

Planning and Zoning Board Agenda

May 13, 2025

Room 102 – 7:00 P.M.

Call to Order and Roll Call

Approval of Minutes: April 8, 2025 & April 21, 2025

Public Comment: For matters not on the agenda

General Communications: May 5, 2025 City Council agenda results

Administrative Decisions:

- (25-019-LA) 1761 Junior Terrace – Retain Existing Brick Pavers in ROW – Approved pending compliance with code enforcement violations elsewhere on the property.
- (25-026-VAR) 1864 Welwyn Avenue – Minor Variation for Exterior Building Materials - Approved

Pending Applications

1. **Address:** 969 Elmhurst Road Unit 2A

Case Number: 25-018-CU

The petitioner requests a Conditional Use for a Commercially Zoned Assembly use and any other variations, waivers, and zoning relief as may be necessary.

PIN: 08-24-100-024-0000

Petitioner: Ermek Nurbaev, Kyrgyz Kino USA LLC, 969 Elmhurst Road Unit 2A, Des Plaines, IL 60016

Owner: Gulpat LLC, 8421 N McVicker Ave, Morton Grove, IL 60053

2. **Addresses:** 30, 36, and 40 N. Des Plaines River Road

Case Number: 25-020-V

The petitioner is requesting a major variation to reduce the minimum off-street parking spaces required on the subject property, and any other variations, waivers, and zoning relief as may be necessary.

PIN: 09-19-214-031-0000

Petitioner: Nsikak Idet, 30 N. Des Plaines River Road, Des Plaines, IL 60016

Owner: D.S. Patel, 3060 Landwehr Road, Northbrook, IL 60062

Adjournment

Next Agenda: Next meeting is Tuesday, May 27, 2025.

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



DES PLAINES PLANNING AND ZONING BOARD MEETING
April 8, 2025
MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, April 8, 2025, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

Chairman Szabo called the meeting to order at 7:01 p.m. and a roll call was established.

PRESENT: Bronakowski, Fowler, Zadrozny, Veremis, Weaver, Szabo
ABSENT: Catalano
ALSO PRESENT: Samantha Redman, Senior Planner
Jonathan Mendel, Assistant Director of Community & Economic Development
Jeff Rogers, Director of Community & Economic Development

A quorum was present.

APPROVAL OF MINUTES

Veremis had a comment that she had voted against the 200 Howard case and the draft minutes state otherwise. Staff will correct to note Bronakowski and Veremis as nays for the conditional use request.

A motion was made by Board Member Fowler, seconded by Board Member Veremis to approve the meeting minutes of March 25, 2025.

AYES: Bronakowski, Fowler, Zadrozny, Veremis, Weaver, Szabo
NAYS: None
ABSTAIN: None

PUBLIC COMMENT ON NON-AGENDA ITEM

There was no public comment.

GENERAL COMMUNICATIONS – ADMINISTRATIVE DECISIONS

None at this time.

Chairman Szabo introduced the two agenda items.

Pending Applications:

1. **Address:** 1244 Brown Street **Case Number:** 25-015-V

The petitioner requests: (i) a major variation to reduce the total required lot area within the R-4 zoning district; (ii) a major variation to reduce the minimum required parking; and (iii) any other variations, waivers, and zoning relief as may be necessary.

PIN: 09-17-400-032-0000

Petitioner: The Patricia E. Kearney Trust, 650 Mooring Line Drive, Naples, Florida 34102 (Representative: Gene S. Bobroff, 701 W. Golf Rd, Mount Prospect, Illinois 60056)

Owner: The Patricia E. Kearney Trust, 650 Mooring Line Drive, Naples, Florida 34102

Chairman Szabo swore-in petitioner Gene Bobroff. Gene Bobroff is here on behalf of the petitioner Patricia Kearney. He outlined the proposal and the specific major variation request. The request is to reduce the minimum lot size within the R-4 zoning. The public notice previously included a parking variation. Currently a parking variation is not required due to sufficient parking spots. The building is currently a 4-unit building consisting of 2 units on the 2nd floor, 1 unit on the 1st floor and 1-unit on the garden level. The client has lived at this property for 40 years and moved out last year. They would like to add 1 unit to the 1st floor to mimic what is currently on the 2nd floor and add a studio apartment to the garden area.

Member Weaver inquired about one of the floors that has two units. Was that originally constructed as one unit on that floor? Mr. Bobroff stated that as long as Patricia has owned it, it has been two units and they have owned it for 40 years.

Senior Planner Redman presented the staff report.

Issue: The petitioner requests a major variation to the lot area requirement.

PIN: 09-17-400-032-0000

Petitioner/Owner: The Patricia E. Kearney Trust, 650 Mooring Line Drive, Naples, FL 34102 (Representative: Gene S. Bobroff, 701 W. Golf Rd, Mt Prospect, IL 60056)

Case Number: #25-015-V

Ward Number: #1, Alderman Mark Lysakowski

Existing Zoning: R-4, Central Core Residential District

Surrounding Zoning: North: R-4, Central Core Residential District
South: R-4, Central Core Residential District
East: R-4, Central Core Residential District

West: R-4, Central Core Residential District

Surrounding Land Uses: North: Multifamily residence
South: Multifamily residence
East: Multifamily residence
West: Multifamily residence

Street Classification: Brown Street is classified as a local road.

Comprehensive Plan: “Multi-Family Residential” is the use illustrated in the Comprehensive Plan.

Property/Zoning History: According to the original 1955 building permit, this building was constructed with four bedrooms and bathrooms, reflecting its current unit mix. Since its construction, minimal alterations have been made, with most building permits on file for this building related to maintenance activities such as roof repairs, plumbing work, and hard surface replacements.

City records indicate that the property has been zoned for multifamily residential use throughout its history. At the time of construction, the 1923 Zoning Ordinance was in effect, and the property was subject to regulations under “Area District B – Multiple Family.” Rather than using lot area restrictions to regulate density, the 1923 ordinance set a density limit, stating that no dwelling could be built or altered to accommodate more than eight families per acre, or a proportional number for smaller lots. Given the property's size of 0.14 acres, a maximum of 11 dwelling units would have been permitted. The current minimum lot area requirement was introduced in the 1960 Zoning Ordinance, after this building's construction.

Based on these regulations, the existing multifamily building is classified as a legal non-conforming structure under Section 12-5-5 of the current Zoning Ordinance. The lot area does not meet the current R-4 district minimum required 10,000 square feet. However, the existing five parking spaces comply with zoning regulations. The most recent zoning ordinance update occurred in 1998, and any modifications to this building must adhere to its requirements.

Project Description: The property is within the R-4, Central Core Residential Zoning District, which permits multifamily buildings. The petitioner seeks to alter the basement and first floor to create a new unit on each floor, proposing to add a studio in the basement and divide the first floor from one two-bedroom apartment to two one-bedroom apartments. Refer to Floor Plan attachment.

To accommodate the revised unit mix, a zoning variation is required to reduce the lot area. The current four-unit building can continue as a non-conforming structure per Section 12-5-5 of the Zoning Ordinance; however, it cannot undergo improvements beyond ordinary repair and maintenance without zoning relief. Increasing the total units from four to six would eliminate the property's legal non-conforming status. Approval of this request would allow the property to be legally recognized with six dwelling units, without the limitations imposed on non-conforming structures.

R-4 – Townhome Residential District Bulk Standards		
<i>Bulk Controls</i>	<i>Regulations</i>	<i>Subject Property Existing Conditions</i>
Maximum height	80 ft	≤ 35 ft
Minimum front yard	12 ft	18 ft
Minimum side yard	5 ft.	5 ft.
Minimum rear yard	25 ft. or 20% of lot depth, whichever is less	48 ft.
Minimum lot width	50 ft.	50 ft
Minimum lot area	10,000 sq ft	6,250 sq ft

¹ Calculation: Total Lot Area (6250 sq. ft.) divided by proposed six units. Variation requested to provide relief from this requirement.

Minimum Lot Area

The R-4 Zoning District establishes minimum lot area requirements based on either a fixed lot size of 10,000 square feet or a total determined by the unit mix, whichever is greater. In this case, the 10,000 square foot minimum applies. The existing lot does not meet this requirement, meaning it could not be newly created, nor could the building be constructed today as originally built, based on the current zoning ordinance. Because the property owner proposes to alter the unit mix and increase the number of units, the modifications would eliminate the building's legal non-conforming status. As a result, a variation is necessary to allow for the proposed changes.

As a matter of record, many lots within this zoning district,

particularly those with similar-scale multifamily buildings, do not meet the minimum lot area requirement and are classified as "non-conforming." In the downtown area, including the vicinity of this property, there are over 100 properties ranging from 6,250 square feet to 9,999 square feet in size and many include this type of multifamily building.

Off-Street Parking

The off-street parking requirement for efficiency (studio) and one-bedroom units in the R-4 zoning district is 1 space per dwelling unit and 1.5 spaces for each two bedroom unit. The existing unit mix is 2 two-bedroom units and 2 one-bedroom units, requiring five spaces. With the five spaces in the rear parking area and one driveway space, parking is currently compliant.

For the proposed six one-bedroom units, six parking spaces would be required. Per the Petitioner's Narrative, five off-street parking spaces are provided in the rear, and several additional vehicles can park in the driveway accessed by Brown Street. The zoning ordinance does not allow tandem parking spaces, so only one space in the driveway can be counted towards the minimum off-street parking requirement.

Although the public notice for this case originally included a parking variation, staff have determined with the proposed unit mix and available spaces that this proposal would be code compliant with the off-street parking requirements with six spaces available.

Standards for Variation:

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

Staff Comment: Without the variation, the property would be unable to operate as proposed. The inability to re-configure the existing unit mix may not constitute a "hardship." The property can continue to operate as is, if the variation is not approved.

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.

Staff Comment: The subject property is a typical rectangular lot that is neither exceptional to the surrounding lots nor contains unique physical features that prevent the petitioner from complying with the appropriate regulations.

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.**

Staff Comment: Any perceived unique physical conditions or hardships created from these items are a direct result of the actions of the property owner. The property owner is seeking to increase the number of units by re-configuring the existing units. The property owner is able to continue to rent this property with the existing unit mix as a non-conforming structure if the variation is not granted. However, as outlined in the property history section of this report, changes to the zoning ordinance over time have resulted in the building's current nonconforming status. Because the property owner proposes to modify the unit mix and increase the number of units, these changes would eliminate the building's legal nonconforming status. As a result, a variation is required to allow the proposed modifications.

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.**

Staff Comment: The rights denied to the property owner would be the ability to reconfigure the existing building to increase the number of tenants, but the property could continue as a non-conforming use. under Section 12-5-5 of the Zoning Ordinance limiting the building to only ordinary repair and maintenance of the existing four units and not allowing any structural alterations or enlargement of the structure. Denial of the variation means it would continue to be subject to the non-conforming use regulations.

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.**

The Petitioner's Response to Standards for Conditional Use provides their response to this standard.

Staff Comment: Granting this variation may, in fact, provide a special privilege for the property owner not available to other properties in this zoning district. 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 if the applicant has exhausted design options that do not require a variation. The PZB may ask the petitioner to explain whether they have exhausted other alternatives.

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.**

Staff Comment: With the variation sought, it would meet all other applicable requirements for the R-4 zoning district. No exterior changes are proposed. It is also important to note that many lots in the city within this zoning district, particularly those with similar-scale multifamily buildings, do not meet the minimum lot area requirement and are classified as "non-conforming." In the downtown area, including the vicinity of this property, there are over 100 properties ranging from 6,250 square feet to 9,999 square feet in size. Although each variation request is determined on a case-by-case basis, the overall context and constraints placed by the zoning ordinance may be an important consideration for this type of request.

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.**

Staff Comment: In this case, one clear remedy is not to change the unit mix. There is no other remedy for the lot area variation; this property is landlocked with no readily available opportunities to acquire additional property.

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.**

Staff Comment: The variation may provide the minimum relief 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. City Council has final authority on the proposal.

Consideration of the request should be based on a review of the information presented by the applicant and the findings made above, as specified in Section 12-3-6.F (Standards for Variations) of the Zoning Ordinance. Staff does not have any recommended conditions of approval.

Member Weaver asked about other similar properties in the City that are built as 2-flats or 3-flats that have added more units in the recent years.

Senior Planner Redman responded, yes and gave two examples: One on Linden St and the other on Illinois St.

Member Weaver asked if staff sees this request as similar. Senior Planner Redman stated this request is simpler, because a zoning map amendment is not required.

Chair Szabo asked if current tenants would stay during proposed construction. Mr. Bobroff stated he doesn't have that information.

Chair Szabo if there were any public comments. No one responded.

A motion was made by Member Weaver and seconded by Member Zadrozny to recommend approval of the major variation to the City Council.

AYES: Bronakowski, Fowler, Zadrozny, Veremis, Weaver, Szabo
NAYS: None
ABSTAIN: None

MOTION CARRIED

2. **Address:** 2200 E Golf Rd. **Case Number:** 25-014-PPUD-CU

The petitioner requests: (i) a Preliminary Planned Unit Development with a height exception, (ii) a Conditional Use for an Assisted Living Facility; and (iii) any other variations, waivers, and zoning relief as may be necessary.

PIN: 09-09-402-010-0000

Petitioner: Heritage Woods Northwest LLC, 1016 W. Jackson Blvd, Chicago, IL 60607

Owner: RJB-II LP and First American Self-Storage Group, LLC, 1731 N. Marcey St., #200, Chicago, IL 60614

Chairman Szabo swore in all individuals presenting for this case.

Bob Helle represented the petitioner and introduced his team. He then continued to outline and present the proposed conditional use and PUD request of the assisted living facility development – location, design, operations and targeted market segment and area.

The facility will consist of 150 units. The property will include 91-bedroom units (60%) and 60-studios (40%) with extensive community spaces including communal dining, bistro, commercial kitchen, living room, library, physical therapy, outdoor garden space with raised planting beds.

This facility is designed for residents to live in a residential facility rather than a nursing facility.

The average age of the residents is roughly 85 years old at the time of moving in. At this specific facility, they will serve residents earning up to \$62,800 a year in 2024, but that number will slightly increase in 2025.

In 2024, within a 3-mile radius of the property there are over 8,000 residents who are age and income qualified. 2,000 of these people would benefit from this facility.

Bernie Citron, attorney for petitioner, outlines the specific zoning actions requested. Two primary actions – Conditional Use for Assisted Living Facility and a Preliminary PUD with maximum building height exception. Seeking approval to increase the height by 5 ft.

Jane Sloss, architect with WJW Architects, presented the specific project building design, location and site planning.

The site is located at the corner of Golf Rd and East River Rd. with the existing Monarch building to the North, Forest Preserve land to the West and South and I-294 to the East. Proposed main entry would be located on the west side of the site, with storm water detention on the east portion of the site. 80 parking spaces are proposed including 4 accessible spaces. There will also be a courtyard including patio space, walking paths, and other landscaped areas. Building size is about 123,000 sq ft. with a large number of amenity spaces for the residents.

Most of the sleeping units will be located on floors 2-4 with distributed common areas on those floors as well.

Sleeping units will consist of a private bathroom, sleeping area, sitting area, and kitchenette. Main elevation is on the west side with an entry and port-cochere. This design will include heavy timber trusses and cedar sunshades to bring warmth and a welcoming feel to the entrance of the building. Material palette is comprised of low maintenance and high-quality materials including brick and fiber cement siding.

Building height is proposed to be 50 ft ½ in., which exceeds the 45 ft maximum allowed in R-3 zoning district and requires a PUD exception. Design of building is intended to be contemporary in nature and to emphasize its residential character. Tim Brown and Stephen Corcoran (Eriksson Engineering) were available to answer any questions.

Member Weaver asked about the direction of vehicles using the port-cochere. Helle stated northbound vehicles navigate into the port-cochere.

Member Fowler asked about using The Monarch to access northbound N. East River Road. Bob Helle stated there is a pre-existing easement built into it.

Member Fowler likes the project and thinks it will be a nice addition.

Member Weaver asked about the amount of stone and brick on the building's facades. Jane Sloss further described the location and amount of façade brick on the entire first floor going up to the third story in some bay. The dark blue color is Hardie board panel siding.

Member Zadrozny asked about the height of The Monarch building. Asst. Director Mendel stated that it is compliant with the R-3 zoning – at or less than the maximum 45 foot building height.

Member Bronakowski asked about the amount of masonry and non-masonry. He has concerns about the proposed materials and how similar materials have been implemented elsewhere in the City. Jane Sloss stated she does not have that percentage number available at this time.

Chairman Szabo and Member Bronakowski stated both are not fans of Hardie-board type material. Member Bronakowski states he is unable to support this project unless there is additional brick on the building.

Bob Helle will go back to the design team and discuss possible changes to incorporate more brick into the building. Member Bronakowski wants the City and the Economic Development Department to further review our development standards.

Member Weaver stated he understood the opinions of Member Bronakowski and Chairman Szabo regarding the exterior building materials requirements but appreciated the petitioner's effort to maximize the brick materials on the primary exterior building facades.

Member Fowler also agrees with other members and encourages the City to further review our exterior building standards. Helle stated he understands the PZB's comments but also states such materials can be high quality when used in an appropriate manner.

Chair Szabo reiterates the desire to update the City's building design and review material requirements.

Senior Planner Redman presented the staff report.

Issue: The petitioner requests: (i) Conditional Use for an Assisted Living Facility with 150 units in the R-3 zoning district; and (ii) a Preliminary Planned Unit Development (PUD) with an exception for height from 45 feet to 50.5 feet.

Petitioner: Heritage Woods Northwest LLC, 1016 W. Jackson Blvd., Chicago, IL 60607

Owner: RJB-11 LP & First American Self-Storage Group, LLC; 1731 N. Marcey St., #200, Chicago, IL 60614

Case Number: 25-014-PPUD-CU

PIN: 09-09-402-010-0000

Ward: #1, Alderman Mark Lysakowski

Existing Zoning: R-3, Townhouse Residential

Existing Land Use: Surface parking lot and undeveloped land

- Surrounding Zoning:** North: R-3, Townhouse Residential
South: R-1, Single Family Residential
East: R-3, Townhouse Residential; C-3, General Commercial District
West: P1, Public Land District (Unincorporated Cook County)
- Surrounding Land Use:** North: Multifamily Building (The Monarch)
South: Forest preserve
East: Undeveloped land
West: Forest preserve
- Street Classification:** Golf Road is classified as a principal arterial road and is under the jurisdiction of the Illinois Department of Transportation (IDOT). North East River Road is classified as local road and is under the jurisdiction of Cook County.
- Comprehensive Plan:** “Multi-Family Residential” is the use illustrated in the Comprehensive Plan.
- Property/Zoning History:** In 1984, this site was annexed into the city (Ordinance A-2-83) and the building for the United Stationers Corporate Headquarters was constructed. This building was occupied by the United Stationers until approximately 2007. The building was demolished in 2009 and the site has remained vacant for approximately fourteen years.
- Project Overview:** The petitioner, Heritage Woods Northwest LLC, is the contract purchaser of 2200 E Golf Road. On January 7, 2025, the Planning and Zoning Board hosted a special workshop to discuss the proposed development. The developer delivered a presentation and hosted an open house for the Board and the public to discuss the proposed facility. No public comments have been received for the proposed development at the time of this report.
- Overview of Requests:** To allow this use in this location, the applicant requests the following:
1. Conditional Use for an Assisted Living Facility in the R-3 zoning district.
 2. Preliminary Planned Unit Development to construct a 150 unit assisted living facility, with an exception to allow the height to be 50.5 feet exceeding the maximum height of 45 feet in the R-3 zoning district.
- Conditional Use Request:** Assisted Living Facilities are a conditional use within the R-3 zoning district. The use is defined in the zoning code as,
- “ASSISTED LIVING: A facility for adults in need of some

protective oversight or assistance due to functional limitation that provides a living arrangement integrating shelter, food and other supportive services to maintain a functional residential status.”

The petitioner’s narrative describes the proposed “Senior Living Facility.” This type of facility provides services for senior residents requiring assistance with two or more activities of daily living (including cooking, bathing, dressing, etc.). Although the facility will serve residents 65 years of age or older, its primary clientele are the “frail elderly” with an average age of 85 or older. This developer has constructed several similar senior living facilities, including Illinois locations in McHenry, Batavia, Downers Grove, Gurnee, South Elgin, and Rockford.

Employees of this facility will include CNAs, RNs, and other support and office staff. The petitioner states they estimate approximately 22 employees will work at this facility and it will operate 24/7.

Transportation and Parking

Pursuant to Section 12-9-7, assisted living facilities require 1 space for each 5 beds, plus 2 spaces for every 3 employees.

Use		Required parking ¹
Assisted Living Facility	1 space for each 5 beds	150 beds = 30 spaces
	2 spaces for every 3 employees	22 employees = 15 spaces
	Total Required Spaces	45 spaces
	Total Proposed Spaces	80 standard spaces 4 accessible spaces
¹ Spaces rounded up to next whole number		

The petitioner’s narrative states the residents of this type of facility, due to age and frailty, typically do not drive. PACE Route 240 runs along North East River Road to the east of this property, with a stop located in front of The Monarch, approximately 400 feet from the property line of 2200 E Golf Road. PACE Route 208 runs along E Golf Road; although a bus stop is located at the northeast intersection of North East River Road, an accessible route to this stop is not available from this location.

The facility will provide a private shuttle to transport residents to doctor’s appointments, shopping and other activities. A condition of approval states this private transportation option must be available to residents throughout the operation of this use. Amenities on site will include a commercial kitchen and dining facility, a hair salon, exercise room, and other living amenities for residents, limiting the amount of vehicle trips necessary off-site for residents to complete activities of daily living. Three meals a day as well as snacks and drinks will be provided to residents at the facility. Kitchenettes are present in each room, but no full oven or cooking facilities, with the exception of a microwave, are available in each unit.

Traffic

Access will continue to be provided to this property through the existing right in/right out controlled access driveway along Golf Road to the southwest of the property. Additional access points will connect to the existing multifamily development to the north, The Monarch. Per the petitioner, easement and access agreements already exist allowing for this connection from the proposed development. No driveways will open to North East River Road.

Refer to the Traffic Impact Study attachment for information regarding traffic related to this use. The Erikson Engineering Associates study was prepared in February 2025. Per the report, the estimated traffic volume in the report was generated by estimating employee trips, service or vendor trips, and visitor trips. Traffic volume was observed in December 2024 and the report states the combination of the existing traffic volume and the predicted increase generated by this site could be accommodated by the existing street network and intersections without affecting the Level of Service (LOS) on any adjacent streets. The Public Works and Engineering Department (PWE) reviewed the traffic study and did not indicate specific concerns regarding its findings.

Emergency Services

The Fire Prevention Division did not indicate any concerns regarding the site plan and emergency access. However, assisted living facilities, particularly facilities such as the proposed that specialize in the frail elderly, may generate additional demand on emergency services due to the nature of this use and the average age of the occupants.

This property is within the boundary of Des Plaines Fire Department Station 61 response area. There are three stations within the City and Station 61 had the highest call volume between 2021 and 2024. The Emergency Response Map attachment includes the travel time and call volume of each station.

The Assisted Living Facility Response Volume Map attachment includes the location of all existing facilities and a table of the call volume. Of the seven assisted living facilities in the city, four are located within the response area of Fire Station 61. The addition of this proposed facility would be the fifth.

Details on the proposed project's internal emergency management strategy was provided by the management company, Gardant Management Solutions, in the Emergency Management Plan Attachment. This describes the availability of staff and a private ambulance for non-emergent calls (i.e. lift assists from falls not requiring transportation to a medical facility.) Gardant Management Solutions provided a letter detailing the 911 call volume of existing facilities in other communities (Refer to Emergency Management Plan), generally resulting in nine to eighteen calls a month, or 108 to 180 calls a year per facility.

Based on this memo and consultation with the Fire Department, several suggested conditions of approval were developed for the Board and Councils' review. These conditions include requiring an active contract with a private ambulance company for non-emergent calls, as well as quarterly meetings during the first year of operation between the operator of the facility and the Fire Department, followed by semiannual meetings after the first year.

The meetings are intended to ensure that clear, established communication between the operator

and the Fire Department, particularly during the beginning stages of operation when there tend to be a higher number of emergency calls for these types of facilities. Although the proposed operator does not have any facilities within Des Plaines, there is precedent that new assisted living facilities opening within the city result in higher call volume initially, but then a reduction after working with Fire Department staff to coordinate staffing and response for non-emergent versus emergent calls.

A final condition from emergency services requests the address be changed prior to building permit. An unrelated assisted living facility is located at 2200 E Golf Road in the Village of Glenview and changing the address prevents confusion during emergency response. This is an administrative process through the City; the Cook County PIN would be unchanged.

Preliminary PUD

A planned development, as defined below, was requested by the petitioner:

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” (Section 12-13-3).

The purpose of a PUD is to promote a unified development by providing flexibility in development standards to accommodate site conditions and encourage innovative use of land. Certain characteristics are required by 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.

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 must 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.

PUD Bulk Exceptions

As identified in the Project Overview section, the proposal exceeds the maximum height permitted in the R-3 zoning district, requiring PUD exceptions from Section 12-3-5.C. An exception allowing for increased height for a PUD can be considered beneficial for reducing the overall building footprint by allowing for increased development vertically rather than horizontally.

Building Materials

The petitioner has requested a minor variation for building materials to deviate from the below requirement:

“Multi-family residential shall be constructed with one hundred percent (100%) face brick, natural stone, or anchored or adhered masonry veneer on all street facing and side elevations with at least two (2) complimentary colors or materials and a minimum of eight feet (8') from the top of foundation on all remaining elevations. (Section 12-3-11.D.2.a.3)

Several elevations do not meet this requirement and a minor variation is requested. The Planning and Zoning Board unanimously suggested the building should contain additional brick and

suggested a condition requiring the elevations to be primarily masonry on all exterior elevations. Refer to Suggested Conditions of Approval for the PUD.

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	Despite this use being a Conditional Use in this zoning district, this additional entitlement strategy was chosen to provide a streamlined process for requesting any exceptions, including the increased height, and to provide the ability for the PZB and City Council to engage in meaningful dialogue during the review process about the overall site plan.
Permanent preservation of common open space and recreation areas and facilities	The Preliminary PUD plat and site plan include proposed modifications along the gravel path along the south boundary of the property, to be determined after consultation with Public Works and Engineering and the Forest Preserve prior to Final PUD Plat. This path connects to a paved multi-use path along North East River Road and connects to the forest preserve trail network to the west.
A pattern of development to preserve natural vegetation, topographic and geologic features	No significant natural vegetation, topographic or geologic features exist on site that would be beneficial to maintain. New landscaping is proposed throughout the development, reducing the amount of impervious surface currently located on the site.
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	The proposed building is constructed on a vacant property previously occupied by an office building. The new development will include significantly more landscaping than the previous development (Refer to Landscape Plan), and the residents will have access to an interior courtyard for recreation, as well as access to the forest preserve trail network adjacent to this property.
An efficient use of the land resulting in more economic networks of utilities, streets and other facilities	No new driveways onto public streets are proposed, and all utilities will be placed underground. According to the petitioner's traffic study (see attachments), the development is not expected to disproportionately impact traffic in the area. Compared to a traditional multifamily development, which is permitted by right in this zoning district, this use may generate less traffic, as most residents are not expected to rely on personal vehicles. Instead, the primary sources of site traffic will be employees, deliveries, and the shuttle service.

A land use which promotes the public health, safety, and general welfare	This development develops long vacant land to serve the region’s growing senior population, addressing the need for specialized housing and services described in the Comprehensive Plan. While the nature of this use may increase demand on emergency services, the proposed conditions of approval may help mitigate potential impacts, ensuring continued service efficiency. Additionally, the development fully complies with fire code regulations, and its access design—maintaining the existing right-in/right-out entrance and utilizing the internal road network connected to The Monarch development—supports safe and efficient emergency response. By providing housing and services tailored to seniors while maintaining adherence to safety standards, the project promotes public health, safety, and general welfare.
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Standards for Conditional Use

The following is a discussion of standards for zoning amendments from Section 12-3-4(E) of the Zoning Ordinance. Rationale for how the proposed amendments may or may not satisfy the standards is provided below and in the petitioner’s response to standards. The PZB may use this rationale toward its recommendation, or the Board may make up its own.

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

Assisted living facilities are a conditional use within the R-3 zoning district.

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

The Petitioner’s Response to Standards for Conditional Use provides their response to this standard.

Staff Comments: The Comprehensive Plan supports the use of this property for multifamily residential. Although not the traditional multifamily residential development, the proposed use serves to address several goals including: Pursue high quality housing for residents in all stages of life, specifically older adults and young families; Ensure the City has several housing options to fit diverse needs; Plan for and identify policies and tools that ensure accessibility.

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:

The Petitioner’s Response to Standards for Conditional Use provides their response to this standard.

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

The Petitioner's Response to Standards for Conditional Use provides their response to this standard.

Staff Comments: As discussed in the Traffic section of this report, the petitioner provided a traffic study to discuss any impact to the adjacent street network. No additional driveways will be added connecting to the adjacent street network, preventing the creation of an additional potential traffic hazard.

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:

The Petitioner's Response to Standards for Conditional Use provides their response to this standard.

Staff Comments: Refer to the "Emergency Services" section of this report. With the suggested conditions of approval from staff, the increased demand on emergency services may be mitigated, particularly with the requirement to maintain a private ambulance contract for non-emergent calls. No other public facilities or services were identified as significantly affected by this proposal. This use would not generate additional students and all necessary utilities will be connected to this site.

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:

The Petitioner's Response to Standards for Conditional Use provides their response to this standard.

Staff Comments: Refer to Standard 5 above for commentary on public facilities and services as well as the "Emergency Services" section of this report.

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

The Petitioner's Response to Standards for Conditional Use provides their response to this standard.

Staff Comments: All activities are proposed to occur inside the building. Any uses must be in compliance with the Environmental Performance Standards in Title 12, Chapter 12 of the City Code. Noise level for any activities on the site will be regulated by Section 6-2-7 of the Police Regulations in the City's municipal code. Refer to the Traffic section of this report for additional discussion regarding traffic.

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:

The Petitioner's Response to Standards for Conditional Use provides their response to this standard.

Staff Comments: The proposed development provides vehicular access that minimizes interference with surrounding public thoroughfares. No new driveways onto public streets are proposed, reducing the impact on existing traffic. The site will be accessed via a right-in/right-out entrance and an internal road network connecting to The Monarch development to the north, facilitating smooth traffic flow. Additionally, the petitioner's traffic study (see attachments) indicates that the development states this use would not disproportionately affect traffic. Compared to a traditional multifamily development, which is permitted by right in this zoning district, this use may generate less traffic, as most residents are not expected to rely on personal vehicles. Instead, the primary sources of site traffic will be employees, deliveries, and the shuttle service, which will be managed to prevent congestion on public streets.

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

No natural, scenic, or historic features of major importance have been identified on this site and thus will not be affected by this development.

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

With the exception requested with the Planned Unit Development and a minor variation for building materials to allow fiber cement siding in locations where brick is required (unless alternative elevations are proposed at time of building permit), this development would be considered zoning code compliant if reviewed for building permit.

Standards for Planned Unit Development:

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 Planned Unit Development (PUD) process is available to any property owner seeking approval for a proposed project. PUDs are permitted in all zoning districts within the City, subject to the regulations outlined in Section 12-3-5 of the Zoning Ordinance. To qualify, a PUD must be under single ownership or unified control and the petitioner intends to purchase the property after receiving necessary approvals.

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

The proposal meets the ownership/unified control and size requirements in the Zoning Ordinance.

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 Petitioner's Response to Standards for Planned Unit Development provides their response to this standard.

Staff Comments: The proposal complies with the majority of bulk regulations outlined in Section 12-7-2.J of the Zoning Ordinance but requires an exception for building height. Specifically, the development seeks approval for a height of 50.5 feet, exceeding the 45-foot maximum permitted in the R-3 zoning district by 5.5 feet, or approximately 12%, with building setbacks of 53'-7" from north property line, 30'-1" from south property line, 167'-4" from the west property line, and 219'-1" from east property line.

This height exception may allow a more efficient building design that accommodates the needs of senior residents while minimizing the development's overall footprint. By slightly increasing the height, the project can provide necessary amenities, improved unit layouts, and enhanced accessibility features without requiring a larger building footprint, thereby preserving open space and reducing impervious surface coverage. Additionally, the proposed height is compatible with the surrounding built environment and does not create adverse impacts on adjacent properties.

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 Petitioner's Response to Standards for Planned Unit Development provides their response to this standard.

Staff Comments: The physical design of the proposed development provides adequate consideration for public services, vehicular traffic control, open space, and amenities such as light, air, recreation, and visual enjoyment. The project includes underground utilities, which reduces visual clutter and maintains the area's aesthetic quality. Vehicular access is provided through an existing right-in/right-out entrance and an internal road network connecting to The Monarch development, which helps mitigate potential traffic impacts on surrounding public streets. According to the petitioner's traffic study, the development is not expected to result in a disproportionate impact on local traffic, with the primary sources of traffic being employees, deliveries, and shuttle service. The amount of landscaped area will be increased with this development, refer to the Landscape Plan attachment.

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

The Petitioner's Response to Standards for Planned Unit Development provides their response to this standard.

Staff Comments: The project is located within a zoning district that permits multifamily residential uses, and the petitioner has made efforts to align with the existing built environment. Access to the site is provided through an existing right-in/right-out entrance and an internal road network connected to The Monarch development to the north, which minimizes disruption to surrounding streets and ensures efficient traffic flow.

While the development introduces a use that may increase demand on emergency services and traffic, these impacts are mitigated through proposed conditions of approval. The height of the building is slightly above the district's maximum allowable height, but the design is intended to minimize visual impact and maintain adequate light and air circulation for surrounding properties.

The project also incorporates landscaping and open space amenities for residents, which contribute to the aesthetic value of the area and improve the visual appeal that has not existed for this vacant property since the building was demolished fourteen years ago. Overall, the proposed development is not expected to create adverse impacts on adjacent properties or the 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:

The Petitioner's Response to Standards for Conditional Use provides their response to this standard.

Staff comments: The proposal would provide additional housing stock that increases 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 vacant property at this time.

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

The Petitioner's Response to Standards for Conditional Use provides their response to this standard.

Staff comments: The proposal aligns with the housing goals and objectives of the 2019 Comprehensive Plan by increasing the housing stock and providing additional options for senior residents. While not a traditional multifamily development, the proposed use supports the Comprehensive Plan's vision for this property as a multifamily residential site. Additionally, the development advances several key goals, including pursuing high-quality

housing for residents at all stages of life, particularly older adults; ensuring a diverse range of housing options to accommodate varying needs within the community; and planning for accessibility by creating a facility that, by its nature, must be accessible to older residents. By addressing these priorities, the proposal contributes to the City's long-term vision for balanced and inclusive housing development.

PZB Procedure and Recommended Conditions:

Conditional Use and PUD

Pursuant to Sections 12-3-4(E) of the Zoning Ordinance, the PZB may vote to *recommend* the City Council approve, approve with conditions, or deny the conditional use and PUD. A continuance may also be requested. The City Council has final authority over both requests.

However, should the PZB recommend approval of the PUD and the conditional use, staff suggests the following conditions for the conditional use request.

Suggested Conditions of Approval:

1. The property address shall be updated to the assigned address prior to the issuance of a Certificate of Occupancy.
2. During the first year of operation, the operator of the assisted living facility shall meet quarterly with the Fire Department to discuss emergency response procedures and other operational matters related to City services. Following the first year, meetings shall be held semiannually unless the Fire Chief specifies an alternative meeting frequency.
3. The operator shall maintain an active contract with a private ambulance service for non-emergent calls for the duration of the use.
4. The operator shall provide a shuttle service or an alternative private transportation option for residents.
5. At the time of final approval for the Planned Unit Development, the site plan shall include a designated walkway or pedestrian path along the southern boundary of the property unless otherwise determined by the Public Works and Engineering Director.

Senior Planner Redman stated the petitioner has requested a minor variation for building materials, which is not reviewed by the PZB or City Council, but is a decision made by the Zoning Administrator. She provides the required materials per the Zoning Ordinance.

Member Weaver asked about the difference between the minor variation for building materials and the PUD exception for height.

Member Fowler asked about where Station 61 is located. Senior Planner Redman stated it is on Oakton Street.

Member Bronakowski asked the distance between this proposed facility and the Glenview facility. Senior Planner Redman states she does not have the distance at hand, but the facility is close enough for the Fire Dept to have concerns about possible confusing.

Member Zadrozny about the difference between assisted and supportive living. Helle outlined the difference between the two types of facilities.

Member Weaver described the needs for accessible parking spaces and resident functions and suggests more accessible parking for residents.

Bob Helle outlined the operational requirements for these types of these facilities.

Member Veremis asked about the need for private transportation for residents.

Bob Helle stated that the on-site transportation is provided at no cost and all the vehicles are accessible buses and vans.

Member Bronakowski asked about the petitioner's experience with developing these types of facilities and asked if this proposal is similar in exterior materials with the other properties he has developed.

Bob Helle stated that cement fiber is often more expensive than brick.

Member Bronakowski states he would like to see more brick on the building and may not be able to support this proposal as currently designed.

General discussion between petitioner and the PZB occurred regarding the petitioner's experience in nearby communities and whether City Des Plaines should receive same or similar treatment

Senior Planner Redman states options for the PZB, either by drafting recommend conditions and/or continuing the request to another agenda.

Chair Szabo asked for public comment. No members of the audience spoke during public comment.

Member Weaver communicated preference for more brick on the building and within the City. If developers are constructing buildings in other communities with more brick, those communities probably have another type of review board different than our PZB. He asked staff about building design standards.

Senior Planner Redman stated the current code requirements for this type of development and how it is addressed by this request, requiring a minor variation for the design.

Member Weaver asked about the minor variation process and whether PZB or City Council review these variations.

Senior Planner Redman stated the Minor Variation process is reviewed by the Zoning Administrator for final decision, and does not come before PZB or City Council. Assistant Director Mendel restated what Senior Planner Redman stated.

Member Weaver asked about how the variation process works when something is not within a PUD request.

Assistant Director Mendel stated that if a variation is not part of this PUD request, it goes through the minor variation process and staff reviews against variation standards.

Member Weaver asked whether it is appropriate to apply a condition of approval for an item that is not under the purview of the PZB.

Assistant Director Mendel stated that the PZB can state their views on the record and there can be further discussion on building materials requirements and policy at a later time.

Stephen Barron, a member of the petitioner's development group, outlines the development financing and importance of the development. He stated that they will be looking at possible changes to the exterior building materials and will consider changes prior to City Council.

Member Weaver asked about whether there needs to be a formal motion about the building materials or whether stating their views "on the record" is sufficient.

Assistant Director Mendel stated that a simple discussion on a meeting record is sufficient and doesn't necessarily need to be a formal motion.

Chair Szabo asked if a condition of approval requiring "additional masonry" can be added.

Senior Planner Redman stated the PZB are able to add these types of conditions and asked to clarify if they just want masonry around the entire building, or if the courtyard needs to meet this requirement too.

Member Fowler stated she has asked multiple times for the City to overall discuss building materials.

Member Bronakowski stated he has often heard developers state that financing is pending and developers create a sense of urgency. He doesn't believe this is valid imposition and wants transparency across remainder of the process.

Member Szabo stated he doesn't want to provide specific percentage of masonry but rather direct the petitioner to proceed with the PZB discussion as direction.

Senior Planner Redman stated that the PZB can add a building materials condition, but it would be advantageous for the PZB to define and specify clear bounds for the petitioner.

Member Bronakowski stated he would like to condition the approval requiring all exterior public ROW facing to be masonry. Chair Szabo stated he would like to see the entire exterior and interior courtyard perimeter contain masonry too.

Bob Helle stated he is ok with “primarily” masonry, but desires for definition from the PZB. He doesn’t want to be caught within a policy discussion when we have a specific project under review.

Member Weaver stated that he would like to think we could have attractive buildings between staff and City Council and would like to make a motion without additional building materials’ condition.

Member Bronakowski stated he doesn’t agree with such a motion as it would be not be appropriate at this time.

Member Weaver stated that staff would use the same criteria as the PZB would if it were in front of them.

Member Veremis suggested a condition for building exteriors to be primarily masonry.

Senior Planner Redman asked PZB to more clearly define ‘primarily’ and provided some possible options.

Chair Szabo stated that the PZB doesn’t want to provide a detailed definition of ‘primarily masonry’. Member Veremis, Fowler and Bronakowski want to keep it more general.

Member Veremis confirms with the petitioner they understand the “primarily masonry” condition.

A motion was made by Member Veremis and seconded by Member Weaver to recommend approval of the conditional use for assisted living facility to the City Council with conditions 1-4 drafted by staff.

AYES:	Bronakowski Fowler, Zadrozny, Veremis, Weaver, Szabo
NAYS:	None
ABSTAIN:	None

MOTION CARRIED

A motion was made by Member Veremis and seconded by Member Bronakowski to recommend approval of the conditional use for preliminary PUD with building height exception to the City Council with conditions 5 and 6 and read into the record by Member Veremis as follows:

5. At the time of final approval for the Planned Unit Development, the site plan shall include a designated walkway or pedestrian path along the southern boundary of the property unless otherwise determined by the Public Works and Engineering Director.
6. Petitioner will change the design of all exterior walls to be primarily masonry materials.

AYES: Bronakowski, Fowler, Zadrozny, Veremis, Weaver, Szabo

NAYS: None

ABSTAIN: None

MOTION CARRIED

FURTHER DISCUSSION ON BUILDING DESIGN REVIEW CODES

Staff and the PZB members discussed a process for evaluating the codes and procedures. Staff stated they will bring a discussion item at a near future meeting date.

Additionally, staff reminded the PZB about the required Statement of Economic Interest required by the State.

ADJOURNMENT

Chairman Szabo adjourned the meeting by affirmative voice vote at 8:50 p.m.

Sincerely,
Jonathan Mendel/Recording Secretary
cc: City Officials, Aldermen, Planning & Zoning Board, Petitioners



DES PLAINES PLANNING AND ZONING BOARD MEETING
April 22, 2025
MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, April 22, 2025, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

VOTE FOR CHAIR PRO TEMPORE

Board Member Weaver motioned and Member Veremis seconded to elect Member Catalano as the chair pro tempore. Unanimous Aye.

Chairman Pro Tempore Catalano called the meeting to order at 7:00 p.m. and a roll call was established.

PRESENT: Bronakowski, Catalano (Chairman Pro Tempore), Fowler, Zadrozny, Veremis, Weaver

ABSENT: Szabo & Fowler

ALSO PRESENT: Samantha Redman, Senior Planner
Jonathan Stytz, Senior Planner
Jonathan Mendel, Asst. Dir. of Community & Economic Development
Jeff Rogers, Director of Community & Economic Development

A quorum was present.

APPROVAL OF MINUTES

The minutes were pulled from the agenda so staff could make revisions and provide them to the board by the May 13, 2025 meeting for review.

PUBLIC COMMENT ON NON-AGENDA ITEM

There was no public comment.

GENERAL COMMUNICATIONS

1. Request for attendees: Virtual Planning Commissioner Training – IL American Planning Association on April 30, 2025.

Senior Planner Redman stated there is a virtual planning commissioner training scheduled for April 30th and the City is able to pay for the fee for this training. Request was made for any interest in this training. Veremis and Weaver indicated interest. Senior Planner Redman stated they will arrange this training and anyone else can contact the Zoning Division if they change their mind.

2. Request for Workshop for 9661 E Golf Road, “Fisherman’s Dude Ranch”, redevelopment plan. Requested date: May 27, 2025 at 7:00 p.m.

Senior Planner Redman states the property owner and developer has requested a PZB workshop on May 27th. There will be another item on the agenda, but staff anticipates there will be sufficient time for the workshop as well. The Board indicated they are ok with this date and hosting the workshop.

PENDING APPLICATIONS

1. Address: 1871-1873 Busse Highway **Case Number:** 24-050-TSUB-FPLAT

The petitioner requests a Tentative and Final Plat of subdivision to consolidate two lots into one.

PINs: 09-21-107-041-0000 and 09-21-107-043-0000

Petitioner: James Marino, 5521 N Cumberland 1109, Chicago, IL 60656

Owner: D2E7 LLC (Representative: Timothy Walbert, 1873 Busse Hwy, Des Plaines, IL 60016)

Chairman Pro Tempore Catalano introduced the case on the agenda and swore in James Marino, the property owner’s representative.

Mr. Marino described the site and described the office and car storage use they intend to have for this site. There is no change to the current use, except cleaning up the property and the case before the board are related to a subdivision to consolidate.

Senior Planner Jonathan Stytz provides the staff report.

Issue: The petitioner requests a combined Tentative and Final Plat to consolidate two lots into one lot of record in the M-1 Limited Manufacturing District at 1871-1873 Busse Highway.

Petitioner: James Marino, 5521 N. Cumberland Avenue, Chicago, IL 60656

Owner: D2E7, LLC (Representative: Timothy Walbert, 1873 Busse Highway, Des Plaines, IL 60016)

Case Number: #24-050-TPLAT-FPLAT

PINs: 09-21-107-040-0000; 09-21-107-041-0000

Ward Number: #1, Alderman Mark A. Lysakowski

Existing Zoning: M-1, Limited Manufacturing

Existing Land Uses: Office (commercial)

Surrounding Zoning: North: M-2, General Manufacturing District

South: R-1, Single Family Residential District

East: M-1, Limited Manufacturing District

West: M-1, Limited Manufacturing

Case No. 24-050-TSUB-FPLAT Tentative and Final Plat of Subdivision 1873 Busse Hwy
Case No. 25-016-MAP-TPLAT Zoning Map Amendment and Tentative Plat 666 Garland Place
Discussion Item Building Materials Overview and Request from Guidance

Surrounding Land Uses: North: Manufacturer (manufacturing)
South: Single Family Residences (residential)
East: Construction company (commercial)
West: Office (commercial)

Street Classification: Busse Highway is classified as a major collector road under Illinois Department of Transportation (IDOT) jurisdiction.

Comprehensive Plan: The Comprehensive Plan designates this site as commercial.

Property/Zoning History: The subject properties at 1871-1873 Busse Highway were annexed into the City in 1870 as undeveloped farmland. Around 1957, it was developed into an industrial building positioned north to south along the east property line with an off-street parking area¹. Later in 1989, an addition positioned east to west was built on the southwest corner of the building, creating the existing L-shaped building today. In 2024, the building was repurposed for an office use. Note that existing building was constructed prior to the current building setback requirements and is classified as a legal non-conforming structure governed under Section 12-5-6 of the Zoning Ordinance

TENTATIVE AND FINAL PLAT OF SUBDIVISION

Request Description: *Overview*
The subject properties described below are both located off Busse Highway in the M-1 Limited Manufacturing District next to the Union Pacific Northwest railroad tracks and are under common ownership.

Address	PIN	Lot Size
1871 Busse Highway	09-21-107-040-0000	16,614 SF (0.38 acres)
1873 Busse Highway	09-21-107-041-0000	3,010 SF (0.07 acres)
Total Lot Area		19,624 SF (0.45 acres)

Both properties have been improved under a unified development which consists of a one-story L-shaped building utilized as an office and a surface parking area as shown on the attached ALTA/NSPS Land Title Survey. However, the triangular-shaped

parcel addressed at 1873 Busse Highway is land-locked and requires access through the 1871 Busse Highway, which has direct frontage along and access to Busse Highway. The proposed combined Tentative and Final Plat request resolves this by consolidating the two lots into one lot of record as illustrated on the attached Final Plat of D2E7 Subdivision.

Building Lines and Easements

The subdivision plat shows the following easements and building lines:

- (i) A new 60-foot front building setback line along Busse Highway;
- (ii) A new 60-foot side building setback lines along the west and east side property lines of the proposed subdivision;
- (iii) A new 60-foot rear building setback along the south property line;
- (iv) A five-foot easement for public utilities and drainage along the south property line; and
- (v) A five-foot perimeter parking setback along the north, west, and east property lines of the proposed subdivision.

Floodplain Considerations

Both properties are within a quarter mile of the Des Plaines River and are fully located within the 100-year floodplain based on the current Federal Emergency Management Agency (FEMA) flood hazard maps. While the subject properties have been already developed, any future changes to this development will need to conform with all FEMA and City of Des Plaines Flood Control regulations.

Public Works and Engineering (PWE) Review

The PWE department has reviewed the subdivision request and has approved it without any conditions. Public improvements are also not required with this request since IDOT is preparing to make adjustments to Busse Highway that include the removal of the exterior travel lane on either side of the road and replacing them with on-street parking lanes.

PZB Procedure and Recommended Conditions: Given the combined Tentative and Final Plat request, the PZB shall make two separate motions:

- *Tentative Plat:* Under Section 13-2-3 (Planning and Zoning Board's Procedure for Tentative Plats) of the Subdivision Regulations, the PZB has final authority to approve or deny the Tentative Plat request.
- *Final Plat:* Under Section 13-2-7 (Approval of Final Plat by the Planning and Zoning Board) of the Subdivision Regulations, the PZB has final authority to *recommend* that the City Council approve or deny the Final Plat request.

No staff recommended conditions are proposed for these requests.

The Board did not have discussion about this item.

Chairman Pro Tempore Catalano opened public comment. No members of the public came forward.

A motion was made by Member Weaver and seconded by Member Bronakowski to approve the tentative plat of subdivision with no conditions.

AYES: Bronakowski, Catalano, Zadrozny, Veremis, Weaver
 NAYS: None
 ABSTAIN: None

A motion was made by Member Weaver and seconded by Member Veremis to recommend City Council approval of final plat of subdivision with no conditions.

AYES: Bronakowski, Catalano, Zadrozny, Veremis, Weaver
 NAYS: None
 ABSTAIN: None

MOTION CARRIED

2. **Address:** 666 Garland Place **Case Number:** 25-016-MAP-TPLAT

The petitioner requests: (i) an amendment to the Zoning Map rezoning the subject property from C-2, Limited Office Commercial and R-1, Single Family Residential to M-2, General Manufacturing; (ii) Tentative Plat of Subdivision; and (iii) any other variations, waivers, and zoning relief as may be necessary.

PINs: 09-16-306-005, 09-16-306-009, 09-16-306-010, 09-16-306-011, 09-16-306-030, 09-16-306-035, 09-16-306-036, 09-16-403-002, 09-16-403-009, 09-16-403-025, 09-16-403-030, 09-16-403-031 and 09-16-403-033

Petitioner: LPC Acquisition Company, LLC, 191 N. Wacker Drive, Chicago, IL 60606

Owner: Wheels, Inc, 666 Garland Place, Des Plaines, IL 60016

Vince Pergande of 191 N. Wacker Suite 1700, the petitioner's representative is sworn in and provides an overview of their company, similar projects, and states representatives are in the audience.

Mark Rogers of 200 S Wacker Suite 1820 was also sworn in, the petitioner's attorney. Mr. Rogers states the requests for a zoning map amendment and tentative plat of subdivision. Mr. Rogers does state the discussion of compliance with the comprehensive plan in the staff report was noted, but states this document is meant to be flexible and is need of an update, as these updates to comprehensive plans typically occur every 5 years and the last update was 2019.

After a meeting with the city, Mr. Rogers states that maintaining the single family zoning adjacent to the site was recommended to provide a buffer between these uses and M-2 is proposed for the rest. Mr. Rogers describes the existing site and zoning.

Mr. Rogers states he is aware this meeting is not necessarily a Site Plan review but would like to discuss the future use. A demolition of the two existing buildings would occur and then a 158,692 square feet of LEED-Certified Class-A industrial facility would be constructed. The lot would maintain green scape buffers along this corridor.

Mr. Rogers states the second request is a tentative lot of subdivision. 13 pins or 9 parcels are consolidated into two PINs. Parcel 1 to the north is 12.5 acres for industrial use and the lot to the west would be for a future development and retention ponds.

Mr. Rogers describes the map amendment and states this area has a variety of zoning. In 2018, a 7b incentive was applied for by Wheels, Inc. and the property was considered blighted at that point. The area can be interpreted as transitional by nature and create continuity with the manufacturing zoning to the south.

Mr. Rogers discusses the Comprehensive Plan, referencing the encouraging of consolidating parcels into tax generating developments and redevelopment of underutilized lots. There would be approximately 2 million dollars in real estate taxes generated by this use.

Mr. Rogers states that this will encourage the Rand Rd industrial aesthetic. This site has historically been challenging to develop. Wheels had a plan for redevelopment, which was halted by COVID. The intent is to clear the blight of the existing site.

Mr. Rogers described the continuity of this industrial district with the nearby industrial properties, supporting the industrial sector. The site is being marketed to light industrial and the site plan is not designed for heavy manufacturing. There was discussion in the staff report about maintaining the bucolic nature of Rand Rd. They decided to limit the area of the M-2 district along the road.

Mr. Rogers states the current commercial zoning includes uses that could generate more traffic than what is being proposed. There is a lot of focus in the staff report about the intensity of uses for M-2, but states there are many uses such as government buildings, dance studios and other uses in the current zoning that could create a greater amount of traffic than the proposed use.

Mr. Rogers reiterates the proposal for the building and feels this design will complement the nature of the surrounding area. The proposed contemporary building replaces the aging office structure in a key city gateway and creates a more modern, inviting entry point.

Mr. Rogers provided research on vacancy rates, with 1.43% for industrial parcels and 17% for commercial real estate, which will increase once Wheels leaves this site. LPC intends to spend 14 million on the project, post construction market value would be 25.4 million. The stormwater and environmental benefits from this project would alleviate flooding in this area. It is marketed for light manufacturing. Mr. Rogers states the plan for lot 2 is to work with the city to redevelop the future 5.2 acre site.

Mr. Rogers states the new industrial facility will not connect directly to Garland Place and they will be updating the cul-de-sac to provide improved circulation.

Member Weaver asks about the documents reviewed that assumed that the ultimate use of the property would be warehouses. What would a future user do if they wanted to convert to a manufacturing use? What about the other uses under M-2? Can the building be converted to something other than warehousing?

Mr. Rogers states that any changes to the plan would require a site plan approval process with the City Council. Mr. Rogers states that being shovel-ready in July will get this project off the ground.

Member Weaver stated there are stormwater improvements to alleviate flooding. Would there be any risk of flooding elsewhere that would require others to make improvements? Mr. Rogers states no, all improvements will be on site.

Member Weaver asked about the possibility of pervious pavers rather than impervious pavement on the site, taking into consideration the need for large trucks. Mr. Rogers states that this would be possible.

Member Zadrozny asked about the potential tenant. Mr. Pergande states that the typical tenant is a Fortune 500 company. Tenants have included Ikea, SE Johnson, etc. or anything related to warehouses.

Member Zadrozny asked about the types of trucks. Mr. Pergande states the building is built for semi-trucks, but the proposed use will likely not generate significant truck traffic. The traffic study indicated that the traffic would be reduced compared to the existing office building.

Member Veremis asked what will be done with the extra lot. Mr. Pergande stated it will be green space until the City states they have interest from other companies like a Starbucks to be located there. All the current trees will be maintained on Rand Rd. The office building will be demolished for the detention ponds and greenspace.

Member Bronakowski thanked the petitioner for their attention to this parking. How many trucks do you anticipate will enter at once? Mr. Pegande states there is a singular entrance/exit for truck traffic. It will be gated depending on the fire department requirement. It is too challenging to say how much truck traffic it will generate, but there is plenty of space on the site for queuing.

Member Bronakowski stated many decisions have been made based on the Comprehensive Plan. Has there been discussion for updating the plan for Council? Assistant Director Jonathan Mendel states there has not been discussion thus far about updating it and 2019 is not that old of a plan.

Chairman Pro Tempore Catalano states he is happy to see a reduction in impervious area. Is there any existing detention on site?

Ryan Blocker (1333 Butterfield Rd, Downer's Grove), the petitioner's engineer, is sworn in. There was a building addition done at some point. He states there is detention, volume control and there is a huge improvement in stormwater.

Assistant Director Jonathan Mendel provides the staff report.

Issue: The Petitioner requests:

- (i) Tentative Plat of Subdivision create two new lots of record;
- (ii) Map amendment to rezone the westerly half of the subject properties from the C-2 Limited Office Commercial and R-1 Single Family Residential districts to the M-2 General Manufacturing district.

PINs: Map Amendment: 09-16-306-005, 09-16-306-009, 09-16-306-010, 09-16-306-011, 09-16-306-030, 09-16-306-035 & 09-16-306-036

Tentative Plat: 09-16-306-005, 09-16-306-009, 09-16-306-010, 09-16-306-011, 09-16-306-030, 09-16-306-035, 09-16-306-036, 09-16-403-002, 09-16-403-009, 09-16-403-025, 09-16-403-030, 09-16-403-031 and 09-16-403-033

Petitioner: LPC Acquisition Company, LLC, 191 N. Wacker Drive, Chicago, IL 60606

Owner: Wheels, Inc, 666 Garland Place, Des Plaines, IL 60016

Case Number: 25-016-MAP-TPLAT

Ward Number: #1, Mark A. Lysakowski

Existing Zoning: C-2, Limited Office Commercial & R-1, Single-Family Residential

Surrounding Zoning: North: R-1, Single Family Residential
 South: R-1, Single Family Residential, M-2, General Manufacturing, and C-2, Limited Office Commercial
 East: C-2, Limited Office Commercial & R-1, Single Family Residential
 West: R-1, Single Family Residential

Surrounding Land Uses: North: Cook County Forest Preserve
 South: Single family residences, City of Des Plaines water tower & manufacturing
 East: Office buildings and Cook County Forest Preserve
 West: Cook County Forest Preserve & Des Plaines River

Street Classification: Rand Road is classified as a principal arterial road under Illinois Department of Transportation (IDOT) jurisdiction.

Comprehensive Plan: The Comprehensive Plan identifies this site as Commercial.

Property/Zoning History: The subject property has been within the City of Des Plaines corporate limits since at least the 1920s and the current zoning C-2 and R-1 zoning was established with the 1998 comprehensive zoning map changes with the new version of City Code Title 12 – Zoning.

Project Description: The subject property is 783,331 square feet (or 17.984 acres), which is currently improved with an approximately 123,193 square feet commercial facility to the North and an approximately 56,411 square feet commercial facility to the South-East.

Logistics Property Company (LPC) (petitioner) requests rezoning the subject property from C-2/R-1 to M-2, General Manufacturing (Attachment 1)

The rezoning and tentative plat would permit the petitioner's proposed demolition of the current buildings and minor improvements on the site to construct a new 158,692 square foot Class-A industrial building with 30 truck doors and two (2) drive-in doors, sited on a newly created 12.471-acre lot including 135 car parking stalls. The development will include a separate 5.224-acre lot which will remain commercially zoned and set aside for future development. As part of the development LPC will also develop three (3) detention ponds for adequate storm water drainage for the entire corridor.

Zoning Map Amendment Overview

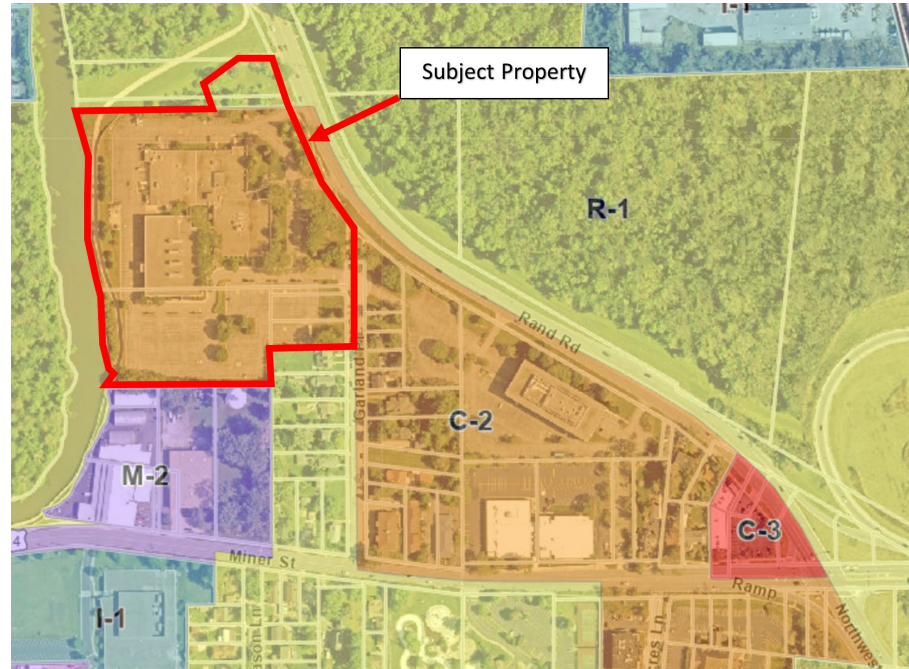
The purpose of a zoning map amendment is to provide standards and procedures for making amendments to the zoning map. This amendment process is not intended to relieve particular hardships nor confer special privileges or rights upon any person, but only to make adjustments necessary considering changed conditions or changes in public policy.

Although a specific project can be considered alongside any zoning application, zoning change

deliberation is intended to evaluate the potential internal and external impacts on a subject property, the immediate surrounding properties, the adjacent neighborhood and the general area of the community where it is located.

Existing R-1/C-2 Zoning versus Proposed M-2 Zoning

Currently, the subject property proposed for rezoning to M-2 is composed of a single zoning lot of R-1 zoning on the northernmost portion of the subject property as shown in the following existing



Additionally, the City of Des Plaines 2019 Comprehensive Plan Future land use map illustrates the subject property as intended for commercial activities, such as retail, office, or other service uses, rather than the wide range of uses intended within the proposed M-2 zoning district, especially at this primarily bucolic and medium intensity City gateway. See the following Future Land Use map graphic:

Future Land Uses

- Single Family Residential
- Multi-Family Residential
- Higher Density Urban Mix with Residential
- Lower Density Urban Mix with Residential
- Commercial
- Commercial Industrial Urban Mix
- Industrial
- Institutional
- Open Space
- Water
- Transportation/Utilities/Communication/Other
- Under Construction



Given the existing zoning map and comprehensive plan future land use map, the focus of discussion should revolve around the proposed change of the mix of zoning districts in this immediate neighborhood and the potential for increased external impacts given the higher intensity nature of the M-2 zoning district.

Here are the specific purpose sections for the C-2 and M-2 zoning districts:

City Code Section 12-7-3.E – C-2 Limited Office Commercial District

1. Purpose: The purpose of the C-2 limited office commercial district is to preserve existing office development and provide locations for the development of new office locations.

City Code Section 12-7-4.E – M-2 General Manufacturing District

1. Purpose: The purpose of the M-2 General Manufacturing District is to provide a location for general manufacturing uses and related uses in conformance with the comprehensive plan.

These purpose statements outline the specific zoning district's desired intensity and objectives of the zoning regulations. Given that most of the subject property is currently zoned C-2, it was determined during the 1998 zoning code and map update that C-2

was the appropriate zoning and land use designation. This determination was later reinforced by the Future Land Use Map in the 2019 Comprehensive Plan.

The next important part of this analysis is the comparison of the C-2 and M-2 use tables. Attachment 4 outlines the permitted and conditional uses for the C-2 and M-2 zoning districts (The R-1 district table is not included because the primary discussion involves the subject property's current C-2 zoned portion which is most of the site). Reviewing these two use tables shows the broad spectrum of use intensity between the two zoning districts.

Lastly, a comparison of the C-2 and M-2 district's Bulk Controls informs the potentially substantive difference between the maximum possible buildout on the subject property in either zoning district. Attachment 5 provides that comparison.

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, located in the Plat of Survey/Site Plan attachment.

Site Plan Review	
<i>Item</i>	<i>Analysis (based on Proposal)</i>
The arrangement of structures on the site	The proposed building and accessory parking and circulation areas are generally well placed throughout the subject property to accommodate the mostly rectilinear shape of its primary developable space.
The arrangement of open space and landscape improvements	Adequate landscaping areas are provided throughout the subject property to comply with the applicable zoning code sections.
The adequacy of the proposed circulation system on the site	There is concern regarding the design and orientation of the primary truck ingress/egress drive from Rand Road, which is the north drive. Outbound trucks entering the roadway at low speeds in this location are a potential hazard. The intersection is approx. 500 feet away with a posted speed limit of 40 mph. Line-of-sight is also not ideal due to the existing vegetation, floodwall, and curvature of the road.
The location, design, and screening of proposed off-street parking areas	- The off-street parking lot is primarily separated from the truck traffic circulation areas which is appropriate to avoid possible conflicts as much as possible. - The proposed location and screening generally comply.
The adequacy of the proposed landscaping design on the site	The landscape plan shelters and screens the sensitive land uses to the south appropriately.
The design, location, and installation of proposed site illumination	The site lighting plan was submitted and is primarily compliant. Formal full compliance review will occur at time of building permit review.
The correlation of the proposed site	The Comprehensive Plan identifies the intend use of the subject property targeted for rezoning as

plan with adopted land use policies, goals, and objectives of the comp. plan	Commercial on the Future Land Use Map. This map is intended to guide land use and zoning decisions throughout City unless specifically referenced directly elsewhere in the Comprehensive Plan. The subject property is not consistent with the Commercial designation at this primary City gateway.
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Standards for Zoning Map Amendment:

The following is a discussion of standards for zoning map amendment from Section 12-3-7.E of the Zoning Ordinance. Rationale for how the proposal addresses the standards is provided below and in the attached petitioner responses to standards. For its rationale, the Board may use the provided responses as written, 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;

Comment: The Comprehensive Plan designates the subject property Commercial on the Future Land Use Map. This is intended to guide land use and zoning decisions throughout City unless specifically referenced directly elsewhere in the Comprehensive Plan. The proposed rezoning to M-2 is not consistent with the Commercial designation at this primary City gateway.

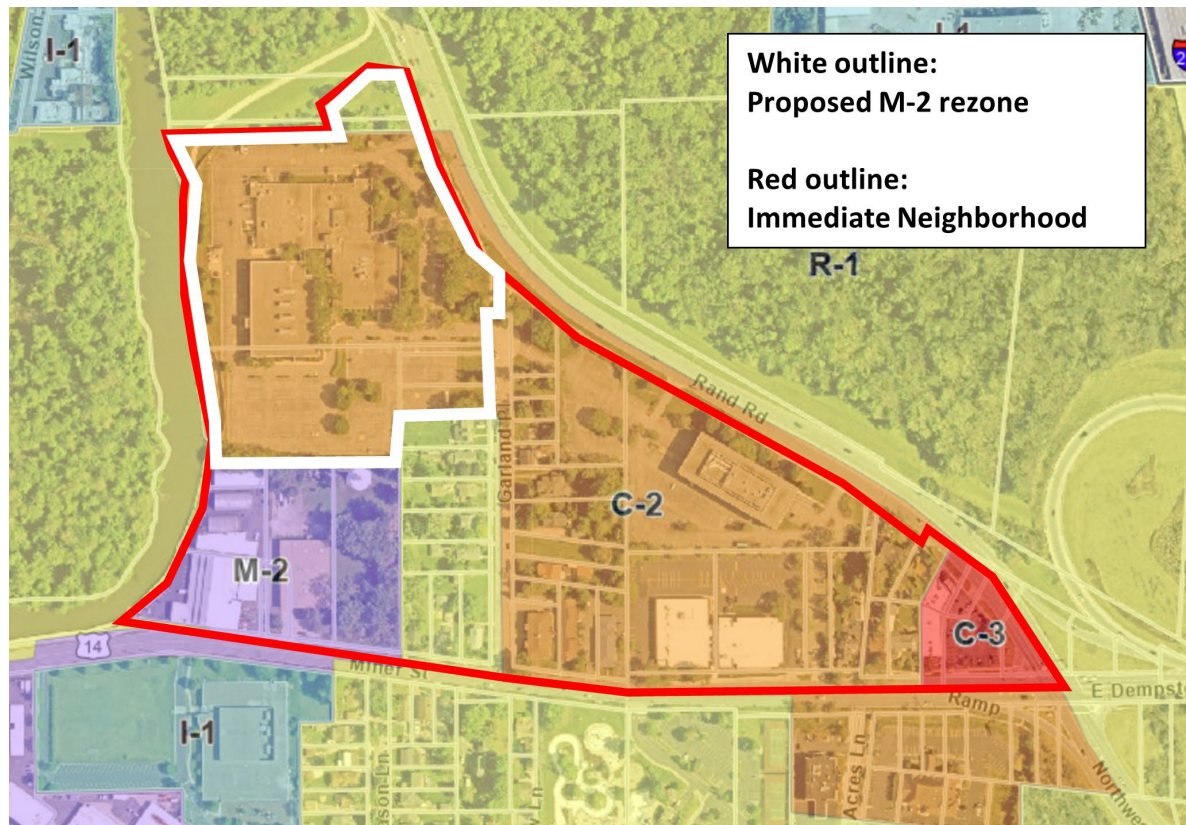
Additionally, as the petitioner describes in their petitioner's response to standards, Chapter 3 (Economic Development) of the 2019 Comprehensive Plan does mention creating a commercial/industrial flex district section 3.6 on page 23, but that is only targeted to the "Five Corners" area of the City which does not include the subject property or its immediate neighborhood – see Attachment 8.

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

Comment: Immediate neighborhood existing character is intended to be C-2 zoning permitted/conditional uses and site development. The proposed M-2 zoning would change the character to manufacturing resulting in a complete change to the existing and intended character under the 2019 Comprehensive Plan, especially when experiencing the neighborhood along the Rand Road frontage. The below indicates the percentage change of existing zoning to proposed zoning and its effect on the immediate neighborhood's character:

- Rand/Miner/Des Plaines River block = 33.65 acres
- Existing C-2 zoning = 25 acres (74.8%)
- Existing C-3 zoning = 0.65 acres (2%)
- Existing M-2 zoning = 4.5 acres (13.5%)
 - **Proposed M-2 zoning = 12.5 acres (37.4%) of immediate block/neighborhood**
 - **Proposed & existing M-2 zoned properties = 17 acres (50.5%) of the immediate neighborhood**

The proposed rezoning represents a 278% (12.5 acres/4.5 acres) increase to the amount of M-2 zoned properties in the immediate neighborhood surrounding the R-1 zoned residential uses on the west side of Garland Place. The following graphic shows the context for the above neighborhood acreage calculations:



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

Comment: Given the current C-2 zoning and the existing approximately 123,000 square feet multi-story office building, the surrounding public facilities and services should be sufficient to accommodate M-2 district development potential.

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

Comment: The M-2 district's permitted/conditional uses is broad and includes many potentially disruptive land uses with high likelihood of causing negative external impacts on adjacent residential uses and sensitive commercially developed properties. The most intensive M-2 land uses permitted include heavy manufacturing, warehouse, food processing establishment, distillery, and auto filling stations. This range of uses have great likelihood to impose negative external property value impacts on adjacent, less intensive properties, particularly the R-1 zoned residential uses adjacent to the subject property on the west side of Garland Place.

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

Comment: Perhaps the C-2 zoning district is ripe for rethinking given the current and future office real estate market trends, but the significant increase from the medium intensive C-2 office oriented commercial district to broadly high intensive M-2 district is not appropriate. Rezoning to C-3 general commercial may reflect more responsible development and growth standards. Additionally, revisions to the 2019 Comprehensive Plan as a policy document ideally should not be conducted on a piecemeal basis such as the proposed, but through a comprehensive community planning process.

Tentative Plat of Subdivision

Each tentative plat submittal must include the following specifications:

- A. *Scale: Each tentative plat shall be drawn to the scale of not less than one hundred feet to one inch (1" = 100'). The tentative plat shall show the boundaries of the property to be subdivided, section and half section lines, existing permanent buildings, watercourses and other existing features pertinent to proper subdivision..*
- B. *Municipal Boundaries: All corporate boundary lines within or adjacent to the proposed subdivision shall be so designated.*
- C. *Streets: The widths of roads, streets, with their names and alleys; dimensions of lots and blocks and building lines shall be shown. The full widths of streets bounding the proposed subdivision, with their names and the widths and names of intersecting streets in the property immediately adjacent shall be shown. All streets shall be carried to the boundaries of the proposed subdivision.*
- D. *Names: The name of the proposed subdivision with the name of the owner, sponsor or trustees shall be shown.*
- E. *Utility Easements: Tentative approval of utility easements by all privately owned utility companies shall be indicated via written correspondence. The Planning and Zoning Board may waive this requirement, conditioned upon the subdivider obtaining approval through the Final Plat process.*
- F. *Dedication Of Land: Proposed dedications of land for public use shall be shown.*
- G. *Utility Poles, Cables And Structures: All existing and proposed utility poles, cables and structures to include sanitary and storm sewers, water and gas mains and other underground lines and cables shall be shown. The size of sewer and water mains shall be shown. This requirement may be waived by the planning and zoning board with the*

The proposed tentative plat complies with all the above requirements, except for utility company will-serve letters. Since this subdivision is effectively a consolidation of many underlying lots, it is appropriate for the PZB to waive this requirement during the tentative plat stage with a condition of approval to require the will-serve letters at time of Final Plat of Subdivision submittal. The Public Works and Engineering Department (PWE) reviewed the plat of subdivision and did not indicate any public improvements are required with this plat of subdivision.

PZB Procedure and Recommended Conditions:

Under 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 or deny the above-mentioned zoning map amendment of R-1 and C-2 to M-2.

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 Consolidation request. Since a final plat review is still required, staff recommend the following condition of approval:

1. The applicable utility company will-serve letters shall be provided as part of the Final Plat of Subdivision application.

Chairman Pro Tempore Catalano opened public comment.

Holly Boers of 740 Garland Place, is sworn in. She has concerns about her house next to this property. The proximity to the potential for heavy manufacturing and proximity to the river is concerning. She states concerns about property values for her house if this is approved. Some M-2 is auto body repair in the area, but not heavy manufacturing. She clarifies if the retention ponds are above or below surface. If they are above surface, issues with mosquitos and disease are a concern already on her property, and adding to that would make her property even more challenging to use.

Patricia Kraft of 739 Garland Place is sworn in. She states the same concerns as the previous commentor. She does not want to lose value in the property. Staff clarifies the proposed zoning on the map. A portion would remain C-2 and landbank it as a vacant piece of property and leave the trees. Ms. Kraft asks if the M-2 will be against the river. Assistant Director Mendel confirms. Ms. Kraft states concern with flooding, although it has been improved with the construction of the flood wall. The building looks like it will be larger than the existing Wheels building. Would they enter from Garland or Rand Rd?

Mr. Pergande states all access to Garland Place will be removed. Everything would come from Rand Rd. The detention ponds would alleviate the flooding problem in the area and the overall

existing parking area will be reduced. Chairman Pro Tempore Catalano states he is also an engineer and flooding has always been his concern too, but does not believe this will cause an issue.

Ms. Kraft asks how they can approve a building this large. What hours of operation are possible? Member Bronakowski states that they would come back to the PZB with a tenant. Ms. Kraft is concerned about what could go in there if it's M-2, especially 10 years down the line. There is an empty lot next to her house and what happens with that lot?

Mr. Pergande states they will be purchasing the middle lot and intend to do nothing with it. Ms. Kraft asks about utility lines on that lot. There will not be any movement on that lot. Discussion ensues about what are the boundaries of the re-zoning.

Ms. Kraft asks about the cul-de-sac. Asst. Dir. Mendel states the cul-de-sac will remain and the driveways will only be along Rand Rd. All other driveways will be removed.

Asst. Dir. Mendel clarifies there is not an approval of a site plan with a zoning map amendment, and reiterates the plan could change.

Ms. Kraft states she is against it, for the record.

Greg Lietzau, 2040 Miner St, is sworn in. He provides his overview of the project. How many parking spaces will there be? How many loading docks? Will there be outside trailer storage? With the white building gone, will the asphalt remain? Will there be a stoplight there for the truck traffic? The road can get busy. What is the tax difference savings in two office buildings to one industrial building? He states he has been at this property a long time. Is there anything gained by losing a building? What is the value of two buildings versus one?

Mr. Pergande states no outside trailer storage is proposed. There are 125 parking spaces. The impervious area is being reduced by 50% on the site. The current buildings are larger than the proposed building. Warehouse use is less employees and vehicles than the current office buildings.

Mr. Rogers discusses tax revenue. Both buildings are set to go vacant and receive a vacancy credit from Cook County. It used to be 80% of the value of the building, now it is 50%. They would get the vacancy credit if it was vacant for a few years and that lowers the tax generation. When they go vacant with the commercial vacancy rate, it could sit vacant for a long time. One of the biggest things that hurts property values is vacancy in the area.

Member Weaver asks a question – will LPC remain the owner of the building but lease to the user, rather than sell? Mr. Rogers states that is correct.

Member Bronakowski asked about the mosquito issue discussed in public comment. Mr. Pergande states that mosquitos are a problem related to the flooding. The proposed site plan would alleviate the flooding issue and water issue in the area. New plantings, topsoil, and landscaping will be added that should alleviate these concerns. If anything of that nature occurs, as an industrial property they will be long term holders of, they will do mosquito abatement.

Chairman Pro Tempore Catalano asked about the aerating of the detention ponds. Mr. Pergande states that MWRD will ensure that any requirements are met. Fines and other consequences can occur if they do not follow the established rules.

Member Veremis asks how many employees Wheels had in this area at its peak and how many the new facility will have. Mr. Pergande states anything from 2-50 employees. 125 parking spaces are required by code. Discussion ensues about the traffic impact of office versus industrial uses. Member Veremis asks about the prior fleet service of Wheels on this site, and Mr. Pergande states that it was mostly used for office space in its later years. Member Veremis states it will likely be reduced traffic compared to the Wheels office heyday.

Asst. Dir. Mendel states per the traffic study that 976 vehicles were in/out from the office.

David Nowak, 757 Garland Place, is sworn in. Potential of the M-2 zoning in the future is concerning because there is not control over who will locate at this time. Truck drivers will not be during peak hours, it will be middle of the day and the night with the sound from the trucks. The retention pond will be placed closer to his house and his neighbor's house and expressed concerns about flooding. Wheels is not that tall, so this warehouse will block off some of the sun along that trail. That affects people who go on their runs in the morning there and enjoy that aspect. Mr. Nowak states he is not a fan of the potential for it to be a worse use in the future. If they don't build here, you don't know what to expect. It will be a lot of trucks pulling in and it will be a tight bend for trucks to make it into the parking area.

Member Bronakowski states any new tenant will have to come to the PZB for any hours of operations. Asst. Dir. Mendel clarifies if it is a permitted use in the M-2 zoning district (if rezoned), then the occupancy would be a simple administrative process with staff. There are a number of conditional uses that would come through the PZB for review, but other uses would not come through the PZB. Not every new use would come through PZB and City Council.

Senior Planner Jonathan Stytz states that light and heavy manufacturing uses would not come before you as long as they met the basic requirements. It is important to look at the whole picture with the zoning classification. It could be a warehouse now and could be something else later.

Chairman Pro Tempore Catalano asks the height of the building. Mr. Pergande states the existing is approximately 36 feet and the proposed would be 38 feet.

Holly Beers returns to podium. She states Wheels has been a good neighbor and lets them use their parking lot to get to Rand Rd, and closing that off is not ideal. She asks for clarification on the zoning regulations. Asst. Dir. Mendel states that most of the uses discussed are not consistent with the C-2 or C-3 zoning district. Ms. Beers states the exhaust fumes are already creating poor air quality and queuing of the trucks could create further concerns.

Member Weaver reviewed the project and noted a few items. There are risks about an M-2 district. There is always a risk with this zoning that you could get something other than what you hope to get. However, Member Weaver states he is pleased with warehouse facility that is less intensive

than other types of manufacturing uses possible in M-2. Member Weaver states the reduction of impervious pavement would appear to be a huge help on the flooding issue. Alternatively, a re-zoning to C-3, General Commercial could create many drive-thrus and other uses that could be considered urban blight.

Member Weaver discussed office parks being torn down in other communities to put up warehouses. In the post COVID era, there is a massive increase in demand for these facilities and Des Plaines is in a prime location. Member Weaver does not want to see abandoned office buildings in these areas that are not up to the needs of modern offices. Having this modern warehouse building here could be desirable. Weaver is not concerned it will be changed to a different use.

Member Weaver discussed whether cutting off the street at Garland Place would be beneficial for neighbors to prevent cut through truck traffic and that the address should probably be changed to Rand Rd so that lost truck drivers do not accidentally drive down this area.

Member Weaver states the City needs to come to grips with the office demand dying. The 2019 Comprehensive Plan does not reflect this changing landscape.

Member Veremis asked about keeping one area as C-2. Mr. Pergande states because of the awkward shape, they did not want to re-zone that part. Member Veremis states that was a good move.

Member Zadrozny states if this is approved and Council approves it and financing fails or the market crashes, will it remain M-2 at that point or revert back? Asst. Dir. Mendel states it would be re-zoned to M-2 and that would be the zoning, whether with the proposed site development plan or if a new property owner buys it. It is not tied to a specific development plan.

Mr. Pergande states this money is allocated to this project. In regard to this development, they intend, if approved, to close in July, demo the buildings in the fall, and redevelop in early Spring.

Asst. Dir. Mendel provides clarification on the procedure for the motions. Member Weaver states it is in both the City and developer's interest to consolidate the parcels. There are many accidents of history requiring the consolidation of lots with unusually shaped parcels.

A motion was made by Member Weaver and seconded by Member Bronakowski to approve the tentative plat of subdivision with one condition, as drafted by staff.

AYES: Bronakowski, Catalano, Zadrozny, Veremis, Weaver
NAYS: None
ABSTAIN: None

MOTION CARRIED

A motion was made by Member Weaver and seconded by Member Veremis to recommend approval of the zoning map amendment to the City Council.

AYES: Bronakowski, Catalano, Zadrozny, Veremis, Weaver

NAYS: None

ABSTAIN: None

MOTION CARRIED

3. Discussion Item - Building Design Review Standards – Overview of Existing Rules & Request for Guidance

Senior Planner Redman provides an overview of the staff report included in this evening's packet.

Member Weaver stated he reviewed the 2005 design guidelines carefully and believes this is really only applicable to downtown and not necessarily in the other Des Plaines commercial areas. Additionally, he doesn't believe it should not apply to single-family residential.

Senior Planner Redman mentioned to Member Weaver that this is still something open for discussion and future development.

Member Weaver expressed concerns about the mandatory or permissive language of design guidelines and wants to focus on consistency with other neighboring municipalities and their specific design guidelines and processes. He states he would like stronger design requirements.

Senior Planner Redman outlined the difference between our mandatory building design standards in the zoning code, the 2005 downtown design guidelines and the possibility in the future as we determine the scale and scope of code amendments. This process could use a subject matter expert consultant.

Member Weaver expressed that he prefers the strictness of proposed amended codes be less stringent for the existing single-family residential than for multi-family and non-residential.

Member Bronakowski asked about how often the municipal design standards are typically updated in other communities.

Senior Planner Redman stated she's not sure about other communities, but our codes have been updated several times since 2014.

Member Bronakowski is happy to have this discussion out loud and is happy with staff's efforts.

Senior Planner Redman requests that the PZB provide clear direction on their support of various types of amendments. She would like to bring forth a text amendment for smaller, specific issues and then submit a City budget request to hire a consultant for the larger issues.

Member Bronakowski thinks priorities should be to update standards for Downtown.

Member Weaver believes focus should include Elmhurst Road and Lee Street south of Downtown. These areas are old and dilapidated and need development and improvements.

Senior Planner Redman stated staff can't necessarily force improvements but as properties redevelop or have significant reinvestment, then compliance with the current development standards are typically required. In terms of a citywide plan, that would be a significantly larger scope than a corridor specific plan.

Asst. Director Mendel reminded the PZB about the upcoming Oakton Corridor action planning process.

Senior Planner Stytz outlined the range of materials permitted in the code for single-family, multi-family, and non-residential uses/building types and code updates may be necessary due to the building material technology changes since the code was originally written.

Member Weaver stated that general brick/masonry only requirements may be more and more challenging for developers to afford.

Senior Planner Redman states the building department would be happy to discuss building materials, particularly new technologies, prior to embarking on a text amendment.

Senior Planner Redman wants to discuss the current regulatory and procedural framework for minor variations and possible ideas for rethinking the procedure's current framework.

Director Jeff Rogers would like to go slide by slide and determine the depth and breadth of the current design standards, guidelines and the processes. He responds first to comments about the questions. At the time of the 2005 Business District Guidelines, there was a commission of experts that was also reviewing development. Since then, there was a movement away from this commission and towards staff review. Professional guidance from a third party involving the PZB, Council and public will be vital to shape any new design guidelines. The new guidelines will need to be very clear about the "shalls" and "shoulds" within requirements.

Senior Planner Redman described the specific format and procedural steps for minor variation process. She asked the PZB if minor variations should continue being decided at the staff level.

Member Weaver and Bronakowski stated they would like the staff to manage the day-to-day review and management since they have the expertise.

Member Catalano asked about an appeal process for minor variations. Senior Planner Redman stated there is an appeal process that goes to the PZB.

Member Zadrozny stated we should take measures to prevent the issue we had with 2200 E. Golf Road at the 4/8/25 PZB meeting.

Member Bronakowski asked if we could differentiate between single-family residential and multi-family and the other larger scale development. He is comfortable with single-family being able to seek minor variations and multi-family and non-residential being handled with standard or major variations.

Senior Planner Redman stated that we could make these scale/scope differentiation as we review the variation review processes.

Senior Planner Redman asked for PZB opinion on triggers requiring design standard reviews and possible changes to these triggers that would limit the amount of single family residential minor variations necessary. She provided the example of a small sunroom added to the back of a vinyl siding house, which requires a minor variation if the homeowner is not able to change the entire perimeter of the house to masonry. She asks if the Board feels strongly to keep this requirement.

Member Catalano asks if these types of minor variations for single family detached houses are denied. Senior Planner Redman stated she cannot recall an instance where it was denied, but there have been instances where specific conditions are added, such as requiring a specific color or type of material that is compatible with the existing house.

Member Weaver recalled a case where this requirement came into effect and did not feel it was a detriment to the city or the neighborhood. In particular, what occurs in the back of the property is less important.

Member Veremis asked about specific downtown developments and whether they met standards. Senior Planner Redman stated that it met all building permit standards, and it is possible that code changed since then.

Member Weaver asked about mixed use and whether our requirements make the commercial spaces too high? Can we do something to change these dynamics?

Senior Planner Redman stated that the majority of the downtown is within the C-5 district, which prohibits residential on the ground floor. It can be challenging to size these type of development, and it can also be challenging to design these spaces on sites and meet off-street parking requirements.

Director Rogers outlined the nature of non-City regulations and/or tax exemption implications that factor into the costs of building and holding new commercial space in mixed use buildings.

Senior Planner Redman states this was just discussion and they are welcome to change their mind at time of amendment, but this provided sufficient guidance for staff to embark on changes.

ADJOURNMENT

Chairman Pro Tempore Catalano adjourned the meeting by affirmative voice vote at 9:22 p.m.

Sincerely,

Jonathan Mendel/Recording Secretary

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

MEMORANDUM

Date: May 9, 2025

To: Planning and Zoning Board (PZB)

From: Jonathan Mendel, AICP, Assistant Director of Community & Economic Development 

Cc: Jeff Rogers, AICP, Director Community & Economic Development 

Subject: Consideration of a Conditional Use for Assembly Use at 969 Elmhurst Road Unit 2A

Issue: Consider a Conditional Use for Commercially Zoned Assembly Use at 969 Elmhurst Road, Unit 2A.

Petitioner: Ermek Nurbaev, Kyrgyz Kino USA LLC, 969 Elmhurst Road Unit 2A, Des Plaines, IL 6001

Owner: Gulpat LLC, 8421 N Mcvicker Ave, Morton Grove, IL 60053

Case Number: 25-016-CU

PINs: 08-24-100-024

Ward: #8, Alderman Mike Charewicz

Existing Zoning: C-3, General Commercial District

Existing Land Use: Multi-tenant commercial building

Surrounding Zoning: North: C-3, General Commercial District
South: C-3, General Commercial District
East: R-3, Townhouse Residential District
West: Village of Mount Prospect

Surrounding Land Use: North: Multi-tenant commercial building
South: Multi-tenant commercial building
East: Multi-Family buildings
West: Commercial buildings in the Village of Mount Prospect

Street Classification: Elmhurst Road is classified as a major road under IDOT jurisdiction

- Comprehensive Plan:** “Commercial” is the use illustrated in the Comprehensive Plan.
- Project Overview:** The petitioner, Kyrgyz Kino USA, LLC, has leased the subject tenant space within this multi-tenant commercial services building. The petitioner wishes to operate a community center assembly use facility in Unit 2A of this building. No proposed expansions or exterior alterations are proposed for the building. All proposed uses will be located inside the building. Refer to the “Floor Plan” attachment.
- Zoning/Property History:** Based on aerial imagery, the subject property was developed in the mid-1980s and has been a commercially zoned since it’s development.
- Project Description:** Petitioner proposes a community entertainment center/theater primarily serving the local Kyrgyzstani community. They plan to offer a variety of cultural events including live theater performances, film screenings, interactive entertainment experiences, live stage shows and classes for theater and film training.

Proposed Operations

The proposal primarily operate Monday-Friday from 10 a.m. to 5 p.m. when they provide the various entertainment outlined in their Narrative. They plan to cater to families, young professionals and cultural enthusiasts. They estimate about 30 visitors at a given time in the proposed tenant space.

The petitioner proposes this use to provide a platform for diverse artists and performers, strengthen community engagement with interactive events, boost local businesses by attracting more visitors to this part of Des Plaines and create job opportunities.

The subject space is 2,100 sqft and divided into individual spaces in which activities would be conducted. There are 44 total fixed seats and 362 sqft of office space.

CONDITIONAL USE

- Request Description:** The proposed commercial theater/community center is a commercially zoned assembly use as defined below requiring a conditional use in the C-3, General Commercial District:

COMMERCIALLY ZONED ASSEMBLY USES: A use that is primarily for the purpose of the assembly of people, which can contain a combination of uses that take place in both principal and accessory structures. Such uses include: commercial theater, banquet halls, nightclubs, church, synagogue, temple, meeting house, mosque, or other place of worship. For allowable accessory uses, refer to the specific land uses defined in this chapter. Such uses shall adhere to the off street parking requirements under "assembly uses". (Section 12-13-3 of the Zoning Ordinance).

Building Code Occupancy Requirements

Occupying this space will require the following:

- As-built plans will be required. Include all information for existing mechanical, electrical and plumbing systems.
- Provide a full code analysis showing compliance with the International Building Code. Code Analysis should include the following:
 - Occupant load analysis
 - Exit capacity and exit access paths
 - Exit and emergency light locations
 - Construction type
 - Functions of rooms
 - Provide door hardware information for all existing doors
- The Illinois Plumbing Code will require an additional toilet room. The single user toilet room shall be accessible.
- Limiting the occupant load to under 50 occupants will keep the occupancy classification as a Group B.

The petitioner is aware of above which will be addressed during building permit/certificate of occupancy review as this is not directly germane to the Conditional Use process.

Excessive Noise/Sound Generation

Activities and operations of the proposed assembly use generating excessive noise/sound that escapes the subject property must comply with Sections 12-12-8 and 6-2-7 of the City's code. This could include, but not limited to, amplified bell ringing, calls to pray, processions, worship services' music and activities, etc.

Off-Street Parking and Access

Pursuant to Section 12-9-7 of the Des Plaines Zoning Ordinance, the minimum off-street parking requirement for the proposed Commercially Zoned Assembly and Office use and the existing Shopping Center use for the subject property:

Seating Type	Parking Requirement
Fixed Seating	<u>1 space for every 5 seats</u> in the main auditorium, sanctuary, nave or similar place of assembly and other rooms (gymnasiums, classrooms, offices) which are to be occupied simultaneously
No Affixed Seating	<u>1 space for every 60 square feet of floor area</u> in the main auditorium, sanctuary, nave or similar place of assembly and other rooms (gymnasiums, classrooms, offices) which are to be occupied simultaneously
Office	<u>1 space for every 250 square feet of gross floor area</u>
Shopping Centers	<u>3 spaces for every 1,000 square feet of gross floor area</u>

The attached Petitioner's Floor Plan indicates fixed seating in the showrooms and two small office spaces and the subject property is a Shopping Center for parking calculation purposes and has an existing 37 parking spaces. The following chart outlines the collective parking requirements for to the existing subject property Shopping Center and the proposed Commercially Zoned Assembly Use and Office:

Shopping Center req = $(8,494 \text{ sq ft}/1000)*3 = 26 \text{ spaces required}$
Existing tenant spaces (1A, 1B, 1C, 2B/C)
Proposed Comm. assembly & office space = 11 spaces required
(1 space/5 seats and 1/250 sq ft office)
Total on-site spaces = 37
Total required as proposed = 37 spaces (26+11)
Compliant: 37 existing; 37 required

The parking requirement for the proposed uses and the existing uses in the subject property comply with Section 12-9-7 (Off Street Parking Requirements).

Standards for Conditional Use

The following is a discussion of standards for zoning amendments from Section 12-3-4(E) of the Zoning Ordinance. Rationale for how the proposed amendments may or may not satisfy the standards is provided below and in the petitioner's response to standards. The PZB may use this rationale toward its recommendation, or the Board may make up its own.

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

The Petitioner's Response to Standards for Conditional Use provides their response to this standard.

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

The Petitioner's Response to Standards for Conditional Use provides their response to this standard.

Staff Comments: The proposed use is in accordance with the objectives of the Comprehensive Plan.

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:

The Petitioner's Response to Standards for Conditional Use provides their response to this standard.

Staff Comments: The proposed assembly use is relatively small at 2,200 sqft and may not create noticeable external impacts.

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

The Petitioner's Response to Standards for Conditional Use provides their response to this standard.

Staff Comments: Staff did not identify any specific concerns regarding this use in this location.

- 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:**

The Petitioner's Response to Standards for Conditional Use provides their response to this standard.

Staff Comments: Staff believes the proposed use is adequately served with essential public facilities and services.

- 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:**

The Petitioner's Response to Standards for Conditional Use provides their response to this standard.

Staff Comments: The proposed use is not anticipated to create a burden on public facilities.

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

The Petitioner's Response to Standards for Conditional Use provides their response to this standard.

Staff Comments: All activities are proposed to occur inside the building within the relatively small tenant space.

- 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:**

The Petitioner's Response to Standards for Conditional Use provides their response to this standard.

Staff Comments: Vehicular access will continue to be provided from the existing full-access curb cut to Elmhurst Road and there is unlikely to be any noticeable change to traffic patterns to/from the subject property.

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

The Petitioner's Response to Standards for Conditional Use provides their response to this standard.

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

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

The Petitioner's Response to Standards for Conditional Use provides their response to this standard.

Staff Comments: The proposed use complies with other zoning ordinance requirements.

PZB Procedure and Recommended Conditions:

Conditional Use

Pursuant to Sections 12-3-4(E) of the Zoning Ordinance, the PZB may vote to *recommend* the City Council approve, approve with conditions, or deny the conditional use. The City Council has final authority over both requests.

Suggested Conditions of Approval

1. A special event license must be obtained by the Petitioner from the Community and Economic Development Department for any activities or events held by the petitioner on the 969 Elmhurst Rd. property but located outside the building.
2. Unless a private parking agreement is executed with adjacent properties, the Petitioner shall not direct any employees or visitors to park in any areas outside of the subject property.

Attachments:

Attachment 1: Petitioner's Project Narrative

Attachment 2: Petitioner's Response to Conditional Use Standards

Attachment 3: Site Photos

Ermek Nurbaev

Kyrgyz Kino USA LLC
969 Elmhurst Rd Unit 2A
Des Plaines, IL 60016
kyrgyzkinousa@gmail.com
412-600-9153
02.06.2025.

City of Des Plaines
Des Plaines Community & Economic Development Department
1420 Miner Street
Des Plaines, IL 60016

Subject: Proposal Submission for Entertainment Business Approval

Dear Sir or Mam,

I hope this letter finds you well. On behalf of Kyrgyz Kino USA LLC, I am pleased to submit this proposal for your review and approval. Our organization is dedicated to launching a dynamic entertainment business in Des Plaines that will cater to a diverse audience and contribute to the cultural and economic vibrancy of the community.

Business Concept

We propose establishing an entertainment business that offers a variety of cultural and recreational events, including live performances, film screenings, and interactive entertainment experiences, live Stage Show, we run coaching classes for acting and film Directing, camera handling, making short films and movie editing. Our goal is to create a vibrant space where community and visitors can benefit in learning and enjoy high-quality entertainment while celebrating cultural diversity.

Business Details

- **Business Name:** Kyrgyz Kino USA LLC
- **Business Type:** Entertainment & Cultural Events
- **Location:** 969 Elmhurst Rd Unit 2A, Des Plaines, IL 60016
- **Operating Hours:** MON – FRI, 10 AM – 5PM
- **Services Offered:** Live Shows, theatrical performances, film screenings, intellectual games, and cultural events
- **Target Audience:** Families, young professionals, and cultural enthusiasts
- **Estimated Visitors:** 30

- **Projected Economic Impact:** Job creation, tourism boost, and local business collaborations

Community Benefits

Our entertainment business aims to enrich the social and cultural fabric of Des Plaines by:

- Providing a platform for artists and performers from diverse backgrounds
- Strengthening community engagement through interactive events
- Boosting local businesses by attracting more visitors to the area
- Creating job opportunities for residents

Compliance & Safety

We understand the importance of compliance with city regulations and will ensure adherence to all safety, security, and public health guidelines. We will obtain the necessary permits and work closely with city officials to meet all regulatory requirements.

Request for Approval

We kindly request the City of Des Plaines to review and approve our proposal. We would be happy to provide additional information or discuss the project further at your convenience. Please let us know if there are any steps we need to take to facilitate this process.

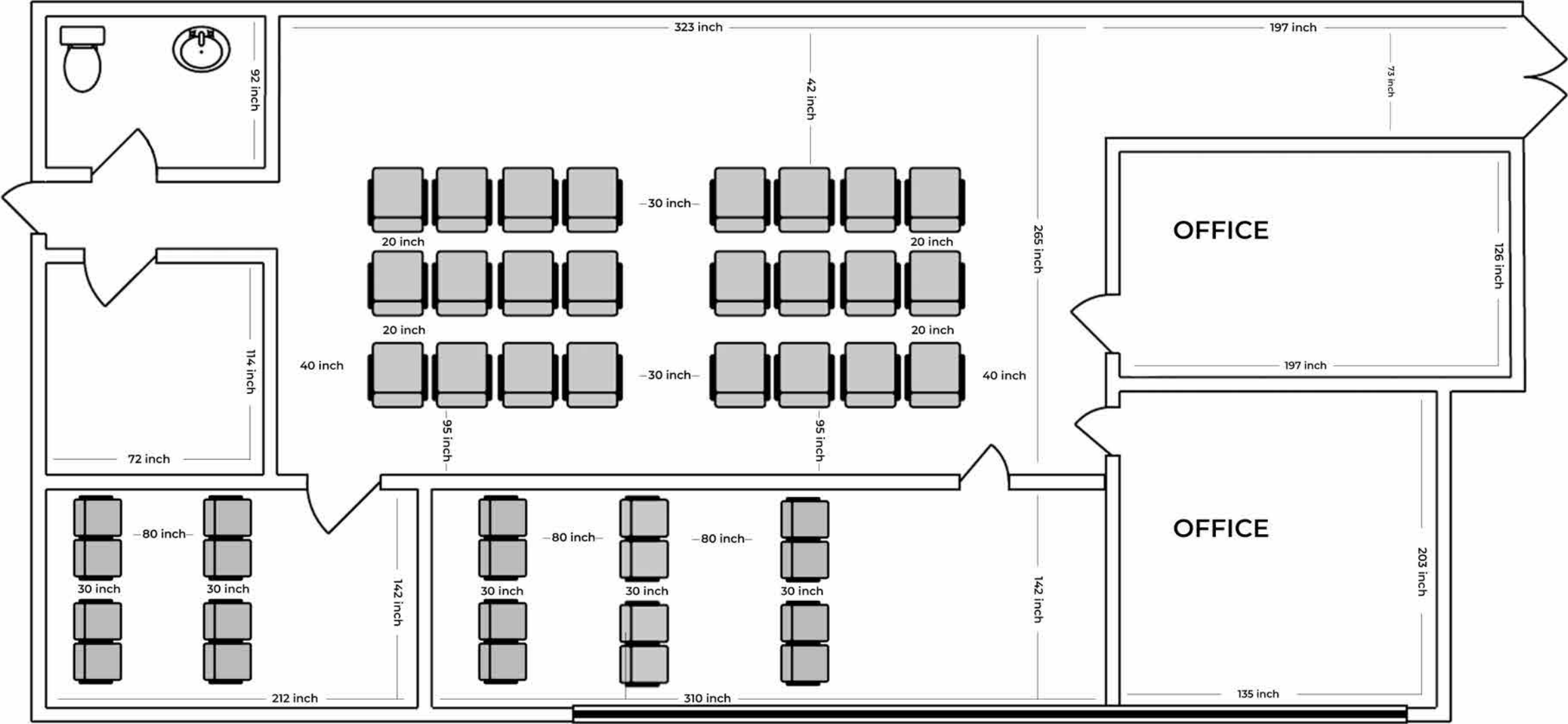
Thank you for your time and consideration. We appreciate your support and look forward to the opportunity to contribute to the cultural landscape of Des Plaines.

Sincerely,
Ermek Nurbaev
Kyrgyz Kino USA LLC
412-600-9153



KYRQYZ KINO USA

969 ELMHURST RD UNIT 2A, DES PLAINES, IL 60016







Responses to Standards for Conditional Uses – Kyrgyz Kino USA

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

Yes, the proposed use aligns with the **C-3 General Commercial District** zoning, which permits cultural and entertainment facilities, including movie theaters.

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

Kyrgyz Kino USA supports cultural development and community initiatives, aligning with the goals of Des Plaines' Comprehensive Plan to promote public and commercial spaces.

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

The project will blend with the architectural style and commercial nature of the area, ensuring an aesthetically appealing and safe venue for residents.

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

Kyrgyz Kino USA does not pose any risk to neighboring properties, as it is a cultural facility with controlled noise levels, adhering to sanitary and fire safety regulations.

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

The facility is located in a commercial zone with access to necessary infrastructure, including roads, police and fire protection, and utility services.

6. **The proposed conditional use does not create excessive additional requirements at public expense for public facilities and services and is not detrimental to the economic welfare of the community.**

The project will not require additional public funding. Instead, it will contribute to the local economy by creating jobs and attracting visitors.

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.

Kyrgyz Kino USA is a cultural venue that does not negatively impact the environment. Noise levels will be managed according to regulations, and parking will ensure minimal traffic disruption.

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

The facility offers convenient access and parking, minimizing its impact on local traffic.

9. **The proposed conditional use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.**

Kyrgyz Kino USA does not affect any historical, natural, or architectural landmarks, as it is located in an existing commercial building.

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

The facility will fully comply with all additional regulations for conditional use, including safety, zoning, and health standards.

969 Elmhurst Road – Front parking



969 Elmhurst Road – Front parking



969 Elmhurst Road – Rear parking



969 Elmhurst Road – Rear parking





969 Elmhurst Road – Notice Sign



**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**

1420 Miner Street
Des Plaines, IL 60016
P: 847.391.5380
desplainesil.gov

MEMORANDUM

Date: May 9, 2025

To: Planning and Zoning Board (PZB)

From: Jonathan Stytz, AICP, Senior Planner JS

Cc: Jonathan Mendel, AICP, Assistant Director of Community and Economic Development JM
Jeff Rogers, AICP, Director of Community and Economic Development JR

Subject: Consideration of a Major Variation for Off-Street Parking at 30, 36, and 40 N. Des Plaines River Road

Issue: The petitioner requests a major variation to reduce the required number of off-street parking spaces on the subject property in the I-1 Institutional district at 30, 36, and 40 N. Des Plaines River Road.

Petitioner: Nsikak Idet, 30 N. Des Plaines River Road, Des Plaines, IL 60016

Owner: D.S. Patel, 3060 Landwehr Road, Northbrook, IL 60062

Case Number: #25-020-V

PIN: 09-08-402-008-0000

Ward Number: #1, Alderman Margaret Chlebek

Existing Zoning: I-1, Institutional District

Existing Land Uses: Two Assembly Uses (commercial); Vacant Building

Surrounding Zoning: North: C-2, Limited Office Commercial District
South: C-3, General Commercial District
East: R-1, Single Family Residential District
West: C-2, Limited Office Commercial District

Surrounding Land Uses: North: Office Building (commercial)
South: Manufacturing (industrial)
East: Cook County Forest Preserve (recreational)
West: Office Building (commercial)

Street Classification: Des Plaines River Road is classified as an other principal arterial road under Illinois Department of Transportation (IDOT) jurisdiction.

Comprehensive Plan: Commercial Industrial Urban Mix is the designated use for the property.

Property/Zoning History: *Overview*

The subject property was annexed into the City in 1966 as a vacant piece of land. The property was developed around 1972 with two commercial buildings and small parking area off Des Plaines River Road¹. The front commercial building contains two tenant spaces addressed east to west as 30 and 36 N. Des Plaines River Road and the rear building contains one tenant space addressed as 40 N. Des Plaines River Road, which is illustrated in the attached Subject Property Address Assignment completed in 2024.

Previous Approval and Current Violations

The subject property was originally zoned C-3 General Commercial. However, in 2017, an application to rezone the property to I-1 Institutional and approve multiple variations for a place of worship² was received from RCCG Foundation of Life INC ("**RCCG**").

On November 6, 2017, City Council approved all requests through Ordinance Z-22-17 (attached) with the conditions that: (i) RCCG pays all applicable fees for building permits and related approvals; and (ii) that RCCG enters into a parking lease with the owner of a parcel adjacent to the subject property in adherence of the following:

- The parking lease shall be for the use of no less than 30 legal and Zoning Ordinance compliant off-street parking spaces during RCCG's weekly worship services.
- The parking lease shall be in a form acceptable to City's General Counsel and shall have a term no less than RCCG's lease for the subject property.
- The parking lease shall remain in effect for the duration of RCCG's occupation and use of the subject property as a place of worship.
- In the event the parking lease is terminated by either the lessor or RCCG, RCCG shall provide the City with evidence of a replacement lease within no less than 30 days.
- The subject property may not be used as a place of worship during any time period in which a valid parking lease is not in effect.

At this time, a parking lease with the adjacent property at 1455 E. Golf Road was carried out for the remaining 30 off-street parking spaces required. However, there have been recent changes on the subject property that have violated the existing ordinance as noted below:

- RCCG has left the subject property and has been replaced by a new assembly use, which has begun operating on the subject property without a business license; and
- The previously executed parking lease with the 1455 E. Golf Road has been terminated and a new parking lease with a property adjacent to the subject property has not been established³; and
- A separate assembly use is operating on site without a business license.

¹ Historic Aerials. <https://www.historicaerials.com/location/41.625/-87.875/T1890/16>. Retrieved April 28, 2025.

² Now classified as a type of assembly use (for subject property it is an institutionally zoned assembly use).

³ Note that the petitioner has provided a parking lease for the property at 1372 Redeker Road. However, this does not satisfy the condition in Ordinance Z-22-17 as this property is not adjacent to the subject property.

Major Variation

Request Summary:

Overview

As noted in the *Property/Zoning History* section above, Ordinance Z-22-17 approved a map amendment and several variations for the subject property for an assembly use with a condition that parking lease must be executed and maintained on a property adjacent to the subject property for the life of the assembly use. The Merriam-Webster dictionary⁴ defines “*adjacent*” as “having a common endpoint or border” and the Des Plaines Zoning Ordinance utilizes this word in this fashion to describe objects that are next to or abut each other.

The original parking lease agreement with 1455 E. Golf Road met this requirement as this property shares the north property line and a portion of the west property line with the subject property. However, the current parking lease with the property at 1372 Redeker Road does not meet this requirement as it does not share a property boundary with the subject property. As such, the petitioner requests an amendment to Ordinance Z-22-17 to allow the parking lease requirement to be satisfied by a property that is not directly adjacent to the subject property, which requires a major variation.

Existing and Proposed Floor Plans

The subject property is an interior lot in the I-1 Institutional district, which consists of two commercial buildings and an off-street parking area. The table below and attached Floor Plans identify the existing uses operating on the site:

Property Address	Site Location	Use(s)	Floor Area	Floor Area Breakdown
30 N. Des Plaines River Road	Front Building (Tenant #1)	Assembly Use (Banquet Hall)	2,778 SF	• 709 SF Reception Area • 671 SF Dining Area • 493 SF Kitchen • 248 SF Loading Area • 201 SF Storage Area • 49 SF Mechanical Room • 2 Single Stall Restrooms
36 N. Des Plaines River Road	Front Building (Tenant #2)	Assembly Use (Place of Worship)	2,500 SF	• 198 SF Reception Area • 82 SF Office Area • 1,965 SF Sanctuary • 20 SF Utility Room • 3 Single Stall Restrooms
40 N. Des Plaines River Road	Rear Building (Tenant #3)	Vacant (former Office)	2,467 SF	• 37 SF Foyer Area • 137 SF Reception Area • 192 SF Dining Area • 96 SF Break Room • 299 SF Conference Room • 87 SF Utility Room • 4 Offices totaling 610 SF • 2 Single Stall Restrooms

⁴ <https://www.merriam-webster.com/dictionary/adjacent>. Retrieved April 29, 2025.

Uses and Business Operations

Institutionally zoned assembly uses—including banquet halls and places of worship—are permitted uses in the I-1 district when the subject property fronts an arterial roadway as defined by the Illinois Department of Transportation (IDOT). Since Des Plaines River Road is classified as an *other principal arterial road*, both assembly uses are permitted by right. The proposed operations for both existing uses on the subject property are provided below based on the attached Project Narrative and discussions with the petitioner. The petitioner has confirmed the following:

- **30 N. Des Plaines River Road (Banquet Hall):** The banquet hall use is intended to operate Friday through Sunday from 9 AM to 12 AM and a maximum of 50 individuals will be on site at a given time. This venue will only serve food at this time but may elect to add liquor service in the future.
- **36 N. Des Plaines River Road (Place of Worship):** The place of worship will only operate on Sundays from 9 AM to 12 PM and a maximum of 30 individuals will be on site at a given time. Currently, a single religious service will take place on site during the hours of operation on Sunday.
- **40 N. Des Plaines River Road (Vacant):** The rear building is currently vacant and cut off from power, but the petitioner is looking for potential tenants for this space.

Off-Street Parking

The subject property currently contains two separate assembly uses, which require the following minimum off-street parking spaces pursuant to Section 12-9-7 of the Zoning Ordinance depending on the type of assembly use. The table below identifies the off-street parking requirements for each existing use:

Use Type	Parking Calculation	Required Parking ⁵
Community Centers, Banquet Halls , and Membership Organizations	1 space for every 200 square feet of gross activity area	9 spaces (1,628 SF / 200)
Places of worship and commercial theaters (with non-fixed/removable seating)	1 space shall be provided for every 60 square feet of floor area	38 spaces (2,245 SF / 60)
Total Number of Off-Street Parking Spaces Required		47 spaces

Please note that this table only includes the parking requirements for existing uses on the subject property. While Tenant 3 is currently vacant, additional off-street parking will be required for the new use. As an example, if a future office use occupies this space an additional five off-street parking spaces will be required based on the layout shown in the attached Floor Plans.

The attached Site Plan denotes a total of ten off-street parking spaces—including one accessible space—on the subject property, which results in a deficit of 37 spaces and requires a major variation.

⁵ The parking calculation excludes floor area devoted primarily to storage (up to 10 percent of the total building floor area), food preparation, bathroom, mechanical, hallways, stairwell, and elevator areas.

Off-Site Parking Lease

The petitioner has an executed five year parking lease with the owner of Chicago Dial at 1372 Redeker Road (attached) to utilize 25 off-street parking spaces only on Sundays from 4 AM to 10 PM from November 6, 2022 to October 31, 2027. The Chicago Dial property is roughly 400 feet away from the subject property as measured with a straight line from the main entrance of the subject property to the nearest point of the Chicago Dial property. However, for a pedestrian, it would be closer to a distance of 550 feet along Redeker Road—with no walkway and heavy truck traffic—and a portion Des Plaines River Road to reach the subject property.

The Chicago Dial building is approximately 6,293 square feet in area and is occupied by a manufacturing use which requires a minimum of three off-street parking spaces⁶, including at least one accessible parking space. The original Floor and Parking Plan included with this parking lease indicated that there are a total of 42 off-street parking spaces on the subject property. However, a review of this plan with the application of off-street parking requirements confirmed that only 18 off-street spaces could be counted as noted below:

- Off-Site Spaces: The plan identifies 13 spaces located north of the Chicago Dial property on a separate property (9 Mary Street), which are not eligible to be counted. ***These were removed in the revised plan.***
- Tandem Spaces: The plan identifies 18 two-car-length tandem spaces along the south building elevation, which do not comply with Section 12-9-6 of the Zoning Ordinance requiring “each required off street parking space shall open directly upon an aisle or driveway in such a width and design as set forth below to provide safe and efficient means of vehicular access to such parking space.” ***These were adjusted in the revised plan to seven single spaces.***
- Accessible Spaces: The plan identifies two accessible parking spaces but neither space has the required unloading/loading space provided. ***The revised plan shows two accessible spaces sharing an unloading / loading space as required.***

Given the revisions identified above, this parking lease accommodates 18 of the remaining 37 off-street parking spaces required for the subject property, but only during a certain time period on Sundays for the place of worship use and it does not address parking for banquet events on Fridays and Saturdays.

Consideration of Alternatives

While the existing site development and configuration result in a substantial underutilization of the site, there are some alternatives to consider:

- Removal of one of the two buildings: This option would free up much needed space for off-street parking, access, and circulation purposes, which could accommodate the proposed assembly uses. While costly, this would help address many of the existing site issues.
- Removal of one or both of the assembly uses: This option could allow for the replacement of intensive parking uses with those requiring less off-street parking requirements that better fit with the existing site conditions with potentially less cost to the petitioner.

⁶ Manufacturing uses require a minimum of one off-street parking space for every 1,500 square feet of gross floor area.

Standards for Variation: The following is a discussion of standards for variations from Section 12-3-6(H) of the Zoning Ordinance. Rationale for how the proposed use would satisfy the standards as provided below and in the petitioner's response to standards. The PZB may use this rationale toward its recommendation, amend it, or may make up its own.

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

Comment: The existing development on the subject property is expansive—covering almost half of the total property area—which greatly limits the types of uses that can be operated and the space available for related off-street parking, access, and circulation. The positioning of the two buildings on site is also not ideal as it creates an insufficient drive aisle width for two-way travel and provides a lot of dead pavement space that cannot be utilized for code-compliant off-street parking. The site layout as a whole does not lend itself to being accommodated for multiple uses, especially uses with more intensive parking, access, and circulation needs.

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

Comment: The subject property is neither irregular nor substandard in shape nor contains exceptional topographical features. However, it is substantially substandard in size (15,197 square feet) for the I-1 district, which requires a minimum of two acres (87,120 square feet) of lot area. In addition, the existing structures on the subject property are nonconforming in relation to building coverage and front, side, and rear building setbacks. It can be argued that these conditions of the property limit the available space on the subject property for off-street parking and could require a major variation.

- 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: While the location, dimensions, size, and development of the subject property are not the result of a known action by the current owner, the property was purchased with these attributes. In addition, the assembly uses operating on the subject property are a direct result of the petitioner. Nonetheless, see the attached Petitioner's Responses to Standards.

- 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: Carrying out the strict letter of this code for off-street parking does not necessarily deprive the property owner of substantial rights but rather requires the uses on the subject property to be scaled appropriately to match with the existing development on site. Many other properties in the I-1 district are substantially larger than the subject property, allowing for larger and more intensive parking uses without a need for parking variations. Many other I-1 district properties also have multiple access points, which allow for better circulation throughout the site, especially for uses that include a large influx of vehicles and pedestrians for extended periods of time. The subject property's attributes may not allow the petitioner as many options as for other I-1 zoned lots but does not prevent the petitioner from effectively utilizing the site if the major variation is not approved. Nonetheless, the PZB should decide.

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 to reduce the off-street parking requirement from 47 spaces to 10 spaces may be construed as a special privilege even with the aforementioned executed parking lease in place. The number and intensity of the uses on site could be determined to be too intensive given the smaller lot size and existing structures. While Ordinance Z-22-17 granted a variation for off-street parking, it was only in consideration of a single assembly use related to a place of worship. However, the current proposal includes two separate assembly uses—place of worship and banquet hall—which both require sufficient access, circulation, and off-street parking to operate effectively. Even with the proposed improvements provided on the attached Site Plan, the site conditions may not be adequate enough to support the two requested assembly uses, much less a future third user in the rear, currently vacant building. The PZB and City Council should consider whether the proposed site improvements and parking lease are sufficient for the proposed uses on the subject property and if a major variation request of this amount is appropriate.

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 2019 Comprehensive Plan discusses the pursuit of improving parking facilities in certain portions of the City—such as the downtown and Oakton and Elmhurst corridors—and incorporating parking reductions for multifamily residential developments. However, it does not discuss or promote parking reductions for institutional uses as requested by the petitioner. In addition, the intensification of uses and increased variation request for off-street parking do not represent a development or use that is in harmony with the Zoning Ordinance. Nonetheless, the PZB shall decide.

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: The *Consideration of Alternatives* section above identifies viable alternatives to the variation being requested by the petitioner. While staff have discussed these options with the petitioner, out of convenience the petitioner has requested approval of the off-street parking variation with the current site layout. Given the multiple alternatives available to the petitioner, the PZB may wish to ask why certain alternative designs are not feasible.

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 not, in staff's opinion, the minimum measure of relief to address the petitioner's concerns given the site characteristics and the types of uses present on the site. Instead, the reconfiguration or removal of structures on the subject property would better utilize the available lot area for off-street parking and meet the applicable city ordinances all while minimizing adverse effects on surrounding properties.

PZB Procedure and Recommended Conditions: Under Section 12-3-6.G.2.b (Procedure for Review and Decision of Major Variations) of the Zoning Ordinance, the PZB has the authority to *recommend* that the City Council approve or deny the request for a major variation. Consideration of the request should be based on a review of the information presented by the petitioner and the findings made above, as specified in Section 12-3-6.H (Standards for Variation) of the Zoning Ordinance.

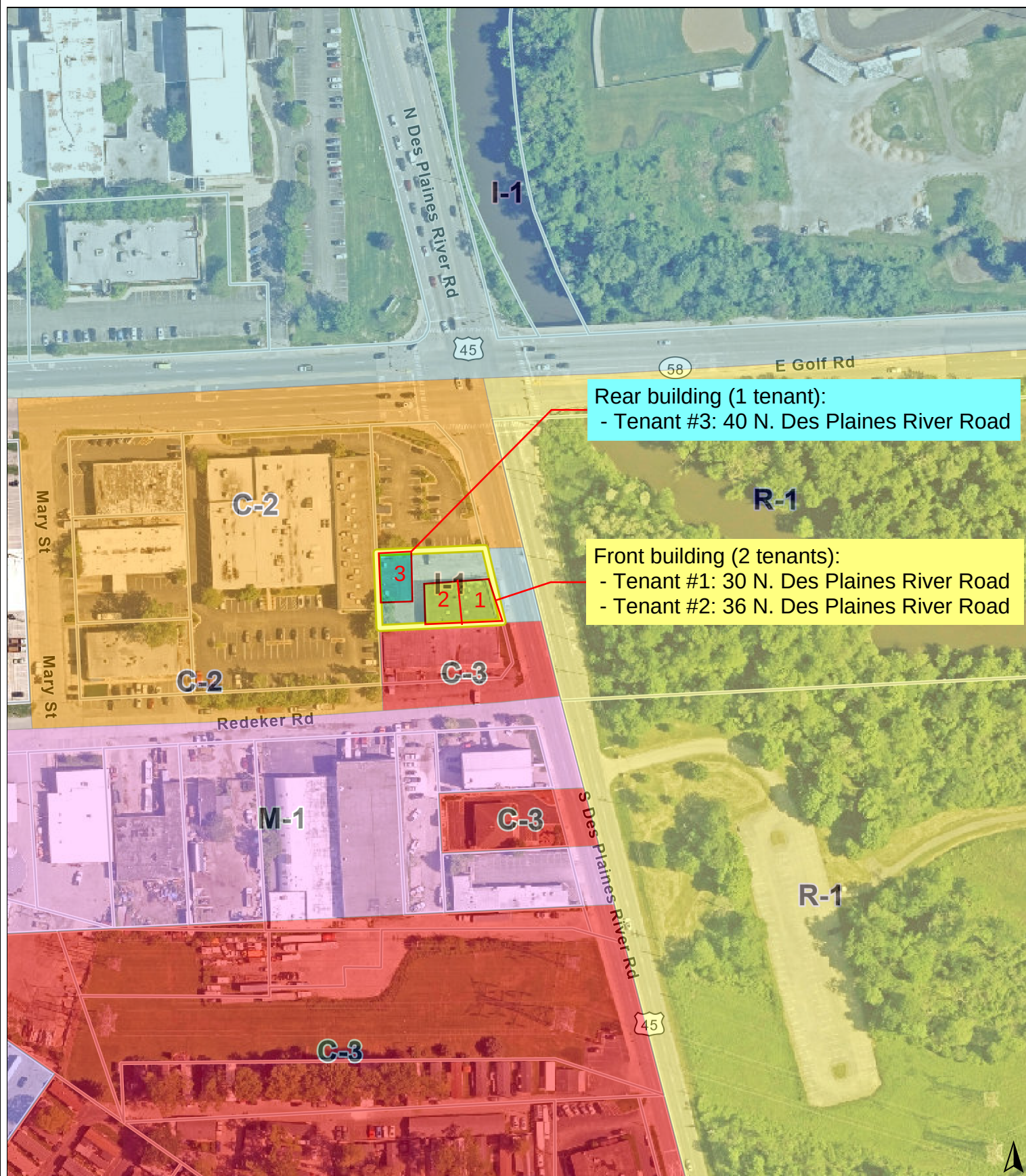
If the PZB recommends and City Council ultimately approves the request, staff recommends the following conditions.

Conditions of Approval:

1. The entire off-street parking area on the subject property must be repaved and restriped in accordance with the approved Site Plan.
2. Excluding the pavement areas for the loading dock and emergency exit door, the entire area in between the east building elevation and east property line must be improved with landscaping including evergreen bushes, various shrubs, and perennials.
3. Prior to the issuance of business registrations for all uses, all active and proposed parking leases must be reviewed and approved by the City's legal staff. Parking leases must be active for the full extent of the assembly use's operation on the subject property. At no time shall there be less than the minimum number of off-street parking spaces available for all uses on the subject property.

Attachments:

- Attachment 1: Location and Zoning Map with Addressing
- Attachment 2: Site and Context Photos (from staff)
- Attachment 3: Existing Condition Photos (from petitioner)
- Attachment 4: Ordinance Z-22-17
- Attachment 5: Plat of Survey
- Attachment 6: Petitioner's Responses to Standards
- Attachment 7: Project Narrative
- Attachment 8: Site Plan
- Attachment 9: Floor Plans
- Attachment 10: Executed Parking Lease at 1372 Redeker Road



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ft

Print Date: 5/9/2025

Notes

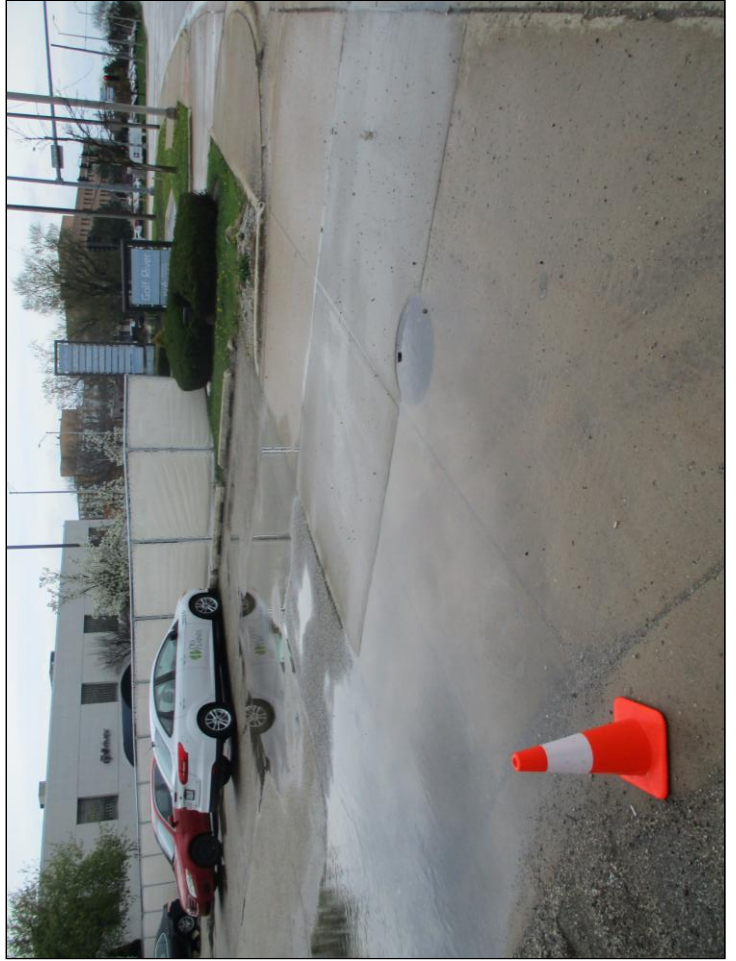
Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently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



30, 36, & 40 N. Des Plaines Road – Public Notice Sign



30, 36, & 40 N. Des Plaines Road – Front of Building



30, 36, & 40 N. Des Plaines Road – Subject Property Entrance



30, 36, & 40 N. Des Plaines Road – Facing West at Existing Buildings



30, 36, & 40 N. Des Plaines Road– Rear Pavement Area



30, 36, & 40 N. Des Plaines Road– View Between Buildings No. 1



30, 36, & 40 N. Des Plaines Road – View Between Building No. 2



30, 36, & 40 N. Des Plaines Road – View of Off-Street Parking Area











CITY OF DES PLAINES

ORDINANCE Z - 22 - 17

AN ORDINANCE APPROVING A ZONING MAP
AMENDMENT AND MAJOR VARIATIONS FOR 30 N.
RIVER ROAD, DES PLAINES, ILLINOIS. (Case #17-062-V-
MAP).

WHEREAS, RCCG Fountain of Life, Inc., an Illinois not-for-profit corporation (“*Petitioner*”), is a prospective lessee of the property commonly known as 30 N. River Road (“*Subject Property*”) which is located in the C-3 General Commercial District (“*C-3 District*”); and

WHEREAS, the Patel Family LLP is the owner (“*Owner*”) of the Subject Property which consists of approximately 0.36 acres and is improved with a single commercial office building; and

WHEREAS, the Petitioner seeks to occupy a large tenant space within the Subject Property and operate a place of worship for its congregation therein; and

WHEREAS, places of worship are not a permitted or conditional use in the C-3 District, thus requiring the Petitioner to request a map amendment to the I-1 Institutional District (“*I-1 District*”) and various lot and parking variations for the Subject Property; and

WHEREAS, the City of Des Plaines Zoning Ordinance of 1998, as amended, is codified as Title 12 of the City Code of the City of Des Plaines (“*Zoning Ordinance*”); and

WHEREAS, pursuant to Sections 12-3-6 and 12-3-7 of the Zoning Ordinance, the Petitioner filed an application with the City for the approval of: (i) a map amendment (“*Proposed Map Amendment*”) to the “Zoning Map of the City of Des Plaines” (“*Zoning Map*”) to rezone the Subject Property from the C-3 District to the I-1 District; (ii) major variations under Section 12-7-5(A)7 of the Zoning Ordinance to allow: (a) a front yard setback of 11.5 feet, when a minimum of 50 feet is required; (b) a side yard setback of 0 feet, when 25 feet is required; (c) a rear yard setback of 3 feet, when 50 feet is required; (d) lot coverage of 100%, when a maximum of 40% is permitted; and (e) a total lot area of .35 acres, when a minimum of 2 acres is required, in the I-1 Institutional District (“*Proposed Lot Variations*”); and (iii) a major variation under Section 12-9-7 of the Zoning Ordinance to allow a total of 9 on-site parking spaces, when a minimum of 39 parking spaces would be required to serve the Church (“*Proposed Parking Variation*”); and

WHEREAS, within fifteen (15) days after the receipt thereof, the Petitioner’s application was referred by the Department of Community and Economic Development to the Planning and Zoning Board of the City of Des Plaines (“*PZB*”); and

WHEREAS, within ninety (90) days after the date of the Petitioner's application, a public hearing was held by the PZB on September 12, 2017, pursuant to publication in the *Des Plaines Journal* on August 25, 2017; and

WHEREAS, notice of the public hearing was mailed to all property owners within 300 feet of the Subject Property; and

WHEREAS, during the public hearing the PZB heard competent testimony and received evidence with respect to how the Petitioner intended to satisfy and comply with the provisions of the Zoning Ordinance; and

WHEREAS, pursuant to Sections 12-3-6 and 12-3-7 of the Zoning Ordinance, the PZB filed a written report with the City Council on September 12, 2017, summarizing the testimony and evidence received by the PZB and stating its recommendation, by a vote of 6-0, to approve the Proposed Map Amendment, the Proposed Lot Variations, and the Proposed Parking Variation, subject to conditions; and

WHEREAS, the Petitioner made representations to the PZB with respect to the Proposed Map Amendment, the Proposed Lot Variations, and the Proposed Parking Variation, which representations are hereby found by the City Council to be material and upon which the City Council relies in approving the Proposed Map Amendment, Proposed Lot Variations, and Proposed Parking Variation; and

WHEREAS, the City Council has considered the written report of the PZB, the applicable standards for map amendments and major variations set forth in the Zoning Ordinance, and the Community and Economic Development Staff Memorandum dated September 8, 2017, and has determined that it is in the best interest of the City and the public to approve the Proposed Map Amendment, the Proposed Lot Variations, and Proposed Parking Variation in accordance with the provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1. RECITALS. The recitals set forth above are incorporated herein by reference and made a part hereof, the same constituting the factual basis for the approval of the Proposed Map Amendment, the Proposed Lot Variations, and the Proposed Parking Variation.

SECTION 2. LEGAL DESCRIPTION OF SUBJECT PROPERTY. The Subject Property is legally described as:

LOT 2 (EXCEPT THAT PART LYING EASTERLY OF A LINE 18.0 FEET
SOUTHWESTERLY OF, AS MEASURED AT RIGHT ANGLES, AND

PARALLEL WITH THE EASTERLY LINE OF SAID LOT 2) IN RIVER – GOLF RESUBDIVISION OF LOT 1 (EXCEPT THE SOUTH 75.0 FEET AND EXCEPT THE WEST 400.0 FEET THEREOF, AT RIGHT ANGLE MEASUREMENT) IN REDEKER’S GARDEN ADDITION TO DES PLAINES, BEING A SUBDIVISION OF LOTS 6 AND LOT 7, EXCEPT THE SOUTH 4 ACRES THEREOF, IN REDEKER ESTATE SUBDIVISION OF PARTS OF SECTIONS 8, 9, 16 AND 17, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE 3RD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RIVER – GOLF RESUBDIVISION REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS ON APRIL 3, 1963 AS DOCUMENT NO. 2084343.

PINS: 09-08-402-008-0000.

Commonly known as 30 N. River Road, Des Plaines, Illinois.

SECTION 3. APPROVAL OF PROPOSED MAP AMENDMENT. Subject to and contingent upon the conditions set forth in Section 6 of this Ordinance, the reversion provision of Section 7, and pursuant to Section 12-3-7 of the Zoning Ordinance, the City Council has considered the factors relevant to the approval of map amendments and has determined that the procedure for the review of map amendments has been satisfied. The City Council hereby approves the Proposed Map Amendment, and the Zoning Map is hereby amended to rezone the Subject Property from the C-3 District to the I-1 District.

SECTION 4. APPROVAL OF PROPOSED LOT VARIATIONS. Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in Section 6 of this Ordinance, the City Council hereby grants major variations from the following lot regulations set forth in Section 12-7-5(A)7 of the Zoning Ordinance:

- A. a front yard setback of 11.5 feet, when a minimum of 50 feet is required;
- B. a side yard setback of 0 feet, when 25 feet is required; a rear yard setback of 3 feet, when 50 feet is required;
- C. a lot coverage of 100%, when a maximum of 40% is permitted; and

- D. a total lot area of 0.35 acres, when a minimum of 2 acres is required, in the I-1 District.

SECTION 5. APPROVAL OF PROPOSED PARKING VARIATION. Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in Section 6 of this Ordinance, the City Council hereby grants a major variation to allow a total of 9 on-site parking spaces, when a minimum of 39 on-site parking spaces are required by Section 12-9-7 of the Zoning Ordinance; and

SECTION 6. CONDITIONS OF APPROVAL. The approvals of the Proposed Map Amendment granted pursuant to Section 3 of this Ordinance, the Proposed Lot Variations granted pursuant to Section 4 of this Ordinance, and the Proposed Parking Variation granted pursuant to Section 5 of this Ordinance are expressly subject to and contingent upon compliance by the Petitioner with each and all of the following conditions, all at the sole cost and expense of the Petitioner:

- A. The Petitioner must pay all applicable fees for building permits and related approvals.
- B. The Petitioner will enter into a lease agreement with the owner of a parcel adjacent to the Subject Property for the use of no less than 30 legal and Zoning Ordinance compliant off-street parking spaces during the Petitioner's regular weekly worship services ("***Parking Lease***"). The Parking Lease shall be in a form acceptable to the City's General Counsel and shall have a term no less than the Petitioner's lease for the Subject Property. The Parking Lease must remain in effect for the duration of the Petitioner's occupation and use of the Subject Property a place of worship. In the event that the Parking Lease is terminated by either the lessor or the Petitioner,

the Petitioner shall provide the City with evidence of a replacement lease within no less than 30 days. The Subject Property may not be used as a place of worship during any time period in which a valid Parking Lease is not in effect.

SECTION 7. REVERSION TO COMMERCIAL ZONING DISTRICT UPON CESSATION OF USE. In the event that the Subject Property ceases to be used, maintained, and operated as a place of worship for more than three months, the Zoning Map shall automatically be further amended to rezone the Subject Property from the I-1 District to the C-3 District, or other comparable successor zoning district under the Zoning Ordinance, with no further action of the City Council required. Cessation of use, for the purposes of this Ordinance, shall mean (i) the termination of a lease for the Subject Property by the operator of a place of worship, (ii) the discontinuation of religious services or gatherings; and (iii) the vacancy or abandonment of the Subject Property by an operator of a place of worship. The Zoning Administrator is hereby directed to place a notation on the City's Zoning Map indicating that the Subject Property is subject to the amendment described in this Section 7.

SECTION 8. FAILURE TO COMPLY WITH CONDITIONS.

A. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of, any of the provisions of this Ordinance shall be fined not less than seventy five dollars (\$75.00) or more than seven hundred and fifty dollars (\$750.00) for each offense. Each and every day that a violation of this Ordinance is allowed to remain in effect shall constitute a complete and separate offense. In addition, the appropriate authorities of the City may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its

terms. Any person, firm or corporation violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees.

B. In the event that the Petitioner fails to develop or maintain the Subject Property in accordance with the requirements of the Zoning Ordinance, or the conditions set forth in Section 6 of this Ordinance, the Parking Variation granted in Section 5 of this Ordinance may be revoked after notice and hearing before the Zoning Administrator of the City, all in accordance with the procedures set forth in Section 12-4-7 of the Zoning Ordinance. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the I-1 District. Further, in the event of such revocation of the Parking Variation, the City Manager and City's General Counsel are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Petitioner acknowledges that public notices and hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice and hearing required by Section 12-4-7 of the Zoning Ordinance is provided to the Petitioner.

SECTION 9. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after the occurrence of the following:

- A. its passage, approval and publication in pamphlet form as provided by law;
- B. the provision by the Petitioner to the City of a valid and effective lease for the Subject Property;
- C. the provision by the Petitioner to the City of a valid and effective Parking Lease in a form and substance acceptable to the City's General Counsel; and

D. the filing with the City Clerk by the Petitioner and the Owner, not less than 60 days after the passage and approval of this Ordinance, of an unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance. Said unconditional agreement and consent shall be in substantially the form attached to, and by this reference made a part of, this Ordinance as *Exhibit A*; and

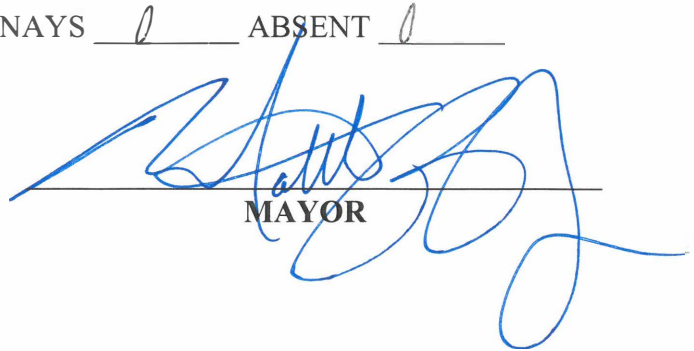
SECTION 9. SEVERABILITY. If any paragraph, section, clause or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

[SIGNATURE PAGE FOLLOWS]

PASSED this 6th day of November, 2017.

APPROVED this 6th day of November, 2017.

VOTE: AYES 8 NAYS 0 ABSENT 0


MAYOR

ATTEST:


CITY CLERK

Published in pamphlet form this
7th day of November, 2016.

Approved as to form:

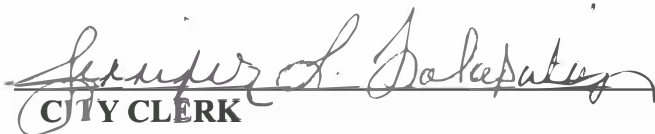

CITY CLERK
Peter M. Friedman, General Counsel

EXHIBIT A

UNCONDITIONAL AGREEMENT AND CONSENT AND REZONING COVENANT

TO: The City of Des Plaines, Illinois ("**City**"):

WHEREAS, RCCG Fountain of Life, Inc., an Illinois not-for-profit corporation ("**Petitioner**"), applied to the City of Des Plaines for a map amendment to rezone property commonly known as 30 N. River Road ("**Subject Property**") from the C-3 General Commercial District to the I-1 Institutional District as well as multiple variations from the lot and parking requirements of the City of Des Plaines Zoning Ordinance of 1998, as amended ("**Zoning Ordinance**") to allow the Subject Property to be used as a place of worship ("**Requested Relief**"); and

WHEREAS, the Patel Family LLP is the owner ("**Owner**") of the Subject Property and consented to the Petitioner's application; and

WHEREAS, Ordinance No. Z-22-17 adopted by the City Council of the City of Des Plaines on 11/6, 2017 ("**Ordinance**"), grants approval of the Requested, subject to certain conditions; and

WHEREAS, Petitioner and Owner desire to evidence to the City their unconditional agreement and consent to accept and abide by each of the terms, conditions, and limitations set forth in said Ordinance, and the Owner desires to evidence its agreement not to object to the rezoning of the Subject Property in the event the Subject Property ceases to be used as a place of worship;

NOW, THEREFORE, Petitioner and Owner do hereby agree and covenant as follows:

1. Petitioner and Owner hereby unconditionally agree to accept, consent to and abide by all of the terms, conditions, restrictions, and provisions of that certain Ordinance No. Z-22-17, adopted by the City Council on 11/6, 2017.
2. Petitioner and Owner acknowledge and agree that the City is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the City's review and approval of any plans for the Subject Property, or the issuance of any permits for the use and development of the Subject Property, and that the City's review and approval of any such plans and issuance of any such permits does not, and shall not, in any way, be deemed to insure Petitioner and Owner against damage or injury of any kind and at any time.
3. Petitioner and Owner acknowledge that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, have considered the possibility of the revocation provided for in the Ordinance, and agree

not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the procedures required by Section 12-4-7 of the City's Zoning Ordinance are followed.

4. Petitioner agrees to and does hereby hold harmless and indemnify the City, the City's corporate authorities, and all City elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with (a) the City's review and approval of any plans and issuance of any permits, (b) the procedures followed in connection with the adoption of the Ordinance, (c) the development, construction, maintenance, and use of the Subject Property, and (d) the performance by Petitioner of its obligations under this Unconditional Agreement and Consent.
5. Petitioner hereby agrees to pay all expenses incurred by the City in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses shall include all out-of-pocket expenses, such as attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the City.
6. The Owner hereby consents and agrees not to object, challenge, or take action to impede the rezoning of the Subject Property from the I-1 District to the C-3 District, or other comparable successor zoning district under the Zoning Ordinance, as the same may be from time to time amended, as provided for in Section 7 of the Ordinance. The Owner acknowledges and agrees that it has received sufficient notice of the conditions under which such rezoning shall occur, and understands and acknowledges the impact of such a rezoning on its interest in the Subject Property.

ATTEST:

"PETITIONER"

RCCG FOUNTAIN OF LIFE, INC., an
Illinois not-for-profit corporation

By: M. M. M.

By: [Signature]

Its: _____

Its: JOHN AIYENOKU

SUBSCRIBED and **SWORN** to
before me this 9th day of
November, 2017.

CHURCH ADMINISTRATOR /
MISSIONS CO-ORDINATOR

Laura K Fast
Notary Public



ATTEST:

"OWNER"

PATEL FAMILY LLP, an Illinois Limited
Liability Partnership

By: M. M. M.

By: [Signature]

Its: _____

Its: SAMEER D. PATEL GENERAL PARTNER

SUBSCRIBED and SWORN to
before me this 9th day of
November, 2017.

Laura K Fast
Notary Public



STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

CERTIFICATE

I, Jennifer L. Tsalapatanis, certify that I am the duly elected and acting Municipal Clerk of the City of Des Plaines, Cook County, Illinois.

I further certify that on November 6, 2017 the Corporate Authorities of such municipality passed and approved Ordinance No. Z-22-17, AN ORDINANCE APPROVING A ZONING MAP AMENDMENT AND MAJOR VARIATIONS FOR 30 N RIVER ROAD, DES PLAINES, IL (CASE #17-062-V-MAP) provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. Z-22-17, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on November 7, 2017 and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Des Plaines, Illinois, this 7th day of November, 2017.

(SEAL)

Jennifer L. Tsalapatanis
Jennifer L. Tsalapatanis, City Clerk

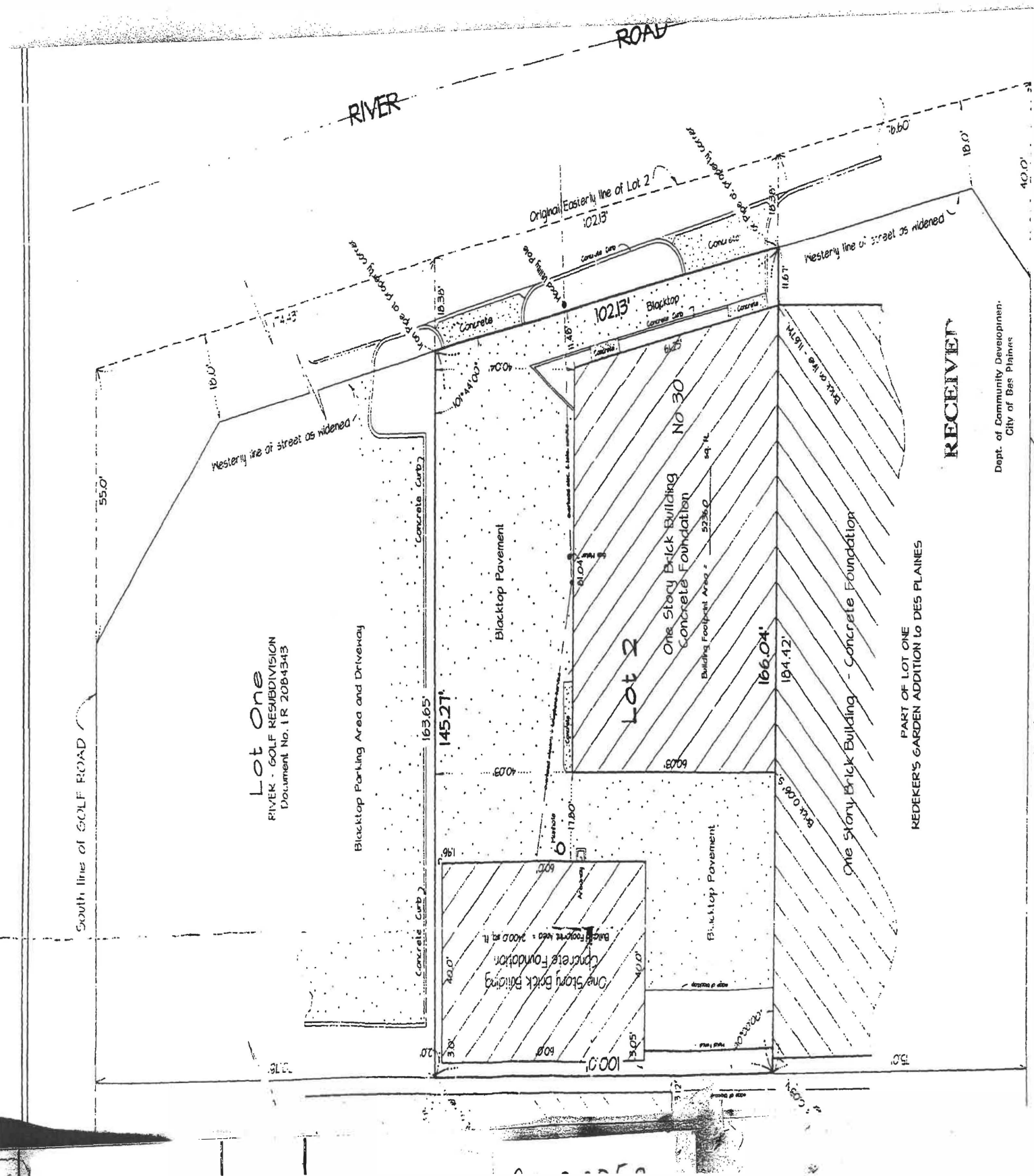
CITY OF DES PLAINES

ORDINANCE NO. Z-22-17

**AN ORDINANCE APPROVING A ZONING MAP AMENDMENT AND MAJOR VARIATIONS
FOR 30 N RIVER ROAD, DES PLAINES, IL (CASE #17-062-V-MAP)**

**ADOPTED ON NOVEMBER 6, 2017
BY THE CITY COUNCIL
OF THE
CITY OF DES PLAINES**

Published in pamphlet form by authority of the City Council of the City of Des Plaines,
Cook County, Illinois, on this 7th day of November, 2017.



STANDARDS FOR VARIATIONS

In order to understand your reasons for requesting a variation, please answer the following items completely and thoroughly (two to three sentences each). Variation applicants must demonstrate that special circumstances or unusual conditions prevent them from following the specific regulations of their zoning district. Applicants must prove that the zoning regulations, in combination with the uncommon conditions of the property, prevents them from making any reasonable use of the land. Keep in mind that no variation may be granted that would adversely affect surrounding properties or the general neighborhood.

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.

Enforcing the zoning rules as written would cause a practical difficulty in meeting relevant obligations due to the property's unique conditions without a variance.

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.

The subject lot is exceptional and has limitations to number of parking needed and our variation request for mandatory use of adjacent property has not been successful regarding cooperation from adjacent property owner, it will be a huge relief if granted.

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.

The property's unique condition was not caused by the current or previous owners. It existed before the current zoning rules. Therefore, the hardship is not self-created.

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.

Property owners in the area are able to enjoy full use of their properties as intended under their zoning ordinance, whereas the applicant, without relief, would be restricted due to the unique nature of subject lot. Granting the variance would therefore serve the subject lot in a comparable and reasonable manner, without conferring any special privilege.

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.

The requested variance is not for special privilege or financial gain but to allow fair and reasonable use of the property,

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.

The requested variation aligns with zoning goals and the comprehensive plan, ensuring the development remains consistent with the area's character and planning objectives.

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.

The variance is the only viable solution to allow reasonable use of the property, as no other remedy sufficiently addresses the hardship.

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.

The variation requested is the smallest possible adjustment needed to reasonably address the hardship while still respecting zoning intent.

MAYEN GLOBAL FOUNDATION

30.36,40 N RIVER ROAD, DES PLAINES
2242456588

mayenglobalfoundation@gmail.com

www.Mayenglobalefoundation.org

Project Narrative for 30, 36, 40 N River Road, Des Plaines

Project Overview:

Mayen Global Foundation – Statement of Intent for Property Use

Property Address: 30, 36, and 40 N River Road, Des Plaines, IL

Mayen Global Foundation, a proud member of the Des Plaines Chamber of Commerce and Industry, is committed to the continued growth and development of the City of Des Plaines. As the contracted buyer of the above-mentioned property, we are excited to present our vision for its future use.

Purpose and Benefits

The proposed use of the property will serve the Des Plaines community in two distinct but complementary ways:

- **Assembly Use (Weekends):**
The facility will host religious services **only on Sundays**, providing a dedicated space for worship, prayer, and fellowship. These services will meet the spiritual needs of our congregation and foster a greater sense of unity, support, and reflection within the community.
- **Office Use (Monday – Friday):**
During the weekdays, the property will be utilized as office space, supporting organizational operations, outreach programs, and community service initiatives.

Facility Utilization

The properties at **30, 36, and 40 N River Road** will be managed in full compliance with current zoning provisions for assembly and office use. This dual-purpose model maximizes community benefit while ensuring the responsible, sustainable use of the space.

Our project is designed to build **stronger community ties** through spiritual, mental, social, and economic engagement. We believe this initiative will enhance the well-being of Des Plaines residents by offering a welcoming, inclusive environment that supports family life, fosters community participation, and promotes personal and collective growth.

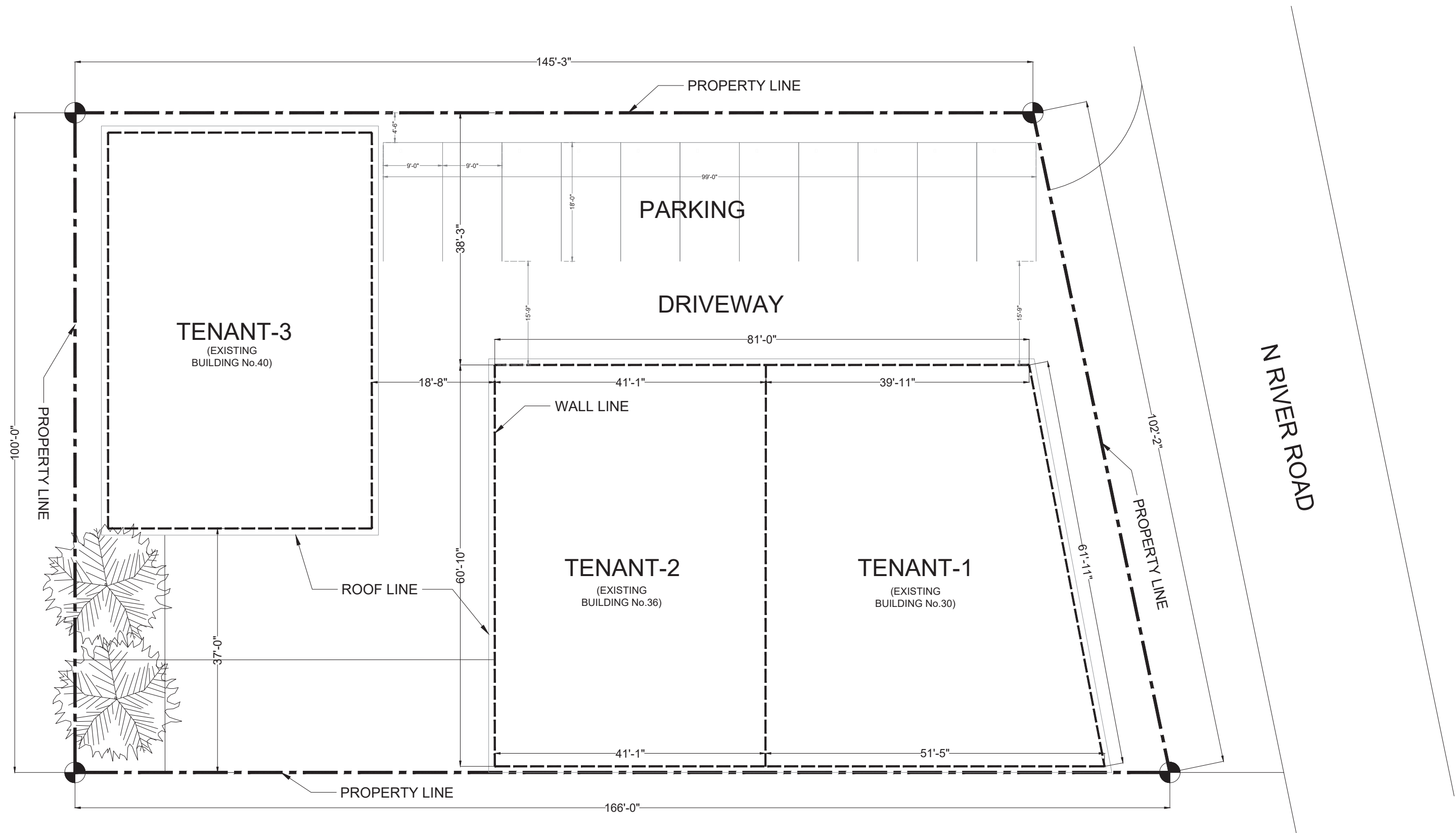
In Conclusion

This proposal reflects our deep love for Des Plaines and our dedication to contributing positively to its future. The dual-purpose use of the facility will be a valuable asset to the city, supporting both its spiritual life and economic vitality.

Sincerely,

Nsikak Austin Idet

For: Mayen Global Foundation

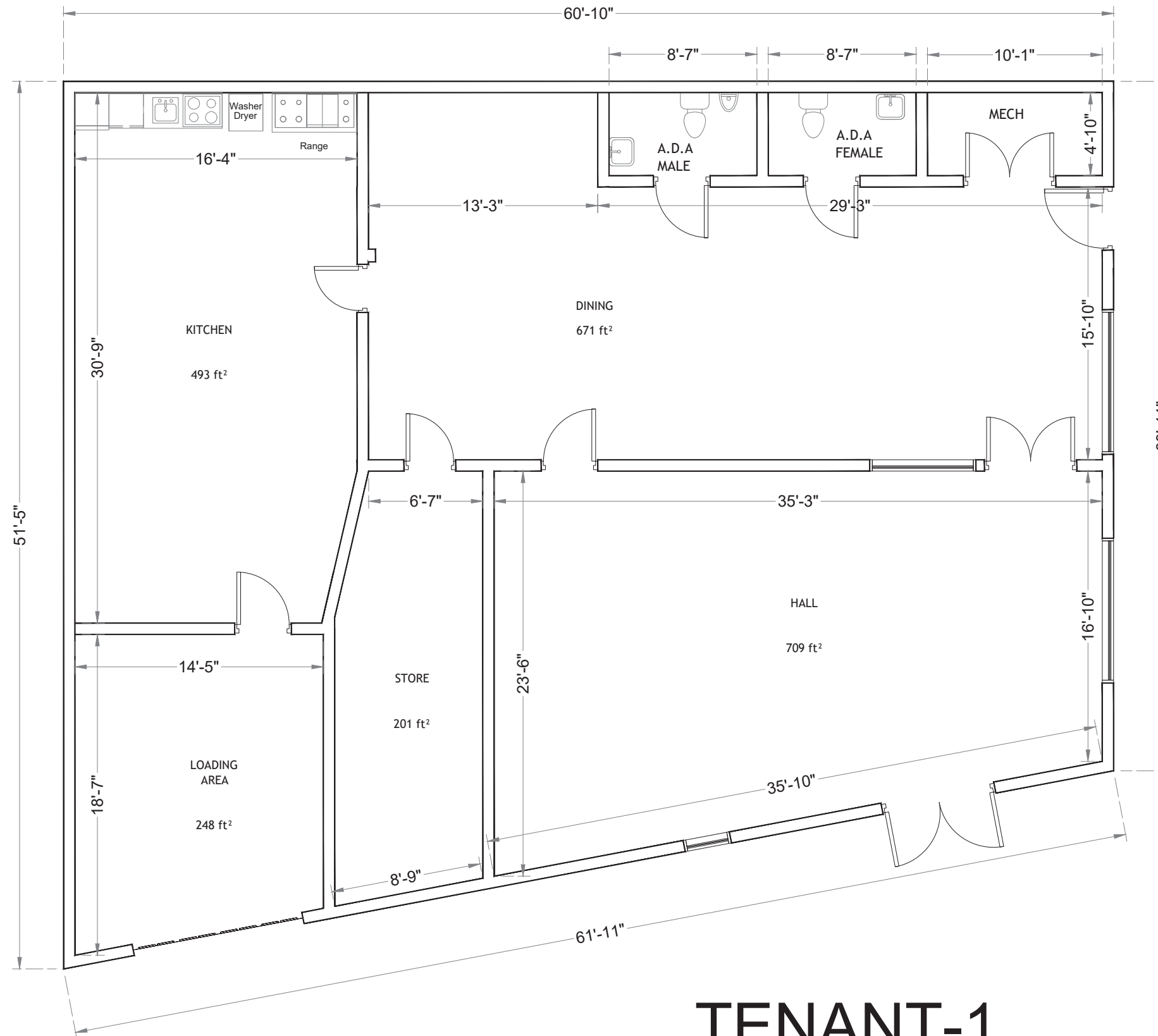


SITE PLAN

30 N River Rd
Des Plaines, IL 60016
Parcel ID: 09-08-402-008
Lot area: 0.36 Acres

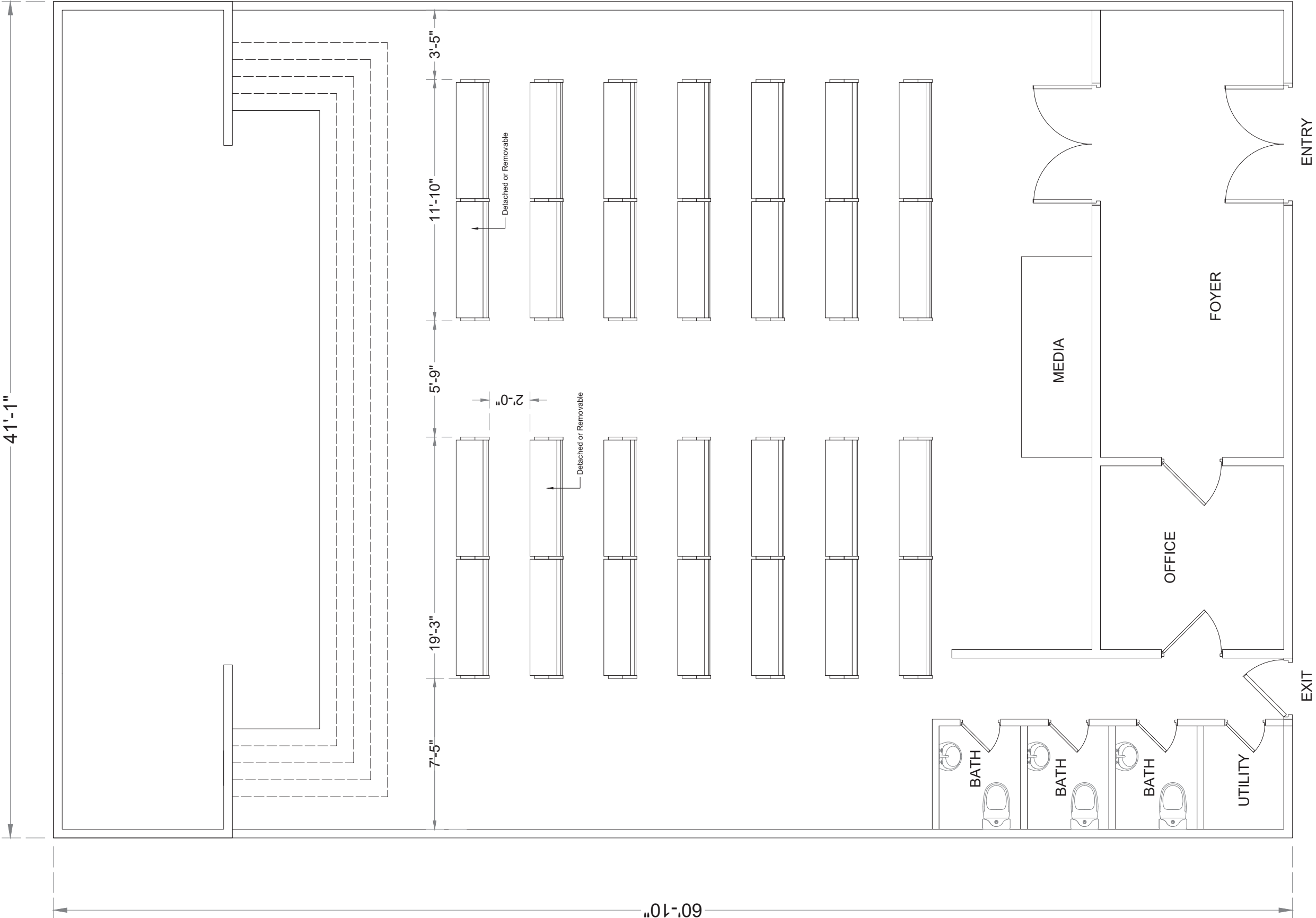
0 5' 10' 20'
Scale: 1" = 10'-0"





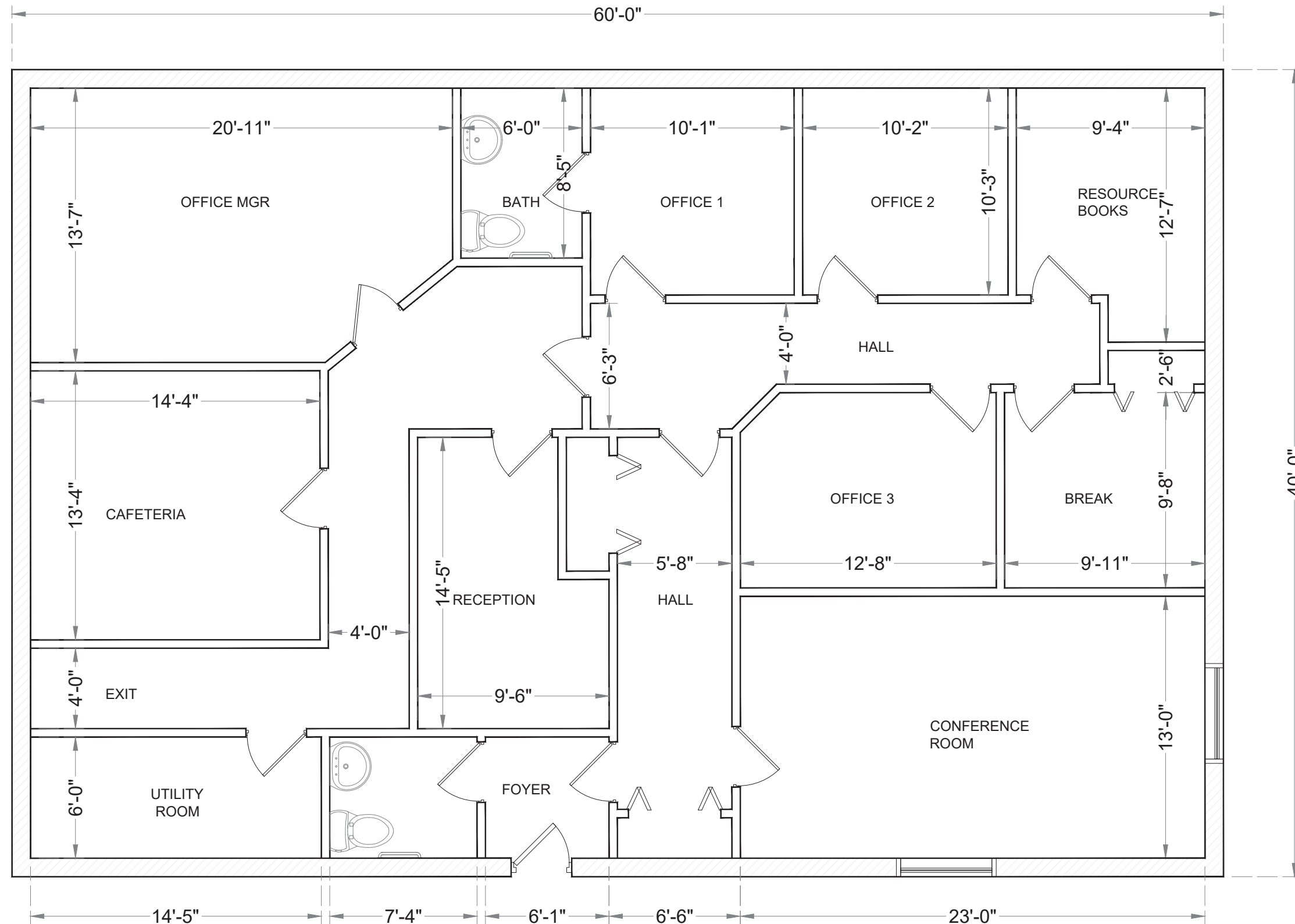
TENANT-1

(MGF OFFICE)



TENANT-2

(Church)



TENANT-3

(VACANT)

THIS LEASE made this 22 day of OCTOBER, 2022 between Chicago Dial Indicator Co. (hereinafter referred to as "Lessor"), an Illinois Corporation having its offices at 1372 Redeker Rd, Des Plaines, IL 60016 and Patel Family, LLC. (hereinafter referred to as "Lessee") at 3 Golf Center #392, Hoffman Estates, IL 60169.

1. **GENERAL LEASE PROVISIONS:** Lessor hereby leases to Lessee 25 parking spots located at 1372 Redeker Rd, Des Plaines, IL 60016 to be used by Lessee for the purpose of parking Lessee's automobiles and those of Lessee's congregation within said spaces in consideration of rental provided for and subject to the terms and conditions set forth herein.
2. **PERMITTED USES OF THE PARKING SPOTS:** The parking spots shall be used solely as parking spots by Lessees' staff, Lessees' congregation, Lessees' invitees and guests. The parking spots shall be used only for temporary parking of vehicles. No vehicles weighing more than 9,000 lbs will be permitted. Vehicles in the parking spots 1 Hour before or after the designated times specified herein shall be subject to being towed. Owner of the towed vehicle shall be responsible for all related costs. If any car is towed, Lessor shall provide the Lessee with details of the towing company to facilitate the recovery of the vehicles towed. Lessor may need to perform maintenance on property at which time number of parking spots available may be reduced for a certain period of time.
3. **LESSEE NOT TO MISUSE; SUBLET; ASSIGNMENT:** Lessee will not allow the Premises to be used for any purpose that will increase the rate of insurance thereon, nor for any purpose other than that hereinbefore specified, and will not load parking lot with anything beyond the load rating prescribed by applicable municipal ordinances, and will not allow the Premises to be occupied in whole, or in part, by any other person, and will not sublet the same or any part thereof, not assign this Lease without in each case the written consent of the Lessor first, and Lessee will not permit any transfer by operation of law of the interest in the Premises acquired through this lease, and will not permit the Premises to be used for any unlawful purpose, or for any purpose that will injure the reputation of the building or increase the fire hazard of the building, or disturb the tenants or the neighborhood; and will not allow any signs, cards or placards to be posted, or placed thereon, nor permit any alteration of or addition to any part of the Premises, except by written consent of Lessor; all alterations and additions to the Premises shall remain for the benefit of Lessor unless otherwise provided in the aforesaid consent
4. **COMPLIANCE WITH THE LAW:** Lessee shall conform its use of the parking spots to and with all applicable laws, ordinances and codes presently in force or hereafter modified, imposed or enacted and all parking rules and regulations promulgated from time to time by Lessor.
5. **LEASE TERM:** The term of this lease shall be five (5) years and use shall be limited to Sunday's between the hours of 4:00 AM and 10:00 PM, commencing on

SAP

November 6, 2022 and ending on the Last Sunday October 31, 2027. Lessee and Lessor for any reason may terminate the lease and agree to give each other a minimum of 120 days written notice to terminate lease agreement.

6. **OPTION TO RENEW:** Provided the Lessee is not in default, Lessee shall have the two options to renew the Lease for an additional term of five (5) year each, under the same terms and conditions. Lessee will notify Lessor in writing, of Lessee's intention to renew no later than two (2) months prior to expiration of current lease term.
7. **RENTAL:** Lessee accepts and agrees to pay \$500.00 per month, payable monthly and in advance promptly on the first day of each calendar month of the term. All rent shall be paid no later than the fifth day of each month. Lessee will provide a four month deposit of \$2,000.00. Lessee will also include Lessor as additional insured under Lessee's insurance policy.
8. **SNOW REMOVAL:** Lessee accepts and agrees to be responsible for snow removal of parking spaces on Sundays.
9. **LATE PAYMENT:** Any rent not paid by the fifth day of the month shall incur a late payment of **5% (Five Percent)** on all sums due per month.
10. **DEFAULT:** Any violation of the terms and conditions of this Lease, including without limitation, the nonpayment of rent or any violation of the parking rules and regulations promulgated by the Lessor from time to time shall be grounds for termination of the Lease. (a.) If Lessee defaults in fulfilling any of the covenants of this Lease requiring the payment of rent and continues for ten days after Lessor serves a written notice upon Lessee specifying such default; then Lessor may serve written 10 day notice of cancellation of the Lease upon Lessee, and upon the expiration of said 10 days, this Lease and the term hereunder shall end and expire as fully and completely and Lessee shall then quit and surrender the Demised Premises to Lessor. Lessee shall remain liable to the extent of the unpaid rent until premises are surrendered. (b.) If Lessee defaults in complying with any of the terms, conditions or provisions of this Lease which continues for ten days after Lessor serves a written notice upon Lessee specifying such default; then Lessor may serve written 10 day notice of cancellation of the Lease upon Lessee, and upon the expiration of said 10 days, this Lease and the term hereunder shall end and expire as fully and completely and Lessee shall then quit and surrender the Demised Premises to Lessor. Lessee shall remain liable to cure the default.
11. **INDEMNIFICATION:** Notwithstanding any other provision hereof, the parking of vehicles in the parking spots shall not create a bailment between Lessor and the owner of any vehicles parked in parking spots, and Lessor shall not be responsible for the loss or damage occurring on or about the parking spots to automobiles, vehicles or accessories, or contents thereof, caused by theft, collision, water, wind storm, or any other causes whatsoever. Lessor shall not be liable for any personal

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injury, death, disablement, or property damage sustained by any person, including without limitation by Lessee, or the guests and invitees of the Lessee, as a result or, or in connection with, the use of the parking spots (other than damages caused by willful misconduct of the Lessor) and Lessee as a condition to acquiring parking privileges pursuant of this Lease agrees to indemnify, defend and save Lessor harmless from and against any and all liabilities, claims, suits, actions, damages, demands, losses, costs, expenses, settlement obligations, recoveries and deficiencies including but not limited to interest, penalties, attorney's fees and disbursements that Lessor is guilty of willful misconduct. This paragraph shall survive the expiration or earlier termination of the Lease.

12. EFFECT OF TERMINATION AND SURRENDER OF PROPERTY: Upon termination of this Lease, all rights and privileges granted herein to Lessee shall immediately terminate and be of no further effect unless otherwise provided herein.

13. ENTIRE AGREEMENT: This Lease contains the entire agreement between Lessor and Lessee and any executory agreement hereafter made between Lessor and Lessee shall be ineffective to change, modify, waive, release, discharge, termination or effect and abandonment of this Lease, in whole or in part, unless such executory agreement is in writing and signed by the party against whom enforcement of the change, modification, waiver, release, discharge, termination, or the effecting of the abandonment is sought.

14. MISCELLANEOUS PROVISIONS:

- (a) All notices required to be given under this Agreement shall be construed to mean notice in writing signed by or on behalf of the party giving notice, and the notice may be served upon the other party or his agent personally or by certified or registered mail, email, or in person. Notice shall be deemed made when mailed, emailed, or served. All notices, requests, consents and other communications required under this lease shall be in writing (including facsimile or electronic communication) and shall be addressed to:

If to Lessor:

Chicago Dial Indicator
C/O Erik Iverson
1372 Redeker Rd
Des Plaines, IL 60016

If to Lessee:

Patel Family LLC
C/O Samir Patel
3 Golf Center # 392
Hoffman Estates, IL 60169

SAP

- (b) The captions and headings of the various sections or paragraphs of this agreement are of convenience only, and are not to be construed as confining or limiting in any way the scope or intent of the provisions hereof.
- (c) The unenforceability or invalidity of any provision or provisions hereof shall not render any other provision or provisions herein contained unenforceable or invalid.
- (d) This agreement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the Seller and Buyer.
- (e) Time is of the essence in the performance and enforcement of this agreements.
- (f) This agreement shall be governed by the laws of the state of Illinois.

Chicago Dial Indicator

By: _____

Name: Erik Iverson

Date: 10/27/2022

Patel Family, LLC.

By: _____

Name: SAMIR PATEL

Date: 10/22/22

