



**DES PLAINES PLANNING AND ZONING BOARD MEETING
MAY 13, 2025
MINUTES**

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, May 13, 2025, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

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

PRESENT: Catalano, Fowler, Zadrozny, Weaver, Szabo

ABSENT: Veremis

ALSO PRESENT: Jonathan Stytz, Senior Planner

Jonathan Mendel, Assistant Director of Community & Economic Development

A quorum was present.

APPROVAL OF MINUTES

A motion was made by Board Member Fowler, seconded by Board Member Catalano to approve the meeting minutes of April 8, 2025.

AYES: Catalano, Fowler, Zadrozny, Weaver, Szabo

NAYS: None

ABSTAIN: None

A motion was made by Board Member Zadrozny, seconded by Board Member Catalano to approve the meeting minutes of April 22, 2025.

AYES: Catalano, Fowler, Zadrozny, Weaver, Szabo

NAYS: None

ABSTAIN: None

MOTION CARRIED

PUBLIC COMMENT ON NON-AGENDA ITEM

There was no public comment.

GENERAL COMMUNICATIONS

Assistant Director Mendel outlined the results of the City Council May 5, 2025 regarding the first readings for the 2200 E. Golf Road and 1244 Brown Street cases.

Mr. Mendel stated that 2200 E. Golf Road was effectively denied by means of a failed motion to approve, but the 1244 Brown Street request was approved and would be returning for second reading on the May 19, 2025 City Council agenda.

Chair Szabo asked Mr. Mendel to reaffirm that the 2200 E. Golf Road Assisted Living Facility was denied. Mr. Mendel stated that this is correct.

Member Fowler asked if this project is dead with this denial. Mr. Mendel stated that the request ends with that denial.

Member Fowler asked if there is a way for it to go back to the City Council. Mr. Mendel stated that under Robert's Rules of Order a reconsideration of City Council vote could be asked at the next City Council meeting on May 19, 2025.

Member Fowler asked if there is a scenario in which it would return to PZB. Mr. Mendel stated that this would only be if there was substantive change to the request.

ADMINISTRATIVE DECISIONS

Chairman Szabo stated the list of 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 for a Single Family Detached Residence - 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

Chairman Szabo introduced the case on the agenda.

Petitioner Ermek Nurbaev gave a presentation outlining the request.

Member Weaver asked if the business for-profit or non-profit. Mr. Nurbaev states it is for-profit.

Member Weaver why is the business only open until 5 pm and not open on any evenings or weekends. Mr. Nurbaev stated they are looking to expand to evening hours and change if approved. Then they will consult with their landlord.

Member Weaver asked if they have 24 hour access to their tenant space. Mr. Nurbaev stated they do but want to understand the outcome of this zoning request before they consult with their landlord.

Member Zadrozny asked if the room with 8 seats is sufficient. Mr. Nurbaev wants this small space for business activity related to specific cultural movies for private small group screening.

Member Fowler asked if this business operated elsewhere.

Ermek Nurbaev stated this is the only one.

Chair Szabo stated there are no additional Board questions and asked Mr. Mendel to present the staff report.

Assistant Director Jonathan Mendel presented the staff report and analysis.

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 its 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 operates 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 sq. ft. and divided into individual spaces in which activities would be conducted. There are 44 total fixed seats and 362 sq. ft. 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	1 space for every 5 seats 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	1 space for every 60 square feet of floor area in the main auditorium, sanctuary, nave or similar place of assembly and other rooms (gymnasiums, classrooms, offices) which are to be occupied simultaneously
Office	1 space for every 250 square feet of gross floor area
Shopping Centers	3 spaces for every 1,000 square feet of gross floor area

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 = $(8,494 \text{ sq ft}/1000)*3 = 26$ 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 conditional uses 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 sq. ft. 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 believe 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.

Member Zadrozny asked if there is any food or alcohol provided. Mr. Nurbaev stated no food or alcohol sales are planned.

Chairman Szabo opened public comment. No members of the public came forward.

Chairman Szabo closed the public hearing and entertained a motion regarding the case.

A motion was made by Member Weaver and seconded by Member Fowler to recommend approval of the conditional use to the City Council, with conditions drafted by staff.

AYES: Weaver, Fowler, Zadrozny, Catalano, Szabo

NAYS: None

ABSTAIN: None

*****MOTION CARRIED*****

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

Chairman Szabo introduced the case on the agenda.

Petitioner Nsikak Idet presented their request.

Member Weaver asked if the petitioner's business is Mayen Global. Mr. Idet stated that it is.

Member Weaver asked if the Petitioner occupies space in the subject property. Mr. Idet stated he occupies one of the spaces, which has been vacant since the Fall of 2024.

Member Weaver asked for confirmation that Mr. Patel is the owner and the Petitioner is contracted to act on Mr. Patel's behalf. Mr. Idet confirmed that this is correct.

Senior Planner Jonathan Stytz presented the staff report and analysis.

Case Number: #25-020-V

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

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).

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.

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:

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.

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

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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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

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	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.

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.

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.

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.

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

- 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.

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.

Member Weaver asked staff if demolishing the third, rear building, would improve the site's use and functionality for vehicle circulation. Senior Planner Stytz stated removing the building would likely provide the site with more vehicle circulation, use, and functionality.

Member Weaver asked how long the current owner has owned this property. Mr. Idet stated Mr. Patel has owned it since 1995.

Member Weaver asked about the owner's obligation to the current tenants. Mr. Idet stated the owner is responsible to the current tenants as a landlord. The property's tax obligation is about \$40,000 and Mr. Idet stated he has worked to develop this property's productivity to overcome the tax burden costs.

Member Weaver asked if having the assembly uses reduces the tax burden. Mr. Idet stated that this could reduce the tax burden. He stated he wanted to maintain the current church tenant, which is only operating on Sundays. To do this, the petitioner has established parking agreements with Chicago Dial nearby and City Electric next door to provide parking to satisfy the City Code parking requirement.

Member Weaver stated there is a parking deficit even on Sundays. Mr. Idet stated he has had a parking agreement with 1455 E. Golf Road in the past with any adjacent property but has had to find another since this agreement expired. He states that it would cost \$30,000 every year to have shared parking with 1455 E. Golf Road, but that is not sustainable. Therefore, they needed to find another shared parking agreement. This would permit the property to attract office tenants. The applicant states that the current church use is possibly using less parking needs. Instead of shared parking at 1455 E. Golf Road, the petitioner created an agreement with Chicago Dial in 2022.

Member Weaver asked staff if the City Council 2017 approval parking was for 9 spaces on site and 30 spaces off-site on an adjacent property with a total of 39. Senior Planner Stytz confirmed Member Weaver's understanding of the 2017 approval.

Member Weaver stated that now the required parking is 47 spaces versus the 39 spaces in 2017. The number has gone up and the deficit has increased. The plan for off-site is now provides a deficit of 7 spaces. If we vote to recommend this request, we will lower the required parking. Senior Planner Stytz clarified that the variation would allow a reduction in the required off-street parking whether on-site or off-site.

Chairman Szabo asks the Petitioner if they've been using City Electric's parking and, if so, is there a formal parking agreement. Mr. Idet confirmed that they are using it, but only with a friendly informal agreement. We have a paid agreement with Chicago Dial to use their parking. The current request is to expand the effective use of the subject property for Monday-Friday instead of just on Sundays for with the current church tenant.

Senior Planner Stytz explained that formal off-site parking agreements have been required in order for staff to determine if there is ample parking supply on a site to supply both the on-site use and the off-site use.

Mr. Idet requests that if an office use is proposed that they will only accept applications from uses that can be accommodated with the on-site parking. He added that need to get this property into productive use due to interior property conditions that need repair.

Member Fowler asked which building needs interior repairs. Mr. Idet stated that building #3 in the rear need to be repaired.

Member Fowler asked if the petitioner had considered demolishing this building. Mr. Idet answered that they do not believe the demolition is necessary because the property is primarily in good condition. He added that there is still value and he believes the value could be emphasized.

Member Fowler asked if the petitioner would not accept tenants that would exceed the parking requirement on-site. Mr. Idet confirmed this statement.

Member Fowler asked if there are any uses operating during the week in tenant spaces #1 or #2. Mr. Idet stated he does not.

Member Weaver asked for clarification regarding the minimum off-street parking calculation for office uses. Senior Planner Stytz confirmed that the off-street parking calculation is one space for every 250 square feet of gross floor area regardless of the type of office. He also noted portions of the building, such as restrooms, hallways, and mechanical areas, that are not included in the parking calculation.

There was further discussion regarding off-street parking calculations and how the minimum off-street parking requirement could vary based on the uses on site.

Member Weaver asked for clarification regarding the subject of the major variation request, namely what would the PZB be forwarding a recommendation to City Council. Senior Planner Stytz confirmed that the major variation request is to reduce the number of required off-street parking spaces on site from 47 to 10.

There was further discussion regarding the major variation request before the PZB and the staff recommended condition requiring the remainder of the required off-street parking to be provided off-site on a neighboring property.

Chairman Szabo discussed the staggered times of the current uses on the subject property and questioned whether all 47 required spaces would be needed. He suggested that this approval could cover the existing uses and restrict the future user of Building #3 to require no more than five off-street parking spaces.

Member Weaver expressed concerns with that recommendation given that the nature of the uses can change without review of the PZB since these are permitted uses in the I-1 district.

Chairman Szabo asked for clarification that any change of use on the subject property would require a business registration. Senior Planner Stytz confirmed that a business registration would be required for any change of use and would be reviewed by staff for compliance.

There was further discussion on permitted uses versus conditional uses in relation to the existing uses on site and the PZB's ability to review future uses for the subject property. Senior Planner Stytz confirmed that the existing uses are permitted uses in the I-1 district—given that the subject

property abuts an arterial road—and would not be under the purview of PZB. However, any uses denoted as conditional uses such as a childcare center would be reviewed by the PZB and would include a site plan analysis for the proposed conditional use.

Assistant Director Mendal provided some additional clarity by discussing the logical nexus between the minimum off-street parking space requirement and permitted uses, allowing the PZB to encumber permitted uses based on the off-street parking deficit. He provided examples of this stating that the PZB could limit the scope of the variation for off-street parking to just these existing uses presented in this application or can encumber future permitted uses based on a set off-street parking space deficit for the subject property.

Chairman Szabo asked for public comment and swore in Kerry Levin who represents the property at 1455 E. Golf Road.

Mr. Levin outlined his history and experience with the subject property owner over time. He explained that they are not open on Sundays so if there is a concern related to off-street parking on Sundays, they could lease spaces to them. He stated his property has had problems with this property in the past that became difficult to enforce and management. Mr. Levin stated that the last negotiated parking agreement was for \$1,500 per month (\$18,000 per year). He noted the site is over-developed and the removal of the rear building would help alleviate off-street parking concerns. He further explained that the assembly uses on site are very parking intensive uses which exasperates the off-street parking issues. Mr. Levin noted alternatives available to the petitioner and his recommendation against this request. He noted that they currently lease parking spaces to Des Plaines Material.

Member Fowler asked how many parking spaces are currently being leased to the petitioner. Mr. Levin responded none.

Member Fowler asked if the \$18,000 per year is being paid currently. Mr. Levin stated that no agreement has been approved despite previous attempts to reach a parking agreement.

Member Fowler asked if there are currently individuals parking on 1455 E. Golf Road without permission. Mr. Levin responded yes.

Mr. Idet would like to work with Mr. Levin but would have to lease with Mr. Levin's property manager and this has not been executed.

There was further discussion about the private parties' ideas for negotiating a possible agreement.

Member Fowler asked Mr. Levin how many parking spaces would be available at 1455 E. Golf Road. Mr. Levin responded that it would depend on whether it would be just for Sundays or during the week. For Sunday mornings only, there would be up to 150 spaces could be available. During the week it will be closer to 30 spaces, but he would have to confirm given other parking leases that utilize this property.

Mr. Idet was looking for clarification on the number of available parking spaces at Chicago Dial.

Senior Planner Stytz referenced the Chicago Dial parking exhibit in the staff report confirming that there are only 18 spaces available on the Chicago Dial property. He explained that the previous parking exhibit provided for the Chicago Dial property counted spaces on the property to the north and included tandem spaces, which are not legal parking spaces.

Assistant Director Mendel outlined that this is not the appropriate venue for negotiation of the private meeting between the private parties and the PZB. The PZB or the petitioner can continue the request to permit the petitioner and other private parties time to negotiate parking agreements. Also, the PZB could review the request in front of them and make a recommendation conditioned that the agreements outlined by the petitioner that are formally executed.

Mr. Idet wanted to get this property in productive use. He noted that given the size of the current church, they do not need Chicago Dial for parking but are currently paying for the parking lease.

Szabo wants to see an executed written parking agreement from City Electric and noted that a continuance would likely be necessary to provide this document. Mr. Idet stated he could make this parking lease available. He also described an alternative option to work with Mr. Levin to get additional off-street parking spaces at 1455 E. Golf Road.

Chairman Szabo noted that there are others in the audience that wish to speak and asked if it is the petitioner's intention to request a continuance to the next PZB meeting. Mr. Idet responded that he wanted to let the audience member speak as he is the pastor of the existing church on site.

Chairman Szabo swore in Shola Olowookere who is the pastor of the existing church on site.

Mr. Olowookere states the church only has 30 members and many times patrons who come to the site have 3-4 people in one vehicle, resulting in only around 6-7 cars on a given Sunday between 9 am-12 pm. He noted that because of the code requirement, they need to enter into a parking lease with Chicago Dial. He confirmed that they do not currently park at 1455 E. Golf Road and do not have any operations on site outside of 9 am to 12 pm on Sundays. Mr. Olowookere explained that the previous church left because the rent was too high. He further noted that while they would be interested in working with Mr. Levin, the requested fee for the parking lease at 1455 E. Golf Road is too high.

Chairman Szabo swore in Michael Van Slambrouck who is the owner of the City Electric property at 6 N. Des Plaines River Road.

Mr. Van Slambrouck stated he had a parking lease with the first church on the subject property with specific maintenance provisions, but that did not go anywhere. About a year ago, he was approached by the Patels and tried to create another lease but it was not executed because the church disbanded. Mr. Van Slambrouck also noted that discussions for a new parking lease with City Electric need to be had with property ownership, not with current tenants as they do not have the ability to sublease. He noted that given the history with the subject property, they may not be interested in entering into a parking lease with his tenant.

Chairman Szabo asked if there was any additional public comment. No one responded.

Chairman Szabo asked the petitioner if he wished to conclude.

Mr. Idet outlined his appreciation of City of Des Plaines and how he is part of the general and business community. He is concerned about the imposition on a non-profit church and sublease the previous church's space. Mr. Idet reiterated his position regarding the request and his goal to make a difference in the community. He reiterated his desire to work with his neighbors to address the current parking issues. Mr. Idet stated his desire to seek a continuance for this case, or, if the PZB can recommend approval of the variation request, time to provide a parking lease with 1455 E. Golf Road or time to renegotiate after the lease ends for the current church use.

Chairman Szabo asking for clarification from the petitioner that he does desire a continuance. Mr. Idet initially responded yes but then added his desire for a final determination from the PZB.

Chairman Szabo responded that he can only request one or the other. Mr. Idet responded that he does want a final determination from the PZB tonight.

There was further discussion on the implications of continuing the request to allow for the furnishing of requested documentation or rendering a decision with the current application.

Assistant Director Mendel asked for procedural clarification on whether the Mr. Idet wants the PZB to act this evening on the request before them or does Mr. Idet want to continue this public hearing to a later date so he has time to clarify parking agreements. Mr. Idet responded that he wants the PZB to move forward as requested with a change to the condition for parking agreement adjacency to permit off-site parking on properties not physically adjacent to the subject property.

Member Catalano asked the petitioner if he is aware of the conditions of approval recommended by staff. Mr. Idet stated that he did not and requested that the conditions be read.

Senior Planner Stytz outlined and clarified, for the PZB and the Mr. Idet, the staff proposed conditions of approval. Mr. Idet reviewed and agreed to the staff proposed conditions of approval.

Member Fowler asked for clarity regarding condition #3 stating that the current condition language does not specify the number of parking leases required.

Chairman Szabo noted that the petitioner would need enough spaces to meet the requirement of 47 spaces as noted in the staff report.

Senior Planner Stytz further clarified that there is no number of parking leases specified since only one or a few parking leases only be required. However, the PZB does have the ability to adjust the language of the condition if they feel that additional clarity is needed.

Chairman Szabo stated that he feels the condition is clear.

Senior Planner Stytz further clarified that this condition also allows the petitioner to seek parking lease with properties not directly adjacent to the subject property, which is different from the original 2017 ordinance, which limited parking leases to properties adjacent to the subject property.

Member Weaver asked who will sign parking agreements, Mr. Patel or Maygen Global. Mr. Idet stated he will sign the parking agreements as a representative of the Maygen Global.

Member Weaver noted information he found online about the Maygen Global organization and asked why this organization is a building manager for Mr. Patel. Mr. Idet stated Mayen Global is in contract to purchase the subject property.

There was further discussion on Maygen Global and the petitioner's role on the subject property. Mr. Idet stated he is the property manager of the subject property and a director of Maygen Global.

Member Weaver pondered the reason for the property being rezoned to I-1 back in 2017 and noted that the site constraints today come from that earlier decision.

Mr. Van Slambrouck asked if the off-site properties with an agreement will be required to repave their own properties. Senior Planner Stytz clarified that the owners of the properties providing off-site parking to the petitioner would not have to repave or restripe their own parking areas.

Mr. Levin asked that condition #3 be for leases executed between property owners.

Senior Planner Stytz reiterated the actions available to the PZB on this request.

A motion was made by Member Zadrozny and seconded by Member Catalano to recommend denial of the major variation request.

Member Weaver asked for clarification if a yes vote is a vote to denial. Assistant Director Mendel stated the procedure, but then stated Member Zadrozny could rescind the denial recommendation and make a new motion to recommend approval.

Member Fowler stated that if all documentation were in place this could be a different decision.

Member Zadrozny rescinded his original motion and made a new motion, which was seconded by Member Catalano, to recommend approval of the major variation with the conditions as written.

AYES:	None
NAYS:	Catalano, Zadrozny, Weaver, Szabo
ABSTAIN:	Fowler

MOTION CARRIED

Assistant Director Mendel stated the motion fails and is an effective recommendation of denial.

ADJOURNMENT

Chairman Szabo adjourned the meeting by affirmative voice vote at 8:56 p.m.

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