

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, NOVEMBER 15, 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 7:02 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, November 15, 2021.

ROLL CALL

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

Also present were: City Manager Bartholomew, Assistant City Manager/Director of Finance Wisniewski, Assistant Director of Public Works and Engineering Watkins, 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 Zadrozny.

ALDERMEN ANNOUNCEMENTS

Alderman Lysakowski thanked Public Works and Tom Bueser for doing an outstanding job in the First Ward.

Alderman Brookman thanked Assistant Director of Public Works and Engineering Tim Watkins for doing an outstanding job.

Alderman Chester mentioned he received a call from a resident stating there was not a crossing guard at South School.

Alderman Smith reiterated a thank you to the City staff. She also asked if Public Works would consider extending the leaf pickup due to the delay in leaf falling.

MAYORAL ANNOUNCEMENTS

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 Oskerka, 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: 7 - Lysakowski, Moylan, Oskerka, Zadrozny,
Brookman, Chester, Smith

NAYS: 0 - None

ABSENT: 1 - Ebrahimi

Motion declared carried.

CONSENT AGENDA Moved by Moylan, seconded by Zadrozny, to establish the Consent Agenda.
 Upon voice vote, the vote was:
 AYES: 7 - Lysakowski, Moylan, Oskerka, Zadrozny,
 Brookman, Chester, Smith
 NAYS: 0 - None
 ABSENT: 1 - Ebrahimi
 Motion declared carried.

Moved by Brookman, seconded by Oskerka, to approve the Consent Agenda.
 Upon roll call, the vote was:
 AYES: 7 - Lysakowski, Moylan, Oskerka, Zadrozny,
 Brookman, Chester, Smith
 NAYS: 0 - None
 ABSENT: 1 - Ebrahimi
 Motion declared carried.

Minutes were approved; Ordinance M-28-21, M-29-21 were approved; Ordinance M-26-21, M-27-21 were adopted; Resolutions R-180-21, R-181-21, R-182-21, R-183-21, R-184-21, R-188-21, R-191-21 were adopted.

AMEND CITY CODE/ CLASS B LIQ LIC/ 1670 S RIVER RD Moved by Brookman, seconded by Oskerka to Approve First Reading of 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.

Consent Agenda

**Ordinance
M-28-21**

TER DESIG/ TIF NO. 1/ REDEV PROJ AREA Moved by Brookman, seconded by Oskerka to Approve First Reading of Ordinance M-29-21, AN ORDINANCE TERMINATING THE DESIGNATION OF TIF NO. 1 AS A REDEVELOPMENT PROJECT AREA UNDER THE TAX INCREMENT ALLOCATION REDEVELOPMENT ACT. Motion declared carried as approved unanimously under Consent Agenda.

Consent Agenda

**Ordinance
M-29-21**

AUTH PROC/ ROCK SALT/ COMPASS MINERALS AMERICA, INC Moved by Brookman, seconded by Oskerka to Approve Resolution R-180-21 A RESOLUTION AUTHORIZING THE PROCUREMENT OF ROCK SALT FROM COMPASS MINERALS AMERICA, INC. Motion declared carried as approved unanimously under Consent Agenda.

Consent Agenda

**Resolution
R-180-21**

APPROVE MSTR CNTRCT/ PLUMB SVCS/ JOS SERVICES, INC Moved by Brookman, seconded by Oskerka to Approve Resolution R-181-21, A RESOLUTION APPROVING A MASTER CONTRACT WITH, JOS SERVICES, INC. FOR PLUMBING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Consent Agenda

**Resolution
R-181-21**

**APPROVE MSTR
CNTRCT/ELEC
SVCS/SUPER
ELECTRIC
CONSTRUCTION
COMPANY**
Consent Agenda

Moved by Brookman, seconded by Oskerka to Approve Resolution R-182-21 A RESOLUTION APPROVING A MASTER CONTRACT WITH SUPER ELECTRIC CONSTRUCTION COMPANY FOR ELECTRICAL SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-182-21

**APPROVE AGRMT/
IDOT & CBBEL/
OAKTON ST
SIDEPTH PROJ**
Consent Agenda

Moved by Brookman, seconded by Oskerka to Approve Resolution R-183-21, A RESOLUTION APPROVING THE EXECUTION OF A LOCAL AGENCY AGREEMENT WITH IDOT AND AN ENGINEERING SERVICES AGREEMENT WITH CHRISTOPHER B. BURKE ENGINEERING, LTD. IN CONNECTION WITH THE CONSTRUCTION OF THE OAKTON STREET SIDEPTH PROJECT. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-183-21

**APPROVE TASK
ORD NO. 7/ PROF
ENGR SVCS/
CHRISTOPHER B.
BURKE
ENGINEERING,
LTD**
Consent Agenda

Moved by Brookman, seconded by Oskerka to Approve Resolution R-184-21, A RESOLUTION APPROVING TASK ORDER NO. 7 UNDER A MASTER CONTRACT WITH CHRISTOPHER B. BURKE ENGINEERING, LTD. FOR PROFESSIONAL ENGINEERING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-184-21

**SECOND READING/
ORDINANCE
M-26-21**
Consent Agenda

Moved by Brookman, seconded by Oskerka to Approve Ordinance M-26-21, AN ORDINANCE LEVYING TAXES FOR THE CITY OF DES PLAINES, COOK COUNTY, ILLINOIS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2021 AND ENDING DECEMBER 31, 2021. Motion declared carried as approved unanimously under Consent Agenda.

**SECOND READING/
ORDINANCE
M-27-21**
Consent Agenda

Moved by Brookman, seconded by Oskerka to Approve Ordinance M-27-21, AN ORDINANCE AMENDING SECTION 10-8-2 OF THE CITY CODE OF THE CITY OF DES PLAINES REGARDING LOCAL AMENDMENTS TO THE NATIONAL ELECTRICAL CODE. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE AGRMT/
ST SWEEPING
SVCS/ LAKESHORE
RECYCLING
SYSTEMS**
Consent Agenda

Moved by Brookman, seconded by Oskerka to Approve Resolution R-188-21, A RESOLUTION APPROVING AN AGREEMENT WITH LAKESHORE RECYCLING SYSTEMS FOR STREET SWEEPING SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-188-21

**APPROVE
MINUTES
Consent Agenda**

Moved by Brookman, seconded by Oskerka to Approve the Minutes of the City Council meeting of November 1, 2021, as published. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
MINUTES
Consent Agenda**

Moved by Brookman, seconded by Oskerka to Approve the Closed Session Minutes of the City Council meeting of November 1, 2021, as published. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE ASGMT/
LEASE AGRMT OF
DES PLAINES
THEATRE/ ONESTI
DPT INC
Consent Agenda**

Moved by Brookman, seconded by Oskerka to Approve Resolution R-191-21, RESOLUTION APPROVING THE ASSIGNMENT OF LEASE AGREEMENT WITH ONESTI ENTERTAINMENT CORPORATION FOR THE OPERATION OF THE DES PLAINES THEATRE TO ONESTI DPT INC. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-191-21**

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Zadrozny, Chair

**WARRANT
REGISTER
Resolution
R-186-21**

Alderman Zadrozny presented the Warrant Register.

Alderman Smith questioned the Elrod and Friedman billing; she also questioned what the attorney fees were when the City had an in-house attorney.

Moved by Chester, seconded by Oskerka, to Approve the Warrant Register of November 15, 2021 in the Amount of \$3,088,302.07 and approve Resolution R-186-21.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Ebrahimi

Motion declared carried.

COMMUNITY DEVELOPMENT – Alderman Chester, Chair

**CONSIDERATION
OF SUPPORTING
AND CONSENTING
TO THE APPROVAL
OF CLASS 6B
CLASSIFICATION
FOR THE
PROPERTY
LOCATED AT 25
HOWARD AVENUE
Resolution
R-187-21**

Director of Community and Economic Development Carlisle reviewed a memorandum dated November 4, 2021.

Applicant TMI Properties, LLC (TMI) is the contract purchaser of 25 Howard Avenue from seller TMG Real Estate Holdings, LLC. The applicant is requesting a resolution supporting a Cook County Class 6b Property Tax Incentive (6b), which is designed to encourage industrial investment by reducing the assessment level of eligible properties for 12 years, with possible renewal for an additional 12 years if supported by the City and approved by Cook County at that time. This application is based on the eligibility criterion of substantial re-occupancy of “abandoned” property. In general, “abandoned” means unused for at least 24 continuous months; however, the City may find that a “special circumstance” exists whereby abandonment does not require a 24-month period of full inactivity. The applicant seeks a special-circumstance determination because the previous occupant, Montana Metals, has been winding down operations since September 2021, when it auctioned off all assets at the subject property. A notarized vacancy affidavit attests to complete vacancy of the property by November 15, 2021.

The subject property consists of an approximately 97,567-square-foot industrial building on a 3.74- acre site. As the new owner, TMI plans to lease the property to two tenants, both currently in Elk Grove Village: Jack Lewin Associates, Inc. (JLA) and Filtering Services, Inc. (FSI). JLA will use their portion of the property for warehousing and distribution. Their business involves container unloading/freight forwarding, e-commerce fulfillments, retail distribution, warehousing, display-building, and the attendant transportation and logistics operations. FSI is a distributor of commercial and industrial filtration products and services, such as HVAC, compressed air, and oil/gas filtration. They also provide change-out services (i.e. changing filters) for industrial and commercial facilities, contractors, hospitals, and public buildings.

TMI pledges a qualifying-improvement total cost of \$564,908 over the life of the incentive. Pledged improvements include \$144,908 in recent interior office renovation (2020), \$300,000 on façade work (new panels), \$50,000 toward LED warehouse and exterior lighting, \$40,000 on painting, and \$30,000 on dock and exterior doors. The total pledged improvements amount to only \$5.79 per square foot, less than the \$10 required by the City. However, the City Council may grant a waiver, considering the notable investment in the property in 2018 and 2019 – before the life of the proposed incentive – that included a new parking lot and substantial façade work (total of more than \$330,000). Further, the proposed tenants will collectively bring 60 full-time jobs initially to Des Plaines, with an additional 12 pledged over the next five years. Consider that closing of former tenant Montana Metals was a loss of an estimated 57 jobs.

Summary of Tax Scenarios:

1. Estimated annual taxes for 10 years, as is (no improvements, no 6b, vacancy): \$33,247
2. Estimated annual taxes for 10 years with proposed improvements with a 6b: \$224,227
3. Estimated annual taxes for 10 years with proposed improvements without a 6b: \$560,561

The applicant asserts that Scenario No. 3. is not feasible because the sale of and future investments in the property, occupancy by the proposed tenants, and jobs to be created rely on the 6b.

The applicant projects that Scenario No. 2, which reflects 6b approval and all of the pledged property investment, will result in \$2,628,113 in greater property tax revenue over the 12-year life of the incentive compared with Scenario No. 1, which assumes a vacant building and no additional improvements.

Resident Walter Underwood does not believe the property meets the criteria for a Class 6B Tax Incentive.

A representative of the applicant gave his opinion on why he believes the property should qualify for a Class 6B Tax Incentive.

Moved by Brookman, seconded by Chester, to Approve the Resolution R-187-21, A RESOLUTION SUPPORTING AND CONSENTING TO THE APPROVAL OF CLASS 6b CLASSIFICATION FOR THE PROPERTY LOCATED AT 25 HOWARD AVENUE, DES PLAINES, ILLINOIS.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Ebrahimi

Motion declared carried.

CONSIDER
AMENDING THE

Director of Community and Economic Development Carlisle reviewed a memorandum dated November 4, 2021.

**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**

Collective and Shared Parking

The City Council is to consider Zoning Ordinance amendments related to multiple off-street parking regulations. The following areas of the Ordinance are addressed: (1) Section 12-9-3 to establish distance and context limitations to using a separate, privately owned zoning lot to fulfill a portion of an off-street parking requirement; (2) Sections 12-13-3, 12-9-6, 12-11-5, and 12-11-6 to establish definitions for electric vehicle charging spaces and supply equipment, and to create allowances and limitations on quantity, location, dimensions, design, and signage; and (3) Section 12-3-5 to allow existing PUDs to retrofit parking with accessible or electric vehicle charging without requiring a Major Change process

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.

In summary, the recommended amendments do the following:

- Clarify zoning administrator and City Council authority to approve shared or off-site parking, depending on the process;
- Rewords "reduction" in off-street parking requirement instead as a "fulfillment";
- Requires that shared parking agreements be kept current and filed with the Department of Community and Economic Development; and
- Reorganizes and adds to the limitations for when shared, off-site parking on privately-owned zoning lots is possible. These are the proposed new limitations:
 - The off-site parking must be within 1,000 feet of a non-residential use served and 500 feet of a residential use served, excluding single-family attached and detached homes from the allowance. The distance would be measured from zoning lot line to zoning lot line; and
 - Walking between any required off-site space to the use served cannot require at-grade crossing of roadways classified by the Illinois Department of Transportation as arterials, except for arterials in downtown Des Plaines and other select corridors where there are ample signalized intersections and cross-sections of road that are feasible to cross safely.

Electric Vehicle Charging Spaces

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. 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.

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.

Moved by Brookman, seconded by Smith, to Approve the Ordinance Z-55-21 as amended with staff making the appropriate changes that the parking distance be limited to 300 feet and the 300-foot distance from the main entrance of the building in use to the closest lot line of the off-site parking be used, 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 voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Ebrahimi

Motion declared carried.

Alderman Brookman expressed it was her understanding the Ordinance was supposed to be voted on as two separate items, collective/shared parking and electric vehicle charging spaces, since she believes the content is unrelated.

General Counsel Friedman stated per City Code, Ordinances cannot be divided unless otherwise specified.

Moved by Brookman, seconded by Smith, to Reconsider the Ordinance Z-55-21, 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: 4 - Zadrozny, Brookman, Chester, Smith
 NAYS: 3 - Lysakowski, Moylan, Oskerka
 ABSENT: 1 - Ebrahimi

Motion declared carried.

Moved by Brookman, seconded by Smith, to Approve the Ordinance Z-55-21 as amended in regards to the collective parking discussion, and to Deny and Table any proposed ordinances related to electric vehicles, 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: 2 - Brookman, Smith
 NAYS: 5- Lysakowski, Moylan, Oskerka,
 Zadrozny, Chester
 ABSENT: 1 - Ebrahimi

Motion declared failed.

Moved by Brookman, seconded by Smith, to Defer the Ordinance Z-55-21 to direct staff to make it two separate Ordinances, 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: 2 - Brookman, Smith
 NAYS: 5- Lysakowski, Moylan, Oskerka,
 Zadrozny, Chester
 ABSENT: 1 - Ebrahimi

Motion declared failed.

Moved by Moylan, seconded by Lysakowski, to Approve the Ordinance Z-55-21 with the original amendments regarding the off-street collective parking and with the electric vehicle charging information unchanged, 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: 6 - Lysakowski, Moylan, Oskerka,
 Zadrozny, Chester, Smith
 NAYS: 0 - None
 PRESENT 1 - Brookman
 ABSENT: 1 - Ebrahimi

Motion declared carried.

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

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 am. 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 pm. Afternoon shift workers will leave at 5:30 pm. 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.

Whether buses are required to come to a complete stop each and every time they cross the tracks is a question the petitioner should be prepared to address. The PZB determined that a routing plan shall be added to the submittal prior to consideration of the City Council to discuss how the routing system works, how it responds to changing conditions, and how it is affected by school bell times.

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.

Representatives from Transport Properties and First Student gave an overview of what they are proposing for the property, operations, and traffic consulting.

A representative from Lafarge Holcim gave an overview of former truck traffic for Meyer Concrete.

The general manager from Lafarge Aggregates spoke regarding the current lease of the property and the possible use of the site if the Ordinance is not approved.

Resident Bruce Ahlman discussed the issues the residents have had with the Meyer property over the years. He mentioned the consent decree they previously obtained, and how it protected the residents. He also discussed the regulations and current requirements by OSHA and EPA for concrete operation and the teardown of a concrete plant. He also asked the City to protect the neighborhoods no matter what business is located on this property.

Resident Marlen Garcia questioned the operations of the bus company on the weekends; she also urged the City to look out for their residents. She mentioned how important the consent decree is for the neighborhoods.

Alderman Brookman stated there is a possibility the consent decree may have been invalidated when the zoning was changed for this property. Alderman Brookman asked Director of Community and Economic Development Carlisle to look into this matter.

Resident Jim Murray laid out how he believes the traffic will be exacerbated by the buses especially at high traffic times and when a there is train, due to the number of buses and the time it takes for the buses to stop at the tracks.

Resident Walter Underwood stated how the dust issue from the property is unbearable. He also mentioned how the train crossing will be a problem, and the traffic will be worse by adding a large number of buses. He asked for a sound barrier to be added to protect the residents. He questioned why the fuel tank for the bus company needs to be against the train tracks which can be dangerous since objects can fall off the train or be dislodged by the train which could hit the fuel tank; the container is also near houses causing a possible hazardous condition. He questioned where all of the employees of the bus company will park.

Resident Artin Kendimian asked if this area is residential or industrial; he then questioned that if it is industrial, why is there a park and a large number of homes in the same area.

Moved by Zadrozny, seconded by Brookman, to Defer the Ordinance Z-56-21 to the next City Council Meeting on December 6, 2021, 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 voice vote, the vote was:

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

CONSIDER
APPROVING
COMPLIANCE AND
TEMPORARY
ABEYANCE OF
ENFORCEMENT
AGREEMENT
BETWEEN THE
CITY OF DES
PLAINES,
PROMINENCE
HOSPITALITY
GROUP, AND
O’HARE REAL
ESTATE LLC AND
WAIVING A
CONDITION OF
FINANCIAL
INCENTIVE
CLOSING
Resolution
R-189-21

Director of Community and Economic Development Carlisle reviewed a memorandum dated November 8, 2021.

The Holiday Inn Express and Suites hotel is at 3001 Mannheim Road in the Orchards at O’Hare development. The hotel has been operating a commercial parking lot use, as defined in Section 12-13-3 of the Zoning Ordinance, since approximately mid-July 2021, when first documented by City staff. Commercial parking was not one of the approved uses of the planned unit development, the final plat for which was approved by Ordinance Z-18-16 and amended by Ordinance Z-10-19. A commercial parking lot also requires a conditional use in the underlying C-3 district. Therefore, its operation is a zoning violation.

Additionally, for property ownership to begin to receive financial incentives agreed upon in the Redevelopment Agreement with the City, ownership has requested a waiver of a pre-condition in the agreement. Citing the COVID-19 pandemic, ownership asks that the requirement to produce a letter of intent (“LOI”) with a restaurant operator for development of the “restaurant parcel” of the Orchards at O’Hare subdivision be waived. This waiver is related only to the financial incentives. The compliance agreement stipulates ownership must continue to market the site for restaurant development.

Recognizing the financial difficulties of the hotel operator, as well as the importance of the overall health of the Orchards at O’Hare development to Des Plaines, the City is proposing a formal agreement to suspend enforcement of the zoning violation for 12 months, through November 15, 2022. This will allow the hotel in the immediate term to continue to operate the commercial parking use, which consists of non-hotel visitors (typically O’Hare Airport travelers) reserving a parking space through third-party apps and websites. The commercial parking is providing an ancillary revenue stream to the hotel, the business for which was significantly impacted by COVID-19. The property lies within the O’Hare Corridor Privilege Area and is subject to a \$1 per car daily parking tax, which has not been remitted to the City for the duration of the non-permitted activity.

Therefore, the compliance agreement stipulates the following requirements for property ownership:

- Pay a \$500 fine to settle the initial violation;
- Pay \$6,100 as an estimated amount of parking tax due to the City since July, then file with the Finance Department to begin remitting the tax for future activity;
- Apply for a Parking Lot Permit from the City as required by Section 7-7-2 of the City’s Code of Ordinances and maintain the permit in good standing at all times when conducting the Commercial Parking;
- Confine the commercial parking activity to the hotel parcel and the restaurant parcel in the development;

- Prevent commercial parking from interfering with the parking needs of the hotel or any other development and business activity within the Planned Development Property, avoiding a parking shortage for any existing use within the development;
- Conduct commercial parking only on a hard, all-weather, dustless surface in permanently striped parking spaces, with drive aisle widths and parking space dimensions that comply with Section 12-9-6 of the Zoning Ordinance;
- Maintain all portions of the Orchards at O’Hare development free of nuisances and undue service demand from the City of Des Plaines, including but not limited to property maintenance code enforcement and public safety (Police and Fire);
- Continue to make all commercially reasonable and diligent efforts to identify and pursue an entity to develop and operate a freestanding restaurant on the restaurant parcel, as contemplated in the Redevelopment Agreement for Orchards at O’Hare; and
- By February 15, 2022, apply to the Department of Community and Economic Development to seek an amendment to the planned unit development for Orchards at O’Hare and a conditional use for commercial parking.

Moved by Chester, seconded by Brookman, to Approve the Resolution R-189-21, A RESOLUTION APPROVING COMPLIANCE AND TEMPORARY ABEYANCE OF ENFORCEMENT AGREEMENT BETWEEN THE CITY OF DES PLAINES, PROMINENCE HOSPITALITY GROUP, AND O’HARE REAL ESTATE LLC AND WAIVING A CONDITION OF FINANCIAL INCENTIVE CLOSING.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Ebrahimi

Motion declared carried.

PUBLIC SAFETY – Alderman Oskerka, Chair

CONSIDER A RESOLUTION APPROVING AN INTERGOV AGREEMENT BETWEEN THE VILLAGE OF MOUNT PROPECT, THE VILLAGE OF ELK GROVE VILLAGE, THE CITY OF DES PLAINES AND THE ELK GROVE RURAL FIRE PROTECTION DISTRICT FOR THE COORDINATION, PLANNING, FUNDING AND PROVISION OF FIRE PROTECTION AND EMERGENCY MEDICAL

City Manager Bartholomew reviewed a memorandum dated November 4, 2021.

The consideration is an intergovernmental agreement among the Village of Mount Prospect, the Village of Elk Grove Village, the City of Des Plaines, and the Elk Grove Rural Fire Protection District for the coordination, planning, funding, and provision of fire protection and emergency medical services to certain unincorporated areas in Cook County.

The Elk Grove Fire Protection District (District) is responsible for providing fire and emergency medical services for unincorporated properties within the Elk Grove Township. The District covers several unincorporated areas between Elk Gove Village, Mount Prospect, and Des Plaines; and has an annual call volume around 902 calls. Of 902 calls, 325 calls are District calls in the unincorporated area and 577 are mutual aid calls in other municipalities.

The District has been operating in a structural deficit for the last several years.

After evaluating several options, the most practical long-term solution was an intergovernmental shared services agreement with the City of Des Plaines, Elk Grove Village, and the Village of Mount Prospect. An Intergovernmental Agreement has been drafted to establish fire and EMS responsibilities of the three municipal fire departments, establish a funding mechanism to fund these services, and outline the eventual wind down of the Elk Grove Rural Fire Protection District.

Staff recommends that the City of Des Plaines enter into an intergovernmental agreement with the above-mentioned agencies for the purposes set forth in the agreement.

SERVICES TO CERTAIN UNINCORPORATED AREAS IN COOK COUNTY
Resolution R-190-21

Moved by Oskerka, seconded by Chester, to Approve the Resolution R-190-21, A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF MOUNT PROPECT, THE VILLAGE OF ELK GROVE VILLAGE, THE CITY OF DES PLAINES AND THE ELK GROVE RURAL FIRE PROTECTION DISTRICT FOR THE COORDINATION, PLANNING, FUNDING AND PROVISION OF FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES TO CERTAIN UNINCORPORATED AREAS IN COOK COUNTY.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Ebrahimi

Motion declared carried.

CONSIDER AN ORDINANCE AMENDING CHAPTER 6 OF TITLE 2 OF THE CITY CODE OF THE CITY OF DES PLAINES CONCERNING THE BOARD OF FIRE AND POLICE COMMISSIONERS
Ordinance M-14-21

City Manager Bartholomew reviewed a memorandum dated November 8, 2021.

The City Council is to consider approval of the proposed amendments to Title 2, Chapter 6 of the City Code concerning the Board of Fire and Police Commissioners (BFPC).

This item was presented to the City Council for approval at the October 18, 2021 City Council meeting for discussion and approval. Based on additional information requested by the City Council, this item was deferred to a Committee of the Whole meeting to be held on November 4, 2021. Staff also attended the November 1, 2021 BFPC meeting to discuss the proposed amendments that would be presented to the City Council for approval. Based on those discussions held, and the meeting on the 4th being cancelled, staff presents the amendments to the City Code as outlined below.

Over the past year, Staff has reviewed, evaluated the researched the current responsibilities and powers of the Board of Fire and Police Commissioners (BFPC) set forth in Chapter 6 of Title 2 of the City Code. In reviewing the code and evaluating the best practices set forth by other area municipalities that pertain to responsibilities and powers of a BFPC, staff recommends the changes as presented in the Ordinance.

The City established a BFPC in 1935. The powers and duties of the BFPC are outlined and governed in Chapter 6 of the City Code. Their primary duties and powers, in brief, are to conduct the process establishing a hiring list for City of Des Plaines Probationary Patrol Officers and Probationary Firefighters; extend promotional examinations and establish lists for commissioned ranks in the Fire and Police Department; and to conduct disciplinary hearings if so elected under the Collective Bargaining Agreements.

The City of Des Plaines has home rule authority that allows the City to self-govern provided that the State’s General Assembly did not explicitly limit that power or authority in a specific area. The City has the right, under its home rule authority, to govern the rules and regulations of the BFPC (unless explicitly limited by statute).

In reviewing the current Title 2 Chapter 6 of the City Code, staff identified the need to clarify current practice in some sections of the Code as well as add additional language in other sections based on best practices seen in other organizations. The following are the proposed changes:

- Section 2-6-1 A and B define the Board as the Board of Fire and Police Commissioners and clarify the governance structure pursuant to the City Code, the City’s home rule authority as well as the State Statues.
- Section 2-6-1 A and B define the Board as the Board of Fire and Police Commissioners and clarify the governance structure pursuant to the City Code, the City’s home rule authority as well as the State Statues.

Advanced to Second Reading by Brookman, seconded by Moylan, to Adopt the Ordinance M-14-21, AN ORDINANCE AMENDING CHAPTER 6 OF TITLE 2 OF THE CITY CODE OF THE CITY OF DES PLAINES CONCERNING THE BOARD OF FIRE AND POLICE COMMISSIONERS.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Ebrahimi

Motion declared carried.

ADJOURNMENT

Moved by Brookman, seconded by Smith to adjourn the meeting. The meeting adjourned at 9:43 p.m.

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

APPROVED BY ME THIS 6th

DAY OF December, 2021

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR