

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, SEPTEMBER 6, 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 6:00 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Tuesday, September 6, 2022.

ROLL CALL

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

CLOSED SESSION

Moved by Chester, seconded by Oskerka to enter into Closed Session under the following sections of the Open Meetings Act – Probable or Imminent Litigation, Personnel, Sale of Property, Purchase or Lease of Property, and Litigation.

Upon roll call, the vote was:

AYES: 4 - Lysakowski, Oskerka, Zadrozny, Chester

NAYS: 0 - None

ABSENT: 4 - Moylan, Brookman, Smith, Ebrahimi

Motion declared unanimously carried.

The City Council recessed at 6:01 p.m.

The City Council reconvened at 7:00 p.m.

Roll call indicated the following Alderman present: Lysakowski, Oskerka, Zadrozny, Chester, Ebrahimi. Absent: Moylan, Brookman, Smith. 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, Police Chief Anderson, and General Counsel Culbertson.

PRAYER AND PLEDGE

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

PROCLAMATION

City Clerk Mastalski read a proclamation by Mayor Goczkowski declaring September 15, 2022 – October 15, 2022 as Hispanic Heritage Month.

Mayor Goczkowski presented the proclamation to a member of Maine West High School's Latinx Club.

City Clerk Mastalski read a proclamation by Mayor Goczkowski declaring September as Suicide Prevention Awareness Month.

PUBLIC COMMENT

Three members of the Knights of Columbus - David, Jeffrey, and Roger - mentioned they will be hosting their annual Tootsie Roll Drive starting September 16, 2022 through September 18, 2022; they will be collecting donations for the disabled throughout Des Plaines during this timeframe. David stated the Knights of Columbus have been a part of the Des Plaines community for over fifty years.

Resident Paula Hatfield stated she is a crossing guard at the corner of Dempster St/Thacker St and Westgate Rd. She asked the City for help regarding the danger at the crosswalk from reckless drivers.

Resident Paul Beramek stated there has been a recent issue with rats near Arlington Ave and Webford Ave, and he asked the City for help with the rat problem.

**MAYORAL
ANNOUNCEMENTS**

Mayor Goczkowski stated the City will be hosting a Patriot Day Ceremony on Sunday, September 11, 2022 at 8:00 a.m. The ceremony will take place at the Des Plaines Civic Center, and all are welcome to attend.

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 Chester, seconded by Zadrozny, 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: 5 - Lysakowski, Oskerka, Zadrozny
Chester, Ebrahimi

NAYS: 0 - None

ABSENT: 3 - Moylan, Brookman, Smith

Motion declared carried.

**GENERAL
COUNSEL REPORT**

General Counsel Culbertson stated she is filling in for Peter Friedman who is feeling under the weather.

CONSENT AGENDA

Mayor Goczkowski stated Staff requested Item Number 2, be removed from the Consent Agenda. Item Number 2, Ordinance M-25-22, was removed from the Consent Agenda without objection.

Moved by Oskerka, seconded by Zadrozny, to Establish the Consent Agenda.

Upon voice vote, the vote was:

AYES: 5 - Lysakowski, Oskerka, Zadrozny,
Chester, Ebrahimi

NAYS: 0 - None

ABSENT: 3 - Moylan, Brookman, Smith

Motion declared carried.

Moved by Oskerka, seconded by Chester, to Approve the Consent Agenda.

Upon roll call, the vote was:

AYES: 5 - Lysakowski, Oskerka, Zadrozny,
Chester, Ebrahimi

NAYS: 0 - None

ABSENT: 3 - Moylan, Brookman, Smith

Motion declared carried.

Minutes were approved; Ordinance M-24-22 was approved; Requests were approved; Resolutions R-148-22, R-149-22, R-150-22 were adopted.

**AMEND CITY
CODE/ ADD ONE
H-1 LIQ LIC/ 574 E
OAKTON ST**
Consent Agenda

Moved by Oskerka, seconded by Chester, to Approve First Reading of Ordinance M-24-22, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS “H-1” LIQUOR LICENSE. Motion declared carried as approved unanimously under Consent Agenda.

**Ordinance
M-24-22**

**AMEND CITY
CODE/ ADD ONE
CLASS M LIQ LIC/
10 W GOLF RD**
Consent Agenda

Staff requested Item Number 2, Ordinance M-25-22, be removed from the Consent Agenda. Item Number 2, Ordinance M-25-22, was removed from the Consent Agenda without objection.

**Ordinance
M-25-22**

**APPROVE CLASS B
LIQ LIC/ CHG/ 1185
ELMHURST RD**
Consent Agenda

Moved by Oskerka, seconded by Chester, to Approve, CHANGE OF OWNERSHIP FOR A CLASS B – BULK RETAIL SALES ONLY LIQUOR LICENSE FOR GOGO FOOD & LIQUOR, INC., 1185 ELMHURST ROAD. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE CLASS M
LIQ LIC/ CHG/ 825
W. OAKTON ST**
Consent Agenda

Moved by Oskerka, seconded by Chester, to Approve, CHANGE OF OWNERSHIP FOR A CLASS M – GAS STATION RETAIL ONLY LIQUOR LICENSE FOR ANSH & ANVI CORPORATION D/B/A 7-ELEVEN #30101C, 825 W. OAKTON STREET. Motion declared carried as approved unanimously under Consent Agenda.

**SUP APP/ GRANT
FUNDS/ IDOT**
Consent Agenda

Moved by Oskerka, seconded by Chester, to Approve Resolution R-148-22, A RESOLUTION SUPPORTING AN APPLICATION FOR ITEP GRANT FUNDS FROM THE ILLINOIS DEPARTMENT OF TRANSPORTATION. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-148-22**

**APPROVE AGRMT/
DEMO/ 1374, 1384, &
1392-1396 OAKTON
ST**
Consent Agenda

Moved by Oskerka, seconded by Chester, to Approve Resolution R-149-22, A RESOLUTION APPROVING AN AGREEMENT WITH K.L.F. ENTERPRISES, INC. FOR THE DEMOLITION OF THE PROPERTIES LOCATED AT 1374, 1384, AND 1392-1396 OAKTON STREET. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-149-22**

**APPROVE IGA/
CONFINED SPACE
ENTRY PERMIT/
MWRD**
Consent Agenda

Moved by Oskerka, seconded by Chester, to Approve Resolution R-150-22, AA RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO REGARDING A CONFINED SPACE ENTRY PERMIT. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-150-22**

APPROVE
MINUTES
Consent Agenda

Moved by Oskerka, seconded by Chester, to Approve the Minutes of the City Council meeting of August 15, 2022, as published. Motion declared carried as approved unanimously under Consent Agenda.

UNFINISHED
BUSINESS

CONSIDER
APPROVING &
AUTHORIZING
THE EXECUTION
OF A PURCH &
SALE AGRMT OF
THE PROPERTY
LOCATED AT 1332
WEBFORD AVE
Ordinance
M-22-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated August 26, 2022.

At its August 1, 2022 meeting, the City Council voted 6-1 to approve the first reading of Ordinance M-22-22, which authorizes the City's entrance into a Purchase and Sale Agreement (PSA) for 1332 Webford Avenue, a City-owned public parking lot. The proposed purchaser, 622 Graceland Apartments LLC, contemplates the property as part of a mixed-use residential, commercial, parking, and green space development, a zoning change for which (C-3 to C-5 district) was approved on August 1 via Ordinance Z-23-22. The terms of the agreement reflect the following:

- The purchase price for 1332 Webford is now simply \$10. However, the agreement necessitates that the purchaser/developer finalize acquisition of 1330 Webford, an approximately 9,000-square-foot parcel immediately west of 1332 Webford. This acquisition (closing) must happen either prior to the closing for 1332 Webford or essentially simultaneous. The reasoning is some members of the Council have expressed a desire to see the 1330 Webford property (currently improved with "The Dance Building") repurposed as a green space open to the public.
- The PSA requires the purchaser/developer to be responsible for paying for demolition of the existing building at 1330 Webford, as well as all site preparation, programming, and landscaping of the property with placemaking or recreational elements desired by the City.
- The PSA stipulates the purchaser/developer, as the new owner of 1330 Webford, would record a permanent and perpetual easement requiring that 1330 Webford be maintained as public open space, with purchaser/developer or any successors responsible for property maintenance, including maintenance of any recreational improvements. Further, the developer/purchaser or any successors would be responsible for any real estate taxes as may be levied. The result of this arrangement is the City essentially trades a current surface parking lot for a future, publicly available green space, while not inheriting a maintenance obligation for the green space. The City would also receive a supply of indoor public parking in the garage in the new development.
- The PSA refers to a subsequent redevelopment agreement that would require the proposed mixed-use residential, commercial, and parking project at 622 Graceland, 1332 Webford, and 1368 Webford to be "constructed, maintained, and operated in accordance with plans approved" by the City. This term is intended to give the Council the ability to ensure the petitioner uses desired design concepts.
- The PSA requires the purchaser/developer to deliver a rezoning covenant in a legal instrument acceptable to the General Counsel that pledges the purchaser or any successors in title would not object to a rezoning of 622 Graceland, 1332 Webford, and 1368 Webford to its previous C-3 if the project as contemplated is abandoned prior to application for building permits.

622 Graceland Apartments LLC, an Illinois limited liability corporation, has approached the City with an offer to purchase the property at 1332 Webford Avenue, which is a City-owned public parking lot. The purchaser intends to acquire the property and develop it vertically, pursuant to the applicable bulk rules of the Zoning Ordinance, with a mixed-use residential, commercial, and parking development that would include public parking spaces and publicly accessible green space.

1332 Webford is a 13,500-square-foot property directly west of the 622 Graceland Avenue-1368 Webford property (the “Journal and Topics site”) and east of a small mixed-use commercial-residential building at 1330 Webford. A public parking lot, 1332 Webford has been used historically by a mix of permit-holders, who have obtained a monthly permit from the City’s Finance Department, and those seeking time-limited free public parking.

622 Graceland Apartments LLC is proposing a mixed-use development (the “Graceland-Webford project”) with 131 residential units, approximately 2,800 square feet of restaurant-lounge/commercial space, an approximately 3,400-square-foot publicly available open green space adjacent to Webford, and a parking garage that would contain 179 spaces. Of these 179 spaces, 25 would be allocated for public use, intended to partially replace the 38 spaces currently at 1332 Webford. The remaining 154 would fulfill the off-street parking requirements of the Zoning Ordinance for the residential units (137 spaces) and proposed restaurant-lounge (17 spaces) in the development. The Graceland-Webford project as designed relies upon the acquisition of 1332 Webford.

The City would not be involved in or obligated to any administrative functions nor any enforcement responsibilities for the public spaces within a garage. Maintenance responsibilities would rest solely with the purchaser/developer and/or any future property owners. Although the City would not be able to collect revenue from the spaces, the agreement does not allow the purchaser/developer to collect revenue, either; the public spaces would be free. This and other terms governing the use and operation of the public parking spaces would be formalized and recorded against the property, and encompassed within the redevelopment agreement.

Resident Jim Hansen stated he does not believe any of the residents asked the City to request the developer to buy the dance building in order to turn it into a park. He also stated the push for green space led to the City selling the parking lot for ten dollars to offset the high cost of the dance building.

Resident Jordan Minerva stated he believes the idea of the park being placed at that location was meant as an alternative to the development, not as a negotiating point.

Resident Phil Rominski asked for clarification regarding who is responsible for any issues that may arise at the green space, and who the residents should call to report problems.

Police Chief Anderson stated the residents should call the police since the property is a part of incorporated Des Plaines.

Resident Phil Rominski also asked for Joe Taylor to work the neighborhood to decide the design and development of the green space.

Developer Joe Taylor stated he commits to scheduling meetings with the community for input on the design of the green space.

Resident Paul Beramek asked what is the guarantee that the developer will follow through on the commitment to working with the community for the development of the green space.

Mayor Goczkowski stated the developer has to enter into a Redevelopment Agreement with the City which will lay out specific stipulations that will need to be met, and that there are steps that can be taken to ensure compliance.

Advanced to Second Reading by Zadrozny, seconded by Chester, to Adopt the 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.

Upon roll call, the vote was:

AYES: 5 - Lysakowski, Oskerka, Zadrozny,
Chester, Ebrahimi

NAYS: 0 - None

ABSENT: 3 - Moylan, Brookman, Smith

Motion declared carried.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Zadrozny, Chair

WARRANT REGISTER Resolution R-151-22

Alderman Zadrozny presented the Warrant Register.

Moved by Zadrozny, seconded by Oskerka, to Approve the Warrant Register of September 7, 2022 in the Amount of \$6,707,530.71 and Approve Resolution R-151-22.

Upon roll call, the vote was:

AYES: 5 - Lysakowski, Oskerka, Zadrozny,
Chester, Ebrahimi

NAYS: 0 - None

ABSENT: 3 - Moylan, Brookman, Smith

Motion declared carried.

CONSIDER AMENDMENTS TO THE INVESTMENT POLICY Resolution R-152-22

Assistant City Manager/Director of Finance Wisniewski reviewed a memorandum dated August 24, 2022.

Consideration is requested of the City Council to approve a Resolution accepting the amendments to Chapter VI – “Investments” of the City of Des Plaines Financial Policy and Procedure Manual.

The current Investment Policy was last updated on January 20, 2015; the proposed Investment Policy for the City of Des Plaines includes suggested revisions and changes in accordance with the State Statutes.

The objective of revising the Investment Policy was to clarify the existing language, update recent State Statute language changes and add a new broker/dealer. According with the Illinois Public Funds Investment Act (30 ILCS 235 / 2.5) the investment policy shall include or address the twelve objectives:

- A listing of all Authorized Investments
- A “Prudent Person Rule”
- A Statement of Purpose for the Funds
- Diversification Guidelines
- Collateral Guidelines and Safekeeping
- A system of Internal Controls
- Identification of the Chief Investment Officer
- Performance Measures
- A system to review the General Objectives
- Reporting Requirements
- Authorized Financial Institutions and Advisors
- A statement on Ethics and Conflict of Interest

The following provides a summary of the changes recommended to the current investment policy:

- Authorized Investments:
 - Added the reference “but not limited to” as there are investments allowed under the act not listed in this policy.
 - Changed the language referencing commercial paper and commercial bonds to reflect the new statute.
 - Removed Illinois Metropolitan Investment Fund (IMET) as it is already included under the Listing of Authorized Financial Institutions.
- Diversification:
 - Clarifying the portfolio diversification limitations per financial institution.
 - Increased the percentages of commercial paper holdings from 10% to 33%.
- Broker/Dealers
 - Added Fifth Third Securities Inc. to the List of Broker/Dealers.

Staff recommended that the City Council adopt the revised Chapter VI – “Investments” of the City of Des Plaines Financial Policy and Procedure Manual as set forth in the Resolution.

Moved by Zadrozny, seconded by Chester, to Approve the Resolution R-152-22, A RESOLUTION ADOPTING AMENDMENTS TO THE INVESTMENT POLICY FOR THE CITY OF DES PLAINES.

Upon roll call, the vote was:

AYES: 5 - Lysakowski, Oskerka, Zadrozny, Chester, Ebrahimi

NAYS: 0 - None

ABSENT: 3 - Moylan, Brookman, Smith

Motion declared carried.

COMMUNITY DEVELOPMENT - Alderman Chester, Chair

CONSIDER
AMENDING SEC 12-
7-3 OF THE ZONING
ORDINANCE
REGARDING THE
OUTDOOR
DISPLAY AND
STORAGE OF
PRODUCTS IN THE
C-3 GENERAL
COMMERCIAL
DISTRICT
Ordinance
Z-25-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated August 25, 2022.

The petitioner’s proposal consists of amending Section 12-7-3.F.5 of the Zoning Ordinance to allow for the storage and display of products on C-3-zoned property. The petitioner has worked with staff to construct these text amendments to make outdoor storage and display areas an impactful improvement to trade contractor properties on C-3-zoned properties throughout the City while also ensuring such storage could be designed appropriately to meet the principals of the Zoning Ordinance.

First, the proposed text amendment limits the allowance of outdoor display and storage to trade contractor uses with an active business license and a conditional use permit. Since trade contractor uses are permitted in the C-3 district only through a conditional use permit, the conditional use process allows the Planning & Zoning Board (PZB) and City Council to review the proposed scale, location, and other components of proposed outdoor display and storage.

In addition, outdoor display and storage on properties with a trade contractor use would be governed by certain general conditions and restrictions beyond the conditions in a conditional use ordinance to ensure that they do not create adverse effects on the subject property or surrounding properties. Outdoor storage and display would be required to occur on dust-free hard surfaces and would not be permitted within required yards to prevent outdoor display and storage from being directly at property lines of neighboring properties. Moreover, outdoor display and storage would be limited to eight feet in height and required to be fully screened by an eight-foot-tall, opaque fence. As Section 12-7-3.F.5 already requires properties in the C-3 zoning district to install eight-foot-tall fencing on property lines abutting residential

districts, this regulation would be consistent with the intent of the Zoning Ordinance. Finally, the type of outdoor display materials would be regulated to allow only prefabricated or finished products to be displayed, prohibiting raw or landscape materials, or any other materials utilized for the manufacturing, processing, or assembly of products, from being located outside. The intent is to distinguish “outdoor display and storage of products” from “open storage,” which is currently only possible in the M-2 General Manufacturing District.

The PZB recommended (4-0) that the City Council approve the proposed text amendment with the changes discussed during the meeting.

Moved by Lysakowski, seconded by Chester, to Approve the Ordinance Z-25-22, AN ORDINANCE AMENDING SECTION 12-7-3 OF THE DES PLAINES ZONING ORDINANCE REGARDING THE OUTDOOR DISPLAY AND STORAGE OF PRODUCTS IN THE C-3 GENERAL COMMERCIAL DISTRICT.

Upon roll call, the vote was:

AYES: 5 - Lysakowski, Oskerka, Zadrozny, Chester, Ebrahimi

NAYS: 0 - None

ABSENT: 3 - Moylan, Brookman, Smith

Motion declared carried.

CONSIDER
GRANTING AN
AMENDMENT TO
AN EXISTING
CONDITIONAL USE
PERMIT TO
ALLOW OUTDOOR
DISPLAY AND
STORAGE OF
PRODUCTS AT 1628
RAND RD
Ordinance
Z-26-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated August 25, 2022.

The petitioner is requesting an amendment to the existing Conditional Use permit approved in 2021 through Ordinance Z-36-21, which allowed a trade contractor use to operate on subject property. The requested amended approval would remove the condition prohibiting the outdoor storage of fabricated goods on the property. However, if the proposed text amendment is approved, the petitioner proposes to utilize an outdoor portion of the subject property for storage of business products, processing business orders, and as a staging area for incoming and outgoing orders. The petitioner expressed in the public hearing of the Planning & Zoning Board (PZB) that they believe it is impractical to confine the outdoor display and storage to a specific area of the site, so they did not submit a site plan marking such area.

Currently the subject property lies within the 100-year floodplain; for that reason, the floodplain regulations of Title 14 of the City Code, which is designed to mirror and enforce regulations of all other agencies such as the Federal Emergency Management Agency (FEMA), will restrict the ability to store or display products outside. There are options for the petitioner to either (i) provide compensatory storage to comply with floodplain regulations or (ii) have the property mapped out of the floodplain via the Letter of Map Amendment/Revision process. Nonetheless, regardless of whether Ordinance Z-26-22 is approved to amend the conditional use (e.g., zoning entitlement), the petitioner would have to comply with the Flood Control regulations, which are separate from Zoning.

The PZB recommended (4-0) that the City Council approve the conditional use amendment request with condition No. 1; and Staff recommends adding condition No. 2.

Conditions of Approval:

1. All proposed improvements and modifications shall be in full compliance with all applicable codes and ordinances. Drawings may have to be modified to comply with current codes and ordinances.
2. No outdoor storage or display shall be placed on the Subject Property unless such placement complies with Flood Control regulations in Title 14 of the Municipal Code.

Moved by Lysakowski, seconded by Chester, to Approve the Ordinance Z-25-22, AN ORDINANCE GRANTING AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT TO ALLOW OUTDOOR DISPLAY AND STORAGE OF PRODUCTS RELATED TO THE TRADE CONTRACTOR USE LOCATED AT 1628 RAND ROAD, DES PLAINES, ILLINOIS.

No vote due to a substitute motion.

The petitioners and their attorney spoke on their behalf – they gave a case regarding why they believe their outdoor storage should not fall under the terms of the FEMA regulations, Title 14, and the requirement of compensatory storage.

Alderman Oskerka stated he would like to postpone the vote on the Ordinance until further clarification can be provided regarding flood control on the property and the expectation of the property owners.

Moved by Oskerka, seconded by Lysakowski, to approve a substitute motion to postpone the Ordinance Z-25-22 to a date in the future when further clarification can be provided regarding the floodplain and the expectations of the property owners, AN ORDINANCE GRANTING AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT TO ALLOW OUTDOOR DISPLAY AND STORAGE OF PRODUCTS RELATED TO THE TRADE CONTRACTOR USE LOCATED AT 1628 RAND ROAD, DES PLAINES, ILLINOIS.

Upon roll call, the vote was:

AYES: 5 - Lysakowski, Oskerka, Zadrozny, Chester, Ebrahimi

NAYS: 0 - None

ABSENT: 3 - Moylan, Brookman, Smith

Motion declared carried.

CONSIDER APPROVING MAJOR VARIATIONS OF THE ZONING ORDINANCE TO ALLOW THE INSTALLATION OF WALL SIGNS AND AN ELECTRONIC MESSAGE BOARD POLE SIGN AT 1628 RAND RD Ordinance Z-27-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated August 25, 2022.

The petitioner’s project narrative requests several variations related to signs. The first variation relates to total wall sign area, specifically wall signs totaling 236 square feet in area, that have been installed without a permit and exceed the maximum sign area allowed for the building.

Pursuant to Section 12-11-6.B of the Zoning Ordinance: The total sign area permitted on any street facing elevation shall not exceed 3 sq. ft. per linear foot of horizontal building face. The total sign area permitted on an entire shall not exceed 125 sq. ft. unless such building is a shopping center or office building containing three or more businesses.

As the existing building does not meet the definition of a shopping center or office building, it is limited to a total of 125 square feet for the entire building. The petitioner’s request regarding the sign area does not meet the sign code requirements and requires a major variation.

The other two variation requests relate to an existing pole sign structure along the southern property line near the southwest corner of the property and at the Rand Road frontage. There is currently no sign installed on the existing pole but rather the framing of the pole sign structure with exposed electrical and internal sign cabinet components. The petitioner intends to repurpose this pole sign structure with a new electronic message board (EMB) sign.

The two EMB sign regulations in conflict with the petitioner’s proposal are:

- Location: The animated face of an electronic message board sign shall be a minimum of 250 feet away from a residence in the R-1, R-2, and R-3 Residential Districts and shall be arranged to prevent direct glare onto any adjacent properties.
- Electronic message boards shall not exceed 50% of the total sign area.

As the existing pole sign structure is located approximately 189.5 feet from the nearest residence in the R-1 district, just north of the subject property, it does not meet the minimum setback distance required. Moreover, the petitioner’s proposal includes an EMB that would equal 100 percent of the pole sign area, double the 50 percent maximum sign area permitted for EMBs in pole signs. As such, two separate major variation requests are necessary for the EMB sign setback distance and area in relation to the total pole sign area.

Section 12-11-6.B requires that EMB signs have automatic dimming. Staff would require a building permit submittal to demonstrate the required specifications.

The PZB made a motion for each request individually:

- Voted (3-1) to recommend that the City Council approve the total wall sign area request as presented to allow 236 square feet where a maximum of 125 square feet of sign area, including wall, canopy, and awning signs, is permitted;
- Voted (4-0) to recommend that the City Council approve the EMB sign setback request as presented, allowing the sign to be located approximately 189.5 feet from a residence where a minimum of 250 feet is required; and
- Voted (2-2) on a motion to recommend that the City Council approve the EMB sign area request as presented. Per the City Code, this vote results in a recommendation to deny.

Moved by Lysakowski, seconded by Zadrozny, to Approve the Ordinance Z-27-22, AN ORDINANCE APPROVING MAJOR VARIATIONS FROM SECTION 12-11-6.B OF THE CITY OF DES PLAINES ZONING ORDINANCE TO ALLOW THE INSTALLATION OF WALL SIGNS AND AN ELECTRONIC MESSAGE BOARD POLE SIGN AT 1628 RAND ROAD, DES PLAINES, ILLINOIS (CASE #22-024-TA-CU-V).

Upon roll call, the vote was:

AYES: 5 - Lysakowski, Oskerka, Zadrozny,
Chester, Ebrahimi

NAYS: 0 - None

ABSENT: 3 - Moylan, Brookman, Smith

Motion declared carried.

ADJOURNMENT

Moved by Oskerka, seconded by Chester to adjourn the meeting. The meeting adjourned at 8:09 p.m.

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

APPROVED BY ME THIS 16th

DAY OF 19th, 2022

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR