

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, AUGUST 16, 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, August 16, 2021.

ROLL CALL

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

Also present were: City Manager Bartholomew, Assistant City Manager/Director of Finance Wisniewski, Director of Public Works and Engineering Oakley, Community and Economic Development Manager Carlisle, Deputy Fire Chief Matzl, 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 Oskerka.

MINUTES OF THE PUBLIC HEARING HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS DES PLAINES CIVIC CENTER, MONDAY, AUGUST 16, 2021

PUBLIC HEARING/TEXT AMENDMENTS TO ZONING ORDINANCE/ CANNABIS BUSINESS EST:

Mayor Goczkowski called the Public Hearing for Text Amendments to the Zoning Ordinance Regarding Cannabis Business Establishments and Minor Variations to order at 7:01 p.m.

Community and Economic Development Manager Carlisle reviewed a memorandum dated August 5, 2021.

**Ordinance
Z-42-21**

The City Council is asked to hold a public hearing to consider the following text amendments to the Zoning Ordinance: (i) establish Cannabis Dispensary (retail sales of legal cannabis products) as a permitted use in the C-3 General Commercial and C-4 Regional Shopping Districts and a conditional use in the C-5 Central Business District; (ii) establish Cannabis Dispensary as a permitted use in the M-2 General Manufacturing District; (iii) remove the minimum-distance requirement between Cannabis Business Establishments (1,500 feet); (iv) amend the Specific Use Regulations for Cannabis Business Establishments; and (v) remove the application fee for minor variations.

The City of Des Plaines is proposing amending the Zoning Ordinance to make cannabis dispensaries a permitted use (currently conditional use) in the C-3, C-4, and M-2 districts, and a conditional use (currently not allowed) in the C-5 district. Additionally, the proposed amendments remove the minimum-distance requirement of 1,500 feet between cannabis business establishments and remove the minor variation application fee.

As part of an economic development strategy to offer stand-out, time-efficient, streamlined permitting and approval, the City is requesting consideration of amendments to make cannabis dispensaries a permitted use in the C-3, C-4, and M-2

districts, where they are currently conditional uses. If this change is approved, interested dispensaries will find their prospective approval process to be two-to-three months shorter than it had been, likely shorter than in a nearby municipalities. In general, this change would apply to most of the City's prime sites for cannabis dispensaries: high-traffic and/or visible areas and corridors that are accessible not only to Des Plaines residents but also to those from elsewhere. Dispensaries are an opportunity to attract non-local spending. Another proposed change is to add cannabis dispensary as a conditional use in C-5 (Central Business District).

Because Downtown Des Plaines is denser and perhaps more sensitive to cannabis dispensaries, the conditional use process seems prudent to allow a case-by-case review of proposals for their unique design and compatibility with the surrounding area. However, currently dispensaries are not possible anywhere in C-5.

Finally, the recently signed state legislation exempted some - but not all - cannabis business establishments from a state rule mandating a minimum distance of 1,500 feet between establishments. This rule applies not only to dispensaries but also to the supply-chain businesses. Des Plaines zoning currently has the same rule. While the City has the authority to retain this rule if it wishes, staff recommends removing it. Market-based factors discourage the clustering of a "cannabis strip" or "cannabis district," and the remaining state rules should be effective at achieving the intent without a local Des Plaines rule reinforcing it.

The following existing regulations are not proposed to change:

- A 500-foot minimum distance from pre-existing schools, houses of worship, and commercial day care
- Sign type and style limitations (i.e. no electronic message boards, no imagery aimed at children)
- Lighting ample for security but does not intrude on neighboring property per general lighting rules
- Hours of operation between 10 a.m. and 8 p.m.
- No on-site consumption or delivery service
- Seismic and sonic detectors
- Authority of the City for periodic inspections regarding odor
- The off-street parking minimum based on multiple ratios of building floor area

In the instance of a proposal for a permitted, by-right use, there would be no public hearing or meetings, but City staff would conduct the initial review of site, building, and operational plans. The minimum 500-foot distance from sensitive uses would be checked, as staff maintains an updated list of these uses and properties. Any cannabis endeavor requiring building permitting will be required to obtain the permit through the Community and Economic Development Department. The typical business registration process will be required, as will all taxation forms (Title 15, Chapter 13 of the City Code) to be processed through the Finance Department.

The City also proposes amending the zoning section that requires various fees for zoning applications. Because of the staff and administrative resources required to process all zoning petitions, in general it is good practice to charge a non-refundable application fee. However, minor variations are very small relief sought by resident homeowners on issues such as fence height and style. When they are approved, it is

because the applicant clearly encountered a hardship or challenging circumstance in the code. In instances of approval, imposing an application fee of \$150 amounts to simply an extra charge on a permit. The zoning administrator can administratively approve or deny minor variations, based on the standards in the Zoning Ordinance. In the instance of a denial, the applicant can appeal to the PZB. Appeals are separate applications with a fee. The City is not proposing to remove the appeal fee. This has the overall effect of alleviating the fee for those very reasonable requests for relief that will be approved, but “gray area” requests or those which will likely be denied will have to pay a non-refundable fee to process an appeal.

The PZB typically holds public hearings and votes on a recommendation regarding zoning amendments. However, because of the time sensitivity of the actions proposed and state-level activities in the cannabis industry, the City is exercising its home-rule authority to hold the public hearing at the City Council level. Therefore, there is no recommendation from the PZB to consider. The Council may vote on the first reading of the approving ordinance at the conclusion of the public hearing.

Staff recommends approval of Ordinance Z-42-21, which does the following:

- Makes cannabis dispensaries permitted uses (i.e. “by right”) in the C-3 General Commercial, C-4 Regional Shopping, and M-2 Manufacturing Districts;
- Makes dispensaries a conditional use in the C-5 Central Business District;
- Removes the minimum-distance requirement between cannabis business establishments (1,500 feet);
- Removes the reference to conditional uses in the Specific Use Regulations for Cannabis Business Establishments; and
- Removes the application fee for minor variations.

Moved by Oskerka, seconded by Zadrozny, to Approve the Ordinance Z-42-21, AN ORDINANCE AMENDING THE TEXT OF VARIOUS SECTIONS OF THE DES PLAINES ZONING ORDINANCE REGARDING CANNABIS BUSINESS ESTABLISHMENTS AND MINOR VARIATION FEE.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Smith

Motion declared carried.

Advanced to second reading by Zadrozny, seconded by Moylan, to Adopt the Ordinance Z-42-21, AN ORDINANCE AMENDING THE TEXT OF VARIOUS SECTIONS OF THE DES PLAINES ZONING ORDINANCE REGARDING CANNABIS BUSINESS ESTABLISHMENTS AND MINOR VARIATION FEE.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Smith

Motion declared carried.

Mayor Goczkowski adjourned the Public Hearing at 7:17 p.m.

**ALDERMEN
ANNOUNCEMENTS**

Alderman Oskerka stated he is hosting a ward meeting at Prairie Lakes Community Center on August 17, 2021 at 6:30 p.m.

Alderman Zadrozny stated he is hosting a ward meeting at Golf Road Baptist Church on August 26, 2021 at 7:00 p.m.

Alderman Chester discussed competitive current and possible future casinos within the surrounding areas.

**MAYORAL
ANNOUNCEMENTS**

Mayor Goczkowski announced he is creating a Multicultural Advisory Group – a group to discuss how to help all residents to feel more at home in Des Plaines. Residents who are interested in participating should visit the City’s website for more information and send the Mayor a letter of intent. A future announcement will be made by Mayor Goczkowski regarding who he selected for the group and further information.

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: 6 - Moylan, Oskerka, Zadrozny,
Brookman, Chester, Ebrahimi

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Smith

Motion declared carried.

**MANAGER’S
REPORT**

City Manager Bartholomew mentioned the state of Illinois is offering a new grant program “Back to Business” for small businesses impacted by the COVID-19 shutdown; further information will be available on the City’s website.

City Manager Bartholomew requested to add a Closed Session to the August 16, 2021 City Council Agenda for the purpose of Property Acquisition.

**CONSENT
AGENDA**

Moved by Brookman, seconded by Zadrozny, to establish the Consent Agenda.
Upon voice vote, the vote was:

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

Moved by Chester, seconded by Moylan, to approve the Consent Agenda.

Upon roll call, the vote was:

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

A resident requested further action to be done by the City regarding public indecency.

Minutes were approved; Requests were approved; Ordinance M-9-21, M-10-21 were adopted; Resolutions R-120-21, R-132-21 were adopted.

**APPROVE NEW
OWNERSHIP
EXISTING CLASS
A LIQ LIC/E&G
ROAD HOUSE/864
RAND ROAD:
Consent Agenda**

Moved by Chester, seconded by Moylan to Approve NEW OWNERSHIP FOR EXISTING CLASS A – TAVERN LIQUOR LICENSE FOR E&G ROAD HOUSE, INC., D/B/RAND ROAD HOUSE, 864 RAND ROAD. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE NEW
OWNERSHIP
EXISTING CLASS
M LIQ LIC /2380
RIVER, INC/ 2380
RIVER ROAD:
Consent Agenda**

Moved by Chester, seconded by Moylan to Approve NEW OWNERSHIP FOR EXISTING CLASS M – GAS STATION/RETAIL SALES BEER & WINE ONLY LIQUOR LICENSE FOR 2380 RIVER, INC. D/B/A MOBIL GAS STATION, 2380 RIVER ROAD. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE &
RATIFY/PD
PROMO ASSMNT
& TEST/
INDUSTRIAL
ORGANIZATION
SOLUTIONS, INC:
Consent Agenda**

Moved by Chester, seconded by Moylan to Approve Resolution R-120-21, A RESOLUTION APPROVING AND RATIFYING THE PROCUREMENT OF POLICE DEPARTMENT PROMOTION ASSESSMENT AND TESTING FROM INDUSTRIAL ORGANIZATIONAL SOLUTIONS, INC. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-120-21**

**AUTH FUNDS/ RR
AGMT/RAND RD
SIDEPTH PROJ:**

Moved by Chester, seconded by Moylan to Approve Resolution R-132-21, A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS PURSUANT

Consent Agenda

TO RAILROAD AGREEMENTS FOR THE RAND ROAD SIDEPATH PROJECT.
Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-132-21****APPROVE
MINUTES****Consent Agenda**

Moved by Chester, seconded by Moylan to Approve the Minutes of the City Council meeting of August 2, 2021, as published. Motion declared carried as approved unanimously under Consent Agenda.

**SECOND
READING/
ORDINANCE
M-9-21:****Consent Agenda**

Moved by Chester, seconded by Moylan to Approve Ordinance M-9-21, AN ORDINANCE AMENDING SECTION 6-2-4 OF THE DES PLAINES CITY CODE REGARDING OBSCENE AND IMMORAL ACTS. Motion declared carried as approved unanimously under Consent Agenda.

**SECOND
READING/
ORDINANCE
M-10-21:****Consent Agenda**

Moved by Chester, seconded by Moylan to Approve Ordinance M-10-21, AN ORDINANCE AMENDING TITLE 4 OF THE DES PLAINES CITY CODE REGARDING OCCASIONAL RESIDENTIAL SALES. Motion declared carried as approved unanimously under Consent Agenda.

**UNFINISHED
BUSINESS:****COMMUNITY DEVELOPMENT** – Alderman Chester, Chairman**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****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)

Request approved to move from Unfinished Business to the Community Development Committee.

NEW BUSINESS:**FINANCE & ADMINISTRATION** – Alderman Zadrozny, Chairman**WARRANT
REGISTER****Resolution
R-133-21**

Alderman Zadrozny presented the Warrant Register.

Moved by Chester, seconded by Oskerka, to approve the Warrant Register of August 16, 2021 in the Amount of \$3,564,649.96 and approve Resolution R-133-21.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Smith

Motion declared carried.

COMMUNITY DEVELOPMENT – Alderman Chester, Chairman

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

Community and Economic Development Manager Carlisle reviewed a memorandum dated August 5, 2021.

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) is shown, with 21 adjacent surface parking spaces intended for visitors. Fifteen additional spaces intended for visitors are interspersed through the development for a total of 286, which would meet the parking minimum of Section 12-9-7.

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 necessary. 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 exception 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.

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, so the petitioner was requesting a rear-yard exception, as well. However, after listening to input at the public hearing, the petitioner revised the drawings to move 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 north-south 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 petitioner's traffic report discusses the parking and trip generation for the proposed townhouse development in more detail. The final conclusion 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.

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. In general, residential is necessary proximate to commercial areas to support their vitality, and while this project would front Oakton Street, it would not front Lee Street, thus preserving commercial use at the main intersection of the Oakton-Lee area. The creation of the Oakton-Lee TIF

district, as well as the City's vision to establish a Metra commuter train station at Oakton and the North Central Service line, calls for adding residential units in the vicinity and activating vacant sites. Additionally, any unsubsidized, market-driven development early in the life of the TIF is helpful to increase the assessed value and generate an increment to be used for future revitalization.

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

Bulk Regulations for R-3 Townhouse Residential

Yard	Required	Proposed
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)

A conditional use is required in R-3 by virtue of the proposed PUD. Conditional uses for PUDs are approved at the time of final plat, but nonetheless, the request and requirement are listed here for the record.

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, which means, for example, that Executive Way next to the Post Office will receive new curb, gutter, and resurfacing. 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.

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 held a public hearing with due notice on June 22, 2021 to consider the proposed project and requests, and to vote on a recommendation to the City Council.

The PZB recommended (4-0) that the City Council approve the requests with conditions. Similarly, staff recommends approval of 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, subject to:

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, except that plans shall be labeled to demonstrate construction of a new fence at the north lot line instead of utilizing the existing fence. City Council may determine in its discretion at the time of Final Plat approval that for the purposes of tree preservation or another compelling reason that rehabilitation of the existing fence is acceptable in lieu of constructing a new fence.

Several residents expressed their concerns with various aspects of the development.

The developer, M/I Homes, addressed details of the development such as parking, detention pond, and fence.

Moved by Brookman, seconded by Zadrozny, to send Ordinance Z-40-21 back to staff and defer to the City Council Agenda on September 7, 202. Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Smith

Motion declared carried.

CONSIDER
SUPPORTING &
CONSENTING A
RENEWAL OF
CLASS 6B
CLASSIFICATION
FOR THE
PROPERTY
LOCATED AT 70
RAWLS ROAD
Resolution
R-134-21

Community and Economic Development Manager Carlisle reviewed a memorandum dated August 5, 2021.

Applicant Rawls Road Properties LLC is the owner of 70 Rawls Road and is requesting a Cook County Property Tax Class 6b renewal resolution. Class 6b incentives, which are designed to encourage industrial investment by reducing the assessment level of eligible properties for 12 years, may be renewed once for up to 10 years. Renewals may be requested and approved earlier than the 12-year mark. The subject property has been 100 percent vacant and unused since 2019.

The property is 51 years old and consists of a 14,780-square-foot industrial building on a 38,117- square-foot site. The original Class 6b incentive (Resolution R-33-14) was approved in 2014, activated by the County soon after, and applied to the 2013 property tax bill. Currently in its eighth year, the 6b incentive reduced the assessment level from the typical 25 percent to 10 percent. Without a renewal at this time, the assessment level would climb to 15 percent in 2024 and 20 percent in 2025, expiring in 2026 with a full assessment level (25 percent). The initial 6b allowed the applicant to replace and install new dock doors, replace the roof, complete tuckpointing work and general repair and maintenance, as well as secure tenant Dynamic Rubber, Inc., which occupied 100 percent of the facility until October 2019.

The applicant now plans to lease the entire property to Deltamax Freight System Inc. for logistics, warehousing, assembly, and fulfillment services. Deltamax is a transporting cargo company, specifically an international air and ocean freight forwarder, established in Taipei, Taiwan, in 1980. Deltamax also provides professional packaging, short- and long-term storage, inventory management, fulfillment, and consolidation. Deltamax intends to relocate to Des Plaines from 560 Bonnie Lane, Elk Grove Village, transferring its six employees. Deltamax plans to hire additional employees (two-to-three full-time and one-to-two part-time) over the course of the renewal period with a priority to hire qualified Des Plaines residents.

If the renewal is granted, the applicant's investment in improvements would total approximately \$155,000 over the life of the renewal. The applicant projects the property will have a new market value after improvements of \$1,163,200.

Annual Property Tax Scenarios for 10 Years:

1. Estimated taxes as is (no 6b renewal & full vacancy): \$27,414
2. Estimated taxes with a 6b renewal, improvements, and full occupancy: \$31,304
3. Estimated taxes without a 6b renewal, but with improvements, and full occupancy: \$67,831

If granted, the renewal would be activated and applied to the 2020 tax bill and lead to a 10-percent assessment level through tax year 2029 (calendar year 2030). In the following two years, the assessment level would climb to 15 percent and 20 percent successively, then returning to the full 25 percent assessment level in the subsequent year.

Moved by Oskerka, seconded by Chester, to approve the Resolution R-134-21, A RESOLUTION SUPPORTING AND CONSENTING TO RENEWAL OF CLASS 6B CLASSIFICATION FOR THE PROPERTY LOCATED AT 70 RAWLS ROAD

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Smith

Motion declared carried.

**CLOSED
SESSION:**

Moved by Brookman, seconded by Chester to enter into Closed Session to discuss Property Acquisition. Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Smith

Motion declared unanimously carried.

The City Council recessed at 8:58 p.m.

The City Council re-convened at 9:19 p.m.

ADJOURNMENT: The meeting adjourned at 9:19 p.m.

/s/ Jessica M. Mastalski

Jessica M. Mastalski – City Clerk

APPROVED BY ME THIS 7th

DAY OF August, 2021

/s/ Andrew Goczkowski

Andrew Goczkowski, MAYOR