

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 6, 2021

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, December 6, 2021.

ROLL CALL

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

RECOGNITION

Life-Saving Award was presented by Mayor Goczkowski and Police Chief Anderson to Officer Connolly and Officer J. Garcia.

MINUTES OF THE PUBLIC HEARINGS HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS DES PLAINES CIVIC CENTER, MONDAY, DECEMBER 6, 2021

**PUBLIC HEARING/
ZONING TEXT
AMENDMENTS**

Ordinance

Z-52-21

Ordinance

Z-53-21

Mayor Goczkowski called the Public Hearing for reconsideration of Ordinances Z-52-21 and Z-53-21 Case 21-042-TA-V: zoning text amendments and variation to allow a new electronic message board billboard in the southeast portion of the proposed development at Mannheim Road and Pratt Avenue (2805-2845 Mannheim Road) to order at 7:05 p.m.

Director of Community and Economic Development Carlisle reviewed a memorandum dated November 23, 2021.

At its October 18, 2021, meeting the City Council approved Ordinance Z-51-21, which granted necessary zoning relief for a proposed commercial development on the approximately four-acre site at the southeast corner of Mannheim Road and Pratt Avenue. The Council advanced the item to second reading, granting final approval of the ordinance. However, at the same meeting, the Council denied Ordinances Z-52-21 and Z-53-21, which would have approved a separate but related petition for relief to install a new billboard sign in the southeast corner of the development.

At its November 1, 2021 meeting, the Council voted 6-2 in favor of a motion to reconsider the denial of Ordinances Z-52-21 and Z-53-21. The Council referred the matter for a public hearing, for which due public notice has been given. To accommodate due notice, the hearing has been scheduled for December 6, 2021.

The petitioner has submitted additional or clarified information, to this report and summarized here:

- Image Des Plaines LLC, the billboard company, is the sole contract purchaser of the land for the commercial development site. Assuming completion of the contingent real estate transaction with seller Prominence Des Plaines LLC, Image Des Plaines – not the retail developer, GW Properties – will control the site. For this reason, the plans proposed by GW cannot be realized without the participation and cooperation of Image Des Plaines.

- Assuming approval of the billboard petition, which would facilitate the planned transaction between Image Des Plaines and GW Properties, GW can confirm all four tenant uses in the commercial development and three of the brands:
 - Outback Steakhouse in a 5,000-square-foot freestanding building;
 - First Watch, a breakfast-lunch restaurant, in a 4,000-square-foot “end cap” space in the multitenant building;
 - Five Guys Burgers and Fries in a 2,500-square-foot end cap unit; and
 - A retail cannabis (adult use/recreational) dispensary in the 4,000-square-foot middle space of the multitenant building. The petitioner is not disclosing the brand of the operator.

As a result of the approved zoning map amendment to the C-3 district (Ord. Z-51-21, October 18, 2021), all of these uses are permitted.

- The development would generate additional revenue in multiple ways:
 - Property tax: The current annual property tax bill is about \$64,000. Based on comparable commercial development in the area 1, an estimated annual property tax bill for the proposed development is \$220,000. Because the property is located in TIF District No. 7, the additional annual revenue – estimated at approximately \$150,000 – would go into the TIF 7 fund, which has a negative fund balance. Neither Image Des Plaines nor GW are asking for TIF or any other incentives.
 - Food and beverage tax: The following are annual average national per-store sales for each of the proposed restaurant tenants:
 - Outback: \$3.6 million
 - First Watch: \$1.6 million
 - Five Guys: \$1.2 million

Applying the one percent local tax and these volumes, an estimated \$64,000 in local food and beverage tax could be generated annually, assuming average performance of the stores.

- Local cannabis tax: Research from various cannabis business sources reveals a range of national average annual sales between \$974-\$1,773 per square foot. Using the middle of the range, annual sales in this location would be an estimated \$5.5 million, which would generate \$165,000 per year through the City’s three percent cannabis tax, not including additional sales taxes (e.g. Municipal Retailer’s Occupation Tax, Home Rule Retailers’ Occupation Tax).
- The petitioner has stated in their submittals as well as at the October 18 meeting that soil quality and environmental site issues make the project costlier than a typical commercial development on a similar site. They have provided additional details:
 - Soil excavation, hauling, and disposal will be up to \$500,000 more for this site than normal.
 - Poor soils will lead to more expensive and complicated building foundations and footings to obtain proper structural integrity of the new buildings.
- The property is bound to certain covenants and restrictions such as building height, building locations, and signage locations.
- For Image Des Plaines and GW to execute a deal to begin the development, the petitioner has said the necessary zoning entitlements for the proposed billboard – the requests for text amendments and variation – must be approved.

The petitioner and contract purchaser of 3.8 acres at the southeast corner of Mannheim Road and Pratt Avenue (2805-2845 Mannheim Road) proposes erecting a new electronic message board billboard in concert with a proposal for a restaurant-retail development (Case 21-041-MAP-TSUB-V, tentatively approved by Ordinance Z-51-21). The petitioner is requesting approval of text amendments to two Sections of the Zoning Ordinance to allow the project: 1.) To Section 12-11-5.H, which currently allows electronic message board billboards only through the conversion of existing static billboards, and 2.) to 12-11-6.B to increase the

maximum number of City billboard permits that can be issued from 12 to 13, as well as an exemption for billboards from the 600-square-foot area limitation for all signage on lots of 5 acres or less. Finally, the petitioner is seeking a variation to allow a portion of a billboard to be within 300 feet of a residential property line (127 feet).

Image Des Plaines LLC is contract purchaser of the undeveloped approximately four acres at the southeast corner of Mannheim Road and Pratt Avenue, roughly bordered by the Canadian National rail line on the east and I-90/Tollway on the south. Aside from an existing static billboard in the southwest corner of the site, it is currently vacant. In the southeast corner of the site the petitioner intends to erect a new electronic message board billboard on one sign face (facing east), a static billboard on the other sign face (facing west), on a structure not to exceed 99 feet in height. Each 1,200-square-foot sign face is aimed at I-90 traffic. The last time the City raised its allowance for number of billboard permits was in 2005 by Ordinance Z-24-05. The new billboard would be wholly within Lot 4 in the subdivision proposed in the Tentative Plat of Subdivision that is part of the application for Case 21-041- MA-TSUB-V (Ordinance Z-51-21). According to the petitioner, the billboard is integral to the financing for the commercial development proposal inherent to that application.

However, permitting the billboard requires 1.) a text amendment to Section 12- 11-5 to allow an electronic message board as an initial installation, as currently they may only occur through conversions of existing static, non-electronic billboards; 2.) a text amendment to Section 12- 11-6 to increase the maximum number of total City billboard permits (both static and electronic message board) from 12 to 13; 3.) another text amendment to 12-11-6 to exempt billboards from the signage limitation of 600 square feet on parcels of less than 5 acres; and 4.) a variation from the provision that requires at least 300 feet between any portion of a billboard and a residential property line. The closest portion of the proposed billboard “V” (i.e. two sign faces) is the northeast corner. Per the measurement method prescribed by the Ordinance, the billboard is 127 feet from residentially zoned property, which is PIN 09-33-302-002, an unimproved, wooded property owned by ComEd. However, the closest lot line of a property improved with a residence is 316 feet away. Based on staff review, the proposed billboard would meet the other zoning and location requirements, which generally include:

- The proposed location must be on a lot zoned C-1, C-2, C-3, M-1 M-2 or M-3 (the subject site is now zoned C-3);
- The billboard must be within 660 feet of I-90 or I-294
- The proposed billboard must satisfy the spacing requirements of the Illinois Advertising Control Act
- All third-party government approvals must be obtained

The petitioner has already sought approval from the Illinois Department of Transportation and the Federal Aviation Administration. However, no billboard can be constructed on this property without first obtaining approval from the City of Des Plaines.

The PZB held a public hearing and reviewed and concurred with the petitioner’s responses to text amendment and variation standards and the staff memo comments. The Board voted 5-0 to recommend approval of both requests.

Should the Council vote to approve the request, the following conditions for the variation are recommended:

1. The elevation drawing is revised so the billboard structure will not exceed 99 feet in height.
2. All required Illinois Department of Transportation (IDOT) and Federal Aviation Administration (FAA) approvals are completed and obtained.

Additionally, the recommended effective date of the variation is tied to the installation of building foundations for the commercial development approved by Ordinance Z-51-21.

Mayor Goczkowski questioned whether the billboard will be able to proceed if the building is not developed.

Alderman Chester stated there is strong opposition from the residents regarding the addition of a new billboard. He also is concerned with the proximity of Orchard School to the proposed Cannabis dispensary; he does not believe there should be such exposure to the children. He recognized the property needs to be developed.

Alderman Brookman requested further information from the developer. She wanted to know if Image Des Plaines is affiliated with Image Media. She also asked for further information about the billboard – about whether one side will be digital and one will static.

Alderman Brookman has concerns that the building will not come into fruition if the billboard permit is granted without any further stipulations regarding site grading, site remediation, and signed leases.

Alderman Smith acknowledged the drive for this property is the billboard, but she is concerned with ability to develop the property. She believes the verbal guarantee of footings for the foundation are not enough. Alderman Smith stated she is concerned the billboard will be developed and the building will not come into fruition.

Alderman Brookman questioned why the name of the potential Cannabis dispensary lessee is not being released to the City Council. She is also concerned with possible future litigation regarding billboards if this Ordinance is approved.

Representatives from Image Des Plaines LLC and GW Properties answered questions from the Alderman.

Alderman Oskerka asked for further information regarding the environmental study, and questioned why this information had not previously been provided by the developer to the City Council.

Moved by Moylan, seconded by Oskerka, to approve the Ordinance Z-52-21, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING BILLBOARDS (CASE #21-042-TA-V).

No vote due to an amendment to the motion.

Moved by Brookman, seconded by Chester, to approve an amendment to the Ordinance Z-52-21 allowing for a foundation only permit for the billboard with the full permit for the billboard not to be issued until the foundations of the billboard and building are complete, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING BILLBOARDS (CASE #21-042-TA-V).

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Moved by Moylan, seconded by Oskerka, to approve the Ordinance Z-52-21 as amended, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING BILLBOARDS (CASE #21-042-TA-V).

Upon roll call, the vote was:

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

Advanced to Second Reading by Moylan, seconded by Zadrozny, to adopt the Ordinance Z-52-21 as amended, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING BILLBOARDS (CASE #21-042-TA-V).

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka, Zadrozny,
 Ebrahimi, Mayor Goczkowski
 NAYS: 3 - Brookman, Chester, Smith
 ABSENT: 0 - None
 Motion declared carried.

Moved by Moylan, seconded by Oskerka, to approve the Ordinance Z-53-21 incorporating amendments to Ordinance Z-52-21, AN ORDINANCE APPROVING A MAJOR VARIATION FROM SECTION 12-11-6.B OF THE CITY OF DES PLAINES ZONING ORDINANCE AT 2805-2845 MANNHEIM ROAD TO ALLOW THE CONSTRUCTION OF A BILLBOARD (CASE #21-042-TA-V).

Upon roll call, the vote was:

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

Advanced to Second Reading by Moylan, seconded by Oskerka, to adopt the Ordinance Z-53-21 incorporating amendments to Ordinance Z-52-21, AN ORDINANCE APPROVING A MAJOR VARIATION FROM SECTION 12-11-6.B OF THE CITY OF DES PLAINES ZONING ORDINANCE AT 2805-2845 MANNHEIM ROAD TO ALLOW THE CONSTRUCTION OF A BILLBOARD (CASE #21-042-TA-V).

Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka, Zadrozny,
 Ebrahimi, Mayor Goczkowski
 NAYS: 3 - Brookman, Chester, Smith
 ABSENT: 0 - None
 Motion declared carried.

**PUBLIC HEARING/
 2020 CDBG
 CONSOLIDATED
 ANNUAL
 PERFORMANCE &
 EVALUATION
 REPORT
 Resolution
 R-192-21**

Mayor Goczkowski called the 2020 CDBG Consolidated Annual Performance & Evaluation Report (CAPER)/Resolution R-192-21: Approving the Community Development Block Grant Program Consolidated Annual Performance and Evaluation Report for Program Year 2020 Public Hearing to order at 7:53 p.m.

Director of Community and Economic Development Carlisle reviewed a memorandum dated November 23, 2021.

The Consolidated Annual Performance & Evaluation Report (CAPER) is an annual document detailing the accomplishments of the Community Development Block Grant (CDBG) program and requires City Council approval before submitting to the U.S. Department of Housing and Urban Development (HUD).

The City of Des Plaines Program Year (PY) 2020 CAPER summarizes the program performance of Year 1 of the CDBG Consolidated Plan (PY2020 Action Plan, October 1, 2020, to September 30, 2021). The CAPER reports on the expenditures and accomplishments of the public service, housing, and infrastructure programs performed with respect to the goals established in the Action Plan.

This public hearing completes the required public comment period as required by HUD. The 15-day public comment period for the CAPER began November 17, 2021, following a public notice published in the Journal and Topics on November 3, 2021. The CAPER is available for public viewing at the Civic Center, as well as at the following link: www.desplaines.org/draft2020caper.

Moved by Chester, seconded by Zadrozny, to approve the Resolution R-192-21, A RESOLUTION APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT FOR PROGRAM YEAR 2020.

Upon roll call, the vote was:

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

NAYS: 1 - Brookman

ABSENT: 0 - None

Motion declared carried.

Mayor Goczkowski adjourned the Public Hearing at 7:55 p.m.

PUBLIC COMMENT

Resident John Maag stated he was upset regarding the handling of the second readings during the Public Hearings. He also questioned the status of the senior discount on the water bill. In addition, he asked why the City has not had a Des Plaines Theatre opening ceremony for the residents. He also stated his objection to a data center development at Maple and Touhy; he is concerned with the potential noise pollution and electric outages.

Alderman Chester responded to the resident stating it is his understanding the data center is not currently a viable project.

ALDERMEN ANNOUNCEMENTS

Alderman Lysakowski thanked Public Works for the Downtown holiday city lights.

Alderman Oskerka thanked City staff for their work with the Holiday Tree Lighting.

Alderman Brookman believes having a Des Plaines Theatre opening ceremony for the residents is a wonderful idea.

Alderman Chester concurred with Alderman Brookman regarding an opening ceremony for the Des Plaines Theatre.

Alderman Smith thanked the Des Plaines Community Foundation Group along with their associated sponsors and volunteers for delivering Thanksgiving meals to Des Plaines residents in need.

Alderman Ebrahimi stated his appreciation for the Holiday Tree Lighting.

MAYORAL ANNOUNCEMENTS

Mayor Goczkowski stated the City staff did an amazing job at the Holiday Tree Lighting.

On March 16, 2020, 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 July 29, 2020.

Mayor Goczkowski presented an extension to the Declaration of Civil Emergency.

Moved by Brookman, seconded by Chester, to extend the March 16, 2020 Declaration of Civil Emergency until the adjournment of the next regular, special, or emergency meeting of the City Council.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

CONSENT AGENDA Moved by Brookman, seconded by Oskerka, to establish the Consent Agenda.

Moved by Lysakowski, seconded by Zadrozny, to approve the Consent Agenda.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Minutes were approved; Ordinance M-28-21, M-29-21 were adopted; Resolutions R-193-21, R-194-21, R-196-21, R-197-21, R-198-21, R-199-21, R-201-21 were adopted.

**APPROVE CNTRCT/
NUISANCE ABAT &
GRASS CUTTING/
CLAUSS
BROTHERS, INC**
Consent Agenda

Moved by Lysakowski, seconded by Zadrozny to Approve Resolution R-193-21, A RESOLUTION APPROVING THE SECOND RENEWAL OF A CONTRACT WITH CLAUSS BROTHERS, INC FOR NUISANCE ABATEMENT AND GRASS CUTTING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-193-21**

**APPROVE CNTRCT/
EL INSP/
CITYWIDE
ELEVATOR
INSPECTION
SERVICES INC**
Consent Agenda

Moved by Lysakowski, seconded by Zadrozny to Approve Resolution R-194-21, A RESOLUTION APPROVING THE FIRST RENEWAL OF A CONTRACT WITH CITYWIDE ELEVATOR INSPECTION SERVICES INC FOR ELEVATOR INSPECTION AND SAFETY DEVICE PLAN REVIEW SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-194-21**

APPROVE PURCH/
WOOD CHIPPER/
ALEXANDER
EQUIPMENT
COMPANY
Consent Agenda

Moved by Lysakowski, seconded by Zadrozny to Approve Resolution R-196-21, A RESOLUTION AUTHORIZING THE PURCHASE OF A MORBARK WOOD CHIPPER FROM ALEXANDER EQUIPMENT COMPANY THROUGH SOURCEWELL. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-196-21

APPROVE TASK
ORD NO. 9/ FIRE
STATION 61
REMODEL/ FGM
ARCHITECTS, INC
Consent Agenda

Moved by Lysakowski, seconded by Zadrozny to Approve Resolution R-197-21, A RESOLUTION APPROVING TASK ORDER NO. 9 WITH FGM ARCHITECTS, INC FOR ARCHITECTURAL DESIGN SERVICES FOR THE REMODELING OF FIRE STATION 61. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-197-21

APPROVE TASK
ORD NO. 10/ CITY
HALL & POLICE
STATION LOBBIES/
FGM ARCHITECTS,
INC
Consent Agenda

Moved by Lysakowski, seconded by Zadrozny to Approve Resolution R-198-21, A RESOLUTION APPROVING TASK ORDER NO. 10 WITH FGM ARCHITECTS INC FOR ARCHITECTURAL DESIGN SERVICES FOR THE REMODELING OF CITY HALL AND POLICE STATION LOBBIES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-198-21

APPROVE MSTR
CNTRCT/ PROF
ENGR SVCS/
MANHARD
CONSULTING LTD
Consent Agenda

Moved by Lysakowski, seconded by Zadrozny to Approve Resolution R-199-21, A RESOLUTION APPROVING A MASTER CONTRACT WITH MANHARD CONSULTING LTD FOR PROFESSIONAL ENGINEERING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-199-21

APPROVE AGRMT/
IMP ON US RTE 14/
IDOT
Consent Agenda

Moved by Lysakowski, seconded by Zadrozny to Approve Resolution R-201-21, A RESOLUTION APPROVING AN AGREEMENT WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS ON US ROUTE 14 FROM NICHOLAS DRIVE TO WESTERN AVENUE. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-201-21

SECOND READING/
ORDINANCE
M-28-21
Consent Agenda

Moved by Lysakowski, seconded by Zadrozny to Approve Ordinance M-28-21, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS "B" LIQUOR LICENSE. Motion declared carried as approved unanimously under Consent Agenda.

**SECOND READING/
ORDINANCE
M-29-21
Consent Agenda**

Moved by Lysakowski, seconded by Zadrozny to Approve Ordinance M-29-21, AN ORDINANCE TERMINATING THE DESIGNATION OF TIF NO. 1 AS A REDEVELOPMENT PROJECT AREA UNDER THE TAX INXCREMENT ALLOCATION REDEVELOPMENT ACT. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
MINUTES
Consent Agenda**

Moved by Lysakowski, seconded by Zadrozny to Approve the Minutes of the City Council meeting of November 15, 2021, as published. Motion declared carried as approved unanimously under Consent Agenda.

APPOINTMENTS

Mayor Goczkowski read the following appointment for consideration, no action was required:

YOUTH COMMISSION

Maria Rosa Cullotta – Term to Expire 9/4/2024

Maria Rosa Cullotta thanked the City Council for the consideration of her appointment; and she gave a brief summary of her community connection.

**UNFINISHED
BUSINESS**

**CONSIDER
AMENDING THE
TEXT OF THE
ZONING
ORDINANCE
REGARDING OFF-
STREET PARKING
IN APPROVED
PLANNED UNIT
DEVELOPMENTS,
COLLECTIVE OFF-
STREET PARKING,
AND ELECTRIC
VEHICLE
CHARGING
PARKING SPACES
(CASE #21-038-TA)
Ordinance
Z-55-21**

Director of Community and Economic Development Carlisle reviewed a memorandum dated November 23, 2021.

At the November 15, 2021, City Council meeting, the Council voted to approve the proposed amendments within Ordinance Z-55-21 as revised. If approved, the revised portion would be inserted into the Zoning Ordinance under Section 12-9-3.B to read:

- 2. Any required parking spaces in the separate zoning lot are within 300 feet of the use served, measured from the main entrance of the use and the nearest point of the separate zoning lot.

The 300-foot distance would apply for all uses and the stated distance measurement method reflects the Council’s motion.

Collective and Shared Parking

In general, the City wants to foster the efficient use of land and to give businesses, organizations, and developments flexibility in how they meet their off-street parking requirements. The Zoning Ordinance, which establishes the City’s off-street parking rules, currently attempts to make allowances for when a particular property does not have enough on-site parking to accommodate a proposed use. While the most typical and preferred arrangement is for each property to have enough parking on its own site for all uses served, occasionally this is not feasible. Additionally, it is somewhat common that a.) uses within a given area do not operate at the same time and b.) some parking facilities have excess spaces beyond the requirements of the uses served. For these reasons the City tries not to turn away potential users simply because the property they desire to occupy is deficient in on-site parking. Therefore, in Section 12-9-3 the Ordinance provides for how uses can capitalize on shared or off-site parking. The existing rules first introduce general circumstances for when one parking facility can serve multiple uses (12-9-3.A) and then introduces 12-9-3.B., C., and D., which establish parameters for required parking spaces on a separate property from the particular use they serve. Sub-section B refers to privately owned parking and properties, sub-section C addresses publicly owned parking (e.g. a City-owned parking lot or garage), and sub-section D refers to instances of vacancy that leads to all or a portion of parking going unused.

Earlier in 2021, a conditional use petitioner sought to utilize allowances of sub-section B. The subject property was deficient per the baseline requirement of Section 12-9-7. Beyond day-to-day activities addressed by Section 12-9-7, the use was expected to have well-attended meetings when demand for parking would far exceed the baseline requirement. The petitioner submitted multiple draft shared parking agreements to demonstrate that parking spaces would be available to them at other properties in the same neighborhood. However, these properties lay on the other side of busy roads and intersections, and the walking path to the entrance of the proposed use would not have been linear or convenient from the majority of the proposed off-site parking. The City Council chose to deny the conditional use and then instructed staff and the Planning & Zoning Board (PZB) to study amendments that would prevent future protracted considerations of generally unworkable shared parking arrangements. The Council's intent is not to eliminate the potential for requirements to be met through off-site or shared parking agreements. However, the Council suggests that a minimum distance, similar to other communities, be established, as well as other common-sense limitations.

As part of research for the draft amendments, staff sought assistance from the Northwest Municipal Conference (NWMC), which distributed survey questions to other communities. Staff summarized the responses for inclusion in this report to support the rationale for the proposed amendments. At the September 14, 2021 public hearing, the PZB asked staff to research additional communities beyond those surveyed, specifically Arlington Heights and Palatine. The PZB gave feedback, also, that the 300-foot distance initially proposed was too restrictive. In the Board's opinion, the measurement method initially proposed – from the main entrance of the use served to the off-site parking spaces – may be difficult or complicated to review and enforce. Members proposed a simpler lot-line-to-lot-line measurement method, which is used in other contexts in the Zoning Ordinance. In addition, the Board recommended that based on research of additional communities, it would be appropriate to distinguish between types of uses when setting the distance. They continued the hearing to October 26, 2021, when staff returned with additional research and revised amendments. Finally, to understand how the allowance is working in practice in Des Plaines, the Board requested to see an agreement that had been somewhat recently executed.

The City Council considered the matter at its November 16, 2021, meeting and decided via motion to revise the amendments back to a 300-foot distance and to change the measurement method: Measure from the main entrance of the use served to the nearest point of the zoning lot for the separate, off-site parking area.

In summary, the revised amendments do the following:

- Clarify zoning administrator and City Council authority to approve shared or off-site parking, depending on the process;
- Reword “reduction” in off-street parking requirement instead as a “fulfillment”;
- Require that shared parking agreements be kept current and filed with the Department of Community and Economic Development; and
- Reorganize and add to the limitations for when shared, off-site parking on privately-owned zoning lots is possible.

Electric Vehicle Charging Spaces

On October 18, 2021, the City Council adopted the Chicago Region's Climate Action Plan and joined the Metropolitan Mayors Caucus' Greenest Region Compact. This action signals affirmation for the consideration of policy changes that will lead to greater environmental sustainability. One component is decarbonizing transportation and reducing emissions. The conversion to electric vehicles from traditional engines that require combustible fossil-fuel products is one action being taken around the world.

As electric vehicles (EV) become more common, the need for charging is increasing. While some EV owners have a charging port at their homes, many do not, or they drive frequently enough or for long enough durations and distances that they must charge away from home. Commercial vehicles such as those used in freight and delivery are also becoming part of the EV market. Charging spaces and their attendant equipment are now present throughout the Chicago region in public and private parking lots and garages. In fact, Des Plaines already has two charging spaces in a public lot at the northeast corner of Ellinwood and Lee Street, adjacent to the library. Charging spaces that are generally open to the public – whether on public or private property – usually operate on three models: 1.) Users pay to charge, either per unit of energy or based on a subscription; 2.) property owners pay for the vendor for the charging equipment to attract or serve a market of customers or employees who need EV charging; and/or 3.) charging is free or very low-cost because the ports display advertisements.

However, earlier this year staff received a building permit application to install four charging spaces and equipment at Metropolitan Square, specifically adjacent to Shop and Save and Fifth Third Bank. Staff has denied this permit for now because the proposed change a.) requires currently open, unreserved parking to be repurposed as parking reserved for charging EVs only and b.) the proposed change would reduce the number of parking spaces in a Planned Unit Development, which per 12-3-5 qualifies as a “Major Change,” necessitating a public hearing, City Council approval, and the formal altering of the Final Plat of PUD.

Staff sought assistance from NWMC, which provided prior survey results for zoning rules in nearby communities. Attempting to address the reasonably foreseeable circumstances without over-regulating, amendments are proposed that would do the following:

- Establish term definitions in Section 12-13-13 for “Electric Vehicle Charging Space” and “Electric Vehicle Supply Equipment,” with the latter covering charging ports and all necessary structures adjacent to the charging spaces; The definition for “Electric Vehicle Charging Space” allows these spaces to count for up to 5 percent of an off-street parking minimum (e.g. one space within a 20-space requirement; 5 spaces within a 100-space requirement; 10 spaces within a 500-space requirement), with no limitation if the EV spaces are allocated from the supply beyond the requirement;
 - The definition excludes private residential facilities so as not to affect those who, for example, choose to install one EV charging space in their two-car home garage. This is already allowed and is not intended to be changed.
- Address in Section 12-9-6 where and how EV charging spaces may be marked within parking facilities and limit the height of charging ports (maximum 8 feet), area of identification signage (1.5 square feet), and reinforce landscaping requirements;
- Amend Sections 12-11-5 and 12-11-6 to create a limited allowance for electronic message board signs embedded within charging ports, with a maximum area of 6 square feet and copy limited to businesses for which the sign is intended; and
- Carve out a “minor change” circumstance in 12-3-5 for PUDs when repurposing/restriping parking spaces for EV charging or additional mobility impaired accessible parking.
 - The Illinois Accessibility Code changes from time to time, imposing greater requirements
 - Minor changes may be approved administratively, without a public hearing and months-long public process. These amendments are designed to avoid an onerous approval process for property owners/managers who chose to allocate more accessible parking than is required.

On September 14, 2021, the PZB voted 6-0 to recommend approval of the portion of the amendments related to electric vehicle charging. The Board continued the hearing to October 26, 2021, for additional research and revisions related to collective and shared parking. At the continuation of the hearing, the Board voted 5-0 to recommend approval.

Alderman Brookman stated she is in favor of the amendment to the Ordinance, but not the Ordinance as a whole. She believes the Ordinance should have been divided, and looks for corrections to be made in regards to ordinance language in the future.

Moved by Zadrozny, seconded by Moylan, to Adopt the Ordinance Z-55-21 as amended, AN ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE OF THE CITY OF DES PLAINES REGARDING OFF-STREET PARKING IN APPROVED PLANNED UNIT DEVELOPMENTS, COLLECTIVE OFF-STREET PARKING, AND ELECTRIC VEHICLE CHARGING PARKING SPACES (CASE# 21-038-TA).

Upon roll call, the vote was:

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

NAYS: 1 - Brookman

ABSENT: 0 - None

Motion declared carried.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Zadrozny, Chair

WARRANT REGISTER
Resolution R-200-21

Alderman Zadrozny presented the Warrant Register.

Moved by Zadrozny, seconded by Brookman, to Approve the Warrant Register of December 6, 2021 in the Amount of \$6,178,130.41 and approve Resolution R-200-21.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

COMMUNITY DEVELOPMENT – Alderman Chester, Chair

CONSIDER GRANTING A CONDITIONAL USE PERMIT AND MAJOR VARIATIONS FOR THE OPERATIONS OF A LIVERY SERVICE USE AND MAJOR VARIATIONS AT 580 S. WOLF RD
Ordinance Z-56-21

Director of Community and Economic Development Carlisle reviewed a memorandum dated October 28, 2021.

The petitioner is requesting the following items: (i) a Conditional Use as required by Section 12-7- 3(K) of the Zoning Ordinance to allow a livery service in the M-2 zoning district; (ii) Major Variations from Section 12-10-8(A) to provide relief from the interior parking lot landscaping requirements; (iii) a Major Variation from Section 12-10-8(B) to provide relief from the perimeter parking lot landscaping requirements; (iv) a Major Variation from Section 12-10-10 to provide relief from the foundation landscaping requirements; and (v) a Major Variation from Section 12-10-9 to provide relief from the landscape buffer requirements.

The petitioner, Transport Properties, LLC, has requested a Conditional Use for a Livery Service Use and several variations for landscaping and screening at 580 S. Wolf Road. The 8.5-acre subject property is situated in between two separate railroads to its west and south, and is within the M-2 General Manufacturing district, where a Livery Service is a conditional use. The Plat of Survey shows a main building on the northeast side of the lot and multiple other structures throughout the remainder of the site, most notably a concrete production tower (“batch plant”). These are surrounded by paved, semi-paved, and gravel areas. Access to the subject property is available off Wolf Road only. At one time, there was a southern access road utilized off Thacker Street. However, this access point would be closed off and not be utilized for this use.

The petitioner wishes to remove all structures on site with the exception of the existing main building: a one-story warehouse building with the two-story attached office space located on the northeast corner of the site and fill the remainder of the lot with 16 passenger vehicle and 236 bus parking. The petitioner wishes to utilize the existing 24,690-square-foot, one-story warehouse portion of the building for bus maintenance and storage, and use the two-story office portion (6,430-square foot first level and 2,433-square foot second level) of the building for all office activities. The proposal does not include changes to the exterior of the building, as the petitioner is interested in utilizing the existing doors, windows, building materials, and finishes as indicated in the Building Plans. The petitioner's proposal also includes site improvements such as the addition of a new paved and striped parking area, landscaping along the perimeter of the parking lot area, new interior parking lot landscape beds, new turf areas, a 5,000-gallon fuel tank, and proposed screening with an eight-foot-tall fence around the entire site. Staff has added a condition that the dumpster shall be stored inside the building except during trash pickup days.

The proposed floor plan includes a 5,570-square-foot first-floor office area, 2,212-square-foot second floor office area, an 8,407-square-foot service bay area, and a 15,568-square-foot bus equipment and storage area, totaling 27,123 square feet. Note that the floor area calculation excludes bathrooms, mechanical rooms, hallways, stairwells, and storage areas up to ten percent of the entire combined floor area. The Livery Service use follows the off-street parking regulations for offices to accommodate employee, guest, and livery service related vehicle parking. Pursuant to Section 12-9-7 of the Zoning Ordinance, one parking space is required for every 250 square feet of gross floor area. A total of 109 off-street parking spaces are required, including five handicap accessible parking spaces. The Site Plan Exhibit provides 16 personal vehicle spaces, including one handicap parking space, and 236 bus parking spaces totaling 252 total spaces. However, the site plan does not designate all five required accessible parking spaces. Staff has added a condition that the petitioner's site plan submitted at the time of building permitting contains all required accessible parking with the required striping and dimensions.

The initial tenant for the livery service, First Student, anticipates having approximately 150 school buses parked on the subject property with an additional 10-15 buses typically in service for maintenance or repair. Roughly 20-25 office, dispatch, and maintenance employees will be on the subject property during a.m. and p.m. shifts. For the a.m. shift, maintenance employees arrive starting at 5 a.m., and shift bus drivers will arrive starting at 6:15 a.m. for 6:30 a.m. departures. Bus service during the morning shift will be staggered starting at 6 a.m. and ending around 9:30 a.m. The shift cross-over is between 11 a.m. and noon. For the p.m. shift, bus service shift will be staggered starting at 1 p.m. with buses returning by 5:30 p.m. Afternoon shift workers will leave at 5:30 p.m. A majority of the bus operations will occur during the regular school year from mid-August through early June. However, roughly 20-25 buses will be utilized during the summer months for the summer school season.

The petitioner submitted a traffic study by KLOA, Inc. to assess the anticipated impact of the new livery service on the subject property and surrounding infrastructure. The traffic study concludes that the anticipated traffic volumes of this use would be primarily generated outside of peak hours of adjacent roadway traffic on Wolf Road. There were no concerns that the existing access system is sufficient to handle the proposed livery service. However, it was noted that "additional evaluation" should occur regarding the at-grade railroad crossing on Wolf Road, just south of the entrance to the subject property (in other words, there is some concern about bus queueing and backup around the tracks). It was suggested that bus routing and/or departure time could be adjusted to limit the number of buses utilizing the railroad crossing on Wolf Road—meaning that buses could be routed mostly to the north (left) when leaving the property and would return from the same direction, generally avoiding the tracks. Consider, however, that this would add to traffic that would likely come to the Golf-Wolf intersection approximately a half-mile to the north.

Regarding sound impacts, consider the proposed user (First Student) will consist of many school vehicles that have an audible backing sound/beep. The petitioner writes that upon returning to the facility each night, vehicles would be backed in, causing the concentration of the sound to occur in mid-to-late afternoons instead of early in the morning. In addition, like all vehicles, there is sound from engine start-up. Transport Properties would discourage First Student from idling, except when required for vehicle maintenance.

The petitioner is also requesting several variations with the conditional use request regarding landscape requirements. The original request included a variation to reduce the required number of off-street parking spaces on the subject property from 31 to sixteen. However, as stated above and noted in the Livery Service definition in Section 12-13-3 of the Zoning Ordinance, the livery service use shall follow the parking regulation for offices to accommodate employee, guest, and livery service related vehicle parking. This allows the proposed bus parking spaces to be factored into the total off-street parking space calculation, negating the need for a variation.

The petitioner has also requested several variations pertaining to landscape requirements. Due to the nature of the use, the requested variations for relief from interior parking lot landscaping requirements—specifically quantity of trees and location of landscape areas— could be warranted based on design, as the request does intend to provide a substantial amount of landscaping throughout the site where there is currently none. Conversely, perimeter parking lot landscaping, landscape buffering, and foundation landscaping are paramount to bringing the existing property closer to conformance with the Zoning Ordinance and are arguably achievable given the layout of the subject property, the existing building, and the property's close proximity to single-family development on three of its four sides.

The PZB recommended (4-1) that the City Council approve the request with conditions via Ordinance Z-56-21, which approves a conditional use and major variations, subject to the following conditions.

Conditions of Approval:

1. That a public sidewalk is installed across the subject property's frontage along Wolf Road to the applicable specifications of the Des Plaines Municipal Code and additional governmental agency regulations as necessary.
2. The dumpster shall be stored inside the building except during trash pickup days. If a future trash enclosure is pursued, a building permit with plans for the dumpster enclosure in compliance with Section 12-10-11 of the Zoning Ordinance shall be submitted to staff.
3. The Site Plan shall be revised to contain all required accessible parking spaces with the required striping and dimensions and resubmitted at the time of building permitting.
4. A Photometric Plan in compliance with Section 12-12-10 of the Zoning Ordinance shall be submitted to staff at time of building permit.
5. The use shall be monitored regularly for compliance with the Environmental Performance Standards in Chapter 12 of the Zoning Ordinance, particularly regarding sound/noise. Sufficient documentation regarding the proposed fuel tank shall be submitted with the application for a building permit to suffice for a Fire and life safety approval, pursuant to Sections 12-12-3 and 12-12-4.
6. Added by the PZB: The petitioner shall evaluate the travel paths of the school buses to determine if there are any opportunities to reroute them and minimize the number of buses that will travel to/from the south on Wolf Road and cross the railroad tracks.
7. Added by the PZB: The petitioner shall monitor the operations of the facility annually after opening to determine if any adjustments to the routing and times of departure will be necessary.

Resident Jim Murray asked the City Council to vote no on this Ordinance; he believes the traffic, noise, and pollution will diminish the quality of life of the surrounding residents. He also stated that in an email Alderman Oskerka agreed the traffic at the site with school buses stopping all the time would be horrible.

Resident David Hansen stated there should be more landscape in connection to this property, not less, to offset the possible pollution from the school buses. He mentioned he does not agree with the self-monitoring of Transport Properties, LLC regarding traffic. He also questioned the validity of the traffic study.

Resident Bruce Ahlmann thanked the Alderman for hosting the community meeting. He stated in the past, he had to reach out to various organizations for the enforcement of proper maintenance of the Meyer property; and he believes future proper maintenance on this property, unless enforcement is clearly stated, likely it will not happen. He is also disappointed by the lack of notification regarding the Meyer property in the years past; he is asking the Alderman to create an ordinance for notification to the residents within at least 1000 feet of a property requesting changes. He hopes the City will continue to support and protect the residents in the future.

Alderman Lysakowski inquired about changing the planning ordinance to insure notification of residents by Community and Economic Development within 1000 feet from the property requesting variances or changes.

Moved by Moylan, seconded by Brookman, to Deny the Ordinance Z-56-21, AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT AND MAJOR VARIATIONS FOR THE OPERATIONS OF A LIVERY SERVICE USE AND MAJOR VARIATIONS AT 580 S. WOLF ROAD, DES PLAINES, IL.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny, Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

CONSIDER
GRANTING A
CONDITIONAL USE
PERMIT AND
MAJOR
VARIATION FOR A
CANNABIS
DISPENSARY AT
1504 MINER
STREET, DES
PLAINES, IL
Ordinance
Z-57-21

Director of Community and Economic Development Carlisle reviewed a memorandum dated November 23, 2021.

The petitioner is requesting a conditional use under Section 12-7-3(K) of the Zoning Ordinance to allow a cannabis dispensary in the C-5 zoning district. The petitioner is also requesting a variation from the window transparency rules of Section 12-3-11 (Building Design Review).

The petitioner is 280E, LLC, which is connected with operator D33 Mgmt, LLC. The group is owned by Bryan, Kristie, and Zachary Zises, as well as Paul Lee. They are proposing leasing 1504 Miner Street, a single-story building at the corner of Miner and Metropolitan Way, for an adult-use sales (recreational) retail cannabis dispensary. The space has been vacant since late 2017, when the former Leona’s restaurant closed. Legal retail sales of adult-use cannabis products began in Illinois on January 1, 2020, enacted by the state Cannabis Regulation and Tax Act of 2019. Since then, D33 Mgmt has operated locations under the brand Dispensary33, one of the first adult-use retailers to be open in Illinois (Andersonville neighborhood of Chicago). They have since opened a second location in the West Loop neighborhood of Chicago and are pursuing a location in Wicker Park concurrent to their application in Des Plaines.

The City of Des Plaines amended its Zoning Ordinance twice related to cannabis business establishments (an umbrella term that encompasses retail dispensaries and cannabis supply-

chain businesses). The first amendments were in late 2019, and the second were in August 2021. Prior to August 2021, cannabis dispensaries were not possible in the C-5 Central Business District/downtown Des Plaines, but Ordinance Z-42-21 established them as a conditional use. All cannabis business establishments in Des Plaines, regardless of zoning district, are prohibited from locating within 500 feet of a pre-existing school, place of worship, or commercially zoned child care center. The subject property is more than 500 feet from the zoning lot lines of these types of uses.

All cannabis business establishments are also subject to the Use Standards of Section 12-8-13 of the Zoning Ordinance. These set requirements and limitations related to signage, lighting, hours of operation (limited to 10 a.m. through 8 p.m.), prohibition of on-site consumption and delivery to consumers, seismic and sonic detectors, consent to odor inspection, and full compliance with state regulations, which may change from time to time. State regulations are established both by state statute and the Illinois Department of Financial and Professional Regulation (IDFPR). IDFPR licenses and inspects dispensaries, and sets forth requirements that include, for example, exterior security cameras and on-site security personnel.

As the petitioner states in their project narrative, Green & Foster, LLC, is one of the partners in the endeavor. Green & Foster is a “social equity” candidate that won a state conditional license lottery in Summer 2021. The state gives priority to social equity candidates in lotteries for conditional licenses.

The City can collect a three percent Municipal Cannabis Retailers’ Occupation Tax on the gross retail sales of all adult-use cannabis. In their project narrative, the petitioner projects by late 2022 the average sales for a dispensary in Illinois will be \$500,000 per month, or \$6 million per year. Sales volume varies based on location, size of store, and other factors. Research from various cannabis business sources reveals a range of national average annual sales between \$974-\$1,773 per square foot. Using the petitioner’s estimate, it is estimated the City could collect an estimated \$180,000 per year in cannabis taxes from this dispensary, and that does not include other taxes that may apply, such as the home-rule retail sales tax (1 percent) and a local share of the state retail sales tax.

The subject property is 5,428 square feet. The site and floor plans indicate a total proposed building area of 4,180 square feet, which includes a downstairs storage area to complement the upstairs sales, employee, and storage areas.

The parking requirement for cannabis dispensaries in Section 12-9-7 of the Zoning Ordinance has three different ratios based on components of the floor plan: one space for every 200 square feet of gross floor area with public access plus one space for every 250 square feet of gross floor area dedicated to office uses, plus one space for every 1,500 square feet of gross floor area dedicated to ancillary uses. The definition of “floor area” in Section 12-13-3 allows certain spaces such as restrooms, mechanical rooms, hallways, and up to 10 percent of storage areas to be excluded. Further, because the subject property is in the C-5 district, Section 12-7-3.H.6. allows the first 2,500 square feet to be exempt. Given the order of the floor plan components in the parking requirement – first public access, then office, then ancillary – the unexcluded space falls under “ancillary use” and is subject to a ratio of one space per 1,500 square feet. Therefore, the minimum parking requirement is two off-street spaces.

The petitioner is proposing three off-street spaces, all in the rear. One of the spaces is reserved as an accessible space. In addition to the required off-street parking, there is immediately adjacent angle parking on the east side of Metropolitan Way, just west of the sidewalk next to the building. These eight spaces, one of which is an accessible space, are limited to 90 minutes and are likely to be helpful in accommodating the use, although other businesses in the area also rely on these spaces. Regardless, an overall parking shortage is not anticipated, especially

with the Metropolitan Square garage and additional on-street parking within a short walk of the subject property. Finally, the petitioner reasonably projects that given their location some customers will arrive via public transportation.

The petitioner will allocate one parking space for deliveries. The delivery plan in the project narrative specifies the frequency of daily deliveries (likely two to three times per day) in Ford Transit Connect or Sprinter vans. Delivery methods are also regulated by IDFPR, which requires that deliveries be conducted by a licensed transporter and that a security guard be present.

The project narrative and submitted renderings indicate that façade alterations will be necessary on the Miner side. These alterations make the project subject to the Building Design Review requirements of Section 12-3-11. Specifically Sub-section D.1.a.1. requires “highly transparent, nonreflectance windows.” The petitioner cites a state requirement that dispensaries must maintain a window tint, which would make the storefront windows only partially instead of highly transparent. The petitioner would apply a window film to achieve the state-required tint. However, this requires a variation.

The PZB took a motion to recommend the City Council approve both the conditional use and variation request, and the vote was 3-1, with three in favor and one against.

Under Sections 12-3-4(D) and 12-3-6(G) of the Zoning Ordinance, the City Council has final authority on approval, approval subject to conditions, or denial of the conditional use and variation for a cannabis dispensary at 1504 Miner Street. If the City Council ultimately approves the request, the following conditions are recommended by Staff:

1. The petitioner shall submit to the Des Plaines Police Department, at the frequency determined by the Department, an updated and detailed list of security personnel.
2. Dispensary windows shall have substantially the same appearance as those used as an example in the application submittal. Detailed specifications on transparency shall be included with the building permit application.
3. No temporary certificate of occupancy or certificate of occupancy will be issued for the Subject Property unless and until the Petitioner has provided proof that the Illinois Department of Financial and Professional Regulation has issued a license to operate a cannabis dispensing organization on the Subject Premises.

Resident Janiece Archer expressed her concern with the dispensary, and her view of possible crime which may come along with this business.

Resident John Maag expressed his objection with the dispensary; he also shared his personal family connection to why he is not in support of marijuana.

Resident Shirley Smith stated she is in favor of having a dispensary in the City since it is a positive source of revenue; however, she is opposed to the location. She does not see the location as being a positive fit for the landscape of the Downtown main street area.

Resident Bill Decker objects to the location of the dispensary. He quoted a Washington Post article regarding the neuroscience of cannabis in connection to how it affects the brains of individuals, especially adolescents. He wanted to bring to the forefront the issues of marijuana and its effect on health.

Alderman Lysakowski inquired about if an additional tax can be added. He requested putting the tax revenue into a fund for the Police and Fire Pensions. He also wants to extend the closing time limits for cannabis dispensaries past 8:00 p.m.

Alderman Moylan agreed with having the additional three percent tax collected from the dispensary to be directly allocated for the Police and Fire Pensions.

Alderman Brookman believes the designated location is not a good idea; she stated the proposed site does not conform with the land use for this site as expressed in the City's comprehensive plan. She stated the proposed use does not meet the criteria for the comprehensive plan and the urban mix envisioned for the Downtown area; she stated the plan site signals a preference for a restaurant. She mentioned the location would be ideal for a restaurant. She noted there are restaurants interested into coming to Des Plaines, and she believes there are not many other locations in Downtown that would be as conducive to restaurant use as this property. She believes the dispensary will not attract other businesses, but will actually do the opposite by deterring other businesses.

Alderman Brookman also pointed out her concern that the conditional use runs with the property even if the property is sold.

Alderman Oskerka quoted a study by the National Restaurant Association and Ohio University stating sixty percent of all restaurants fail within their first year and eighty percent fail within five years. He believes the dispensary will be a permanent business that will sustain the Downtown area.

Alderman Chester has a friend, Italian chef, who previously looked at this site for a possible restaurant, but could not follow through since the rent was too high.

A representative from 280E, LLC answered questions from the Alderman.

Mayor Goczkowski believes the cannabis dispensary will bring individuals with disposable income to the Downtown area.

Resident John Maag stated the dispensary will not help promote other businesses; he mentioned once they purchase their product they will go to a location in which they can smoke or consume the product.

Moved by Oskerka, seconded by Moylan, to Approve the Ordinance Z-57-21, AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT AND MAJOR VARIATION FOR A CANNABIS DISPENSARY AT 1504 MINER STREET, DES PLAINES, ILLINOIS. No vote due to an amendment to the motion.

Moved by Zadrozny, seconded by Oskerka, to Approve an amendment to the Ordinance Z-57-21 to add clarifying language to state the conditional use is only for the applicant and not tied to the property, AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT AND MAJOR VARIATION FOR A CANNABIS DISPENSARY AT 1504 MINER STREET, DES PLAINES, ILLINOIS.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith, Ebrahimi

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Moved by Oskerka, seconded by Moylan, to Approve the Ordinance Z-57-21 as amended, AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT AND MAJOR VARIATION FOR A CANNABIS DISPENSARY AT 1504 MINER STREET, DES PLAINES, ILLINOIS. Upon roll call, the vote was:

AYES: 6 - Lysakowski, Moylan, Oskerka,
 Zadrozny, Chester, Ebrahimi
 NAYS: 2 - Brookman, Smith
 ABSENT: 0 - None
 Motion declared carried.

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

Alderman Zadrozny mentioned there is a new business, At 7 Bar and Grill, in Metropolitan Square; encouraging community support for this new business.

Alderman Brookman hoped everyone had a wonderful Thanksgiving.

ADJOURNMENT

Moved by Brookman, seconded by Chester to adjourn the meeting. The meeting adjourned at 9:46 p.m.

/s/ Jessica M. Mastalski
 Jessica M. Mastalski – City Clerk

APPROVED BY ME THIS 20th

DAY OF December, 2021

/s/ Andrew Goczkowski
 Andrew Goczkowski, MAYOR