none"> • 3 multi-tenant monument signs 	<ul style="list-style-type: none"> • Retention of signs previously approved 	<ul style="list-style-type: none"> • Retention of signs previously approved • <i>3 new monument tenant panel signs for hotel restaurants and freestanding Class B restaurant</i> • <i>11 new wall signs</i> • <i>4 new directional signs</i> 	<ul style="list-style-type: none"> • Retention of signs previously approved • <i>1 new monument tenant panel sign for EV Charging use</i>

Lot 6 Signs	<ul style="list-style-type: none"> • 1 multi-tenant monument sign • 2 canopy signs • 4 wall signs for convenience mart • 1 drive-through menu board sign • 3 directional signs 	<ul style="list-style-type: none"> • Retention of signs previously approved 	<ul style="list-style-type: none"> • Retention of signs previously approved • 3 new monument tenant panel signs for hotel restaurants and freestanding Class B restaurant • 1 new canopy sign • 1 new drive-through menu board sign 	<ul style="list-style-type: none"> • Retention of signs previously approved
Lot 7 Signs	<ul style="list-style-type: none"> • 2 wall signs for car wash 	<ul style="list-style-type: none"> • Retention of signs previously approved 	<ul style="list-style-type: none"> • Retention of signs previously approved 	<ul style="list-style-type: none"> • Revise to 6 canopy signs and 2 monument signs

Proposed Sign Plans

The proposal includes a request to amend the existing LASR for the Orchards at O’Hare PUD based on the proposed use of Lot 7. As noted in the table above, the original 2018 LASR sign plan approved wall signs and multi-tenant monument sign panel for a car wash. However, with the change from this use to an EV charging lot, the LASR will need to be amended to reflect the new proposed signs for BP Pulse. The petitioner intends to retain all previously approved signs and update the existing multi-tenant panel monument signs with the new EV charging use. The current request to amend the LASR sign plan is summarized below and illustrated in the attached Amended LASR Sign Plan for Lot 7.

- Multi-Tenant Monument Signs: The existing PUD currently contains two 17-foot-tall, 138-square-foot multi-tenant monument signs—one of which is located on Lot 1 and the other on Lot 5. The request proposes installing one multi-tenant panel sign for BP Pulse in each of the existing signs without any changes to the sign structure or location.
- Lot 7 (BP Pulse) Sign Plan: The proposal includes the addition of two monument signs and six canopy signs, one on each side of the front of the three proposed canopy structures, which are summarized in the table below. Note that there are no specific ground or building signs for the EV charging spaces. However, pavement markings will be provided to indicate all EV charging spaces. The existing directional sign for the Dunkin Donuts drive-through located on this lot will be retained and improved with the installation of required landscaping around its base pursuant to Section 12-11-4.G of the Zoning Ordinance.

Sign ID	Sign Type	Sign Locations	Sign Area*
S1	Monument	<ul style="list-style-type: none"> • Northwest Lot Entrance • Southeast Lot Entrance 	34 SF each (68 SF total)
S2	Canopy	<ul style="list-style-type: none"> • Northwest (front) elevation of Canopy 1 • Northwest (front) elevation of Canopy 2 • Southeast (front) elevation of Canopy 3 	8 SF each (24 SF total)
S3	Canopy	<ul style="list-style-type: none"> • Northeast (front) elevation of Canopy 1 • Northeast (front) elevation of Canopy 2 • Southwest (front) elevation of Canopy 3 	18 SF each (54 SF total)
Total Sign Area (Lot 7):			146 SF

*Sign areas rounded to the nearest whole number.

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 the proposal addresses the standards is provided in the attached petitioner responses to standards.

Although staff has not provided a comment on each individual standard, in general the Major Change to PUD is supported by the Comprehensive Plan and other City goals to support economic development at this site, in this general area of Des Plaines, and in the city overall. The newly proposed uses are complementary to the existing uses already established and are logical considering the development’s proximity to O’Hare Airport. The Board may use staff’s rationale, the petitioner’s provided responses, or can 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:
2. The extent to which the proposed plan meets the prerequisites and standards of the planned unit development regulations:
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:
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:

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

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

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

Conditional Use Findings: Conditional Use requests are subject to the standards set forth in Section 12-3- 4(E) of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is provided below and in the attached petitioner responses to standards. The Board may use the provided responses as written as its rationale, modify, or adopt its own.

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

Comment: The proposed development includes signs in a quantity and size that require a LASR. A LASR is a Conditional Use, as specified in Section 12-11-8 of the Zoning Ordinance for multi-building commercial developments.

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

Comment: The redevelopment of Lot 7 of the Orchards at O'Hare PUD requires the installation of appropriate signs to direct motorists and pedestrians to/from and throughout the site. The Comprehensive Plan strives to increase commercial development along major corridors like Mannheim Road as well as increase wayfinding for motorists and pedestrians alike. The proposed sign plan includes updates to existing site-wide multi-tenant monument signs to adequately identify each proposed use in this development and reduce the number of individual ground signs in the development. A great deal of building-mounted signs are proposed throughout the development.

However, it can be argued that many of these signs provide proper wayfinding for motorists and pedestrians as they access the site.

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

Comment: The proposed Conditional Use for a Localized Alternative Sign Regulation requests additional signage to assist in the identification of each EV charging user to help both motorists and pedestrians navigate the property. The proposed development is similar to existing commercial developments in the area— especially the multi-building commercial development on the southeast corner of Mannheim and Pratt— and the proposed signs are generally harmonious to these surrounding developments.

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

Comment: Many of the proposed signs are not hazardous or disturbing to the existing neighboring uses as a majority of all signs are directed towards public streets or other commercial properties. All signs will meet all required performance standards as outlined in Section 12-11-6(B) of the Zoning Ordinance.

5. The proposed Conditional Use is to be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and

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

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

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

7. The proposed Conditional Use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors:

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

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

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

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

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

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

Comment: All signs will comply with setback, landscaping, and performance standards in the Ordinance.

PZB Procedure and Recommended Condition: Given the separate conditional use for LASR and major change to final PUD requests, the PZB should take two motions. First, pursuant to Section 12-3-5 of the Zoning Ordinance, the PZB may vote to *recommend* approval, approval with conditions, or denial of the amended Final PUD. The request includes exceptions for:

1. Perimeter parking lot landscaping, illustrated in the attached plans, that does not meet the minimum perimeter landscape bed width requirements of Section 12-10-8.B.
2. Interior parking lot landscaping, illustrated in the attached plans, that does not meet the minimum size and landscape material requirements of Section 12-10-8.A.

In regard to the conditional use LASR request, the PZB may vote to recommend approval, approval with conditions, or denial of the conditional use pursuant to Section 12-11-8 of the Zoning Ordinance. If the PZB chooses to recommend approval of the LASR, as amended, staff recommends the following conditions.

Recommended Conditions of Approval:

1. That the off-site 12-inch yellow striping area on Lot 6 on the attached Site Plan is revised to illustrate and label the drive-through and drive-through escape lane details, including one-way travel striping, prior to the City Council meeting.
2. Structural design plans shall be provided for all signage at time of building permit.
3. That a separate easement is established, executed, and maintained in perpetuity for the access and maintenance of the trash enclosure on Lot 7 and landscape area on Lot 6. The landscaping plan must be revised to illustrate all proposed landscaping to be installed on Lot 6 in conformance with all applicable City of Des Plaines codes.

Chairman Szabo swore in Todd Shaffer from Haeger Engineering along with others in audience.

Mr. Shaffer explained that this case is for Lot 7 of the Orchards at O'Hare development and would be the site of a BP Pulse EV charging station. The striped area in the parking lot of the adjacent Lot 6 is for the delivery of soaps and other items, and for access to the trash enclosure for garbage trucks. Mr. Shaffer explained where access to the lot will be from Lot 7. The above-water storage area will be removed from Lot 7, and instead underground storage will be installed to meet City and MWRD requirements. All spaces will have overhead canopies, except those that are too close to overhead wires, and two spaces where a canopy for just two spaces is not cost effective.

There are two monument signs proposed, one at the far west end to let people know where BP Pulse is, and in the southeast corner so vehicles coming from the hotel can see the identifier.

Mr. Shaffer referred to diagrams and explained that City staff had identified the cross-hatched area as an issue, and so he worked with staff to revise the striped area. A stop bar was added and the addition of another do not enter sign. That area would still be used for trash pickup. Trash cannot come from the south because of the clearance bars and menu bars for Dunkin Donuts. It is a quick trash pickup, according to the operations of this facility.

Mr. Shaffer explained that the landscape plantings are substantial, especially when compared against the carwash concept originally planned for the lot in questions. The canopies were pointed out, which the City considers signage in the code.

As to the conditions, an agreement, not an easement agreement, for access to the garbage containers located on Lot 6 is requested.

Board Member Weaver asked if customers are strictly there for EV charging or are they there for another use. Ebrahim Essof from BP Pulse answered that he expects most customers will come just for the Pulse station, but some will also be stopping for the BP store. Most charges are 20 to 30 minutes. These are modern chargers and may not cause as much of an issue in winter as other chargers.

Board Member Fowler asked if customers would be there for a limited time. Mr. Essof responded that there is a timer that charges more if they stay there for a longer time. Vehicles would not be left for a period of time at the location.

Chairman Szabo asked why there are 40 spaces. Mr. Essof responded that this is the maximum number of stations that will fit in the area by design. The site is in a shape that is not useful for many businesses; it could be a carwash or a garage, but not much else.

Mr. Essof remarked that the city currently does not collect a tax for charging.

Senior Planner Jonathan Stytz presented the staff overview.

Board Member Weaver asked for clarification as to why staff recommended an easement agreement rather than an agreement. CED Director Jeff Rogers responded that either is acceptable as long as the agreement includes access to the garbage bins on Lot 6.

Motion by Board Member Weaver, seconded by Board Member Saletnik to recommend the City Council's approval of the amended Final Planned Unit Development (PUD), including exceptions for:

1. Perimeter parking lot landscaping, as illustrated in the proposed plans, that does not meet the minimum perimeter landscape bed width requirements of Section 12-10-8.B of the Zoning Ordinance.
2. Interior parking lot landscaping, illustrated in the proposed plans, that does not meet the minimum size requirements and landscape materials requirements of Section 12-10-8.A of the Zoning Ordinance.

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

MOTION CARRIED

Motion by Board Member Weaver, seconded by Board Member Fowler to recommend the City Council's approval of the requested amendment to the conditional use for a Localized Alternative Sign Regulation (LASR), under Section 12-11-8 of the Zoning Ordinance, subject to three conditions:

1. That the off-site 12-inch yellow striping area on Lot 6 in the Site Plan is revised to illustrate and label the drive-through and drive-through escape lane details, including one-way travel striping, prior to the City Council's approval;
2. Structural design plans shall be provided for all signage at the time of the building permit issuance;
3. That a separate agreement is established, executed, and maintained for the access and maintenance of the trash enclosure on Lot 7 and the landscape area on Lot 6. The landscaping plan must be revised to illustrate all proposed landscaping to be installed on Lot 6 in conformance with all applicable codes of the City of Des Plaines.

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

MOTION CARRIED

3. Address: 1628 Rand Road

Case Number 24-004CU

The petitioner is requesting the following items: (i) a Conditional Use amendment under Section 12- 7- 3(K) of the City of Des Plaines Municipal Code to allow a trade contractor use with outdoor display and storage; and (ii) a conditional use for a new motor vehicle sales use within existing tenant spaces in an existing multi-tenant building upon the subject property in the C-3 General Commercial zoning district.

- Owner: Art Investment, LLC, 2020 Berry Lane, Des Plaines, IL 60018
- Petitioner: Urszula Topolewicz, 2020 Berry Lane, Des Plaines, IL 60018
- Case Number: 24-004-CU
- Real Estate Index Number: 09-16-104-022-0000
- Ward: #1, Alderman Mark A. Lysakowski
- Existing Zoning: C-3, General Commercial District
- Existing Land Use: Multi-tenant commercial building including a trade contractor granite countertop business and cabinet business
- Surrounding Zoning:
 - North: R-1, Single Family Residential District
 - South: C-3, General Commercial District
 - East: C-1, Neighborhood Shopping / R-1, Single Family Residential Districts
 - West: C-3, General Commercial District
- Surrounding Land Use:
 - North: Single-Family Residences
 - South: Columbus Foods & Liquors, Vazquez Dental, Castro Hand Car Wash, and 7-Eleven/Mobil (Commercial)
 - East: A Mother’s Touch Learning Academy (Commercial)
 - West: Our Lady of Fatima Center (Commercial)
- Street Classification: Rand Road is classified as a Minor Arterial Road and Grove Avenue is classified as a Local street.
- Comprehensive Plan: The Comprehensive Plan designates this site as Commercial.
- Project Description: The petitioner, Urszula Topolewicz, has requested Conditional Use Permits to amend an existing trade contractor use and operate a proposed motor vehicle sales use, both at 1628 Rand Road. In accordance with the proposed motor vehicles sales use, the applicant would perform vehicle maintenance and detailing of vehicles offered for sale.

The subject property is located within the C-3 General Commercial district. Both a trade contractor use and a motor vehicle sales use are a

conditional use in the C-3 zoning district. The subject property contains a multi-tenant building with an off-street surface parking area on the west side of the property with additional on-street parking east of the property along Grove Avenue, each as depicted on the attached Plat of Survey. The subject property is located along Rand Road at the northwest corner of the Rand Road/Grove Lane intersection. The subject property is currently accessed by three curb cuts, two from Rand Road and one from Grove Lane. The subject property lies entirely within the 1% annual chance floodplain (Zone AE).

Prior Approvals

In 2021, the applicant received approval of a conditional use permit via Ordinance Z-36-21 for a Trade Contractor use upon the subject property. Among various conditions, the Ordinance included a restriction stipulating that “outdoor storage of raw materials or fabricated goods is strictly prohibited.” A copy of this Ordinance is attached for reference.

In 2022, the applicant received approval of several zoning variations relating to ground signage and wall signage via Ordinance Z-27-22. The signage associated with this Ordinance has since been installed, including wall signage for two businesses and an electronic message board (EMB) sign. In accordance with the proposed scope of work at this time, the face of one of the existing wall signs would be removed and replaced with new signage for the proposed motor vehicle sales business.

Concurrently in 2022, the applicant requested an amendment to Ordinance Z- 36-21 to strike the restriction stipulating that “outdoor storage of raw materials or fabricated goods is strictly prohibited.” The request proceeded through the Planning & Zoning Board to the City Council as draft Ordinance Z-27-22 but was tabled by the City Council in September 2022 with instruction to the applicant to address various engineering concerns. A proposed solution to the floodplain restrictions has not yet been provided, the tabled Ordinance has not yet been scheduled for consideration by the City Council, and the condition from Ordinance Z-36-21 restricting outdoor storage remains in effect.

Existing Violations

Several violations of the Municipal Code currently present upon the property would need to be rectified before a business registration for the proposed motor vehicle sales use could be approved. Also, these violations would need to be rectified to avoid additional enforcement action. The current violations include the following:

- a. An existing storage container upon the property is in violation of the accessory use requirements and floodplain requirements of the Municipal Code and must be removed from the premises.
- b. There exist two outdoor displays of fabricated goods in violation of the floodplain requirements and the requirements of Ordinance Z-

36-21. If outdoor display is proposed, said display must be authorized in accordance with this conditional use request and installed in a manner which complies with the requirements of Title 14 of the Municipal Code including compliance with all floodplain requirements.

- c. There presently exists temporary outdoor storage from time-to-time of raw materials or fabricated goods in violation of the floodplain requirements and Ordinance Z-36-21. If outdoor storage is proposed, said storage must be authorized in accordance with this conditional use request and installed in a manner which complies with the requirements of Title 14 of the Municipal Code including compliance with all floodplain requirements.

Current Proposal

The applicant has provided an executive summary, a floor plan for the proposed motor vehicle sales use, and a proposed site plan with additional details regarding the interior layout of the modified tenant spaces. The draft motion included in this report includes conditions which would need to be rectified before the proposed motor vehicle sales use could commence.

Various dimensions noted within the applicant's narrative and on the proposed plans are not depicted to scale. The area of the building depicted on the proposed site plan scales to approximately 12,425 square feet where the applicant notes in their narrative that the building area is approximately 15,300 square feet.

The trade contractor use would occupy the north and east areas of the existing building. This area scales to approximately 8,915 square feet but is noted as 11,400 square feet on the applicant's site plan.

The proposed motor vehicle sales use including accessory detailing and repair/service uses would occupy the southwest area of the existing building. This area scales to approximately 3,480 square feet but is noted as 3,900 square feet on the applicant's site plan.

The applicant has indicated that vehicles would be displayed within the proposed showroom, however this space is not current accessible via any overhead vehicle doors and the note on the plan indicating a "main double door" at the southwest corner of the building is presently improved with a single door and glass side panels. A building permit would be required for any modifications to this entry which would involve replacement or modification to the existing door and window system. The plan(s) submitted in accordance with this permit should demonstrate that the display of vehicles within the showroom would maintain accessible routes through the showroom floor area.

The proposed parking layout would introduce new parking stalls along the east side of a drive aisle west of the existing off-street public parking stalls. The proposed drive aisle would not comply with the minimum aisle widths for two-way traffic. If the proposed site plan alterations and land use are supported, the drive aisle should be required to be widened to a minimum of 22.0 feet south of the southernmost parking stall. A site plan and design which complies with all applicable codes and ordinances of the City would be required and a building permit would be needed before any parking lot improvements could commence.

Required Parking

The following parking regulations apply to this request pursuant to Section 12- 9-7 of the City of Des Plaines Municipal Code:

- One parking stall for every 500 square feet of showroom and office floor area for motor vehicle sales (2,350 square feet = 6 stalls);
- One parking stall for each 20 vehicle stalls within the showroom for motor vehicle sales (850 square feet = 1 stall);
- One parking stall for every 20 vehicles displayed for sale outdoors upon the premises (11 vehicles outdoors = 11 stalls); and
- Zero parking stalls for the trade contractor use.

In accordance with minimum off-street parking provisions, 18 off-street parking stalls would be required, including one accessible parking stall. The applicant proposes 23 off-street parking stalls. The subject property is adjacent to an additional 13 public on-street parking stalls within the Grove Lane right-of-way. The proposed 11 motor vehicle sales use shall not be permitted to display or store vehicles for sale within the public right-of-way.

Hours of Operation

The existing Granite Place & Quartz LLC business operates from 9 a.m. to 5 p.m., Monday through Friday, from 9 a.m. to 3 p.m. on Saturday, and is closed on Sunday.

The proposed motor vehicle sales use would operate from 9 a.m. to 9 p.m., Monday through Saturday and would be closed on Sunday.

Please see the attached applicant's Project Narrative for more details.

Compliance with the Comprehensive Plan

The proposed project, including the proposed site improvements, address various goals and objectives of the 2019 Comprehensive Plan including the following aspects:

- Future Land Use Plan:
 - This property is designated as Commercial on the Future Land Use Plan. The Future Land Use Plan strives to create a well-balanced development area with a healthy mixture of commercial uses.

- The subject property is located along the defined Rand Road commercial corridor with single-family residences to the north, multi-family residences to the east, and commercial development to the east, south, and west. The subject property contains a multi-tenant building located between established commercial developments along Rand Road. The request would assist in the retention of a new commercial business at this location and provide additional retail goods and services for the residents of Des Plaines.
- Landscaping and Screening:
 - The Comprehensive Plan seeks to encourage and actively pursue beautification opportunities and efforts, including the installation of landscaping, street furniture, lighting, and other amenities, to establish a more attractive shopping environment and achieve stronger corridor identity in Des Plaines.
 - The existing site contains landscaping along the south of the property and foundation landscaping adjacent to the east building footprint.
 - The applicant proposes to relocate an existing privacy fence from its current location along the front lot line to a point north of the new row of parking along the west end of the site.

While the aforementioned aspects represent a small portion of the goals and strategies of the Comprehensive Plan, there is a large emphasis on improving existing commercial developments and enhancing commercial corridors throughout Des Plaines.

Conditional Use Findings: Conditional Use requests are subject to the standards set forth in Section 12-3-4(E) of the Zoning Ordinance.

Rationale for how the proposed amendments would satisfy the standards is provided below and in the attached petitioner responses to standards. The Board may use the provided responses as written as its rationale, modify, or adopt its own.

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

Comment: The proposed uses are classified as a Trade Contractor use and a motor vehicle sales use, respectively. Both a Trade Contractor and Motor Vehicle Sales are a Conditional Use in the C-3 zoning district.

2. The proposed Conditional Use is in accordance with the objectives of the City's Comprehensive Plan: Comment: The proposed Trade Contractor use and motor vehicle sales use provide both retail- and service- oriented uses that primarily serve day-to-day needs of local residents by increasing commercial opportunities for residents in Des Plaines. Additionally, the subject property is located near the River Road & Rand Road commercial corridors, which are major corridors in Des Plaines.

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

Comment: The existing Trade Contractor use and proposed motor vehicle sales use are designed, constructed, operated, and maintained to be harmonious and appropriate in appearance to surrounding commercial uses. The proposal includes enhancements to the site as a whole including modifications to the parking area.

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

Comment: The proposed Trade Contractor use and motor vehicle sales use would not be hazardous or distributing to neighboring uses as all activities including the fabrication of materials will take place inside the building except for potential storage within the extents of a privacy fence and outdoor display of vehicles for sale within the parking lot. Refer to the suggested conditions of approval for additional avenues for ensuring safety and harmony with the neighboring uses.

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

Comment: The subject property is served adequately by essential public facilities and services since it is currently accessible by two streets and three total curb cuts as well as necessary public utilities. The proposed uses will not affect the existing public facilities and services for this property.

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 uses will not create excessive additional requirements at the public expense and will not be detrimental to economic well-being of the community.

7. The proposed Conditional Use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors:

Comment: The petitioner is proposing outdoor storage and display of raw materials and finished products. If such storage and display is to be considered, such storage and display must be conducted in accordance with the requirements of Title 14 of the Code. Storage or display of material below the base flood elevation (BFE) cannot be permitted. Refer to the suggested conditions of approval for additional avenues for ensuring compliance with applicable regulations.

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

Comment: The proposed site plan introduces new parking areas which would potentially increase traffic volume at the existing west curb cut. The design of the western curb cut would need to be modified to accommodate a two-way drive aisle with a minimum width of 22.0 feet. An alternate site plan with parking along the west of the west parking row would connect the two parking areas and allow for circulation within the site without the need to leave the site onto Rand Road to access the west drive aisle. A suggested condition of approval requires a modified site plan to confirm all requirements are met and safe, efficient circulation is provided.

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 currently developed and improved with a building and surface parking area. The proposed uses will not lead to the loss or damage of natural, scenic, or historic features of major importance on this property.

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

Comment: There exist several open violations upon the property related to an existing illegal

nonconforming accessory storage unit use and outdoor display/storage of goods. Provided the storage unit is removed and outdoor storage and display is conducted in accordance with the requirements of all applicable codes and ordinances, a modified plan for display and storage could meet the regulations of the Zoning Ordinance.

Recommendation: Staff recommends approval of the Conditional Use Permit for a trade contractor use and motor vehicle use at 1628 Rand Road as amended based upon 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 City of Des Plaines Municipal Code with the following conditions:

1. The petitioner shall implement all site improvements shown on the proposed undated site plan, with the following revisions:
 - a. Dimensions and floor areas shall be depicted in accordance with an accurate engineering scale (1:10, 1:20, 1:30, etc.).
 - b. The drive aisle and apron for the west drive aisle shall be modified to provide a minimum width of 22.0 feet.
 - c. Proposed parking spaces shall be modified to be compliant with Section 12-9-6 of the Zoning Ordinance.
2. The applicant shall provide plans and specifications for review and secure permits for all site work governed by city codes and ordinances (pavement, exterior doors/window systems, mechanical/electrical/plumbing/structural, civil engineering, etc.). All proposed improvements and modifications shall be in full compliance with all applicable codes and ordinances.
3. No materials shall be stored outside of the extents of the proposed privacy fence enclosure.
4. All outdoor storage or displays shall be permissible only in full compliance with the requirements of Title 14 of the Municipal Code including raising of stored materials above the base flood elevation (BFE).
5. Display and storage of vehicles or materials shall be permissible in designated areas on private property only and shall not be permissible within required drive aisles or customer parking stalls, or within the public right-of-way. All motor vehicles stored on the site must be operable and stored on a dust-free, hard surface.
6. The existing storage container upon the property shall be removed prior to the issuance of permits or business registrations for the proposed scope of work.
7. The applicant shall coordinate with the City regarding the assignment of unique unit addresses for the two tenant spaces comprising the existing building upon the property.
8. No more than eleven motor vehicles may be displayed for sale on the Subject Property at one time. Through signs, striping, or combination, these eleven spaces should be identified and reserved. Adding additional motor vehicle sales spaces would require an amendment to the Conditional Use Permits. Sufficient parking spaces to meet the minimum off-street parking requirements for the Proposed Uses must be provided on the Subject Property at all times.

Planning and Zoning Board Procedure: Under Section 12-3-4(D) (Procedure for Review and Decision for Conditional Uses) of the Zoning Ordinance, the Planning and Zoning Board has the authority to *recommend* that the City Council approve, approve subject to conditions, or deny the above-mentioned conditional use requests for a trade contractor use and motor vehicle sales use at 1628 Rand Road. The City Council has final authority on the proposal.

Chairman Szabo swore in Urszula Topolewicz, petitioner and owner of property, and Joanna Klimek, attorney at Steven M. Shaykin P.C.

Ms. Klimek explained that last year they were before the PZB for a trade business. The items being stored in the back are granite materials and are not manufactured goods as written in the staff report. These granite slabs are moveable and not stored on the ground. The only other item they would like to store are 11 motor vehicles. Mrs. Topolewicz would like to have the option to store three more vehicles in a showroom in the building. There were two businesses before: granite and kitchen cabinets. The granite company remains, but the kitchen cabinet company is no longer there, and will be replaced by the auto sales business.

Chair Szabo asked how many vehicles would be displayed for sale. Ms. Klimek responded that eleven vehicles would be displayed for sale outside plus 2-3 vehicles in the showroom.

Chairman Szabo asked who would operate the business. Ms. Klimek responded that Auto Depot Car Sales LLC would operate the business. Mrs. Topolewicz is the lessor.

Board Member Weaver asked if any of the owners of granite business have ownership in the auto sales business. Mrs. Topolewicz responded that she and her daughter own the granite business, and she is also the owner of an auto dealership.

Board Member Saletnik inquired if there have been any changes to the fence and if the materials will remain screened. Ms. Klimek said that the gate was moved back toward the rear of the lot so that there is an egress. The fence will be relocated to keep materials screened. Parking of the 11 cars for sale would then be in front of the fence.

Board Member Veremis asked if repairs will be made on the cars. Ms. Klimek responded that only detailing will be done on the lot. Not a full car wash, or car repair, just touching up paint, etc., during detailing. There are two separate businesses with separate entrances.

Mrs. Topolewicz explained that the vehicles will be 2020-2023 with between 2,000 and 5,000 miles. The vehicles will be driven to the lot and not delivered by truck.

CED Director Jeff Rogers presented the staff overview and explained that the applicant insisted on being on this PZB agenda. There are several violations, including a storage container on the lot that is not allowed. The outdoor storage of granite slabs was previously discussed but tabled by the City Council, and since then, outdoor storage of materials has taken place, despite the regulations that are in place, as this is a floodplain area.

Site plans are typically reviewed by staff and then presented to the PZB. Staff's recommendation is to request revisions to the site plan before recommendation to City Council. Plans are also not to scale, and off by several thousand square feet. The parking stalls do not allow for the 22' required drive aisle space, and only scale to 18'. There would also be engineering requirements to be met for floodplain considerations, and this needs Engineering review before final approvals. There are four curb cuts, and there could be traffic concerns if flatbed trucks make vehicle deliveries from the adjacent streets.

CED Director Rogers explained that the showroom entry can be made, but entry into the building would to be done very carefully through the current doorway. There will be ample number of off-street parking spaces on the subject property, but the design and location of proposed off-street parking spaces does not allow for vehicle circulation throughout the site, requiring motorists to leave the property and enter the property from a separate street entrance to access different sections. The 1% floodplain means that any of the materials stored would have to be stored above the base flood elevation. This is a FEMA and City requirement. Materials would have to be raised 9". If there is a way to raise the granite stands 9" above the current ground, that may be a solution, and could be allowed as a conditional use if approved by this Board. This storage of granite is currently taking place, but it is not allowed.

Staff suggested there are alternatives for the site plan that are part of the conditions, if the Board decides to approve this application. The suggested conditions of approval were read.

Board Member Fowler asked how the business can get the 22' for the drive aisle. Ms. Klimek mentioned that she worked with staff, and that one of the parking spots was removed for entry clearance, and so the site plan suffices.

Board Member Weaver expressed his displeasure with the petitioner's plans. There are items that are not worked out and staff indicated that there are many concerns.

Chairman Szabo addressed the petitioner and said they are getting feedback at the meeting today, but this doesn't appear ready at this time and can be continued.

Board Member Saletnik expressed the need for an engineer due to the floodplain. The consensus of Board Members was to continue this item until March 12, 2024.

Chairman Szabo expressed that he understood a business that is not operating is expensive, however the Board need the right information.

Motion to continue this item to March 12, 2024 PZB Meeting, made by Board Member Fowler, seconded by Board Member Veremis.

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

MOTION CARRIED

Other items:

Senior Planner Samantha Redman confirmed the date of the Planning and Zoning Board Workshop for March 5, 2024, 6:00 p.m. for a proposed project at Prairie and Lee. The developer of the site is Paul Dukach. The Building Materials Workshop will be conducted at a later date.

The February 27, 2024 PZB Meeting will be cancelled due to a lack of items.

ADJOURNMENT

Chairman Szabo adjourned the meeting at 8:44 p.m.

Sincerely,

Laura Fast, Deputy City Clerk/Recording Secretary

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