

Case No. 25-029-CU  
Case No. 25-034-CU  
Case No. 25-036-TPLAT  
& 731-737 Lee Street

Conditional Use  
Conditional Use  
Tentative Plat of Subdivision 570 E. Northwest Highway  
1634 E. Oakton Road  
728-760 Lee, 1371-1405 Prairie Avenue



**DES PLAINES PLANNING AND ZONING BOARD MEETING  
July 22, 2025  
MINUTES**

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, July 22, 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: Veremis, Szabo, Catalano, Weaver, Fowler, & Fallico (after being sworn in)  
ABSENT: Zadrozny  
ALSO PRESENT: Jonathan Stytz, Senior Planner  
Sam Redman, Senior Planner  
Jeff Rogers, Director of CED

A quorum was present.

**SWEARING IN NEW MEMBER**

Chairman Szabo administered the oath of office to newly appointed member, A.J. Fallico.

**APPROVAL OF MINUTES**

The draft June 24, 2025 PZB minutes were reviewed by the PZB.

Member Fowler moved, and Member Catalano seconded, a motion to approve the June 24, 2025 PZB meeting minutes

AYES: Weaver, Fowler, Catalano, Szabo

NAYS: None

ABSTAIN: Fallico & Veremis

\*\*\*MOTION CARRIED\*\*\*

**GENERAL COMMUNICATIONS**

Chairman Szabo summarized general communications including approval by the City Council at their July 7, 2025 meeting of:

1. 1705 Pratt Ave Conditional Use and Major Variation
2. 555 Howard Avenue Final Plat of Subdivision
3. 969 Elmhurst Road Conditional Use; and
4. 550 Northwest Highway Conditional Use Transfer





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day of the week, by appointment only. The business will not offer walk-ins, unless an appointment time is available with an employee. Two employees are proposed for this business. No exterior modifications to the building are proposed. Interior improvements will consist of customer and staff seating and required equipment, with no structural alterations or heavy machinery proposed.

According to the petitioner’s narrative, Illinois Department of Public Health (IDPH) has inspected the unit and stated it meets the requirements for a body art permit. No autoclave is proposed to be located on-site; instead, sharps and hazardous waste will be collected by a specialized medical and hazardous waste disposal company, consistent with standard practice for small tattoo operations. Most smaller, modern tattoo shops use pre-packed, single-use needles, tubes, and ink caps that arrive from the manufacturer pre-sterilized and dispose of the items in a specialized container to be picked up by the specialized disposal company. The location of the waste container is shown on the attached floor plan and the petitioner provided documentation demonstrating their active contract with a medical and hazardous waste disposal company.

Although the petitioner does not plan to install an autoclave, a suggested condition of approval has been included to address any future changes in operations. Due to potential concerns related to electrical load and ventilation in an older, multi-tenant building, installation of an autoclave would require coordination with the Building and Fire Departments and issuance of a building permit, along with written authorization from the property owner. However, as noted in the petitioner’s narrative, they do not anticipate the need for such equipment during the life of the business.

All employees are required to complete bloodborne pathogen training that complies with OSHA standards in order to maintain their IDPH license. A training certificate has been provided and is included in the Petitioner’s Narrative and Response to Standards attachment.

***Body Art Establishment Regulations***

Body art establishments are defined in Section 12-13-3 as, “an establishment licensed under the Illinois Department of Public Health that conducts physical body adornment activities,” which may include piercing and tattooing. The proposed use for this location falls under this definition.

In 2020 the Zoning Ordinance was amended to define and regulate body art establishments. Body art establishments are only permitted within the C-3 zoning district with a conditional use and may not be located closer than one mile to any other similar establishment. This location is outside of the range of the other tattoo businesses in Des Plaines: High Class Studio, located at 633 Metropolitan Way and Serpent’s Lair Tattoo at 1781 E. Oakton Street.

The original intent of requiring a conditional use for body art establishments was to provide limitations on the location of these businesses and the proximity to other body art establishments. For a body art establishment, the conditional use process allows the City to determine if a use is compatible with its neighborhood and, partnered with state licensing regulations, ensure a facility will provide safe and sanitary services. Although parking may be a consideration for this location and for this type of business, the length of time required for tattooing (according to the petitioner, a minimum of one hour per customer, with larger projects taking several hours) limits the amount of traffic and parking generated. Masterpiece Ink is proposing to be by appointment only.

In Illinois, tattooing is regulated by the Illinois Department of Public Health's Body Art Code.<sup>1</sup> This code requires all body art establishments to obtain registration with the state and regulates disinfection, sterilization, and disposal practices. All artists are required to have blood-borne pathogens certifications. Staff have confirmed the petitioner has an active contract with Stericycle to dispose of any used needles. No tattooing is permitted on anyone under the age of 18, and proof of ID is required.

### ***Parking Requirements***

Sixteen off-street parking spaces are located in the parking lot to the rear of the building for use by all tenants of the building. On-street parking spaces are also located along Northwest Highway and Broadway Avenue adjacent to the property. The available off-street parking meets zoning code requirements. Section 12-9-2 states, "if the building or structure was erected prior to the effective date [of the current Zoning Ordinance], additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use." The use of this unit prior to this tenant included office spaces and a retail establishment. Office, retail, and body art establishments all have the same parking ratio requiring 1 space per 250 square feet of floor area. Because of this provision in Section 12-9-2, the balance of require off-street parking remains the same for this new use.

### **Standards for Conditional Use**

The following is a discussion of standards for conditional uses from Section 12-3-4(E) of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is provided below and in the petitioner's response to standards. The PZB may use this rationale toward its recommendation, or the Board may make up its own.

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

*Comment:* Body art establishments require a conditional use permit in the C-3 Zoning District.

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

*Comment:* The 2019 Comprehensive Plan illustrates this area to be used for Higher Density Urban Mix, due to its proximity to the Cumberland train station. Although this use does not include a mixture of uses, it does support the commercial component of "urban mix" and provides a use for a vacant storefront along this street, generating additional economic activity in this section of the City.

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

*Comment:* All uses will be located within an existing building; no changes to the appearance are proposed with the exception of signs for the business, which will be designed to meet requirements

<sup>1</sup> Illinois Department of Public Health. (n.d.). Body Art Establishments. Springfield, IL, USA. Retrieved from <https://dph.illinois.gov/topics-services/environmental-health-protection/body-art-establishments.html>



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

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

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

*Comment:* The proposed uses comply with all applicable requirements as stated in the Zoning Ordinance.

**PZB Procedure and Recommended Conditions:** Under Section 12-3-4.D (Procedure for Review and Decision for Conditional Uses) of the Zoning Ordinance, the PZB has the authority to *recommend* that the City Council approve, approve subject to conditions, or deny the above-mentioned conditional use permit. City Council has final authority on the proposal.

Consideration of the request should be based on a review of the information presented by the applicant and the findings made above, as specified in Section 12-3-4.E (Standards for Conditional Uses) of the Zoning Ordinance. If the PZB recommends and City Council ultimately approves the request, staff recommends the following conditions.

**Recommend Conditions of Approval:**

1. The Subject Property shall only be used for activities related to the Body Art Establishment between 10 a.m. and 12 a.m.
2. Any installation of an autoclave will require building permit and written authorization from property owner prior to issuance of building permit.
3. All requirements of Title 4 Chapter 20 – Body Art Establishments must be met for the life of this use in this location.

Chairman Szabo opened the hearing for public comment. Mr. David Ramirez, 465 Cornell Ave, Des Plaines, was sworn in. Mr. Ramirez supported the proposed use. He is a long-time customer and believes the use will contribute to the community.

Member Weaver moved, and Member Catalano seconded, a motion to recommend City Council approval of the requested Conditional Use subject to the three conditions as drafted by staff.

AYES: Weaver, Catalano, Fowler, Fallico, Veremis, Szabo  
 NAYS: None  
 ABSTAIN: None

**\*\*\*MOTION CARRIED\*\*\***



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

**Surrounding Land Uses:** North: Single Family Residences (residential)  
 South: Retail Service Establishments (commercial)  
 East: Single Family Residences (residential)  
 West: Auto Body Establishment (commercial)

**Street Classification:** Oakton Street is classified as a minor arterial road under City of Des Plaines jurisdiction.

**Comprehensive Plan:** The Comprehensive Plan designates this site as *lower density urban mix with residential*.

**Property/Zoning History:** The subject property was annexed into the City in 1922 as farmland with a single family residence. Around 1972, the property was developed as a commercial lot with a single building and parking area and has been utilized as such since that time<sup>2</sup>. There have been no recent entitlements associated with the subject property.

**CONDITIONAL USE**

**Request Description:** *Overview*  
 The petitioner requests a conditional use to operate a trade contractor use as described in the attached Project Narrative. A trade contractor, as defined below, is a conditional use in the C-3 district.

TRADE CONTRACTOR: A building or portion thereof where building and construction trade services are provided to the public. "Trade contractor" shall include, but will not be limited to, contractor offices, including landscaper's showrooms, construction supplies and storage including plumbing, heating, air conditioning, and building equipment, materials, sales, and other uses similar in nature and impact (Section 12-13-3 of the Zoning Ordinance).

The subject property consists of one 11,609-square foot interior lot located along the north side of Oakton Street near the Oakton Street/Linden Street intersection. It is currently developed with a single-tenant commercial building with an unimproved off-street parking area as illustrated on the attached Plat of Survey. The proposed trade contractor use would occupy the entire existing building with two main entry points, one pedestrian entrance along the south (front) elevation facing Oakton Street and three separate

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<sup>2</sup> <https://www.historicaerials.com/location/41.625/-87.875/T1890/16>. Retrieved July 16, 2025.

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overhead vehicle/equipment doors along the north (rear) elevation facing the unimproved off-street parking area.

#### *Proposed Operations*

Based on the attached Project Narrative, this use would operate year-round Monday through Friday from 7:00 A.M. to 4:00 P.M. and on Saturdays from 7:30 A.M. to 2 P.M. providing landscaping installation and maintenance services in the summer months and snow removal in the winter months. During winter months, business operation times may fluctuate based on weather sometimes requiring access on site outside of normal business hours. However, the petitioner has noted that all preparation work for snow removal services will be completed during regular business hours and minimum truck traffic will leave and return to the subject property on a staggered basis.

Up to two office employees and eight crew workers will be on site at a given time during brief periods in the morning and afternoon and minimal site visits by customers and vendors will occur on the subject property annually. All debris and waste from jobsites will be disposed of off-site daily before returning to the subject property. See the attached Project Narrative for additional information.

#### *Floor Plan and Elevations*

The existing 2,720-square-foot one-story building consists of a front office, foyer, and restroom area totaling 574 square feet and a larger 1,620-square-foot garage area at the rear of the building with three overhead doors and two storage spaces accessible from the garage space as illustrated in the attached Floor Plan. While there are no proposed changes to the building's interior, the petitioner designates two-thirds of the existing garage area will be utilized as a flex space for storage of vehicles overnight and employee parking during the day. The remaining third of the garage area is proposed to store small equipment utilized for business operations and the refuse dumpster. The proposal does not include any changes to the exterior building façade.

#### *Access and Circulation*

There is currently one two-way travel access point from Oakton Street for the subject property, which will be maintained as part of this proposal without any changes. Section 12-9-6 of the Zoning Ordinance requires drive aisles to be a minimum of 22 feet in width for two-way travel and a minimum of 12 feet in width for one-way travel. The existing 19.97-foot-wide curb cut is less than 22 feet in width and there is not sufficient space to widen the curb cut to the

appropriate width. However, Section 12-5-6 of the Zoning Ordinance allows non-conforming structures—such as drive aisles—to remain as-is provided they comply with all standards in Sections 12-5-3 and 12-5-6 of the Ordinance, which includes any future repair and maintenance of the drive aisle areas.

To address circulation needs, the petitioner has provided five truck/trailer parking spaces at the far rear portion of the property and grouped passenger vehicle spaces near the rear of the building to provide the maximum amount of space for the maneuvering and circulation of trucks with trailers as illustrated on the attached Existing Conditions and Proposed Site Plan.

#### *Off-Street Parking*

Sections 12-9-7 and 12-9-8 of the Zoning Ordinance govern the number of off-street standard and accessible parking spaces required based on the property uses. While there is no minimum parking requirement for trade contractor uses, considerations should be made based on the anticipated number of employees and customers/vendors that would visit the subject property and the minimum area needed for the parking, access, and circulation of vehicles with trailers.

The attached Existing Conditions and Proposed Site Plan and attached Floor Plan illustrate that a total of nine off-street parking spaces will be provided on site: four passenger vehicle spaces—including one accessible space—and five truck/trailer spaces. The accessible space is proposed at the northwest corner of the building and is dimensioned to comply with Section 12-9-8 of the Zoning Ordinance. The remaining spaces comply with Section 12-9-6 of the Ordinance as required. Staff recommend a condition requiring the paving and striping of the new parking area at the rear of the building include appropriate signs to designate the location of all off-street spaces and to ensure that off-street spaces and drive aisles are not blocked at any time for any reason.

#### *Outdoor Display and Storage of Products*

The Zoning Ordinance allows trade contractor uses to display and store finished or prefabricated products (i.e., products ready for sale to an end user) outside pursuant to the restrictions in Section 12-7-3.F.5.d of the Zoning Ordinance. While the petitioner has noted that all products and materials utilized for its operations will be stored inside the building, staff recommend a condition that any outdoor display/storage of finished products follow these regulations.

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*Landscaping and Screening*

The existing property effectively has no site landscaping except for a small planting area in front of the building. Given that the subject property directly abuts residential properties to the north, a landscape buffer is required in conformance with Section 12-10-9 in the Zoning Ordinance. A C-3-zoned property abutting a residential district or use must provide a minimum five-foot-wide landscape buffer containing shade trees planted every 30 feet, a solid eight-foot-tall fence, and turf or other ground cover along 100 percent of the property boundaries that abut the residential district. The petitioner's attached Existing Conditions and Proposed Site Plan shows the proposed installation of a new fence and a landscape area with two shade trees and turf along the north property line to meet these standards. However, staff have added a condition requiring all landscaping improvements to be installed in accordance with Chapter 10 Landscaping and Screening of the Zoning Ordinance prior to the issuance of the business registration for this use.

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

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

*Comment:* The proposed services are classified under the trade contractor use, which is a Conditional Use as specified in Section 12-7-3.K of the Zoning Ordinance for properties in the C-3 District.

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

*Comment:* The Comprehensive Plan designates this property as a *lower density urban mix with residential* land use designation, which focuses on denser commercial developments with a residential component. While it can be argued that the proposed trade contractor use is a more intensive commercial use, it does not fully align with this land use designation. However, the Comprehensive Plan does also seek to promote the establishment of new businesses, especially along major corridors like Oakton Street, which the proposed trade contractor use does fit. Nonetheless, the PZB should decide.

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

*Comment:* The existing one-story brick building is similar in appearance to and complements the surrounding commercial buildings in the immediate area. The petitioner does not propose any changes to this structure but will install parking lot and landscaping improvements at the

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rear of the subject property to further complement surrounding properties.

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

*Comment:* The proposed trade contractor use provides construction and landscaping maintenance services on specific jobsites with office-related work housed within the existing building on the subject property, neither of which will have hazardous or disturbing impacts surrounding properties. While a period of time in the mornings and evenings will be utilized to prepare and load/unload equipment and materials for jobs, these periods are short and are not anticipated to create adverse effects on surrounding properties.

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

*Comment:* The previous use on this site was adequately served by essential public facilities and services. The proposal will pave the rear portion of the site for a new parking area as well as add a new catch basin and sewer line to Oakton Street, which will improve run-off from the subject property. Staff do not have concerns that this use will impact the essential public facilities and services that are currently serving the subject property.

**6. The proposed Conditional Use does not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic well-being of the entire community:**

*Comment:* The previous auto service repair use did not create a burden on public facilities and was not detrimental to the economic well-being of the community. There is no indication that the repurposing of the subject property with a trade contractor will have negative economic impact on the community or create the need for additional City services provided that it operates according to all requirements in the C-3 district and appropriate screening improvements are installed.

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

*Comment:* The activities for the trade contractor use that account for a majority of the noise, smoke fumes, glare, and odors will take place off-site at respective job sites. Traffic generated from these uses is minimal overall with peak volume in the morning and evening. A majority of all vehicles and equipment will be stored within the building overnight with some designated paved spaces outside for larger vehicles. In addition to landscaping screening, the trade contractor use will need to manage the parking and storage of vehicles and equipment to comply with all C-3 district requirements and to minimize any potential adverse effects on neighboring properties.







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**Surrounding Zoning:** North: C-5, Central Business District  
South: C-5, Central Business District  
East: R-4, Central Core Residential  
West: C-5, Central Business District

**Surrounding Land Use:** North: Commercial buildings and Paroubek Park  
South: Funeral home and commercial building  
East: Commercial buildings  
West: Multi-family residential buildings

**Street Classification:** Graceland Avenue and Lee Street are classified as major roads under the jurisdiction of the Illinois Department of Transportation (IDOT); Prairie Avenue is classified as a local road under the jurisdiction of the City of Des Plaines.

**Comprehensive Plan:** “Higher Density Urban Mix with Residential” is the use illustrated in the Comprehensive Plan.

**Property/Zoning History:** Per the Cook County Tax map, the subject properties were originally subdivided in 1873 into the Parson & Lee’s Addition. Per historic aerials, single family detached residences occupied this location from at least 1938 to the 1950s, when the property began to be developed with surface parking lots and commercial buildings. Since the 1950s, several commercial buildings have been constructed and demolished on the site. Most recently, the property featured a commercial shopping center on the northeast parcels, which was demolished in 2021.

Since that time, the property has consisted of surface parking spaces and undeveloped land. The City previously leased portions of the subject properties from the property owner for use as public parking, but the lease was not renewed after it expired in 2020. A request was made in 2024 for a Planned Unit Development and vacation of public alley to accommodate a mixed-used development on the properties. The applicant of the request ultimately withdrew the application.

**Project Overview:** The request is for the resubdivision of the property from thirteen lots to two lots separated by an existing public alley. One lot would be 27,077 square feet (1.31 acres) and the other lot would be 60,833 square feet (1.40 acres). No changes to the boundaries or size of the public alley between the lots are proposed. The attached Tentative Plat of Subdivision shows the location and boundaries of each lot. The Tentative Plat includes all information required by Section 13-2-2 of the Subdivision Regulations, with the exception of the utility

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easements; the applicant requests a waiver from this requirement until time of Final Plat of Subdivision.

*Waiver for Utility Easements*

The petitioner has requested a waiver from the utility easements until time of Final Plat of Subdivision. The PZB can grant this waiver, with the recommendation from the city engineer, if a condition of approval states the utility information as required by Section 13-2-2.E. The Department of Public Works and Engineering (PWE) provided a memo (refer to attachments) stating there are no concerns with supporting this waiver, if conditioned that this information is provided with the Final Plat of Subdivision.

*Subdivision Improvements*

PWE provided a memo (attached) outlining necessary public improvements for any development of the site to be detailed on engineering plans at Final Plat of Subdivision review. In addition, Section 13-3-2 of the Subdivision Ordinance discusses required improvements for subdivided properties and timelines for the improvements. Improvements are approved by the City Council during the Final Plat of Subdivision process and financial guarantees for improvements are included within the resolution at that stage in the process.

Note the petitioner's request at this time is for a Tentative Plat only. The steps for Final Plat are articulated in Sections 13-2-4 through 13-2-8. The Final Plat of Subdivision would occur at a later date. All necessary dedications, fees, and necessary improvements would be outlined in the final subdivision resolution.

Any future development on this property must comply with the underlying C-5, Central Business District and any other applicable zoning requirements. No changes to the zoning district, variations, or any other zoning relief is associated with this Tentative Plat of Subdivision. At time of building permit, all plans would be closely reviewed for compliance by City staff prior to any approvals or issuance of permit.

**PZB Procedure and Recommended Conditions:**

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

The PZB should make the following motions, which can be combined or taken individually:

*Subdivision Approval (Tentative Plat)*



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Additionally, a requirement for foundation landscaping was introduced with the text amendment adopted in 2020 via Ordinance Z-8-20.

Presently utilities wish to use rock gravel on sites in order to minimize hazardous standing water especially for electricity facilities and workers, reduces excessive maintenance and repair labor and provides more efficient provision of critical public utilities to City of Des Plaines community.

The City has reviewed several recent proposals from public utility companies. One request from Nicor Gas features an existing unpaved lot where various improvements are proposed. The second request relates to an existing ComEd substation. In both instances, the existing site improvements feature gravel as ground cover.

Staff proposes new amendments to the City Code to establish a minor variation process allowing for administrative review of requests to omit pavement on sites owned and operated by public utility companies.

As proposed, pavement would be required in parking and drive aisle areas.

Senior Planner Stytz presented the staff report.

### **Background**

The stated purpose of the landscaping regulations is to enhance the visual character, health, safety, and general welfare of the community by promoting aesthetically cohesive and compatible development. They also serve to mitigate adverse impacts such as noise, light, and dust, while encouraging the efficient use of water and energy resources. Landscaping regulations apply broadly throughout the City, promoting green spaces and reducing impervious surfaces in various contexts. Examples of these code regulations include requiring landscape islands and buffers within parking lots, screening between residential and non-residential uses, and encouraging the use of turf, mulch, or plantings in all areas not occupied by buildings, structures, or hard surfaces. However, in certain circumstances, strict adherence to landscaping regulations may be problematic due to site constraints or safety concerns.

### **Overview of Design Requirements for Electric and Natural Gas Facilities**

Staff proposes text amendments to address specific concerns raised by utility companies in regard to a requirement limiting the use of gravel or rock mulch. Currently, gravel and rock mulch are expressly prohibited. However, this restriction does not align with the general design and specifications of utility facilities. For example, electric facility yards normally require 4-6 inches of rock gravel within areas surrounding equipment and other infrastructure. This design feature benefits the operation and maintenance of the facility by providing proper site drainage, reducing

likelihood of electrocution from short-circuit faults and preventing weed growth<sup>3</sup>. The use of gravel serves to improve the safety of these facilities and common standard specifications for electric utility facilities, including substations. Natural gas facilities similarly use gravel for safety reasons, primarily to ensure proper site drainage to prevent pooling of water and to allow for easy access for inspection, replacement, or emergency repair and access to underground equipment. Gravel in both circumstances is similarly beneficial for fire prevention compared to the use of natural groundcover such as mulch or grass. Des Plaines has several examples of utility stations including gravel or rock mulch, refer to Existing Utility Stations map attachment for notable examples.

#### Current Requests for Stone Mulch Groundcover by Utilities

Staff initiated this text amendment due to multiple active permit applications from public utilities with non-compliant site designs. These include a Nicor Gas natural gas utility station relocation to 570 S. Wolf Road and a new ComEd electrical substation switchgear building at 1101 Seegers Road. Both site designs incorporate stone mulch for the reasons noted above. Staff determined the available route for zoning relief would require the utility companies to request major variations for their projects. However, after consultation with utility representatives, staff concluded that a text amendment could be crafted to address the issue more effectively. In scenarios where staff receive multiple requests for the same variation, especially when approval by the Planning and Zoning Board and City Council appear likely, we assess whether the underlying regulations remain appropriate. In this case, staff determined that a text amendment would be beneficial to provide necessary flexibility while avoiding burdensome and repetitive review processes for both utility companies and City staff. Refer to attachments for a letter of support from Nicor for the proposed amendments.

#### Overview of Past Amendments

On February 19, 2020, staff requested and City Council approved multiple amendments to Chapter 10, “Landscaping and Screening” of the Zoning Ordinance to reorganize, clarify, and add regulations related to various landscaping and screening improvements for developments in Des Plaines. Sections relevant to the current text amendment include the following:

- **12-10-6: Minimum Landscaping of Yards**

- *New regulations:* Clarified the required landscaping improvements outside all areas covered with structure and impervious surfaces and noted the prohibition of rocks and stone mulch as landscape material.
- *Purpose of Regulations:* To ensure that all properties use appropriate landscape materials that met the intent of this chapter. Rock and gravel mulch is prohibited to prevent the use of inferior rock and gravel products on properties for landscape beds and unpaved parking areas as well as to avoid complexity in defining and regulating type of rock/stone groundcover materials.

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<sup>3</sup> Meisner, Thomas. 2012. *The Electric Power Engineering Handbook - Electric Power Substations Engineering*. Third. Edited by D John McDonald. Boca Raton, FL: CRC Press., Page 8-5



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provides a more efficient path for projects that can be considered low impact and repetitive in nature. These types of requests are often technical and unlikely to create concerns from neighboring property owners or the broader community. Other examples of minor variations that can be granted by the Zoning Administrator include variations to fence heights and small reductions to setbacks of accessory or principal structures, in addition to a variety of other variations listed in Section 12-3-6.E.

In this circumstance, allowing an administrative review and decision process through the minor variation process enables City staff to evaluate requests based on objective criteria, ensuring consistency with the intent of the Zoning Ordinance while providing flexibility in certain aspects of site design. The proposed text amendments aim to balance the goals of the landscaping regulations of the Zoning Ordinance with the operational and development needs of utility companies, facilitating critical infrastructure improvements without the delays associated with the major variation process, which requires Planning and Zoning Board recommendation and City Council approval.

The minor variation process still allows for case-by-case review of site design for only public utility facilities and petitioner justifications for the use of rock mulch, while giving staff the authority to require alternative materials—such as hard surfaces—when appropriate. For example, rock mulch may be necessary near utility equipment for safety or access reasons, but driveways or parking areas should continue to be constructed with dust-free hard surfaces, such as concrete or asphalt, to ensure long-term durability, minimize maintenance issues, contain potential spills from vehicle fluids, and maintain an overall clean and aesthetically pleasing appearance of the facility.

**Standards for Text Amendments:**

The following is a discussion of standards for zoning amendments from Section 12-3-7.E. of the Zoning Ordinance. Rationale for how the proposed amendments would satisfy the standards is provided. The PZB may use the statements below as its rationale 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;**

The 2019 Comprehensive Plan generally discusses the modernization of codes to match emerging land use trends and enhance the existing character of the community but still respect existing land uses. The Comprehensive Plan also specifically discusses updating the landscape code to build in administrative flexibility so that the intent of the landscape code and the context of each site are considered. The Comprehensive Plan strives to reduce onerous landscaping regulations and create more robust landscaping requirements for different land uses. The overarching goal of these amendments is to comprehensively clarify, enhance and modernize the landscape code in the Zoning Ordinance. In general, the amendments propose to further clarify landscaping and screening requirements and provide administrative flexibility for public utilities

while maintaining appropriate screening requirements to minimize the adverse impact of surrounding developments.

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

The proposed amendments strive to provide clarity and consistency throughout the landscape code while also addressing specific needs of public utility uses, which are unique in nature as compared to other uses but play a critical role in the community. This update to the landscape code includes the addition of a minor variation option for public utility uses for a stone/rock mulch groundcover, which is not only important for the safety and efficiency of their operation, but also is consistent with the existing conditions of public utility properties in the region.

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

All proposed amendments are not anticipated to negatively impact public facilities and available services. Rather, they are anticipated to benefit utility companies by simplifying the process for requesting zoning relief and reducing the time required to obtain a variation.

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

All proposed amendments will not have an adverse effect on property values throughout the City. Generally, the proposed amendments would help address safety and efficiency needs for the operation of public utility uses on a case-by-case basis but do not impact the existing screening requirements for these uses to minimize adverse effects on the value of surrounding properties.

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

The proposed amendments work towards responsible standards for development and growth. Specifically, the proposed amendments will allow flexibility where necessary on a case-by-case basis while still requiring adherence to the landscaping and screening requirements in the Zoning Ordinance, which can help to enhance the character of the community.

**PZB Procedure and Recommended Conditions:** Under Section 12-3-7.C.3 of the Zoning Ordinance, the PZB has the authority to recommend that the City Council approve, approve with modifications, or deny the above-mentioned amendments. City Council has final authority on the proposal.

Member Weaver asked staff whether our zoning regulations define ‘public utilities’. He stated his concern is exactly to whom this definition applies.

