

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, OCTOBER 2, 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 6:01 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, October 2, 2023.

ROLL CALL

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

CLOSED SESSION

Moved by Brookman, seconded by Oskerka, 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: 6 - Oskerka, Sayad, Brookman,
Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Moylan

Motion declared unanimously carried.

The City Council recessed at 6:02 p.m.

The City Council reconvened at 7:04 p.m.

Roll call indicated the following Alderman present: Moylan, Oskerka, Sayad, Brookman, Walsten, Smith, Charewicz. Absent: Lysakowski. 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, Fire Chief Anderson, Police Chief Anderson, and General Counsel Friedman.

PRAYER AND PLEDGE

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

SWEATING-IN CEREMONY

Mayor Goczkowski swore-in the following new firefighters/paramedics to the Des Plaines Fire Department:

- NATHAN CROCE
- KEVIN BROGAN
- TIM WUNDERLICH
- ANNA SOROTA
- JOE ROVERSI

PROMOTIONS

Mayor Goczkowski swore-in KEVIN MURPHY from Engineer/Paramedic to Lieutenant.

APPOINTMENTS

Mayor Goczkowski swore-in JIM UTINANS from Lieutenant to Battalion Chief.

Mayor Goczkowski swore-in BRIAN KINNARE from Firefighter/Paramedic to Engineer/Paramedic.

PUBLIC COMMENT

Resident Dr. McKernan expressed her opinion that there is a need for a stoplight at Mannheim Road and Pratt Street.

Director of PW&E Oakley stated the intersection is under the jurisdiction of IDOT; with existing traffic and future predicted traffic conditions it does not meet the warrants for a traffic signal so IDOT will not permit a traffic signal. Once the projects are fully developed the City will take traffic counts on an annual basis; when it meets the warrant then a permit may be issued by IDOT, but it will be up to the City to fund the project at about \$1,000,000.00.

**ALDERMAN
ANNOUNCEMENTS**

Alderman Oskerka stated he went to the fire department open house last weekend and that it was stellar. He also mentioned he received an email from a resident commending the Police for their apprehension of the suspect from the incident on Miner Street.

Alderman Sayad stated the fire station open house was outstanding and well attended, He reminded residents that he is hosting a 4th ward meeting on October 11th at 7:00 p.m. at the Golf Road Baptist Church. He stated the first 2024 budget meeting is October 12th at 6:00 p.m.; the next budget meetings will be October 18th and 26th.

Alderman Smith stated that on October 14th at Oakton College, the City will be hosting the Harvest Hoot. She gave recognition to the officer’s handling of the incident on Miner Street.

Alderman Charewicz stated he is hosting a ward meeting tomorrow night at 7:00 p.m. at the Friendship Conservatory He also thanked Public Works for their great job fixing the water mains breaks throughout the City.

**MAYORAL
ANNOUNCEMENTS**

Mayor Goczkowski stated that on Saturday, October 14th from 12:00 p.m. to 4:00 p.m. the City will be having the inaugural Harvest Hoot, and he encouraged everyone to come out. He complimented the Fire Station open house, and highlighted the annual community bike ride expressing how it was very successful this year.

CONSENT AGENDA

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

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Lysakowski

Motion declared carried.

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

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Lysakowski

Motion declared carried.

Minutes were approved; Resolutions R-173-23, R-174-23, R-175-23, R-176-23 were adopted.

**REJECT ALL BIDS/
BACK-UP
GENERATOR/ WTR
TOWER SITES**

Consent Agenda

Moved by Sayad, seconded by Oskerka, to Approve Resolution R-173-23, A RESOLUTION REJECTING ALL BIDS FOR BACK-UP GENERATORS AT THE WATER TOWER SITES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-173-23**

APPROVE CONTR/
SNOW REMOVAL/
KAPLAN PAVING &
DGO PREM SVCS CO
Consent Agenda

Moved by Sayad, seconded by Oskerka, to Approve Resolution R-174-23, A RESOLUTION APPROVING CONTRACTS WITH KAPLAN PAVING AND DGO PREMIUM SERVICES COMPANY FOR SNOW REMOVAL SERVICES ON VARIOUS ROADS WITHIN THE CITY OF DES PLAINES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-174-23

APPROVE MSTR
CONTR & TSK ORD 1/
MECH SVCS/ DAHME
Consent Agenda

Moved by Sayad, seconded by Oskerka, to Approve Resolution R-175-23, A RESOLUTION APPROVING A MASTER CONTRACT AND TASK ORDER NO. 1 WITH DAHME MECHANICAL INDUSTRIES, INC. FOR MECHANICAL SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-175-23

APPROVE LEASE
AGRMNT/ PRINTERS
& FAX LINES/
KONICA
Consent Agenda

Moved by Sayad, seconded by Oskerka, to Approve Resolution R-176-23, A RESOLUTION APPROVING A LEASE AGREEMENT WITH KONICA MINOLTA PREMIER FINANCE FOR THE LEASE OF EIGHTEEN MULTI-FUNCTION PRINTERS, EIGHTEEN CLOUD FAX LINES AND A SERVICE CONTRACT WITH KONICA MINOLTA BUSINESS SOLUTIONS USA FOR MAINTENANCE AND SUPPORT SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-176-23

APPROVE
MINUTES
Consent Agenda

Moved by Sayad, seconded by Oskerka, to Approve the Minutes of the City Council meeting of September 18, 2023, as published. Motion declared carried as approved unanimously under Consent Agenda.

UNFINISHED
BUSINESS

DISC RE LEASE
AGRMT BETWEEN
THE CITY & ONESTI
ENTERTAINMENT

Mayor Goczowski stated in light of ongoing lease agreement discussion he asked to entertain a motion to table the discussion to a future meeting.

Moved by Brookman, seconded by Oskerka, to table the discussion regarding the lease agreement between the City and Onesti Entertainment to a future meeting,
Upon voice vote, the vote was:
AYES: 7 - Moylan, Oskerka, Sayad, Brookman,
Walsten, Smith, Charewicz
NAYS: 0 - None
ABSENT: 1 - Lysakowski
Motion declared carried.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Sayad, Chair

WARRANT
REGISTER
Resolution
R-177-23

Alderman Sayad presented the Warrant Register.

Moved by Sayad, seconded by Charewicz, to Approve the Warrant Register of October 2, 2023, in the Amount of \$5,840,504.43 and Approve Resolution R-177-23.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Lysakowski

Motion declared carried.

COMMUNITY DEVELOPMENT – Alderman Moylan, Chair

CONSIDER
AMENDING THE
ZONING
ORDINANCE
REGARDING
ACCESSORY
STRUCTURES
Ordinance
Z-27-23

The City of Des Plaines is proposing amending the Zoning Ordinance to increase the maximum area for accessory structures except detached garages and carports, and to amend the accessory structure definition.

Staff is proposing a new maximum size of 225 square feet, contemplating a 15 by 15 accessory structure and increasing the permitted size by approximately one-third. The proposed amendments would also apply to nonresidential uses, providing opportunities for businesses interested in slightly larger accessory storage buildings or installing permanent coverings for outdoor seating.

The full proposed amendments are summarized below:

- Section 12-8-1, Accessory Uses and Structures: Amend the maximum size allowance for accessory structures—excluding detached garages and carports—to 225 square feet.
- Section 12-13-3, Definition of Terms: Amend the Accessory Structure definition to include structures with semi-open roofs (such as pergolas) and add additional items to the non-exhaustive list of accessory structure examples.

The PZB recommended approval 7-0 of the amendments and Ordinance Z-27-23.

Moved by Walston, seconded by Brookman, to Approve First Reading of Ordinance Z-27-23, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING ACCESSORY STRUCTURES.

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Lysakowski

Motion declared carried.

Later in the meeting at 8:13 p.m., at the suggestion of Mayor Goczkowski, the City Council readdressed Ordinance Z-27-23 for second reading.

Advanced to second reading by Charewicz, seconded by Brookman, to Adopt the Ordinance Z-27-23, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING ACCESSORY STRUCTURES.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Lysakowski

Motion declared carried.

CONSIDER
APPROVING A MJR
CHG TO A FINAL
PUD AND AN AMD
TO A COND USE
PERMIT FOR A LCL
ALT SIGN REG AT
2995-3025 MANNHEIM
RD, 3401 ORCHARD
PL, & 1620-1630
HIGGINS RD
Ordinance
Z-28-23

Assistant Director of Community & Economic Development Johnson reviewed a memorandum dated September 21, 2023.

Petitioner Rehan Zaid, who is an owner and authorized agent for the ownership entities within the Orchards at O’Hare campus, is proposing a major change to the existing PUD. Lot 5 is 41,514 square feet in size, located along the east side of Mannheim Road on the west of the PUD. Called “the restaurant pad” historically because it was originally envisioned as a freestanding, sit-down restaurant, the lot is currently improved with a partial surface parking area, as the restaurant has not been built.

There are no proposed changes to the dimensions or size of Lot 5. Instead, the petitioner looks to develop the existing site with the Class B restaurant and a surface parking area with a mixture of standard and EV charging parking spaces.

- Popeyes is a fast-casual restaurant proposed for the one-story stand-alone 2,523-square-foot building positioned on the north of Lot 5. Their anticipated hours of operation are from 10:00 a.m. to 12:00 a.m. Sunday through Thursday and 10 a.m. to 1 a.m. on Friday and Saturday. A maximum of 12 employees will be on site at a given time. The building is designed with predominately brick material of varying colors.
- Tesla is a manufacturer of EVs and EV charging equipment and is proposing 52 Tesla EV charging spaces, or a “Supercharger,” for the southern portion of Lot 5. The charging stations are open 24/7 and are staffed remotely via a 24/7 customer service support line.

The petitioner is requesting a Major Change to PUD to allow for the construction of a Class B restaurant and EV charging parking spaces on Lot 5 of Orchards at O’Hare. The current PUD permits a Class A—or primarily sit-down service—restaurant, as well as a hotel, fueling station with two food services, and the two-unit commercial building approved in 2019. The hotel, fueling station, and Panera building are not proposed to change, other than the sign details for the restaurant planned for the hotel (Cilantro Taco/Ostras). The Final PUD plan is proposed to be revised to illustrate and allow the proposed Class B—or primarily quick-service restaurant—with drive-through on the northern portion of Lot 5 and the designated EV charging area on the southern portion of Lot 5. The scope of work for Lot 5 includes the necessary construction of water, electric, gas, communication, and sanitary utilities.

There are currently two indirect means of access to Lot 5: to the north from Mannheim Road through Lot 6, and to the south from Higgins Road (via local street Orchard Place) through Lot 3. Neither Lot 5 nor Lot 6 are proposed to change as part of this request. The proposed lot configuration will utilize the existing access points while also providing multiple 24-foot-wide, two-way travel drive aisles around Lot 5. The drive aisles for Lot 5 provide access to all sides of the proposed restaurant building and EV charging posts. The drive aisles meet the width standards for fire truck access and have been approved by the Fire Prevention Bureau.

The off-street parking requirements are based on the proposed Class B restaurant use since the EV charging spaces are accessory to the restaurant use. Class B restaurants require one off-street parking space for every 50 square feet of net floor area, or one space for every four seats, whichever is greater, plus one space for every three employees. The required number of accessible parking spaces is determined by the total number of parking spaces available on the site. The proposed restaurant building is 2,523 square feet of gross floor area with approximately 683 square feet of net floor area for the dining area and 24 seats. Given the parking requirements above, the number of parking spaces required based on the dining area are greater than the number of parking spaces required based on the number of seats, yielding

a total of 14 required spaces. The proposal includes the installation of 52 EV charging spaces, including three EV spaces, is allowable under parking rules since these spaces are above and beyond the parking minimum. A total of five accessible parking spaces are proposed for Lot 5—two serving the restaurant and three serving the EV charging posts—which meets this standard.

The proposed Class B restaurant includes a drive-through facility, which is a permitted use on the subject property given its C-3 zoning designation and that it is not adjacent to residential. Each drive-through facility must provide a minimum of six stacking spaces plus one stacking space per waiting area provided. Based on the Site Plan for Lot 5, the total number of stacking spaces provided for both drive-through facilities is ten, which meets this requirement. However, the width of the drive aisle is 11 feet, which does not meet the minimum 12-foot-width requirement and requires a PUD exception.

The Zoning Ordinance requires that for any new commercial building, loading shall be provided, with 50,000 square feet of gross floor area or a “fraction thereof” as the basis for the number of loading spaces. The petitioner’s submittal does not designate or label a loading space. Further, the Section establishes that the standard size of a loading space is 35 feet long by 15 feet wide. Section 12-9-9.A. does state, however, that the dimensions for a loading space may be “...otherwise specified...” Because the use is contained within a small building and it is not foreseeable it will have frequent, large-vehicle deliveries, staff recommends a condition that would specify the loading space as having the same dimensions as a parking stall (approximately 8.5 feet wide by 18 feet long), provided the Site Plan is updated at the time of building permit to label the space and it is reserved and sited in a logical and allowable location.

The original approving ordinance for the Orchards at O’Hare PUD—Ordinance Z-18-18—includes a landscape plan for Lot 5 of the PUD. However, the proposal includes amending the proposed landscaping for the lot to accommodate the restaurant and EV charging spaces. The Landscape Plan for Lot 5 illustrates foundation landscaping for the restaurant as well as designated perimeter and interior parking lot landscaping areas. However, the plan does not fully meet the width and planting requirements for the perimeter parking areas or the planting requirements for the interior landscape bed in the middle of the EV charging area, each requiring a PUD exception.

The proposal includes a request to amend the existing LASR for the Orchards at O’Hare PUD based on the proposed uses on Lots 3 and 5. The proposal intends to retain most of the signs approved for Lots 3, 5, 6, and 7 through Ordinance Z-18-18 and all signs approved for Lot 1 through Ordinance Z-5-19 as summarized:

- Multi-Tenant Monument Signs: The existing PUD currently contains two 17-foot-tall, 138-square-foot multi-tenant monument signs—one of which located on Lot 1 and the other on Lot 5. The proposal includes the installation of three tenant panel signs—Popeyes, Cilantro Taco, and Ostras—into existing slots in the sign without any changes to the sign size, location, or structure.
- Lot 1 (Commercial building with two tenant spaces) Sign Plan: Aside from the minor tenant panel changes on the multi-tenant monument sign, the proposal intends to retain all existing ground signs (directional, menu board, clearance bar) and building wall signs.
- Lot 3 (Hotel and the Cilantro and Ostras Restaurants) Sign Plan: The existing hotel signs are not subject to change. However, the proposal does include new signs for the proposed Cilantro and Ostras restaurants located in the hotel including two wall signs for both restaurants on the south and west hotel building elevations and a single wall sign for both restaurants on the north hotel building elevation. An electronic message board (EMB) pole sign is also included for Lot 3 in the Combined Sign

Plans for Lots 1, 3, 5, 6, and 7. This sign is intended to be visible from the I-90 Tollway.

- Lot 6 (BP Station, Dunkin, and Which Wich) Sign Plan: The existing BP fuel monument sign, and the convenience mart fueling station—including Dunkin Donuts signs—are not subject to change as part of this request. However, the proposal does request additional signs for both the gas station canopy and Dunkin Donuts:
- Lot 5 (Popeyes and Tesla) Sign Plan: Aside from the minor tenant panel changes on the multi-tenant monument sign, the proposal includes the addition of many new ground and building signs for the development of the new restaurant use and EV charging spaces.

The PZB voted 7-0 to recommend that the City Council approve the Major Change to the PUD and voted 7-0 to recommend that the City Council approve the conditional use for a LASR.

Staff and the PZB recommend the following conditions:

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. The required loading space for the Class B restaurant may be specified as standard depth and width as a normal parking stall; provided, however, the space is marked as reserved for a loading purpose and is placed in a location permissible under Section 12-9-9.C of the Zoning Ordinance. The Site Plan shall be updated at the time of building permit to label the required space.

Moved by Walsten, seconded by Moylan, to Approve First Reading of Ordinance Z-28-23, AN ORDINANCE APPROVING A MAJOR CHANGE TO A FINAL PLANNED UNIT DEVELOPMENT AND AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR A LOCALIZED ALTERNATIVE SIGN REGULATION AT 2995-3025 MANNHEIM ROAD, 3401 ORCHARD PLACE, AND 1620-1630 HIGGINS ROAD, DES PLAINES, ILLINOIS (Case#23-051-FPUD-CU LASR).

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Lysakowski

Motion declared carried.

Advanced to second reading by Moylan, seconded by Sayad, to Adopt Ordinance Z-28-23, AN ORDINANCE APPROVING A MAJOR CHANGE TO A FINAL PLANNED UNIT DEVELOPMENT AND AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR A LOCALIZED ALTERNATIVE SIGN REGULATION AT 2995-3025 MANNHEIM ROAD, 3401 ORCHARD PLACE, AND 1620-1630 HIGGINS ROAD, DES PLAINES, ILLINOIS (Case#23-051-FPUD-CU LASR).

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Lysakowski

Motion declared carried.

CONSIDER
APPROVING A
ZONING MAP AMD
AND MAJOR VAR
FOR 1625 LINDEN ST
Ordinance
Z-29-23

The petitioner is Valerie Walski-Garza, represented by Attorney Gene Bobroff. They are requesting a zoning map amendment from R-2, Two-Family Residential to R-3, Townhouse Residential. Variations for parking and reducing lot area are necessary zoning relief to allow for the use of this property as a three-unit, or “three-flat,” residential building.

Within the Petitioner’s Response to Standards, they state the intent of the requests is to “permit the legal use of the property” with the three dwelling units. Section 12-5-5 allows “lawfully existing nonconforming uses” to persist as long as otherwise lawful. However, for this property to have been considered a “legal non-conforming use” the use must have previously been allowed by the Zoning Ordinance in effect when the use was established.

The zoning for this property has remained consistently “duplex” or “two-family” throughout history, with the first zoning of the property appearing on the 1946 Zoning Map, classifying this area as “AA – Duplex.” Although the name of this zoning district has changed over the decades from “AA - Duplex” to “R-3, Two-Family Residence” to the current zoning “R-2, Two-Family Residence,” it has remained zoned for two-unit dwellings rather than three-units throughout its existence. Although staff could not locate City records with the original building permit for this property, per historic aerials, this property was likely constructed in the early 1960s. The 1960 Zoning Ordinance was in effect when constructed and did not permit more than two dwelling units on a property with R-3, Two Family Residence zoning.

Without documentation demonstrating the three-unit use was established legally, it cannot be classified as a “legal non-conforming use.” Therefore, the zoning map amendment and variations are necessary to allow for the intended use of this building. In addition, no building permits are on record for the conversion of the basement into a “garden unit.” Unless a previous building permit is provided demonstrating this conversion was performed with City approval, the unit will be required to be updated to meet International Building Code (IBC) requirements and pass a building inspection prior to the issuance of a rental license.

The purpose of a zoning map amendment is to determine whether an existing zoning district is suitable for a location and, if not, which zoning district would be more suitable, given the context of the neighborhood, city goals, and local, state, and national development trends.

The R-2, Two-Family Residential district limits the number of dwellings to two units per parcel. To allow for more than one or two residences on this property, the property would need to have the zoning changed to a higher density zoning, like R-3, Townhouse Residential. Multiple family residences are defined as, “residential building(s) containing three or more dwelling units.” Therefore, if re-zoned to R-3, where multiple family dwellings are allowed but two-family dwellings are not allowed, the property would not be able to de-convert any of the three units and continue to be a permitted use in this zoning district. In other words, choosing to rezone the property represents a commitment that the building will be used for three units.

The off-street parking requirement for a multiple-family building (any residential building with three or more dwelling units) in the R-3 district is two parking spaces per dwelling unit. Per the Petitioner’s Narrative, three off-street parking spaces are provided via garage and attached carport. Six off-street parking spaces would be required, so a major variation is requested to provide relief from this requirement. On-street parking is available on Linden Street; however, within the Zoning Ordinance, only off-street parking can count towards fulfilling the parking requirement. On-street parking cannot be reserved for specific properties. Linden is a one-way street (southbound) with parking allowed only on the east side of the street – where the subject property is – but not on the west side.

Neighbors to the south with nearly identical buildings, built in staff’s estimation at about the same time and perhaps even the same builder, have stated opposition to the request.

The PZB voted 7-0 to recommend approval of the map amendment and major variations.

Should the City Council vote to approve the variation request, the following condition is recommended. This condition is incorporated in the approving ordinance.

1. Prior to issuance of rental license, property owner must provide either evidence of previous permits converting the basement unit to meet building code requirements, or pass a City building inspection demonstrating sufficient compliance with applicable International Building Code for a new unit of this type.

Moved by Smith, seconded by Brookman, to Approve First Reading of Ordinance Z-29-23, AN ORDINANCE APPROVING A ZONING MAP AMENDMENT AND MAJOR VARIATIONS FOR 1625 LINDEN STREET, DES PLAINES, ILLINOIS.

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Lysakowski

Motion declared carried.

Advanced to second reading by Walston, seconded by Sayad, to Adopt Ordinance Z-29-23, AN ORDINANCE APPROVING A ZONING MAP AMENDMENT AND MAJOR VARIATIONS FOR 1625 LINDEN STREET, DES PLAINES, ILLINOIS.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Lysakowski

Motion declared carried.

CONSIDER
APPROVING A COND
USE PERMIT FOR AN
OUTDOOR BULK
FAC, AN AMD COND
USE FOR A
CHILDCARE CTR, &
MJR VARS AT 1331-
1345 E. GOLF RD/16
MARY ST
Ordinance
Z-30-23

Assistant Director of Community & Economic Development Johnson reviewed a memorandum dated September 21, 2023.

The petitioner is requesting conditional uses and variations under the Zoning Ordinance. The conditional uses are (i) a Conditional Use for an Outdoor Bulk Material Facility in the M-2 district and (ii) a Conditional Use/Amended Conditional Use for a Childcare Center in the M-2 district.

The three lots under 1345 E. Golf Road and 16 Mary Street recently underwent a map amendment approved through Ordinance Z-15-23 to rezone all parcels to the M-2 General Manufacturing district to match the zoning of the 1331 E. Golf Road lot and make all collective lots eligible for an outdoor bulk material facility use, which is only permitted through a conditional use in the M-2 district. In addition, a text amendment go was approved through Ordinance Z-14- 23 to allow childcare centers in the M-2 district with a conditional use permit. the subject property consists of four lots totaling 3.17 acres.

The subject property is improved with a one-story, 27,500-square-foot building and three off-street paved parking areas: one directly east of the building, where spaces are directly connected to the Mary Street right-of-way; one north of the existing building at 1345 E. Golf Road/16 Mary Street There is a cell tower, two unpaved storage areas (one at 1331 E. Golf Road and the other at 1345 E. Golf Rd/16 Mary Street), and outdoor activity area for the childcare. The petitioner proposes to retain the existing childcare center use and locate a new outdoor bulk material facility use, which would be consolidated through the subdivision process as one cohesive development on a single lot of record.

The proposal includes on-site improvements including (i) the removal of the existing non-paved area and outdoor activity area for the childcare center on the subject property and the development on 1331 E. Golf Road; and (ii) the installation of outdoor storage bins, paved operations/parking areas, upgraded site access points, and new outdoor activity area for the childcare center. The existing building, cell tower, and on-street parking areas along Mary Street would be retained as part of this project, with some parking lot upgrades proposed.

There are also off-site improvements including (i) the removal of the two-existing curb cuts off Golf Road and their replacement with a new three-lane, full access curb cut onto Golf Road; (ii) the removal of an existing curb cut off Mary Street; (iii) the upgrading of the existing curb-cut on Redeker Road with a new three-lane, full access curb-cut; and (iv) the removal of the existing concrete median on Golf Road and its replacement with a new left-turn lane.

The petitioner is also requesting a combined Tentative and Final Plat of Subdivision to consolidate the existing lots into one lot of record. The proposal includes an amended conditional use for the existing childcare center, See Me Grow and Learn, and a new conditional use for the proposed Outdoor Bulk Material Facility use. The subject property was recently rezoned to the M-2 district, and the petitioner's proposal includes the relocation of the existing outdoor activity area—a space that is required for all childcare—to allow for the new access drive off Golf Road for the Outdoor Bulk Material Facility use. The petitioner is looking to amend the conditional use to reflect the revised Site Plan and align with the zoning change. No other changes are proposed for the childcare center at this time.

While the existing building is proposed to be retained as part of this request, the petitioner intends to make aesthetic changes to all four facades of the building. The existing face brick on the building's exterior is proposed to be painted but none removed. The proposal includes plans to remove the existing glass block windows and replace them with new windows and aluminum frames. It also consists of the removal of an existing door on the east side of the building and new wall section constructed of face brick in its place as well as the installation of new doors on the west side of the building. As face brick and metal are both permitted ground story materials for an industrial building, this requirement will continue to be met. There are no blank wall limitations required for industrial buildings, but a 20 percent window requirement for all office areas. The existing building contains several windows all four building elevations meeting this requirement.

The Site Plan identifies the proposed improvements for the subject property in relation to access, circulation, parking, and building footprints:

- Access: The subject property abuts streets on three of its four sides and currently contains four access points (driveway curb cuts)—one from Golf Road, two from Mary Street, and one from Redeker Road. The proposal alters the site access by removing the northernmost curb cut off Mary Street and upgrading two existing curb cuts, one at Golf Road and one at Redeker Road.
- Circulation: The Site Plan illustrates the proposed circulation for the outdoor bulk material facility, which is designated for the western portion of the subject property. Patrons visiting the site will be able to access this portion of the property through the upgraded northern entrance off Golf Road and upgraded southern entrance off Redeker Road. Both entrances will include a three-lane cross section. The access drive throughout the western portion of the subject property opens up to a passenger vehicle parking area and separate truck loading area for larger vehicles. The proposed drive aisle widths exceed the 22-foot-minimum-width requirement.
- Parking: There are existing ninety-degree off-street parking spaces located north of the building that will be removed. However, there are no proposed changes to the existing off-street parking area and access off Mary Street for the childcare center.

A new off-street parking area is proposed for the outdoor bulk material facility use. The Site Plan indicates 49 off-street parking spaces, and amending the site plan to comply with the amount of required accessible parking is a recommended condition.

- **Building Footprints and Setbacks:** The Site Plan indicates that the size and location of the existing building will not change. However, the existing building does not meet the front (north) or side (east) setback requirements for the M-2 district, requiring variations. The building's interior will remain the same for the portion occupied by the childcare center but will be retrofitted for the new outdoor bulk material facility as illustrated in the Architectural Plans.

The proposed development involves the installation of new exterior lighting along the west building elevation and along the western perimeter of the outdoor bulk material storage area. The petitioner provided traffic study concluded that the following improvements should be installed to accommodate the proposed redevelopment: (i) a westbound left-turn lane on Golf Road to access the subject property from the north with a three-lane cross section, including one lane for inbound traffic and two lanes for outbound traffic; and (ii) a restriping of the existing median on Golf to provide a two-way left-turn lane and provide a threelane cross section on 1269 E. Golf Road. The proposal includes the occasional operation of a concrete crusher on the subject property that is currently in use at the petitioner's existing use at 1269 E. Golf Road.

The PZB split their determination into three motions:

- Voted 7-0 to approve the standard variation requests for the front and side building setbacks;
- Voted 7-0 to recommend to the City Council approval of the new conditional use for the proposed outdoor bulk material facility and the amended conditional use for the existing childcare center the proposed text amendments in the M-2 district; and
- Voted 7-0 to recommend to the City Council approval of the major variation requests for material storage height, photometric foot-candles, and interior parking lot landscaping.

Staff and the PZB recommend the following conditions of approval:

1. The number of required designated accessible parking spaces are provided based on 12-9-8 of the Zoning Ordinance and the Illinois Accessibility Code
2. All materials within the storage bins will not exceed the bin height or be visible from a public street.
3. Compliance with the Photometric Plan is subject to ongoing monitoring and enforcement.

Moved by Walsten, seconded by Sayad, to Approve First Reading of Ordinance Z-30-23, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR AN OUTDOOR BULK MATERIAL FACILITY, AN AMENDED CONDITIONAL USE FOR A CHILDCARE CENTER, AND MAJOR VARIATIONS AT 1331-1345 E. GOLF ROAD/16 MARY STREET, DES PLAINES, ILLINOIS (Case #23-053-CU-FPLAT-V).

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Lysakowski

Motion declared carried.

Advanced to second reading by Walston, seconded by Oskerka, to Adopt Ordinance Z-30-23, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR AN OUTDOOR BULK MATERIAL FACILITY, AN AMENDED CONDITIONAL USE FOR A CHILDCARE CENTER, AND MAJOR VARIATIONS AT 1331-1345 E. GOLF ROAD/16 MARY STREET, DES PLAINES, ILLINOIS (Case #23-053-CU-FPLAT-V).

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Lysakowski

Motion declared carried.

ENGINEERING – Alderman Walsten, Chair

DISC RE LONG TERM ON-STREET PARKING NEAR O'HARE

Alderman Mark Walsten, Engineering Committee Chair, has requested discussion of on-street parking conditions in Des Plaines near O'Hare Airport at the October 2, 2023 City Council meeting. The concern is with vehicles parking for extended periods of time along City streets while the owner of the vehicle is out of town.

On-street parking restrictions within the City of Des Plaines are found in Title 7, Chapter 3, Stopping Standing and Parking, of the City Code. Types of restrictions primarily include:

- Parking Prohibited in Certain or Designated Places (i.e., one side of street, along alleys)
- Parking Prohibited by Vehicle Type (i.e., trucks, trailers, etc.)
- Parking Limited by Time or Time of Day (i.e., downtown, schools, near Metra stations)
- Residential Parking Only, by District (i.e., Allstate Arena, Maine West area)
- Parking During Street Maintenance Activities (i.e., Public Works leaf pickup, utility repairs)

Another restriction (not in the City Code) would include No Overnight Parking in designated areas.

Discussion ensued among the Aldermen; no further action was taken.

PUBLIC SAFETY – Alderman Oskerka, Chair

CONSIDER APPROVING AMD TO THE RULES AND REG OF THE BOARD OF FIRE AND POLICE COMMS OF THE CITY Resolution R-178-23

The City Council has authority to approve the adoption of rules and regulations of the Board. The Board recently completed a review of the Rules and Regulations to review their compliance with State of Illinois Statute.

At the Regular Meeting of the Board of Fire and Police Commissioners held on September 11, 2023, the changes were unanimously approved. Staff recommends approval of Resolution R-178-23 amending the Rules and Regulations of the Board of Fire and Police Commissioners and Presented.

Alderman Brookman stated more time was needed to review the rules and regulations brought before them.

Moved by Brookman, seconded by Walsten, to Defer to the first meeting in November, the Resolution R-178-23, A RESOLUTION APPROVING AMENDMENTS TO THE RULES AND REGULATIONS OF THE BOARD OF FIRE AND POLICE COMMISSIONERS OF THE CITY OF DES PLAINES, ILLINOIS.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Lysakowski

Motion declared carried.

ADJOURNMENT

Moved by Brookman, seconded by Walsten to adjourn the meeting. Upon voice vote, motion declared carried. The meeting adjourned at 8:37 p.m.

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

APPROVED BY ME THIS 16th
DAY OF October, 2023

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR