



**DES PLAINES PLANNING AND ZONING BOARD MEETING
OCTOBER 8, 2024
MINUTES**

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, October 8, 2024, 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: Bronakowski, Fowler, Saletnik, Veremis, Weaver, Szabo
ABSENT: Catalano
ALSO PRESENT: Jonathan Stytz, Senior Planner
Jonathan Mendel, Assistant Director of Community & Economic Development
Jeff Rogers, Director of Community & Economic Development

A quorum was present.

APPROVAL OF MINUTES

A motion was made by Board Member Fowler, seconded by Board Member Bronakowski to approve the meeting minutes of September 24, 2024.

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

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

PUBLIC COMMENT ON NON-AGENDA ITEM

There was no public comment.

General Communications – Administrative Decisions:

Chairman Szabo noted the administrative stated the list of administrative decisions is now located on the agenda for each meeting for approvals or denials of minor variations.

Pending Applications:

Chairman Szabo introduced the case on the agenda.

1. **Address:** 1345 E Prairie Avenue

Case Number: 24-044-CU-V

The petitioner is requesting the following items: (i) a Conditional Use to allow a residentially zoned assembly use in the R-4 zoning district; and (ii) a Variation for off-street parking at 1345 Prairie Avenue.

PIN: 09-17-423-011-0000

Petitioner: St. Vakhtang Gorgasali Orthodox Church (Representative: Arsen Mskhvilidze, 400 E. Illinois Road, Lake Forest, IL 60045)

Owner: Victor J. Grandinetti, 333 W. Kathleen Drive, Park Ridge, IL 60068

Chairman Szabo swore in the applicant's representative, Ms. Katie Ingorokva.

Ms. Ingorokva stated that St. Vakhtang Gorgasali Orthodox Church is requesting a conditional use for a residentially zoned assembly use in the R-4 district. She mentioned that the building was constructed as a place of worship in 1871 and has been in use over time only as an assembly use. She referenced the staff report concerning the zoning ordinance changes in 2018 to require a conditional use for residentially zoned assembly uses, which includes churches.

Ms. Ingorokva confirmed that there is no off-street parking associated with the existing use except for one accessible stall. Attempts to secure parking sharing agreements from owners of adjacent property were not successful. Instead, the applicant requests consideration of on-street parking, public parking within the existing Welkin Apartments development, and shared parking in an off-street parking lot at 780 Lee Street. The applicant would be amenable to the design and installation of an additional accessible stall on the site subject to review and approval of a design by the City.

Ms. Ingorokva noted that their church is currently renting space at St. John's Church along Dempster Street and is excited about a potential relocation to the City of Des Plaines.

Member Fowler noted concern with reliance upon the public parking in the Welkin building in light of future demands associated with restaurants and other future commercial tenants in the building.

Member Fowler inquired about the location of parking stalls at 780 Lee.

Ms. Ingorokva responded that there are 32 off-street parking spaces located at the rear of the site.

Member Fowler requested confirmation of the quantity of available public stalls within the Welkin building.

Senior Planner Stytz confirmed that there are 79 public parking stalls in the Welkin building in the location noted on Exhibit 5 of the staff report.

Chairman Szabo mentioned once the Korean restaurant opens, the Welkin parking spaces may be utilized, but does not feel the hours of operation would overlap.

Member Fowler was concerned with reliance upon on-street parking for the proposed use, especially if the parking encroached into the adjacent residential neighborhood.

Member Fowler requested confirmation of the quantity of accessible parking stalls.

Senior Planner Stytz responded that a minimum of two off-street accessible spaces are required.

Member Veremis asked if the petitioner would be willing to add accessible spaces on the subject property.

Ms. Ingorokva confirmed that the petitioner is amenable to adding an accessible stall on private property.

Member Fowler asked for confirmation on where the church is currently operating.

Ms. Ingorokva confirmed that the applicant currently operates at a location in Lake Forest.

Member Veremis inquired whether the applicant had approached the owner of the funeral home since it is in closer proximity.

Ms. Ingorokva noted that this has been discussed and no agreement has been made with the funeral home.

Chairman Szabo requested clarification.

Ms. Ingorokva confirmed they are open to further discussions.

Member Veremis asked if there were services on Saturdays and Sundays of each week.

Ms. Ingorokva responded that they have full services on Sundays and a shorter service on some Saturdays throughout the year.

Member Fowler inquired about the hours of Saturday services.

Ms. Ingorokva responded that the Sunday services are approximately three hours long whereas the occasional Saturday services would be approximately 45 minutes long.

Member Fowler requested clarification of peak Easter holiday services.

Ms. Ingorokva confirmed that services are similar to Greek Orthodox services but are entirely indoors.

Member Vermis requested confirmation of congregation size.

Ms. Ingorokva confirmed that the congregation size is approximately 30 patrons during a Sunday service.

Member Vermis inquired about trends in congregation size.

Ms. Ingorokva confirmed that the congregation size has been mostly the same for the past three years.

Member Fowler inquired about supplemental services such as language services.

Ms. Ingorokva confirmed that they would like to explore these.

Member Bronakowski noted concerns related to parking encroaching into the residential neighborhood to the west. He disclosed that he had spoken with the alderman for this Ward and was aware of various concerns with parking encroachments and traffic disruption in the area.

Chairman Szabo inquired about potential public parking in a proposed mixed-use development on the Graceland/Prairie/Lee site. He asked if there was available public parking as part of this development, and, if so, how many spaces were available.

Mr. Stytz responded that there are public spaces available as part of this development but did not have the exact number of spaces but maybe around 15 or so.

Member Fowler inquired whether the City was aware of parking utilization of on-street stalls.

Member Bronakowski asked if the petitioners have considered adding off-street parking on the subject property.

Ms. Ingorokva responded that they have been looking into options, including the addition of a curb cut off Graceland Avenue, but told by the Illinois Department of Transportation (IDOT) that they could not since the new curb cut would be too close to the intersection.

Member Veremis inquired about operations when the property was previously in use through 2018.

Senior Planner Stytz noted that the City did not have records relating to parking utilization or congregation size associated with the prior tenant of the building.

Member Fowler noted that she recalled that parking was common in the private parking lot across the street to the east.

Member Veremis inquired about the path from the proposed off-site parking.

Ms. Ingorokva confirmed they would pass through the funeral home property.

Chairman Szabo asked if the current proposed development on the Streussner property (750 Lee Street) would have public parking available.

Senior Planner Stytz indicated that public parking stalls may be provided, however no plans for this site have been formally presented for consideration or approved by the City.

Director Rogers summarized requirements for potential private mixed-use private development of the site current utilized as a private parking lot. Off-street parking would be required for the residential units and additional off-street parking would be required for the proposed commercial space; however, all such stalls would be private and for the use of the residents of the building and the employees, customers, and visitors to the commercial space.

Member Weaver noted that parking for various assembly uses in the region includes expansive off-street parking lots that go underutilized most of the time.

Chairman Szabo generally agreed that public on-street parking is often utilized in addition to off-street parking for assembly uses, especially during large events, and holidays.

Chairman Szabo requested a summary of the project from staff.

Senior Planner Stytz entered the staff report.

Issue: The petitioner is requesting the following items: (i) a Conditional Use to allow a residentially zoned assembly use in the R-4 zoning district; and (ii) a Variation for off-street parking at 1345 Prairie Avenue.

Petitioner: St. Vakhtang Gorgasali Orthodox Church (Representative: Arsen Mskhvilidze, 400 E. Illinois Road, Lake Forest, IL 60045)

Owner: Victor J. Grandinetti, 333 W. Kathleen Drive, Park Ridge, IL 60068

Case Number: 24-044-CU-V

PIN: 09-17-423-011-0000

Ward: #3, Alderman Sean Oskerka

Existing Zoning: R-4, Central Core Residential

Existing Land Use: Vacant building (former church)

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

Surrounding Land Use: North: Assembly Use (institutional)
South: Multi-family Residences (residential)
East: Parking Lot
West: Multi-family Residences (residential)

Street Classification: Graceland Avenue is a principal arterial road under Illinois Department of Transportation (IDOT) jurisdiction and Prairie Avenue is a local road under the City of Des Plaines jurisdiction.

Comprehensive Plan : Institutional is the recommended future land use.

Zoning/Property History: Based on aerial imagery, the subject property was developed as early as 1938. The subject property was occupied by the Masonic Temple Lodge for use as for assembly from 2015 to 2017 as a nonconforming use. In 2018, the Zoning Ordinance was amended to establish regulations surrounding assembly uses in the City. A conditional use is required for assembly uses in this zoning district; however, this use was established prior to the 2018 amendments and no conditional use for a residentially zoned assembly use is on file. The existing building has been vacant since 2017 and thus the subject property must come into conformity with the regulations of

the R-4 district and any new assembly use must obtain a conditional use prior to operating on the subject property.

Earlier this year, staff conducted an inspection of the existing building on the subject property noting various items that would need to be addressed prior to issuance of a building permit. The petitioner has worked with staff and provided the attached Floor Plans to address these items. However, revisions to the Floor Plans and submittal of additional information may be required prior to issuance of a building permit to ensure compliance with the City's Municipal Ordinance.

Project Description:

Overview

Petitioner St. Vakhtang Gorgasali Orthodox Church, represented by Arsen Mskhvilidze, has requested a Conditional Use Permit to allow the operation of a residentially zoned assembly use and major variation for off-street parking at 1345 Prairie Avenue. The 12,000-square-foot property contains a single-story building comprised of approximately 3,850 square feet with a frame shed, patio, paved pedestrian entry area, and no off-street parking area as shown in the attached Boundary Survey. The subject property is a corner lot with the front property line adjacent to Graceland Avenue on the east and the corner-side property line adjacent to Prairie Avenue to the north.

Proposed Operations

The St. Vakhtang Gorgasali Orthodox Church primarily operates on the weekends providing services from 9 a.m. to 12 p.m. on both days. However, they will also be open for special Christian holidays listed in the attached Project Narrative, some of which falling on weekdays. The PZB may wish to confirm the hours of operation for the entire week as well as anticipated hours for special events held throughout the week for holidays to ascertain the anticipated intensity of this use.

The staff includes the priest, two assistants, two singers, and a board of three church members. A typical weekend service is anticipated to include no more than 30 individuals. However, major holidays as noted in the attached Project Narrative, can generate up to 80 individuals for a service or event.

The proposed use intends to utilize both on-street parking and off-street parking on nearby properties to fulfill its parking obligation given the non-existent parking area on the subject property and limited space to install a new parking area. The attached petitioner's

Project Narrative (dated 10/01/2024) outlines their proposed use of off-site parking to satisfy their parking needs and justify their proposed 100% parking provision variation. The plan to do this using remote off-street parking and on-street parking options. Please see the attached Petitioner’s Project Narrative and the major variation section below for more details on the petitioner’s proposed use of alternative parking areas.

CONDITIONAL USE

Request Description:

Overview

The proposed religious institution is categorized as a residentially zoned assembly use as defined below, which requires a conditional use in the R-4, Central Core Residential district:

*RESIDENTIALLY ZONED ASSEMBLY USES: A use that is primarily for the purpose of the assembly of people for a non-commercial purpose, which can contain a combination of uses that take place in both principal and accessory structures. Such uses include: community center, membership organizations, **church, synagogue, temple, meeting house, mosque, or other place of worship.** (Section 12-13-3 of the Zoning Ordinance).*

As noted above, there was a previous assembly use operating on the subject property as a nonconforming use given that no conditional use is on file authorizing the assembly use. After the termination of this use in 2017, any future assembly use would require the approval of a conditional use permit prior to its operation. As such, the petitioner has submitted a conditional use request to operate a residentially zoned assembly use (i.e., church) on the property.

Floor Plan and Elevations

The existing two-story building includes a first floor and a basement area as illustrated in the attached Petitioner’s Project Narrative and summarized in the following table.

Floor Plan Summary		
Floor	Space	Square Feet (SF)
Lower	Kitchen Area	465 SF
Lower	One Mechanical Room	99 SF
Lower	Three Storage Rooms	1,750 SF
First	Sacristy	140 SF
First	Narthex	318 SF
First	Sanctuary	1,441 SF

First	Two single-stall restrooms	65 SF
First	Coat Room	137 SF
First	Three Storage Rooms	108 SF
Second	Storage Area	193 SF

The proposal includes minor alterations to the interior of the building consisting of: (i) removal of the existing kitchen and gas fired appliances from the lower level and (ii) removal of the existing raised platform in the sanctuary to make the floor level consistent throughout that space. There are no plans to alter the existing exterior of the building, including the building material of face brick.

Building Code Occupancy Requirements

Occupying this building may require ADA accessibility improvements within the building and site under the City’s building code. The petitioner must be aware of this 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 generated excessive or 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 is based upon the specific type of assembly use. For assembly uses comprised of places of worship and commercial theaters, the following parking regulations apply:

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

The attached Petitioner’s Project Narrative indicate that there is fixed seating in the narthex space but not in the sacristy or sanctuary spaces. Based on this and the required off-street parking requirements above, a total of 29 off-street spaces—including at least two accessible spaces—are required for the proposed residentially zoned assembly use on the subject property. The subject property currently does not have any established off-street parking spaces, and the attached Site Plan does not propose any new parking spaces. Consequently, the lack of off-street parking accommodations does not meet Zoning Ordinance requirements and requires a major variation.

MAJOR VARIATION

Request Description:

Overview

Given the lack of off-street parking on the subject property and the limited space to install new off-street parking spaces with the current property configuration and development, the petitioner has applied for a major variation to reduce the required off-street parking requirement on the subject property to zero with a plan to utilize existing off-street parking on one nearby property as well as on-street parking on surrounding streets.

Petitioner’s Proposed Alternative Parking Solutions

While staff recognize the physical constraints for on-site off-street parking on the subject property, an additional parking option has been provided by the petitioner in support of their major variation request.

The petitioner’s attached Petitioner’s Project Narrative outlines their plan to accommodate their required parking supply in three ways:

- a. Use the public parking spaces in the Welkin parking garage across Graceland Ave;
- b. Use the existing public on-street parking in the immediate surrounding neighborhood; and
- c. Enter into a shared parking agreement with the responsible party at 780 Lee St. to use 31 off-street parking spaces on this private property.

Method **a.** and **b.** are publicly available and regulated parking for use by anyone but cannot be solely dedicated to the petitioner’s use as these parking spaces are specifically intended to be generally available to the community on a first-come-first-served basis. Further, both on-street parking and public stalls in the Welkin

parking garage are likely to be at least partially occupied by other vehicles during these specific time frames.

Method **c.** could be a reliable location for a dedicated supply of parking spaces, but 780 Lee St. is approximately 936 feet away from the subject property along the pedestrian sidewalks on Prairie Ave. and Lee St. and may not be ideal proximity to the subject property. Additionally, there appears to be only 34 spaces currently at the rear and sides of 780 Lee St. These existing parking spaces currently serve an existing multi-tenant office building that is approximately 13,400 square feet in size. Under the City's parking regulations, this existing office building could require up to 44 parking spaces based on the building size. However, the definition of "floor area" in Section 12-13-3 allows spaces such as restrooms, mechanical rooms, hallways, and storage areas to be excluded. City staff will review any shared parking agreements to determine if the required parking requirements would be met for all uses on this property, if the PZB includes the associated staff recommended condition of approval

The PZB can review the applicant's 100% parking variation argument and proposed solutions for off-street parking to determine satisfaction of the Conditional Use and Major Variation review standards as outlined later in this memo.

Public Comment

There have been inquiries from the public related to this proposed use, but no written comments have been provided yet.

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

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

Comment: The proposed religious institution is classified as an assembly use. Since the subject property is located in the residential district, the proposed use is a residentially zoned assembly use, which requires a conditional use as specified in Section 12-7-2.I of the Zoning Ordinance for properties in the R-4 Central Core Residential 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 institutional, a land use that strives to foster growth and retention of institutions that provide services to the Des Plaines

residents and the surrounding area including schools, libraries, community organizations, places of worship, and public facilities. This property is positioned on the edge of the downtown area at the corner of Graceland Avenue and Prairie Avenue and is surrounded by residential development on all sides except the east side, which is zoned C-5 Central Business district. The establishment of a residentially zoned assembly use—especially given the properties former use as an assembly use—falls within the general principles and goals 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:

Comment: The proposed assembly use utilizes the existing site improvements, which have been established for many decades, arguably harmonious and appropriate in appearance to the surrounding multifamily residential uses. It also serves as an effective buffer between the high-density commercial uses permitted in the C-5 Central Business district to the east from the single-family residential developments in the R-1 Single Family Residential district.

The petitioner proposes minor interior work to the building, but nothing that would alter the exterior or overall appearance of the building. Dependent on cooperation from surrounding property owners and potential approval from IDOT, the petitioner could alternately design and construct an on-site parking lot however this would be expected to accommodate only a small portion of the minimum quantity of required off-street parking.

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

Comment: The proposed assembly use operations are performed within the confines of the existing building and mostly limited to weekends, though holidays throughout the year may result in more intensive use of the property during the week. This could reduce hazardous and disturbing effects on neighboring properties.

However, since there is no on-site parking availability and only the petitioner's proposed off-site parking solutions, there could be significant actual or perceived concerns that the petitioner's parking could create disturbing or hazardous effects on surrounding properties when using the surrounding public on-street parking. The applicant should identify the manner by which congregants with mobility impairments would access the property from their vehicles. The PZB should consider whether the proposed operations may be hazardous or disturbing to existing neighboring uses, especially during peak periods of arrivals and departures associated with peak occupancies.

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

Comment: The subject property is adequately served by essential public facilities and services, although there is no current off-street parking. Staff do not have concerns that the proposed

assembly use will be adequately served by other essential public facilities and services. However, the lack of off-street parking could be a concern, especially for mobility impaired individuals who do not have nearby spaces to park and may have to travel greater distances to reach 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 subject property is currently vacant. However, staff is not aware of any burdens on public facilities created by the previous assembly use on this site or detriments to the economic well-being of the community. Aside from concerns related to parking location and availability, there are no other especially evident potential concerns for the community.

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

Comment: All activities will take place inside the building to reduce any noise, smoke fumes, glare, or odors. As for traffic, the petitioner has indicated that the congregation on a majority of weekends will be up to 30 persons, which may result in a little—but potentially not excessive—production of traffic. However, on holidays the congregation can reach numbers of up to 80, which could result in a traffic and parking impact. As such, staff propose a condition that the petitioner obtain at least one shared parking agreement to fully satisfy the off-street parking requirement for the proposed assembly use.

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

Comment: There is currently no on-site parking and none proposed as part of this request. While there is not direct interference with surrounding public thoroughfares at the subject property itself, the use of on-street parking by patrons of the proposed assembly use could interfere with public thoroughfares. Nonetheless, the PZB should consider whether the evidence presented indicates the proposed use would comply with this requirement.

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 proposal would not cause the destruction, loss, or damage of any natural, scenic or historic features of major importance. The building and site have already been developed.

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

Comment: Aside from the variation request for off-street parking, the proposal will meet all other requirements of the Zoning Ordinance for the R-4 Central Core Residential District.

Standards for Variation: Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. Rationale for how the proposed amendments would or would not satisfy the standards is provided below and in the attached petitioner responses to standards. The Board may use the provided staff comments as its rationale, modify, or adopt its own.

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

Comment: The subject property does not include an established off-street parking area and limits the space available for the addition of an off-street parking area. Staff have provided the petitioner with advice to help address the parking deficiencies and solutions have been pursued by the petitioner to address the code required on-site parking. See the petitioner's attached Petitioner's Project Narrative for their specific proposed off-site parking solutions.

- 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 current physical conditions of the subject property are arguably not unique, especially in relation to shape and size. This corner lot does provide options for site access from either Graceland Avenue or Prairie Avenue. However, the existing building position, location, and size on the property substantially limit the available space for new off-street parking area improvements.

- 3. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this title.**

Comment: The area constraints associated with the existing improvements are a long-standing existing condition not created by the petitioner or the owner but instead were the subject site's existing condition at the time of application.

- 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: The site configuration is a long-established existing condition known to the current owner and the petitioner. There are many other uses available to the owner under the current R-4 zoning that may not result in a substantial deprivation of rights.

- 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 may not provide the petitioner with special privilege not available to other owners. In fact, it could help alleviate the petitioner of the burden associated with fully redesigning the subject property—and potentially removing a portion of the building—to comply with the off-street parking requirement.

- 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 proposal, except for off-street parking, is consistent with the general purpose and intent of the comprehensive plan related to retention and growth of institutional uses. It is in line with the intended Institutional land use in the Future Land Use map and the property has been used for an assembly use in the past. Despite this, the absence of off-street parking could generate perceived or actual disharmony with the surrounding neighborhood, especially during peak periods.

- 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: In this case, there are limited alternatives available. These alternatives involve either an additional curb cut onto Graceland Avenue, subject to IDOT approval, or using publicly available parking nearby and a shared off-street parking agreement with a nearby private property.

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

Comment: Combined with the conditional use request, the variation requested may be the minimum relief necessary to alleviate the hardships described above.

PZB Procedure and Recommended Conditions: Under Sections 12-3-4.D (Procedure for Review and Decision for Conditional Uses) and 12-3-6.G.2.b (Procedure for Review and Decision for Major Variations), the PZB has the authority to *recommend* that the City Council approve, approve subject to conditions, or deny the above-mentioned requests at 1345 Prairie Avenue.

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) and 12-3-6.H (Standards for Variations) of the Zoning Ordinance. If the PZB recommends approval of the request, staff recommends the following conditions.

Conditions of Approval:

1. Prior to the issuance of a certificate of occupancy, the petitioner shall provide confirmation that all required off-street parking for the assembly use is satisfied through an executed

shared parking agreement, the construction of on-site parking area installation, or a combination of the two in conformance with Section 12-9-7 of the Zoning Ordinance. The on-site parking area shall meet the requirements of Section 12-9-6 and Site Plan Review standards pursuant to Section 12-3-2.B.

2. Any installation of noise generating equipment on the site (bells, speakers, etc.) and all activities on this site must be in compliance with Section 12-12-8 of the Zoning Ordinance and Section 6-2-7 of the Police Regulations.
3. Prior to installation of any additional seating or expansion of operations related to the proposed use, contact City Staff to determine compliance with this conditional use ordinance and all other applicable regulations.

Chairman Szabo inquired about requirements associated with the building department and accessibility.

The petitioner stated they are working with the building department on determining necessary improvements to the building, but many items are grandfathered in and city staff provided guidance, and no accessibility improvements were noted at that time.

Member Saletnik states that to their knowledge, ADA is a federal law, and it must be complied with and not exempt by something being “grandfathered in.”

Director Rogers clarified that the ADA is at a federal law and applied in the state of Illinois through the IL Accessibility Code. It may apply with a change in occupancy. Most changes are triggered when there is a new investment or modification to the space proposed. Re-occupancy “as-is” may not have requirements in the near term, but any future investment or modification will require compliance. Once modifications are proposed, there may be accessibility improvements required.

Member Weaver stated that he does not believe this needs to be a condition of approval, because it is applicable regardless of the proposed use.

Member Veremis asked about opportunities for the site if no off-street parking is available.

Director Rogers noted public parking is intended for public use. The Code requires off-street parking for each use and includes provisions for collective off-street parking. Demands for public parking will change over time.

Member Fowler suggested the property could be utilized for an alternate use such as a single-family residence. Member Fowler inquired about adding a curb cut on the property.

The petitioner stated that DOT indicated this curb cut would not be allowed because it is too close to the intersection.

Member Weaver commented, if you don't have curb cuts, and there is parking enforcement, this R4 property has no use. If that is the case, because of the parking requirement and IDOT restrictions, it could be torn down.

The petitioner stated that they asked the city staff about placing a single-family home in this location, but it also faced constraints due to the parking requirement.

Member Bronakowski noted that demands upon public parking may change over time.

Member Fowler noted that the duration of anticipated parking demands may extend over several hours.

Chairman Szabo stated he would rather see the 1871 church standing there than it being torn down. He believes they will do some improvements that will enhance the property.

Chairman Szabo stated a park could go there, but it might not be needed in that area. Member Weaver stated a small park is already located a block away.

Member Veremis inquired about the general public concerns with on-street parking.

Member Bronakowski relayed that his understanding of the community concerns was that on-street parking utilization will extend into the neighborhood into stalls frequently utilized by the residents of the community.

Chairman Szabo entertained a motion regarding the case.

A motion was made by Member Weaver and seconded by Member Saletnik to recommend approval of the conditional use and variation in accordance with the draft motion and associated conditions.

AYES:	Saletnik, Veremis, Weaver, Szabo
NAYS:	Bronakowski
ABSTAIN:	Fowler

MOTION CARRIED

ADJOURNMENT

Chairman Szabo adjourned the meeting by affirmative voice vote at 7:52 p.m.

Sincerely,
 Jeff Rogers/Recording Secretary
 cc: City Officials, Aldermen, Planning & Zoning Board, Petitioners