

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, AUGUST 7, 2023

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 6:03 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, August 7, 2023.

ROLL CALL

Roll call indicated the following Aldermen present: Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten, Smith, Charewicz. A quorum was present.

CLOSED SESSION

Moved by Sayad, seconded by Brookman, to convene 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: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared unanimously carried.

The City Council recessed at 6:03 p.m.

The City Council reconvened at 7:03 p.m.

Roll call indicated the following Alderman present: Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten, Smith, Charewicz. 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, Deputy Fire Chief Matzl, Deputy Police Chief Shanahan, 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 Oskerka.

PROCLAMATION

City Clerk Mastalski read a proclamation by Mayor Goczkowski declaring August 14th as Maryville Academy's 140th Anniversary.

Mayor Goczkowski presented the proclamation to Executive Director, Sister Cathy, and staff members of Maryville Academy.

MINUTES OF THE PUBLIC HEARINGS HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS DES PLAINES CIVIC CENTER, MONDAY, AUGUST 7, 2023

**PUBLIC HEARING/
CONSIDER
AMENDING THE
ZONING
ORDINANCE
REGARDING
CONVENIENCE
MART FUELING OR**

Mayor Goczkowski called the Public Hearing for reconsideration of Ordinance Z-17-23, an ordinance amending the text of the zoning ordinance of the City of Des Plaines regarding convenience mart fueling or charging stations (case# 23-049-ta), to order at 7:06 p.m.

Director of Community and Economic Development Carlisle reviewed a memorandum dated July 27, 2023.

The City of Des Plaines is proposing amending the Zoning Ordinance to change the regulations surrounding the "Convenience Mart Fueling Station" use to include the

**CHARGING
STATIONS
Ordinance
Z-17-23**

possibility for electric vehicle charging. Further, the amendments contemplate the minimum parking requirement for a combination gas-electric station or standalone electric station with retail, and to establish the new use as a permitted use in the C-3 and C-4 Districts, subject to newly established specific use standards.

Proposed Amendments

- In the Commercial Districts Use Matrix, convenience mart fueling or charging would become a permitted use in C-3 and C-4 on sites of 15,000 square feet or more. The minimum lot area is reduced from the previous 20,000 square feet. Under these amendments, a convenience mart fueling or charging station would nonetheless be required to provide the minimum parking and design a reasonable circulation and access pattern.
- Previously granted conditional use permit ordinances are in full force and effect—in other words, the business- and property-specific deliberations in the past are still relevant. The process change applies to new uses after August 21, 2023.
- A new Section 12-8-15 is created, titled “Convenience Mart Fueling or Charging Stations.”
 - Parking and Loading:
 - Except for spaces adjacent to fuel pumps, requires appropriate identification and marking of the various types of required spaces (e.g., through signs or striping). Electric vehicle charging spaces are already defined in the Zoning Ordinance and required to have striping identifying them for charging.
 - Requires that spaces serving the retail portion be located close to the retail entrance.
 - Landscaping:
 - Must submit and implement a landscape plan when required by the landscape chapter of the Ordinance.
 - Environmental Performance Standards:
 - Reinforces the requirement of the use to comply with the strictest of local, county, state, or federal requirements regarding noise, smell, toxic materials, and all other common safety or operational issues.
 - Sets the expectation for lighting plans and details that must be approved, with some latitude given to the Zoning Administrator regarding examination of existing lighting or installation of new lighting.
 - Signs:
 - Reinforces the requirement to follow the sign chapter and requires that signs be designed to minimize effects on adjacent property.
 - Prohibits installation on fences, light poles, etc.
- Section 12-9-7 (Off-Street Parking) is updated to clarify that an electric vehicle charging space is required at each charging port.

Moved by Walsten, seconded by Sayad, to Approve as amended, including an enforcement provision, the Ordinance Z-17-23, AN ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE OF THE CITY OF DES PLAINES REGARDING CONVENIENCE MART FUELING OR CHARGING STATIONS (CASE# 23-049-TA).

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Mayor Goczkowski adjourned the Public Hearing at 7:20 p.m.

PUBLIC COMMENT

Des Plaines Art Guild showed their most recent project, and expressed their goals for the community.

A few residents expressed issues with residential construction occurring on Lincoln Lane.

Dance building property owner, Dan Kosinski, expressed issue with the stall of progression of the sale agreement in connection to the Graceland/Webford development.

Mayor Goczkowski stated it is a private land deal and it is a civil litigation matter.

Resident Bob Boyle asked about City guidance regarding vehicle charging stations at residential and commercial properties.

**ALDERMAN
ANNOUNCEMENTS**

Alderman Walsten mentioned the possibility of placing the charging station at the new Metra station parking lot.

Alderman Charewicz gave an update on his ward meeting, and stated his next ward meeting will be October 12th. He mentioned upcoming events on August 12th - Pies on the Porch at the History Center, Village Bank is having a shredding event and the library has a truck contest going on for the kids. He stated on Sunday, August 13th Izaak Walton is having their annual pig roast at 1841 South River Road. He also thanked public works for their hard work fixing the multitude of water main breaks which have been occurring, and stated he wants to have a meeting to investigate options to reduce the frequency of the water main breaks.

**MAYORAL
ANNOUNCEMENTS**

Mayor Goczkowski mentioned the second Food Truck Round-Up will be occurring on Tuesday, August 15th at Library Plaza.

CONSENT AGENDA

Resident Deb Lester requested Item # 7 to be removed from the Consent Agenda.

Moved by Brookman, seconded by Sayad, to Establish the Consent Agenda without Item #7.

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Moved by Sayad, seconded by Walsten, to Approve the Consent Agenda without Item #7.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Minutes were approved; Resolutions R-140-23, R-141-23, R-143-23, R-144-23, R-145-23, R-146-23.

**APPROVE
CONTRACT/
LIBRARY FACADE
REHAB/ OTTO BAUM**

Moved by Sayad, seconded by Walsten, to Approve Resolution R-140-23, A RESOLUTION APPROVING A CONTRACT WITH OTTO BAUM COMPANY, INC. FOR FACADE REHABILITATION PROGRAM DES PLAINES PUBLIC LIBRARY SOUTH WALL. Motion declared carried as approved unanimously under Consent Agenda.

Consent Agenda

**Resolution
R-140-23**

**APPROVE
CONTRACT/ PW& CC
FACADE REHAB/
OTTO BAUM
Consent Agenda**

Moved by Sayad, seconded by Walsten, to Approve Resolution R-141-23, A RESOLUTION APPROVING A CONTRACT WITH OTTO BAUM COMPANY, INC. FOR FACADE REHABILITATION PROGRAM CITY OF DES PLAINES PUBLIC WORKS BUILDING AND CITY OF DES PLAINES CIVIC CENTER. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-141-23**

**APPROVE AGRMT/
CIP SIGN REPLACE/
MISFITS
Consent Agenda**

Moved by Sayad, seconded by Walsten, to Approve Resolution R-143-23, A RESOLUTION APPROVING AN AGREEMENT WITH MISFITS CONSTRUCTION COMPANY FOR THE 2023 CIP SIGN REPLACEMENT PROGRAM. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-143-23**

**APPROVE AGRMT/
PARK STRUCT
MAINT/ J. GILL & CO
Consent Agenda**

Moved by Sayad, seconded by Walsten, to Approve Resolution R-144-23, A RESOLUTION APPROVING AN AGREEMENT WITH J. GILL AND COMPANY FOR MAINTENANCE REPAIRS ON CITY-OWNED PARKING STRUCTURES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-144-23**

**APPROVE CHG ORD
1 & 2/ WTR TANK
PAINT/ ERA
VALDIVIA CONTR
Consent Agenda**

Moved by Sayad, seconded by Walsten, to Approve Resolution R-145-23, A RESOLUTION APPROVING CHANGE ORDERS NO. 1 AND 2 TO THE AGREEMENT WITH ERA VALDIVIA CONTRACTORS, INC. FOR THE DULLES WATER TANK PAINTING PROJECT. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-145-23**

**APPROVE AGRMTS/
REIMBURSE FOR S-
CURVE &
ALGONQUIN RD
PRELIM ENG/ UPRR
Consent Agenda**

Moved by Sayad, seconded by Walsten, to Approve Resolution R-145-23, A RESOLUTION APPROVING AGREEMENTS WITH THE UNION PACIFIC RAILROAD COMPANY FOR THE REIMBURSEMENT OF PRELIMINARY ENGINEERING COSTS RELATED TO THE S-CURVE UNDERPASS AND ALGONQUIN ROAD GRADE SEPARATION PROJECTS. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-146-23**

**ADOPT CDBG PY2023
AAP
Consent Agenda**

Item #7 was removed from the Consent Agenda at the request of Resident Deb Lester.

Resident Deb Lester expressed her concern with the times of the meetings held in connection to the 2023 CDBG PY2023 AAP, and expressed her opinion on the report regarding barriers to reportable housing.

**Resolution
R-147-23**

Moved by Moylan, seconded by Oskerka, to Approve Resolution R-147-23, A RESOLUTION APPROVING THE CITY OF DES PLAINES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM YEAR 2023 ANNUAL ACTION PLAN.

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Brookman, Walsten, Smith, Charewicz

NAYS: 1 - Sayad

ABSENT: 0 - None

Motion declared carried.

APPROVE
MINUTES
Consent Agenda

Moved by Sayad, seconded by Walsten, to Approve the Minutes of the City Council meeting of July 17, 2023, as published. Motion declared carried as approved unanimously under Consent Agenda.

UNFINISHED
BUSINESS

CONSIDER
AMENDING THE
CITY CODE TO ADD
ONE CLASS “M” LIQ
LIC
Ordinance
M-10-23

Director of Community & Economic Development Carlisle reviewed a memorandum dated March 16, 2023.

Second reading of a Liquor License request for applicant Abraham Gas Mart Inc 1990 Mannheim Rd Class M – Gas Station Retail Only (off-site consumption only) - New Increase from 11 to 12 which was deferred from the 4/17/2023 City Council Agenda pending property repairs.

Advanced to second reading by Brookman, seconded by Sayad, to Adopt the Ordinance M-10-23, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS “M” LIQUOR LICENSE.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

CONSIDER
APPROVING A
CONDITIONAL USE
PERMIT FOR A FOOD
PROCESSING EST AT
984 LEE ST
Ordinance
Z-13-23

Director of Community & Economic Development Carlisle reviewed a memorandum dated July 6, 2023.

At the June 19, 2023 City Council meeting, the Council discussed and voted to defer consideration to the July 17 meeting. Staff were directed to complete additional research including (i) complete a site visit to the existing 5000 Years Foods kimchi processing facility operating in Chicago; (ii) request additional information regarding the existing facility from the City of Chicago; and (iii) prepare a revised approval ordinance to incorporate additional conditions. Approving Ordinance Z-13-23 has been revised to include two additional conditions related to health inspections and enforcement procedures for any environmental performance standard violations.

The petitioner, Sang Chul Hong, is proposing a conditional use to allow a food processing establishment at 984 Lee St. A food processing establishment requires a conditional use in the C-3 district if the space/use is more than 2,500 square feet. The business, 5000 Years Foods, processes kimchi, a fermented vegetable product commonly consumed with Korean cuisine.

The proposed hours of operation are Monday through Friday from 8 a.m. to 4 p.m. The total number of employees proposed are six office employees and six warehouse employees, for

a total of twelve employees. 5000 Years Foods is solely a food processor and does not intend to have direct retail operations at this time.

The PZB voted 5-2 to recommend approval of the conditional use request.

Recommended Conditions of Approval:

1. The Subject Property must have garbage pick up to empty the dumpsters on the Subject Property on a daily basis during the regular operating schedule of the Proposed Use.
2. No motor vehicles unassociated with the Proposed Use may be parked on any of the parking areas associated with the Subject Property.
3. Outdoor storage outside of a permitted accessory structure is prohibited on the Subject Property.
4. All parking areas on the Subject Property must be paved, striped, and landscaped according to all applicable Zoning Ordinance standards prior to a Final Certificate of Occupancy being granted for the Proposed Use. Accessible parking spaces must be located on the Subject Property sufficient to meet accessibility standards pursuant to Section 12-9-8 and Illinois Accessibility Code. The Petitioner may revise the site plan to reduce the number of parking spaces; provided, that the minimum number of parking spaces required for the Proposed Use are provided.
5. At the Petitioner's expense, the Department of Community and Economic Development will use its third-party contracted health inspection vendor to conduct quarterly health and sanitation inspections (four times in a 12-month period, every three months) for the first 24 months of the operation of the Proposed Use ("Inspection Period"). The inspections will assess general sanitation and review all operational and potential nuisance concerns. If at the conclusion of the Inspection Period there have been consistent reports of compliance with the City Code and the requirements of this Ordinance and nuisance-free operation, the inspections will cease; provided, however, the Director of Community and Economic Development may extend the Inspection Period if they determine the inspections should continue. The City will invoice the Petitioner for the cost of the inspection after each inspection.
6. The Petitioner must maintain the Property and operate the Proposed Use in compliance with the Performance Standards in Chapter 12 of Title 12 of the City Code, including, without limitation, Section 12-12-6: Odor and Section 12-12-8: Noise. Upon the receipt of complaints regarding the operation of the Proposed Use, the City will investigate and apply the appropriate provisions, and the Petitioner agrees to fully cooperate with the following sequential and progressive enforcement measures:
 - a. If City code enforcement staff observes or detects a violation of the Performance Standards ("Original Violation"), it will notify the Petitioner in writing and provide a 14-day period for compliance, which compliance must be verified at a follow-up inspection.
 - b. If upon follow-up inspection the Original Violation is still observed and uncorrected, a citation will be issued to Petitioner, which may result in a fine in a final amount to be determined by the City's administrative hearing officer but only in amounts in accordance with Section 5.A. of this Ordinance. In addition, the Petitioner must cease operation of the Proposed Use until approval of a nuisance-mitigation plan ("Mitigation Plan") by the Director of Community and Economic Development or their designee. The Mitigation Plan may include, without limitation, HVAC system changes, sound-proofing, additional refuse screening or pickup, or other operational changes. Upon approval of this Mitigation Plan and the payment of any fines due, the Petitioner may resume operation of the Proposed Use on a probationary basis for 90 days ("Probation Period").

- c. If during the Probation Period City staff does not observe any further instances of the Original Violation, the Original Violation will be considered resolved, and any new instances of a violation of the Performance Standards would require a new enforcement process; provided, however, if City staff observes the Original Violation during the Probation Period, the Director of Community and Economic Development shall forward a report documenting the probationary violation to the City Manager and City Council, which will hold a public hearing at a regularly scheduled meeting to consider revocation of the conditional use approved pursuant to this Ordinance. The Petitioner and Owner will be provided at least 14 days' notice prior to the public hearing. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the C-3 District. Further, in the event of such revocation of the Conditional Use Permit, the City Manager and City's General Counsel are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

Advanced to second reading by Charewicz, seconded by Moylan, to Adopt the Ordinance Z-13-23, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW A FOOD PROCESSING ESTABLISHMENT AT 984 LEE STREET, DES PLAINES, ILLINOIS. (Case # 23-024-CU).

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Brookman,
Walsten, Smith, Charewicz

NAYS: 1 - Sayad

ABSENT: 0 - None

Motion declared carried.

APPROVE
APPOINTMENTS TO
THE LIBRARY
BOARD OF
TRUSTEES

LIBRARY BOARD OF TRUSTEES

APPOINTMENTS:

Nazneen Kapadia Term to Expire 7/17/26
Rachel Rice Term to Expire 7/17/26

Resident Earl Wilson gave his opinion of term limits on appointed positions.

Library Board Trustee Lisa Du Brock spoke on behalf of the current Library Board of Trustees and the work in which they have accomplished.

Moved by Walsten, seconded by Moylan, APPROVING THE APPOINTMENTS TO THE LIBRARY BOARD OF TRUSTEES FROM THE JUNE 19, 2023 CITY COUNCIL AGENDA OF NAZNEEN KAPADIA AND RACHEL RICE, TERMS TO EXPIRE 7/17/26 (deferred from 7/17/2023 City Council Agenda).

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

APPROVE
REAPPOINTMENTS
TO THE LIBRARY
BOARD OF
TRUSTEES

LIBRARY BOARD OF TRUSTEES

RE-APPOINTMENTS:

Lisa Du Brock Term to Expire 7/17/25
Kristen Graack Term to Expire 7/17/25
Christine Halblander Term to Expire 7/17/25
Dr. Gregory Sarlo Term to Expire 7/17/25

Michelle Shimon Term to Expire 7/17/25

Nicholas Harkovich Term to Expire 7/17/26

Denise Hudec Term to Expire 7/17/26

Moved by Walsten, seconded by Oskerka, APPROVING THE REAPPOINTMENTS TO THE LIBRARY BOARD OF TRUSTEES FROM THE JUNE 19, 2023 CITY COUNCIL AGENDA OF LISA DU BROCK, KRISTEN GRAACK, CHRISTINE HALBLANDER, DR. GREGORY SARLO, AND MICHELLE SHIMON - TERMS TO EXPIRE 7/17/25 AND OF NICHOLAS HARKOVICH AND DENISE HUDEC - TERMS TO EXPIRE 7/17/26 (deferred from 7/17/2023 City Council Agenda).

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Sayad, Chair

WARRANT REGISTER

Resolution R-148-23

Alderman Sayad presented the Warrant Register.

Moved by Brookman, seconded by Walsten, to Approve the Warrant Register of August 7, 2023 in the Amount of \$6,800,269.93 and Approve Resolution R-148-23.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

COMMUNITY DEVELOPMENT – Alderman Moylan, Chair

CONSIDER A CONDITIONAL USE FOR AUTO SERVICE REPAIR AND MOTOR VEHICLE SALES AT 1065 LEE ST

Ordinance Z-18-23

Director of Community & Economic Development Carlisle reviewed a memorandum dated July 20, 2023.

The petitioner and contract purchaser, Krzysztof Bernatek, is proposing a conditional use to allow for auto service repair and motor vehicle sales at 1065 Lee St.

Justpol Automotive is a proposed new auto service repair business. The petitioner intends to operate their first stand-alone auto service repair business at 1065 Lee St. Six bays in the building will be used for auto repair; the office area will be used for general administrative duties as well as a waiting room and an area to display products for sale to auto repair customers. Per the petitioner, any retail activities will be associated with the auto service repair customers. No auto body repair will occur on this property.

Limited interior renovations are necessary to make the site suitable for the repair of vehicles in this location. Six repair bays are located within the building.

Proposed exterior improvements will include restriping and resurfacing of the parking lot, including adding two accessible spaces. The petitioner also plans to remove gravel from the rear parking area and pave an asphalt driveway in the back of the property leading to the dumpster enclosure and the rear overhead doors. Any unpaved areas on the property, including the remainder of the gravel parking lot in the rear, will be covered with grass, wood

mulch, or other plant materials. Several suggested conditions of approval involve these property improvements, which per the site plan are intended to enhance the rear of the property and lessen the amount of hardscape (parking surface) in favor of increasing the amount of landscaped area.

Noise and odor associated with this site will be typical of an auto service repair use, which is the historical use of this property. The proposed hours of operation will be 8:00 a.m. to 5:00 p.m., Monday through Friday, Saturday 8:00 a.m. to 12:00 p.m. The proposed number of employees will be 10 or fewer. No additional entrances are proposed at this site; access will be provided by the existing two driveways. After improvement of the rear parking area, additional parking spaces will be added to the total; however, the petitioner does not have specific plans.

Most vehicles will be repaired and returned to the customer within 24 hours, per the petitioner. A suggested condition of approval would require all inoperable vehicles to be placed inside the building or in the rear parking lot only in striped spaces.

An additional suggested condition of approval acknowledges issues with the former auto service repair business using the adjacent parking lot to park vehicles. This parking lot on 1062 Lee Street is owned by a separate property owner and may not be used to park or store vehicles. The suggested condition of approval requires signage indicating parking areas for the auto repair business and stating that no parking is permitted on the adjacent property.

The PZB voted 4-0 to recommend approval of the conditional use request.

Recommended Conditions of Approval:

1. No motor vehicles unassociated with the Petitioner's business operations for the Proposed Uses may be parked on any of the parking areas associated with the Subject Property.
2. Except for operable motor vehicles, no materials or supplies related to the Proposed Use may be stored outside the Building or the dumpster enclosure serving the Subject Property. Prior to obtaining a business registration, all debris must be removed from the Subject Property, including the rear parking area.
3. All used tires must be located inside the Building or within a permitted accessory structure. A contract indicating that used tires will be picked up at least biweekly must be provided to Community and Economic Development Department staff prior to approval of business registration for the Proposed Use. The Petitioner must have an active tire disposal contract at all times during the operation of the Proposed Uses.
4. All vehicles related to the Proposed Use must be stored on the Subject Property, on a dust-free hard surface. Any inoperable vehicles must be located inside the Building or placed in the parking/driveway area at the rear of the Property ("Rear Parking Area"), in which case the Rear Parking Area must contain striped parking spaces that satisfy all dimensional requirements of Chapter 12-9 (Off-Street Parking and Loading).
5. Identification and directional signs must be located on site noting the locations available for customers of the proposed business at 1065 Lee and noting that parking on the adjacent parking lot at 1062 Lee is prohibited.
6. Parking vehicles related to the Proposed Uses on the adjacent parking lot located at 1062 Lee Street is strictly prohibited, until and unless the Petitioner (i) acquires or leases this property; and (ii) obtains approval of an amendment to the Conditional Use Permits to allow the expansion of the Proposed Uses.
7. No motor vehicle sales may be conducted on the Subject Property without the required state dealer license. Prior to issuance of building registration, the Petitioner must obtain the state dealer license. The City will cooperate in prerequisite process, such as signing the Certificate of Proper Zoning.

8. No more than five motor vehicles may be displayed for sale on the Subject Property at one time. Through signs, striping, or a combination, these five spaces should be identified and reserved. Adding additional motor vehicle sales display spaces would require an amendment to the Conditional Use Permits. Sufficient parking spaces to meet the minimum off-street parking requirements for the Proposed Uses must be provided on the Subject Property at all times.
9. All parking areas on the Subject Property must be paved, striped, and landscaped according to all applicable Zoning Ordinance standards. Accessible parking spaces must be located on the Subject Property to meet accessibility standards pursuant to Section 12-9-8 and Illinois Accessibility Code. The Petitioner may revise the Site Plan to adjust striping and landscaping; provided, however, the final plan includes the minimum number of spaces for this use and the spaces conform to the requirements of the Zoning Code.
10. Three feet of landscaping must be provided around the base of the existing pole sign on the Subject Property, pursuant to Section 12-11-4.G. Landscaping or landscape planter boxes must be added to the street-facing portion of the Building or parking lot areas prior to the City's approval of a business registration for the Proposed Uses.
11. The Petitioner must obtain a parking lot permit for the work required by this Ordinance before the City will issue a business registration for the Proposed Uses. The Petitioner may revise the site plan approved with this conditional use; provided, however, the Rear Parking Area, if intended to be used for any parking, must meet dimensional requirements pursuant to Chapter 12-9. The parking lot permit must indicate that all gravel areas will be removed from the Subject Property and be replaced by an approved landscaping material (turf, wood mulch, or other plant materials), pursuant to Section 12-10-6.

Moved by Sayad, seconded by Oskerka, to Approve First Reading of Ordinance Z-18-23, AN ORDINANCE APPROVING CONDITIONAL USE PERMITS TO ALLOW AUTO SERVICE REPAIR AND MOTOR VEHICLE SALES AT 1065 LEE ST, DES PLAINES, ILLINOIS. (Case # 23-035-CU).

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Advanced to second reading by Sayad, seconded by Brookman, to Adopt the Ordinance Z-18-23, AN ORDINANCE APPROVING CONDITIONAL USE PERMITS TO ALLOW AUTO SERVICE REPAIR AND MOTOR VEHICLE SALES AT 1065 LEE ST, DES PLAINES, ILLINOIS. (Case # 23-035-CU).

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

CONSIDER
APPROVING A
CONDITIONAL USE
PERMIT FOR A
COMMERCIALY
ZONED ASSEMBLY

Director of Community & Economic Development Carlisle reviewed a memorandum dated July 27, 2023.

The petitioner has requested a Conditional Use Permit to host meetings and events (assembly) within the proposed library/media space at the Romanian Heritage Center NFP, 81 N. Broadway Street. This type of activity is categorized under the commercially zoned assembly use.

**USE AT 81 N.
BROADWAY ST**
Ordinance
Z-19-23

The property at 81 N. Broadway Street is in the C-3 zoning district, along Broadway between Cumberland Circle and Northwest Highway, near the Cumberland Metra Station. The subject property contains a one-story commercial building with on-street parking in the front and an accessory parking lot at the rear.

The petitioner currently operates an office, which is a permitted use and has a valid business registration, on a property at 83 N. Broadway Street directly north of the subject property. The space is utilized as a media office for the Romanian-American Network and a law office for the Leahu Law Group, LLC.

The petitioner plans to completely remodel the interior of the existing building to locate a library/multi-media room, which will occupy most of the space. In addition, there is a Romanian heritage exhibit area, along with restrooms, and storage areas. The need for the Conditional Use stems from conducting meetings and events. Section 12-13-3 of the Zoning Ordinance, in defining commercially zoned assembly, includes the example of a “meeting house,” and the petitioner intends to conduct meeting events of various professional and civic groups tied to the organization. On the other hand, the private library is a permitted use, and the classes and art workshops would be considered accessory to the library and therefore permitted.

The petitioner intends to utilize the subject property for various uses. The Fire Prevention Bureau reviewed the plans and visited the space. The maximum occupancy load is 73 people.

The subject property contains a surface off-street parking area shared between 81 and 83 N. Broadway Street. As such, the off-street parking requirement must consider the existing office uses at 83 N. Broadway Street and the proposed assembly uses at 81 N. Broadway Street:

- One parking space for every 250 square feet of gross floor area for office areas; and
- One parking space for 200 square feet of gross activity area for the commercially zoned assembly area (library).
- Note: A library has a parking minimum of only 1 space per every 750 square feet of gross floor area. However, for the purposes of this request, the requirement for commercially zoned assembly must be used because it is more restrictive. Nonetheless, should the commercially zoned assembly not be approved, staff preliminarily believes the total parking requirement for office at 83 N. Broadway and Library at 81 N. Broadway could be met by the rear parking lot.

The existing office area at 83 N. Broadway Street consists of 840 square feet and the total gross activity area for the proposed use at 81 N. Broadway Street consists of 1,100 square feet, requiring a total of 11 off-street parking spaces, including a minimum of one accessible space. The existing parking area at the rear of the building is designed to accommodate 13 off-street parking spaces including one accessible space on the subject property and 83 Broadway Street. Staff has added a condition that a revised Site and Parking Plan prepared by a design professional is submitted with full dimensions on the parking area in conformance with Sections 12-9-7 and 12-9-8 of the Zoning Ordinance at time of building permit.

The petitioner has submitted a Proposed Parking Use Plan to identify how the parking area will be utilized during their operations throughout the week. It is noted that on regular week days from 9 a.m. to 7 p.m. and Saturdays from 9 a.m. to 1 p.m., the available off-street parking available on the subject property would be sufficient for their operations. However, the petitioner does identify that more parking—in addition to the spaces available on the subject property—is necessary on regular week days from 6 p.m. to 9 p.m., Saturdays after 5 p.m., and Sundays from 1 p.m. to 5 p.m.

To address these additional parking needs, the petitioner is seeking parking agreements from six nearby properties: three on the east side of Broadway and three on the west side of Broadway. Section 12-9-3 of the Zoning Ordinance allows for up to 33 percent of the required off-street parking to be fulfilled on a separate, privately-owned zoning lot provided that the following conditions are met for the parking spaces:

- The parking spaces utilized on the separate zoning lot are in excess of the total requirement for all uses that occupy that lot, or that sufficient data has been provided to the city indicating that there is not a substantial conflict in the hours of operation of all the uses on the lot;
- The parking spaces are within 300 feet of the use served;
- Pedestrian travel between the parking spaces and the use served does not require at-grade crossings of roadways classified by the Illinois Department of Transportation (IDOT) as arterials; and
- A written agreement guarantees that the parking spaces on the separate zoning lot will be maintained so long as the uses requiring parking are in existence, or unless the required parking is provided elsewhere in accordance with the Zoning Ordinance.

As such, staff added a condition that the petitioner must obtain, execute, and submit to staff a parking agreement with each property it intends to use for additional parking to address all parking requirements pursuant to Sections 12- 9-3 and 12-9-7 of the Des Plaines Zoning Ordinance.

Nonetheless, the number of additional spaces available via executed parking agreements and the 13 available off-street parking spaces on the subject property yield a total of 69 spaces that would be available for the proposed assembly use. The City Council may wish to ascertain whether the number of available off-site and on-site parking spaces are sufficient for the proposed assembly use and the anticipated events and meetings associated with it.

The PZB voted 6-0 to recommend approval of the conditional use request.

Staff and the PZB recommend the following conditions:

1. The Site Plan must be revised by a design professional and submitted at time of building permit to show the full dimensions of the parking area in conformance with Chapter 9 of the Zoning Ordinance.
2. Petitioner must obtain and maintain executed parking agreements for off-site parking sufficient to accommodate the parking needs for the Proposed Assembly Use events. Petitioner must submit copies of all of the executed parking agreements to City staff.
3. All appropriate building permit documents and details, including all dimensions and labels necessary to denote all proposed improvements to the Subject Property must be submitted as necessary for the Proposed Development. All permit documents must be sealed and signed by a design professional licensed in the State of Illinois and must comply with all City of Des Plaines building and life safety codes.

Steven Bonica spoke on behalf of the petitioner.

Moved by Moylan, seconded by Oskerka, to Approve First Reading of Ordinance Z-19-23 with an amendment to enact a six-month probationary period upon which it can be revised by the City Council, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A COMMERCIALY ZONED ASSEMBLY USE AT 81 N. BROADWAY STREET, DES PLAINES, ILLINOIS (Case #23-028-CU).

No Vote.

Moved by Brookman, seconded by Smith, a substitute motion to Defer to the next City Council meeting, Ordinance Z-19-23, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A COMMERCIALY ZONED ASSEMBLY USE AT 81 N. BROADWAY STREET, DES PLAINES, ILLINOIS (Case #23-028-CU).

Upon voice vote, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Brookman, Walsten, Smith, Charewicz

NAYS: 1 - Sayad

ABSENT: 0 - None

Motion declared carried.

CONSIDER
AMENDING THE
ZONING
ORDINANCE
REGARDING THE
ALLOWANCE OF
PRIVATE SCHOOLS
IN THE C-5 DISTRICT
Ordinance
Z-20-23

Director of Community & Economic Development Carlisle reviewed a memorandum dated July 27, 2023.

The petitioner is requesting zoning text amendments to allow the “School – Private, Elementary and High” use in the 700 block of Lee Street in the C-5 Central Business District, with a conditional use permit, where currently such conditional use permits for private schools are allowed only in the 800 block. The text amendment request was filed by the owner of 733 Lee Street (Islamic City Center of Des Plaines Academy) concurrently with petitions for conditional uses and variation.

The petitioner approached staff in 2022 about opening ICCDA at 733 Lee Street. The current Zoning Ordinance does not allow private schools in the 700 block of Lee (restriction was put in place in 2018). However, staff reviewed with the General Counsel and determined that the approving conditional use ordinance was written to run with the property and could be transferred to the same use – a private school – even though the new owner/operator was different than the original petitioner. Further, Section 12-3-4.H.3 states, “...a conditional use shall be deemed to relate to, and be for the benefit of, the use and lot in question, rather than the owner or operator of such use or lot.” Therefore, the petitioner has been utilizing the conditional use for their operations and building since September 2022, bound to the restrictions of being a legal nonconforming use (Section 12-5-5) and adherence to all conditions and limitations of the 2010 approval.

The City and the petitioner entered into an agreement, dated August 30, 2022, which reinforced that all conditions and parameters of the approving ordinance would apply to ICCDA. These parameters included (i) using only portions of the floor plan illustrated in the approving ordinance for school purposes; (ii) limiting enrollment to no more than 60 students, as this was represented by Plato Academy when they received the original approval; (iii) maintaining unobstructed windows, except for uniform, non-permanent window treatments; and (iv) remaining willing to work with the City if any traffic issues arise. The City issued a business registration in September 2022 to allow school occupancy for the 2022-2023 academic year, and the school subsequently opened. They are now requesting a text amendment to expand the allowance for private schools along Lee Street and set the table for additional approvals to operate their school in a larger portion of the building with more students, as well as to have non-accessory worship and religious activities (“commercially zoned assembly”).

The petitioner is requesting to amend Section 12-7-3.K of the Zoning Ordinance, specifically the Commercial Districts Use Matrix.

The PZB recommended by a 4-0 vote that the City Council approve the proposal as presented by the petitioner.

Moved by Moylan, seconded by Sayad, to Approve First Reading of Ordinance Z-20-23, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING THE ALLOWANCE OF PRIVATE SCHOOLS IN THE C-5 CENTRAL BUSINESS DISTRICT.

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - Oskerka

Motion declared carried.

CONSIDER
APPROVING A
CONDITIONAL USE
PERMIT AND MAJOR
VARIATIONS FOR A
PRIVATE SCHOOL
AT 733 LEE ST.
Ordinance
Z-21-23

Director of Community & Economic Development Carlisle reviewed a memorandum dated July 27, 2023.

The petitioner is requesting the following under the Zoning Ordinance: (i) a conditional use to operate a private school with kindergarten and pre-kindergarten programming at 733 Lee Street, or an amendment to the conditional use granted by Ordinance Z-024-10, whichever is necessary; and (ii) variations that address various existing structure, sign, and site conditions as well as proposed partial compliance with parking lot landscaping requirements.

Assuming text amendment approval to allow private schools in the 700 block of Lee Street, ICCDA is requesting conditional use approval that would grant them the ability to operate their private school, as the primary principal use of the zoning lot, in a larger portion of the building with more students than they have currently. In the event the requested text amendment is not approved, ICCDA requests consideration of an amendment to the original conditional use to achieve the desired expansion of school operations.

The petitioner completed their first fall-to-spring main academic year in June 2023 and is currently providing summer programming. ICCDA has a traditional academic and religious curriculum, meaning that worship activities involving students, families, and staff are intrinsic and accessory to the school. The petitioner is particularly interested in using the basement and the second floor for school-related activities (notwithstanding whether they obtain permission to conduct commercially zoned assembly) and operations based on the following:

- An allowance of up to 233 students, pre-K through eighth grade, exclusive of volunteers and staff
- An expanded number of classrooms (20, including art rooms and science or other labs), on both the first and second floors
- An auditorium on the second floor and prayer/worship area(s) in the basement; these areas would be part of the daily school curriculum but also serve as the proposed commercially zoned assembly area (separate discussion included in the staff report for Ordinance Z-22-23).

The petitioner has provided a detailed description and graphical depiction of drop-off and pick-up of students, using the property’s on-site parking lot, with vehicles entering from and exiting to Center Street. In a typical day, the combined drop-off and pick-up duration is two hours and 15 minutes, per the provided table and description, and the periods would not overlap with staff arrival and departure. ICCDA employees would be assigned parking spaces in locations that would have the least potential conflict with the temporary lanes. The drop-off and pick-up locations within the parking lot intuitively allow the younger students and their parents the nearer positions to the door, and the plan identifies that staff from the school would be outside the building during the periods to help manage the flow.

The most salient consideration in allowing the desired student enrollment in staff's view is the remodeling or retrofitting the building such that classrooms and all school-occupancy spaces have sufficient hallway widths to provide means of egress. In the past, this building has been a mix of school and office occupancies; it is now proposed to be school and assembly (worship). The Building and Fire Prevention Divisions have worked extensively with the petitioner and their architect to advise on floor plans with dimensions that could allow the occupancy to approach what the petitioner desires. Staff recommends a condition that while the maximum desired student enrollment of 233 could eventually be reached in the future under conditional use approval, the occupant load of the building cannot exceed the maximum established by the Chief Building Official and Fire Prevention Bureau; plans may be altered, and the occupant load may be increased, if required alterations are made.

The petitioner's plans show a restriped parking lot that increases the number of spaces from the current striping: from 38 currently to 42. The addition stems from the ability to design the accessible parking area more efficiently because of recent updates to the Illinois Accessibility Code. Finally, regarding the refuse/dumpster, the existing dumpster is nonconforming, as it not enclosed. The site plan shows building a dumpster enclosure, which should bring the structure into conformance.

The petitioner is electing to seek several variations related to existing conditions of the building and property, specifically its required yards (setbacks), parking lot, on-site and off-site/parkway landscaping, and signs. The reduction of the required side yard along Center Street from five feet to two feet has already been approved by the PZB (Standard Variation).

For this irregular corner lot, the front yard extends from the west lot line where it abuts Lee, the rear yard extends from the east lot line (Center), and there are three side yards: from the south lot line, which borders the Old National Bank parking and drive-through area; from the north lot line, which abuts Prairie; and from the west lot line portion that does not abut Lee but instead separates the ICCDA parking lot from the Old National parking lot.

While the variations requested may not be essential to entitling the operation of the school or assembly, they allow the petitioner to retain certain physical characteristics and make reasonable enhancements while not being required to comply strictly with current Ordinance requirements. In particular, with the existing parking lot nonconforming regarding various minimum curb and landscaping uses, adding new striped spaces to it could be considered intensifying the nonconformity and requiring a full upgrade to strict adherence.

The PZB recommended by a 4-0 vote that the City Council approve the conditional use for private school and major variations as presented by the petitioner, with the conditions recommended by staff.

Recommended Conditions of Approval

1. The total student enrollment for the Private School may not exceed 233 students; provided, however, the occupancy load for the School Building and all rooms utilized by the Private School may not exceed the maximum building occupancy (including staff) set by the City's Fire Marshall and Chief Building Official based on the actual conditions and accessibility features of the School Building. This may require the Operator to restrict the enrollment of the Private School below the maximum enrollment number the School Building can, in the determination of the Fire Marshall and the Chief Building Officer, safely accommodate. The Operator will be required to submit plans for all building alterations and accessibility improvements to the City's Building Division for review and approval before the occupancy load may be increased. The occupancy load of every room or space within the School Building to be used for assembly occupancy must be posted in a conspicuous location, near an exit.

2. The Operator must complete all improvements to the Subject Property’s parking lot depicted on the Site Plan no later than 12 months after the approval of this Ordinance.
3. No on-site food service may be conducted on the Subject Property unless and until a code-compliant commercial-grade kitchen is installed within the School Building.
4. Any expansion to the School Building or to the physical space to be used by the Private School on the Subject Property will require the Operator to obtain an amendment to the Conditional Use Permit granted by this Ordinance.

Mark Daniel, the attorney for the petitioner, spoke on their behalf.

Moved by Walsten, seconded by Sayad, to Approve First Reading of Ordinance Z-21-23 modified to allow the conditional use to run with the land, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT AND MAJOR VARIATIONS FOR A PRIVATE SCHOOL AT 733 LEE STREET, DES PLAINES, ILLINOIS (Case # 23-038-TA-CU-V).

No vote.

Moved by Moylan, seconded by Oskerka, a substitute motion to Approve First Reading of Ordinance Z-21-23 amended to allow the conditional use to run with the land however if there is new ownership or new operator they would have to come back to the City Council in order to continue, and to incorporate their new proposed pick-up plan, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT AND MAJOR VARIATIONS FOR A PRIVATE SCHOOL AT 733 LEE STREET, DES PLAINES, ILLINOIS (Case # 23-038-TA-CU-V).

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

CONSIDER
APPROVING A
CONDITIONAL USE
PERMIT FOR A
COMMERCIALY
ZONED ASSEMBLY
USE AT 733 LEE ST
Ordinance
Z-22-23

Director of Community & Economic Development Carlisle reviewed a memorandum dated July 27, 2023.

The petitioner is requesting under the Zoning Ordinance a conditional use permit to operate a commercially zoned assembly use as the secondary principal use at 733 Lee Street, with a private school as the primary principal use. The petitioner’s submittal shows use of an auditorium on the second floor and prayer/worship area(s) in the basement for commercially zoned assembly. Their written materials, as well as their testimony in the public hearing, presents their intent not to have commercially zoned assembly activities overlap with school hours.

The most salient consideration in allowing the desired commercially zoned assembly in staff’s view is the remodeling or retrofitting the interior of the building so that it can meet required building and life safety codes to handle the volume of the proposed occupancy. The Building and Fire Prevention Divisions have worked extensively with the petitioner and their architect to advise on floor plans with dimensions that could allow the occupancy to approach what the petitioner desires. Staff recommends a condition to reinforce that the occupant load of the building cannot exceed the maximum established by the Chief Building Official and Fire Prevention Bureau; plans may be altered, and the occupant load may be increased, if required alterations are made. Regarding how many people are expected at assembly events, the floor plans establish a maximum occupancy of 60 people in the second-floor auditorium and 194 in the basement prayer/library area.

The petitioner’s plans show a restriped parking lot that increases the number of spaces from the current striping: from 38 currently to 42. The total requirement is 39 spaces, and 42 are proposed to be provided, after parking lot improvements (restriping, addition of landscape island), so the requirement would be met. Nonetheless, the petitioner shared in the public hearing that they maintain a relationship with Old National Bank (neighboring property at 749 Lee) to use their parking areas when ICCDA believe they will need extra parking. The submittal does not include a written agreement with Old National, which the petitioner could explain to the Council if desired. As a separate solution for accommodating spikes in parking demand, staff and the PZB recommend a condition for the petitioner to actively publicize the availability of public parking in both the library garage (1444 Prairie) and the public spaces in The Welkin garage (1425 Ellinwood).

The PZB recommended by a 4-0 vote that the City Council approve the conditional use for commercially zoned assembly with the conditions recommended by staff.

Recommended Conditions of Approval:

1. The occupancy load for the building and all rooms utilized by the use shall not exceed the maximum set by the Fire Department and Chief Building Official. This maximum may be increased only through permitted construction and alterations.
2. Commercially zoned assembly activities, or those worship activities not accessory to the private school, shall not occur during operational hours of the private school.
3. The petitioner shall complete the parking lot project shown on the site plan within 12 months of approval.
4. No on-site food service shall occur unless a code-compliant commercial-grade kitchen were to be installed.
5. Any building or use expansion shall require the Petitioner to obtain a conditional use amendment.
6. The petitioner will publicize on its website and actively distribute to its audience a map of nearby public parking garages, with summary instructions, directions on how to access, and information on any hourly or time restrictions.

Moved by Moylan, seconded by Oskerka, Approve First Reading of Ordinance Z-21-23 as revised, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR A COMMERCIALY ZONED ASSEMBLY USE AT 733 LEE STREET, DES PLAINES, ILLINOIS (Case # 23-038-TA-CU-V).

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

ADJOURNMENT

Moved by Brookman, seconded by Oskerka to adjourn the meeting. Upon voice vote, motion declared carried. The meeting adjourned at 9:48 p.m.

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

APPROVED BY ME THIS 21st

DAY OF August, 2023

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR