

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DES PLAINES, ILLINOIS HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS, DES PLAINES CIVIC CENTER, MONDAY, OCTOBER 4, 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 6:06 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, October 4, 2021.

**ROLL CALL**

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

**CLOSED SESSION**

Moved by Oskerka, seconded by Chester to enter into Closed Session to discuss Personnel.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Zadrozny, Ebrahimi

Motion declared unanimously carried.

The City Council recessed at 6:07 p.m.

The City Council re-convened at 7:00 p.m.

Roll call indicated the following Alderman 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 Burkland.

**PRAYER AND PLEDGE**

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

**PROCLAMATION**

City Clerk Mastalski read a proclamation by Mayor Goczkowski proclaiming October as Global Diversity Awareness Month and October 1, 2021 to October 7, 2021 as National Diversity Week.

**SWEARING-IN CEREMONY**

Mayor Goczkowski administered the Oath of Office to Officer Idaly Garcia, Officer Samih Haddad, and Officer Edwin Rios.

**RECOGNITION**

Life-Saving Awards were presented by Mayor Goczkowski and Police Chief Anderson to Officer Alonso, Officer Durrell, Officer Schild, and Officer Tangorra.

**PUBLIC COMMENT**

Resident Craig Weiss spoke regarding the street resurfacing on Danbury Lane.

**ALDERMEN ANNOUNCEMENTS**

Alderman Zadrozny requested the City post Halloween guidelines on the website.

Alderman Brookman mentioned a small black dog was found in the 3<sup>rd</sup> ward, and is currently being kept at Northwest Animal Hospital. Alderman Brookman also gave recognition to Donna Adam and Clean Up – Give Back.

Mayor Goczkowski suspended the rules at the request of Alderman Brookman to allow Donna Adam to address the City Council. Donna Adam gave a synopsis of the service Clean Up – Give Back provides to the community.

Alderman Smith mentioned free flu shots will be available at Prairie Lakes Community Center on October 8, 2021.

## **MAYORAL ANNOUNCEMENTS**

Mayor Goczkowski welcomed the Maine West government students watching in-person, online, and on television.

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 Lysakowski, 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 Chester, seconded by Moylan, to establish the Consent Agenda.

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Moved by Brookman, seconded by Lysakowski, 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; Request was approved; Ordinance M-16-21 was approved; Ordinance M-12-21, Z-46-21 were adopted; Resolutions R-156-21, R-157-21, R-158-21, R-159-21, R-162-21 were adopted.

**APPROVE CHG  
ORD NO. 1/ MAS  
WPR/ JLJ  
CONTRACTING,  
INC**

**Consent Agenda**

Moved by Brookman, seconded by Lysakowski to Approve Resolution R-156-21, A RESOLUTION APPROVING A CHANGE ORDER NO. 1 TO THE CITY HALL MASONRY WATERPROOFING REPAIRS CONTRACT WITH JLJ CONTRACTING, INC. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution  
R-156-21**

**AUTH DSPL/  
LISTED VEH &  
EQUIP/ OBENAUF  
AUC SVC, INC**  
**Consent Agenda**

Moved by Brookman, seconded by Lysakowski to Approve First Reading of Ordinance M-16-21, AUTHORIZING THE DISPOSAL OF THE LISTED VEHICLES/EQUIPMENT THROUGH OBENAUF AUCTION SERVICE, INC, ROUND LAKE, ILLINOIS. Motion declared carried as approved unanimously under Consent Agenda.

**Ordinance  
M-16-21**

**APPROVE TASK  
ORD NO. 6/ PRO  
ENGR SVCS/  
CHRISTOPHER B  
BURKE ENG LTD**  
**Consent Agenda**

Moved by Brookman, seconded by Lysakowski to Approve Resolution R-157-21, A RESOLUTION APPROVING TASK ORDER NO. 6 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-157-21**

**APPROVE RED/  
LETTER OF  
CREDIT/ 1425  
ELLINWOOD AVE**  
**Consent Agenda**

Moved by Brookman, seconded by Lysakowski to Approve Resolution R-158-21, A RESOLUTION APPROVING THE REDUCTION OF THE LETTER OF CREDIT FOR THE BAYVIEW COMPASSPOINT MIXED USE DEVELOPMENT AT 1425 ELLINWOOD AVENUE. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution  
R-158-21**

**APPROVE 2<sup>ND</sup>**  
**AMD TO AGMT/**  
**PRO INSP & PLAN**  
**REV SVCS/ TPI**  
**BUILDING CODE**  
**CONSULTANTS**

Consent Agenda

Moved by Brookman, seconded by Lysakowski to Approve Resolution R-159-21, A RESOLUTION APPROVING THE SECOND AMENDMENT TO THE AGREEMENT WITH TPI BUILDING CODE CONSULTANTS FOR PROFESSIONAL INSPECTION AND PLAN REVIEW SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution  
R-159-21

**APPROVE IGO**  
**AGMT/ IMP &**  
**MAINT/**  
**DES PLAINES**  
**PARK DISTRICT**

Consent Agenda

Moved by Brookman, seconded by Lysakowski to Approve Resolution R-162-21, A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE DES PLAINES PARK DISTRICT FOR CERTAIN STORMWATER IMPROVEMENTS AND MAINTENANCE IN LAKE PARK. Motion declared carried as approved unanimously under Consent Agenda.

Resolution  
R-162-21

**APPOINTMENT/**  
**ALDERMAN**  
**OSKERKA/**  
**PUBLIC MEMBER**  
**TO JETSB**

Consent Agenda

Moved by Brookman, seconded by Lysakowski to Approve the APPOINTMENT OF ALDERMAN SEAN OSKERKA AS PUBLIC MEMBER TO THE JOINT EMERGENCY TELEPHONE SYSTEMS BOARD (JETSB) PURSUANT TO THE ILLINOIS EMERGENCY TELEPHONE SYSTEM ACT, 50 ILCS 750/0.01 AND THE RECENTLY APPROVED SECOND AMENDMENT TO THE AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT ESTABLISHING A JOINT EMERGENCY TELEPHONE SYSTEMS BOARD AS APPROVED BY CITY COUNCIL ON SEPTEMBER 7, 2021. Motion declared carried as approved unanimously under Consent Agenda.

**SECOND**  
**READING/**  
**ORDINANCE**  
**M-12-21**

Consent Agenda

Moved by Brookman, seconded by Lysakowski to Approve Ordinance M-12-21, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS AB-1 (TAVERN 251-500 FOR ON-SITE CONSUMPTION & RETAIL BULK SALES FOR OFF-SITE CONSUMPTION) LIQUOR LICENSE FOR AT 7, LLC D/B/A AT 7 BAR & GRILL, 1472 MARKET STREET. Motion declared carried as approved unanimously under Consent Agenda.

**SECOND**  
**READING/**  
**ORDINANCE**  
**Z-46-21**

Consent Agenda

Moved by Brookman, seconded by Lysakowski to Approve Ordinance Z-46-21, AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A CONVENIENCE MART FUELING STATION USE AT 10 W GOLF ROAD, DES PLAINES, IL. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE**  
**MINUTES**

Consent Agenda

Moved by Brookman, seconded by Lysakowski to Approve the Minutes of the City Council meeting of September 20, 2021, as published. Motion declared carried as approved unanimously under Consent Agenda.

**APPOINTMENTS**

City Clerk Mastalski read following appointments for consideration, no action was required:

LIBRARY BOARD OF TRUSTEES

Lisa Du Brock – Term to Expire 06/30/2022

PLANNING & ZONING BOARD

Thomas Weaver – Term to Expire 04/30/2023

Lisa Du Brock stated her passion is to give back to the city. She believes the library is the cornerstone of a vibrant community, and is looking forward to being a member of the Library Board.

Thomas Weaver stated he believes the City has a lot to offer for residents, visitors and businesses; he looks forward to working with the staff and the Planning and Zoning Board.

NEW BUSINESSWARRANT  
REGISTER

Resolution  
R-161-21

FINANCE & ADMINISTRATION – Alderman Zadrozny, Chair

Alderman Zadrozny presented the Warrant Register.

Moved by Zadrozny, seconded by Oskerka, to approve the Warrant Register of October 4, 2021 in the Amount of \$3,357,468.35 and approve Resolution R-161-21.

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  
APPROVING  
PRELIM PLNED  
UNIT DVLP, TNTV  
PLAT OF SUBDIV,  
& MAP AMDT  
FOR 1050 E  
OAKTON ST, 1000-  
1100 EXECUTIVE  
WAY, AND 1555  
TIMES DR (CASE  
#21-019-PPUD-  
TSUB-MAP-CU)  
Ordinance  
Z-40-21

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

At the August 16 and September 7, 2021 City Council meetings, the Council voted to continue consideration of the proposal until October 4. The continuances were granted to allow the petitioner, M/I Homes, and its development team to research and prepare a site development scenario that moved the above-ground stormwater basin to the north end of the property. The petitioner did so and met with City staff, including the Engineering Division, on Friday, August 20, and Tuesday, September 14, to discuss and review.

While the petitioner has provided this concept for information, they have not altered their overall request. They propose the stormwater basin remain where it had been initially presented: in the southeast portion of the site. However, the petitioner has altered their submission in the following ways since the last full discussion and presentation:

- An additional 23 visitor parking spaces have been added. These spaces are interspersed through the development. The parking count is now 250 garage spaces, or two per unit, plus 59 visitor parking spaces – increased from 36

previously – for 309 total, in excess of the Zoning Ordinance’s baseline requirement of 282 spaces (Section 12-9-7).

- The plans now label a newly constructed eight-foot fence at the rear/north lot line.

The petitioner is requesting the following under the Zoning Ordinance: (i) a Preliminary PUD under Section 12-3-5; (ii) a Map Amendment to rezone the subject property from C-3 General Commercial to R-3 Townhouse Residential under Section 12-3-7; and (iii) a Conditional Use for a PUD under Section 12-3-4 (to be approved with the consideration of the final plat). The petitioner also requests a Tentative Plat of Subdivision under Section 13-2-2 of the Subdivision Regulations. Finally, under Section 8-1-9 of the City Code, the petitioner will seek a Vacation of Public Streets to be approved by the City Council at the time of consideration of the Final Plats of PUD and Subdivision.

The petitioner is proposing a full redevelopment of 11.2 contiguous acres of vacant property at 1050 East Oakton Street, 1000-1100 Executive Way, and 1555 Times Drive. The proposal is for a residential-only development of 125 townhouses, tentatively branded as Halston Market. Seven townhouses would have two bedrooms, and 118 would have three bedrooms. The units would be horizontally connected to each other and spread across 23 separate buildings. Each building would be three stories with each unit having a ground-floor, two-car, rear-loaded garage (i.e. facing inward, not toward public streets or private drives). Walkways would connect unit front doors to public and private sidewalks. Each building will also have balconies and include landscaped grass front yards. However, the amount of private open space per unit is minimal, as the concept is built around shared open space. Centrally located on the site would be a landscaped common plaza of approximately 14,000 square feet with benches, plantings, walkways, and open green space. There is also a 10,605- square-foot common area oriented north-south between the buildings in the southwest portion. In the southeast portion, a stormwater detention area (“dry” basin, not a pond) of approximately 69,050-square feet (1.6 acres), with 22 adjacent surface visitor parking spaces. Thirty-seven additional visitor spaces are interspersed through the development for a visitor total of 59, which in addition to the 250 indoor spaces for each of the 125 units would amount to a full total of 309, exceeding the minimum requirement of Section 12-9-7 (282 spaces).

The Building Design Review requirement under Section 12-3-11 would apply. In general, the applicant is proposing that for the elevations that would face public streets, the primary material is face brick on all three stories with projections of complementary vinyl. Elevations that would not face public streets contain face brick only on the ground floor, and where garage doors are shown, the brick is interrupted.

Considering the large scale of the redevelopment, the proposal is somewhat restrained in tree removal. According to the petitioner, healthy trees in the existing row at the north lot line will be preserved and augmented where possible, although constructing a new 8-foot-tall fence will require some removal. These plantings along with existing and proposed fencing should serve as effective screening and separation between the development, the single-family residential neighborhood to the north, and the commercial development to the east. New plantings throughout the development appear to provide both functional and aesthetic benefits.

The petitioner is requesting the following exceptions under Section 12-3-5 from the regulations for the proposed R-3 district:

- Minimum lot area: Seventy-nine units are proposed with a lot area of 923 square feet, and 46 units are proposed at 1,038 square feet. The proposed lot area for each unit includes only the livable space inside the building and a small landscaped front yard. All other area in the development (e.g. open space, driveways, stormwater detention) is allocated not to dwelling units but instead to the development overall. The minimum lot area per dwelling unit requirement pursuant to Section 12-7-2.J is 2,800 square feet.
- Maximum fence height: Pursuant to Section 12-8-2.A., the maximum height of a residential fence is 6 feet. The petitioner proposes 8 feet for the full length of the rear/north lot line.

In the version of plans recommended for approval by the Planning and Zoning Board (PZB), the northernmost row of buildings were set back 21 feet from the north lot line when a minimum of 25 feet is required. This plan necessitated a rear-yard exception. However, after listening to input at the public hearing, the petitioner revised the drawings to shift these buildings to the south such that a rear-yard exception is no longer necessary.

Regarding streets and access, the petitioner proposes that most of the northsouth portion of Executive Way – where it connects to Oakton and borders the post office – would remain a public street. However, at a point just south of the existing curve, the developer would construct a new east-west private drive and demolish the existing east-west segment of Executive Way. This would require a vacation of approximately 30,000 square feet. Similarly, a portion of Times Drive (approximately 7,700 square feet) would also be vacated and become private.

The final conclusion of the petitioner's traffic report is that the existing roadway system can absorb the new traffic and activity created by the development. The Illinois Department of Transportation (IDOT), citing existing signalized intersections at Lee Street and Webster Lane (1,600 feet apart), does not support the creation of an additional signalized intersection at Oakton. Pedestrians would be required to use the sidewalk on the north side of Oakton before reaching a marked crossing, approximately 700-800 feet in each direction (three-to-five-minute walk for an able-bodied person). However, to accommodate walking to shopping, particularly for groceries at Jewel-Osco, a pedestrian opening is proposed at the east lot line, near the detention pond.

#### **Map Amendment & Conditional Use (with Final PUD Plat)**

The petitioner has requested a map amendment to rezone the subject property from C-3 General Commercial to R-3 Townhouse Residential. Although the site is illustrated as commercial in the 2019 Comprehensive Plan, the 2009 Oakton-Elmhurst Plan sets forth a vision with residential occupying much of the site – albeit with some commercial fronting Oakton Street. Nonetheless, R3 is present about 1,000 feet to the west and does directly border Oakton Street.

Other than the minimum-lot-area-per-unit and fence height exceptions, the proposed development would meet all other R-3 bulk regulations as excerpted in this table:

### **Bulk Regulations for R-3 Townhouse Residential**

<b>Yard</b>	<b>Required</b>	<b>Proposed</b>
Front Yard (South)	Min.: 25 Feet	25 Feet
Rear Yard (North)*	Min.: 25 Feet, if Building Height < 35 feet	25 Feet
Side Yard (East)	Min: 5 Feet	22 Feet
Corner Side Yard (West)	Min: 10 Feet	21 feet
Building Height	Max: 45 Feet	Three stories (About 35 feet)

### **Tentative Plat of Subdivision**

The petitioner is requesting a Tentative Plat of Subdivision to resubdivide the subject property. Under Section 13-3-1 the Subdivision Regulations require improvement of adjacent rights-of-way. Further, under Section 13-4 the Subdivision Regulations require park land dedication and/or fee-in-lieu, although proposed private open space could provide a partial offset.

The existing property contains eight lots, which would be divided into lots for each individual townhouse unit (125), plus six lots for common areas, private drives, and the stormwater detention area for a total of 131. The new subdivision will encompass the entire 11.2-acres of the site. The petitioner's Tentative Plat shows that the size of each townhouse parcel will vary from 923 square feet in size for interior units to 1,038 square feet in size for end units. The Tentative Plat also shows the following existing easements: (i) a 13-foot Public Utility Easement and 20-foot building line on both sides of Executive Way throughout the development; (ii) a 13-foot Public Utility Easement and 20-foot building line on both sides of Times Drive throughout the development; (iii) a 20-foot building line along Oakton Street on the south side of the lot; (iv) a ten-foot electric and telephone easement and 24-foot ingress, egress, and driveway easement behind the commercial development on the south side of the lot; (v) a 23-foot public utility easement along the existing drive aisle east of the proposed detention area; (vi) a 15-foot public utility easement along the east property line of the development; and (vii) a five-foot public utility easement located along the north property line of the development. The proposed tentative plat illustrates vacations of portions of Executive Way and Times Drive with their respective easements.

### **Vacation of Public Streets (with Final PUD and Subdivision Plats)**

The applicant will seek vacations of public streets. The community will not be gated where public streets would transition into private drives. Furthermore, regarding Times Drive, the commercial property at the northeast corner of Times and Oakton relies on Times for access. It is recommended the City retain the southernmost approximately 110 linear feet, with a redevelopment agreement stating that townhouse owners will be responsible for maintenance of this segment. The City is in the process of appraising the right-of-way areas, and staff recommends that executing the agreement(s) and recording the corresponding plat is a condition for approval.

The PZB recommended (4-0) that the City Council approve the requests with conditions. If the City Council chooses to approve the requests via Ordinance



Z-40-21, which approves a Preliminary Planned Unit Development, Tentative Plat of Subdivision, and Map Amendment from C-3 to R-3, staff recommends the approval be subject to the following:

1. The Petitioner must prepare and submit to the City: (i) a Final Plat of PUD for the Subject Property that meets all the requirements of Section 12-3-5 and Section 12-14-5 of the Zoning Ordinance; and (ii) a Final Plat of Subdivision for the Subject Property; that meets all the requirements of the Subdivision Regulations.
2. A development agreement between the Petitioner and the City and a plat of vacation, in forms acceptable to the City's General Counsel, must be submitted for approval by the City Council concurrently with the approval of the Final Plat of PUD and Final Plat of Subdivision. The Preliminary Plat of PUD and the Tentative Plat of Subdivision should be revised, if necessary, to reflect the final agreed-upon vacations. The Development Agreement and the Plat of Vacations must be recorded concurrently with the Ordinance approving the Final Plat of PUD and Final Plat of Subdivision.
3. All governing documents for the Proposed Development including covenants, conditions, and restrictions, or operating reciprocal easement agreements must be submitted to and approved by the City's General Counsel prior to the recording of any Final Plat of PUD or Final Plat of Subdivision.
4. The Petitioner must obtain approval of its final engineering plans for the Subject Property from the City of Des Plaines Public Works and Engineering Department.
5. The final plans submitted with the Final Plat of PUD shall be in substantial compliance with the Preliminary Plat of PUD

Resident Mike Benziger expressed his concern regarding the distance of the development to the Wicke Ave property lines.

Moved by Moylan, seconded by Chester, to Approve the Ordinance Z-40-21, AN ORDINANCE APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT, TENTATIVE PLAT OF SUBDIVISION, AND MAP AMENDMENT FOR 1050 EAST OAKTON STREET, 1000-1100 EXECUTIVE WAY, AND 1555 TIMES DRIVE (CASE #21-019-PPUD-TSUB-MAP-CU).

Upon roll call, the vote was:

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

NAYS: 1 - Brookman

ABSENT: 0 - None

Motion declared carried.

Advanced to second reading by Moylan, seconded by Chester, to Adopt the Ordinance Z-40-21, AN ORDINANCE APPROVING A PRELIMINARY PLANNED UNIT DEVELOPMENT, TENTATIVE PLAT OF SUBDIVISION, AND MAP AMENDMENT FOR 1050 EAST OAKTON STREET, 1000-1100 EXECUTIVE WAY, AND 1555 TIMES DRIVE (CASE #21-019-PPUD-TSUB-MAP-CU).

Upon roll call, the vote was:

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

**CONSIDER**  
**MAJOR**  
**VARIATION TO**  
**EXCEED MAX**  
**AREA**  
**PERMITTED FOR**  
**A DETACHED**  
**GARAGE AT 1316**  
**WEBFORD AVE**  
**Ordinance**  
**Z-47-21**

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

The petitioner, Chris Colldock, is requesting a major variation to allow for a 916-square-foot detached garage in the R-1, Single Family Residential District at 1316 Webford Avenue where a maximum area for a detached garage in a residential zoning district is 720 square feet. The subject property is located along Webford Avenue near Downtown Des Plaines and backs up to the Metra railroad. The property is 13,650 square feet (0.31 acres) in size and currently consists of a one-story residence, patio area, detached garage, and driveway area. The existing one-car detached garage is approximately 337 square feet in size, is located 3.67 feet from the east property line, and is setback approximately 33.37 feet from the north property line.

The petitioner is proposing to construct a one-story, 916-square foot detached garage with an 18-foot-wide garage door. The proposed garage will be setback 5'-6" off the east property line and 19'-2" off the north property line to meet the minimum five-foot setback requirement for detached garages. The petitioner is requesting the over-sized detached garage to accommodate additional vehicles, yard equipment, seasonal furniture, and personal workbench for residence maintenance on the property in an enclosed structure, which is not possible in the existing one-car garage. The proposal would replace the existing detached garage with the new 916-square-foot detached garage setback further from the property lines but without any changes to access. The existing gravel driveway leading from the front property line to the existing detached garage does not comply with current code. If approval is recommended for this request, staff is adding a condition that the gravel driveway is improved with a dust-free hard surface in compliance with all applicable City of Des Plaines codes.

The petitioner's request to allow for a detached garage that exceeds the 720 square foot maximum for a detached garage in a residential area constitutes the need for a major variation to Section 12-8-1(C) of the 1998 Des Plaines Zoning Ordinance.

The Planning and Zoning Board recommended (6-0) that the City Council approve the request with Staff's provided condition. Staff recommends denial of the requested variation. However, staff provides a positive recommendation based on Planning and Zoning Board consideration with the following condition:

1. That the existing gravel driveway is improved with a dust-free hard surface in compliance with all applicable City of Des Plaines codes

Moved by Oskerka, seconded by Brookman, to Approve the Ordinance Z-47-21, AN ORDINANCE APPROVING A MAJOR VARIATION FROM SECTION 12-8-1.C OF THE CITY OF DES PLAINES ZONING ORDINANCE TO ALLOW AN OVERSIZED DETACHED GARAGE AT 1316 WEBFORD AVENUE, DES PLAINES, ILLINOIS (CASE #21-016-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.

Advanced to second reading by Oskerka, seconded by Chester, to Adopt the Ordinance Z-47-21, AN ORDINANCE APPROVING A MAJOR VARIATION FROM SECTION 12-8-1.C OF THE CITY OF DES PLAINES ZONING ORDINANCE TO ALLOW AN OVERSIZED DETACHED GARAGE AT 1316 WEBFORD AVENUE, DES PLAINES, ILLINOIS (CASE #21-016-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.

**CONSIDER**  
**CONDITIONAL**  
**USE AND**  
**VARIATIONS FOR**  
**A CONVENIENCE**  
**MART FUELING**  
**CENTER USE AT**  
**2000 MANNHEIM**  
**RD**  
**Ordinance**  
**Z-48-21**

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

The petitioner, Henry Patel, with the assistance of architect Ronald J. Ambrose, has requested a Conditional Use Permit for a Convenience Mart Fueling Station Use at 2000 Mannheim Road. The subject property is a double frontage lot on the southwest corner of the Mannheim Road/Howard Avenue intersection, which fronts Mannheim Road to the east, Howard Avenue to the north, and Chestnut Street to the west. The property is within the C-3 General Commercial district, where a Convenience Mart Fueling Station is a conditional use. Access to the subject property is available off Mannheim Road and Howard Avenue, each with two curb cuts. There is no available property access off Chestnut Street.

The existing one-story, 2,610-square-foot building consists of a small lobby area with counter, a restroom, utility room, cooler, and car wash tunnel. The petitioner wishes to renovate the existing floor plan by removing the car wash tunnel to make room for the convenience mart, adding an office, and adding a storage room. The petitioner does not propose to make façade and finishing changes to the building's exterior with the exception of the masonry in-fill areas on the east (front) and west (rear) elevations of the building where the existing car wash is located and retain the existing building material and façade finishes on the remainder of the building. The petitioner's proposal includes site improvements such as the addition of landscaping along the perimeter of the west and north parking lot area, five new parking spaces on the east side of the property, and new dumpster enclosure. Staff has added a condition that the dumpster enclosure meets the requirements of Section 12-10-11 of the Zoning Ordinance.

The proposed floor plan includes a 1,929-square-foot retail area, 100-square-foot office, freezer, and storage area. The following parking regulations apply to automotive fuel stations pursuant to Section 12-9-7 of the Zoning Ordinance:

- One parking space for every 200 square feet of accessory retail area; and
- Two parking spaces provided at each fuel pump.

A total of 24 off-street parking spaces are required, including two handicap accessible parking spaces. The Site Plan/Landscape Plan provides 25 spaces including two spaces per fuel pump, and 11 spaces next to the building to serve the retail. The Site Plan does not designate the two required accessible parking spaces. Staff has added a condition that the petitioner's site plan submitted at the time of building permitting contain accessible parking, with the required striping and dimensions.

The convenience mart fueling station will be open 24 hours a day Monday through Sunday. The proposed convenience mart is intended to sell beer, liquor, and similar items, per the hours and other limitations on liquor licenses. The petitioner will have to obtain or update all necessary local and state licenses necessary to sell alcohol and tobacco. A maximum of two employees will be on site at a given time.

The façade alterations make the project subject to the Building Design Review requirements of Section 12-3-11. The closure of the car wash tunnel naturally leads to larger walls, which the petitioner is proposing to enclose with a mixture of windows (i.e. transparency) and brick. However, Section 12-3-11.D.1.a-b, street-facing facades have maximum requirements for what can be windowless. This project will exceed 30 percent of rectangular area of blank wall on the west façade (facing Chestnut), as well as having a windowless area with a horizontal distance greater than 15 feet. The petitioner contends that complying with the strict adherence is not practical, given that the building is existing and the project moves it closer toward – but not fully – compliant.

The PZB recommended (6-0) that the City Council approve the request with conditions. Similarly, staff recommends approval of the requests via Ordinance Z-48-21, which approves a conditional use, subject to the following conditions.

Conditions of Approval:

1. The petitioner shall revise the site plan to be submitted at the time of building permitting to add the necessary accessible parking spaces.
2. Plans for the dumpster enclosure in compliance with Section 12-10-11 of the Zoning Ordinance shall be submitted to staff at time of building permit.
3. A Photometric Plan in compliance with Section 12-12-10 of the Zoning Ordinance shall be submitted to staff at time of building permit.
4. No vehicles or materials shall be stored on site at any time.

Moved by Brookman, seconded by Moylan, to Approve the Ordinance Z-48-21, AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT AND MAJOR VARIATION FOR A CONVENIENCE MART FUELING STATION USE AT 2000 MANNHEIM ROAD, 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.

**LEGAL & LICENSING**— Alderman Brookman, Chair

**CONSIDER**  
**APPROVING A**  
**FRANCHISE**  
**AGREEMENT**  
**WITH COMCAST**  
**OF ILLINOIS XI,**  
**LLC**  
**Resolution**  
**R-154-21**

Media Services Director Vana reviewed a memorandum dated September 16, 2021.

The City's franchise agreement with Comcast has expired. The City and Comcast desire to enter into a new 10-year Agreement. The Agreement authorizes Comcast to construct and operate a cable system in the City's Rights of Way and pay to the City a franchise fee in an amount equal to five percent (5%) of annual gross revenues received from providing cable service in the Des Plaines franchise area. The Agreement also provides the City with Public, Educational and Governmental ("PEG") Access Programming (Channels 17 and 24) and authorizes the collection of a PEG Capital Fee of up to thirty-five cents (\$0.35) per customer per month for the City to spend exclusively on PEG Access Channel facilities and/or equipment (as allowed under federal and state laws).

Staff recommends the City Council approve of the Franchise Agreement with Comcast and approve the collection of a Franchise Fee in an amount equal to five percent (5%) of Comcast's annual gross revenues in the franchise area and a new \$0.35 (maximum) per customer per month PEG Access Support Fee for the City to spend exclusively on PEG Access Channel facilities and/or equipment.

Moved by Oskerka, seconded by Lysakowski, to approve the Resolution R-154-21, A RESOLUTION APPROVING A FRANCHISE AGREEMENT WITH COMCAST OF ILLINOIS XI, LLC.

Upon roll call, the vote was:

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

NAYS: 1 - Chester

ABSENT: 0 - None

Motion declared carried.

**CONSIDER**  
**AMENDING**  
**CHAPTER 12 OF**  
**TITLE 15 OF THE**  
**CITY OF DES**  
**PLAINES CITY**  
**CODE TO**  
**ESTABLISH AND**  
**IMPOSE A**  
**PUBLIC,**  
**EDUCATIONAL,**  
**AND**  
**GOVERNMENTAL**  
**ACCESS**  
**SUPPORT FEE**  
**Ordinance**  
**M-15-21**

Media Services Director Vana reviewed a memorandum dated September 16, 2021.

The City operates two separate TV channels on Comcast, Wide Open West (WOW) and AT&T – Des Plaines Government Access Channel 17 and Public Access Channel 24. The live broadcasting and webcasting of City Council meetings and broadcasting of other video programming require high-tech equipment and infrastructure. Media Services estimates that current PEG capital needs are more than \$200,000 over the next three to five years.

Pursuant to the U.S. Cable Act and authorized by the Illinois Cable and Video Competition Law, units of government can impose by Ordinance the collection of a PEG Access Support Fee from franchise holders providing cable and video service in the City for capital costs associated with PEG access.

The amount of the PEG Access Support Fee imposed by this Ordinance shall be one percent (1%) of the gross revenues for AT&T and WOW, and up to \$0.35 per subscriber per month for Comcast.

The City currently collects a PEG Capital Fee from WOW, which generated \$18,168.09 in 2020. If approved by Council, the City will begin collecting up to \$0.35 per customer per month from Comcast and similarly request collection of a PEG Fee

from AT&T. The total potential revenue from these PEG Fees is approximately \$81,168 annually.

Staff recommends the City Council approval of Ordinance Amending Chapter 12 of Title 15 of the City of Des Plaines City Code to Establish and Impose a Public, Educational, and Governmental (PEG) Access Support Fee.

Moved by Oskerka, seconded by Lysakowski, to Approve the Ordinance M-15-21, AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 15 OF THE CITY OF DES PLAINES CITY CODE TO ESTABLISH AND IMPOSE A PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS SUPPORT FEE.

Upon roll call, the vote was:

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

NAYS: 1 - Chester

ABSENT: 0 - None

Motion declared carried.

**CONSIDER**  
**APPROVING AN**  
**AGREEMENT**  
**WITH KEY CODE**  
**MEDIA, INC FOR**  
**MEDIA SERVICES**  
**CONTROL ROOM**  
**UPGRADES**  
**Resolution**  
**R-155-21**

Media Services Director Vana reviewed a memorandum dated September 16, 2021.

The City contracted with Key Code Media in 2020 to evaluate the City's Media Control Room and develop recommendations and solutions for upgrading equipment and technology. Key Code submitted a recommended plan over three phases. Media Services used the Key Code recommendations to develop a long-term capital plan outlining a procurement/replacement schedule for purposes of planning and budgeting (which also includes additional video production equipment and software separate from the control room). If approved by the City Council, any future purchases will be able to be funded using PEG Access Support Fee Revenue.

The City issued an RFP in July 2021 for the first phase of Control Room Upgrades. There were two responsive bids – Key Code in the amount of \$61,624.00 and OSA International, Inc. in the amount of \$84,977.82.

The first phase of the project includes replacing the switcher (Tricaster), along with other necessary integration equipment (router, monitors, etc). The existing switcher has experienced multiple failures, and is no longer reliable. This procurement will resolve these issues and upgrade key control room equipment for the next five to eight years.

Staff recommends the City Council award the Bid for Media Services Control Room Upgrades to Key Code Media, Inc. in the amount of \$61,624.00 to be funded from Media Services/Contractual Services, and approve the Professional Services Agreement between the City and Key Code Media.

Moved by Oskerka, seconded by Lysakowski, to approve the Resolution R-155-21, A RESOLUTION APPROVING AN AGREEMENT WITH KEY CODE MEDIA, INC FOR MEDIA SERVICES CONTROL ROOM UPGRADES.

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.

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

Mayor Goczkowski added if residents are seeking further City information and updates, the Mayor and several Aldermen have newsletters which individuals can subscribe at [desplaines.org/mycity](http://desplaines.org/mycity).

**ADJOURNMENT**

Moved by Brookman, seconded by Oskerka to adjourn the meeting. The meeting adjourned at 8:17 p.m.

/s/ Jessica M. Mastalski

Jessica M. Mastalski – City Clerk

APPROVED BY ME THIS 18th

DAY OF October, 2021

/s/ Andrew Goczkowski

Andrew Goczkowski, MAYOR