

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, APRIL 4, 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 7:00 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, April 4, 2022.

ROLL CALL

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

PRAYER AND PLEDGE

The prayer and the Pledge of Allegiance to the Flag of the United States of America were offered by City Clerk Mastalski.

PROCLAMATION

City Clerk Mastalski read a proclamation by Mayor Goczkowski declaring April as Earth Month.

Mayor Goczkowski presented the proclamation declaring April as Earth Month to the Donna Adam, Founder of Clean Up/Give Back.

PUBLIC COMMENT

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

Resident Trish Conaghan mentioned an issue of non-residents parking in her neighborhood.

ALDERMAN ANNOUNCEMENTS

Alderman Oskerka stated he will be having a ward meeting at Prairie Lakes on April 19, 2022 at 6:30 p.m.

Alderman Chester stated he has served on the O'Hare Noise Commission and the Fly Quiet Committee for the last seven years. He mentioned the commission voted to limit flight traffic on the diagonal runaway over the North/South communities for a third of the night flights as opposed to fifty percent; it will go on to the full commission for vote and then the FAA.

Alderman Smith thanked the residents for coming out to speak regarding the possible new development at the current site of the Journal and Topics Building; she stated it shows the true meaning of community.

MAYORAL ANNOUNCEMENTS

Mayor Goczkowski acknowledged the Assyrian New Year's Day which was most recently celebrated on April 1, 2022.

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 Oskerka, seconded by Lysakowski, 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: 7 - Lysakowski, Moylan, Oskerka, Zadrozny, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

MANAGER'S REPORT

City Manager Bartholomew apologized for the City Council Meeting not being streamed live due to the current process of the media control room being moved from the fourth floor to the second floor. He stated the meeting will be available tomorrow on: channel 17, City's website, and Facebook.

CITY ATTORNEY/GENERAL COUNSEL REPORT

General Counsel Lenneman stated she is filling in for General Counsel Friedman who unfortunately tested positive for COVID. General Counsel Lenneman also mentioned the invitations for the Elrod Friedman bi-annual seminar went out today to officials and staff; she stated if anyone has any questions to reach out and she looks forward to seeing everyone there.

CONSENT AGENDA

Moved by Chester, seconded by Zadrozny, to establish the Consent Agenda.

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

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

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

Minutes were approved; Ordinance M-11-22, M-12-22, M-13-22 were approved; Ordinance Z-6-22, Z-7-22, M-9-22 were adopted; Resolutions R-67-22, R-68-22, R-69-22, R-70-22, R-71-22, R-74-22 were adopted.

AMEND CITY CODE/ CLASS N LIQ LIC/MW GAMING & ENTERTAINMENT Consent Agenda

Moved by Zadrozny, seconded by Oskerka to Approve First Reading of Ordinance M-11-22, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS "N" LIQUOR LICENSE. Motion declared carried as approved unanimously under Consent Agenda.

Advanced to Second Reading by Chester, seconded by Moylan, to Adopt the Ordinance M-11-22, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS "N" LIQUOR LICENSE.

Upon roll call, the vote was:

Ordinance M-11-22

AYES: 7 - Lysakowski, Moylan, Oskerka, Zadrozny,
 Chester, Smith, Ebrahimi
 NAYS: 0 - None
 ABSENT: 1 - Brookman
 Motion declared carried.

**AMEND CITY
 CODE/ CLASS N
 LIQUOR LIC/MW
 GAMING &
 ENTERTAINMENT**
 Consent Agenda

Moved by Zadrozny, seconded by Oskerka to Approve First Reading of Ordinance M-12-22, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS "N" LIQUOR LICENSE. Motion declared carried as approved unanimously under Consent Agenda.

**Ordinance
 M-12-21**

Advanced to Second Reading by Chester, seconded by Oskerka, to Adopt the Ordinance M-12-22, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS "N" LIQUOR LICENSE.
 Upon roll call, the vote was:
 AYES: 7 - Lysakowski, Moylan, Oskerka, Zadrozny,
 Chester, Smith, Ebrahimi
 NAYS: 0 - None
 ABSENT: 1 - Brookman
 Motion declared carried.

**AMEND CITY
 CODE/ CLASS N
 LIQUOR LIC/MW
 GAMING &
 ENTERTAINMENT**
 Consent Agenda

Moved by Zadrozny, seconded by Oskerka to Approve First Reading of Ordinance M-13-21, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS "N" LIQUOR LICENSE. Motion declared carried as approved unanimously under Consent Agenda.

**Ordinance
 M-13-21**

Advanced to Second Reading by Chester, seconded by Zadrozny, to Adopt the Ordinance M-13-22, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS "N" LIQUOR LICENSE.
 Upon roll call, the vote was:
 AYES: 7 - Lysakowski, Moylan, Oskerka, Zadrozny,
 Chester, Smith, Ebrahimi
 NAYS: 0 - None
 ABSENT: 1 - Brookman
 Motion declared carried.

**APPROVE AGRMT/
 ASPHALT &
 CONCRETE
 SEALING/DENLER**
 Consent Agenda

Moved by Zadrozny, seconded by Oskerka, to Approve Resolution R-67-22, A RESOLUTION APPROVING AN AGREEMENT WITH DENLER, INC. FOR ASPHALT CRACK SEALING AND CONCRETE JOINT SEALING. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
 R-67-22**

**APPROVE MSTR
 CNTRCT/PROF
 ENGR SVCS/AYRES
 ASSOC**
 Consent Agenda

Moved by Zadrozny, seconded by Oskerka, to Approve Resolution R-68-22, A RESOLUTION APPROVING A MASTER CONTRACT WITH AYRES ASSOCIATES, INC FOR PROFESSIONAL ENGINEERING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
 R-68-22**

**AUTH MEMO OF
 AGRMT/ CBA/**

MECCA

Moved by
Zadrozny,
seconded by
Oskerka, to
Approve
Resolution R-69-
22, A
RESOLUTION
AUTHORIZING
A
MEMORANDU
M OF
AGREEMENT
TO THE
COLLECTIVE
BARGAINING
AGREEMENT
WITH THE
MUNICIPAL
EMPLOYEES

Consent Agenda

CITY COORDINATING ASSOCIATION OF DES PLAINES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-69-22**

**RELEASE CERTAIN
MINS/ CLOSED
SESSION/ CITY
COUNCIL**
Consent Agenda

Moved by Zadrozny, seconded by Oskerka, to Approve Resolution R-70-22, A RESOLUTION RELEASING CERTAIN MINUTES OF CERTAIN CLOSED MEETINGS OF THE CITY COUNCIL. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-70-22**

**APPROVE PURCH/
ACCESS MGMT PW
SAFE APP/ CDW-G**
Consent Agenda

Moved by Zadrozny, seconded by Oskerka, to Approve Resolution R-71-22, A RESOLUTION APPROVING THE PURCHASE OF BEYONDTRUST CORPORATION PRIVILEGED ACCESS MANAGEMENT - PASSWORD SAFE APPLICATION FROM CDW-G. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-71-22**

**APPROVE AMD TO
APPX U PER POL/
GEN WAGE INCR &
MERT INCR/ NON-
REP EMPLS**
Consent Agenda

Moved by Zadrozny, seconded by Oskerka, to Approve Resolution R-74-22, A RESOLUTION APPROVING AN AMENDMENT TO APPENDIX U OF THE PERSONNEL POLICY REGARDING THE SALARY SCHEDULE, A GENERAL WAGE INCREASE FOR NON-REPRESENTED EMPLOYEES, AND THE EXPENDITURE OF FUNDS FOR MERIT INCREASES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-74-22**

**SECOND READING/
ORDINANCE
Z-6-22**
Consent Agenda

Moved by Zadrozny, seconded by Oskerka to Approve Ordinance Z-6-22, AN ORDINANCE AMENDING THE TEXT OF VARIOUS SECTIONS OF THE DES PLAINES ZONING ORDINANCE REGARDING ADULT DAY SERVICE AND CHILD CARE CENTERS. Motion declared carried as approved unanimously under Consent Agenda.

**SECOND READING/
ORDINANCE
Z-7-22**
Consent Agenda

Moved by Zadrozny, seconded by Oskerka to Approve Ordinance Z-7-22, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR AN ADULT DAY SERVICE CENTER USE AT 2514 BALLARD ROAD, DES PLAINES, ILLINOIS (CASE #22-005-TA-CU). Motion declared carried as approved unanimously under Consent Agenda.

**SECOND READING/
ORDINANCE
M-9-22**
Consent Agenda

Moved by Zadrozny, seconded by Oskerka to Approve Ordinance M-9-22, AN ORDINANCE AMENDING TITLE 4 OF THE DES PLAINES CITY CODE REGARDING DAYCARE CENTERS AND BUSINESS REGISTRATIONS. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
MINUTES**
Consent Agenda

Moved by Zadrozny, seconded by Oskerka, to Approve the Minutes of the City Council meeting of March 21, 2022, as published. Motion declared carried as approved unanimously under Consent Agenda.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Zadrozny, Chair

WARRANT REGISTER
Resolution R-72-22

Alderman Zadrozny presented the Warrant Register.

Moved by Zadrozny, seconded by Chester, to Approve the Warrant Register of April 4, 2022 in the Amount of \$3,015,092.23 and Approve Resolution R-72-22.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

COMMUNITY DEVELOPMENT- Alderman Chester, Chair

CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR OFFICE USE MAJOR VARIATION FOR OFF-STREET PARKING AT 600 E ALGONQUIN RD
Ordinance Z-8-22

Director of Community and Economic Development Carlisle reviewed a memorandum dated March 23, 2022.

The petitioner, Clean Up – Give Back, with written consent of property owner City of Des Plaines, is requesting a conditional use to allow an office use in a C-1 Neighborhood Shopping District and a major variation to reduce the required number of off-street parking spaces from nine to six at 600 E. Algonquin Road. The subject property is a corner lot in the C-1 Neighborhood Shopping District directly northeast of the Algonquin Road and Wolf Road intersection. An alley runs along its east (rear) property line. The property consists of one parcel totaling 8,362 square feet (0.19 acres) and currently consists of a 2,419-square-foot, one-story commercial building, paved parking area off the alley with six total parking spaces, and existing green space. The existing one-story commercial building is set back approximately 30 feet off the west property line (front) along Wolf Road, 26 feet from the east property line along the alley (rear), 5 feet off the north property line (interior side), and 29 feet off the south property line (corner side) along Algonquin Road.

The petitioner is a small non-profit organization that intends to relocate its headquarters to the subject property. They organize, coordinate, and facilitate cleanup projects throughout the area. The proposal does not include any exterior changes to the building. They will remodel and partition the interior to provide the following: (i) an office desk and workspace area; (ii) a reception area; (iii) a volunteer and workshop area for programs; (iv) an area for cleanup kits to be prepared; (v) space for donated items and occasional meetings; and (vi) a storage area for supplies. The petitioner projects four employees and anticipates that over the course of an entire day, no more than 25 to 30 individuals will visit the building, usually for a short period to pick up supplies for a service project. The proposed hours of operation are 7 a.m. to 7 p.m. Monday through Saturday and closed on Sundays. While the organization’s board meetings normally take place off-site, they would occasionally like to use one of the rooms in the building for this purpose, although this would not be a day-to-day or regular function of the headquarters.

An office use requires a conditional use permit in the C-1 district pursuant to Section 12-7-3(K) of the Zoning Ordinance. The petitioner is also requesting a variation for off-street parking. Pursuant to Section 12-9-6 of the Zoning Ordinance, one parking space is required for every 250 square feet of gross floor area. Floor area, as defined in Section 12-13-3, includes all space devoted to the proposed office use and any portion of the total proposed storage area greater than 10 percent of the entire combined floor area of the building. The proposed office space and portions of intended storage over 10 percent of the entire combined floor area equates to a total of nine required parking spaces. However, there are only six parking spaces, including two handicap accessible spaces. Section 12-9-2 provides that when a new use is proposed, it should meet the minimum parking requirement for the new use. When the new use cannot meet the minimum, as in this case, a variation is required.

The PZB recommended (6-0) that the City Council approve both requests as presented without any conditions.

Moved by Oskerka, seconded by Chester, to Approve First Reading of Ordinance Z-8-22, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR AN OFFICE USE AND MAJOR VARIATION FOR OFF-STREET PARKING AT 600 E ALGONQUIN ROAD, DES PLAINES, ILLINOIS (CASE #22-008-CU-V).

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

Advanced to Second Reading by Oskerka, seconded by Chester, to Adopt the Ordinance Z-8-22, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR AN OFFICE USE AND MAJOR VARIATION FOR OFF-STREET PARKING AT 600 E ALGONQUIN ROAD, DES PLAINES, ILLINOIS (CASE #22-008-CU-V).

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

**CONSIDER A
CONDITIONAL USE
PERMIT FOR
FINAL PUD. FINAL
PLAT OF PUD.
FINAL PLAT OF
SUBDIVISION. AND
CERTAIN ZONING
EXCEPTIONS FOR
1050 EAST OAKTON
ST. 1000-1100
EXECUTIVE WAY,
AND 1555 TIMES DR**
Ordinance
Z-9-22

Director of Community and Economic Development Carlisle reviewed a memorandum dated March 24, 2022.

The petitioner is requesting a Conditional Use for a Final Plat of PUD under Section 12-3-5 of the Zoning Ordinance, as well as a Final Plat of Subdivision under Section 13-2-8 of the Subdivision Regulations. Under Chapter 13-4 of the Subdivision Regulations, the petitioner is requesting approval of a Parkland Dedication Fee-in-Lieu amount, which includes credits for two separate proposed private open space areas in the proposed development.

Additionally, the petitioner is requesting a Vacation of Public Streets (Plat of Vacation) under Section 8-1-9 of the City Code and approval of a redevelopment agreement.

Final PUD

Overview

On October 4, 2021 via Ordinance Z-40-21, the City Council granted preliminary PUD approval of petitioner M/I Homes' proposal for 125 townhouses, known collectively as Halston Market. The approval was based on a proposed unit mix of seven two-bedrooms and 118 three-bedrooms, all of which would be horizontally connected to other units (i.e. townhouse style) across 23 separate buildings. Each building would be three stories with each unit having a ground-floor, two-car, rear-loaded garage that faces inward toward the development, not toward public streets. Walkways would connect unit front doors to public and private sidewalks. Units include balconies and small landscaped front yards. However, the amount of private open space per unit is minimal, as the concept is built around shared open space.

Conformance with Preliminary Plat

The petitioner's final proposal reflects the site design of the preliminary plans, including the exception requests acknowledged in Ordinance Z-40-21, which granted preliminary approval. Major elements such as the number of units, height and design buildings, locations of buildings and structures, and number of parking spaces are unchanged. Ordinance Z-40-21 listed the

**CONSIDER
VACATING
PORTIONS OF
EXECUTIVE WAY
AND TIMES DR,
A/K/A COMMONS
DR FOR THE
HALSTON MARKET
DEVELOPMENT
PROPOSED AT 1050
E OAKTON ST. 1050
E OAKTON ST.
1000-1100
EXECUTIVE WAY,
AND 1555 TIMES DR**

**Ordinance
M-14-22
CONSIDER
APPROVING A
REDEVELOPMENT
AGREEMENT
(HALSTON
MARKET
DEVELOPMENT -
1050 E OAKTON ST.
1000-1100
EXECUTIVE WAY
AND 1555 TIMES
DR)
Resolution
R-73-22**

following PUD exceptions pursuant to Section 12-3-5 that would grant relief from the bulk regulations of the R-3 district, as well as the fence regulations:

- Minimum lot area: Seventy-nine units are proposed with a lot area of 923 square feet, and 46 units are proposed at 1,038 square feet. The proposed lot area for each unit includes only the livable space inside the building and a small landscaped front yard. All other area in the development (e.g. open space, private drives, stormwater basin) is allocated not to dwelling units but instead to the development overall. The minimum lot area per dwelling unit pursuant to Section 12-7-2.J is 2,800 square feet.
- Maximum fence height: Pursuant to Section 12-8-2.A., the maximum height of a residential fence is 6 feet. As labeled on the Final PUD Plat, the petitioner proposes segments of 8 feet where 6 feet is the maximum, namely at the north lot line. The change from six to eight feet was suggested first by the PZB and subsequently required by the City Council. An eight-foot fence is allowable along the eastern border to screen the residential use (the townhouses) from the back of the Oak Leaf Commons shopping center.

Building Design and Elevations

The Building Design Review requirement under Section 12-3-11 would apply. The petitioner's final submittal is unchanged from the preliminary approval. They are proposing that for the elevations that face public streets, the primary material is face brick on all three stories with projections of complementary vinyl. Elevations that would not face public streets contain face brick only on the ground floor, and where garage doors are shown, the brick is interrupted.

Landscaping, Screening, and Lighting

The petitioner submitted a Final Landscape Plan that appears to conform with the requirements of Chapter 12-10 of the Zoning Ordinance. For example, building foundation landscaping is installed at the bases of the buildings, shade trees are interspersed throughout common areas and open space, and at lot lines where required – particularly at the north lot line where the development abuts a single-family neighborhood. The petitioner has also submitted a photometric plan that shows how light will be contained within the borders of the development.

Streets and Access

The petitioner proposes that most of the north-south portion of Executive Way – where it connects to Oakton and borders the post office – would remain a public street. However, at a point just south of the existing curve, the petitioner would construct a new east-west private drive, labeled as Bogart Street, and demolish the existing east-west segment of Executive Way. This requires a vacation of approximately 29,000 square feet. Similarly, a portion of Times Drive (approximately 10,600 square feet) would also be vacated and become a private drive, retaining the name Times Drive; however, the southernmost 185 linear feet of Times, which provides access to businesses on the east side of the street, would remain public. This final submittal includes a fire truck turning radius diagram to ensure access to the various buildings and units.

The Illinois Department of Transportation (IDOT) has jurisdiction over the Oakton Street right-of-way. Given existing signalized intersections at Lee Street and Webster Lane (1,600 feet apart), an additional signalized intersection in front of the development will not be warranted. Consequently, without a traffic signal in front of the development, pedestrian activity will be confined to the sidewalk on the north side of Oakton before reaching a marked crossing, approximately 700-800 feet in each direction (three-to-five-minute walk for an able-bodied person). However, the development includes a pedestrian opening to accommodate walking to shopping at the east lot line, near the detention pond.

Construction Schedule and Phasing Plan

The petitioner has submitted a construction (land development) schedule as required by Section 12-3-5.H. of the Zoning Ordinance, as well as a Phasing Plan. These are incorporated

as exhibits to the approving ordinance for the final PUD and subdivision. In summary, the petitioner intends to separate construction into two phases: Phase I and Phase II. The Phase I area is illustrated as the southern half of the development, nearer to Oakton Street, where 10 buildings (56 units) are planned. However, as part of Phase I, the petitioner would complete mass earthwork for the entire site – both the illustrated Phase I and II areas – including digging the detention basin and implementing the grading components of the stormwater drainage plan. The Phase II area is illustrated to cover the northern 13 buildings, or 69 units. The Phasing Plan illustrates the timing of various improvements, such as the installation of underground utilities (e.g. water mains and storm sewers), as well as the construction or reconstruction of private drives and public streets. Phase I has a projected end date of October 2022, with Phase II in October 2023. However, the petitioner notes: “Building starts will commence subject to sales absorption and seasonal construction limitations.” Per the Zoning Ordinance, the petitioner has an 18-month period of flexibility on the dates in the construction schedule before the City Council may re-evaluate the final PUD approval.

Final Plat of Subdivision

The PZB approved and the City Council reinforced approval of a Tentative Plat of Subdivision in 2021 to resubdivide the subject property from the existing eight lots to 131: 125 for each individual townhouse units plus six lots for land under common/homeowners’ association ownership. The area of each townhouse lot will vary from 923 square feet (interior units) to 1,038 square feet (end units), necessitating a PUD exception for minimum lot area (2,800 square feet in the R-3 district).

The Final Plat aligns with the Tentative Plat to show the following existing easements and building lines: (i) a 13-foot Public Utility Easement and 20-foot building line on both sides of Executive Way throughout the development; (ii) a 13-foot Public Utility Easement and 20-foot building line on both sides of Times Drive throughout the development; (iii) a 20-foot building line along Oakton Street on the south side of the lot; (iv) a ten-foot electric and telephone easement and 24-foot ingress, egress, and driveway easement behind the commercial development on the south side of the lot; (v) a 23-foot public utility easement along the existing drive aisle east of the proposed detention area; (vi) a 15-foot public utility easement along the east property line of the development; and (vii) a five-foot public utility easement located along the north property line of the development. The Final Plat grants public utility easements to each of the six lots of record that would function as common elements for the development (e.g. private drive and alley areas and open spaces), as well as a stormwater detention area easement to Lot 503, which is the detention basin. Finally, the Plat labels the portions of current Executive Way and Times Drive that are proposed to be vacated, upon which portions the development layout relies.

Public Improvements and Final Engineering

Under Section 13-3-1 of the Subdivision Regulations, the petitioner is required to improve adjacent rights-of-way. The City will require Executive Way, on the western boundary of the development and next to the Post Office, to be reconstructed to standards established in the Regulations. The City will also require Times Drive to be reconstructed to the same standards, and the petitioner will be bound to certain construction/reconstruction of adjacent underground infrastructure such as water mains and sewers.

The petitioner has provided the City Engineer with an estimated cost of public improvements, and the City Engineer has concurred. This estimate serves as the basis for a performance security in the form of a letter of credit, with the City named as the beneficiary, that amounts to 125 percent of the total estimated cost. In addition, a 10 percent maintenance warranty is to be held for 18 months upon completion of the work to secure safe and satisfactory operation of the improvements. The Public Works and Engineering Department has expressed approval for the petitioner’s submittal and the estimated cost of improvements. Final construction design approval of external agencies such as IDOT and the Metropolitan Water Reclamation District

of Greater Chicago (MWRD) will be necessary in the building permitting and construction phase.

Private Open Space and Recreation; Parkland Dedication Fee-in-Lieu

The petitioner is proposing two private open space areas to serve residents. First, they propose an approximately 14,000-square-foot central plaza area, just south of Building 22. A steel shelter gazebo with seating is intended to serve as the focal point for the plaza. Also proposed is an approximately 10,000-square-foot north-south-oriented green space with a mix of trees and grassy space between Buildings 8 and 9 (west) and Buildings 4 and 5 (east). In general, the project is envisioned to have passive open space instead of actively programmed recreation such as playgrounds, ball fields and courts, or fitness equipment.

For residential developments at the proposed scale, Chapter 13-4 of the Subdivision Regulations requires parkland dedication to a public agency (i.e. park district) and/or fee-in-lieu. The rationale is the development adds residents and therefore increases demand for public parks. The proposed project does not contain a land dedication for a public park, which instead amounts to fee-in-lieu obligation. Per the calculation prescribed by Section 13-4-4, there are 296 projected residents, which leads to a parkland obligation of 1.63 acres, equivalent to a fee-in-lieu of \$325,804.60. However, Section 13-4-2.A allows for on-site private open space to reduce the fee-in-lieu, in the form of credits, at the decision of the City Council if the proposed open space is determined to meet the expectations of that Section. The petitioner is requesting two credits: one for the central plaza area, amounting to \$63,989.90, and another for the north-south green space, which credit amounts to \$46,193.76. Section 13-4-2 invites a recommendation regarding the requests from the public body to receive the fee-in-lieu or dedication, which in this case is the Des Plaines Park District. A memo from the executive director supports granting both of the requested credits, reducing the fee-in-lieu amount to \$215,620.95. This amount is subject to the Council's final approval and is written into the ordinance approving the Final Plat of Subdivision (Z-9-22) and the resolution approving the redevelopment agreement (R-73-22).

Vacation of Public Streets (Plat of Vacation), Private Streets

The petitioner will seek vacations of public streets. Based on an appraisal report from JMS Appraisal Group, the value of the total vacation area is \$32,000. The southernmost approximately 185 linear feet of Times Drive is not proposed to be vacated. Nonetheless, this segment of street will be reconstructed, and the redevelopment agreement will require the future homeowners' association to be responsible for yearly maintenance activities such as snow removal and leaf collection.

The City maintains an Address Assignment Policy, to which new proposed private drives must conform, per 13-2-5 of the Subdivision Regulations. The petitioner proposes within the development 11 private drive names to which addresses would be assigned. The most current list, which is not reflected in the current submittal is Bogart Street, Blaine Street, Cooper Street, Denny Way, Dock Street, Wren Road, Girard Avenue, Phinney Lane, Renton Avenue, Slade Way, and Tolt Avenue. Staff has reviewed the proposed names against a master existing street name list and does not have concerns about redundancy or confusion.

Although the project does not yet have a street numbering designation, at the time of official address assignment (during construction, pre-occupancy) unit address numbers will be given in accordance with the Des Plaines city grid number system. For reference, the Oakton-Lee intersection is 1200 East and 1600 South. Per the addressing policy, each unit will have its own address number. Finally, the Address Assignment policy requires compliance with the 2015 International Fire Code and International Residential Code, which dictate minimum sizes, location, and legibility of address numbers.

The PZB voted 6-0 to recommend to the City Council approval with conditions for a Conditional Use for a Final Plat of PUD and Final Plat of Subdivision. If the City Council

chooses to recommend approval/approval with modifications, the PZB and staff recommend approval be subject to the following (conditions are included in approving Ordinance Z-9-22):

1. Within 30 days after the adoption of this Ordinance, the Petitioner must execute a redevelopment agreement between the Petitioner and the City, in substantially the form approved by the City Council pursuant to Resolution R-73-22. The development, use, operation, and maintenance of the Subjection Property shall at all times comply with all terms, conditions, restrictions, and provisions of the Redevelopment Agreement.
2. Petitioner will reconstruct the City-owned portions of Executive Way and Times Drive north of Oakton Street in accordance with and pursuant to the Final Plat of Planned Unit Development and the Redevelopment Agreement.
3. All governing documents, including the Homeowners' Association Declaration and Bylaws for the Proposed Development, covenants, conditions, and restrictions, or operating reciprocal easement agreements, must be submitted to and approved by the City's General Counsel prior to the recording of the Final Plat of Subdivision.
4. The Petitioner must provide to the City the performance security pursuant to and in accordance with the Redevelopment Agreement.
5. The final construction drawings may need to be amended to comply with the requirements of approval from external agencies or to address life safety/structural review comments during the building permit process.

Resident Trish Conaghan asked for clarification on if there will be sufficient parking for the proposed Metra station.

Mayor Goczkowski confirmed sufficient parking will be included in possible future plans for a Metra station on Oakton Street.

A representative from M/I Homes spoke on behalf of the development.

Mayor Goczkowski asked the representative for clarification of their vision for the outdoor space.

Alderman Zadrozny asked for clarification from the City Manager regarding the fee-in-lieu amount and timeline.

Alderman Oskerka asked the representative if the fence along the property line will be part of Phase 1 or Phase 2.

Resident William Spyrison asked for clarification regarding the retention basin.

Moved by Lysakowski, seconded by Oskerka, to Approve First Reading of Ordinance Z-9-22, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR FINAL PLANNED UNIT DEVELOPMENT, FINAL PLAT OF PLANNED UNIT DEVELOPMENT, FINAL PLAT OF SUBDIVISION, AND CERTAIN ZONING EXCEPTIONS FOR 1050 EAST OAKTON STREET, 1000-1100 EXECUTIVE WAY, AND 1555 TIMES DRIVE (CASE #22-002-FPUD-FPLAT-VAC).

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

Advanced to Second Reading by Moylan, seconded by Lysakowski, to Adopt the Ordinance Z-9-22, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR FINAL PLANNED UNIT DEVELOPMENT, FINAL PLAT OF PLANNED UNIT DEVELOPMENT, FINAL PLAT OF SUBDIVISION, AND CERTAIN ZONING EXCEPTIONS FOR 1050 EAST OAKTON STREET, 1000-1100 EXECUTIVE WAY, AND 1555 TIMES DRIVE (CASE #22-002-FPUD-FPLAT-VAC).

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

Moved by Chester, seconded by Zadrozny, to Approve First Reading of Ordinance M-14-22, AN ORDINANCE VACATING PORTIONS OF EXECUTIVE WAY AND TIMES DRIVE, A/K/A COMMONS DRIVE FOR THE HALSTON MARKET DEVELOPMENT PROPOSED AT 1050 E OAKTON STREET, 1050 EAST OAKTON STREET, 1000-1100 EXECUTIVE WAY, AND 1555 TIMES DRIVE.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

Advanced to Second Reading by Chester, seconded by Oskerka, to Adopt the Ordinance M-14-22, AN ORDINANCE VACATING PORTIONS OF EXECUTIVE WAY AND TIMES DRIVE, A/K/A COMMONS DRIVE FOR THE HALSTON MARKET DEVELOPMENT PROPOSED AT 1050 E OAKTON STREET, 1050 EAST OAKTON STREET, 1000-1100 EXECUTIVE WAY, AND 1555 TIMES DRIVE.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

Moved by Chester, seconded by Moylan, to Approve the Resolution R-73-22, A RESOLUTION APPROVING A REDEVELOPMENT AGREEMENT (HALSTON MARKET DEVELOPMENT - 1050 EAST OAKTON STREET, 1000-1100 EXECUTIVE WAY, AND 1555 TIMES DRIVE).

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

PUBLIC WORKS - Alderman Moylan, Chair

CONSIDER AMENDING PROVISIONS OF CHAPTER 2 OF TITLE 5 OF THE

Director of Public Works and Engineering Oakley reviewed a memorandum dated March 24, 2022.

The current City Code 5-2-3, only allows refuse service for multi-family dwellings of four (4) units or less. The new text for this section will allow for properties greater than four (4) units

**DES PLAINES CITY
CODE REGARDING
WASTE
COLLECTION
Ordinance
M-15-22**

to be part of the Franchise Agreement. The change to section 5-2-7 clarifies the language for the City’s contractor to bill each customer on quarterly basis. Consistent with the above, section 5-2-12 only allows recycling service for multi-family dwellings of four (4) units or less. The new text for this section will allow for properties greater than four (4) units to be part of the Franchise Agreement.

Staff recommends approval of Ordinance M-15-22.

Moved by Moylan, seconded by Lysakowski, to Approve First Reading of Ordinance M-15-22, AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 2 OF TITLE 5 OF THE DES PLAINES CITY CODE REGARDING WASTE COLLECTION.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

**CONSIDER
AMENDING
SECTION 8-1-11 OF
THE CITY CODE
REGARDING THE
REMOVAL OF
SNOW AND ICE
FROM PUBLIC
RIGHTS OF WAY
Ordinance
M-10-22**

Director of Public Works and Engineering Oakley reviewed a memorandum dated March 25, 2022.

At the March 21, 2022 City Council meeting, the City Council requested further amendment to Section 8-1-11 of the City Code regarding the removal of snow and ice from adjacent public rights of way in commercial areas.

The current City Code 8-1-11, allows the City to charge the owner, lessee, tenant or occupant an amount sufficient to defray the entire cost of any work performed to remove snow/ice from public rights of way in commercial areas, plus a twenty five percent (25%) administrative fee.

The amended ordinance clarifies that the accumulation of snow over 2” in depth will be as determined by the National Weather Service at O’Hare International Airport. In addition, a minimum mobilization fee of \$250 is added if the City or its contractor performs the snow/ice removal. Finally, the penalty section has been revised to reflect fixed fine amounts of \$250 for the first offense, \$500 for the second offense, and \$750 for the third offense.

Staff recommends approval of Ordinance M-10-22, amending Section 8-1-11 of the City Code regarding the removal of snow and ice from adjacent public rights of way in commercial areas.

Resident William Spyrison asked if this fee is for residential properties.

Mayor Goczkowski clarified the fee is for commercial properties not in compliance of City Code.

Alderman Smith asked who will be monitoring the enforcement.

Moved by Moylan, seconded by Oskerka, to Approve First Reading of Ordinance M-10-22, AN ORDINANCE AMENDING SECTION 8-1-11 OF THE CITY OF DES PLAINES CITY CODE REGARDING THE REMOVAL OF SNOW AND ICE FROM PUBLIC RIGHTS OF WAY.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

**OTHER MAYOR/
ALDERMAN
COMMENTS FOR
THE GOOD OF THE
ORDER**

Mayor Goczkowski recommended residents who are interested in how the City makes decisions to go to the City's website and look at the Strategic Plan.

ADJOURNMENT

Moved by Chester, seconded by Oskerka, to adjourn the meeting. The meeting adjourned at 8:35 p.m.

/s/ Jessica M. Mastalski

Jessica M. Mastalski – City Clerk

APPROVED BY ME THIS 18th

DAY OF April, 2022

/s/ Andrew Goczkowski

Andrew Goczkowski, MAYOR