

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, MONDAY, JULY 18, 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 7:02 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, July 18, 2022.

ROLL CALL

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

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

PRAYER AND PLEDGE

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

ALDERMAN ANNOUNCEMENTS

Alderman Oskerka stated the Community Backpack Project, which operates in conjunction with the Self Help Closet & Food Pantry, sent out an email regarding donation items they still need.

Alderman Chester reiterated that the Backpack Project is a great and important program.

Alderman Smith stated the Community Foundation gave out three scholarships to high school students; she thanked Rosemary Argus for all of the work she does for the community.

MAYORAL ANNOUNCEMENTS

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 Moylan, 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: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

MANAGER'S REPORT

City Manager Bartholomew stated he received an email today from the City Manager of Highland Park thanking the City of Des Plaines for all of their support through the tragedy.

CONSENT AGENDA

Alderman Brookman requested Item Number 7, Resolution R-126-22, 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: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

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

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Minutes were approved; Ordinance M-21-22 was approved; Ordinance Z-19-22 was adopted; Resolutions R-120-22, R-121-22, R-122-22, R-124-22, R-125-22, R-127-22 were adopted.

City Clerk Mastalski read the item removed from the consent agenda: Resolution R-126-22 - A RESOLUTION APPROVING AN AGREEMENT WITH MANUSOS GENEAL CONTRACTING, INC. FOR THE FIRE STATION #61 INTERIOR RENOVATIONS.

AMEND CITY
CODE/ CLASS "G"/
LIQ LIC

Consent Agenda

Moved by Brookman, seconded by Chester to Approve First Reading of Ordinance M-21-22, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS "G" LIQUOR LICENSE. Motion declared carried as approved unanimously under Consent Agenda.

Alderman Ebrahimi requested Ordinance M-21-22 be advanced to second reading.

Ordinance
M-21-22

Advanced to second reading by Ebrahimi, seconded by Brookman, to Adopt the Ordinance M-21-22, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS "G" LIQUOR LICENSE.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

APPROVE CHG
ORD NO 1/ PURCH
SEW CLEAN TRK/
STD EQUIP CO

Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-120-22, A RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE AGREEMENT WITH STANDARD EQUIPMENT COMPANY FOR THE PURCHASE OF A VACTOR COMBINATION SEWER CLEANING TRUCK. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-120-22

**AUTH EXPNDS/
PURCH FUEL/
AVALON PET CO**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-121-22, A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES UNDER A CONTRACT WITH AVALON PETROLEUM COMPANY, INC. FOR THE PURCHASE OF UNLEADED GASOLINE AND DIESEL FUEL. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-121-22**

**APPROVE TSK ORD
NO 13/ PRO ELEC
SVCS/ ARGON
ELEC CO, INC**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-122-22, A RESOLUTION APPROVING TASK ORDER NO. 13 UNDER A MASTER CONTRACT WITH ARGON ELECTRIC COMPANY, INC. FOR PROFESSIONAL ELECTRICAL SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-122-22**

**APPROVE CHG
ORD NO 1/ PLAN
REV & BLDG INSP/
H.R. GREEN, INC**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-124-22, A RESOLUTION APPROVING CHANGE ORDER NO. 1 TO A CONTRACT WITH H.R. GREEN, INC. FOR PLAN REVIEW AND BUILDING INSPECTION SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-124-22**

**APPROVE AGRMT/
EMAIL PROT/
SPEEDLINK SOLNS**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-125-22, A RESOLUTION APPROVING AN AGREEMENT WITH SPEEDLINK SOLUTIONS INC. FOR THE PURCHASE AND IMPLEMENTATION OF BARRACUDA O365 EMAIL PROTECTION. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-125-22**

**APPROVE AGRMT/
FIRE STN #61 INT
RENV/ MANUSOS
GC, INC**
Consent Agenda

Alderman Brookman requested Item Number 7, Resolution R-126-22, be removed from the Consent Agenda.

Alderman Brookman stated she pulled this item off of the agenda due to her concern of the excessive cost going with the bidder recommended. She stated ONeill Contractors came in almost a quarter of a million dollars cheaper. She mentioned the only difference between Manusos and ONeill is the subcontractors of ONeill did not suffice the training, apprenticeship program, and registered with the Department of Labor as required in the responsible bidder ordinance. Alderman Brookman stated this is an arbitrary requirement that will cost the taxpayers a signification amount of money.

**Resolution
R-126-22**

Moved by Brookman, no second, to Reject Resolution R-126-22, send back to rebidding, and refer to committee to review the responsible bidder ordinance, A RESOLUTION APPROVING AN AGREEMENT WITH MANUSOS GENEAL CONTRACTING, INC. FOR THE FIRE STATION #61 INTERIOR RENOVATIONS PROJECT. Motion declared failed.

Alderman Moylan stated the responsible bidder ordinance protects the taxpayers, and it guarantees the City is getting the best product.

Jacob Kandu spoke on behalf of Kandu Construction - the lowest bidder on this project.

Moved by Moylan, seconded by Smith, to Approve Resolution R-126-22, A RESOLUTION APPROVING AN AGREEMENT WITH MANUSOS GENEAL CONTRACTING, INC. FOR THE FIRE STATION #61 INTERIOR RENOVATIONS PROJECT.

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Zadrozny, Chester, Ebrahimi

NAYS: 2 - Brookman, Smith

ABSENT: 0 - None

Motion declared carried.

**APPROVE CNTRCT/
TEMP QTRS AT
FIRE STN #61/ SAT
SHELTERS, INC**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-127-22, A RESOLUTION APPROVING CONTRACTS WITH SATELLITE SHELTERS, INC. FOR TEMPORARY QUARTERS AT FIRE STATION #61. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-127-22**

**SECOND READING/
ORDINANCE
Z-19-22**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Ordinance Z-19-22, AN ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE OF THE CITY OF DES PLAINES REGARDING LEASING OF MOVING VEHICLES (CASE# 22-022-TA). Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
MINUTES**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve the Minutes of the City Council meeting of July 5, 2022, as published. Motion declared carried as approved unanimously under Consent Agenda.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Zadrozny, Chair

**WARRANT
REGISTER**
Resolution
R-128-22

Alderman Zadrozny presented the Warrant Register.

Moved by Zadrozny, seconded by Oskerka, to Approve the Warrant Register of July 18, 2022 in the Amount of \$4,291,374.81 and Approve Resolution R-128-22.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

COMMUNITY DEVELOPMENT- Alderman Chester, Chair

Alderman Chester gave a brief summary of the vote process for the consideration of the zoning map amendment for the Graceland/Webford project.

General Counsel Friedman stated that Item D, a zoning map amendment on 622 Graceland Ave, is an Ordinance which requires two readings to be approved. He stated first reading requires a normal majority, and second reading will ultimately require six votes because the City has received a valid petition of objection which elevates the voting requirement for final passage to six votes of the Aldermen, and the Mayor will not vote.

CONSIDER
AMENDING THE
TEXT OF THE
ZONING ORD
REGARDING RES
DRWY, PATIOS,
AND RES WKWY
Ordinance
Z-20-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated July 7, 2022.

The City wants to simplify existing driveway regulations for residents and owners in the R-1 and R-2 districts.

Staff proposes removing the 2.5-foot-expansion area regulation in its entirety for two or more car garages and permitting a flat driveway width for these R-1 and R-2-zoned properties (and properties with lawfully-established single family dwellings) from the garage to the street. The maximum width will still be based on the garage size. Properties with two-car garages would be allowed a maximum driveway width of 23 feet and properties with three or more car garages would be allowed a maximum width of 26 feet.

Staff recommends adjusting the regulation which limits driveway design based on its setback distance from property lines (minimum of two feet required) and setback distance from the front entryway of a residence (minimum of 6 feet required) to apply to all residential driveways in the R-1 and R-2 districts (and properties with lawfully-established single family dwellings), regardless of the location of the driveway, for added clarity and consistency city-wide. The proposed amendments also clarify that driveways that require access to garages through a property line can pass through that lot line and thus be located within that required yard. Staff is proposing to remove the existing minimum six-foot-setback regulation between the driveway and the front door/landing area leading to the front door in its entirety.

Staff proposes adding a definition for “sidewalk” and “walkway” for clarity and consistency. Also, Staff is proposing amendments related to walkway width permitted on residential properties; proposing to adjust the width maximum of the walkway based on the walkway’s location on the property. In addition, staff is also proposing to adjust the required minimum distance between a walkway and a property line. Staff is proposing to reduce the required walkway setback distance from a property line from two feet to one foot.

Staff is also looking to amend the definition of a patio. Staff is proposing removing the size qualifications, but retain the restrictions on the placement and use of a patio surface. The revised patio definition will still require patio surfaces to be separated from a parking area or driveway surface, and prohibit the parking or storage of vehicles on a patio surface.

The Zoning Ordinance currently requires patio surfaces to be separated a minimum of three feet from all parking area and driveway surfaces. There is an allowance for a walkway, not in excess of the maximum walkway width (currently four feet), to connect to and diverge from a patio surface in order to provide a paved pedestrian access to another hard surface like a driveway. However, this is not clearly identified under patios. As a result, the proposed amendments would update the existing table under patios to clarify this allowance.

The PZB voted 6-0 to recommend approval of the amendments as presented by staff included in Ordinance Z-20-22.

Moved by Chester, seconded by Zadrozny, to Approve the Ordinance Z-20-22, AN ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE OF THE CITY OF DES PLAINES REGARDING RESIDENTIAL DRIVEWAYS, PATIOS, AND RESIDENTIAL WALKWAYS (CASE# 22-023-TA).

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
 Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

CONSIDER
AMENDING THE
TEXT OF THE
ZONING ORD
REGARDING
CANNABIS
INFUSER USES IN
M-1 ZONING DIST
Ordinance
Z-21-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated July 7, 2022.

The petitioner, Kate Nadolski of Culinary Cannabis Company (formerly Mary Jane's Incredible Edibles), is proposing to amend the Zoning Ordinance to add "Cannabis Infuser" as a conditional use in the M-1 Limited Manufacturing District. The petitioner is proposing to lease space from the property owner. The proposed text amendment has a restriction limiting the location to parcels greater than 500 feet from any pre-existing pre-school, primary school, secondary school, childcare center on a commercial zoning lot, or place of worship, and expands the possibility of a conditional use to the M-1 Zoning District.

Cannabis infuser is defined as, "a facility licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to create a cannabis-infused product." Cannabis infusers use concentrated cannabis to combine with other products, including candies, foods, lotions, and other consumables. Infusing involves the incorporation of cannabis distillate, a concentrated cannabis into products for human consumption. The cannabis distillate is previously prepared and provided to infusers by licensed cannabis growers and manufacturers and is not manufactured at infuser facilities.

The Department of Agriculture Division of Cannabis Regulation licenses infuser operations in Illinois. All licensees are required to apply demonstrating how the proposed business will follow state cannabis regulations. The Cannabis Regulation and Tax Act (410 ILCS 705) outlines requirements of cannabis business establishments.

Within the Zoning Ordinance, the purpose of the M-1 Limited Manufacturing District is, "to provide locations for light manufacturing uses and associated services." The cannabis infusing process fits within this definition of light manufacturing. Cannabis infusing does not involve the growing of cannabis flower or manufacturing of raw cannabis into a product. Limited noise and odor are associated with the infusing process, which regardless of district, is regulated both by Cannabis Business Establishment Use Standards and Odor under Environmental Performance Standards. In addition, consumption or retail sales are not permitted at an infuser facility and delivery outside of a licensed cannabis business establishment is strictly prohibited.

The PZB recommended (6-0) that the City Council approve the proposed amendment as presented.

Moved by Brookman, seconded by Oskerka, to Approve the Ordinance Z-21-22, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING CANNABIS INFUSER USES IN M-1 ZONING DISTRICT.

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
 Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Advanced to second reading by Oskerka, seconded by Brookman, to Adopt the Ordinance Z-21-22, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING CANNABIS INFUSER USES IN M-1 ZONING DISTRICT.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
 Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

CONSIDER
APPROVING A
CONDITIONAL USE
PERMIT FOR A
CANNABIS
INFUSER USE AT
1245 FOREST AVE
Ordinance
Z-22-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated July 7, 2022.

The petitioner, Kate Nadolski of Culinary Cannabis Company (formerly Mary Jane's Incredible Edibles), is proposing a conditional use to allow a cannabis infuser in the M-1 Limited Manufacturing District at 1245 Forest Ave. Specifically the petitioner would lease Unit 9, a 2,791-square-foot space within a larger building (23,100 square feet) on two parcels (total property area of 69,982 square feet or 1.5 acres.) Other tenants on site include a wholesale bakery, a plastics fabricator, a security company, a drive-away service business, two transportation logistics companies and a screen printing and embroidery business. The property is located on Forest Avenue at the end of a cul-de-sac, adjacent to railroad tracks. The lot line fronting Forest Avenue is designated as the front, the south lot line is the rear, and the side lot lines are on the east and west.

The petitioner's business was issued a cannabis infuser license by the Department of Agriculture Division of Cannabis Regulation on December 21, 2021. Renewal of the license will be required three months prior to its expiration in December 21, 2022. The original license lists the name "Mary Jane's Incredible Edibles" and the business address is in Franklin Park. The petitioner has stated the new name, Culinary Cannabis Company, and the new Des Plaines address would be required to be submitted to the state to update the license prior to beginning business operations.

This site meets Des Plaines' location requirements, as it is more than 500 feet from any of the listed sensitive uses. The proposed floor plan of the tenant space includes an office, an infusing and packaging area, and the loading/unloading area inside the building, as well as a clean room and a security room. Access to the processing and manufacturing area will be restricted to employees with state ID cards.

The property has shared parking for tenants. Cannabis infuser uses are required to provide one space for every 1,000 square feet of gross floor area for infusing and packaging purposes, plus one space for every 250 square feet of gross floor area dedicated to office uses, plus one space for every 1,000 square feet of gross floor area dedicated to ancillary uses. Therefore, the floor area subject to the parking requirement for this 2,791-square-foot space would be 2,741 square feet. Sixty-eight (68) total parking spaces, including two accessible spaces, are located on site. Based on the current tenants on the site, staff has determined a sufficient amount of parking would be available for this new use on the property. Since a new use is being initiated, now three accessible spaces are required. Therefore, a condition of approval is recommended to add one accessible parking space.

Deliveries for cannabis business establishments are unique compared to other uses due to state regulations. Transport of product from the proposed facility to dispensaries is required to be completed in an unmarked vehicle, as specified by state law. Loading and unloading may not occur on an open loading dock, but an unmarked vehicle will pull into the garage of the facility and cannot unload until the garage door is completely closed. Deliveries are expected to occur one to two times a week during regular business hours. The facility is also required to have security cameras with 24-hour surveillance at all points of entry and exit, and any areas cannabis is stored, handled, transferred, or destroyed.

Cannabis business establishments are permitted to have one non-illuminated wall sign measuring 50 square feet. No electronic message board signs, temporary signs, or window signs are permitted. The applicant intends to locate one sign for their business establishment on site. State regulations limit what can appear on this sign. Any future signage will be submitted and approved as a separate sign permit.

The PZB recommended (6-0) that the City Council approve the request as presented, with conditions. The PZB and staff recommend the following conditions:

1. Plans may need to be revised further at time of building permit to meet all applicable City regulations.
2. One additional accessible parking space shall be striped in the existing parking lot of the building pursuant to Section 12-9-8.
3. Petitioner must amend the State License so that Petitioner has a State-issued license authorizing the operation of a cannabis infuser establishment under Petitioner's name on the Subject Property prior to commencing operation of the Proposed Use on the Subject Property.

Moved by Brookman, seconded by Chester, to Approve the Ordinance Z-22-22, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A CANNABIS INFUSER USE AT 1245 FOREST AVENUE, DES PLAINES, ILLINOIS (Case #22-021-CU-TA).

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Advanced to second reading by Brookman, seconded by Chester, to Adopt the Ordinance Z-22-22, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A CANNABIS INFUSER USE AT 1245 FOREST AVENUE, DES PLAINES, ILLINOIS (Case #22-021-CU-TA).

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Mayor Goczkowski requested for the City Council to next address Public Safety, so the rest of the evening could focus on Ordinance Z-23-22 and Ordinance M-22-22, which will generate extensive discussion. City Council did not give objection to this Agenda adjustment.

PUBLIC SAFETY- Alderman Oskerka, Chair

CONSIDER **APPROVING** **AMENDMENTS TO** **THE RULES AND** **REGULATIONS OF** **THE BOARD OF** **FIRE AND POLICE** **COMMISSIONERS** **Resolution** **R-129-22**

The Board of Fire and Police Commissioners collaborated with staff in several open meetings to generate proposed changes to the Board Rules and Regulations that include a best practice lateral entry process. The proposed lateral entry process will allow for the City to recruit experienced certified police officers who will not need to be sent to a basic police academy. The proposed rule changes include modifications to Chapter III – Police Department Examinations Original Appointments and the addition of Chapter IIIA – Police Officer Lateral Entry.

The Board and staff recommend approval of Resolution R-129-22.

D. Michael Albrecht, chairman of the Board of Fire & Police Commissioners, spoke on behalf of the proposed rule changes. He also suggested the City Council consider offering a cash bonus incentive for recruitment as a possible future rule modification and not as a condition of this resolution.

Moved by Oskerka, seconded by Brookman, to Approve Resolution R-129-22, A RESOLUTION APPROVING AMENDMENTS TO THE RULES AND REGULATIONS OF THE BOARD OF FIRE AND POLICE COMMISSIONERS OF THE CITY OF DES PLAINES, ILLINOIS.

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

COMMUNITY DEVELOPMENT- Alderman Chester, Chair

CONSIDER **APPROVING A** **ZONING MAP** **AMENDMENT FOR** **622 GRACELAND** **AVE, 1332** **WEBFORD AVE,** **AND 1368** **WEBFORD AVE** **Ordinance** **Z-23-22**

Chair Alderman Chester gave a brief introduction of the procedure for public comment for an item on the agenda.

Mark Daniels, attorney representing four residents, spoke on behalf of his clients expressing their legal effort to stop the Graceland Ave/Webford Ave development. He also submitted the certified copy of the green cards, the protest, original copy of a letter send to General Counsel Friedman dated July 18, 2022, petitions with approximately seventeen hundred signatures, a statement attesting the petitions, and a record from the PZB hearing.

Alderman Oskerka requested a brief recess to review the information provided by Mark Daniels. Chair Alderman Chester approved a five-minute recess.

Recess began at 8:10 p.m.

City Council reconvened from the recess at 8:15 p.m.

Many residents expressed their objection to a zoning map amendment for 622 Graceland Ave, 1332 Webford Ave, and 1368 Webford Ave; and voiced their objection to the development proposed for this location.

One resident expressed his approval of a zoning map amendment for 622 Graceland Ave, 1332 Webford Ave, and 1368 Webford Ave.

Bernard Citron, attorney representing the petitioner, spoke on behalf of their client expressing their legal effort to proceed with the Graceland Ave/Webford Ave development.

Director of Community & Economic Development Carlisle reviewed a memorandum dated July 7, 2022.

Petitioner 622 Graceland Apartments, LLC (Joe Taylor, Compasspoint Development) proposes a full redevelopment of just-less-than-one-acre (43,500 square feet) at the northwest corner of Graceland Avenue and Webford Avenue. The proposed project is a mix of residential and commercial space with indoor parking. A proposed 82-foot-tall building would contain 131 multiple-family dwelling units – 17 studios, 103 one-bedrooms, and 11 two-bedrooms – on the third through seventh floors. Approximately 2,800 net square feet of an open-to-the-public restaurant and lounge would occupy portions of the first (ground) and second floors. Proposed resident amenities are a coworking office space, a fitness area, lounges and meeting rooms, a club room with bar, a multimedia/game lounge, a dog run and dog wash, indoor bike parking, and an outdoor swimming pool and recreation deck. The proposed building in all is approximately 187,000 square feet.

The project includes a 179-space indoor parking garage. These 179 spaces are intended to fulfill the off-street parking minimum requirements for the residential units and the restaurant-lounge (154 spaces), as well as create a supply of public parking to partially replace the current 1332 Webford public lot (25 public off-street spaces are proposed). The segment of Webford alongside the subject property is proposed to widen within the existing public right-of-way to a general distance of 28 feet from curb to curb. Where the five on-street parallel public parking spaces are proposed, the proposed curb-to-curb area is 35 feet wide: 28 feet for the two-way traffic lanes and 7 feet for parking spaces. The total off-street and on-street parking proposed is 184 spaces, with an on-street loading area. With the consent of the property owners, the petitioner is seeking zoning map amendment (rezoning) approval from the City Council.

Map Amendment

To accommodate the multiple-family dwelling use above the first floor, as well the proposed building's desired bulk and scale, the petitioner is seeking a rezoning from the C-3 General Commercial District to the C-5 Central Business District.

Height Implications

Amending the zoning to C-5 allows for a building up to 100 feet in height. The proposed construction would be reviewed according to all adopted international building and life safety codes before a building permit would be issued, and ongoing inspections of the Building Division would be required during construction before occupancy.

The petitioner's proposed building footprint is based on the C-5 minimum yard requirements. The Graceland lot line is the front lot line, and the Webford lot line is a side lot line. For the 290 feet of the site's Webford frontage, much of the opposing block is a commercial district, so for this portion, the minimum required yard under C-5 is five feet. For the westernmost portion of the frontage, where the opposing block is zoned residential, the minimum required yard would be 25 feet. Under C-5 zoning, there would not be a required yard along the Graceland/front lot line, nor along the rear lot line – which borders 1330 Webford (“The Dance Building”) – nor along the north/side lot line, which borders the railroad tracks. The required yards exist only from the Webford (south) lot line.

Minimum Floor Area Per Dwelling

The C-5 district regulates density by minimum floor area per unit. The floor plans as part of the submittal show the smallest of the studio/efficiency units at 535 square feet, which would comply with the minimum requirement. The smallest one-bedroom would be 694 square feet, which exceeds the minimum 620. At 103 units, the one-bedroom type is by far the most common in the building program, with square footages in the 700s; some are as large as 891. Ranging from 1,079 to 1,128 square feet, the two-bedroom units are well in excess of the minimum 780.

Commercial Use: Restaurant-Lounge

At the southeast corner of the building, the petitioner is proposing a bi-level restaurant-lounge, which has access to the public street on the first/ground floor and a second floor that opens to the first. Both restaurants and lounges are permitted in C-5, but the petitioner has described this use as one combined business. Therefore, staff has reviewed based on requirements for a Class A (primarily sit-down) restaurant.

The floor plan indicates a kitchen and multiple bar seating areas, as well as different styles of tables and chairs, with the second-floor labeled as a “speakeasy”. The first floor is demarcated to separate the proposed restaurant area from the first-floor lobby for the residential portion of the development.

Required Off-Street Parking, Public Parking

To fulfill required off-street parking, the petitioner's submittal is designed with C-5

requirements in mind. Exclusive of meeting the minimum off-street parking, the project is also designed to partially replace the existing supply of 38 public spaces at 1332 Webford. Of the 179 proposed off-street garage spaces, there is a surplus of 25 over the minimum zoning requirement. There are also five newly proposed on-street, public spaces, with one on-street loading space.

Although including public parking spaces in the project would not be specifically required by the Zoning Ordinance under C-5, the petitioner nonetheless must acquire 1332 Webford from the City to accommodate the project. As part of the terms of a sale, the petitioner would accept a requirement to provide public parking on their property. The ongoing development would then be responsible for maintaining the public parking spaces. A requirement that the spaces be reserved for public use would be recorded against the property.

Circulation, Mobility, and Traffic

The petitioner has submitted study and report prepared by Eriksson Engineering Associates, Ltd. The study considers the volume/trips and circulation of individual automobiles, public transportation, and non-motorized (i.e. bike and pedestrian) transportation. The study references and considers the anticipated traffic to be generated by the under-construction development at 1425 Ellinwood Avenue. The study identifies the uses intended by the petitioner: apartments, restaurant, and lounge. Based on a morning peak hour of 7:15-8:15 a.m. and an afternoon peak hour of 4:30-5:30 p.m., the study projects 45 total in-and-out automobile movements during a.m. peak and 63 during p.m. peak hour. The study estimates that only 5 percent of inbound and 5 percent of outbound traffic would use the portion of Webford west of the proposed development (i.e. into the residential neighborhood to the west). The City's engineers believe that 10 percent of inbound and outbound traffic may be more realistic than 5 percent.

Regarding the proposed Webford widening, the new street surface would be generally 28 feet from curb to curb for the frontage of the development, with approximately 140 linear feet of the frontage having a width of 35 feet to accommodate the proposed on-street parking and loading. The existing, narrower width of Webford would be retained west of the property.

Building Design Review

Since the initial submittal, the petitioner has adjusted various elevations; these included a knee wall along the south elevation of the parking garage to prevent headlight glare and additional building openings and fenestration along the west elevations.

Regarding the first two floors, the submitted plans show a principal entrance on the front of the building, facing Graceland (east elevation). The proposed materials palette consists of a large amount of glazing (glass) on the Graceland elevation, framed by gray brick and accented by other permissible materials. The non-garage portion of the Webford (south) elevation – where the restaurant and lounge would be located – consists of these same elements and ample glazing. The garage portion of the Webford (south) façade is framed by concrete with scrim (screening). Both glass and screen can be considered as windows/opening to satisfy the blank wall limitations on street-facing facades, provided the openings are transparent. Renderings show decorative ivy grown onto the garage scrim. The petitioner submitted revised east (facing Graceland) and north (facing the railroad tracks) elevation drawings, as well as a revised rendering that shows substantially more brick.

Site and Public Improvements

To allow for the sale of multiple zoning lots, formally consolidating them into one lot via the subdivision process (Title 13) is required. The plat shows the following easements and building lines: (i) a recorded 20-foot building line near the southern property line; (ii) a five-foot public sidewalk easement near the southern property line; (iii) a 25-foot building setback line along Webford Avenue for the portion of the property adjacent to a residential district; (iv) a five-

foot building setback line along Webford Avenue for the portion of property adjacent to a commercial district; (v) a five-foot easement for underground utilities along the north lot line; and (vi) an approximately 3,400-square-foot (not including the sidewalk easement) shaded area that is reserved for passive open space, open to the public but maintained by the property owner subject to restrictive covenant/easement.

Green/Open Space for Public Use

The landscape plan and renderings show a green space area with light or passive recreation such as seating amid ample plantings and trees. Plantings abutting the base of the building could serve as the required foundation landscaping.

Required Public Improvements

Prior to any permitting, a Final Plat of Subdivision would be required. Ultimately a permit from the Metropolitan Water Reclamation District (MWRD) will be required for construction. City Engineering will require the aforementioned widening of the segment of Webford. Resurfacing/reconstruction would be required based on the determination of Engineering. The sidewalk streetscaping would be required to match the downtown aesthetic, which is already present along the Graceland side of the site; under the proposal, this style would be extended around the corner and onto the Webford sidewalk. The developer would be responsible for installing new or replacing existing streetscaping. Certain underground infrastructure, such as water mains and sewers, would be required to be replaced and installed to the standards required by Public Works and Engineering. The property is currently served by a combined storm and wastewater system, and the developer would be required to separate them into two different systems, which should improve storm drainage capacity for the 1300 block of Webford. Any of the above-mentioned public improvements would be required to be secured by a performance guaranty, which allows the City to complete the required improvements if necessary.

Water Pressure

Staff stated the pressure is sufficient for the development; the building will have its own booster pump for domestic and fire supplies.

Pace Bus

Pace Suburban Bus recommend the bus stop be relocated to the southwest corner of Prairie and Graceland. Staff agrees with this recommendation and would envision creating a concrete pad for the new stop in the new location large enough to accommodate a shelter.

Implications on Property Tax Revenue, Schools (Estimates)

The existing parcels had a combined tax bill of \$67,215.76 in Tax Year 2020 (Calendar Year 2021). To estimate the potential taxes generated by the petitioner's proposed development, the 1555 Ellinwood property (PIN: 09-17-421-041-0000) generated \$580,739.91 in Tax Year 2020. The difference is more than \$500,000.

The PZB voted 3-3 (three "yes" and three "no" with one member absent) on a motion recommending approval of the map amendment. Pursuant to the portion of the City Code that governs the PZB, a 3-3 vote amounts to a recommendation to deny the request.

Representatives of the petitioner, 622 Graceland Apartments, LLC, including Joe Taylor, spoke on behalf of the project and answered questions of the City Council.

Alderman Oskerka asked the petitioner about the location of the package room and its proximity to the loading zone, and about the handling of the dumpsters during garbage pick-up. He also asked about the status of the restaurant in terms of theme and partnership. He asked if they considered substituting the pool for apartments in order to lower the building height.

Alderman Zadrozny asked Director of CED Carlisle if the City Council votes and approves the zoning change, if the development proposal will be a separate vote. He asked the petitioner the timeframe of the development, if approved, and if they are willing to make changes to the proposal in terms of building density and height.

Alderman Brookman stated that one of her priorities is the appearance of the building, and that she has not been happy with some of the designs and the construction materials. She mentioned she requested more use of brick on the façade of the building.

Alderman Oskerka asked the petitioner to verify they do not intend on increasing the height of the building beyond the height they already listed on their plans.

Alderman Smith asked Director of CED Carlisle to confirm for the residents a vote on first reading of the ordinance is preliminary, and the second reading is what adopts the ordinance.

Alderman Chester commented that the City Council has been working with the developer on trying to put additional property on the development, and substantial progress has been made. He also complimented the effort of the residents regarding the development.

Mayor Goczkowski asked Staff questions regarding the proposed development based on concerns the residents have directed toward him. He asked Director of CED Carlisle if there is a demand for higher income rental units. He also asked him to expand on the City's Comprehensive Plan and how this correlates with the City's goals; and how increased housing density will benefit businesses that are looking to move into downtown. Mayor Goczkowski asked Director of CED Carlisle to describe how projects like this come before the City Council.

Mayor Goczkowski asked Director of Public Works and Engineering Oakley if the traffic studies are an accurate depiction of this area. He asked Police Chief Anderson if he has any concerns of safety based on the traffic study. He asked Director of PW&E Oakley to give more detail on the building requirements with MWRD and how that will impact storm water flow; and about the impact of the development on water pressure.

Mayor Goczkowski asked Police Chief Anderson about the impact of the development on the safety profile of the neighborhood. Mayor Goczkowski asked Fire Chief Anderson if there will be any concerns addressing emergency situations at the site and in the neighborhood.

Mayor Goczkowski asked the petitioner about concerns with the building being located close to the train tracks, and the additional steps taken for such a location.

Alderman Brookman asked the petitioner for further information on the widening of Webford Ave, and the location of vehicles during construction.

Mayor Goczkowski asked Director of PW&E Oakley if the City has tools to address traffic if the traffic study is deemed incorrect.

Mayor Goczkowski stated that overall Des Plaines is trending in the right direction; and stated he believes this development is a step in the right direction and will benefit the City.

Alderman Moylan stated this development will bring in new residents to increase the potential of the City; he stated this will also increase federal funds and tax income. He stated it his belief this development is beneficial, and will add to a future thriving downtown.

General Counsel Friedman addressed the remarks Attorney Mark Daniels made about Alderman Moylan's potential conflict between his union position and this development. General Counsel Friedman stated this is a vote to rezone property and dispose of City property;

it is not a vote to award any contract and the City does not decide who the contractor may be if this ordinance is adopted and this development gets built. Plus, he stated Alderman Moylan works for no company that would ever be under contract with the developer for construction activities. He said he is being perfectly clear when he states Alderman Moylan has no statutory, common law, or City code conflict of interest. He stated if Alderman chooses to vote tonight, he will be violating no applicable state law or local law.

Moved by Moylan, seconded by Ebrahimi, to Approve the Ordinance Z-23-22, AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR 622 GRACELAND AVENUE, 1332 WEBFORD AVENUE, AND 1368 WEBFORD AVENUE, DES PLAINES, ILLINOIS. No vote.

Moved by Oskerka, seconded by Moylan, to Amend the Motion to include an amendment inserting the rezoning to be set to run with the project instead of with the land and to go back to C-3 if this project does not proceed, for the Ordinance Z-23-22, AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR 622 GRACELAND AVENUE, 1332 WEBFORD AVENUE, AND 1368 WEBFORD AVENUE, DES PLAINES, ILLINOIS.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Moved by Moylan, seconded by Ebrahimi, to Approve the Ordinance Z-23-22 as Amended, AN ORDINANCE APPROVING A ZONING MAP AMENDMENT FOR 622 GRACELAND AVENUE, 1332 WEBFORD AVENUE, AND 1368 WEBFORD AVENUE, DES PLAINES, ILLINOIS.

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Zadrozny, Brookman,
Chester, Smith, Ebrahimi

NAYS: 1 - Oskerka

ABSENT: 0 - None

Motion declared carried.

CONSIDER
APPROVE & AUTH
THE SALE OF 1332
WEBFORD AVE
Ordinance
M-22-22

Ordinance M-22-22, AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT FOR THE SALE OF THE PROPERTY LOCATED AT 1332 WEBFORD AVENUE, DES PLAINES, ILLINOIS, was postponed until the next city council meeting on August 1, 2022.

ADJOURNMENT

Moved by Brookman, seconded by Oskerka to adjourn the meeting. The meeting adjourned at 10:09 p.m.

/s/ Jessica M. Mastalski
Jessica M. Mastalski – CITY CLERK

APPROVED BY ME THIS ____1st

DAY OF ____August____, 2022

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR