



DES PLAINES PLANNING AND ZONING BOARD MEETING
February 11, 2025
MINUTES

The Des Plaines Planning and Zoning Board held its regularly scheduled meeting on Tuesday, February 11, 2025, at 7:00 p.m. in Room 102 of the Des Plaines Civic Center.

GENERAL COMMUNICATIONS

Assistant Director Jonathan Mendel discussed the current Active Transportation Study process and public input. Discussed at end of meeting.

ADMINISTRATIVE DECISIONS

- None at this time.

CALL TO ORDER

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

PRESENT: Bronakowski, Fowler, Szabo, Veremis, Weaver

ABSENT: Catalano

ALSO PRESENT: Jonathan Mendel, AICP, Assistant CED Director
Jonathan Stytz, AICP, Senior Planner

A quorum was present.

APPROVAL OF JANUARY 28, 2025 PZB MEETING MINUTES

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

AYES: Weaver, Bronakowski, Fowler, Szabo, Veremis

NAYS: None

ABSTAIN: None

MOTION CARRIED

PUBLIC COMMENT ON NON-AGENDA ITEM

There was no public comment.

PENDING APPLICATIONS

1. **Addresses:** 2250 Mannheim Road **Case Number:** 25-005-TPLAT

The petitioner is requesting a Tentative Plat of Subdivision to split an existing lot into two lots of record and any other variations, waivers, and zoning relief as may be necessary. **Continuance Requested.**

PIN: 09-29-403-005-0000

Petitioner: BP Pulse (Representative: Jason Skock, 5199 Locust Post Lane, Columbus, OH 43230)

Owner: Hertz (Representative: Joshua Blum, 8501 Williams Road, Estero, FL 33928)

Proceedings/Discussion:

Chairman Szabo introduced the case and mentioned that the applicant is requesting a continuance.

Chairman Szabo asked staff the reason for the continuance request.

Senior Planner Stytz responded that the applicant is requesting additional time to speak with Hertz regarding some adjustments to the proposed subdivision, specifically lot boundaries and size for the proposed BP Pulse lot to meet the minimum lot area requirements for a convenience mart fueling and charging station use.

Chairman Szabo asked staff if a continuation to the February 25, 2025 PZB meeting will be enough time for the applicant.

Senior Planner Stytz responded that the applicant said they should have a decision in time for the February 25, 2025 PZB meeting.

Chairman Szabo asked if staff is okay with the requested continuance.

Senior Planner Stytz responded, yes.

Member Bronakowski motioned and Member Veremis seconded to continue the request to the February 25, 2025 PZB meeting date.

AYES: Bronakowski, Fowler, Szabo, Veremis, Weaver

NAYS: None

ABSTAIN: None

MOTION CARRIED

2. **Address:** 600 E. Algonquin Road **Case Number:** 25-006-CU-V

The petitioner is requesting: (i) a conditional use to allow an electronic message board (EMB) in the C-1 Neighborhood Shopping District; (ii) a major variation to allow an EMB to be setback less than 250 feet from a residential dwelling in the R-1 Single Family, R-2 Two Family, and R-3 Townhouse Residential districts at 634 Debra Drive; and (iii) any other variations, waivers, and zoning relief as may be necessary.

PIN: 09-19-214-031-0000

Petitioner: Clean Up–Give Back (Representative: Ms. Adams Adam, 600 E. Algonquin Road, Des Plaines, IL 60016)

Owner: Clean Up–Give Back (Representative: Ms. Adams Adam, 600 E. Algonquin Road, Des Plaines, IL 60016)

Proceedings/Discussion:

Chairman Szabo introduced the case on the agenda and swore in petitioner Ms. Adams Adam of 612 S. Fifth Ave, Des Plaines, IL 60016, and David Ritchie of 612 S. Fifth Ave, Des Plaines, IL 60016.

Ms. Donna Adams and David Ritchie outlined their requested proposal and their organization’s operations and activities. David explains this sign/message board would help in advertising, changes in schedule, and get recognition from the community from people that have not heard of Clean Up- Give Back.

Ms. Adams stated their mission is to create a cleaner environment through community engagement and inclusion. Currently they do engage the Des Plaines community in many ways. There are about 100 clean-ups a year which take place all over the Chicagoland area.

Ms. Adams spoke about the upcoming dates of “clean-ups” in the area. As of now, they collect a lot of pliable plastic and last year they collected over 21,000 lbs. of this plastic to keep that out of the landfills. She went into a bit more detail about their services.

Chairman Szabo asked if any board members had any questions.

Member Fowler asked for a definition of ‘pliable plastic’.

Ms. Adams explained that it is plastic that when you press your thumb into it, it is flexible like grocery bags, bread bags, bagel bags, plastic water bottles, etc. Pliable plastic also cannot go in recycle bins.

Member Weaver asked how the message board would scroll messages on their proposed sign and how many messages would be rotated at one time.

Ms. Adams stated she doesn't want to be a busy sign but there would be messages about the clean-up and recycling services. Mr. Ritchie stated that it would be more of a location, time, and date on the sign and to see more info on their website.

Member Weaver further asked about the detail of how messages would be displayed on their proposed message board.

Mr. Ritchie is the subject, time, and place will all fit on one screen.

Member Veremis described that the applicant is adjacent to residential properties and if they have had an interaction with them related to the EMB request.

Ms. Adams answered that she has a very good relationship with the residents in the area. The message board will face Wolf Road and Algonquin Road on an angle so neighbors would not be affected by the message board. They will not be able to see the board due to positioning unless they come out of their homes to look at it.

Chairman Szabo asked about times of day the message board will be on and displaying.

Ms. Adams answered that it would be expected to run 24 hours and would be toned down so it is not so bright in the nighttime. David Ritchie further elaborated there are day and night sensors in the message board that would be adjusted according to day and night.

Chairman Szabo asked for staff presentation.

Senior Planner Jonathan Stytz presented the staff report and analysis.

Issue: The petitioner requests the following: (i) a conditional use to allow an electronic message board (EMB) sign in the C-1 Neighborhood Shopping district; and (ii) a major variation to permit an EMB sign to be located less than 250 feet from a residential dwelling in the R-1 Single Family Residential, R-2 Two Family Residential, and R-3 Townhouse Residential districts.

Petitioner: Clean Up – Give Back (Representative: Ms. Adams Adam, 600 E. Algonquin Road, Des Plaines, IL 60016)

Owner: Clean Up – Give Back (Representative: Ms. Adams Adam, 600 E. Algonquin Road, Des Plaines, IL 60016)

Case Number: #25-006-CU-V

PIN: 09-19-214-031-0000

Ward Number: #3, Alderman Sean Oskerka

Existing Zoning: C-1, Neighborhood Shopping District

Existing Land Use: Office (commercial)

- Surrounding Zoning:** North: R-1, Single Family Residential District
South: C-3, General Commercial / R-1, Single Family Residential Districts
East: R-1, Single Family Residential District
West: C-3, General Commercial District
- Surrounding Land Uses:** North: Single Family Residences (residential)
South: Vacant lot; Assembly Use (commercial)
East: Single Family Residences (residential)
West: Auto Service Repair (commercial)
- Street Classification:** Wolf Road is classified as a minor arterial road under Illinois Department of Transportation (IDOT) jurisdiction and Algonquin Road is a major collector road, this portion under City of Des Plaines' jurisdiction.
- Comprehensive Plan:** Institutional is the designated use for the property.
- Property/Zoning History:** The subject property was annexed into the City in 1927 as a vacant piece of land. The property was developed around 1972 with an office building and small parking area off the existing alley on the property's east side¹. The property was owned by the City of Des Plaines and utilized for a food pantry until 2022 when it was sold to the non-profit organization Clean Up – Give Back. The property has been utilized by the non-profit organization since then.

CONDITIONAL USE

- Request Summary:** *Overview*
The petitioner requests installing an Electronic Message Board (EMB) sign, as defined below, in a new monument sign on the subject property to advertise cleanup events, recycling reminders, community programs, and other environmental initiatives for the non-profit organization.

SIGN, ELECTRONIC MESSAGE BOARD: A sign whose informational content can be changed or altered by manual or electric, electromechanical or electronic means (Section 12-13-3 of the Zoning Ordinance).

Pursuant to Section 12-11-5.G of the Zoning Ordinance, EMB's are permitted only when they are incorporated within a new or existing monument sign or pole sign and must adhere to the regulations for the pole or monument sign type. This section also restricts the types of digital signs—as identified in the table below and defined in

¹ Historic Aerials. <https://www.historicaerials.com/location/41.625/-87.875/T1890/16>. Retrieved January 31, 2025.

Section 12-13-3 of the Zoning Ordinance—to only permit video display digital signs.

Digital Sign Types	Definition
ANIMATED SIGN	A sign, or display, manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical or other means. <i>This sign type is prohibited.</i>
FLASHING SIGN	An illuminated sign exhibiting a preprogrammed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as, or less than, the duration of the period of darkness (off phase), and which the intensity of illumination varies from zero (off) to one hundred percent (100%) (on during the programmed cycle). <i>This sign type is prohibited.</i>
VIDEO DISPLAY SIGN	A sign or display that utilizes full motion video technology or other electronic means to create the illusion of movement. <i>This sign type is allowed.</i>

EMB-Equipped Sign Regulations

An EMB-equipped sign is regulated in Sections 12-11-5.G and 12-11-6.B of the Zoning Ordinance by location, quantity, size, and operation to minimize any adverse effects on surrounding developments.

- **Location:** EMB signs are only allowed in certain zoning districts either as permitted uses (green) or conditional uses (yellow) as identified in the table and must be setback a minimum of 250 feet from a residence in the R-1 Single Family, R-2 Two Family, and R-3 Townhouse Residential districts². Other zoning districts (red) do not allow EMB signs at all due to the intended uses of those zoning districts and the close proximity of this type of sign with residences on sites in these districts resulting in a direct and adverse effect on residences. The subject property is located in the C-1 district, which only allows an EMB sign through a conditional use permit and City Council approval.

² LED illumination of numerical pricing of gasoline station signs and properties in the I-1 Institutional district are exempt.

Zoning District	Allowance
C-1 Neighborhood Shopping	Only allowed through conditional use permit
C-2 Limited Office Commercial	Only allowed through conditional use permit
C-3 General Commercial	Allowed as a permitted use
C-4 Regional Shopping	Allowed as a permitted use
C-5 Central Business	Only allowed through conditional use permit
C-6 Casino	Only allowed through a localized alternative sign regulation (LASR)
C-7 High Density Campus	Not Allowed
M-1 Limited Manufacturing	Allowed as a permitted use
M-2 General Manufacturing	Allowed as a permitted use
M-3 Special Manufacturing	Allowed as a permitted use
I-1 Institutional	Allowed as a permitted use
R-1 Single Family Residential	Allowed as a permitted use only when located on school property or city-owned property
R-2 Two Family Residential	Not Allowed
R-3 Townhouse Residential	Not Allowed
R-4 Central Core Residential	Not Allowed
MH-1 Mobile Home District	Not Allowed

- **Quantity:** Only one EMB sign is permitted per property even in the case of business parks, retail centers, and multi-lot uses³.
- **Size:** EMB signs can only cover up to 50 percent of the total sign area⁴.
- **Operation:** EMB signs must be specific to the business in which the sign was intended, cannot make any sounds, and must be equipped with light dimming device or timer to reduce light intensity based on time of day.

EMB Sign Proposal

The petitioner proposes installing a single-sided monument EMB sign facing the southwest at the Algonquin Road/Wolf Road intersection at an angle as illustrated in the attached Site Plan. The attached Landscape Plan illustrates the anticipated location of the proposed EMB sign from the public walkway at the street intersection, nearest property lines, and existing building. The table

³ Excluding EMB signs embedded within electric vehicle (EV) charging ports and drive-through menu board signs.

⁴ Excluding EMB signs embedded within EV charging ports and drive-through menu board signs, which have specific regulations.

below analyzes how the proposed EMB monument sign aligns with Sections 12-11-5.B and 12-11-6.B of the Zoning Ordinance. The EMB sign will be located less than 250 feet from residential dwellings, requiring a major variation as detailed below.

EMB Monument Sign		
Standard	Requirement	Proposed
Minimum Setback from property lines	5 FT	West: 25 FT South: 15 FT
Minimum EMB setback from residences in the R-1, R-2, and R-3 districts	250 feet	North: 56 FT* East: 134 FT*
Maximum Height	5 FT	5 FT
Maximum Total Sign Area	75 SF	44 SF
Maximum EMB Area	50% of total sign area	49.14% of total sign area
Maximum Quantity	One	One

**A major variation is required for the EMB setback.*

Major Variation

Request Summary:

Overview

As noted above, the proposed EMB monument sign will be setback only 56 feet and 134 feet from R-1-zoned residences to the north and east, respectively, which is less than minimum EMB setback of 250 feet required. This proposal results in a major variation request for a 194-foot- or 78-percent-reduction in the setback from a R-1-zoned residence to the north and a 116-foot- or 54-percent-reduction in the setback from a R-1-zoned residence to the east. Given the close proximity of the EMB to residences, the PZB should consider in detail the adverse effects of this sign type and whether it is feasible in this location.

Consideration of Alternatives

There are alternatives available that do not require the conditional use and variation application requested:

- Static Monument Sign with Manual Changeable Copy: Allows the display of messages with individual letters and symbols without the additional cost, maintenance, and expertise associated with EMB's and adverse effects on surrounding properties.
- Temporary Signs: To supplement an existing ground sign, a temporary sign can be installed up to four times a year for 60 days at a time to advertise for a special event or initiative.

Consideration of EMB Pros and Cons

EMB's, or digital signs, are newer technology with increased flexibility and customization. However, there are also disadvantages with digital signs. The table below compiles research findings^{5,6,7} on the pros and cons of EMBs.

Item	Pros	Cons
Cost	<ul style="list-style-type: none"> • Cost-effective overtime • Typical high return on investment 	<ul style="list-style-type: none"> • Higher initial costs, including purchase of software and physical devices to operate • Ongoing repair and maintenance costs • Potential costs associated if third party is necessary to operate/maintain the sign
Environment	<ul style="list-style-type: none"> • Easy update and change of advertising • Uses LED screens with automatic brightness control to minimize light emission. 	<ul style="list-style-type: none"> • Higher energy use and increased carbon footprint • Shorter lifespan (displays need to be updated frequently) • Waste (replacement/updating of displays adds physical waste to environment) • Ambient light can impact the visibility of an EMB reducing its effectiveness • Potential to increase light pollution and create an adverse effect on human health and nocturnal animal species.
Expertise	<ul style="list-style-type: none"> • Offers new tools for brand advertising 	<ul style="list-style-type: none"> • Requires expertise to develop marketing and operate/maintain the digital sign software; third party may be required to set-up and/or operate sign
Display	<ul style="list-style-type: none"> • Unlimited space for multiple display types • Can update display quickly and easily • Software manages display for user to control and scheduling 	<ul style="list-style-type: none"> • Displays without clear designs can reduce the effectiveness of EMBs • Wrong location or screen type could impact the display and visibility of sign • Delays or interruptions in scheduling software can impact the display of the sign
Impact on Public	<ul style="list-style-type: none"> • Attracts attention and can create engaging experience with public 	<ul style="list-style-type: none"> • Can create safety concerns with distracted motorists

⁵ Travis, L. (2024, October 14). *Static vs digital signage: The truth that marketers lie about.*
<https://www.frontsigns.com/blog/static-vs-digital-signage/>

⁶ Cirrus. (2024, March 29). *Traditional static vs digital signs: Pros and cons.* Cirrus LED Digital Signage Solutions.
<https://www.cirrusled.com/blog/static-vs-digital-signage>

⁷ ScreenCloud. (2024, April 13). *Static vs digital signage: The pros and cons.*
<https://screencloud.com/digitaltransformation/static-signage-vs-digital-signage>

Other Considerations

In its review of this request, the PZB may also consider the following:

- 2019 Comprehensive Plan: This plan provides general goals and strategies for the implementation of gateway and wayfinding signs throughout the City, especially in the downtown area and specific significant street corridors, to promote uniform identity and reduce visual clutter through sign regulation. *It does not, however, promote or seek to increase the installation and use of EMBs or other signs that could visually clutter along corridors for private property.* As a result, the proposal would not align with a specific goal or strategy of the City’s 2019 Comprehensive Plan.
- City’s Zoning Ordinance: Chapter 11 of the Zoning Ordinance provides comprehensive regulations of signs in the City to:
 - *Preserve noncommercial character of residential neighborhoods;*
 - Provide *reasonable yet appropriate conditions* for identifying businesses and services rendered in commercial, institutional and industrial areas;
 - *Reduce traffic hazards by restricting signs and lights which exceed a viewer's capacity to receive information, or which increases the potential for accidents created by signage which distracts or obstructs a viewer's vision;* and
 - *Protecting the health, safety and general welfare* of the residents of the City.
- Future Site Users: While the EMB is proposed for utilization by a non-profit organization at this time, the PZB may consider if this type of sign would be feasible or appropriate for a future user in the C-1 district. The table below identifies the allowed uses in the C-1 district for the subject property, which would be able to utilize the EMB if the current user were to leave.

C-1 Neighborhood Shopping District Uses	
Permitted Uses	Conditional Uses
<ul style="list-style-type: none"> • Convenience Retail Store • Libraries, Public • Parks • Pharmacies/Drugstores • Retail Goods Establishment • Retail Service Establishment 	<ul style="list-style-type: none"> • Adult Day Service Center • Animal Clinic • Bed and Breakfast • Childcare Center without Accessory Dwelling Unit • Childcare Center with Accessory

<ul style="list-style-type: none">• Specialty Food Store• Studios, Artist, Dance, and Music	<ul style="list-style-type: none">• Dwelling Unit• Funeral Homes• Libraries, Private• Offices• Residential Care Homes, Small• Taverns and Lounges
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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’s Responses to Standards. As its rationale for its determination, the Board may use the responses provided as written, modify, or adopt its own.

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

Comment: An EMB is a special sign component only permitted in a new or existing pole or monument sign. EMBs require a conditional use as specified in Section 12-11-5.G of the Zoning Ordinance for properties in the C-1 Neighborhood Shopping 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 commercial and strives to foster growth and retention of existing commercial businesses in Des Plaines. However, the proposed private EMB sign may not align with the general goals and strategies for commercial properties in the city. Moreover, the subject C-1-zoned property is positioned along a predominately residential portion of the Wolf Road corridor and is near residential uses, which may not be appropriate for an EMB sign.

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 EMB sign may not be harmonious and appropriate with the existing character of general vicinity given that it is a predominately residential corridor and all but one of the businesses in this area contain static signs without any EMB component. The single business use with a EMB monument sign is located at 1215 Wolf Road, but the EMB in this sign is substantially smaller and the sign is setback further from residential than the EMB monument sign proposed on the subject property. As a result, this existing EMB may not be a representation of the existing or intended character of general vicinity nor is it an equal comparison in size and location to the EMB proposed on the subject property.

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

Comment: EMBs by their nature are designed to attract attention with lights and movement and, therefore, could be considered inherently disturbing to neighboring uses. Moreover, the light and imagery emitted from these signs could be distracting to motorists potentially creating hazardous conditions. In the case of the subject property, the proposed one-sided EMB sign will face

southwest at the Algonquin Road/Wolf Road intersection, which could result in hazardous conditions at this intersection and disturbing effects on the commercial uses located directly west and south of the subject property. Nonetheless, the PZB should decide if the proposed EMB is appropriate for the subject property.

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 currently served adequately by essential public facilities and services. Given the proposed EMB will be served by the existing electrical service feeding the current building, there are no concerns from staff to the adequacy of existing public facilities and services or the need for additional public facilities and services with the proposed EMB on 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: While there is no indication the proposed EMB will create excessive additional requirements at public expense for public facilities and services, PZB and City Council should consider whether the EMB monument sign is feasible for the subject property given its size and proximity to residential development. It is fair to say that a ground sign in the proper size, location, and design could improve the value of the subject property, which may not negatively impact neighboring properties per say. However, it neither improves nor is it detrimental to the economic well-being of the city. Nonetheless, the PZB and City Council shall decide.

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 EMB itself does not produce any traffic, smoke fumes, or odors by design. However, the potential emittance of noise and glare are common adverse effects from digital signs that could impact neighboring properties and motorists. Section 12-11-6.B of the Zoning Ordinance specifically prohibits sounds of any kind to be emitted from EMBs, effectively addressing the noise concern.

Related to glare, Section 12-11-5.G prohibits the use of flashing and animated signs as defined above to partially address the glare concern. However, the light emittance from the sign can still cause glare either from natural or ambient light sources, which could negatively affect motorists, pedestrians, and neighboring properties alike, especially during evening hours.

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: The subject property contains a single access point from Algonquin Road via a public alley that will not change with the installation of the proposed EMB monument sign.

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 as the building and site are already developed. Furthermore, the proposal does include additional landscaping improvements around the sign base that will help soften the EMB monument sign base from the neighboring properties.

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

Comment: Aside from the major variation for EMB separation from residential dwellings in the R-1 Single Family, R-2 Two Family, and R-3 Townhouse Residential districts, this proposal is anticipated to meet all other requirements of the Zoning Ordinance for the C-1 Neighborhood Shopping District. Moreover, EMBs are governed under specific standards in Sections 12-11-5.G and 12-11-6.B, which the petitioner is required to comply with for the life of the conditional use and operation of the EMB-equipped monument sign.

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

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

Comment: Staff do not see a hardship or practical difficulty preventing the petitioner from advertising their use on the subject property. A regular monument sign, with or without a manual changeable copy, is permitted without the requirement of a conditional use permit and 250-foot separation distance from residential dwellings. The petitioner's pursuit of a digital sign with the inability to comply with the additional standards required for such sign type is ill-advised and could be defined as a perceived inconvenience as opposed to a hardship or practical difficulty. As the request may not constitute a defined hardship or practical difficulty, approving the variation for an EMB in such close proximity to residential dwellings could defeat the intention of the separation requirement for EMBs and create unnecessary adverse effects to nearby residences.

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

Comment: The subject property is rectangular in shape measuring 123 feet in depth and 67 feet in width, or 8,362 square feet in area. However, this is not uncommon for properties in the C-1 district many of which with similar lot dimensions, shape, and areas. As such, the lot size and shape are

not considered an exceptional or unique attribute of the subject property by comparison. In addition, site visits of the subject property have concluded there are no exceptional topographical or extraordinary features on the subject property that would have impact on the subject property size or location in close proximity to residential dwellings. Lastly, many commercially zoned properties throughout the city are located in close proximity to residential areas similar to the subject property, so the proximity of the subject property to residences is also not exceptional or unique when compared to other commercially zoned properties. Thus, the variation request appears to be more of a personal preference and convenience of the property owner instead of an exceptional or unique physical condition of the subject property.

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

Comment: While the location, dimensions, and size are not the result of a known action by the current owner or their predecessors, the property was purchased with these attributes. As such, it can be concluded that the variation request is not the inability of the petitioner to meet the EMB sign requirements due to a defined unique physical attribute of the subject property, but rather by the petitioner's proposal for a sign type that may not be appropriate for the subject property based on the intention of the C-1 zoning district. Nonetheless, see the attached Petitioner's Responses to Standards.

4. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

Comment: Staff have concluded that carrying out the strict letter of this code for EMBs does not deprive the property owner of substantial rights. First, having the ability to install an EMB sign is not, in and of itself, a right granted to property owners. In fact, the Zoning Ordinance specifically limits the size and location of EMB-equipped signs to limit their use to properties able to meet the additional requirements and minimize adverse effects on neighboring properties, especially residences. This is why only a select few zoning districts permit EMBs by right whereas many zoning districts either prohibit EMBs altogether or require additional approvals, as in the case of the subject C-1-zoned property. Nonetheless, *all properties* within Des Plaines that are eligible for EMB-equipped signs *are governed by the same location, size, and operational requirements, regardless of their size, shape, and development.* Enforcing these regulations, especially for a specific sign component such as an EMB, does not deny property owners the opportunity to install and utilize signs on the subject property but requires said signs to conform with all requirements. Therefore, enforcing the applicable requirements for EMB-equipped signs would not prevent the property owner from installing a monument sign, but rather prevent the use of an EMB component in the monument sign.

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 for an EMB-equipped sign in such close proximity to residences could provide a special privilege for the property owner not available to other property owners in the city regardless of the design and orientation of the sign. While other properties may have existing non-conformities in relation to EMB-equipped signs that were established through earlier regulations—and have repaired/maintained said non-conforming signs regularly—this does not compare to the proposal on the subject property for a new non-conformity created in direct violation of the current codes. EMB-equipped signs are listed as a conditional use for properties in the C-1 district to evaluate EMB proposals on a case-by-case basis upon applying all applicable sign standards. In those evaluations, the determining body looked to see if the petitioner exhausted alternative sign options that do not require a variation. In this case, there are different alternative sign options to advertise the current use on the subject property that negate the need for the conditional use and variation requests. Approval of the variation request for an EMB-equipped sign when there are arguably better and more appropriate sign alternatives available for the subject property trends on providing a special privilege for this current user. The PZB and City Council should consider whether a setback variation of this amount for an EMB-equipped sign would be appropriate on the subject property even if it were to be utilized by a different use.

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 installation of an EMB-equipped sign neither aligns with the general and specific purposes of the Zoning Ordinance nor the purpose and intent of the Comprehensive Plan. The 2019 Comprehensive Plan does not mention EMB-equipped signs in any capacity and the Zoning Ordinance establishes specific regulations for any monument or pole sign equipped with an EMB. Section 12-7-3.D of the Zoning Ordinance defines the purpose of the C-1 district “to accommodate convenience businesses in locations close to residential neighborhoods” and limits uses in the C-1 district to 7,500 square feet to reduce adverse effects on residences. As a result, an EMB-equipped sign is not necessarily appropriate in this case, especially when located as close as 56 feet from residences as is the case for the subject property.

7. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.

Comment: The *Consideration of Alternatives* section above and Section 12-11-6.B of the Zoning Ordinance identify viable alternatives to the proposed conditional use and variation being requested by the petitioner. While staff have discussed these options with the petitioner, out of convenience the petitioner has requested approval of the EMB-equipped sign proposed. Given the multiple alternatives available to the petitioner, the PZB may wish to ask why certain alternative designs are not feasible.

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

Comment: The variation request is not, in staff’s opinion, the minimum measure of relief to address the petitioner’s concerns. Instead, the installation of a monument sign with a manual changeable

copy would better utilize the available sign area permitted and meet the applicable city ordinances all while minimizing adverse effects on surrounding properties.

PZB Procedure and Recommended Conditions: Under Sections 12-3-4 (Procedure for Review and Decision of Conditional Uses) and 12-3-6.G.2.b (Procedure for Review and Decision of Major Variations) of the Zoning Ordinance, the PZB has the authority to *recommend* that the City Council approve or deny the requests for a conditional use and major variation.

Consideration of the requests should be based on a review of the information presented by the applicant and the findings made above, as specified in Sections 12-3-4 (Standards for Conditional Uses) and 12-3-6.H (Standards for Variation) of the Zoning Ordinance. If the PZB recommends and City Council ultimately approves the request, staff recommends the following conditions.

Conditions of Approval:

1. The entire monument sign, excluding the digital sign portion and associated electrical components, shall be constructed of 100 percent masonry materials. The sign base must extend the entire width of the sign and also be constructed of masonry materials.
2. A minimum three-foot-wide landscape bed is required to be installed and maintained around the entire sign base. The landscape bed shall be improved with evergreen bushes not less than three feet in height on the rear and sides of the sign and shorter shrubs and perennials in front of the sign.
3. At time of the building permit process, the monument sign plans may be modified as necessary to comply with all local and state requirements, provided the total sign area, including the digital sign area, is not increased in size.

Member Weaver asked whether the EMBs in the City have lead or mercury in them.

Assistant Director Mendel stated he doesn't know for sure, but confident they do not contain those elements and are primarily LED.

David Ritchie named their sign company: Doyle Signs

Member Bronakowski asked about other alternatives that were considered.

Ms. Adams stated the value of the EMB messaging fits with their activity needs. She outlined the services they provide to the Des Plaines community and adjacent municipalities. The EMB is intended to provide service to the community for effectively free.

Chairman Szabo commented about why an EMB is needed but noted that the petitioner has provided an adequate explanation for the need.

Member Weaver agreed with Chairman Szabo and stated the applicant should make sure to have high resolution sign design to provide clarity to possibly complex messaging.

Ms. Adams reiterated the intent and importance of the message board.

Member Veremis asked if photos can be added to the message board.

Mr. Ritchie answered, yes.

Chairman Szabo asked if new owners were to come in some day, would they need to re-apply for conditional use.

Senior Planner Stytz confirmed they would not have to.

Chairman Szabo asked for public comment. No one from the public spoke.

Member Veremis motioned and Member Fowler seconded to recommend approval of the conditional use and major variation request as presented including the staff conditions as written.

AYES: Bronakowski, Weaver, Fowler, Szabo, Veremis

NAYS: None

ABSTAIN: None

MOTION CARRIED

ADJOURNMENT

The Planning & Zoning Board meeting on Tuesday, February 25, 2025 is scheduled.

Chairman Szabo adjourned the meeting by voice vote at 7:53 p.m.

Sincerely,

Jonathan Mendel, AICP, Assistant Director of CED/Recording Secretary

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