

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DES PLAINES, ILLINOIS HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS, DES PLAINES CIVIC CENTER, TUESDAY, JULY 5, 2022

CALL TO ORDER

The regular meeting of the City Council of the City of Des Plaines, Illinois, was called to order by Mayor Goczkowski at 7:01 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Tuesday, July 5, 2022.

ROLL CALL

Roll call indicated the following Aldermen present: Lysakowski, Moylan, Zadrozny, Brookman, Chester, Smith. Absent: Oskerka, Ebrahimi. A quorum was present.

Also present were: City Manager Bartholomew, Assistant City Manager/Director of Finance Wisniewski, Director of Public Works and Engineering Oakley, Director of Community and Economic Development Carlisle, Fire Chief Anderson, and Police Chief Anderson.

PRAYER AND PLEDGE

The prayer and the Pledge of Allegiance to the Flag of the United States of America were offered by Mayor Goczkowski.

Mayor Goczkowski took a moment to acknowledge the horrific mass shooting that occurred in Highland Park. Mayor Goczkowski stated on behalf of the City of Des Plaines, that we grieve with the victims; and he asked for a moment of silence for the lives that were lost.

PROCLAMATION

City Clerk Mastalski read a proclamation by Mayor Goczkowski declaring July 26, 2022 as Americans with Disabilities Act Awareness Day.

PUBLIC COMMENT

Resident Douglas Bean advocated for historic preservation of numerous Des Plaines buildings, including the Journal and Topics building.

A few residents commented on the hazardous condition of the sidewalk and street at Graceland Ave and Prairie Ave.

Director of Public Works and Engineering Oakley stated that area is part of the streetscape improvements, and they are waiting on the availability of the paver bricks.

Several residents expressed their concern and objection to a possible new development at the current site of the Journal and Topics Building.

*General Counsel Friedman entered the meeting at 7:30 p.m.

Resident Jim Hansen commemorated the Des Plaines Police Department for their hard work, vigilance, and professionalism on July 4, 2022.

Resident Jennifer Poonsapaya stated there is an issue of graffiti throughout the City, mostly in the parks. She requested direction from the City on what else the residents can do in order to deter graffiti in their neighborhoods.

ALDERMAN ANNOUNCEMENTS

Alderman Lysakowski stated he received a lot of emails and phone calls from residents who were delighted with the parade, fireworks, and the Taste of Des Plaines.

Alderman Zadrozny stated the fireworks were a great performance this year, and he thanked the Police Department, Fire Department, and City staff.

Alderman Brookman thanked City staff and volunteers who helped make the 4th of July parade such a successful event for our residents. She also expressed heartfelt sympathy to the residents of Highland Park.

Alderman Chester stated he supported Alderman Brookman's comments. He stated we have a problem in this country, and we need to address it adequately; he mentioned it is beyond comprehension how this person had a weapon of war in his possession.

Alderman Smith stated she sends out her thoughts and prayers to the people of Highland Park and the people who lost family members. She also thanked City staff, Police Department, and Fire Department for doing a great job with the parade; and she thanked Alderman Moylan for a wonderful block party.

MAYORAL ANNOUNCEMENTS

Mayor Goczkowski stated he is grateful Des Plaines has Police Chief Anderson in his position. He stated he knows such events as the fireworks and parade are a high-stake undertaking with significant planning in place.

On May 3, 2021, a Declaration of Civil Emergency for the City of Des Plaines related to the COVID-19 emergency was authorized. The Declaration provided that: (1) the City may enter into contracts for the emergency purchase of goods and services; (2) the City Manager may implement emergency staffing protocols pursuant to the City's respective collective bargaining agreements; and (3) directed City officials and employees to cooperate with other government agencies.

In accordance with Illinois statutes, the Mayor's Declaration lasted only for a period of seven days, unless it was extended by action of the City Council. At each subsequent City Council meeting, the City Council, by motion, extended the Declaration until the next adjournment of the next special or City Council meeting. This extension of the Declaration includes the Supplemental Order dated January 3, 2022.

Mayor Goczkowski presented an extension to the Declaration of Civil Emergency.

Moved by Brookman, seconded by Chester, to extend the May 3, 2021 Declaration of Civil Emergency until the adjournment of the next regular, special, or emergency meeting of the City Council including the Supplement Order dated January 3, 2022.

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Zadrozny,
Brookman, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Oskerka, Ebrahimi

Motion declared carried.

CONSENT AGENDA

Alderman Chester requested Item Number 7, Resolution R-115-22, be removed from the Consent Agenda.

Moved by Brookman, seconded by Chester, to establish the Consent Agenda with the removal of item number 7.

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Zadrozny,
Brookman, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Oskerka, Ebrahimi

Motion declared carried.

Moved by Brookman, seconded by Lysakowski, to Approve the Consent Agenda with the removal of item number 7.

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Zadrozny,
Brookman, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Oskerka, Ebrahimi

Motion declared carried.

Minutes were approved; Ordinances Z-12-22, Z-14-22 were adopted; Resolutions R-116-22, R-117-22, R-118-22 were adopted.

APPROVE & AUTH
EXPND OF FUNDS/
ADV SVCS/
ANDERSON LEG
CONSULT
Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-116-22, A RESOLUTION APPROVING AND AUTHORIZING THE EXPENDITURE OF FUNDS PURSUANT TO A PROPOSAL FROM ANDERSON LEGISLATIVE CONSULTING, LTD. FOR INTERGOVERNMENTAL AND LEGISLATIVE ADVOCACY SERVICES.

Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-116-22

APPROVE TSK ORD
NO 10/ CONST
ENGR SVCS/ HR
GREEN
Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-117-22, A RESOLUTION APPROVING TASK ORDER NO. 10 WITH HR GREEN, INC., FOR CONSTRUCTION ENGINEERING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-117-22

APPROVE AGRMT/
CONCR IMP/
MARTAN CONST
Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-118-22, A RESOLUTION APPROVING AN AGREEMENT WITH MARTAM CONSTRUCTION, INC. FOR THE 2022 CAPITAL IMPROVEMENT PROGRAM CONCRETE IMPROVEMENTS, MFT-22-00000-01-GM. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-118-22

SECOND READING/
ORDINANCE
Z-14-22
Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Ordinance Z-14-22, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A MOTOR VEHICLE SALES USE AT 622 NORTHWEST HIGHWAY, DES PLAINES, ILLINOIS (Case #22-017-CU). Motion declared carried as approved unanimously under Consent Agenda.

SECOND READING/
ORDINANCE
Z-12-22
Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Ordinance Z-12-22, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A COMMERCIALY-ZONED ASEMBLY USE AT 1730 ELMHURST ROAD, DES PLAINES, ILLINOIS (Case #22-013-CU). Motion declared carried as approved unanimously under Consent Agenda.

APPROVE
MINUTES
Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve the Minutes of the City Council meeting of June 20, 2022, as published. Motion declared carried as approved unanimously under Consent Agenda.

APPROVE PURCH/
PROPERTY/ 620
LEE ST & 1460
MINER ST
Consent Agenda

Alderman Chester requested Item Number 7, Resolution R-115-22, be removed from the Consent Agenda.

Alderman Chester stated he pulled this item off of the consent agenda so that the residents are aware this is the purchase of the Leela building.

**Resolution
R-115-22**

Resident Chris Walsh stated there is another building he would much rather the City buy – it is located right down the street on Webford Ave.

Resident Steve Vaughan stated he is curious regarding the speed of the purchase, and the reason behind it. He asked where the City is getting the funds to purchase the property.

Resident Douglas Bean stated he would like to see a not-for-profit presence in that building.

Moved by Chester, seconded by Brookman, to Approve Resolution R-115-22, A RESOLUTION AUTHORIZING THE PURCHASE OF THE PROPERTY LOCATED AT 620 LEE STREET AND 1460 MINER STREET, DES PLAINES, ILLINOIS.

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Zadrozny,
Brookman, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Oskerka, Ebrahimi

Motion declared carried.

NEW BUSINESS**FINANCE & ADMINISTRATION** – Alderman Zadrozny, Chair**WARRANT
REGISTER****Resolution
R-119-22**

Alderman Zadrozny presented the Warrant Register.

Moved by Zadrozny, seconded by Smith, to Approve the Warrant Register of July 5, 2022 in the Amount of \$3,814,661.32 and Approve Resolution R-119-22.

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Zadrozny,
Brookman, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Oskerka, Ebrahimi

Motion declared carried.

COMMUNITY DEVELOPMENT- Alderman Chester, Chair**CONSIDER
APPROVING A
CONDITIONAL USE
PERMIT FOR A
MOTOR VEHICLE
SALES AT 550
NORTHWEST HWY
Ordinance
Z-15-22**

Director of Community & Economic Development Carlisle reviewed a memorandum dated June 23, 2022.

The petitioner, Sam Jidd of Just Drive It, LLC, is requesting a conditional use to allow a motor vehicle sales use in the C-3 General Commercial district at 550 Northwest Highway. The subject property at 550 Northwest Highway consists of one parcel totaling 23,677 square feet (0.54 acres) and currently contains a 4,387-square-foot, one-story single-tenant commercial building with a lower level and a paved surface parking lot. The subject property is currently accessed by one curb-cut off Northwest Highway but does have access to an alley off the northeast property line via a gate. The existing building is set back approximately 3 feet off the south property line (front) along Northwest Highway, 105 feet from the north property line (rear), 0.05 feet off the west property line (side), and 51 feet off the east property line (side).

Just Drive It is a car dealership looking to locate to Des Plaines at the subject property. The business will utilize the full building in its operations and remodel the building's interior to provide a 3,530-square-foot open showroom area on the lower level, a 3,843-square-foot office/showroom area on the main level, a 210-square-foot reception area, restrooms on the main and lower levels, and mechanical space on the lower level. The petitioner does plan to update the south exterior of the building with new paint, aluminum mesh façade, and new wall signs. Given that the proposed exterior changes alter a street-facing elevation, all proposed changes must comply with the Building Design Standards in Section 12-3-11 of the Zoning

Ordinance. Metal is a permitted ground story material for a commercial use so the proposed aluminum façade meets this requirement. The proposed hours of operation are 10 a.m. to 8 p.m. Monday through Friday and closed on the weekends. Up to ten employees will be on site at one time.

Just Drive It will have access to the east paved surface parking area for parking for customers and employees. The 7,156-square-foot combined showroom/office areas and original 40 proposed vehicle display spaces require a minimum of 17 parking spaces, including one accessible space. However, the petitioner has recently revised the Site Plan to identify 36 total parking spaces including 16 required customer spaces and 20 vehicle display spaces in order to meet the parking regulations in Section 12-9-7.

The Site Plan identifies the allocation of parking between vehicle display parking and employee parking in addition to labeling the minimum 22-foot-wide travel lane width required for two-way travel in a parking area with 90-degree parking spaces. The revised site plan indicates that the property can accommodate the new parking requirement of 16 spaces, including two handicap accessible spaces, and 20 vehicle display spaces in compliance with all applicable City of Des Plaines codes. There are existing exterior lights on the property that the petitioner does not intend to alter as part of this request. While the proposal intends to utilize existing exterior building lighting and there are no immediate plans to add exterior lighting, staff has added a condition that a Photometric Plan will be required at time of building permit if new exterior lighting is proposed for the subject property.

Staff and the PZB recommended (6-0) that the City Council approve the conditional use request with the five conditions:

1. A Photometric Plan must be submitted at the time of building permit application if new exterior lighting is proposed for the Subject Property.
2. All activities on the Subject Property must be related to the Proposed Use as defined in Section 12- 13-3 of the Zoning Ordinance.
3. That all proposed improvements on the Subject Property must be constructed and maintained in full compliance with all applicable City of Des Plaines codes.
4. The Subject Property must be brought into and remain in conformance with all City of Des Plaines property maintenance code requirements.
5. Except for vehicles displayed for sale, all vehicles parked outdoors on the Subject Property must have valid license plates and registration at all times.

Alderman Smith asked the petitioner questions regarding security, the storage of the car keys, and car drop off times.

The petitioner, Sam Jidd, spoke on his behalf and addressed Alderman Smith's questions.

Alderman Zadrozny asked the petitioner what types of cars they intend on selling.

Moved by Smith, seconded by Zadrozny, to Approve the Ordinance Z-15-22 as revised in accordance with staff recommendations, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A MOTOR VEHICLE SALES USE AT 550 NORTHWEST HIGHWAY, DES PLAINES, ILLINOIS (Case #22-020-CU).

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Zadrozny,
Brookman, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Oskerka, Ebrahimi

Motion declared carried.

Advanced to second reading by Smith, seconded by Brookman, to Adopt the Ordinance Z-15-22 as revised in accordance with staff recommendations, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A MOTOR VEHICLE SALES USE AT 550 NORTHWEST HIGHWAY, DES PLAINES, ILLINOIS (Case #22-020-CU).

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Zadrozny,
Brookman, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Oskerka, Ebrahimi

Motion declared carried.

CONSIDER
APPROVING AN
AMENDMENT TO
AN EXISTING
CONDITIONAL USE
PERMIT FOR A
DOMESTIC PET
SERVICE USE AT
676 N. WOLF RD
Ordinance
Z-16-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated June 23, 2022.

The petitioners, Michelle Janczak and Catherine Schilling of Playtime Pup Ranch, are requesting a conditional use amendment to expand an existing domestic pet service use in the C-3 General Commercial District at 676 N. Wolf Road. The business is housed within a tenant space in the Wolf Shopping Plaza, which is generally at the southwest corner of Wolf and Central Roads. The property consists of two parcels totaling 30,930 square feet (0.71 acres) and currently contains an 8,857-square-foot, one-story commercial building with a 182-square-foot outdoor cooler at the rear, 39-space paved parking area to serve the whole center, and a pole sign. The subject property is accessed by one curb cut off Wolf. The existing one-story commercial building is set back approximately 92 feet off the east property line (front) along Wolf Road, 25 feet from the west property line (rear), 3 feet off the north property line (side), and 14 feet off the south property line (side).

Playtime Pup Ranch is a dog daycare, pet retail, boarding, and grooming facility that is located in the northern tenant spaces of the shopping center building. The petitioners desire to expand their existing use into the adjoining 1,000-square-foot tenant space to the south of their current location to expand the pet grooming service area, provide a lunch area for employees, and provide an office area for the business owner. The current hours of operation are 6:30 a.m. to 6:30 p.m. Monday through Friday, 8 a.m. to 5 p.m. on Saturday, and closed on Sunday. The petitioner is not proposing any enlargements or changes to the exterior of the existing building. However, the proposal does include interior remodeling of the existing and new tenant spaces. Given that the tenant spaces in question are located within a shopping center, Section 12-9-7 of the Zoning Ordinance requires a minimum of one parking space for every 1,000 square feet of gross floor area. Thus, a total of 27 parking spaces are required, which is satisfied by the existing parking spaces available.

The dog daycare, boarding, and grooming activities fall within the domestic pet service use, defined in Section 12-13-3 of the Zoning Ordinance as an establishment where the grooming of domestic animals, the accessory sale of miscellaneous domestic pet food and other items, and the temporary boarding of domestic animals is permitted. The subject property is located in the C-3 district and a domestic pet service use requires a conditional use in this district. The current conditional use for a domestic pet service will need to be amended to allow Playtime Pup Ranch to expand into the new tenant space.

The PZB recommended (6-0) that the City Council approve the conditional use amendment request without any conditions. Staff did not recommend any conditions with this request.

Moved by Smith, seconded by Brookman, to Approve the Ordinance Z-16-22, AN ORDINANCE APPROVING AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT FOR A DOMESTIC PET SERVICE USE AT 676 N. Wolf Road, DES PLAINES, ILLINOIS (Case #22-018-CU).

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Zadrozny,
Brookman, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Oskerka, Ebrahimi

Motion declared carried.

Advanced to second reading by Smith, seconded by Brookman, to Adopt the Ordinance Z-16-22, AN ORDINANCE APPROVING AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT FOR A DOMESTIC PET SERVICE USE AT 676 N. Wolf Road, DES PLAINES, ILLINOIS (Case #22-018-CU).

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Zadrozny,
Brookman, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Oskerka, Ebrahimi

Motion declared carried.

CONSIDER
APPROVING A
MAJOR
VARIATION TO
ALLOW FOR THE
INSTALLATION OF
A POLE SIGN AT
1285 E. GOLF RD
Ordinance
Z-17-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated June 23, 2022.

The petitioner, Lou Masco of Liberty Flag and Banner on behalf of Auto Krafters, is requesting a major variation to allow for a pole sign at 1285 E. Golf Road on a lot with a lot frontage of 50 feet where a minimum lot frontage of 75 feet is required. This property contains a one-story, 5,332-square-foot building setback roughly 100 feet from Golf Road with a surface parking lot and two accessory structures in the rear yard measuring 2,919 square feet and 539 square feet. The L-shaped subject property is located along Golf Road and is positioned behind an existing Nicor Gas service location also located at 1285 E. Golf Road under PIN 09-17-200-046-0000. The property is accessed from Golf road next to the Nicor Gas service station where the property width measures 50 feet. There is an existing wood pole sign that appears to be installed within the public right-of-way along Golf Road. Given the existing building's large setback from Golf Road and the existing development on the adjoining parcel at PIN 09-17-200-046-0000, the existing pole sign serves as the only source of identification along Golf Road for the building and its tenants.

The petitioner is requesting the replacement of the existing pole sign, as the pole sign is in disrepair and does not sufficiently identify the businesses in the building for motorists traveling along Golf Road. The petitioner proposes to replace the existing pole sign with a 7.25-foot-tall by 8-foot-wide enclosed pole sign structure with an overall height of 16.25 feet, including a 3-foot-tall by 8-foot-wide electronic message board (EMB). The Zoning Ordinance allows for pole and monument signs to include one EMB sign component so long as this component does not exceed 50 percent of the total sign. As the EMB component yields 24 square feet and the total proposed sign area is 58 square feet, this code requirement is met. The petitioner is also proposing to install a 3-foot-wide landscape bed around the base of the new pole sign as required by the zoning ordinance.

However, pursuant to Section 12-11-6(B) of the Zoning Ordinance, a maximum of one pole sign is permitted for lots having more than 75 feet of street frontage on a single street or highway. The petitioner's request to construct a pole sign located along a street frontage of less than 75 feet constitute the need for a major variation.

The PZB recommended (6-0) that the City Council approve the major variation request with the two conditions.

If the City Council chooses to approve these requests, staff and the PZB recommend the following conditions:

1. That all appropriate and necessary building permit documents and detail, as determined by the City, are submitted to the City for the Proposed Sign. All permit documents shall be sealed and signed by a design professional licensed in the State of Illinois and must comply with all City of Des Plaines building codes.
2. The Proposed Sign must be designed, positioned, and utilized to meet all applicable City of Des Plaines codes.

Moved by Lysakowski, seconded by Chester, to Approve the Ordinance Z-17-22, AN ORDINANCE APPROVING A MAJOR VARIATION TO ALLOW FOR THE INSTALLATION OF A POLE SIGN AT 1285 E. GOLF ROAD (Case #22-014-V).

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Zadrozny,
Brookman, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Oskerka, Ebrahimi

Motion declared carried.

Advanced to second reading by Lysakowski, seconded by Chester, to Adopt the Ordinance Z-17-22, AN ORDINANCE APPROVING A MAJOR VARIATION TO ALLOW FOR THE INSTALLATION OF A POLE SIGN AT 1285 E. GOLF ROAD (Case #22-014-V).

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Zadrozny,
Brookman, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Oskerka, Ebrahimi

Motion declared carried.

**CONSIDER AMDS
TO THE ZONING
ORD REGARDING
REC VEHICLES
(RVs)
Ordinance
Z-18-22**

Director of Community & Economic Development Carlisle reviewed a memorandum dated June 23, 2022.

The City of Des Plaines is applying for various zoning text amendments related to vehicle and use definitions, off-street parking regulations, and relief and approval processes. The proposed amendments cover (i) recreational vehicles and (ii) moving vehicles. The Property Maintenance Code within City Code is proposed to be amended to refer to the newly created zoning regulations.

**CONSIDER AMDS
TO TITLE 10, CH 9,
SEC 2 OF THE CITY
CODE REGARDING
REC VEHICLE (RV)
PARKING
Ordinance
M-20-22**

Background: RV Regulations

The City Council and City Manager assigned staff in early 2022 to examine the City's existing RV rules. In particular, the Council and Manager were interested in parking location and size regulations, with an emphasis on vehicles that are not actively or frequently used but are parked outdoors on residential properties (distinguished from and those displayed for sale at a commercial business). Staff began by comparing Des Plaines to other communities. Review and research revealed Des Plaines does not have regulations on these issues in the Zoning Ordinance, only in the Property Maintenance section of City Code, and further, existing rules do not clearly define a recreational vehicle. Now, staff on behalf of the City has applied for and written full amendments for potential adoption.

Proposed Amendments: RV Regulations

The following is a summary of the proposed zoning amendments contained in approving Ordinance Z-18-22, relating to recreational vehicles:

- Add a term definition for "vehicle, recreational" that includes terms such as "motor home," "camper," "trailer," and smaller vehicles such as all-terrain, snowmobiles, and jet skis.

**CONSIDER AMDS
TO THE ZONING
CODE ORD
REGARDING
LEASING OF
MOVING
VEHICLES
Ordinance
Z-19-22**

- In the off-street parking regulations, add the following restrictions (exempting business uses that conduct the permitted sale of RVs):
 - In residential zoning districts:
 - RVs parked outdoors cannot exceed a certain length, width, and height: 32 feet in length, 8 feet in width, 12 feet in height.
 - No more than one RV may be parked outdoors per zoning lot of 10,000 square feet or less. No more than two RVs may be parked outdoors on a zoning lot of 10,000 square feet or greater.
 - No portion of an RV may encroach upon public right-of-way, including streets, sidewalks, driveway aprons, or alleys.
 - Except for loading or unloading for a period of 24 hours, no portion of an RV may be parked nearer to front or corner side lot lines than any portion of the principal structure (i.e. usually a house).
 - A screening mechanism, such as a solid fence or dense row of bushes must be installed, except where an RV is parked for 24 hours for the purpose of loading or unloading.
 - In non-residential zoning districts:
 - No RV parking in the C-1, C-2, or C-5 districts.
 - Where allowed, RVs may be parked in a required yard but at least five feet from any lot line in an off-street parking space that complies with all other rules (e.g. surface, striping, design).
 - Where abutting or adjacent to a residential district, a screening mechanism must be installed.
 - Variation option: Given unique circumstances for properties in a residential district, a standard variation (Planning & Zoning Board authority) may be granted. All other relief would be a major variation (City Council authority).

In Ordinance M-20-22, a small amendment the City Code would be made, specifically in the Local Amendments to the International Property Maintenance Code (Sub-Sections 302.8 Motor Vehicles and 302.8.1 Parking of Section 10-9-2). References to the pertinent sections of the Zoning Ordinance would be added there. However, the existing rules in those sub-sections would be retained and are enforceable. RVs must be:

- Operable and licensed;
- Not in a state of major disrepair or disassembly;
- Parked or stored either inside an enclosed structure such as a garage or in an approved off-street parking area, such as a driveway, carport, or parking lot, as further regulated by Zoning; and
- Cannot be stored on grass, dirt, parkways, or any similar non-hard surface.

Background: Moving Vehicles

In April 2022, code enforcement staff became aware of multiple moving-vehicle rental enterprises, specifically U-Haul, that had begun operating without permission of the City. The enterprises were add-ons to existing businesses and commercial properties, including a retail establishment within a shopping center, a gas station, a car wash, and an automotive services establishment, all located in the C-3 General Commercial District. While the properties were not overrun with U-Haul vehicles or activity, it was observed that at least a handful of vehicles in each area were parked on the lots at all times. In all four cases, these operations were separate and subordinate from the core, primary business activities. Staff determined that these operations ran afoul in two ways: a.) the business registrations for these entities had not been updated to accurately reflect the U-Haul operation (Chapter 4-1 of the City Code) and b.) the Zoning Ordinance did not clearly define U-Haul rental and therefore did not provide for an option for these activities.

While accessory uses are generally permitted in all districts, it was determined that U-Haul rental in all instances was subordinate (i.e. smaller than the principal use) but not incidental

(i.e. complementary to) the principal uses being conducted at the existing businesses. Therefore, it qualifies as a separate use, specifically a secondary principal use.

To attempt to determine a use category, three existing terms were reviewed, and the intent of all of the terms did not fit: Commercial Motor Vehicle Sales and Leasing; Leasing/Rental Agents, Equipment; and Leasing/Rental Agents, Vehicle.

Therefore, staff notified the violating establishments but suspended enforcement, pending the outcome of zoning text amendments to establish an appropriate regulatory framework. After the regulations would be set up, the establishments would be notified of the new rules and required process, and be given a deadline to come into compliance. To staff, U-Haul rental as a small portion of a larger business, on certain properties, may make sense as an ancillary revenue stream. Staff aspires to carry out the vision of decision makers that the City be business-friendly. However, there may be practical concerns – such as parking availability for the primary use(s) on properties – and aesthetics or adjacent property character that would prevent moving-vehicle leasing from being compatible and reasonable at certain properties. Establishing clear and reasonable rules would strike a balance between supporting local business and addressing concerns.

Proposed Amendments: Moving Vehicles

The following is a summary of the proposed zoning amendments contained in approving Ordinance Z-19-22 relating to moving-vehicle uses:

- Add term definitions for “Vehicle, Commercial” and “Vehicle, Moving.”
- Add a term definition for “Leasing/Rental Agents, Moving Vehicle.”
 - While similar to “Leasing/Rental Agents, Vehicle” – which would be amended to “Leasing/Rental Agents, Vehicle (Non-Moving)” to draw a clear distinction – the new term definition expresses for both a principal use and a secondary principal use on a zoning lot (i.e. different from an accessory use, but secondary to the primary, or main, principal use).
 - The use will carry an off-street parking minimum in addition to the requirement for the primary use of the zoning lot.
- Allow “Leasing/Rental Agents, Moving Vehicle” as a conditional use in the C-3 General Commercial District
 - Newly proposed Footnote 24 caps the number of moving vehicles for lease or display at five. The Footnote requires them to be parked in permanently striped off-street parking spaces and to follow all other off-street parking requirements, including the sum of the total requirements for all uses on the zoning lot.
 - Representatives of U-Haul have asked the City to consider allowing this as a permitted use instead of a conditional use. Given the parameters in the footnote, the Council may feel permitted use is appropriate. The Planning and Zoning Board (PZB) has recommended conditional use in the C-3 District. In general, permitted use is a friendlier process to business, but conditional use allows the City to determine the appropriateness of the proposed operations on a case-by-case basis.
- Allow “Leasing/Rental Agents, Moving Vehicle” as a permitted use in the M-1 Limited Manufacturing District and M-2 General Manufacturing District.

PZB Recommendation:

The PZB voted 6-0 to recommend approval with one modification to the amendments as presented by staff: The Board added a height limitation of 12 feet for recreational vehicles. This modification has been included with the amendments for Council’s consideration of Ordinance Z-18-22.

Discussion by the Aldermen ensued regarding the details of the Ordinances.

City Council consensus was to direct staff to come back with an ordinance that addresses a screening requirement for larger vehicles, and an ordinance that includes regulation for commercial vehicles; also allowing more time for further discussion regarding regulation specifications.

Moved by Moylan, seconded by Brookman, to Postpone the Ordinance Z-18-22 to the City Council meeting on August 1, 2022 for staff revisions, AN ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE OF THE CITY OF DES PLAINES REGARDING RECREATIONAL VEHICLES (CASE# 22-022- TA).

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Zadrozny,
Brookman, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Oskerka, Ebrahimi

Motion declared carried.

Moved by Brookman, seconded by Chester, to Postpone the Ordinance M-20-22 to the City Council meeting on August 1, 2022 for staff revisions, AN ORDINANCE AMENDING SECTION 10-9-2 OF THE DES PLAINES CITY CODE REGARDING RECREATIONAL VEHICLE PARKING.

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Zadrozny,
Brookman, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Oskerka, Ebrahimi

Motion declared carried.

Moved by Chester, seconded by Brookman, to Approve the Ordinance Z-19-22 reflecting it to be a permitted use instead of a conditional use, AN ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE OF THE CITY OF DES PLAINES REGARDING LEASING OF MOVING VEHICLES (CASE# 22-022-TA).

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Zadrozny,
Brookman, Chester, Smith

NAYS: 0 - None

ABSENT: 2 - Oskerka, Ebrahimi

Motion declared carried.

ADJOURNMENT

Moved by Brookman, seconded by Chester to adjourn the meeting. The meeting adjourned at 9:00 p.m.

/s/ Jessica M. Mastalski

Jessica M. Mastalski – CITY CLERK

APPROVED BY ME THIS 18th

DAY OF July, 2022

/s/ Andrew Goczkowski

Andrew Goczkowski, MAYOR