

Case 20-046-TSUB-V
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DES PLAINES PLANNING AND ZONING BOARD MEETING

January 12, 2021

MINUTES

As the City of Des Plaines continues to follow social distancing requirements and Governor Pritzker's Restore Illinois Order, the Planning and Zoning Board Meeting on Tuesday, January 12, 2021 was held virtually, via Zoom, and in person in Room 101 of the Des Plaines Civic Center beginning at 7:00 p.m.

ZONING BOARD

Chairman Szabo called the meeting to order at 7:00 p.m. and read this evening's cases. Roll call was established.

PRESENT: Fowler, Hofherr, Saletnik, Veremis, Szabo

ABSENT: Bader, Catalano

ALSO PRESENT: Michael McMahon/Director/Community & Economic Development
Jonathan Stytz, Planner/Community & Economic Development
Wendy Bednarz/Recording Secretary

A quorum was present.

PUBLIC COMMENT

There was no Public Comment.

Member Catalano entered the meeting at 7:02 p.m.

APPROVAL OF MINUTES

A motion was made by Board Member Hofherr, seconded by Board Member Saletnik, to approve the minutes of November 24, 2020, as corrected.

AYES: Hofherr, Saletnik, Fowler, Veremis, Szabo

NAYES: None

ABSTAIN: None

*****MOTION CARRIED UNANIMOUSLY*****

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OLD BUSINESS

NEW BUSINESS

1. **Address:** 10 S River Road

Case Number: 20-046-TSUB-V

The petitioner is requesting: (i) Tentative Plat of Subdivision under Section 13-2 of the Subdivision Regulations to resubdivide and absorb a portion of 1415 Redeker Road located at 09-17-200-044-0000; (ii) a Major Variation under Section 12-7-4(H) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a front building setback of 10.28-feet in the M-1, Limited Manufacturing District where 60-feet is required; (iii) a Major Variation under Section 12-7-4(H) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a north side building setback of 22.75-feet and south side building setback of 10.53-feet in the M-1, Limited Manufacturing District where 60-feet is required; (iv) a Major Variation under Section 12-7-4(H) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a rear building setback of 25.99-feet in the M-1, Limited Manufacturing District where 60-feet is required; (v) a Major Variation under Section 12-7-4(H) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a lot size of 0.54-acres in the M-1, Limited Manufacturing District where a minimum of 5-acres is required; and (vi) the approval of any other such variations, waivers, and zoning relief as may be necessary.

PINs: 09-17-200-022-0000
Petitioner: Peter Damiano, Damiano Service Center and Damiano Properties, LLC,
10 S. River Road, Des Plaines, IL 60016
Owner: Carol A. Damiano and Peter S. E. Damiano, 10 S. River Road
Des Plaines, IL 60016

Chairman Szabo swore in the Petitioner and Representatives.

Ms. Beil provided an overview of the application, which includes a variation to the front, side, and rear yard setbacks and a reduction of the minimum lot size. Ms. Beil stressed that the variations are due to existing conditions on the property to comply with current zoning code.

Mr. Doland went over the proposed tentative plat of subdivision; Lot 1 will have the 1415 Redeker Rd address, while Lot 3 will have the 10 S River Rd address.

Chairman Szabo inquired about the address conventions. Director McMahan went over the subdivision. The owner of Lot 3 will be acquiring Lot 2. Mr. McMahan explained that the current subdivision record goes back to the 1800's and used a different system of record keeping.

Chairman Szabo asked that the Staff Report entered into record. Planner Stytz provided a summary of the following report:

Issue: The petitioner is requesting: (i) Tentative Plat of Subdivision under Section 13-2 of the Subdivision Regulations to resubdivide and absorb a portion of 1415 Redeker Road located at 09-17-200-044-0000; (ii) a Major Variation under Section 12-7-4(H) of the 1998 Des Plaines Zoning Ordinance, as amended, to

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allow a front building setback of 10.28-feet in the M-1, Limited Manufacturing District where 60-feet is required; (iii) a Major Variation under Section 12-7-4(H) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a north side building setback of 22.75-feet and south side building setback of 10.53-feet in the M-1, Limited Manufacturing District where 60-feet is required; (iv) a Major Variation under Section 12-7-4(H) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a rear building setback of 25.99-feet in the M-1, Limited Manufacturing District where 60-feet is required; (v) a Major Variation under Section 12-7-4(H) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a lot size of 0.54-acres in the M-1, Limited Manufacturing District where a minimum of 5-acres is required; and (vi) the approval of any other such variations, waivers, and zoning relief as may be necessary.

Analysis:

Address: 10 S. River Road
Owner: Carol A. Damiano Trust & Peter Damiano Trust, 10 S. River Road, Des Plaines, IL 60016
Petitioner: Peter Damiano, Damiano Service Center & Damiano Properties, LLC, 10 S. River Road, Des Plaines, IL 60016

Case Number: 20-046-SUB-V
Real Estate Index Number: 09-17-200-022-0000
Ward: #1, Alderman Mark A. Lysakowski

Existing Zoning: M-1, Limited Manufacturing District
Existing Land Use: Automotive Repair Shop (Damiano Service Center)

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

Surrounding Land Use: North: Commercial (City Electric Supply)
South: Commercial (Peter Troost Monument Company)
East: Cook County Forest Preserve
West: Manufacturing (Multi-tenant industrial building)

Street Classification: River Road is classified as an arterial road and Redeker Road is classified as a local street.

Comprehensive Plan: The Comprehensive Plan designates the site as Commercial Industrial Urban Mix.

Project Description:

The petitioner, Peter Damiano, is requesting a Tentative Plat of Subdivision and Major Variations for building setbacks and lot size for the property located at 10 S. River Road. The subject property is 10,862-square feet (0.249 acres) in size and is comprised of one lot, which is improved with a single building and

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parking area as shown in the Plat of Survey. The building on the subject property contains a 100-square foot office area, 3,906-square foot shop/storage area, and a separate 280-square foot mechanical area with restrooms. The petitioner also currently holds a Land Lease with ComEd to park within the ComEd right-of-way located south of the properties at 24 River Road and 1415 Redeker Road.

The petitioner is proposing to resubdivide and absorb a portion of 1415 Redeker Road (Parcel 09-17-200-044-0000) located west of the subject property and behind the properties located at 20 River Road and 24 River Road shown as Lot 2 on the Proposed Site Plan. Lot 2 is 12,684-square feet (0.291-acres) in size and is comprised of one lot, which is improved with a portion of the multi-tenant manufacturing building located on 1415 Redeker Road and a gravel drive aisle/parking area. The petitioner proposes to improve Lot 2 with a paved, dust-free hard surface and utilize it to access the leased parking area within the ComEd right-of-way. Given the proposed acquisition of Lot 2 by the petitioner, this portion of the building, denoted as the East Annex on the Existing Floor Plan, will be demolished as part of this request within a year of City Council approval.

The proposal does not include any alterations to the existing building on the subject property. Pursuant to Section 12-9-7 of the Des Plaines Zoning Ordinance, the following parking regulations apply to this request:

- One space for every 250-square feet of gross floor area of office areas; and
- One space for every 1,500-square feet of gross floor area for warehousing areas.

Based on the parking regulations, the total number of parking spaces required is four (100-square foot/250-square foot plus 3,906-square feet/1,500-square feet), including one handicap accessible parking space. The petitioner proposes to add four required parking spaces, including the handicap accessible space, on the proposed Lot 2 as shown on the Proposed Site Plan.

There are several variations included with this request given that the subject property does not conform to building setback and minimum lot size requirements for the M-1, Limited Manufacturing District and the proposed resubdivision would increase the existing non-conforming building setbacks for the building on 1415 Redeker Road even with the removal of the East Annex building. Thus, the petitioner is also requesting four Major Variations as summarized in the table below:

Bulk Regulations	M-1	Existing	Proposed
Maximum height	50-feet	33-feet	39-feet
Minimum front yard setback	60-feet	30.18-feet	10.28-feet*
Minimum side yard setback	60-feet	2.51-feet (west); 21.75-feet (east)	10.53-feet (south); 20.50-feet (north)*
Minimum rear yard setback	60-feet	0-feet	25.99-feet*
Minimum lot size	5-acres	1.20-acres	0.54-acres*

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Maximum building coverage	75%	69%	<75%
Parking (Office & Warehouse)	4 spaces	0 spaces	4 spaces

****Requested Variations***

Tentative Plat of Subdivision Report

Name of Subdivision: Damiano-Merchandise Resubdivision
Address: 10 S. River Road
Requests: Approval of Tentative Plat of Subdivision & Variations

Total Acreage of Subdivision: 0.541 acres

Lot Descriptions and Construction Plans:

The petitioner's Tentative Plat of Subdivision shows the resubdivision and transfer of ownership of the Lot 2 parcel to the subject property. Lot 2 will have an area of 10,807-square feet and Lot 3 (subject property) will have an area of 8,520-square feet. The Plat shows the existing 8-foot non-exclusive easement on Lot 2, a new 24-foot ingress and egress easement on Lot 2 for use of Lots 1 and 3, and a new parking easement on Lot 2 for use of Lot 3.

Variation Findings: Variation requests are subject to the standards set forth in Section 12-3-6(H) of the 1998 City of Des Plaines Zoning Ordinance, as amended.

- 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: Please see the Petitioner's responses to Standards for Variations.

- 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: Please see the Petitioner's responses to Standards for Variations.

- 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: Please see the Petitioner's responses to Standards for Variations.

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- 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: Please see the Petitioner's responses to Standards for Variations.

- 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: Please see the Petitioner's responses to Standards for Variations.

- 6. Title And Plan Purposes: The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this title and the provision from which a variation is sought were enacted or the general purpose and intent of the comprehensive plan:**

Comment: Please see the Petitioner's responses to Standards for Variations.

- 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: Please see the Petitioner's responses to Standards for Variations.

- 8. Minimum Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.**

Comment: Please see the Petitioner's responses to Standards for Variations.

Recommendation: Staff is not making a recommendation of the request for a Tentative Plat of Subdivision pursuant to 13-2 of the Des Plaines Subdivision Ordinance and the Major Variation requests for building setbacks and minimum lot size pursuant to Section 12-3-6 of the Des Plaines Zoning Ordinance.

Planning and Zoning Board Procedure: Under Section 13-2-7 (Approval of Tentative Plat By Planning and Zoning Board) of the Subdivision Ordinance and Section 12-3-6 (Approval of Variations), the Planning and Zoning Board has the authority to approve, approve subject to conditions, or deny the above-mentioned Tentative Plat of Subdivision and Major Variation requests for the property at 10 S. River Road.

A motion was made by Board Member Saletnik, seconded by Board Member Hofherr to approve the request for a Tentative Plat of Subdivision pursuant to 13-2 of the Des Plaines Subdivision Ordinance and the Major Variation requests for building setbacks and minimum lot size pursuant to Section 12-3-6 of the Des Plaines Zoning Ordinance with the condition that the use of the property does not change.

AYES: Saletnik, Hofherr, Fowler, Veremis, Szabo

NAYES: Catalano

*****MOTION CARRIES *****

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2. **Address:** 1415 Redeker Road

Case Number: 20-045-V

The petitioner is requesting the following: (i) a Major Variation under Section 12-7-4(H) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a front building setback of 30.18-feet in the M-1, Limited Manufacturing District where 60-feet is required; (ii) a Major Variation under Section 12-7-4(H) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a west side building setback of 2.51-feet and an east side building setback of 0-feet in the M-1, Limited Manufacturing District where 60-feet is required; (iii) a Major Variation under Section 12-7-4(H) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a rear building setback of 0-feet in the M-1, Limited Manufacturing District where 60-feet is required; (iv) a Major Variation under Section 12-9-7 of the 1998 Des Plaines Zoning Ordinance, as amended, to allow eighteen parking spaces on site where 41 parking spaces are required; (v) a Major Variation under Section 12-7-4(H) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a lot size of 0.54-acres in the M-1, Limited Manufacturing District where a minimum of 5-acres is required; and (vi) the approval of any other such variations, waivers, and zoning relief as may be necessary.

PINs: 09-17-200-044-0000; -045; -051; -106
Petitioner: 1415 Redeker, LLC, 1415-1419 Redeker Road, Des Plaines, IL 60016
Owner: 1415 Redeker, LLC, 1415-1419 Redeker Road, Des Plaines, IL 60016

Chairman Szabo swore in Zoe Biel (attorney) and Jason Doland (engineer), representing the Petitioner, via Zoom. Chairman Szabo also swore in Peter Damiano, owner of the subject property.

Mr. Doland provided an overview of the requested variations, which include front, side, and rear yard setbacks as well as a reduction in lot size and parking reductions. Mr. Doland went over the current site plan and tentative plat of survey, including what structures would be removed, egress access and parking. The requested variations are for pre-existing conditions to comply with current zoning regulations and not for new construction.

Chairman Szabo asked if the Board had any questions.

Member Catalano asked what the ultimate purpose of the variations/tentative plat of subdivision. Ms. Biel stated that the property at 1415 Redeker would not change at all, would stay a warehouse, the current owners of 1415 Redeker are selling Lot 2 to Mr. Damiano so he may expand his business.

Ms. Biel clarified that the business located at 10 S River Rd, by purchasing the property, Mr. Damiano is able to expand his business by being able to service additional vehicles and storage. There will be no new construction of buildings; the annex building on Lot 2 will be demolished.

Member Saletnik asked to explain operationally what will happen vehicle-wise in the new lot. Ms. Biel stated that there is a limited amount of space on Lot 3, acquiring Lot 2 will be able to store vehicles and provide more time to each vehicle. Member Saletnik reiterated that the number of bays would not be increasing, but the space for jockeying vehicles will increase which will allow the work to be more efficient.

Member Fowler asked if there was a plan for improving streets. Ms. Biel stated some of Lot 2 will be improved (paved) once the annex building is demolished.

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Member Hofherr asked Director McMahon if there was plans for the City to redo the street, and commented that the street is in need of some attention. Director McMahon stated that the location was originally part of a TIF District designed for major redevelopment. Mr. McMahon stated that the area was originally constructed by Cook County and then annexed within the City of Des Plaines in the 1950's/1960's. The City does not have any plans to improve Redeker, the street is functioning, but in bad shape. It would be unfair of the City to ask the Petitioner to make major improvements.

Member Catalano asked Staff about the "No Recommendation" stance of Staff. Director McMahon stated that this is an unusual request, taking a parcel that is part of Lot 1 and selling to another landowner for private use. From a Staff level, a neutral stance is necessary due to the number of variations requested and current use of the property. Staff does not feel that the changes would negatively affect how Redeker Rd is used by the owners and residents of the area; however, the owner feels that this change will benefit the owner functionally and economically.

Chairman Szabo asked as far as the Building goes with its history with Cook County, with zero lot lines, were the norm. Director McMahon stated that the warehouse building has adequate parking and does not need to utilize all the parking on the property.

Member Saletnik commented that all of this is fine as long as the use remains the same, as intended, and will improve the operations of the corner lot. If the use changes, then the case will have to come before the Planning & Zoning Board.

Chairman Szabo asked that the Staff Report be entered into record. Planner Stytz provided a summary of the following report:

Issue: The petitioner is requesting the following: (i) a Major Variation under Section 12-7-4(H) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a front building setback of 30.18-feet in the M-1, Limited Manufacturing District where 60-feet is required; (ii) a Major Variation under Section 12-7-4(H) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a west side building setback of 2.51-feet and an east side building setback of 0-feet in the M-1, Limited Manufacturing District where 60-feet is required; (iii) a Major Variation under Section 12-7-4(H) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a rear building setback of 0-feet in the M-1, Limited Manufacturing District where 60-feet is required; (iv) a Major Variation under Section 12-9-7 of the 1998 Des Plaines Zoning Ordinance, as amended, to allow eighteen parking spaces on site where 41 parking spaces are required; (v) a Major Variation under Section 12-7-4(H) of the 1998 Des Plaines Zoning Ordinance, as amended, to allow a lot size of 0.54-acres in the M-1, Limited Manufacturing District where a minimum of 5-acres is required; and (vi) the approval of any other such variations, waivers, and zoning relief as may be necessary.

Analysis:

Address: 1415 Redeker Road
Owner: 1415 Redeker, LLC, 1415-1419 Redeker Road, Des Plaines, IL 60016
Petitioner: 1415 Redeker, LLC, 1415-1419 Redeker Road, Des Plaines, IL 60016
Case Number: 20-045-V

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Real Estate Index Numbers: 09-17-200-044-0000; -045; -051; -106
Ward: #1, Alderman Mark A. Lysakowski
Existing Zoning: M-1, Limited Manufacturing District
Existing Land Use: Manufacturing (Multi-tenant industrial building)

Surrounding Zoning: North: C-2, Limited Office Commercial District / C-3, General Commercial District
 South: C-3, General Commercial District
 East: M-1, Limited Manufacturing District / C-3, General Commercial District
 West: M-1, Limited Manufacturing District

Surrounding Land Use: North: Commercial (City Electric Supply / Golf River)
 South: Utilities (ComEd)
 East: Automotive Repair Shop (Damiano Service Center)
 West: Commercial (X-pert Landscaping)

Street Classification: Redeker Road is classified as a local street.

Comprehensive Plan: The Comprehensive Plan designates the site as Commercial Industrial Urban Mix.

Project Description: The petitioner Jay Lazar, on behalf of 1415 Redeker, LLC, is requesting Major Variations for building setbacks, parking, and lot size for the property located at 1415 Redeker Road. The subject property is 52,382-square feet (1.203 acres) in size and is comprised of four lots, which are improved with a single 2-story building, surface parking areas on the north and east side of the building, and a drive aisle along the east side of the building that connects to River Road as shown in the Plat of Survey. The first floor of the building on the subject property contains a 1,345-square foot office area, an 18,115-square foot east warehouse area, an 8,715-square foot west warehouse area, and 9,360-square foot central warehouse area, a 400-square foot mechanical area with restrooms, and an 2,210-square foot east annex. The partial second floor located over the east warehouse area contains an 18,200-square foot warehouse space. In total, the building contains 52,645-square feet of warehouse area.

The petitioner wishes to sell off one of the four parcels to the property owner of 10 S. River Road who is proposing to resubdivide and absorb the easternmost portion of the property (Parcel 09-17-200-044-0000) located at 1415 Redeker Road. This request is tied with a Tentative Plat of Subdivision and Major Variation request at 10 S. River Road (Case #20-046-SUB-V). The parcel in question is located behind the properties at 10 River Road, 20 River Road and 24 River Road and is shown as Lot 2 on the Proposed Site Plan. Lot 2 is 12,684-square feet (0.291-acres) in size and is comprised of one lot, which is improved with a portion of the multi-tenant manufacturing building located on 1415 Redeker Road and a gravel drive aisle/parking area. A portion of the multi-tenant manufacturing building is located on Lot 2, denoted as the East Annex on the Existing Floor Plan. Since the east annex structure is located entirely on Lot 2 and is attached with the rest of the multi-tenant building, the east annex structure would not meet current building and fire codes. Thus, the property owner of 10 River Road plans to demolish the east annex structure and replace it with a dust-free hard surface.

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Aside from the portion of 1415 Redeker Road (Lot 2) being sold to the owner of 10 River Road, the proposal does not include any alterations to the existing building or site as a whole. Pursuant to Section 12-9-7 of the Des Plaines Zoning Ordinance, the following parking regulations apply to this request:

- One space for every 250-square feet of gross floor area of office areas; and
- One space for every 1,500-square feet of gross floor area for warehousing areas.

Based on the parking regulations, the total number of parking spaces required is 41 (1,345-square foot/250-square foot plus 52,645-square feet/1,500-square feet equals 41 spaces), including two handicap accessible parking spaces. Given the loss of the parking and drive aisle area on Lot 2, the petitioner proposes to designate 18 parking spaces, including two handicap accessible parking spaces, at the front of the building located along Redeker Road for use of the subject property (Lot 1) as shown on the Proposed Site Plan. Since the provided parking count results in a 23 parking space deficit to the minimum parking space requirements pursuant to Section 12-9-7, the petitioner is requesting a parking variation.

There are several variations included with this request given that the subject property does not conform to building setback, parking, and minimum lot size requirements for the M-1, Limited Manufacturing District and the proposed resubdivision would increase the existing non-conforming building setbacks and parking availability for the building on 1415 Redeker Road, even with the removal of the east annex structure. Thus, the petitioner is also requesting five Major Variations as summarized in the table below:

Bulk Regulations	M-1	Existing	Proposed
Maximum height	50-feet	33-feet	33-feet
Minimum front yard setback	60-feet	30.18-feet	30.18-feet*
Minimum side yard setback	60-feet	2.51-feet (west); 21.75-feet (east)	2.51-feet (west); 0-feet (east)*
Minimum rear yard setback	60-feet	0-feet	0-feet*
Minimum lot size	5-acres	1.20-acres	1.20-acres*
Maximum building coverage	75%	69%	69%
Parking (Office & Warehouse)	41 spaces	18 spaces	18 spaces*

***Requested Variations**

Variation Findings: Variation requests are subject to the standards set forth in Section 12-3-6(H) of the 1998 City of Des Plaines Zoning Ordinance, as amended.

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- 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: Please see the Petitioner's responses to Standards for Variations.

- 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: Please see the Petitioner's responses to Standards for Variations.

- 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: Please see the Petitioner's responses to Standards for Variations.

- 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: Please see the Petitioner's responses to Standards for Variations.

- 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: Please see the Petitioner's responses to Standards for Variations.

- 6. Title And Plan Purposes: The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this title and the provision from which a variation is sought were enacted or the general purpose and intent of the comprehensive plan:**

Comment: Please see the Petitioner's responses to Standards for Variations.

- 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: Please see the Petitioner's responses to Standards for Variations.

- 8. Minimum Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.**

Comment: Please see the Petitioner's responses to Standards for Variations.

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Recommendation: Staff is not making a recommendation of the Major Variation requests for building setbacks, parking, and minimum lot size pursuant to Section 12-3-6 of the Des Plaines Zoning Ordinance.

Planning and Zoning Board Procedure: Under Section 12-3-6 (Approval of Variations), the Planning and Zoning Board has the authority to recommend approval, approval subject to conditions, or denial of the above-mentioned Major Variation requests for the property at 1415 Redeker Road.

A motion was made by Board Member Saletnik, seconded by Board Member Hofherr to approve the Major Variation requests for building setbacks, parking, and minimum lot size pursuant to Section 12-3-6 of the Des Plaines Zoning Ordinance with the condition that the use of the property does not change.

AYES: Saletnik, Hofherr, Veremis, Szabo

NAYES: Catalano

ABSTAIN: Fowler

*****MOTION CARRIES *****

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3. **Address:** City-wide

Case Number: 20-051-TA

The petitioner is requesting a Text Amendment to Section 12-7-3(K) of the 1998 Des Plaines Zoning Ordinance, as amended to change the maximum allowable contiguous office area in the C-4, Regional Shopping District from 2,500-square feet to 5,000-square feet and approval of any other such variations, waivers, and zoning relief as may be necessary.

Chairman Szabo swore in Brian Bucaro, on behalf of the Petitioner, PJR Properties (The Oak Properties), via Zoom. Mr. Bucaro provided a brief overview of the request, which includes increasing the permitted maximum area of office uses in the C-4 shopping district from 2,500 square feet to 5,000 square feet.

Chairman Szabo asked if there were any questions from the Board. There were no questions.

Member Saletnik stated the following comment: that the current poor retail climate makes sense for the office use to fill the vacant space.

Chairman Szabo asked that the Staff Report be entered into record. Planner Stytz provided a summary of the following report:

Issue: The petitioner is requesting a Text Amendment to Section 12-7-3(K) of the 1998 Des Plaines Zoning Ordinance, as amended to increase the total allowable contiguous area for Office uses in the C-4, Regional Shopping District from 2,500-square feet to 5,000-square feet and approval of any other such variations, waivers, and zoning relief as may be necessary.

Analysis:

Owner: PJR Properties, LLC, 1153 Lee Street, Suite 109, Des Plaines, IL 60016

Petitioner: PJR Properties, LLC, 1153 Lee Street, Suite 109, Des Plaines, IL 60016

Case Number: 20-051-TA

Real Estate Index Numbers: 09-20-400-051-0000; -052

Ward: #5, Alderman Carla Brookman

Existing Zoning: C-4, Regional Shopping District

Existing Land Use: Shopping Center

Surrounding Zoning: North: C-4, Regional Shopping District

South: R-1, Single-Family Residential District

East: Railroad; C-3, General Commercial District / R-1, Single Family Residential District

West: C-3, General Commercial District / C-4, Regional Shopping District

Surrounding Land Use North: Shopping Center

South: Single Family Residences

East: Railroad; Single Family Residences / Vacant Commercial

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Property
West: Jewel (Commercial) / Shopping Center

Street Classification Lee Street and Oakton Street are classified as arterial streets.

Comprehensive Plan Designation The Comprehensive Plan designates this property as Commercial.

Project Description The petitioner is proposing a Text Amendment to Section 12-7-3(K) of the 1998 Des Plaines Zoning Ordinance, as amended to increase the total allowable contiguous area for Office uses in the C-4, Regional Shopping District from 2,500-square feet to 5,000-square feet.

Amending Section 12-7-3(K) of the Zoning Ordinance to Allow for Increased Office Area in the C-4 Zoning District

Prior to 2018, the Zoning Ordinance did not allow office uses in the R-4, Regional Shopping District. Ordinance Z-28-18 was approved by City Council on September 4, 2018 to allow office uses up to 2,500-square feet in area in the C-4, Regional Shopping District provided that they are not contiguous to another office use. The petitioner owns the Oak Shopping Center and is looking to fill vacant space within the existing shopping center. Recently, various businesses that are classified under office uses have been interested in occupying space within the shopping center in excess of 2,500-square feet. Thus, the proposed text amendment would allow office uses up to 5,000-square feet of contiguous space within the C-4, Regional Shopping District. The proposed amendment is as follows:

Amend

12-7-3.K: Commercial Use Matrix: Amending Office Use footnote to Allow Additional Contiguous Office Area in the C-4, Regional Shopping District.

COMMERCIAL DISTRICT USE MATRIX

Uses	C-1	C-2	C-3	C-4	C-5	C-6	C-7
<u>Offices</u>	C	P	P	<u>P¹⁷</u>	P		P

Note 17. Each office use in the C-4 Regional Shopping District shall be limited to 2,500 5,000 square feet of area and shall not be contiguous to another office use.

Amendment Findings: Text Amendment requests are subject to the standards set forth in Section 12-3-7(E) of the 1998 City of Des Plaines Zoning Ordinance, as amended. In reviewing these standards, staff has the following comments:

- A. 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:

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Comment: The Comprehensive Plan strives to expand the range of commercial uses along major Des Plaines corridor. The subject property is located along the Lee Street/Mannheim Road corridor and near the Oakton Street corridor and is surrounding by different types of commercial development. The proposed text amendment would help expand the types of office uses permitted in the C-4 zoning district and provide additional services to Des Plaines residents. See also the petitioner's responses to standards for amendments.

B. The proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property:

Comment: The subject property consists of a shopping center that is surrounded by a mix of commercially-zoned properties. The proposed text amendment allowing additional office space in the C-4 zoning district would not alter the current conditions or overall character of existing development in the immediate vicinity as the development in this area already contains a mixture of retail, service, and office uses. See also the petitioner's responses to standards for amendments.

C. The proposed amendment is appropriate considering the adequacy of public facilities and services available to this subject property:

Comment: There are currently adequate public facilities for the subject property and the proposed text amendment will not alter the public facilities in any way. See also the petitioner's responses to standards for amendments.

D. The proposed amendment will not have an adverse effect on the value of properties throughout the jurisdiction:

Comment: The proposed text amendment would assist in boosting the economy in Des Plaines by filling vacant spaces in the C-4 zoning district that have been vacated by a retail use or do not fit the needs of a retail use. This request would allow for office uses of larger sizes to be located in the C-4 zoning district, which may attract larger businesses to Des Plaines. See also the petitioner's responses to standards for amendments.

E. The proposed amendment reflects responsible standards for development and growth:

Comment: The proposal strives to meet and exceed the responsible standards required for development and growth as it would allow for larger office uses to locate on site to attract new businesses and further expand the services available to Des Plaines residents. See also the petitioner's responses to standards for amendments.

Recommendations: Staff recommends approval of the proposed Text Amendment to Section 12-7-3(K) of the 1998 Des Plaines Zoning Ordinance, as amended to increase the total allowable contiguous area for Office uses in the C-4, Regional Shopping District from 2,500-square feet to 5,000-square feet and approval of any other such variations, waivers, and zoning relief as may be necessary.

Planning and Zoning Board Procedure:

The Planning and Zoning Board may vote to *recommend* approval, approval with modifications, or disapproval. The City Council has final authority over the proposed Text Amendment request.

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A motion was made by Board Member Saletnik, seconded by Board Member Catalano to recommend approval of the text amendment as presented.

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

NAYES: None

*****MOTION CARRIES *****

STAFF UPDATES

Staff provided an updated on the Ellinwood Project and the Municipal Parking Deck, both projects are underway. Director McMahon provided a brief overview of the upcoming February cases.

ADJOURNMENT

The next meeting scheduled for January 26, 2021 has been cancelled. The next scheduled Planning & Zoning Board meeting is Tuesday, February 9, 2021.

Chairman Szabo adjourned the meeting by voice vote at 7:42 p.m.

Sincerely,

Wendy Bednarz, Recording Secretary

cc: City Officials, Aldermen, Zoning Board of Appeals, Petitioners