

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, SEPTEMBER 18, 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 7:00 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, September 18, 2023.

ROLL CALL

Roll call indicated the following Aldermen 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, Assistant Director of Community and Economic Development Johnson, Deputy Fire Chief Matzl, Police Chief Anderson, and General Counsel Weiss.

PRAYER AND PLEDGE

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

PROCLAMATION

City Clerk Mastalski read a proclamation by Mayor Goczkowski declaring September 17-23 as Constitution Week.

Mayor Goczkowski presented the proclamation to a representative from the Twenty-First Star Chapter of the National Society of the Daughters of the American Revolution.

City Clerk Mastalski read a proclamation by Mayor Goczkowski declaring September 18th through 24th, 2023 as National Rail Safety Week.

MINUTES OF THE PUBLIC HEARINGS HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS DES PLAINES CIVIC CENTER, MONDAY, SEPTEMBER 18, 2023

**PUBLIC HEARING/
CONSIDER
APPROVING AN
ANNEX & DEVELOP
AGRMNT BTW THE
CITY & MAS LAND
INVESTMENTS 2,
LLC
Ordinance
Z-17-23**

Mayor Goczkowski called the Public Hearing for consideration of Resolution R-167-23, a resolution approving an annexation and development agreement between the City of Des Plaines and Mas Land Investments 2, LLC (180 N. East River Road), to order at 7:07 p.m.

Assistant Director of Community and Economic Development Johnson reviewed a memorandum dated September 7, 2023.

The petitioner is proposing the annexation of one parcel in unincorporated Cook County (Maine Township) to the City of Des Plaines. The petitioner owns the subject property, which is on the west side of N. East River Road and is contiguous to the city via the lot line with the incorporated property at 172 N. East River Road (existing Insignia Glen townhouse development). The parcel is proposed to be developed with a four-building, 16-unit townhouse (single-family attached) development, for which the necessary zoning and subdivision relief is being separately considered. A public hearing regarding an agreement for annexation, with public noticing as required by 65 ILCS 5/7-1-8, is being held at the September 18, 2023 City Council meeting, during which the Council will consider the agreement.

The petitioner (property owner and proposed developer, Palatine-based 3C, led by Todd Polcyn) has requested the City enter into a binding annexation and development agreement. This agreement is pursuant to the provisions of Division 11-15.1 of the Illinois Municipal Code, 65 ILCS 5/11-15.1-1 et seq., governing the annexation and zoning of the subject property. Here is a summary of key terms of the Agreement:

- After the approval of this Agreement, the Corporate Authorities will consider an ordinance annexing the Development Property.
- After adopting the annexation approval ordinance, the Council will consider an ordinance amending the City's zoning map to classify the Development Property into the R-3 Townhouse Residential Zoning District, as well as approval of a Preliminary Planned Unit Development (PUD) with requested exceptions.
- The Developer must pay to the City any amounts due pursuant to Section 9 of the Agreement and pay to the City an amount sufficient to cover the cost of recording this Agreement, all necessary plats, public noticing, and the Annexation Ordinance.
- The Developer must pay to the City an amount designed to cover the City's five-year obligation under 70 ILCS 705/20. This state statute requires the City to compensate the North Maine Fire Protection District for the removal of the property from its tax base. The estimated cost of this obligation, based on the amount of the Tax Year 2021 bill for the property sent to the District, is \$5,000.
- The Developer will pay the City \$5,413.60 in total annexation fees, which includes the obligation to North Maine Fire as well as water connection and subdivision fees; payment is prerequisite to the effectiveness of the annexation. • The Developer may not commence any construction (excluding demolition) on the Development Property unless and until the Developer submits, no later than one year after the date of annexation, the Final Plat of Subdivision, Final PUD, and related plans for approval by the City Council, in accordance with the Zoning Ordinance and the Subdivision Regulations.
- Developer must, at its sole cost and expense, construct and install all of the improvements that will be depicted on the Final Engineering Plan and the other components of the Final PUD.
- The Developer will construct a sidewalk along the frontage of the parcel along N. East River Road on land that will be dedicated to Cook County, which has roadway jurisdiction, on the Final Plat of Subdivision. This, along with the extension of a sanitary sewer main, constitutes the frontage portion of the required public improvements.
- A declaration of covenants, easements, and restrictions, acceptable in form and substance to the City's General Counsel, shall be recorded against the Development Property not later than the date which the closing on any sale or occupancy of the first Residential Structure occurs. The Declaration of Covenants shall provide for the creation of the Homeowners' Association or unified management entity, which shall own or manage common areas such as the private drives and open spaces.
- The Developer agrees to obtain or utilize all necessary private easements for access and stormwater drainage.
- The Developer agrees to fully comply with the City's fees-in-lieu of park land contributions under the Subdivision Regulations, to be approved by the City Council at the time of Final Plat of Subdivision consideration and paid prior to the issuance of any building permits.
- This Agreement will be in full force and effect from and after the Effective Date for a term of 20 years.

Moved by Walsten, seconded by Brookman, to Approve Resolution R-167-23, A RESOLUTION APPROVING AN ANNEXATION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DES PLAINES AND MAS LAND INVESTMENTS 2, LLC (180 N. EAST RIVER ROAD).

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Sayad, Brookman, Walsten

NAYS: 0 - None

ABSENT: 2 - Smith, Charewicz
Motion declared carried.

Mayor Goczkowski adjourned the Public Hearing at 7:15 p.m.

PUBLIC COMMENT

A couple residents expressed concerns regarding the construction on the property on Lincoln Lane next to their residences.

ALDERMAN ANNOUNCEMENTS

Alderman Oskerka – public parking , and thanked pw for water main breaks

Alderman Sayad – budget hearings with dates, ward meeting, and pancake breakfast, fire house open house, Octoberfest st Zachary, and thanked pw

Alderman Brookman – fall fest

Alderman Walsten – thanked pw and tim

MAYORAL ANNOUNCEMENTS

Mayor Goczkowski mentioned the third Food Truck Round-Up will be Tuesday, September 19th at Metropolitan Square starting at 5:00 p.m.

And community bike ride

CONSENT AGENDA

Moved by Brookman, seconded by Sayad, to Establish the Consent Agenda.

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Sayad, Brookman, Walsten

NAYS: 0 - None

ABSENT: 2 - Smith, Charewicz

Motion declared carried.

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

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Sayad, Brookman, Walsten

NAYS: 0 - None

ABSENT: 2 - Smith, Charewicz

Motion declared carried.

Minutes were approved; Ordinances M-15-23 was adopted; Resolutions R-168-23, R-169-23, R-170-23, R-171-23 were adopted.

REL OF CERTAIN MINS/ CLOSED SESSION
Consent Agenda

Moved by Brookman, seconded by Oskerka, to Approve Resolution R-168-23, A RESOLUTION RELEASING CERTAIN MINUTES OF CERTAIN CLOSED MEETINGS OF THE CITY COUNCIL. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-168-23

AUTH PURCH/ FORD EXPEDITION/ SUTTON FORD
Consent Agenda

Moved by Brookman, seconded by Oskerka, to Approve Resolution R-169-23, A RESOLUTION AUTHORIZING THE PURCHASE OF A FORD EXPEDITION FROM SUTTON FORD. Motion declared carried as approved unanimously under Consent Agenda.

Resolution

R-169-23

**APPROVE CHG ORD
1/ EMER WTR MAIN
REPLACE/ JOHN
NERI**

Consent Agenda

Moved by Brookman, seconded by Oskerka, to Approve Resolution R-170-23, A RESOLUTION APPROVING CHANGE ORDER NO. 1 WITH JOHN NERI CONSTRUCTION, INC. FOR EMERGENCY WATER MAIN REPLACEMENT ON ELMHURST ROAD. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-170-23**

**APPROVE PURCH/
STAFF VEH EMER
EQUIP/ FLEET
SAFETY SUPPLY**

Consent Agenda

Moved by Brookman, seconded by Oskerka, to Approve Resolution R-171-23, A RESOLUTION APPROVING THE PURCHASE OF STAFF VEHICLE EMERGENCY EQUIPMENT FROM FLEET SAFETY SUPPLY. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-171-23**

**SECOND READING/
ORDINANCE
M-15-23**

Consent Agenda

Advanced to second reading by Brookman, seconded by Oskerka, to Adopt the Ordinance M-15-23, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING LOCALIZED ALTERNATIVE SIGN REGULATIONS. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
MINUTES**

Consent Agenda

Moved by Brookman, seconded by Moylan, to Approve the Minutes of the City Council meeting of September 5, 2023, as published. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
MINUTES**

Consent Agenda

Moved by Brookman, seconded by Moylan, to Approve the Closed Session Minutes of the City Council meeting of September 5, 2023, as published. Motion declared carried as approved unanimously under Consent Agenda.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Sayad, Chair

**WARRANT
REGISTER**

**Resolution
R-163-23**

Alderman Sayad presented the Warrant Register.

Moved by Sayad, seconded by Smith, to Approve the Warrant Register of September 18, 2023, in the Amount of \$3,283,225.74 and Approve Resolution R-172-23.

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Sayad, Brookman, Walsten

NAYS: 0 - None

ABSENT: 2 - Smith, Charewicz

Motion declared carried.

COMMUNITY DEVELOPMENT – Alderman Moylan, Chair

**CONSIDER AN
ORDINANCE
APPROVING A FINAL
PLAT OF
SUBDIVISION AND A**

Assistant Director of Community & Economic Development Johnson reviewed a memorandum dated September 7, 2023.

The petitioner’s previous requests for a Tentative Plat of Subdivision and Conditional Uses for drive-through facilities for a proposed commercial redevelopment at 2777 Mannheim

**CONDITIONAL USE
PERMIT FOR A
LOCALIZED
ALTERNATIVE SIGN
REGULATION AT
2777 MANNHEIM
ROAD, DES PLAINES,
ILLINOIS (Case #23-
045-FPLAT-CU LASR)
Ordinance
Z-25-23**

Road were heard by the PZB at their April 25, 2023 meeting and City Council at its July 17, 2023 meeting. The PZB approved the tentative plat and recommended approval of the conditional uses, which the City Council subsequently approved. As such, petitioner GW Property Group, LLC is now requesting the following “second step” approvals: (i) a Final Plat of Subdivision under Section 13-2-5 of the Subdivision Regulations to consolidate the existing lots into three lots of record; and (ii) a conditional use for a Localized Alternative Sign Regulation (LASR) under Section 12-11-8 of the Zoning Ordinance.

Developer GW Properties, which is under construction for a multi-building restaurant-and-retail development on the southeast corner of Mannheim and Pratt (Outback Steakhouse, First Watch, Five Guys), is now also proposing a full redevelopment at the northeast corner—the former Café La Cave site. The proposed development is three new restaurants (“Class B” under the Zoning Ordinance) with indoor and outdoor seating and drive-throughs. The information for each proposed business is summarized below and described in detail in the attached Business Narratives.

- Guzman Y Gomez is a fast-casual restaurant proposed for the one-story stand-alone 2,850-square foot building positioned on the northern lot (Lot 1) of the commercial development. Their anticipated hours of operation are from 7:00 a.m. to 10:00 p.m. daily with five to ten employees on site at a given time. The building is designed with predominately brick material of varying colors, metal canopy structures, and an Exterior Insulation and Finish System (EIFS) accent.
- Cava is a fast-casual Mediterranean restaurant proposed for the onestory stand-alone 2,500-square foot building positioned in the center of the commercial development along Mannheim (Lot 2). Their anticipated hours of operation are from 10:45 a.m. to 10:00 p.m. daily with five to ten employees on site at a given time. The building is designed with predominately stucco material and finished wood accent
- Raising Canes is a quick-service restaurant proposed for the one-story 3,300-square-foot building positioned on the southern lot (Lot 3) of the commercial development at the northeast corner of Mannheim and Pratt. Their anticipated hours of operation are from 9:30 a.m. to 1:30 a.m. Sunday through Thursday and 9:30 a.m. to 3:30 a.m. Friday to Saturday. There are expected to be eight to fifteen employees on site at a given time. The building is designed with predominately brick material of varying colors, finished wood accents, concrete masonry units, and metal canopy structures throughout.

Overview

The subject property consists of five lots of record in the C-3 district totaling 2.39 acres, all under the address of 2777 Mannheim Road. The petitioner received PZB approval of the Tentative Plat to consolidate the existing five lots into three. Now the petitioner is requesting a Final Plat of Subdivision titled Final Plat of 2777 Mannheim Road Subdivision for three lots as detailed below.

The subject property’s unique shape is narrower on the north and gradually widens as it continues south. Thus, while the proposed lot widths are similar, the lot depths and areas increase substantially from proposed Lot 1 to proposed Lot 3. Nonetheless, all proposed lots meet the minimum lot depth requirement in Section 13-2-5.R of the Subdivision Regulations. Note that there are no lot width or lot area requirements for commercial districts.

Building Lines and Easements

The proposed subdivision shows the following building lines and easements: (i) a new 5-foot front building setback line along the west property line for all proposed lots where the proposed subdivision abuts Mannheim; (ii) a 25-foot rear building setback line along the east property line for all proposed lots of the subdivision; (iii) a five-foot side building setback

line along the south of Lot 3, where the proposed subdivision abuts Pratt; and (iv) a new ten-foot-wide public utility and drainage easement extending throughout the development.

Subdivision Process, Required Public Improvements

Chapter 13-3 of the Subdivision Regulations allows the City to require various right-of-way (ROW) improvements based on criteria such as traffic and effect on adjacent properties. Under Section 13-3-1, the developer is required to: (i) grind and resurface the entire Pratt Avenue pavement along the frontage of the proposed development; (ii) re-stripe Pratt within existing ROW to allow a new turn lane from Pratt to Mannheim; and (iii) per IDOT comments, re-stripe Mannheim within existing ROW to allow a new left turn lane into the site and onto Pratt. Certain underground infrastructure are required to be installed to the standards required by Public Works and Engineering (PWE). Specifically, the developer will be required to install a new water main in the east Mannheim ROW, which will connect to existing water mains at both ends. The developer has provided PWE with an estimated cost of public improvements totaling \$236,291, an amount for which PWE has approved. A performance security in the form of a letter of credit, with the City named as the beneficiary, will be required to secure the improvements. An attached memo serves as PWE's approval (as noted) under Section 13-2-4.

Overview

The proposal includes a request for a Localized Alternative Sign Regulation (LASR), which is a specialized sign plan eligible for certain types of developments. Recall the definition of a sign found in Section 12-13-3 as: "Any object, device, or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, state, city, or organization; works of art which in no way identify a product; scoreboards located on athletic fields."

Section 12-11-8 of the Zoning Ordinance is meant to consider the potential unique sign needs for commercial shopping centers and multiple-building commercial or institutional developments such as medical centers, office parks, universities, and colleges. Section 12-11-8.A identifies the full list of use types eligible for a LASR, which was recently amended through Ordinance Z-12-23 on July 17, 2023 to expand the types of eligible developments. The proposed commercial development that is the subject of this application is now eligible.

The proposed commercial development consists of three separate restaurant buildings—otherwise classified as a multi-building commercial development—which meets the eligibility requirements for a LASR, subject to the review and approval of a conditional use permit by City Council. Since this is a new LASR for the subject property, the petitioner is requesting a conditional use.

Proposed Sign Plans

The proposal includes: (i) a multi-tenant monument sign plan for the entire development and (ii) separate sign plans for each proposed lot (all attached), which are summarized in more detail below. All signs related to the existing Café La Cave building will be removed as part of the redevelopment of the subject property, so all signs identified in this report will be new.

- **Site Multi-Tenant Monument Sign:** The proposed eight-foot-tall, 41- square-foot multi-tenant monument sign is located along Mannheim on proposed Lot 2 (Cava Site) and is intended to include signs for all three restaurant tenants. It also includes the official assigned addresses for the three new lots, which will be effective upon the approval by City Council and recording by Cook County of the Final Plat. Monument signs are limited by quantity, height, and area, all dependent on the total street frontage of the lot on which they are located. Lot 2 is shown on the attached

Final Plat to have approximately 124 feet of frontage along Mannheim Road. Pursuant to Section 12-11-6.B, the sign meets the quantity, area, and setback requirements, but exceeds the maximum height of 5 feet for signs on lots having more than 120 feet of frontage on a single street, but less than 300 feet of frontage. However, through the LASR request and standards for conditional uses, the City Council may consider the nature of the multi-building commercial development and the multi-tenant sign's purpose to reduce the overall number of signs on the site (i.e., more efficient than having a greater number of smaller signs).

- Lot 1 (Guzman and Gomez) Sign Plan: The attached Lot 1 Sign Plan consists of six wall signs proposed for the restaurant building, which are summarized in the table below. No ground signs are proposed for this lot. Note that the mural on the north (side) building elevation is classified as artwork and is not included in the sign calculations.
- Lot 2 (Cava) Sign Plan: The attached Lot 2 Sign Plan consists of three wall signs proposed for the restaurant building, which are summarized in the table below. No ground signs aside from the aforementioned site multi-tenant monument sign are proposed for this lot.
- Lot 3 (Raising Cane's) Sign Plan: The attached Lot 3 Sign Plan consists of multiple sign types including six wall signs, two window signs, one directional sign, and three drive-through menu board signs, which are summarized in the table below. Note the following:
 - The "One Love Heart" (Item D) on the west (front) building elevation and "Red Dog" (Item F) on the south (side) building elevation are classified as artwork and are therefore not included in the sign calculations.
 - Item E on the north (side) building elevation is labeled as the "Painted Arrow Mural." However, it is classified as a wall sign and is included in the sign calculations.
 - The proposed speaker posts (Item I) are not classified as signs.
 - Item J is the tenant panel for the site multi-tenant monument sign discussed earlier.
 - The proposed "1" element on the west (front) elevation is classified as a wall sign and is included in the calculations.

For all three lots combined, a total sign area of 626 square feet is proposed for the requested LASR. In reviewing the proposed multi-building commercial development as a whole and reviewing the standards below, the City Council may request additional information from the petitioner regarding one or more of the proposed signs to consider their necessity for the development.

The PZB opened a public hearing on August 22, 2023 to consider the Final Plat of Subdivision and Conditional Use LASR requests. The Board's rationale for recommendations is captured in the excerpt to the draft minutes of the August 22, 2023 meeting. The PZB voted 6-0 to approve the Final Plat of Subdivision request and voted 6-0 to recommended approval of the Conditional Use LASR request.

Pursuant to Section 12-3-4.D.4 of the Zoning Ordinance and Section 13-2-8 of the Subdivision Regulations, the City Council has final authority to approve, approve with modifications, or deny the requests, which will be included in Ordinance Z-25-23. Should the City Council vote to approve the Conditional Use LASR request, staff and the PZB recommend the following conditions:

Conditions of Approval:

1. A three-foot landscape bed in all directions must be provided at the base of all freestanding signs. All landscape beds must be comprised of low-lying evergreen shrubs, perennials, and annuals.
2. Structural design plans shall be provided for all signage at time of building permit.
3. All proposed signs, artwork, and elements facing residences must be non-illuminated at all times.
4. The applicant/petitioner shall provide sight line analysis for vehicle-to-vehicle sightlines and vehicle-to-pedestrian/bicycle sightlines showing that the sign position does not intrude upon the American Association of State Highway Transportation Officials (AASHTO) Green Book sight triangles for the freestanding signs proposed along the roadway driveways and site access drives. The location of the freestanding signs may have to be slightly adjusted at the time of building permit review to comply with AASHTO site triangle clearance.

Moved by Moylan, seconded by Walsten, to Approve First Reading of Ordinance Z-25-23, AN ORDINANCE APPROVING A FINAL PLAT OF SUBDIVISION AND A CONDITIONAL USE PERMIT FOR A LOCALIZED ALTERNATIVE SIGN REGULATION AT 2777 MANNHEIM ROAD, DES PLAINES, ILLINOIS (Case #23-045-FPLAT-CU LASR).

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Sayad, Brookman, Walsten

NAYS: 0 - None

ABSENT: 2 - Smith, Charewicz

Motion declared carried.

Advanced to second reading by Sayad, seconded by Brookman, to Adopt the Ordinance Z-25-23, AN ORDINANCE APPROVING A FINAL PLAT OF SUBDIVISION AND A CONDITIONAL USE PERMIT FOR A LOCALIZED ALTERNATIVE SIGN REGULATION AT 2777 MANNHEIM ROAD, DES PLAINES, ILLINOIS (Case #23-045-FPLAT-CU LASR).

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Sayad, Brookman, Walsten

NAYS: 0 - Walsten

ABSENT: 2 - Smith, Charewicz

Motion declared carried.

CONSIDER
ANNEXING 180 N.
EAST RIVER ROAD
TO THE CITY
Ordinance
A-1-23

Assistant Director of Community & Economic Development Johnson reviewed a memorandum dated September 7, 2023.

The petitioner is proposing the annexation of one parcel in unincorporated Cook County (Maine Township) to the City of Des Plaines. The petitioner owns the parcel, which is on the west side of N. East River Road and is contiguous to the city via the lot line with the incorporated property at 172 N. East River Road (Insignia Glen development). The parcel is proposed to be developed with a four-building, 16-unit townhouse (single-family attached) development, for which the necessary zoning and subdivision relief is being separately considered. A public hearing regarding annexation with public noticing as required by 65 ILCS 5/7-1-8 is being held at the September 18, 2023 City Council meeting, during which the Council will consider an annexation and development agreement.

The petitioner (property owner and proposed developer, Palatine-based 3C, led by Todd Polcyn) has requested the City enter into a binding annexation and development agreement pursuant to the provisions of Division 11-15.1 of the Illinois Municipal Code, 65 ILCS 5/11-15.1-1 et seq., governing the annexation and zoning of the subject property. The provisions of the agreement are summarized in the staff report for Resolution R-167-23, which is being separately considered.

The Plat of Annexation labels the subject property, including a portion of the North East River Road right of way, and illustrates its annexation into the City of Des Plaines boundaries. As part of this request, the petitioner will dedicate the portion of the property that includes the North East River Road right of way to Cook County, which has jurisdiction over the roadway. If the property is annexed and the proposed development is built and occupied, City services such as police and fire would be provided to the estimated 32-381 residents. Residents would be served by City of Des Plaines water and sanitary, and the homeowners' association/unified management is expected to obtain refuse service through the City's agreement with its refuse collection provider. If incorporated into the City, the Des Plaines Library would serve the new residents.

After its consideration of the Annexation and Development Agreement (Resolution R-167-23) and the Plat of Annexation, the Council may approve Ordinance A-1-23. If approved and once effective and recorded, the Council's action will annex the subject property to the City of Des Plaines, pursuant to state statute and the City Code. The annexation would become effective upon (i) the petitioner paying all annexation fees and (ii) the petitioner depositing with the City a performance security in an amount approved by the Department of Public Works and Engineering, to secure the extension of public infrastructure, such as a sanitary sewer and sidewalk, along the frontage of the property.

Moved by Lysakowski, seconded by Brookman, to Approve First Reading of Ordinance A-1-23, AN ORDINANCE ANNEXING 180 N. EAST RIVER ROAD TO THE CITY OF DES PLAINES. (23-042-AX-TA-MAP-PUD-TSUB).

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Sayad, Brookman, Walsten

NAYS: 0 - None

ABSENT: 2 - Smith, Charewicz

Motion declared carried.

Advanced to second reading by Lysakowski, seconded by Sayad, to Adopt Ordinance A-1-23, AN ORDINANCE ANNEXING 180 N. EAST RIVER ROAD TO THE CITY OF DES PLAINES. (23-042-AX-TA-MAP-PUD-TSUB).

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Sayad, Brookman, Walsten

NAYS: 0 - None

ABSENT: 2 - Smith, Charewicz

Motion declared carried.

CONSIDER
APPROVING AN
AMENDED &

Assistant Director of Community & Economic Development Johnson reviewed a memorandum dated September 7, 2023.

RESTATED
DEVELOP AGRMT
BTW THE CITY OF &
MYLO RESIDENTIAL
GRACELAND
PROPERTY LLC

Resolution
R-164-23

The petitioner is requesting a map amendment to rezone the subject property at 180 N. East River Road from R-1 Single Family Residential, which is the default, initial zoning designation for land annexed to the City under Chapter 6 of the Zoning Ordinance, to R-3 Townhouse Residential. The petitioner is also seeking a preliminary PUD with exceptions for a proposed 16-unit townhouse development.

The map amendment and preliminary PUD requests were filed by the owner of 180 N. East River Road (MAS Land Investments 2, LLC) concurrently with petitions for annexation, Tentative Plat of Subdivision (which has been approved by the Planning and Zoning Board), and a zoning text amendment related to the minimum lot size for certain PUDs and which was approved by Ordinance Z-23-23 at the September 5, 2023 City Council meeting.

Overview

Petitioner MAS Land Investments, LLC, owner of 180 N. East River Road, intends to annex land to the City of Des Plaines and build a townhouse development. The subject property is in unincorporated Cook County along North East River Road and is comprised of one 40,245-square-foot (0.92-acre) parcel 1. The subject property is improved with a one-story, 1,665-square-foot residence, a 1,194-square-foot detached garage (including two additions), two frame sheds approximately 82 and 90 square feet in size, and a combination of concrete and gravel driveway and parking areas.

Proposed Project

The proposal includes the removal of all existing site improvements to redevelop the subject property into a 16-unit PUD similar to the existing Insignia Glen development – which was approved by PUD in the early 2000s – located directly south of the subject property at 172 N. East River Road, which is already incorporated within Des Plaines (in other words, the property subject of this request is immediately north of and contiguous to Des Plaines' corporate boundary). The proposed development consists of four separate three-story principal buildings—each with four units. The anticipated unit mix will be predominately two-bedrooms, but the floor plan is adaptable to create a third bedroom; the developer has not finalized the unit mix. Each unit will have a two-car attached garage on the lower level, living space with a balcony on the middle level, and bedrooms on the top level.

The proposal intends to mirror the general building and driveway design of the existing Insignia Glen development and will utilize the same private drive for access to East River Road via an existing access easement that was granted and recorded via the early 2000s PUD. For this reason, the existing gravel curb cut onto the subject property will be removed and replaced with turf and landscaping areas. New walkways are proposed along the private drive (south property line)—with walkway connections to each unit—and along North East River Road (east property line) of the subject property for pedestrian access throughout the site and connections to the existing Insignia Glen PUD. The development also proposes common green spaces for residences opposite the driveway entrances where separate front door, porch area, and walkway connections are provided.

MAP AMENDMENT

Overview

The subject property is currently located in unincorporated Cook County and is not classified under any zoning district classification identified in Chapter 7 of the Des Plaines Zoning Ordinance. However, upon approval of an annexation of the subject property into the municipal boundaries, the default zoning district classification is R-1 Single Family Residential per Section 12-6-4.B. The proposed townhouse dwelling use is not allowed in the R-1 district as a permitted or conditional use but is permitted in R-3 Townhouse Residential.

As such, the petitioner is requesting a map amendment to rezone the property, once annexed, from R-1 to R-3 to construct the proposed townhouse PUD. A PUD in the R-3 district does require approval of a conditional use permit by the City Council as noted in the table, which will be discussed in more detail in the Preliminary PUD request section. A townhouse dwelling use is subject to the bulk regulations in Section 12-7-2.J of the Zoning Ordinance. The table below compares the R-3 district regulations with proposals for the development.

PLANNED UNIT DEVELOPMENT (PUD)

Overview

The proposed development includes four separate principal buildings. Section 12-13-3 of the Zoning Ordinance defines a principal building as “a nonaccessory building in which a principal use of the lot, on which it is located, is conducted.” In a townhouse development, the townhouse dwelling itself represents the principal use of the property, which is to provide:

“A room or group of contiguous rooms that include facilities used or intended to be used for living, sleeping, cooking and eating, and that are arranged, designed or intended for use exclusively as living quarters” (Section 12-13-3, Zoning Ordinance).

In short, the proposed PUD on the subject property includes attached townhouse residential units in four separate buildings (i.e., dwellings), which represent four principal structures. However, pursuant to Section 12-7-1.A of the Zoning Ordinance, not more than one principal building or structure can be located on a zoning lot, except in certain cases. In the list of available exceptions, a planned development, defined below, is the only case suitable for the proposal.

“A development occurring on a parcel under single ownership or unified control which is developed as a unit and includes two (2) or more principal buildings or uses, and is processed under the planned development procedure of this title” (See section 12-3-5, "Planned Unit Developments", of this title.) (Section 12-13-3, Zoning Ordinance).

The purpose of a PUD is to permit a type of development that aligns with the characteristics in Section 12-3-5.A of the Zoning Ordinance, which are listed below along with staff’s assessment of each in relation to the attached Preliminary PUD Plat provided by the petitioner.

Prerequisites: Location, Ownership, and Size

PUDs are authorized in all zoning districts in the City subject to the regulations in Section 12-3-5 of the Zoning Ordinance and are required to be under single ownership and/or unified control. While the subject property is currently not owned by the petitioner, the petitioner does intend to take ownership of the property upon approval of the requests in this application and the annexation of the property. While not part of the Planning and Zoning Board's purview, staff will require the petitioner to enter into a development and annexation agreement which will need to be approved by the City Council. The establishment of a Homeowner's Association (HOA) will also be required to manage and maintain the proposed PUD.

Parking Requirement

Pursuant to Section 12-9-7, a townhouse (single-family attached) residential use requires a minimum of two off-street parking spaces per dwelling unit plus one common guest space for every four dwelling units. As such, the proposed 16-unit PUD requires a minimum of 36 off-street parking spaces: 32 for direct use of the units and four common guest spaces. The attached PUD Site Plan indicates two covered off-street garage spaces for each unit and eight standard parallel parking spaces off the private drive.

PUD Bulk Exceptions

As identified in the R-3 Bulk Regulations table above, the proposal does not meet the minimum rear yard and minimum lot area (maximum density) regulations. As such, PUD exceptions are required. The Zoning Ordinance contemplates the possibility of exceptions to these project components through Section 12-3-5.C.1-2 (Necessity of Bulk Exceptions and Perimeter Yards).

The PZB split their determination into separate motions: (i) voting 6-0 to recommend that City Council approve the Map Amendment with staff recommended condition No. 5; and (ii) voting 6-0 to recommend that City Council approve the Preliminary PUD with staff recommended conditions Nos. 1-4.

If the City Council decides to approve these requests, the PZB recommended the following conditions.

Conditions of Approval:

1. All proposed improvements and modifications shall be in full compliance with all applicable codes and ordinances. Drawings may have to be modified to comply with current codes and ordinances.
2. The Final PUD, plat, and site plan documents shall be revised to provide either (i) a minimum 7-foot-wide walkway/sidewalk adjacent to the proposed parallel parking or (ii) sufficient buffer through curb or planting strip to accommodate door swing, as well as any other revisions required of the Public Works and Engineering Department in the attached memo.
3. Improvements to the private drive for driveway curb cuts and on-street parking shall comply with the cross-access easement recorded with the approved PUD for the Insignia Glen development immediately to the south.
4. All governing documents for the construction and ongoing operation of the proposed development including but not limited to any development/annexation agreements, covenants, conditions, and restrictions, or any 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 PUD or Final Plat of Subdivision. 5. All land use and permitting approvals shall not become effective until the City finalizes approval of annexation of the subject property

In the Council's discussion of the petitioner's text amendment proposal at the September 5 meeting, an alderman expressed a desire to see a commitment for installation of a privacy fence. This was discussed at the PZB public hearing but not conditioned by the PZB. The Council may discuss with the petitioner and if it chooses may modify Ordinance Z-26-23 to include a fence-related condition.

Moved by Lysakowski, seconded by Brookman, to Approve First Reading of Ordinance Z-26-23, AN ORDINANCE APPROVING A ZONING MAP AMENDMENT AND A PRELIMINARY PLANNED UNIT DEVELOPMENT PLAT FOR 180 N. EAST RIVER ROAD, DES PLAINES, ILLINOIS. (Case #23-042-AX-TA-MAPTSUB-PPUD).

Upon voice vote, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Sayad, Brookman, Walsten

NAYS: 0 - None

ABSENT: 2 - Smith, Charewicz

Motion declared carried.

Advanced to second reading by Lysakowski, seconded by Sayad, to Adopt Ordinance Z-26-23, AN ORDINANCE APPROVING A ZONING MAP AMENDMENT AND A PRELIMINARY PLANNED UNIT DEVELOPMENT PLAT FOR 180 N. EAST RIVER ROAD, DES PLAINES, ILLINOIS. (Case #23-042-AX-TA-MAPTSUB-PPUD).

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
Sayad, Brookman, Walsten

NAYS: 0 - None

ABSENT: 2 - Smith, Charewicz

Motion declared carried.

,000 in earnest money from Chicago Title, and a reverter deed provision will become effective, allowing the City to reclaim title to 1332 Webford.

The City received a request from counsel for the Developer to be relieved from having to acquire and redevelop the 1330 Webford parcel in the post-closing conditions. In exchange, they are offering the City \$300,000 (less the Commercial District to the CThe developer must acquire the Motion declared carried.

Alderman Brookman requested a five-minute recess.

Mayor Goczkowski called a five-minute recess at 9:50 p.m.

Mayor Goczkowski reconvened the meeting at 9:58 p.m.

Legal & Licensing – Alderman Brookman, Chair

DISCUSSION
REGARDING LEASE

Assistant Director of Public Works & Engineering Watkins reviewed a memorandum dated August 24, 2023.

**AGREEMENT
BETWEEN THE CITY
OF DES PLAINES
AND ONESTI
ENTERTAINMENT**

The Water/Sewer enterprise fund balance continues to diminish due to costs outpacing revenues. By the end of 2025, the Water/Sewer Fund will have a negative balance of \$11.2 million. Additionally, due to the age of the City's infrastructure, the City averages over 100 water main breaks per year. This creates a water loss of over 22%, which equates to a lost water cost of \$1,200,000 per year.

Enterprise funds are established to account for the financing of self-supporting activities of the City that render services on a user-charge basis. The revenue generated through user charges and other water and sewer related functions are intended to fully support the operation of the fund. Both the IDNR and IEPA recommend that an Enterprise Fund should be self-sustaining. The City's existing water and sewer usage rates are not sufficient to recover the full cost of operations, and neither can they sustain an annual capital improvement program at the level needed to keep pace with infrastructure deterioration. Even though the City has a new water source and there is a savings on the purchase of water, the operating costs and infrastructure needs continue to deplete the fund.

In the past, the City has supplemented the Water/Sewer Fund with Gaming revenue. However, in order to fund facility projects such as the Police Station addition, Fire Station 62 Reconstruction and Leela Building Renovation, the Facilities Fund will have to be supplemented by Gaming Revenue.

The City conducted an analysis of the current rates, surveyed other municipalities, reviewed the infrastructure needs and created funding scenarios. As part of the review, the analysis looked at the City's current charges of the following:

- Current Ordinance of the City's Water/Sewer Facility Fee
- Current Ordinance of the City's Water Operation and Maintenance Charges
- Current Ordinance of the City's Sewer Fee
- Current Ordinance of the City's Water/Sewer Capital Fee

Many municipalities including Des Plaines have established a fixed rate billing system instead of the traditional minimum usage bill. The fixed rate is applied to the regular bill based on the water meter size plus the customer's usage. These rates were calculated by evenly dividing static overhead costs for the water utilities among the total number of customers and escalated for larger meter sizes based on flow capacity. Using a fixed rate system provides a fair and steady revenue versus the minimum usage that charges customers a minimum bill. The fixed rate offsets the continual costs of the water system which includes water tank maintenance/painting, water pump facilities and water meters. Staff conducted an analysis of the current costs and have determined that in order to keep pace with escalating costs, these fees will need to be adjusted. If approved by Council, staff recommends reviewing this rate again in 2028.

The Operation and Maintenance charge (O&M) is intended to recover the cost for routine operation and maintenance of the water system. This includes the re-chlorination and pumping of water, day-to-day water system repairs of water mains and fire hydrants, associated equipment required to maintain the water system and the cost for Utility Billing functions. The City's current O&M charge is \$2.25 per unit of water. Based on increased operational costs, the fee should be \$2.75 per unit of water. To keep the customer impact to a minimum, an increase of \$0.25 for the 2024 fiscal year and an increase of \$0.25 for the 2025 fiscal year is recommended. This increase will keep this portion of the rate even with the O&M expenses.

The City currently charges \$0.91 per unit of water for the purpose of maintaining the City's sewer systems. This includes the operation and maintenance of the sanitary sewer lift station,

storm sewer pumping stations, and over 365 miles of sanitary and storm sewer mains and structures. Based on increased operational costs, the fee should be \$1.18 per unit.

The City currently charges \$1.00 per unit of water for the purpose improving/replacing the City's water and sewer systems. Water infrastructure has a life expectancy of 75 years and Sewer infrastructures have a life expectancy of 100 years. We conducted an analysis of the water and sewer systems and, based on the age of the current infrastructure, in order to replace system components, the City should be investing at a minimum of \$10.3 million per year based on 2023 construction costs. These costs will continue to increase at a minimum rate of 2.5% a year. Additionally, both the MWRD and EPA have newly mandated regulatory requirements which will be an additional financial burden to the City. The EPA has mandated that the City must replace all lead/galvanized service lines within the next 20 years.

To keep the customer impact to a minimum, staff recommends the fee increase to a rate of \$2.00 per unit of water for the 2024 fiscal year and an increase of \$1.00 per year, for the next three years.

If the above rates are approved by Council, the projected fund balance would improve but will still have an ending fund balance in 2029 of only \$350,000. This leaves little in reserves. With the 2024 recommended increases, Des Plaines is in the lower 50th percentile of surrounding communities.

Staff recommends the City Council take the following actions:

- Effective January 1, 2024, implement the proposed Fixed Facility Charges as shown in Table 2.
- Effective January 1, 2024, increase the Water Operation and Maintenance Charge to \$2.50 per unit of water and increase the fee to \$2.75 in 2025.
- Effective January 1, 2024, increase the Sewer Fee to \$1.18 per unit of water.
- Effective January 1, 2024, increase the Capital Fee to \$2.00 per unit of water and increase the fee annually by \$1.00 per year through 2027.

Moved by Sayad, seconded by Smith, Approve First Reading of Ordinance M-16-23, AN ORDINANCE AMENDING THE CITY CODE REGARDING WATER RATES AND SEWER FEES.

Upon voice vote, the vote was:

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

NAYS: 1 - Walsten

ABSENT: 0 - None

Motion declared carried.

Advanced to second reading by Sayad, seconded by Charewicz, to Adopt the Ordinance M-16-23, AN ORDINANCE AMENDING THE CITY CODE REGARDING WATER RATES AND SEWER FEES.

Upon roll call, the vote was:

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

NAYS: 1 - Walsten

ABSENT: 0 - None

Motion declared carried.

Alderman Charewicz requested a consensus to ask the finance committee to consider an additional \$5,000,000.00 in 2024 and 2025 to be proactive about water main issues.

There was consensus to consider during the upcoming budget meetings.

LEGAL & LICENSING – Alderman Brookman, Chair

CONSIDER
APPROVING THE
ENGAGEMENT OF
ROBBINS DIMONTE
LTD. FOR THE
PROVISION OF
PROSECUTORIAL
SERVICES
Resolution
R-166-23

On June 5, 2023, the City’s longtime prosecutor, Ray Bartel, announced his retirement. In response to that, on July 14, 2023, the City issued a Request for Proposals (RFP) for Prosecutorial Services. Five responses were received, and four firms were interviewed on August 15 by a committee of staff comprised of the City Manager and members of the Police Department, Community & Economic Development Department, and General Counsel.

After some deliberation with the committee and in the best interest of the City, the City Manager has selected the firm of Robbins DiMonte to perform prosecutorial services for the City.

Eric Patt, prosecutor with Robbins DiMonte Ltd., spoke on his behalf and on behalf of the law firm.

Moved by Walsten, seconded by Sayad, to Approve the Resolution R-166-23, A RESOLUTION APPROVING THE ENGAGEMENT OF ROBBINS DIMONTE LTD. FOR THE PROVISION OF PROSECUTORIAL SERVICES.

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 thanked Ray Bartel for his years of service with the City and wished him the best of luck in retirement.

ADJOURNMENT

Moved by Sayad, seconded by Brookman to adjourn the meeting. Upon voice vote, motion declared carried. The meeting adjourned at 10:28 p.m.

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

APPROVED BY ME THIS 2nd
DAY OF October , 2023

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR