

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, DECEMBER 19, 2022

CALL TO ORDER

The regular meeting of the City Council of the City of Des Plaines, Illinois, was called to order by Mayor Goczkowski at 6:30 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, December 19, 2022.

ROLL CALL

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

CLOSED SESSION

Moved by Brookman, seconded by Chester 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 - Moylan, Oskerka, Brookman,
Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Zadrozny

Motion declared unanimously carried.

The City Council recessed at 6:30 p.m.

The City Council reconvened at 7:01 p.m.

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

PRAYER AND PLEDGE

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

PUBLIC COMMENT

Resident Danny stated he believes the City should be responsible for the clearing of snow on the sidewalks in front of the commercial businesses; he compared this process to other local municipalities. He also stated he is against the City changing emergency call center from Red Center to another dispatch center.

Resident Pete Kokosoulis expressed a complaint he has regarding the installation of a fire hydrant in front of his property on Howard Ave. He stated this is causing a parking issue, and believes the fire hydrant would have been better suited in other areas of the block; he asked if there if the fire hydrant can be relocated.

Resident Marian Cosmides expressed her view on the recent housing trends, specifically rental properties; connecting the comments to her opposition of the Graceland/Webford project.

Alderman Brookman asked Director of CED Carlisle to provide an update on the status of the residential and commercial units of the Welkin property.

Director of CED Carlisle stated the ownership group is reporting more than ninety temporary certificates of occupancy with currently mid-thirty to forty leases, and there is one expressed letter of intent for a food user.

Resident Tom Lovstrand reviewed a City memo from the Fire Department regarding the Graceland/Webford project, and questioned whether the intended park is for the request of greenspace or to allow for Fire Department access to the west side of the building.

**ALDERMAN
ANNOUNCEMENTS**

Alderman Oskerka stated the Jet City Coalition is looking for volunteers to help with snow removal for seniors and families in need, and the website for further information is thejetcitycoalition.com.

Alderman Brookman wished everyone a very Merry Christmas, a Happy Hanukkah, and Happy New Year.

Alderman Chester seconded Alderman Brookman's comment – Merry Christmas and Happy Hanukkah.

Alderman Smith stated Clean Up/Give Back is seeking volunteer opportunities; residents can contact Donna Adams. She also wished everyone Happy Holidays and Happy New Year.

Alderman Ebrahimi wished everyone Happy Holidays and Happy New Year.

**MAYORAL
ANNOUNCEMENTS**

Mayor Goczkowski mentioned Rabbi Lazer Hershkovich and Chabad & F.R.E.E. of Niles will be hosting a Menorah Lighting Ceremony on Wednesday, December 21, 2022 at 5:00 p.m. in Metropolitan Square; all are welcome.

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 Brookman, seconded by Oskerka, 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: 6 - Moylan, Oskerka, Brookman,
Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Zadrozny

Motion declared carried.

Mayor Goczkowski stated this will be the last request for the extension to the Declaration of Civil Emergency.

CONSENT AGENDA

City Manager Bartholomew requested Item #7 to be removed from the Consent Agenda and deferred to a future City Council meeting.

Alderman Brookman requested Item #12 to be removed from the Consent Agenda and deferred to a future City Council meeting.

Moved by Brookman, seconded by Chester, to remove Item #7 and Item #12 from the Consent Agenda and defer to a future City Council meeting.

Upon voice vote, the vote was:

AYES: 6 - Moylan, Oskerka, Brookman,
Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Zadrozny

Moved by Brookman, seconded by Chester, to Establish the Consent Agenda as amended.

Upon voice vote, the vote was:

AYES: 6 - Moylan, Oskerka, Brookman,
Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Zadrozny

Motion declared carried.

Moved by Brookman, seconded by Chester, to Approve the Consent Agenda as amended.

Upon roll call, the vote was:

AYES: 6 - Moylan, Oskerka, Brookman,
Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Zadrozny

Motion declared carried.

Minutes were approved; Ordinances Z-38-22 was adopted; Ordinance M-38-22 was approved; Resolutions R-213-22, R-214-22, R-215-22, R-217-22, R-218-22, R-220-22, R-221-22, R-222-22, R-223-22, R-228-22, R-229-22, R-230-22 were adopted.

**AMEND CITY
CODE/ "M" LIQ LIC
Consent Agenda**

Moved by Brookman, seconded by Chester, to Approve First Reading of Ordinance M-38-22, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS "M" LIQUOR LICENSE. Motion declared carried as approved unanimously under Consent Agenda.

**Ordinance
M-38-22**

Advanced to second reading by Brookman, seconded by Oskerka, to Adopt the Ordinance M-38-22, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS "M" LIQUOR LICENSE.

Upon roll call, the vote was:

AYES: 6 - Moylan, Oskerka, Brookman,
Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Zadrozny

Motion declared carried.

**APPROVE MSTR
CONTR/ PRO ENG
SVCS/ DIXON ENG
Consent Agenda**

Moved by Brookman, seconded by Chester, to Approve Resolution R-213-22, A RESOLUTION APPROVING A MASTER CONTRACT WITH DIXON ENGINEERING, INC. FOR PROFESSIONAL ENGINEERING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-213-22**

APPROVE MSTR
CONTR/ PRO
ARCHT SVCS/
FGM ARCH
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-214-22, A RESOLUTION APPROVING A MASTER CONTRACT WITH FGM ARCHITECTS INC. FOR PROFESSIONAL ARCHITECTURAL SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-214-22

APPROVE MSTR
CONTR/ PRO ENG
SVCS/ HAEGER
ENG
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-215-22, A RESOLUTION APPROVING A MASTER CONTRACT WITH HAEGER ENGINEERING, LLC. FOR PROFESSIONAL ENGINEERING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-215-22

APPROVE MSTR
CONTR/ PRO ENG
SVCS/ RJN GROUP
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-217-22, A RESOLUTION APPROVING A MASTER CONTRACT WITH RJN GROUP, INC. FOR PROFESSIONAL ENGINEERING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-217-22

APPROVE MSTR
CONTR/ PRO ENG
SVCS/ TROTTER &
ASSOC
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-218-22, A RESOLUTION APPROVING A MASTER CONTRACT WITH TROTTER & ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-218-22

APPROVE ROD PUB
IMP & AUTH RED
LOC/ 1425
ELLINWOOD ST
Consent Agenda

Resolution R-219-22, A RESOLUTION APPROVING THE REQUIRED PUBLIC IMPROVEMENTS AND AUTHORIZING A REDUCTION OF THE LETTER OF CREDIT FOR THE BAYVIEW COMPASSPOINT MIXED-USE DEVELOPMENT AT 1425 ELLINWOOD STREET, was deferred to a future City Council meeting,

Resolution
R-219-22

APPROVE AGRMT/
HVAC/ BEDCO
MECH
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-220-22, A RESOLUTION APPROVING AN AGREEMENT WITH BEDCO MECHANICAL, INC. FOR HVAC PREVENTATIVE MAINTENANCE SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-220-22

**APPROVE CHG
ORD 2/ FIRE STN
#61/ MANUSOS GC**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-221-22, A RESOLUTION APPROVING CHANGE ORDER NO. 2 TO THE AGREEMENT WITH MANUSOS GENERAL CONTRACTING, INC. FOR THE FIRE STATION #61 INTERIOR RENOVATIONS PROJECT. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-221-22

**APPROVE & AUTH
PYMT/ RAND RR
XING IMP/ WI
CNTR**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-222-22, A RESOLUTION APPROVING AND AUTHORIZING PAYMENT TO WISCONSIN CENTRAL LTD. FOR RAND ROAD SIDEPATH PROJECT RAILROAD CROSSING IMPROVEMENTS. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-222-22

**APPROVE REN OF
CONTR/ HEALTH
INSP SVCS/
HEALTH INSP PRO**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-223-22, A RESOLUTION APPROVING THE RENEWAL OF A CONTRACT WITH HEALTH INSPECTION PROFESSIONALS, INC. FOR HEALTH INSPECTION SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-223-22

**APPROVE REIMB/
STREETSCAPE/
1425 ELLINWOOD**
Consent Agenda

Resolution R-226-22, A RESOLUTION AUTHORIZING REIMBURSEMENT FOR GRACELAND STREETSCAPE WORK ASSOCIATED WITH THE BAYVIEW COMPASSPOINT MIXED-USE DEVELOPMENT AT 1425 ELLINWOOD STREET, was deferred to a future City Council meeting.

Resolution
R-226-22

**APPROVE AGRMT/
HVAC/ HELM SVC**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-228-22, A RESOLUTION APPROVING AN AGREEMENT WITH MECHANICAL, INC., D/B/A HELM SERVICE, FOR HVAC REPAIR AND INSTALLATION SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-228-22

**APPROVE &
RATIFY EXPND OF
FUNDS/ EMERG
WATER MAIN
BALLARD RD/
CORE & MAIN**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-229-22, A RESOLUTION APPROVING AND RATIFYING AN EXPENDITURE OF FUNDS TO CORE & MAIN, LP FOR THE EMERGENCY PURCHASE OF WATER MAIN FOR BALLARD ROAD. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-229-22

**APPROVE &
RATIFY EXPND OF
FUNDS/ EMERG
WATER MAIN
BALLARD RD/
JOHN NERI**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Resolution R-230-22, A RESOLUTION APPROVING AND RATIFYING AN EXPENDITURE OF FUNDS TO JOHN NERI CONSTRUCTION CO., INC. FOR THE EMERGENCY REPLACEMENT OF WATER MAIN ALONG BALLARD ROAD. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-230-22**

**SECOND READING/
ORDINANCE
Z-38-22**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve Ordinance Z-38-22, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING COMMERCIAL MOBILE RADIO AND WIRELESS TELECOMMUNICATIONS SERVICE FACILITIES. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
MINUTES**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve the Minutes of the City Council meeting of December 5, 2022, as published. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
MINUTES**
Consent Agenda

Moved by Brookman, seconded by Chester, to Approve the Closed Session Minutes of the City Council meeting of December 5, 2022, as published. Motion declared carried as approved unanimously under Consent Agenda.

**UNFINISHED
BUSINESS**

**CONSIDER
APPROVING A
CONDITIONAL USE
PERMIT TO
OPERATE A
COMMERCIALY
ZONED USE AT
2064 S. RIVER RD**
Ordinance
Z-34-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated December 7, 2022.

After approval on first reading at the November 21, 2022 meeting, this item was removed from the Consent Agenda at the December 5 meeting at the request of the petitioner. They were concerned that in Ordinance Z-34-22 Condition No. 5, which required the completion of the parking lot expansion prior to issuance of business registration or certificate of occupancy for any uses, would make the proposed office use not possible.

The City Council heard the petitioner's issue and discussed but deferred a vote until the December 19 meeting. The Council directed staff to work with the petitioner to revise the condition (i) to allow issuance of business registration for the proposed business in the first story of the building before the parking lot is completed, provided however that (ii) a performance security would be provided by the petitioner to motivate the completion of the parking lot expansion. Staff investigated, discussed with the petitioner, and recommends a \$30,000 security, which must be submitted to the City before any issuance of business registration or temporary occupancy. Further, staff recommends a July 15, 2023 deadline for completion, or else the performance security would be forfeited and all other enforcement provisions of the Ordinance could be acted upon.

Discussion ensued among the Alderman regarding the letter of credit, and if it should be required to be received by the City before the conditional use permit is approved.

Representatives of the petitioner spoke on their behalf.

Advanced to second reading by Chester, seconded by Moylan, to Adopt, as amended placing a contingency that the Ordinance will not be effective until the letter of credit is submitted to and approved by City staff, the Ordinance Z-34-22, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO OPERATE A COMMERCIALY ZONED ASSEMBLY USE AT 2064 S. RIVER ROAD, DES PLAINES, ILLINOIS. (Case # 22-044-CUP).

Upon roll call, the vote was:

AYES: 6 - Moylan, Oskerka, Brookman,
Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Zadrozny

Motion declared carried.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Moylan, Vice-Chair

WARRANT REGISTER Resolution R-224-22

Alderman Moylan presented the Warrant Register.

Moved by Moylan, seconded by Oskerka, to Approve the Warrant Register of December 19, 2022 in the Amount of \$7,288,326.36 and Approve Resolution R-224-22.

Upon roll call, the vote was:

AYES: 6 - Moylan, Oskerka, Brookman,
Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Zadrozny

Motion declared carried.

COMMUNITY DEVELOPMENT – Alderman Chester, Chair

CONSIDER APPROVING A SECOND MAJOR AMEND TO EXISTING PUD, FINAL PLAT OF SUBDIV, AND MAJOR VAR, AND REPEAL PRIOR APPROVALS FOR 1700 W. HIGGINS RD Ordinance Z-39-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated December 7, 2022.

The petitioner is requesting the following: (i) a Major Change to a Conditional Use for a Final PUD under Section 12-3-5 of the Zoning Ordinance to allow for the construction of a hotel to the east of the existing office building but without the parking garage that was approved in 2021; bulk exceptions include building height for the hotel, parking lot curb distance from lot lines in the proposed hotel parking area, and width of parking lot perimeter landscape area; (ii) a Final Plat of Subdivision under Section 13-2-8 of the Subdivision Regulations to subdivide the site into four lots of record and grant subdivision variations for lot depth and frontage for billboard lots; (iii) Major Variations to reduce the required parking for the existing office building and for the proposed hotel; and (iv) the approval of any other variations, waivers, and relief as may be necessary.

All of the requests are intended to work in concert to achieve the following:

- Obtain major variation relief for the number of required off-street parking spaces for both the existing office building and the proposed hotel.
- Resubdivide the existing lots to provide individual lots for the existing office building, each of the two existing billboards, and the proposed hotel, with subdivision variations for the billboard lots.
- Modify the existing parking lot area in the southeast corner of the subject property to make room for a new hotel building and its parking area.

The petitioner, Mariner Higgins Centre, LLC, is requesting a Major Change to the PUD to allow for the construction of a 107-room, five-story (approximately 59-foot-tall) Home2 Suites by Hilton hotel. The hotel specializes in extended stay. The proposed plans eliminate a 207-space parking garage that was a part of the Final PUD approved September 20, 2021. The

brand, hotel concept, building height, and number of rooms are unchanged from the approval in 2021.

The Final PUD plan has been revised to show the proposed hotel positioned in the southeast corner of the property substantially in the same location as in the 2021 approval. However, the existing surface parking area on the northwest portion of the property, where the parking garage had been proposed, is now retained (the garage was going to be built over a portion of this area). The property owner now proposes:

- Construction of an approximately 64,760-square-foot hotel on the southeast corner of the lot;
- Separate parking area and access for the new hotel; and
- Stormwater detention facilities for the hotel parcel (Lot 2) to accommodate run-off.

The subject property is currently accessed by one, signalized entrance off Higgins Road and single drive aisle to the building, surface/covered parking areas, and billboard signs. The proposed lot configuration will reallocate the parking area east of the drive aisle for the new hotel and hotel surface parking area but will not alter the existing drive aisle. The new hotel parcel (Lot 2) will be accessible via a single entranceway, which is aligned with the existing entranceway to the front of the office building. The service drive for the hotel parcel does not provide access to all sides of the proposed hotel building and does not meet width standards for fire truck access due to space constraints. However, the proposal does include a fire hydrant located on the east side of the building, which has been approved by the Fire Prevention Bureau.

The off-street parking requirements of the Zoning Ordinance are based on the types of uses proposed. The existing office building is one use, and the proposed hotel is a separate use. Each use has a specific requirement for off-street parking:

- Office use requires one off-street parking space for every 250 square feet of gross floor area, as defined in Section 12-13-3 and excluding floor area devoted primarily to storage areas (up to 10% of the total combined floor area), food preparation areas, bathrooms, mechanical rooms, hallways, stairwells, and elevators.
- Hotel use requires one off-street parking space for every guest room plus one space for every 200 square feet of area devoted to offices.

The proposed hotel building (Lot 2) consists of 107 rooms and approximately 587 square feet of office space area, requiring a total of 110 spaces. The proposal for the hotel parcel includes 63 spaces, or potentially 61-62 after designation of any loading spaces, which means the minimum requirement is not met and requires variation. Similarly, for the existing office building (Lot 1), after subtracting the excluded floor areas, the requirement is 541 spaces. The subject property was built under different parking regulations and contains 392 spaces, which does not conform with the current parking requirements.

The new proposal— with the hotel and no parking garage— reduces the total parking count to 310 spaces for the entire site, or 308-309 after loading designation. With 61-63 spaces allocated for the hotel on Lot 2, the office building on Lot 1 will have a balance of 247-249 parking spaces, as compared with 338 in the concept with the parking garage.

The proposal seeks to add landscaping throughout the new proposed Lot 2 designated for the new hotel including foundation and parking lot landscaping areas. A PUD exception to waive the required five-foot-wide perimeter parking lot landscape area behind the south and east parking space rows is requested.

The existing property consists of two parcels totaling 5.74 acres, containing a six-story office building with 139,000 square feet of leasable office space and a 392 parking lot, including 358 surface spaces, 28 indoor spaces, and six handicap accessible parking spaces. The petitioner

proposes to resubdivide the existing parcels into four lots— without the addition of a vacation-of-right-of-way area as approved in 2021. The site description of Final Plat of Subdivision:

- Parcel 1 includes the existing office building and existing surface parking areas, except for the parking area portion located east of the entrance drive from Higgins Road;
- Parcel 2 includes the proposed hotel and separate new surface parking area located east of the entrance drive off Higgins Road;
- Parcel 3 includes the existing northeastern billboard sign; and
- Parcel 4 includes the existing northwestern billboard sign.

The Final Plat shows the following existing easements: (i) a 34-foot-by-92.29-foot stormwater detention area; (ii) a 51-foot-by-76.9-foot stormwater detention area; (iii) a 10-foot storm sewer easement at the southwestern portion of the property; (iv) a 14-foot public utility easement throughout the south portion of the property; and (v) a 10-foot public utilities easement throughout the north portion of the property.

The proposed Lots 3 and 4, which will contain the billboard signs, are new lots and are subject to the Subdivision Regulations. Pursuant to Section 13-2-5.R, all new lots must be a minimum of 125 feet in depth. Since the proposed Lots 3 and 4 are only 10 feet deep, they do not meet the minimum depth requirements resulting in a need for subdivision variation for each as part of this request. Further, the proposed lots border a private parking area, but not a public street, thus each requiring a subdivision variation.

The PZB voted 6-0 to approve the Tentative Plat and voted 6-0 for each of other motions, to recommend approval of the major variations, Final PUD, and Final Plat of Subdivision (with Subdivision Variations).

Should the City Council vote to approve the requests, staff and the PZB recommend the following conditions:

1. Off-street loading in a location and quantity required by Section 12-9-9 of the Zoning Ordinance and in the size specified by the PZB will be provided.
2. All governing documents for the proposed development including 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.

Alderman Brookman expressed concern for the reduction of parking spaces.

Representatives from the petition spoke on their behalf.

Alderman Oskerka stated he is concerned about mandating a parking garage if the office vacancy will increase in the future with a decrease in parking necessity.

City Manager Bartholomew stated if the Ordinance is deferred for two weeks it will allow for the petitioner to review other alternatives, and for City staff to find out the parking requirements for other O'Hare corridor hotels and offices.

Moved by Brookman, seconded by Smith, to Defer to the next City Council meeting, the Ordinance Z-39-22, AN ORDINANCE APPROVING A SECOND MAJOR AMENDMENT TO AN EXISTING PLANNED UNIT DEVELOPMENT, FINAL PLAT OF SUBDIVISION, AND MAJOR VARIATIONS AND REPEALING PRIOR APPROVALS FOR 1700 W. HIGGINS ROAD, DES PLAINES, ILLINOIS (CASE #22-049-FPLAT-V-PUD-A).

Upon voice vote, the vote was:

AYES: 6 - Moylan, Oskerka, Brookman,
Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Zadrozny

Motion declared carried.

CONSIDER
AMENDING THE
TEXT OF THE
ZONING
ORDINANCE
REGARDING THE
DEFINITION OF
“PARK”
Ordinance
Z-40-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated December 9, 2022.

Consideration a text amendment to the Zoning Ordinance to revise the term “Park” in Section 12-13-3 to remove the expressed requirement for ownership.

The current definition of “Park” in Section 12-13-3 defines and provides an overview of the typical uses for parks, including any accessory uses. The definition also states a park must be owned by one of three public entities to be classified as a park.

Parks are permitted by right in the majority of zoning districts, including all residential districts, the mobile home park district, most commercial districts, and the institutional district. No specific standards exist within the Zoning Ordinance about park design or other City expectations. This guidance exists in the Subdivision Regulations, Section 13-4-2, which requires the dedication of park land for residential developments or subdivisions with more than fifteen (15) dwelling units or payment of a fee in lieu. Most residential development subject to these requirements is completed by private developers.

Section 13-4-2 lists the amount of land required for dedication and depends on the estimated number of people generated by a proposed development. The “service area” of the park is matched to the required size and type of park; a service area is the area intended to be served by park or recreational purposes.

New developments may dedicate, or formally transfer land, to the City or a park district to meet these requirements; however, implementing the dedication in this way ultimately adds another facility requiring maintenance to the City or a park district. An unintended consequence of limiting ownership in the current park definition to public entities only is the prohibition of the development and long-term maintenance of parks for public access and benefit. An increasingly common trend in the last two decades is public-private partnerships or private ownership of park facilities within cities. The proposed revisions to the definition maintain public access by requiring any park to maintain land for “the general public.”

The Planning and Zoning Board (PZB) recommended approval 5-1 of the amendment to the definition of park in Section 12-13-3.

Resident Tom Lovstrand asked questions regarding whether the purpose of the 330 Webford property is for a privately held park or a fire access road, and for further detail based on that answer.

Fire Chief Anderson stated the building of the Graceland/Webford project was reconfigured from the original design which then allowed for roof access the Fire Department required, so there was no longer a need for a fire access road.

Resident Phil Rominski requested further detail on how far the 100-foot fire area ladder can reach.

Resident Tom Lovstrand stated it is his understanding of a memo from Fire Department contradicts the accessibility of fire access for the Graceland/Webford building.

Moved by Chester, seconded by Brookman, to Approve the Ordinance Z-40-22, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING THE DEFINITION OF “PARK”.

Upon voice vote, the vote was:

AYES: 6 - Moylan, Oskerka, Brookman
Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Zadrozny

Motion declared carried.

CONSIDER
AMENDING THE
TEXT OF THE
ZONING
ORDINANCE
REGARDING THE
OFF-STREET
PARKING
REQUIREMENTS
FOR PARKS
Ordinance
Z-41-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated December 9, 2022.

Consideration of a text amendment to Zoning Ordinance to reduce the amount of parking required for parks that are one acre or less.

The off-street parking requirement for parks – listed as “Parks – outdoor” – made its first appearance in the original 1998 Zoning Ordinance, preceding the definition of “park.” The requirement has remained unchanged since 1998 – a minimum of 2 spaces, plus 1 space for every ½ acre of park space is required for any outdoor park. However, an analysis of 50 existing parks and green spaces within the city has revealed 30 do not contain any off-street parking; no parks of any type that are one acre or less contain off-street parking, and in general, these are smaller parks within or adjacent to residential neighborhoods.

Within City Code the Subdivision Regulations set an expectation that park spaces of one acre or less have a service area of 0.5 miles. For the average person, this is an 8-15-minute walk. It is assumed smaller parks one acre or less in size are intended for pedestrians within the 0.5-mile service area, off-street parking is unnecessary.

The current requirement places a burden on any future redevelopment of existing parks. Pursuant to Section 12-5-5.E, existing parks not meeting the parking requirement are nonconforming. While they are not required to come into conformance, any expansion, enlargement, or increase in activity of the park would require the site to follow all applicable parking requirements—or be granted a variation. Most smaller parks would not have space to accommodate the required parking and would require a reduction in usable park area and/or green space. Staff suggests eliminating parking requirements for parks one acre or less in size.

The PZB recommended approval of a vote of 6-0.

Resident Deb Lester mentioned the City memo stated this is walkable for able-bodied persons, but would like to know how to address this for people with disabilities.

Director of CED Carlisle stated they do not want to be disingenuous to say that just any person of any age can walk that distance in ten minutes. He stated it is about being fair categorizing the analysis and not making any claim about individuals who are not able-bodied.

Moved by Chester, seconded by Smith, to Approve the Ordinance Z-41-22, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING THE OFF-STREET PARKING REQUIREMENTS FOR PARKS.

Upon voice vote, the vote was:

AYES: 6 - Moylan, Oskerka, Brookman,
Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Zadrozny

Motion declared carried.

CONSIDER
APPROVING
TRANSFERRING
ASSUMPTION
AGREEMENTS FOR
LOTS 5 AND 7 IN
THE ORCHARDS
AT O'HARE
DEVELOPMENT
Resolution
R-225-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated December 8, 2022.

Applicant New World Property LLC is the owner of 30 East Oakton Street (main building of Columbus Vegetable Oils) and is requesting renewal of a Cook County Property Tax Class 6b incentive.

The applicant filed a renewal request with the County in December 2018, making them eligible to renew if they obtain support from the City, which they are seeking now. This renewed incentive would be applied in Calendar Year 2023 (Tax Year 2022) and span through Calendar Year 2031 (Tax Year 2030).

The subject property is approximately 10.4 acres and contains an approximately 330,000-square-foot industrial building built in 1969. The initial incentive reduced the assessment level from the typical 25 percent to 10 percent for 10 years, then increased the assessment to 15 percent and 20 percent respectively in Years 11 and 12. Currently the property is assessed at its normal level (25%), as the incentive lapsed for three years. These three years are lost from the potential incentive period (12 years initial + 12 years of renewal), but the lapsing does not disqualify the property from the incentive being renewed for just nine years if the City approves a resolution of support and consent.

The building is leased entirely by CFC, Inc. aka Columbus Vegetable Oils. Columbus uses the subject property as its main headquarters to manufacture and distribute edible fats and oils. Per the application, there were 267 full-time employees at the subject property in 2018 and 282 full-time employees as of July 2022. The City's policy for supporting 6b renewals is that there should be an addition of full-time employees by 33 percent. The applicant has pledged to reach this goal within two years of City support (by December 31, 2024).

The applicant contends that without a renewal they may be required to downsize, lay off workers, and/or relocate operations entirely. If the renewal is granted, the applicant pledges up to approximately \$3.4 million of physical investment in the property. These pledged improvements include approximately \$86,400 to replace the main door, \$15,000 to update the alarm system, \$142,000 to upgrade the fire system, \$960,000 for building façade updates, \$230,000 to update the warehouse lighting, \$48,000 for dock door repair, \$222,000 to upgrade the fresh air intake, \$83,000 for exterior painting, \$735,000 to enlarge and add bathrooms to the lab area, \$293,000 for a new first-floor lab area, and \$600,000 for a new second-floor office space. The total improvements meet the City's standard 6b expectation of \$10 per square foot (approximately \$10.37 per square foot).

On August 31, 2022, Columbus received a cease-and-desist order from the Metropolitan Water Reclamation District of Greater Chicago due to violating Appendix B of the Sewage and Waste Control Ordinance (SWCO) and Illinois Law pertaining to pollution. The violation stated that Columbus was discharging elevated levels of fats, oils, and greases into the sanitary sewage system. Columbus has pledged to remedy this violation and actively prevent future issues, with the knowledge that if this type of violation were to continue to occur support for any incentive may be revoked by the City Council.

Further, the applicant projects the incentive will lead to an additional approximately \$1.5 million in total property tax revenue – spread across all taxing bodies – over the nine-year life of the renewal. The projections are based on the pledged property improvements, as well as triennial reassessments of properties in Maine Township. The applicant is assuming that all other things being equal, taxes will climb with each reassessment. Further, the applicant asserts that unless the 6b is renewed, the reinvestment in the property and expansion or sustainability of the tenant business will not be viable.

If granted, the renewal would lead to a 10 percent assessment level through Tax Year 2028 (Calendar Year 2029). In the following two years, the assessment level would climb to 15 percent and 20 percent successively, returning to the full 25 percent assessment level in the subsequent year.

Moved by Chester, seconded by Oskerka, to Approve the Resolution R-225-22, A RESOLUTION SUPPORTING AND CONSENTING TO RENEWAL OF THE CLASS 6b CLASSIFICATION FOR 30 EAST OAKTON STREET.

Upon roll call, the vote was:

AYES: 6 - Moylan, Oskerka, Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Zadrozny

Motion declared carried.

LEGAL & LICENSING – Alderman Brookman, Chair

**CONSIDER
RATIFYING THE
REAPPOINTMENT
OF ELROD
FRIEDMAN LLP AS
CITY ATTORNEY/
GENERAL
COUNSEL AND
REAPPROVING
RETAINER AND
FEE STRUCTURE**

**Resolution
R-227-22**

The Resolution addresses ratifying the reappointment by the City Manager of Elrod Friedman LLP as City Attorney / General Counsel and reapproving their retainer and fee structure, and (ii) a letter of engagement approved by the City Manager that provides all of the details of their fees and retainer structure.

Moved by Chester, seconded by Moylan, to Approve the Resolution R-227-22, A RESOLUTION RATIFYING THE REAPPOINTMENT BY THE CITY MANAGER OF ELROD FRIEDMAN LLP AS CITY ATTORNEY/GENERAL COUNSEL AND REAPPROVING RETAINER AND FEE STRUCTURE.

Upon roll call, the vote was:

AYES: 6 - Moylan, Oskerka, Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Zadrozny

Motion declared carried.

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

Alderman Brookman wished everyone a very Merry Christmas, a Happy Hanukkah, and Happy New Year.

ADJOURNMENT

Moved by Brookman, seconded by Chester to adjourn the meeting. The meeting adjourned at 8:36 p.m.

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

APPROVED BY ME THIS ___3rd

DAY OF ___January___, 2023

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR