



CITY COUNCIL AGENDA

Monday, June 3, 2024

Closed Session – 6:00 p.m.

Regular Session – 7:00 p.m.

Room 102

CALL TO ORDER

CLOSED SESSION

PENDING LITIGATION

PROBABLE OR IMMINENT LITIGATION

REGULAR SESSION

ROLL CALL

PRAAYER

PLEDGE OF ALLEGIANCE

PROCLAMATION

PRIDE MONTH

SWEARING-IN CEREMONY/RECOGNITION

THE FIRE DEPARTMENT IS PROUD TO COMMEMORATE THIS EVENING THE SWEARING-IN OF NEW HIRES, ALONG WITH RECENT PROMOTIONS AND APPOINTMENTS, OF:

- MATTHEW MATZL TO BE SWORN IN AS FIRE CHIEF
- JOSEPH CIRAULO APPOINTED TO THE RANK OF DEPUTY CHIEF
- MICHAEL RIOCH APPOINTED TO THE RANK OF BATTALION CHIEF
- DANIEL GARHAN PROMOTED TO THE RANK OF LIEUTENANT
- ROBERT CHAPMAN APPOINTED TO THE RANK OF FIREFIGHTER/PARAMEDIC/ENGINEER
- DYLAN LERSCH TO BE SWORN IN AS FIREFIGHTER/PARAMEDIC
- RYAN SCHELIN TO BE SWORN IN AS FIREFIGHTER/PARAMEDIC

PUBLIC COMMENT

(matters not on the agenda)

ALDERMEN ANNOUNCEMENTS/COMMENTS

MAYORAL ANNOUNCEMENTS/COMMENTS

CITY CLERK ANNOUNCEMENTS/COMMENTS

MANAGER'S REPORT

CITY ATTORNEY/GENERAL COUNSEL REPORT

CONSENT AGENDA

1. **RESOLUTION R-109-24:** Awarding the Bid for Maintenance Repairs on City-Owned Parking Structures to Hammer Construction, LLC, East Dundee, Illinois in the Amount of \$148,412. Budgeted Funds: City Owned Parking Fund, R&M Buildings & Structures.
2. **RESOLUTION R-110-24:** Releasing Certain Minutes of Certain Closed Meetings and Verbatim Recordings of Closed Session Meetings Prior to November 1, 2022 of the City Council.
3. **RESOLUTION R-111-24:** Approving a First Addendum to the Intergovernmental Agreement with the Illinois State Toll Highway Authority and Intergovernmental Agreement with the Village of Elk Grove in Connection with the Elgin O’Hare Western Access Project.
4. **RESOLUTION R-112-24:** Approving the Purchase of Servers from IT Savvy, LLC, Chicago, Illinois in the Amount of \$112,199.91. Budgeted Funds – IT Replacement.
5. **SECOND READING – ORDINANCE M-9-24:** Amending Title 7 of the City Code Regarding Residential Parking and Restricted Resident Parking Districts
6. Minutes/Regular Meeting – May 20, 2024
7. Minutes/Closed Session – May 20, 2024

UNFINISHED BUSINESS

n/a

NEW BUSINESS

1. **FINANCE & ADMINISTRATION** – Alderman Dick Sayad, Chair
 - a. Warrant Register in the Amount of \$7,143,186.62– **RESOLUTION R-114-24**
2. **COMMUNITY DEVELOPMENT** – Alderman Colt Moylan, Chair
 - a. Consideration of an Ordinance Approving a Conditional Use, Major Variation, and Standard Variation for 1387 Prospect Avenue, Des Plaines, Illinois – **FIRST READING – ORDINANCE Z-7-24**
 - b. Consideration of an Ordinance Amending the Text of the Des Plaines Zoning Ordinance Regarding the Allowance of Childcare Centers in the I-1 Institutional District – **FIRST READING – ORDINANCE Z-8-24**
 - c. Consideration of an Ordinance Approving a Map Amendment, Conditional Use, and Major Variations for 1655 and 1695 S. Des Plaines River Road, Des Plaines, Illinois – **FIRST READING – ORDINANCE Z-9-24**
 - d. Consideration of an Ordinance Granting an Amendment to an Existing Conditional Use Permit to Allow Motor Vehicle Sales and a Trade Contractor Use Located at 1628 Rand Road, Des Plaines, Illinois – **FIRST READING – ORDINANCE Z-10-24**

3. **PUBLIC WORKS** – Alderman Mike Charewicz, Chair
 - a. Discussion of Lead Service Line Replacement Plan

4. **LEGAL & LICENSING** – Alderman Carla Brookman, Chair
 - a. Reconsideration of Ordinance M-8-24 - Amendments to Title 5 of the City Code to Prohibit the Sale of Illicit THC Products
 - b. Amendments to Chapter 13 of Title 15 of the City of Des Plaines Municipal Code Regarding the Municipal Cannabis Retailers’ Occupation Tax (ROT) to Address Technical Issues Raised by the Illinois Department of Revenue – **FIRST READING – ORDINANCE M-10-24**

OTHER MAYOR/ALDERMEN COMMENTS FOR THE GOOD OF THE ORDER

ADJOURNMENT

ORDINANCES ON THE AGENDA FOR FIRST READING APPROVAL MAY ALSO, AT THE COUNCIL’S DISCRETION, BE ADOPTED FOR FINAL PASSAGE AT THE SAME MEETING.

City of Des Plaines, in compliance with the Americans With Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in the meeting(s) or have questions about the accessibility of the meeting(s) or facilities, contact the ADA Coordinator at 391-5486 to allow the City to make reasonable accommodations for these persons.



MEMORANDUM

Date: May 20, 2024
To: Aldermen
From: Andrew Goczkowski, Mayor AG.
Cc: Dorothy Wisniewski, City Manager
Subject: Proclamation

At the beginning of the June 3, 2024 City Council Meeting, we will be issuing a Proclamation recognizing Pride Month.

OFFICE OF THE MAYOR

CITY OF

DES PLAINES, ILLINOIS

WHEREAS, *June is recognized as Pride Month, and it is collectively celebrated nationwide among those who identify as lesbian, gay, bisexual, transgender, queer, intersex, asexual, or gender non-conforming (LGBTQUIA+); and*

WHEREAS, *celebrating Pride Month brings awareness and provides support and advocacy for the LGBTQUIA+ community, and is an opportunity to take action and engage in dialogue to strengthen alliances, build acceptance and advance equal rights; and*

WHEREAS, *the City of Des Plaines is committed to supporting visibility, acceptance, and equality for all people in our diverse community as it is essential that everyone feels valued, safe, empowered, and supported; and*

WHEREAS, *the rainbow flag will be raised at City Hall recognizing all residents whose influential and lasting contributions to our neighborhoods make a vibrant community in which to live, work and visit; and*

Now, therefore, I, ANDREW GOCZKOWSKI, MAYOR OF THE CITY OF DES PLAINES, do hereby proclaim the month of June as

PRIDE MONTH

Dated this 3rd day of June, 2024

Andrew Goczkowski, Mayor



Memorandum

Date: May 20, 2024
To: Dorothy Wisniewski, City Manager
From: Matt Matzl, Deputy Fire Chief *MM*
Subject: Recognition of Fire Department New Hires, Promotions and Appointments

Issue: The Fire Department is proud to commemorate the swearing-in of new hires, along with recent promotions and appointments.

Analysis: Personnel work extremely hard to achieve promotions or appointments within the Fire Department and should be recognized for their efforts. In addition, we'd like to welcome our new Firefighter/Paramedics to the Des Plaines Fire Department family.

Recommendation: I recommend recognition of the following personnel:

- Matthew Matzl appointed to the rank of Fire Chief
- Joseph Ciraulo appointed to the rank of Deputy Chief
- Michael Rioch appointed to the rank of Battalion Chief
- Daniel Garhan promoted to the rank of Lieutenant
- Robert Chapman appointed to the rank of Firefighter/Paramedic/Engineer
- Dylan Lersch sworn in as Firefighter/Paramedic
- Ryan Schelin sworn in as Firefighter/Paramedic



**PUBLIC WORKS AND
ENGINEERING DEPARTMENT**

1111 Joseph J. Schwab Road
Des Plaines, IL 60016
P: 847.391.5464
desplaines.org

MEMORANDUM

Date: May 23, 2024

To: Dorothy Wisniewski, City Manager

From: Tom Bueser, Superintendent of General Services *AB*

Cc: Timothy P. Oakley, P.E., CFM, Director of Public Works and Engineering
Timothy Watkins, Assistant Director of Public Works and Engineering

Subject: Award Bid – 2024 Des Plaines Parking Structures Maintenance Repairs

Issue: The approved 2024 budget includes \$200,000 in funding for parking garage maintenance repairs at the Library Plaza, Metropolitan Square, and Civic Center Parking Garages.

Analysis: Nine bids for the 2024 Des Plaines Parking Structures Maintenance Repairs project were received and opened on May 16, 2024. The City owns and maintains the Library Plaza Parking Garage (1444 Prairie Avenue), Metropolitan Square Parking Garage (648 Metropolitan Way) and Civic Center Parking Garage (606 Lee Street). Based on site inspections conducted by Walker Restoration Consultants, the recommended repairs for each parking structure include:

- Library Plaza Parking Garage: column/wall/floor repair, concrete T-beam and joint repair, shear connector replacement, expansion joint repairs, and drainpipe replacement.
- Metropolitan Square Parking Garage: floor repairs, beam/column/wall repairs, pre-cast T-beam repairs, drainpipe replacement, expansion joint repairs, and sealant repairs.
- Civic Center Parking Structure: concrete reinforcement, pre-cast T-beam repairs, and random floor crack repairs.

The bid results are summarized below:

Company	Total Cost
Hammer Construction, LLC	\$134,920
J. Gill and Company	\$164,570
JLJ Contracting Inc.	\$175,170
National Restoration Systems	\$180,905
Otto Baum Company Inc.	\$230,145
LS Contracting Group, Inc.	\$238,560
Bulley & Andrews	\$274,373
Blinderman Construction	\$326,560
Golf Construction	\$373,850

Hammer Construction LLC., which submitted the lowest bid in the amount of \$134,920, has not previously completed work for the City; however, they have received positive references from the following entities for similar work: Village of Arlington Heights, DuPage County, and City of Rockford. Hammer Construction LLC has provided documentation to meet the City's Responsible Bidders Ordinance. The City's engineering firm for this work, Walker Consultants, has reviewed the bids received and provided a recommendation letter which includes an owner controlled contingency reserve amount of 10% (\$13,492) which will be added to the total award price.

Recommendation: We recommend awarding the bid for the 2024 Des Plaines Parking Structures Maintenance Repairs contract to the low bidder, Hammer Construction, LLC., 558 Plate Drive, Suite #3, East Dundee, IL, 60118 in the amount of \$148,412. Source of funding will be the City Owned Parking Fund, R&M Buildings & Structures (510-00-000-0000.6315) account.

Attachments:

Attachment 1 - Walker Parking Consultants Recommendation Letter

Resolution R-109-24

Exhibit A – Hammer Construction, LLC Contract



2895 Greenspoint Parkway, Suite 600
Hoffman Estates, IL 60169

847.697.2640
walkerconsultants.com

May 21, 2024

Mr. Tom Bueser
Superintendent of General Services
City of Des Plaines
111 Joseph Schwab Rd.
Des Plaines, IL 60016

*Re: Bid Review for City of Des Plaines Parking Structures
2024 Maintenance Repairs
Des Plaines, Illinois*

Dear Mr. Bueser:

We have reviewed the nine bids that were submitted on the above referenced project. We have determined that Hammer Construction (Hammer) has submitted the lowest total bid for the scope of work. In accordance with the Bidding Documents, Hammer has properly submitted all required documentation. Walker has worked with Hammer on previous projects in the past of similar scopes.

The bids received were within the normal competitive range for a project of this size and type. Our review did not identify any errors in Hammer's bid. Since Hammer has previously demonstrated their ability to perform this type of contract work, we recommend accepting the low bidder, Hammer Construction.

Additionally, we always recommend a 10% to 15% Owner controlled contingency be reserved for hidden conditions that may be revealed in the repair process for restoration type projects. Therefore, we recommend that a construction contingency of approximately \$13,500 - \$20,000 be included in the budget. This contingency is Owner controlled; therefore, the use of this money will not be allowed without expressed written consent from ownership through the change order process established in the construction documents.

We appreciate the opportunity to assist you with this project. Please do not hesitate to call me if you have any questions.

Sincerely,
WALKER CONSULTANTS

A handwritten signature in black ink, appearing to read "John S. Morgan, III", is written over a horizontal line. The signature is fluid and cursive.

John S. Morgan, III
Restoration Consultant

CITY OF DES PLAINES

RESOLUTION R - 109 - 24

A RESOLUTION APPROVING AN AGREEMENT WITH HAMMER CONSTRUCTION, LLC. FOR MAINTENANCE REPAIRS ON CITY-OWNED PARKING STRUCTURES.

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution authorizes the City to contract with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and

WHEREAS, the City has appropriated funds in the City Owned Parking Fund for use by the Department of Public Works and Engineering during the 2024 fiscal year for repairs to the City-owned parking garages located at the Des Plaines Public Library, Metropolitan Square and Civic Center Parking Structure (collectively, "*Work*"); and

WHEREAS, pursuant to Chapter 10 of Title 1 of the of the City of Des Plaines City Code and the City's purchasing policy, the City solicited bids for the procurement of the Work; and

WHEREAS, the City received nine bids which were opened on May 16, 2024; and

WHEREAS, Hammer Construction, LLC ("*Contractor*") submitted the lowest responsible bid in the not-to-exceed amount of \$134,920 to complete the Work; and

WHEREAS, the City desires to enter into an agreement with the Contractor for the performance of the Work at the price proposed plus a ten-percent contingency reserve, for a total not-to-exceed amount of \$148,412 ("*Agreement*"); and

WHEREAS, the City Council has determined that it is in the best interest of the City to enter into the Agreement with Contractor;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Resolution as findings of the City Council.

SECTION 2: APPROVAL OF AGREEMENT. The City Council hereby approves the Agreement in substantially the form attached to this Resolution as **Exhibit A**, and in a final form approved by the General Counsel.

SECTION 3: AUTHORIZATION TO EXECUTE AGREEMENT. The City Council hereby authorizes and directs the City Manager and the City Clerk to execute and seal, on behalf of the City, the final Contract.

SECTION 4: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

PASSED this ___ day of _____, 2024.

APPROVED this ___ day of _____, 2024.

VOTE: AYES _____ NAYS _____ ABSENT _____

MAYOR

ATTEST:

Approved as to form:

CITY CLERK

Peter M. Friedman, General Counsel

DP-Resolution Approving Agreement with J Gill and Company for Parking Structure Repairs 2024

CITY OF DES PLAINES

CONTRACT FOR

City of Des Plaines Parking Structure – 2024 Maintenance Repairs

Full Name of Bidder Hammer Construction LLC ("Bidder")
Principal Office Address 558 Plate Dr. Suite #3 East Dundee IL, 60118
Local Office Address 558 Plate Dr. Suite #3 East Dundee, IL 60118
Contact Person Daniel Jones Telephone Number 773-405-7777

TO: City of Des Plaines ("Owner")
1420 Miner Street
Des Plaines, Illinois 60016
Attention: City Clerk

Bidder warrants and represents that Bidder has carefully examined the Work Site described below and its environs and has reviewed and understood all documents included, referred to, or mentioned in this bound set of documents, including Addenda Nos. 1 [if none, write "NONE"], which are securely stapled to the end of this Contract.

1. Work Proposal

A. Contract and Work. If this Contract is accepted, Bidder proposes and agrees that Bidder shall, at its sole cost and expense, provide, perform, and complete, in the manner specified and described, and upon the terms and conditions set forth, in this Contract and Owner's written notification of acceptance in the form included in this bound set of documents, all of the following, all of which is herein referred to as the "Work":

1. Labor, Equipment, Materials and Supplies. Provide, perform, and complete, in the manner specified and described in this Contract/Proposal, all necessary work, labor, services, transportation, equipment, materials, supplies, information, data, and other means and items necessary for maintenance repairs to the Library and Metropolitan Parking Structures, located in downtown of Des Plaines, IL 60016 (the "Work Site");
2. Permits. Procure and furnish all permits, licenses, and other governmental approvals and authorizations necessary in connection therewith;
3. Bonds and Insurance. Procure and furnish all bonds and all insurance certificates and policies of insurance specified in this Contract;
4. Taxes. Pay all applicable federal, state, and local taxes;
5. Miscellaneous. Do all other things required of Bidder by this Contract; and
6. Quality. Provide, perform, and complete all of the foregoing in a proper and workmanlike manner, consistent with highest standards of professional and construction practices, in full compliance with, and as required by or pursuant, to this Contract, and with the greatest economy, efficiency, and expedition

consistent therewith, with only new, undamaged, and first quality equipment, materials, and supplies.

B. Performance Standards. If this Contract is accepted, Bidder proposes and agrees that all Work shall be fully provided, performed, and completed in accordance with the specifications, drawings, bonds, and ordinances attached hereto and by this reference made a part of this Contract. No provision of any referenced standard, specification, manual or code shall change the duties and responsibilities of Owner or Bidder from those set forth in this Contract. Whenever any equipment, materials, or supplies are specified or described in this Contract by using the name or other identifying feature of a proprietary product or the name or other identifying feature of a particular manufacturer or vendor, the specific item mentioned shall be understood as establishing the type, function, and quality desired. Other manufacturers' or vendors' products may be accepted, provided that the products proposed are equivalent in substance and function to those named as determined by Owner in its sole and absolute discretion.

C. Responsibility for Damage or Loss. If this Contract is accepted, Bidder proposes and agrees that Bidder shall be responsible and liable for, and shall promptly and without charge to Owner repair or replace, damage done to, and any loss or injury suffered by, Owner, the Work, the Work Site, or other property or persons as a result of the Work.

D. Inspection/Testing/Rejection. Owner shall have the right to inspect all or any part of the Work and to reject all or any part of the Work that is, in Owner's judgment, defective or damaged or that in any way fails to conform strictly to the requirements of this Contract and Owner, without limiting its other rights or remedies, may require correction or replacement at Bidder's cost, perform or have performed all Work necessary to complete or correct all or any part of the Work that is defective, damaged, or nonconforming and charge Bidder with any excess cost incurred thereby, or cancel all or any part of any order or this Contract. Work so rejected may be returned or held at Bidder's expense and risk.

2. Contract Price Proposal

If this Contract is accepted, Bidder proposes, and agrees, that Bidder shall take in full payment for all Work and other

matters set forth under Section 1 above, including overhead and profit; taxes, contributions, and premiums; and compensation to all subcontractors and suppliers, the compensation set forth below.

A. Schedule of Prices. For providing, performing, and completing all Work,

Total Extended Price from Section 00 43 10:

\$ 134,920.00

B. Basis for Determining Prices. It is expressly understood and agreed that:

1. All prices stated in the Schedule of Prices are firm and shall not be subject to escalation or change;
2. Owner is not subject to state or local sales, use, and excise taxes, that no such taxes are included in the Schedule of Prices, and that all claim or right to claim any additional compensation by reason of the payment of any such tax is hereby waived and released; and
3. All other applicable federal, state, and local taxes of every kind and nature applicable to the Work are included in the Schedule of Prices.
4. The approximate quantities set forth in the Schedule of Prices for each Unit Price Item are Owner's estimate only, that Owner reserves the right to increase or decrease such quantities, that payment for each Unit Price Item shall be made only on the actual number of acceptable units of such Unit Price Item installed complete in place in full compliance with this Contract/Proposal, and that all claim or right to dispute or complain of any such estimated quantity, or to assert that there was any misunderstanding in regard to the nature or amount of any Unit Price Item to be provided or performed, is hereby waived and released; and
5. Any items of Work not specifically listed or referred to in the Schedule of Prices, or not specifically included for payment under any Unit Price Item, shall be deemed incidental to the Contract Price, shall not be measured for payment, and shall not be paid for separately except as incidental to the Contract Price, including without limitation extraordinary equipment repair, the cost of transportation, packing, cartage, and containers, the cost of preparing schedules and submittals, the cost or rental of small tools or buildings, the cost of utilities and sanitary conveniences, and any portion of the time of Bidder, its superintendents, or its office and engineering staff.]

C. Time of Payment. It is expressly understood and agreed that all payments shall be made in accordance with the following schedule:

Bidder will invoice Owner for all Work completed, and Owner will pay Bidder all undisputed amounts no later than 45 days after receipt by Owner of each invoice.

All payments may be subject to deduction or setoff by reason of any failure of Bidder to perform under this Contract/Proposal. Each payment shall include Bidder's certification of the value of, and partial or final waivers of

lien covering, all Work for which payment is then requested and Bidder's certification that all prior payments have been properly applied to the payment or reimbursement of the costs with respect to which they were paid.

All payments may be subject to deduction or setoff by reason of any failure of Bidder to perform under this Contract/Proposal. Each payment shall include Bidder's certification of the value of, and partial or final waivers of lien covering, all Work for which payment is then requested and Bidder's certification that all prior payments have been properly applied to the payment or reimbursement of the costs with respect to which they were paid.

3. Contract Time

If this Contract is accepted, Bidder proposes and agrees that Bidder shall commence the Work within 10 days after Owner's acceptance of the Contract provided Bidder shall have furnished to Owner insurance certificates and policies of insurance specified in this Contract (the "Commencement Date"). If this Contract is accepted, Bidder proposes and agrees that Bidder shall perform the Work diligently and continuously and shall complete the Work not later than October 31, 2024 (the "Completion Date").

If the Work is not completed by Bidder in full compliance with and as required by or pursuant to this Contract and before the Completion Date, then Owner may invoke its remedies under this Contract or may, in Owner's sole and absolute discretion, permit Bidder to complete the Work but charge to Bidder, and deduct from any payments to Bidder under this Contract, whether or not previously approved, administrative expenses and costs for each day completion of the Work is delayed beyond the Completion Date, computed on the basis of the following per diem administrative charge, as well as any additional damages caused by such delay:

Per Diem Administrative Charge:

\$ 100

4. Financial Assurance

A. Bonds. If this Contract is accepted, Bidder proposes and agrees that Bidder shall provide a Performance Bond and a Labor and Material Payment Bond, on forms provided by, or otherwise acceptable to, Owner, from a surety company acceptable to Owner, each in the penal sum of the Contract Price, within 10 days after Owner's acceptance of this Contract.

B. Insurance. If this Contract is accepted, Bidder proposes and agrees that Bidder shall provide certificates of insurance evidencing the minimum insurance coverage and limits set forth below within 10 days after Owner's acceptance of this Contract. Such insurance shall be in form, and from companies, acceptable to Owner and shall name Owner, including its Council members and elected and appointed officials, its officers, employees, agents, attorneys, consultants, and representatives, as an Additional Insured. The insurance coverage and limits set forth below shall be deemed to be minimum coverage and limits and shall not be construed in any way as a limitation on Bidder's duty to carry adequate insurance or on Bidder's liability for losses or damages under this Contract.

CITY OF DES PLAINES PARKING STRUCTURES

2024 Maintenance Repairs

Project Number 31-009132.70

Construction Documents

April 2024

The minimum insurance coverage and limits that shall be maintained at all times while providing, performing, or completing the Work are as follows:

1. Workers' Compensation and Employer's Liability

Limits shall not be less than:

Worker's Compensation: Statutory

Employer's Liability: \$500,000 each accident-injury; \$500,000 each employee-disease; \$500,000 disease-policy.

Such insurance shall evidence that coverage applies to the State of Illinois and provide a waiver of subrogation in favor of Owner.

2. Commercial Motor Vehicle Liability

Limits for vehicles owned, non-owned or rented shall not be less than:

\$1,000,000 Bodily Injury and Property Damage Combined Single Limit

3. Commercial General Liability

Limits shall not be less than:

\$1,000,000 Bodily Injury and Property Damage Combined Single Limit.

Coverage is to be written on an "occurrence" basis.
Coverage to include:

- Premises Operations
- Products/Completed Operations
- Independent Contractors
- Personal Injury (with Employment Exclusion deleted)
- Broad Form Property Damage Endorsement
- "X," "C," and "U"
- Contractual Liability

Contractual Liability coverage shall specifically include the indemnification set forth below.

4. Umbrella Liability

Limits shall not be less than:

\$2,000,000 Bodily Injury and Property Damage Combined Single Limit.

This Coverage shall apply in excess of the limits stated in 1, 2, and 3 above.

C. Indemnification. If this Contract is accepted, Bidder proposes and agrees that Bidder shall indemnify, save harmless, and defend Owner against all damages, liability, claims, losses, and expenses (including attorneys' fees) that may arise, or be alleged to have arisen, out of or in connection with Bidder's performance of, or failure to perform, the Work or any part thereof, or any failure to meet the representations and warranties set forth in Section 6 of this Contract.

D. Penalties. If this Contract is accepted, Bidder proposes and agrees that Bidder shall be solely liable for any fines or civil penalties that are imposed by any governmental or quasi-governmental agency or body that may arise, or be alleged to have arisen, out of or in connection with Bidder's performance of, or failure to perform, the Work or any part thereof.

5. Firm Contract

All prices and other terms stated in this Contract are firm and shall not be subject to withdrawal, escalation, or change provided Owner accepts this Contract within 45 days after the date the bidder's contract proposal is opened.

6. Bidder's Representations and Warranties

To induce Owner to accept this Contract, Bidder hereby represents and warrants as follows:

A. The Work. The Work, and all of its components, (1) shall be of merchantable quality; (2) shall be free from any latent or patent defects and flaws in workmanship, materials, and design; (3) shall strictly conform to the requirements of this Contract, including without limitation the performance standards set forth in Section 1B of this Contract; and (4) shall be fit, sufficient, and suitable for the purposes expressed in, or reasonably inferred from, this Contract and the warranties expressed herein shall be in addition to any other warranties expressed or implied by law, which are hereby reserved unto Owner. Bidder, promptly and without charge, shall correct any failure to fulfill the above warranty at any time within two years after final payment or such longer period as may be prescribed in the performance standards set forth in Section 1B of this Contract or by law. The above warranty shall be extended automatically to cover all repaired and replacement parts and labor provided or performed under such warranty and Bidder's obligation to correct Work shall be extended for a period of two years from the date of such repair or replacement. The time period established in this Section 6A relates only to the specific obligation of Bidder to correct Work and shall not be construed to establish a period of limitation with respect to other obligations that Bidder has under this Contract.

B. Compliance with Laws. The Work, and all of its components, shall be provided, performed, and completed in compliance with, and Bidder agrees to be bound by, all applicable federal, state, and local laws, orders, rules, and regulations, as they may be modified or amended from time to time, including without limitation the Illinois Prevailing Wage Act, 820 ILCS 130/0.01 et seq. and any other prevailing wage laws; any statutes requiring preference to laborers of specified classes; the Illinois Steel Products Procurement Act, 30 ILCS 565/1 et seq.; any statutes prohibiting discrimination because of, or requiring affirmative action based on, race, creed, color, national origin, age, sex, or other prohibited classification; the Employment of Illinois Workers on Public Works Act, 30 ILCS 570/0.01 et seq.; and any statutes regarding safety or the performance of the Work.

C. Prevailing Wage Act. This Contract calls for the construction of a "public work," within the meaning of the Illinois

{00119453.2}

Prevailing Wage Act, 820 ILCS 130/0.01 et seq. (the "Act"). If the Illinois Department of Labor revises the prevailing rate of hourly wages to be paid, the revised rate will apply to this Contract. Bidder and any subcontractors rendering services under this Contract must comply with all requirements of the Act, including but not limited to, all wage, notice, and record-keeping duties and certified payrolls.

D. Not Barred. Bidder is not barred by law from contracting with Owner or with any other unit of state or local government as a result of (i) a violation of either Section 33E-3 or Section 33E-4 of Article 33 of the Criminal Code of 1961, 720 ILCS 5/33E-1 et seq.; or (ii) a violation of the USA Patriot Act of 2001, 107 Public Law 56 (October 26, 2001) (the "Patriot Act") or other statutes, orders, rules, and regulations of the United States government and its various executive departments, agencies and offices related to the subject matter of the Patriot Act, including, but not limited to, Executive Order 13224 effective September 24, 2001. Bidder is not acting, directly or indirectly, for or on behalf of any person, group, entity or nation named by the United States Treasury Department as a Specially Designated National and Blocked Person, or for or on behalf of any person, group, entity or nation designated in Presidential Executive Order 13224 as a person who commits, threatens to commit, or supports terrorism; and Bidder is not engaged in this transaction directly or indirectly on behalf of, or facilitating this transaction directly or indirectly on behalf of, any such person, group, entity or nation.

E. Qualified. Bidder has the requisite experience **minimum of 10 years**, ability, capital, facilities, plant, organization, and staff to enable Bidder to perform the Work successfully and promptly and to commence and complete the Work within the Contract Price and Contract Time set forth above. Bidder warrants and represents that it has met and will meet all required standards set forth in **Owner's Responsible Bidder Ordinance M-7-20, including, without limitation, The bidder actively participates, and has actively participated for at least 12 months before the date of the bid opening, in apprenticeship and training programs approved and registered with the United States department of labor bureau of apprenticeship and training for each of the trades of work contemplated under the awarded contract for all bidders and subcontractors. For the purposes of this subsection, a bidder or subcontractor is considered an active participant in an apprenticeship and training program if all eligible employees have either: (i) completed such a program, or (ii) were enrolled in such a program prior to the solicitation date and are currently participating in such program."**

7. Acknowledgements

In submitting this Contract, Bidder acknowledges and agrees that:

A. Reliance. Owner is relying on all warranties, representations, and statements made by Bidder in this Contract.

B. Reservation of Rights. Owner reserves the right to reject any and all proposals, reserves the right to reject the low price proposal, and reserves such other rights as are set forth in the Instructions to Bidders.

C. Acceptance. If this Contract is accepted, Bidder shall be bound by each and every term, condition, or provision contained in this Contract and in Owner's written notification of acceptance in the form included in this bound set of documents.

D. Remedies. Each of the rights and remedies reserved to Owner in this Contract shall be cumulative and additional to any other or further remedies provided in law or equity or in this Contract.

E. Time. Time is of the essence for this Contract and, except where stated otherwise, references in this Contract to days shall be construed to refer to calendar days.

F. No Waiver. No examination, inspection, investigation, test, measurement, review, determination, decision, certificate, or approval by Owner, whether before or after Owner's acceptance of this Contract; nor any information or data supplied by Owner, whether before or after Owner's acceptance of this Contract; nor any order by Owner for the payment of money; nor any payment for, or use, possession, or acceptance of, the whole or any part of the Work by Owner; nor any extension of time granted by Owner; nor any delay by Owner in exercising any right under this Contract; nor any other act or omission of Owner shall constitute or be deemed to be an acceptance of any defective, damaged, or nonconforming Work, nor operate to waive or otherwise diminish the effect of any representation or warranty made by Bidder; or of any requirement or provision of this Contract; or of any remedy, power, or right of Owner.

G. Severability. The provisions of this Contract/ Proposal shall be interpreted when possible to sustain their legality and enforceability as a whole. In the event any provision of this Contract shall be held invalid, illegal, or unenforceable by a court of competent jurisdiction, in whole or in part, neither the validity of the remaining part of such provision, nor the validity of any other provisions of this Contract shall be in any way affected thereby.

H. Amendments. No modification, addition, deletion, revision, alteration, or other change to this Contract shall be effective unless and until such change is reduced to writing and executed and delivered by Owner and Bidder, except that Owner has the right, by written order executed by Owner, to make changes in the Work ("Change Order"). If any Change Order causes an increase or decrease in the amount of the Work, then an equitable adjustment in the Contract Price or Contract Time may be made. No decrease in the amount of the Work caused by any Change Order shall entitle Bidder to make any claim for damages, anticipated profits, or other compensation.

I. Assignment. Neither this Contract, nor any interest herein, shall be assigned or subcontracted, in whole or in part, by Bidder except upon the prior written consent of Owner.

J. Governing Law. This Contract, and the rights of the parties under this Contract shall be interpreted according to the internal laws, but not the conflict of law rules, of the State of Illinois. Every provision of law required by law to be inserted into this Contract/Proposal shall be deemed to be inserted herein.

By submitting this Contract proposal in response to this Invitation to Bid, Bidder hereby represents, warrants, and certifies that:

- Bidder has carefully examined and read the ITB and all related documents in their entirety.
- The person signing the Contract proposal on behalf of Bidder is fully authorized to execute the Contract and bind Bidder to all of the terms and provisions of the Contract.
- Bidders has provided a list of client references with a minimum of **(4) four municipal** references.
- Bidder has fully completed the entire Contract form, including the Total Contract Price on page 2 of the contract and completed the entire bid pricing in Attachment A.
- Bidder has submitted a certified check or bid bond, in amount equal to at least 5 percent of the Total Contract Price.
- Bidder has checked the City's website for any addenda issued in connection with this ITB, hereby acknowledges receipt of Addenda Nos. 1 [BIDDERS MUST INSERT ALL ADDENDA NUMBERS], has attached these addenda to Bidder's contract proposal, and acknowledges and agrees that, if Bidder's contract proposal is accepted, these addenda will be incorporated into the Contract and will be binding upon Bidder.
- Bidder meets all conditions of Ordinance M-7-20: RESPONSIBLE BIDDER FOR CERTAIN CONSTRUCTION CONTRACTS which is included in Attachment C. Include documents with bid submission.
- Bidder has submitted its Contract proposal in a sealed envelope that bears the full legal name of Bidder and the name of the Contract.

Dated: May 16th , 20 24 .

Bidder's Status: () _____ Corporation () _____ Partnership () Individual Proprietor
(State) (State) Singe Member- LLC (IL)

Bidder's Name: Hammer Construction LLC

Doing Business As (if different): _____

Signature of Bidder or Authorized Agent: Daniel Jones  Date: 5/14/24

(corporate seal) Printed Name: Daniel Jones

(if corporation) Title/Position: Member

Bidder's Business Address: 558 Plate Dr. Suite #3 East Dundee IL, 60118

{00119453.2}

Bidder's Business Telephone: 773-405-7777 Facsimile: _____

If a corporation or partnership, list all officers or partners:

NAME	TITLE	ADDRESS
Daniel Jones	Member	558 Plate Dr. Suite #3 East Dundee IL

ACCEPTANCE

The Contract attached hereto and by this reference incorporated herein and made a part hereof is hereby accepted by the order of the City of Des Plaines ("Owner") as of _____, 2024.

This Acceptance, together with the Contract attached hereto, constitutes the entire and only agreement between the parties relating to the accomplishment of the Work and the compensation therefor and supersedes and merges any other prior or contemporaneous discussions, agreements, or understandings, whether written or oral, and shall prevail over any contradictory or inconsistent terms or conditions contained in any purchase order, acceptance, acknowledgement, invoice, or other standard form used by the parties in the performance of the Contract. Any such contradictory or inconsistent terms or conditions shall be deemed objected to by Owner without further notice of objection and shall be of no effect nor in any circumstances binding upon Owner unless accepted by Owner in a written document plainly labeled "Amendment to Contract." Acceptance or rejection by Owner of any such contradictory or inconsistent terms or conditions shall not constitute acceptance of any other contradictory or inconsistent terms or conditions.

CITY OF DES PLAINES

Signature: _____

Printed name: Dorothy Wisniewski

Title: City Manager

ADDENDUM NO. 1

CITY OF DES PLAINES
REQUEST FOR CONTRACT PROPOSALS AND CONTRACT
City of Des Plaines Parking Structure – 2024 Maintenance Repairs

May 13, 2024

TO ALL PROPOSERS:

Attention of all Proposers is called to the following revision to the Request for Contract Proposals and Contract for City of Des Plaines Parking Structure – 2024 Maintenance Repairs Issued by the City of Des Plaines, Illinois ("Request").

The information given in this Addendum shall be taken into account by each prospective bidder in the preparation of its Contract Proposal. Receipt of this Addendum shall be acknowledged on page 1 of the bidder's Contract Proposal and a copy of this Addendum shall be included in the bidder's Contract Proposal.


- I. Walker Consultants Addendum #1 memorandum
- II. Revised Drawings
- III. Revised Specifications

City of Des Plaines Parking Structure – 2024 Maintenance Repairs

Bid Opening 9:00 am, Thursday, May 16, 2024

SIGN THIS ADDENDUM IN THE SPACE PROVIDED AND ATTACH TO THE FRONT OF YOUR BID PROPOSAL.

COMPANY NAME Hammer Construction LLC

SIGNATURE 

DATE 5/16/24

~~Deletions are struck through; additions are bold and double-underlined.~~

SECTION 00 05 00 - CONTRACTOR'S QUALIFICATION STATEMENT FOR RESTORATION WORK

This statement is required for consideration of the restoration contract for the City of Des Plaines Parking Structures – 2024 Maintenance Repairs.

SUBMITTED TO: WALKER Consultants
2895 Greenspoint Parkway, Suite 600
Hoffman Estates, IL 60169
Attn: John Morgan

SUBMITTED BY: Hammer Construction LLC

ADDRESS: 558 Plate Dr. Suite #3 East Dundee IL, 60118

PHONE: (773) 405-7777

CONTACT: Daniel Jones

COMPANY STRUCTURE:	SPECIAL CERTIFICATIONS:
<input type="checkbox"/> Corporation	<input type="checkbox"/> MBE
<input type="checkbox"/> Partnership	<input type="checkbox"/> WBE
<input type="checkbox"/> Individual	<input type="checkbox"/> Other (Explain): _____
<input type="checkbox"/> Joint Venture	_____
<input checked="" type="checkbox"/> Other (Explain)	_____

LLC - Limited Liability Company	

SUBMITTAL DATE: 5/16/24

AREA(S) OF EXPERTISE: (Check all that apply)

<input checked="" type="checkbox"/> Structural Concrete Repair	<input checked="" type="checkbox"/> Concrete Flatwork
<input checked="" type="checkbox"/> Waterproofing/Joints & Sealants	<input checked="" type="checkbox"/> Brick/Masonry
<input checked="" type="checkbox"/> Waterproofing/Traffic Toppings & Sealers	<input type="checkbox"/> Historic Buildings
<input checked="" type="checkbox"/> Waterproofing/Roofing	_____
<input checked="" type="checkbox"/> Waterproofing/Plaza Systems	_____

CONTRACTOR'S QUALIFICATION QUESTIONNAIRE

1. How many years has your organization been in business as a restoration contractor? _____
 11 Years Starting Year: 2013
2. How many years has your organization been in business as a restoration contractor?
 11 Years Starting Year: 2013
3. How many years has your organization been in business under its present business name?
 11 Years Starting Year: 2013
4. List states in which your organization is legally qualified to do business. Illinois, Wisconsin, Indiana, Iowa
5. What percentage of the work do you normally perform with your own work forces? 100%
6. List on **Table I** the last five painting projects your firm has completed.
7. List on **Table II** the painting projects your organization has in progress at this time.
8. Have you ever failed to complete any work awarded to you? If so, attach a separate sheet of explanation. N/A
9. Has any officer or partner of your organization ever been an officer or partner of another organization that failed to complete a painting contract? If so, attach a separate sheet of explanation. N/A
10. List on **Table III** the painting experience of the principals and superintendents of your company.
11. What is your present bonding capacity? \$ 2,000,000 per Project,
 \$ 3,000,000 Aggregate
12. Who is your bonding agent?
 NAME: Liberty Mutual
 ADDRESS: 2815 Forbes Ave Suite 102 Hoffman Estates IL 60192
 PHONE: (630)810.9100
 CONTACT: Kristian Lee
13. Are you rated by any State Highway Departments? If so, please list which states on **Table IV** and your company's rating.
14. List on **Table V** the equipment you own that is available for painting work.
15. Are there any liens against the above? No If so, total amount \$ _____

16. Attach your company's most recent audited Balance Sheet, prepared in accordance with generally accepted accounting principles.

Date of Balance Sheet: 2024

Name of firm Balance Sheet: Hammer Construction Balance Sheet

DATED AT _____ THIS 16th DAY OF May, 2024.

Name of Organization: Hammer  LC

By: 

TITLE: Member

STATE OF: IL

COUNTY OF: Kane

Daniel Jones being duly sworn, deposes and says that he/she is Member of the above organization and that the answers to the questions in the foregoing questionnaire and all statements therein contained are true and correct.

SUBSCRIBING AND SWORN TO BEFORE ME THIS 16th DAY OF May 2024.

NOTARY PUBLIC:   Validated by pdfFiller
05/15/2024

MY COMMISSION EXPIRES: 12/11/24



TABLE I - LAST FIVE RESTORATION JOBS COMPLETED

Name and Address of Contractor: Hammer Construction LLC 558 Plate Dr. Suite #3 East Dundee IL 60118		Date: 5/16/24	
Name and Address of Owner	Type of Painting Work	Contract Amount	Date Completed
Village of Arlington Heights Four Parking Structures 33 S. Arlington Heights Rd., Arlington Heights IL	Structural concrete repairs, post tension repairs, caulking, traffic membrane, drains, painting	\$1,010,225	1/1/24
4501 N Damen Parking Structure Chicago IL, 60625	Structural concrete repairs, post tension repairs, caulking, traffic membrane, drains, expansion joints	\$303,055	10/1/23
Streets of Woodfield Parking Structure 601 N Martingale Schaumburg IL, 60173	Structural concrete repairs, caulking, sealer, metal pan deck	\$296,557	4/1/24
Fashion Outlet Mall 5220 Fashion Outlet Way Rosemont IL, 60018	Structural concrete repairs, caulking, sealer, expansion joint	\$185,122	11/1/23
2 Pierce Plaza Parking Structure 2 Pierce Place Itasca IL, 60143	Structural concrete repairs, caulking, traffic membrane, drains, expansion joints	\$516,205	8/1/23
100 Forest Ave Oak Park IL, 60301	Structural concrete repairs, caulking, traffic membrane, drains, expansion joints	\$616,025.00	12/1/23

TABLE II - LIST OF RESTORATION PROJECTS IN PROGRESS

Name and Address of Contractor:		Date:	
Hammer Construction LLC 558 Plate Dr. Suite #3 East Dundee IL		5/16/24	
Name and Address of Owner	Type of Work	Contract Amount	Expected Completion Date
Dupage County Courthouse Parking Structure 409 & 579 County Farm Rd. Wheaton IL, 60187	Structural concrete repairs, caulking, traffic membrane, drains, expansion joints	\$2,590,456.00	1/1/2025
900 North Michigan Shops 900 N. Michigan Chicago IL, 60611	Structural concrete repairs, caulking, traffic membrane, sealer	\$170,165	6/25/24
Hollywood Casino Aurora Parking Structure 43 W Galena St. Aurora, IL, 60506	Structural concrete repairs, caulking, traffic membrane, drains, expansion joints	\$278,392	6/15/24
2056 Westings Blvd Naperville, IL 60563	Structural concrete repairs, caulking, sealer, structural steel repair	\$284,988	6/1/24

TABLE III - RESTORATION EXPERIENCE OF PRINCIPALS AND SUPERINTENDENTS

Name and address of Contractor:		Date:			
Hammer Construction LLC 558 Plate Dr. Suite #3 East Dundee IL		5/16/24			
Name	Position	Years' Experience		Type of Work	Contract Amount
		Construction	Restoration		
Patrick Paganucci	Superintendent	20	15	Parking garage restoration and structural repair	N/A
Mike Landry	Project Manager	30	15	Parking garage restoration and structural repair	N/A

TABLE IV - RATINGS BY THE STATE OF ILLINOIS DEPARTMENTS

Name and address of Contractor:		Hammer Construction LLC 558 Plate Dr. Suite #3 East Dundee IL		Date:	5/16/24
State	Rating	Contact & Phone No.	Highway Jobs for Ea. State		
N/A	N/A	N/A	N/A		

TABLE V - LIST OF EQUIPMENT

Name and address of Contractor:		Date:	
Hammer Construction LLC 558 Plate Dr. Suite #3 East Dundee IL		5/16/24	
Description of Equipment	Quantity	Years of Service	Current Book Value
Available upon request	Available upon request	Available upon request	Available upon request

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 CONTRACTOR'S QUALIFICATION STATEMENT

00 05 00-8

Name of Bidder Hammer Construction LLC

SECTION 00 43 10 – PROCUREMENT FORM SUPPLEMENTS

1.1 LIST OF UNIT PRICES

State Unit Prices on the following forms.

LIBRARY PARKING STRUCTURE

WORK ITEM	DESCRIPTION	UNITS	QUANTITY	UNIT PRICE	EXTENSION
PART I: GENERAL REQUIREMENTS / PRELIMINARY MATTERS					
1.0	General Requirements				
1.1	General Requirements				
1.1.2	Concrete Formwork				
1.1.3	Concrete Shores and Reshores	L.S.	1	\$2,500.00	\$2,500.00
1.1.4	Concrete Reinforcement				
1.1.5	Temporary Signage				
2.0	Floor Surface Preparation				
2.5	Asphalt Repair	S.F.	20	\$60.00	\$1,200.00
4.0	Concrete Ceiling Repair				
4.1	Ceiling Repair	S.F.	20	\$185.00	\$3,700.00
5.0	Concrete Beam and Joist Repair				
5.1	Beam Repair	S.F.	5	\$185.00	\$925.00
6.0	Concrete Column Repair				
6.1	Column Repair	S.F.	25	\$165.00	\$4,125.00
7.0	Concrete Wall Repair				
7.1	Wall Repair	S.F.	30	\$150.00	\$4,500.00
8.0	Concrete Tee Beam Repair				
8.1	Tee Stem Repair	S.F.	10	\$185.00	\$1,850.00
8.4	Tee Flange Repair	S.F.	15	\$185.00	\$2,775.00

Name of Bidder Hammer Construction LLC

WORK ITEM	DESCRIPTION	UNITS	QUANTITY	UNIT PRICE	EXTENSION
10.0	Expansion Joint Repair and Replacement				
10.5	Expansion Joint – Header Repair	L.F.	10	\$95.00	\$950.00
10.6	Expansion Joint – Silicone Seal	L.F.	400	\$17.00	\$6,800.00
25.0	Mechanical – Drainage				
25.3	Replace Broken Drain Pipe	L.F.	10	\$285.00	\$2,850.00
25.4	Replace Broken Drain Grate	EA.	5	\$325.00	\$1,625.00
25.6	Clean Drains and Piping	L.S.	1	\$2,400.00	\$2,400.00
45.0	Connections/Bearings				
45.5	Clean and Paint Steel Lintel	EA.	1	\$1,500.00	\$1,500.00
LIBRARY PARKING STRUCTURE TOTAL					\$ 37,700.00

Description of Abbreviations:

L.F. = Lineal Feet
 EA. = Each

S.F. = Square Feet
 L.S. = Lump Sum

Name of Bidder Hammer Construction LLC

METROPOLITAN PARKING STRUCTURE

WORK ITEM	DESCRIPTION	UNITS	QUANTITY	UNIT PRICE	EXTENSION
PART I: GENERAL REQUIREMENTS / PRELIMINARY MATTERS					
1.0	General Requirements				
1.1	General Requirements				
1.1.2	Concrete Formwork				
1.1.3	Concrete Shores and Reshores	L.S.	1	\$7,500.00	\$7,500.00
1.1.4	Concrete Reinforcement				
1.1.5	Temporary Signage				
3.0	Concrete Floor Repair				
3.1	Floor Repair	S.F.	120	\$75.00	\$9,000.00
3.11	Floor Repair – Lifting Loops	EA.	5	\$60.00	\$300.00
5.0	Concrete Beam and Joist Repair				
5.1	Beam Repair	S.F.	15	\$140.00	\$2,100.00
6.0	Concrete Column Repair				
6.6	Column Repair - Haunch	S.F.	5	\$185.00	\$925.00
7.0	Concrete Wall Repair				
7.1	Wall Repair	S.F.	20	\$75.00	\$1,500.00
8.0	Concrete Tee Beam Repair				
8.1	Tee Stem Repair	S.F.	20	\$142.00	\$2,840.00
8.4	Tee Flange Repair	S.F.	65	\$140.00	\$9,100.00
8.8	Tee Stem Repair – FRP Vertical Wrap	EA.	1	\$625.00	\$625.00
10.0	Expansion Joint Repair and Replacement				
10.6	Expansion Joint – Silicone Seal	L.F.	15	\$25.00	\$375.00
11.0	Cracks and Joint Repair				
11.1	Seal Random Floor Cracks	L.F.	70	\$10.00	\$700.00
11.2	Construction Joint Sealant	L.F.	100	\$12.00	\$1,200.00

Name of Bidder Hammer Construction LLC

WORK ITEM	DESCRIPTION	UNITS	QUANTITY	UNIT PRICE	EXTENSION
11.3	Vertical Joint Sealant	L.F.	35	\$25.00	\$875.00
11.4	Tee-to-Tee Joint Sealant	L.F.	380	\$12.00	\$4,560.00
11.7	Cove Sealant	L.F.	460	\$14.00	\$6,440.00
16.0	Traffic Topping				
16.1	Traffic Topping	S.F.	440	\$7.00	\$3,080.00
25.0	Mechanical – Drainage				
25.3	Replace Broken Drain Pipe	L.F.	20	\$285.00	\$5,700.00
25.4	Replace Broken Drain Grate	EA.	2	\$325.00	\$650.00
25.6	Clean Drains and Piping	L.S.	1	\$2,400.00	\$2,400.00
40.0	Connections/Bearings				
40.2	Shear Connector Repair	EA.	18	\$275.00	\$4,950.00
40.3	Chord Connection Repair	EA.	18	\$1,200.00	\$21,600.00
METROPOLITAN PARKING STRUCTURE TOTAL					\$86,420.00

Description of Abbreviations:

L.F. = Lineal Feet
 EA. = Each

S.F. = Square Feet
 L.S. = Lump Sum

Name of Bidder Hammer Construction LLC

CIVIC CENTER PARKING STRUCTURE

WORK ITEM	DESCRIPTION	UNITS	QUANTITY	UNIT PRICE	EXTENSION
PART I: GENERAL REQUIREMENTS / PRELIMINARY MATTERS					
1.0	General Requirements				
1.1	General Requirements				
1.1.2	Concrete Formwork				
1.1.3	Concrete Shores and Reshores	L.S.	1	\$2,500.00	\$2,500.00
1.1.4	Concrete Reinforcement				
1.1.5	Temporary Signage				
3.0	Concrete Floor Repair				
3.12	Slab On Ground Repair	S.F.	5	\$85.00	\$425.00
8.0	Concrete Tee Beam Repair				
8.1	Tee Stem Repair	S.F.	5	\$285.00	\$1,425.00
8.4	Tee Flange Repair	S.F.	5	\$285.00	\$1,425.00
10.0	Expansion Joint Repair and Replacement				
10.5	Expansion Joint – Header Repair	L.F.	15	\$95.00	\$1,425.00
11.0	Cracks and Joint Repair				
11.1	Seal Random Floor Cracks	L.F.	400	\$9.00	\$3,600.00
CIVIC CENTER PARKING STRUCTURE TOTAL					\$ 10,800.00

GRAND TOTAL					\$ 134,920.00
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Description of Abbreviations:

L.F. = Lineal Feet
 EA. = Each

S.F. = Square Feet
 L.S. = Lump Sum

1.2 NON-COLLUSION AFFIDAVIT

Bidder, by its officers and its agents or representatives present at the time of filing this Bid, being duly sworn on their oaths say, that neither they nor any of them have in any way, directly or indirectly, entered into any arrangement or agreement with any other Bidder, or with any officer of City of Des Plaines whereby such affiant or affiants or either of them has paid or is to pay such other Bidder or officer any sum of money, or has given or is to give to such other Bidder or officer anything of value whatever, or such affiant or affiants or either of them has not directly or indirectly, entered into any arrangement or agreement with any other free competition into the letting of the contract sought for by the attached Bids that no inducement of any form or character other than that which appears on the face of the Bid will be suggested, offered, paid or delivered to any person whomsoever to influence the acceptance of the Bid or awarding of the Contract, nor has this Bidder any agreement or understanding of any kind whatsoever, with any person whomsoever to pay, deliver to, or share with any other person in any way or manner, any of the proceeds of the Contractor sought by this Bid.

Submitted By: Hammer Construction LLC

Type or print firm name: Daniel Jones

Authorized Signature  

Date 5/16/24

END OF SECTION 00 43 10

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MEMORANDUM

Date: May 21, 2024
To: Mayor Goczkowski and City Council
Dorothy Wisniewski, City Manager
From: Peter Friedman, General Counsel *PF*
Subject: Release of Certain Closed Session Minutes and Destruction of Certain Verbatim Recordings

Issue:

1. The Illinois Open Meetings Act requires the City Council to periodically review and make determinations with regard to closed session minutes. The Council determines whether (1) the need for confidentiality still exists as to all or part of the minutes or (2) that the minutes or portions thereof no longer require confidential treatment and can be made available for public inspection 5 ILCS 120/2.06(c).
2. The Illinois Open Meetings Act also allows the City to destroy the verbatim recordings of closed session meetings when:
 - (1) At least 18 months have passed since the completion of the meeting(s) recorded;
 - (2) The public body approves the destruction of the particular recording(s); and
 - (3) The public body approves the written minutes of the closed session meeting(s) recorded.5 ILCS 120/2.06(d).

Analysis:

1. At its closed meeting held on May 20, 2024, the Council reviewed closed session minutes that have not previously been made available for public inspection. Based on that review, the release of the following minutes, or portions thereof that the Council has determined no longer require confidential treatment is recommended:

- April 16, 2007 – personnel
- February 19, 2008 – biannual review
- July 21, 2008 – acquisition of real property
- August 4, 2008 – acquisition of real property
- May 4, 2009 – acquisition of real property
- September 19, 2011 – personnel
- October 6, 2014 – collective bargaining
- November 3, 2014 – pending litigation
- December 15, 2014 – selection/vacancy
- January 5, 2015 – selection/vacancy
- January 20, 2015 – imminent litigation
- September 8, 2015 – collective bargaining and pending litigation
- October 5, 2015 – collective bargaining
- August 1, 2016 – personnel
- August 15, 2016 – collective bargaining

The need for confidentiality continues to exist for the closed session meeting minutes that have not been approved for release and, thus, should remain confidential and unreleased.

2. Additionally, the destruction of all verbatim recordings of closed session meetings prior to November 1, 2022 for which closed session meeting minutes have been approved is recommended. All other verbatim recordings of closed session meetings will be retained until the City Council approves their destruction at a later date in accordance with Section 2.06(d) of the Open Meetings Act. 5 ILCS 120/2.06(d).

Recommendation: We recommend that the City Council adopt Resolution No. R-110-24 and authorize the release of the above-listed closed session minutes and the destruction of the verbatim recordings of closed session meetings prior to November 1, 2022 (except for the verbatim recordings of the July 28, 2020 and August 3, 2020 closed session meetings) for which closed session meeting minutes have been approved.

Attachments: Resolution R-110-24

CITY OF DES PLAINES

RESOLUTION R - 110 - 24

A RESOLUTION APPROVING THE RELEASE OF CERTAIN MINUTES OF CERTAIN CLOSED MEETINGS OF THE CITY COUNCIL AND AUTHORIZING THE DESTRUCTION OF CERTAIN VERBATIM RECORDINGS.

WHEREAS, the City of Des Plaines (“*City*”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, pursuant to the Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.* (“*Act*”), the City has maintained certain verbatim recordings (“*Verbatim Recordings*”) of and has approved written minutes of meetings of the City Council that were closed to the public pursuant to the Act (“*Closed Meetings*”); and

WHEREAS, pursuant to Section 2.06(d) of the Act, the City Council has conducted a review of the written minutes of Closed Meetings; and

WHEREAS, the City Council has determined that: (i) a need for confidentiality no longer exists as to the written minutes of the Closed Meetings, or parts thereof, described in **Exhibit A** attached to and, by this reference, made a part of this Resolution (“*Released Minutes*”); and (ii) it will serve and be in the best interest of the City and the public to destroy the Verbatim Recordings occurring prior to November 1, 2022 for which closed session minutes have been approved;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Resolution as the findings of the City Council.

SECTION 2: DETERMINATION OF CONFIDENTIALITY OF CLOSED MEETING MINUTES. The City Council has determined that a need for confidentiality still exists as to the written minutes of all Closed Meetings, or parts thereof, other than the Released Minutes and minutes of Closed Meetings previously made available for public inspection by the City Council.

SECTION 3: PUBLIC INSPECTION OF WRITTEN MINUTES OF CLOSED MEETINGS. The City Council authorizes public inspection of the Released Minutes under applicable law, including the Act and the Illinois Freedom of Information Act, 5 ILCS 140/1 *et seq.*, of the Minutes Approved for Release listed on *Exhibit A*.

SECTION 4: DESTRUCTION OF VERBATIM RECORDINGS. The City Council authorizes the destruction of all audiotaped verbatim records of all Closed Sessions occurring prior

to November 1, 2022 for which closed session minutes have been approved.

SECTION 5: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

PASSED this ____ day of _____, 2024.

APPROVED this ____ day of _____, 2024.

VOTE: AYES ____ NAYS ____ ABSENT ____

MAYOR

ATTEST:

Approved as to form:

CITY CLERK

Peter M. Friedman, General Counsel

EXHIBIT A

CLOSED MEETING MINUTES **FOR WHICH A NEED FOR CONFIDENTIALITY NO LONGER EXISTS**

- April 16, 2007 – personnel
- February 19, 2008 – biannual review
- July 21, 2008 – acquisition of real property
- August 4, 2008 – acquisition of real property
- May 4, 2009 – acquisition of real property
- September 19, 2011 – personnel
- October 6, 2014 – collective bargaining
- November 3, 2014 – pending litigation
- December 15, 2014 – selection/vacancy
- January 5, 2015 – selection/vacancy
- January 20, 2015 – imminent litigation
- September 8, 2015 – collective bargaining and pending litigation
- October 5, 2015 – collective bargaining
- August 1, 2016 – personnel
- August 15, 2016 – collective bargaining



PUBLIC WORKS AND ENGINEERING DEPARTMENT

1420 Miner Street
Des Plaines, IL 60016
P: 847.391.5390
desplaines.org

MEMORANDUM

Date: May 15, 2024
To: Dorothy Wisniewski, City Manager
From: Timothy P. Oakley, P.E., CFM, Director of Public Works and Engineering
Subject: First Addendum to the Intergovernmental Agreement with the Illinois State Toll Highway Authority and Intergovernmental Agreement with Elk Grove Village for the Elgin O'Hare Western Access Project

Issue: To advance water main and sanitary sewer main improvements and relocation as part of the Elgin O'Hare Western Access Project's Touhy Avenue Improvements, a First Addendum to the Intergovernmental Agreement with the Illinois State Toll Highway Authority (ISTHA) and an Intergovernmental Agreement with Elk Grove Village will be required.

Analysis: The original ISTHA agreement, approved via R-1-20, established agency responsibilities regarding engineering, right-of-way acquisition, utility relocation, construction, funding and maintenance for ISTHA Contract I-18-4694; I-490 Bridges over I-90 and Building Demolition, Contract I-18-4704; I-490 Advance Earthwork, Drainage and Retaining Wall Construction from Devon Avenue to South of Touhy Avenue, Contract I-18-4705; and I-490 and I-90 Interchange Construction (all shown in Exhibit 2 of Exhibit A).

The First Addendum to this agreement will include ISTHA contract I-21-4746 that advances Touhy Avenue roadway and drainage improvements. The scope of this work includes relocation of City water main and sanitary sewer main along Mount Prospect Road and along Touhy Avenue east of Mount Prospect Road, and the relocation of City sanitary sewer main and force main south of Touhy Avenue and along Old Higgins Road to the proposed connection to the Elk Grove Village sanitary sewer, including the construction of a sanitary lift station. Construction of a temporary bypass roadway along Touhy Avenue south of its current alignment is also part of this contract. An Intergovernmental Agreement with Elk Grove Village has been prepared as well to set forth agency responsibilities regarding the proposed connection to their sanitary sewer system and maintenance of the sanitary lift station.

Recommendation: We recommend approval of the First Addendum to the Intergovernmental Agreement with the Illinois State Toll Highway Authority and the Intergovernmental Agreement with Elk Grove Village for the Elgin O'Hare Western Access Project.

- Attachments:
Attachment 1 – R-1-20
Resolution R-111-24
Exhibit A – First Addendum to the Intergovernmental Agreement with the ISTHA
Exhibit B – Intergovernmental Agreement with Elk Grove Village

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY
AND
THE CITY OF DES PLAINES**

This INTERGOVERNMENTAL AGREEMENT (hereinafter referred to as the "AGREEMENT") is entered into this 3rd day of April, 2020, by and between THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY, an instrumentality and administrative agency of the State of Illinois, hereinafter called the "ILLINOIS TOLLWAY", and the CITY OF DES PLAINES, a municipal corporation of the State of Illinois, (hereinafter called "CITY"), individually referred to as "PARTY", and collectively referred to as "PARTIES".

WITNESSETH:

WHEREAS, the ILLINOIS TOLLWAY in order to facilitate the free flow of traffic and ensure safety to the motoring public, has improved the existing Elgin O'Hare Expressway, extended the expressway from its eastern terminus at Rohlwing Road (Illinois Route 53) to Illinois Route 83, known in its entirety as Illinois Route 390, and intends to further extend Illinois Route 390 to O'Hare International Airport ("O'Hare Airport") and construct I-490 connecting the Jane Addams Memorial Tollway (I-90) with the Tri-State Tollway (I-294) (hereinafter sometimes referred to as the Elgin O'Hare Western Access "EOWA"), and included in multiple ILLINOIS TOLLWAY construction contracts. The ILLINOIS TOLLWAY will implement, operate and maintain the mainline improvements as tolled facilities (hereinafter sometimes referred to as "Toll Highway"); and

WHEREAS, this AGREEMENT includes the scope of improvements of ILLINOIS TOLLWAY Contract I-18-4694, I-490 Bridges over I-90 and Building Demolition, Contract I-18-4704, I-490 Advance Earthwork, Drainage and Retaining Wall Construction from Devon Avenue to South of Touhy Avenue, and Contract I-18-4705, I-490 and I-90 Interchange Construction; and

WHEREAS, the scope of work for ILLINOIS TOLLWAY Contract I-18-4694 includes construction of the I-490 northbound and southbound bridge structures over I-90 as part of the new interchange that will connect I-90 with the new I-490 Toll Highway. The contract also includes retaining wall construction, the demolition of the former Des Plaines Oasis including watermain and sanitary service removal, watermain tee removal at Service Drive and Mount Prospect Road, earthwork, drainage improvements, Intelligent Transportation Systems (ITS) infrastructure relocation, roadway lighting installation, signing and pavement marking, and all other work necessary to complete the contract in accordance with the approved plans and specifications; and

WHEREAS, the scope of work for ILLINOIS TOLLWAY Contract I-18-4704 includes site clearing, earthwork, and retaining wall construction from approximately Devon Avenue to south of Touhy Avenue along the west side of O'Hare Airport in advance

of construction of the I-490 Toll Highway as part a separate EOWA contract in this location. The contract includes the relocation of the Chicago Police Department K-9 Training Facility from 320 West Touhy Avenue to the northwest and northeast quadrants of the Touhy Avenue and the future realigned Mount Prospect Road intersection, including the installation of new water and sanitary service connections from existing CITY services along Mount Prospect Road. The contract also includes construction of watermain at Old Higgins Road and installation of cased-watermain across the future I-490 Toll Highway, landscaping, drainage, construction of box culverts, ITS infrastructure, and all other work necessary to complete the contract in accordance with the approved plans and specifications; and

WHEREAS, the scope of work for ILLINOIS TOLLWAY Contract I-18-4705 includes includes the construction of a full system interchange at I-90 and I-490, including new northbound and southbound I-490 bridge structures over the Touhy Avenue Flood Control Reservoir ("Touhy Avenue Reservoir") and Higgins Creek. The contract includes watermain and sanitary sewer removal along Service Drive and along a portion of Jarvis Avenue and the resurfacing of Jarvis Avenue from east of the Touhy Avenue Reservoir entrance to Mount Prospect Road. The contract also includes drainage improvements, earthwork, construction of retaining walls, installation of ITS infrastructure, signing, pavement markings, roadway lighting, landscaping, and all other work necessary to complete the contract in accordance with the approved plans and specifications; and

WHEREAS, for purposes of this AGREEMENT, the above contracts shall collectively be referred to as the "PROJECT" and are depicted on "EXHIBIT A" along with the CITY's involvement attached hereto; and

WHEREAS, the CITY requests that the ILLINOIS TOLLWAY include in its PROJECT the replacement of watermain along Old Higgins Road with an emergency connection to Elk Grove Village-owned watermain located along Old Higgins Road at the location of the future Touhy Avenue bypass road and replacement of CITY watermain between Old Higgins Road and O'Hare Airport's Guard Post #1 including the watermain segment under Union Pacific Railroad ("UPRR"), hereinafter referred to as the "CITY IMPROVEMENTS"; and

WHEREAS, the CITY and Elk Grove Village plan to enter into a separate intergovernmental agreement that documents the terms and conditions relative to the emergency connection of CITY watermain to Elk Grove Village watermain on Old Higgins Road; and

WHEREAS, as part of the EOWA project, the Cook County Department of Transportation and Highways is implementing design and construction of improvements along Touhy Avenue in the vicinity of the PROJECT improvements (herein after referred to as "TOUHY AVENUE IMPROVEMENTS"). The TOUHY AVENUE IMPROVEMENTS are not included as part of this AGREEMENT with the following exceptions:

- The terms for the relocated CITY-owned sanitary forcemain to be located on ILLINOIS TOLLWAY right-of-way and constructed as part of the TOUHY AVENUE IMPROVEMENTS; and
- The provision to include a feature of the CITY IMPROVEMENTS, the emergency connection to Elk Grove Village-owned watermain, as part of the TOUHY AVENUE IMPROVEMENTS; and

WHEREAS, the PROJECT includes the replacement of CITY-owned watermain; and

WHEREAS, for purposes of this AGREEMENT, the above CITY-owned facilities included as part of the CITY IMPROVEMENTS, the sanitary forcemain to be located on ILLINOIS TOLLWAY right-of-way as part of the TOUHY AVENUE IMPROVEMENTS, and the CITY-owned watermain replaced as part of the PROJECT, shall collectively be referred to as the "CITY FACILITIES" and are depicted on "EXHIBIT B"; and

WHEREAS, the CITY FACILITIES are planned to be constructed in advance of the construction of the I-490 Toll Highway as part of the EOWA project; and

WHEREAS, the CITY is responsible for the ownership and jurisdiction of Service Drive and Jarvis Avenue north and south of the I-90 Toll Highway, respectively; and

WHEREAS, the PARTIES agree that the PROJECT improvements render both Service Drive, in its entirety, and Jarvis Avenue from west of the Touhy Avenue Reservoir entrance as no longer needed for public use or access due to the elimination of the Des Plaines Oasis and the CITY agrees to vacate these roadways. The portion of Jarvis Avenue from east of the Touhy Avenue Reservoir entrance to Mount Prospect Road will remain under CITY jurisdictional authority; and

WHEREAS, the ILLINOIS TOLLWAY needs to acquire two (2) parcels of land (Parcels NW-7B-12-901 and NW-7B-12-902) from the CITY for purposes of constructing the PROJECT; and

WHEREAS, the CITY concurs with conveyance of the two (2) parcels to the ILLINOIS TOLLWAY at no cost; and

WHEREAS, the ILLINOIS TOLLWAY agrees to the CITY's request to add the CITY IMPROVEMENTS to the PROJECT and the TOUHY AVENUE IMPROVEMENTS at no cost; and

WHEREAS, the PARTIES by this instrument, desire to determine and establish their respective responsibilities toward engineering, right of way acquisition, utility relocation, construction, funding and maintenance of the PROJECT as proposed; and

WHEREAS, the ILLINOIS TOLLWAY by virtue of its powers as set forth in the "Toll Highway Act," 605 ILCS 10/1 *et seq.* is authorized to enter into this AGREEMENT; and

WHEREAS, the CITY by virtue of its home rule powers and the powers set forth in the Illinois Municipal Code 65 ILCS 5/1-1-1 *et seq.* is authorized to enter into this AGREEMENT; and

WHEREAS, a cooperative Intergovernmental Agreement is appropriate and such an Agreement is authorized by the "Intergovernmental Cooperation Act", 5 ILCS 220/1 *et seq.*

NOW, THEREFORE, in consideration of the aforementioned recitals and the mutual covenants contained herein, the PARTIES hereto agree as follows:

I. ENGINEERING

- A. The ILLINOIS TOLLWAY agrees to perform preliminary and final design engineering, obtain necessary surveys, and prepare the final plans and specifications for the PROJECT. During the design and preparation of the plans and specifications, the ILLINOIS TOLLWAY shall submit the plans and specifications to the CITY for their review and comment at the following stages of plan preparation:

60% Complete

95% Complete (pre-final)

Final

- B. The final approved plans and specifications for the PROJECT shall be promptly delivered via hard copy and DVD format, as preferred, to the CITY by the ILLINOIS TOLLWAY.
- C. The CITY shall review the plans and specifications which impact their respective maintained highways and facilities within thirty (30) calendar days of receipt thereof. If the ILLINOIS TOLLWAY does not receive comments or objections from the CITY within this time period, or receive a request for an extension of time, which request shall be reasonably considered, the lack of response shall be deemed approval of the plans and specifications. Approval by the CITY shall mean they agree with all specifications in the plans, including alignment and location of the PROJECT improvements which impact their maintained highways and facilities. In the event of disapproval, the CITY will detail in writing its objections to the proposed plans and specifications for review and consideration by the ILLINOIS TOLLWAY.

- D. The PARTIES shall work cooperatively to address and resolve the review comments and objections. Any dispute concerning the plans and specifications shall be resolved in accordance with Section IX of this AGREEMENT.
- E. The ILLINOIS TOLLWAY agrees to assume the overall PROJECT responsibility, including assuring that all permits and approvals (U.S. Army Corps of Engineers, Illinois Department of Natural Resources, Metropolitan Water Reclamation District of Greater Chicago, Cook County, Illinois Environmental Protection Agency, etc.) and joint participation and/or force account agreements (County, Township, Municipal, Railroad, Utility, etc.), as may be required by the PROJECT, are secured by the PARTIES hereto in support of general project schedules and deadlines. All PARTIES hereto agree to cooperate, insofar as their individual jurisdictional authorities allow, with the timely acquisition and clearance of said permits and agreements and in complying with all applicable Federal, State, and local regulations and requirements pertaining to work proposed for the PROJECT.
- F. The ILLINOIS TOLLWAY agrees to assume responsibility for securing a utility crossing permit on behalf of the CITY for the proposed watermain, included as part of the CITY IMPROVEMENTS, to be located under UPRR tracks on UPRR right-of-way. The CITY agrees to cooperate with the ILLINOIS TOLLWAY and UPRR as required.
- G. The CITY shall grant and consent to any and all permits, rights of access (ingress and egress), temporary use of its property and right of way necessary for the PROJECT to the ILLINOIS TOLLWAY, without charge of permit fees to the ILLINOIS TOLLWAY. Any permit for right of access, temporary use shall not be unreasonably withheld by the CITY.

II. RIGHT OF WAY

- A. The ILLINOIS TOLLWAY shall perform all survey work and prepare all parcel plats and legal descriptions for all right of way (both permanent and temporary) necessary for the construction of the PROJECT pursuant to the plans and specifications.
- B. The CITY's existing right of way which is required for construction of the PROJECT shall be, unless provided for herein, transferred to the ILLINOIS TOLLWAY and conveyed free and clear of all encumbrances.
- C. The CITY agrees to convey via quit claim deed to the ILLINOIS TOLLWAY Parcels NW-7B-12-901 and NW-7B-12-902, as shown on "EXHIBIT C" attached hereto.
- D. The CITY shall grant the ILLINOIS TOLLWAY use, access, ingress, and egress necessary for the construction of the PROJECT. The CITY shall grant the ILLINOIS TOLLWAY access and use of its property without charge and shall

waive any and all surety or bonding requirements. In any event the ILLINOIS TOLLWAY, or its contractor(s), to the extent permitted by law, shall indemnify and hold the CITY and its employees, officers, directors and agents harmless from all claims for death, injuries and damages to persons or property resulting from the negligence or intentional misconduct of the ILLINOIS TOLLWAY or its agents.

- E. In the event, the ILLINOIS TOLLWAY identifies areas of the CITY's right of way temporarily needed for the ILLINOIS TOLLWAY to enter, access and use to allow the ILLINOIS TOLLWAY and/or its contractor(s) to construct the PROJECT, the CITY, shall upon the ILLINOIS TOLLWAY's submittal of the CITY's permit form and contract plans and special provisions as required, issue the ILLINOIS TOLLWAY a permit without charge of permit fees to the ILLINOIS TOLLWAY; allowing the ILLINOIS TOLLWAY all temporary use. In addition, the CITY shall waive any surety bonding requirement. The ILLINOIS TOLLWAY agrees upon completion of the PROJECT, that those lands used are to be restored to an "as good as – or – better" than pre-construction condition. Approval of any permit shall not be unreasonably withheld by the CITY.
- F. In order to avoid PROJECT delays, the CITY hereby permits and authorize each other, their employees, vendors, and/or contractor(s) unrestricted access to use all parcels identified in EXHIBIT C. Additional consideration and/or financial credit will not be granted pursuant to this interim permission and authorization. So as to protect the public at large, the ILLINOIS TOLLWAY shall notify the CITY prior to the commencement of any excavation, tree removal, construction, repair, maintenance or other work or activity contemplated by this AGREEMENT.

III. UTILITY RELOCATION

- A. The ILLINOIS TOLLWAY agrees to provide the CITY, as soon as they are identified, the locations (existing and proposed) of public and/or private utility facilities within existing CITY rights of way which require adjustment as part of the PROJECT. As part of its PROJECT engineering responsibilities, the ILLINOIS TOLLWAY shall identify adjustments to the aforementioned existing utilities.
- B. The ILLINOIS TOLLWAY agrees to make all reasonable efforts to minimize the number of utility adjustments in the design of improvements.
- C. The CITY respectively agrees to make arrangements for and issue all permits for the PROJECT and cooperate with necessary adjustments to existing utilities located within existing CITY rights of way, without charge of permit fees to the ILLINOIS TOLLWAY.
- D. The ILLINOIS TOLLWAY agrees to make arrangements for and issue all permits for the PROJECT required adjustments to utility facilities located on proposed ILLINOIS TOLLWAY rights of way which are outside areas of the CITY jurisdiction, at no expense to the CITY.

- E. The ILLINOIS TOLLWAY agrees to grant the CITY the right to own and maintain the CITY FACILITIES on ILLINOIS TOLLWAY right-of-way, at no cost to the CITY, as part of this AGREEMENT.
- F. For any future work proposed by the ILLINOIS TOLLWAY as part of the EOWA project or other future project associated with the I-490 Toll Highway that otherwise requires adjustments to the CITY FACILITIES to be in place prior to the construction of I-490 , the ILLINOIS TOLLWAY agrees to perform or cause to be performed the required adjustments to the CITY FACILITIES or otherwise reimburse the CITY for any and all out of pocket costs the CITY may incur in causing the aforementioned infrastructure to be adjusted.
- G. The ILLINOIS TOLLWAY agrees to allow the CITY access to the CITY FACILITIES on ILLINOIS TOLLWAY right-of-way. The CITY will be granted access from the secured ILLINOIS TOLLWAY maintenance access road located along the east side of the future I-490 Toll Highway from the Elmhurst Road/Pratt Boulevard intersection, depicted on EXHIBIT B attached hereto. The ILLINOIS TOLLWAY will provide access to the maintenance road via gated entry, as described in Section VIII. G.
- H. The CITY agrees to notify the ILLINOIS TOLLWAY in advance of accessing CITY FACILITIES on ILLINOIS TOLLWAY right-of-way by contacting the ILLINOIS TOLLWAY Permits and Utility Department at (630) 241-6800 extension 4129. Notification of planned maintenance activities involving other contractor work and associated traffic control must be made a minimum of 10 working days in advance according to the latest Illinois Tollway Roadway Traffic Control and Communication Manual (March 2019).
- I. At all locations where utilities are located on the CITY's right of way and must be adjusted due to work proposed by the ILLINOIS TOLLWAY, the CITY agrees to cooperate with the ILLINOIS TOLLWAY in making arrangements with the applicable utility and issue all permits for the requisite adjustment(s) at no cost to the ILLINOIS TOLLWAY.
- J. The ILLINOIS TOLLWAY will cause all utility companies to protect, adjust, relocate or remove utility facilities in conflict with the PROJECT, at no cost to the CITY.
- K. At all locations where the ILLINOIS TOLLWAY's infrastructure (remote traffic microwave sensors, message signs, weather stations, weigh-in-motion sites, signs, roadway lighting controllers, electrical services, fiber optic cable system and data connections) that are installed as part of the PROJECT and must be adjusted due to future work proposed by the CITY, the CITY agrees to reimburse the ILLINOIS TOLLWAY for any and all out of pocket costs the ILLINOIS TOLLWAY may incur in causing the aforementioned infrastructure to be adjusted.

IV. CONSTRUCTION

- A. The ILLINOIS TOLLWAY shall advertise and receive bids, provide construction engineering inspections for and cause the PROJECT to be constructed in accordance with the PROJECT plans and specifications.
- B. After award of the construction contract(s), any proposed deviations from the plans and specifications that affect the CITY shall be submitted for approval prior to commencing such work. The CITY shall review the plans and specifications within thirty (30) calendar days of receipt thereof. If the ILLINOIS TOLLWAY does not receive comments or objections from the CITY within this time period, or does not receive a request for an extension of time, which request shall be reasonably considered, the lack of response shall be deemed their approval of the plans and specifications. Approval by the CITY shall mean agreement with all specifications in the plans pertaining to the alignment and location of the PROJECT deviations which impact their respective maintained highways. In the event of disapproval, the CITY will detail in writing its objections to the proposed plans and return them to the ILLINOIS TOLLWAY for review and consideration.
- C. After award of the construction contract(s), assuming there are no proposed deviations from the plans and specifications that affect the CITY, the ILLINOIS TOLLWAY shall provide no less than thirty (30) calendar days written notice to the CITY prior to commencement of work on the PROJECT.
- D. The CITY and its authorized agents shall have all reasonable rights of inspection (including pre-final and final inspection) during the progress of work included in the PROJECT that affects their system. The CITY may assign personnel to perform inspections of all work included in the PROJECT that affects the CITY's system respectively, and will deliver written notices to the Chief Engineering Officer of the ILLINOIS TOLLWAY advising the ILLINOIS TOLLWAY as to the identity of the individual(s) assigned to perform said inspections.
- E. The PARTIES shall work cooperatively to address and resolve the review comments and objections. Notices required to be delivered by PARTIES pursuant to this AGREEMENT shall be delivered as indicated in Section IX of this AGREEMENT.
- F. The ILLINOIS TOLLWAY shall require its contractor(s) working within the CITY's right of way to comply with the indemnification provision contained at Section 107.26 in the ILLINOIS TOLLWAY Supplemental Specifications for construction, issued April 2019, or the indemnification provision in the applicable version of the Illinois State Toll Highway Authority's Standard Specifications subsequently in effect.

- G. The CITY agrees, to the extent permitted by law, to indemnify and hold the ILLINOIS TOLLWAY and its employees, officers, directors and agents harmless from all claims for death, injuries and damages to persons or property relating to the access, use, maintenance of the PROJECT improvements constructed by the ILLINOIS TOLLWAY on the CITY's right of way.
- H. The ILLINOIS TOLLWAY shall require that the CITY, and its agents, officers and employees be included as additional insured parties in the General Liability Insurance the ILLINOIS TOLLWAY requires of its contractor(s) and that the CITY will be added as an additional protected party on all performance bonds required of the contractor(s). These requirements shall be included in the Special Provisions of the construction contract(s).
- I. The ILLINOIS TOLLWAY shall give notice to the CITY upon completion of 70% and 100% of all PROJECT construction improvements to be subsequently maintained by the CITY, and the CITY shall make an inspection thereof not later than fifteen (15) calendar days after notice thereof. If the CITY does not perform a final inspection within twenty-one (21) calendar days after receiving notice of completion of 100% of all PROJECT construction contracts or other inspection arrangements are not agreed to by the CITY, the PROJECT shall be deemed accepted by the CITY. At the request of the CITY, the ILLINOIS TOLLWAY's representative shall join in on such inspection. In the event said inspections disclose work that does not conform to the approved final plans and specifications, the CITY's representative shall give immediate verbal notice to the ILLINOIS TOLLWAY's representative of any deficiency, and shall thereafter deliver within fifteen (15) calendar days a written list identifying such deficiencies to the Chief Engineering Officer of the ILLINOIS TOLLWAY. Deficiencies thus identified shall be subject to joint re-inspection upon completion of the corrective work. The CITY shall perform such joint re-inspections within ten (10) calendar days after receiving notice from the ILLINOIS TOLLWAY that the deficiencies have been remedied.
- J. The ILLINOIS TOLLWAY shall have the right, in its sole judgment and discretion, to cancel or alter any or all portions of the work, except as referenced in Section IV B, due to circumstances either known or unknown at the time of bidding or arising after the Contract(s) was entered into, in accordance with the Canceled Items Provision 109.06 included in the most current version of the ILLINOIS TOLLWAY Supplemental Specifications to the Illinois Department of Transportation Standard Specifications for Road and Bridge Construction.
- K. As-built drawings of the PROJECT performed by the ILLINOIS TOLLWAY shall be provided to the CITY, in both paper and electronically, within sixty (60) days after completion of the work.

V. FINANCIAL

- A. Except as otherwise identified herein, the ILLINOIS TOLLWAY agrees to pay all PROJECT related engineering, right of way, construction engineering and construction costs.
- B. The CITY agrees to transfer Parcels NW-7B-12-901 and NW-7B-12-902 to the ILLINOIS TOLLWAY at no cost.
- C. The ILLINOIS TOLLWAY agrees to include the CITY IMPROVEMENTS in the PROJECT at no cost to the CITY.
- D. The CITY may request, after the construction contract(s) are let by the ILLINOIS TOLLWAY, that supplemental work that increases the total costs of the PROJECT or more costly substitute work be added to the construction contract(s). The ILLINOIS TOLLWAY will cause said supplemental work or such substitute work to be added to the construction contract(s), provided that said work will not delay construction of the PROJECT. The CITY shall pay the full amount of requested supplemental work or more costly substitute work .

VI. MAINTENANCE - DEFINITIONS

- A. The term "local" means any PARTY to this AGREEMENT other than the ILLINOIS TOLLWAY. With respect to this AGREEMENT, it means the CITY.
- B. The term "local road" refers to any highway, road or street under the jurisdiction of the CITY.
- C. As used herein, the terms "maintenance" or "maintain" mean keeping the facility being maintained in good and sufficient repair and appearance. Such maintenance includes the full responsibility for the construction, removal, replacement of the maintained facility when needed, and unless specifically excluded in Section VII, MAINTENANCE - RESPONSIBILITIES, other activities as more specifically set forth in the following subparts of this Section VI. Maintenance includes but is not limited to:
 - 1. "Routine maintenance" refers to the day to day pavement maintenance, pothole repair, anti-icing and de-icing, snow removal, sweeping, pavement marking, mowing, litter and debris removal, and grate and scupper cleaning and repair, including compliance with state laws and local ordinances.
 - 2. "Structural maintenance" refers to the integrity of the grade separation structure, including abutments and piers, bridge girders/beams, bridge deck, expansion joints, parapet walls and drainage structures.

3. "Signal maintenance" refers to all aspects of installation, repair, replacement, timing, and operation of traffic signals, including signal loops, signal supports or bases, interconnects to Ramp Queue Detection Warning Systems and power, but shall not include permanently installed variable message signs or temporary signals or signs relating to construction or repair projects.
 4. "Lighting maintenance" refers to all aspects of installation, repair, replacement and operation of roadway lighting including power, but shall not include temporary lighting relating to construction or repair projects.
 5. "Emergency maintenance" refers to any maintenance activity which must be performed immediately in order to avoid or to repair a condition on the roadway or right of way which causes or threatens imminent danger or destruction to roadway facilities or rights of way of the PARTIES hereto, to the motoring public, to public health, safety or welfare, including but not limited to accident restoration, chemical or biological removal or remediation, or response to acts of God or terrorism.
- D. The term "drainage facilities" refers to both open and enclosed systems. The term "drainage structures" refers to enclosed systems only, and includes those elements of the drainage facility affixed to the bridge superstructures downstream from the scupper.
- E. The terms "notify", "give notice" and "notification" refer to written, verbal or digital communication from one PARTY to another concerning a matter covered by this AGREEMENT, for which the PARTY transmitting the communication produces and retains a record which substantiates the content, date, time, manner of communication, identification of sender and recipient, and manner in which the recipient may respond to the sender, as to the communication.
- F. The terms "be responsible for" or "responsibility" refer to the obligation to ensure performance of a duty or provision of a service under this AGREEMENT, provided, that a PARTY may arrange for actual performance of the duty or provision of the service by another competent entity if the other PARTY to this AGREEMENT is notified of such arrangement, but in no case shall the entity with the duty be relieved of ultimate responsibility for performance of the duty or provision of the service.
- G. The terms "consultation" or "consult with" refer to the duty of a PARTY to give notice to the other PARTY of a proposed action, with reasonable time for that PARTY to respond, but the PARTY with the duty to consult may proceed with the proposed action if the other PARTY does not respond within the time frame set forth in the notice provided, or in the case of the ILLINOIS TOLLWAY, it may proceed with the proposed action if deemed necessary by the Chief Engineering Officer.

- H. The term "approve" refers to the duty of a PARTY not only to consult with the other PARTY but also to provide consent for the proposed action and to retain a record which documents such consent.
- I. The term "grade separation structure" refers to all structural elements between the abutments and below the wearing surface of a bridge carrying one roadway over another, unless otherwise specified.

VII. MAINTENANCE – RESPONSIBILITIES

- A. The maintenance responsibilities are as shown on “EXHIBITS A and B” as detailed below.
- B. The ILLINOIS TOLLWAY agrees to own and maintain I-90 and I-490 within the PROJECT limits, in their entirety, including bridge structures, retaining walls, access control fencing, detention basins, drainage infrastructure and associated toll infrastructure.
- C. The CITY agrees to own and maintain the remaining portion of Jarvis Avenue from the Touhy Avenue Reservoir entrance to Mount Prospect Road, in its entirety, and CITY FACILITIES on ILLINOIS TOLLWAY right-of-way. The CITY also agrees to maintain other CITY FACILITIES constructed as part of the PROJECT including the new water and sanitary service connections from existing service along Mount Prospect Road to the K-9 Training Facility and the watermain along Old Higgins Road and extending east under UPRR to O’Hare Airport Guard Post #1, including associated fire hydrants and valve vaults.

VIII. ADDITIONAL MAINTENANCE PROVISIONS

- A. During construction, the PARTIES shall continue to maintain all portions of the PROJECT within their respective PARTY’s existing maintenance/jurisdictional responsibilities that are not to be improved or maintained by the construction contractor(s) pursuant to the approved plans and specifications.
- B. All items of construction which are stipulated in this AGREEMENT to be maintained by the CITY shall, upon completion of construction and final inspection, be the maintenance responsibility of the CITY, and all items of construction which are stipulated in this AGREEMENT to be maintained by the ILLINOIS TOLLWAY shall, upon completion of construction, be the sole maintenance responsibility of the ILLINOIS TOLLWAY.
- C. All PARTIES agree to remove all snow and ice from the roadways under their respective jurisdiction, and such removal shall be accomplished in such a manner as not to block or obstruct any roadway of any other PARTY.

- D. The ILLINOIS TOLLWAY will enter into separate agreements, as required, for facilities affected by the PROJECT and not included as part of this AGREEMENT, including the K-9 Training Facility and Touhy Avenue Reservoir.
- E. The CITY agrees to vacate Service Drive and the portion of Jarvis Avenue from the Touhy Avenue Reservoir entrance to the west as part of the transfer of Parcels NW-7B-12-901 and NW-7B-12-902 to the ILLINOIS TOLLWAY, including relinquishing ownership and jurisdictional authority.
- F. Nothing herein is intended to prevent or preclude any PARTY from entering into reciprocal agreements in the future for any particular interchange for the efficient removal of snow, ice, and debris or for incident management.
- G. The CITY will be provided with a limited number of keys for the ILLINOIS TOLLWAY owned locks that will be installed on the right of way fence gate on the east side of the Elmhurst Road/Pratt Boulevard intersection for the ILLINOIS TOLLWAY maintenance road. Prior to being provided with the keys, the CITY must provide contact information for CITY personnel that will possess the keys. The CITY further agrees that it shall notify the ILLINOIS TOLLWAY should there be changes to CITY personnel that will retain the keys for access to the CITY FACILITIES. The CITY agrees to indemnify and hold the ILLINOIS TOLLWAY and its employees, officers, directors and agents harmless from all claims for death, injuries and damages to persons or property relating to the access, use, maintenance or reconstruction of the watermain and sanitary forcemain located on ILLINOIS TOLLWAY right of way.

IX. GENERAL PROVISIONS

- A. It is understood and agreed that this is an agreement between the City of Des Plaines (CITY) and the Illinois State Toll Highway Authority (ILLINOIS TOLLWAY).
- B. It is understood and agreed by the PARTIES hereto, that the PARTIES shall obtain or retain jurisdiction of all local roads traversed or affected by I-490 except as otherwise expressly provided for in this AGREEMENT. For the purpose of this AGREEMENT, jurisdiction shall mean the authority and obligation to administer, control, construct, maintain, and operate.
- C. It is understood and agreed that this AGREEMENT constitutes the complete and exclusive statement of the agreement of the PARTIES relative to the subject matter hereof and supersedes all previous oral and written proposals, negotiations, representations or understandings concerning such subject matter.
- D. Wherever in this AGREEMENT approval or review by the CITY or the ILLINOIS TOLLWAY is provided for, said approval or review shall not be unreasonably delayed or withheld.

- E. Not later than thirty (30) calendar days after execution of this AGREEMENT each PARTY shall designate in writing a representative who shall serve as the full time representative of the said PARTY during the carrying out of the execution of this AGREEMENT. Each representative shall have authority, on behalf of such PARTY, to make decisions relating to the work covered by this AGREEMENT. Representatives may be changed, from time to time, by subsequent written notice. Each representative shall be readily available to the other PARTY.
- F. The descriptive headings of various sections of this AGREEMENT are inserted for convenience only and shall not control or affect the meaning or construction of any of the provisions hereof.
- G. In the event of a dispute between PARTIES in the carrying out of the terms of this AGREEMENT for the PROJECT, the Chief Engineering Officer of the ILLINOIS TOLLWAY and the Director of Public Works of the CITY shall meet and resolve the issue. In the event that they cannot mutually agree on the resolution of a dispute concerning the plans and specifications for the PROJECT or in the carrying out of the terms of this AGREEMENT in reference to the PROJECT, the decision of the Chief Engineering Officer of the ILLINOIS TOLLWAY shall be final.
- H. In the event of a dispute between the CITY and the ILLINOIS TOLLWAY in the carrying out of the terms of this AGREEMENT in reference to the CITY IMPROVEMENTS, or a dispute concerning the plans and specifications for the CITY IMPROVEMENTS, the Director of Public Works of the CITY and the Chief Engineering Officer of the ILLINOIS TOLLWAY shall meet and resolve the issue. In the event that they cannot mutually agree on the resolution of the dispute concerning the CITY IMPROVEMENTS, the decision of the Director of Public Works of the CITY shall be final as long as that decision does not delay delivery of the PROJECT or be detrimental to the maintenance and operation of the Toll Highway.
- I. In the event there is a conflict between the terms contained in this document and the attached Exhibit(s), the terms included in this document shall control.
- J. This AGREEMENT may be executed in two (2) or more counterparts, each of which shall be deemed an original and all of which shall be deemed one and the same instrument.
- K. The CITY certifies that its correct Federal Tax Identification number is 36-6005849 and it is doing business as a governmental entity, whose mailing address is the City of Des Plaines, 1420 Miner Street, Des Plaines, Illinois 60016.
- L. This AGREEMENT may only be modified by written modification executed by duly authorized representatives of the PARTIES hereto.

- M. This AGREEMENT and the covenants contained herein shall become null and void in the event the contract covering the construction work contemplated herein is not awarded within three (3) years subsequent to the date of execution of this AGREEMENT.
- N. This AGREEMENT shall be binding upon and inure to the benefit of the PARTIES hereto and their respective successors and approved assigns.
- O. The failure by any PARTY to seek redress for violation of or to insist upon the strict performance of any condition or covenant of this AGREEMENT shall not constitute a waiver of any such breach or subsequent breach of such covenants, terms, conditions, rights and remedies. No provision of this AGREEMENT shall be deemed waived by any PARTY to this AGREEMENT unless such provision is waived in writing.
- P. It is agreed that the laws of the State of Illinois, except the law of the conflicts of law, shall apply to this AGREEMENT and that, in the event of litigation, venue shall lie in the Circuit Court of DuPage County, Illinois, exclusively
- Q. The PARTIES shall maintain books and records relating to the performance of this AGREEMENT. Books and records, including information stored in databases or other computer systems, shall be maintained by the PARTIES for a period of five (5) years from the later of the date of final payment under this AGREEMENT or completion of the work performed under this AGREEMENT. Books and records required to be maintained under this section shall be available for review or audit by representatives of the Auditor General, the Executive Inspector General, the Illinois Tollway Inspector General, State of Illinois and ILLINOIS TOLLWAY internal auditors, the VILLAGE's auditor, or other governmental entities or officials with proper regulatory, oversight, or monitoring authority, upon reasonable notice and during normal business hours.
- R. The CITY also recognizes that, pursuant to Section 8.5 of the Toll Highway Act (605 ILCS 10/8.5), the Inspector General of the Illinois State Toll Highway Authority ("OIG") has the authority to conduct investigations into certain matters including but not limited to allegations of fraud, waste and abuse, and to conduct reviews. The CITY will fully cooperate in any OIG investigation or review and shall not bill the ILLINOIS TOLLWAY for such time. Cooperation includes providing access to all information and documentation related to the performance of this AGREEMENT, and disclosing and making available all personnel involved or connected with, or having knowledge of, the performance of this AGREEMENT.
- S. All written reports, notices and other communications related to this AGREEMENT shall be in writing and shall be personally delivered, mailed via certified mail, overnight mail delivery, or electronic mail delivery to the following persons at the following addresses:

To the ILLINOIS TOLLWAY:

The Illinois Toll Highway Authority
2700 Ogden Avenue
Downers Grove, Illinois 60515
Attn: Chief Engineering Officer

To the CITY:

Mr. Jon Duddles
Assistant Director of Public Works
and Engineering
City of Des Plaines
1420 Miner Street
Des Plaines, Illinois 60016

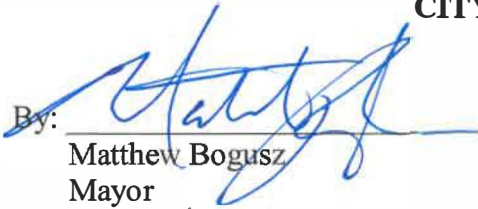
The PARTIES may exchange e-mail addresses or other contact information for any message under this Paragraph without amending this AGREEMENT. By agreement, the PARTIES may change the addresses or contact information under this paragraph by proper notice without amending this AGREEMENT.

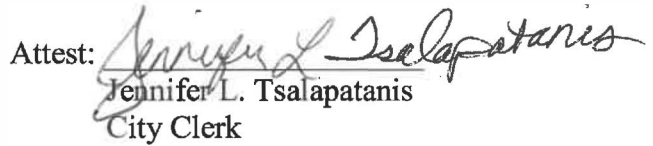
- T. The PARTIES agree to maintain books and records related to the performance of this AGREEMENT for a minimum of three (3) years from the last action on the AGREEMENT or for such longer period as the law requires. The PARTIES further agree to cooperate fully with any audit and to make its books and records, and books and records within its custody or control available to the Illinois Attorney General, the Illinois Auditor General, the ILLINOIS TOLLWAY Inspector General, the ILLINOIS TOLLWAY Department of Internal Audit, the ILLINOIS TOLLWAY or any other governmental agency or agent thereof that is authorized to audit or inspect such books and records.
- U. The introductory recitals included at the beginning of this AGREEMENT are agreed to and incorporated into this AGREEMENT.
- V. The section headings of this AGREEMENT are solely for the aid of the reader and do not create any substantive terms, conditions, or limitations.

(This section intentionally left blank)

IN WITNESS THEREOF, the PARTIES have executed this AGREEMENT on the dates indicated.

CITY OF DES PLAINES

By: 
Matthew Bogusz
Mayor

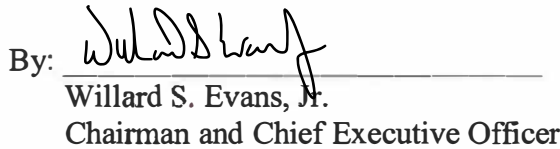
Attest: 
Jennifer L. Tsalapatanis
City Clerk

Date: 01/22/2020

APPROVED AS TO FORM ONLY

 01/13/2020
DES PLAINES GENERAL COUNSEL Dated

THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY

By: 
Willard S. Evans, Jr.
Chairman and Chief Executive Officer

Date: April 3, 2020

By: Cathy R. Williams
Cathy R. Williams
Chief Financial Officer

Date: April 3, 2020

By: Kathleen R. Pasulka-Brown
Kathleen R. Pasulka-Brown
General Counsel

Date: April 3, 2020

Approved as to Form and Constitutionality

Robert T. Lane
Robert T. Lane, Senior Assistant Attorney General, State of Illinois

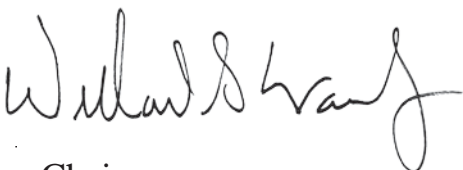
RESOLUTION NO. 22002

Background

It is in the best interest of The Illinois State Toll Highway Authority (“Tollway”) to enter into an Intergovernmental Agreement (“Agreement”) with the City of Des Plaines (“City”) to document the addition of City requested work to a Tollway contract to construct an interchange connecting I-490 and I-90 (“Project”) in exchange for right-of-way being conveyed by the City to the Tollway necessary to construct the Project and future maintenance of the improvement. The estimated cost of the additional work requested by the City is \$502,000, and the estimated value of the right-of-way being conveyed is \$447,000.

Resolution

The Chief Engineering Officer and the General Counsel are authorized to negotiate and prepare an Intergovernmental Agreement between The Illinois State Tollway Highway Authority and the City of Des Plaines in substantially the form attached to this Resolution. The Chairman/Chief Executive Officer of the Tollway, subject to the approval of the Chief Financial Officer, is authorized to execute said agreement.

Approved by: 
Chairman

CITY OF DES PLAINES

RESOLUTION R - 111 - 24

A RESOLUTION APPROVING A FIRST ADDENDUM TO THE INTERGOVERNMENTAL AGREEMENT WITH THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY AND INTERGOVERNMENTAL AGREEMENT WITH THE VILLAGE OF ELK GROVE VILLAGE IN CONNECTION WITH THE ELGIN O'HARE WESTERN ACCESS PROJECT.

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution authorizes the City to contract with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution, and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1, *et seq.*, authorize and encourage intergovernmental cooperation; and

WHEREAS, the Illinois State Toll Highway Authority ("**ISTHA**") is in the process of constructing the Elgin-O'Hare Western Access Project ("**EOWA Project**"); and

WHEREAS, the EOWA Project includes the construction of the I-490 northbound and southbound bridge structures over I-90, a full system interchange at I-90 and I-490, and site clearing, earthwork, and retaining wall construction along the west side of O'Hare Airport (collectively, "**Improvements**"); and

WHEREAS, as authorized by Resolution No. R-1-20, the City entered into an intergovernmental agreement with ISTHA on April 3, 2020 ("**ISTHA IGA**") that regarding the parties' respective rights and responsibilities regarding the Improvements; and

WHEREAS, the City and the ISTHA desire to enter into an addendum to the ISTHA IGA to set forth the parties' respective rights and responsibilities regarding certain work related to the EOWA Project, including the relocation of certain City-owned water and sanitary sewer mains and the construction of other water and sanitary sewer infrastructure, which additional work will be performed under ISTHA Contract I-21-4746 ("**First Addendum**"); and

WHEREAS, the City also desires to enter into an intergovernmental agreement with the Village of Elk Grove Village ("**Elk Grove Village**") regarding a portion of City sanitary sewer main that will discharge into Elk Grove Village's sanitary sewer system as part of the Improvements and ISTHA First Addendum ("**Elk Grove Village IGA**"); and

WHEREAS, the City Council has determined that it is in the best interest of the City to approve and enter into the First Addendum to the ISTHA IGA and the Elk Grove Village IGA;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Resolution as findings of the City Council.

SECTION 2: APPROVAL OF FIRST ADDENDUM TO THE ISTHA IGA AND ELK GROVE VILLAGE IGA. The City Council hereby approves First Addendum to the ISTHA IGA in substantially the form attached to this Resolution as **Exhibit A**, and the Elk Grove Village IGA in substantially the form attached to this Resolution as **Exhibit B**.

SECTION 3: AUTHORIZATION TO EXECUTE FIRST ADDENDUM TO THE ISTHA IGA AND ELK GROVE VILLAGE IGA. The City Council hereby authorizes and directs the Mayor and the City Clerk to execute and seal, on behalf of the City the First Addendum to the ISTHA IGA and the Elk Grove Village IGA.

SECTION 4: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

PASSED this ____ day of _____, 2024.

APPROVED this ____ day of _____, 2024.

VOTE: AYES ____ NAYS ____ ABSENT ____

MAYOR

ATTEST:

Approved as to form:

CITY CLERK

Peter M. Friedman, General Counsel

**FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN
THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY
AND
THE CITY OF DES PLAINES**

This First Amendment to Intergovernmental Agreement (“FIRST AMENDMENT”) is entered into by and between THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY, an instrumentality and administrative agency of the State of Illinois (“ILLINOIS TOLLWAY”), and THE CITY OF DES PLAINES, a municipal corporation of the State of Illinois (“CITY”), individually referred to as “PARTY” and collectively as “PARTIES.”

RECITALS:

WHEREAS, the ILLINOIS TOLLWAY and the CITY entered into an Intergovernmental Agreement (“AGREEMENT”) on April 3, 2020, a copy of which is attached as Exhibit 1. The AGREEMENT establishes the PARTIES’ respective responsibilities regarding engineering, right-of-way acquisition, utility relocation, construction, funding and maintenance for ILLINOIS TOLLWAY Contract I-18-4694, I-490 Bridges over I-90 and Building Demolition, Contract I-18-4704, I-490 Advance Earthwork, Drainage and Retaining Wall Construction from Devon Avenue to South of Touhy Avenue, and Contract I-18-4705, I-490 and I-90 Interchange Construction (“PROJECT”);

WHEREAS, the PARTIES desire to enter into this FIRST AMENDMENT to include ILLINOIS TOLLWAY Contract I-21-4746, Advance Touhy Avenue Roadway and Drainage Improvements, as part of the PROJECT;

WHEREAS, the scope of work of ILLINOIS TOLLWAY Contract I-21-4746 includes the relocation of CITY watermain from Touhy Avenue to Guard Post #1 along Mount Prospect Road, relocation of CITY watermain and sanitary sewer along Touhy Avenue east of Mount Prospect Road, the relocation of CITY sanitary sewer along Touhy Ave west of I-490, and the relocation of the CITY sanitary force main along Old Higgins Road to the proposed connection at the Elk Grove Village sanitary sewer, including the construction of a sanitary lift station. Contract I-21-4746 also includes the construction of a City of Chicago-owned sanitary service forcemain from Touhy Avenue to Guard Post #1 along Mount Prospect Road, construction of a temporary bypass roadway, the realignment of Mount Prospect Road south of Touhy Avenue, and all other work necessary to complete Contract I-21-4746 in accordance with the approved plans and specifications;

WHEREAS, certain of the above-described improvements included in Contract I-21-4746 previously were included as part of the TOUHY AVENUE IMPROVEMENTS being designed and constructed by the Cook County Department of Transportation and Highways. Said improvements will now be constructed by the ILLINOIS TOLLWAY. Pursuant to this FIRST AMENDMENT, the CITY-owned sanitary sewer will be located along Old Higgins Road and will connect to Elk Grove Village’s sanitary sewer.

WHEREAS, the CITY and Elk Grove Village may enter into a separate intergovernmental agreement that documents the terms and conditions relative to the CITY's sanitary force main connection to the Elk Grove Village sanitary sewer along Old Higgins Road;

WHEREAS, the ILLINOIS TOLLWAY, by virtue of its powers as set forth in the Toll Highway Act, 605 ILCS 10/1, *et seq.*, is authorized to enter into this FIRST AMENDMENT;

WHEREAS, the CITY, by virtue of its powers as set forth in the Illinois Municipal Code 65 ILCS 5/1-1-1, *et seq.*, is authorized to enter into this FIRST AMENDMENT; and

NOW, THEREFORE, in consideration of the aforementioned recitals and the mutual covenants contained herein, the PARTIES hereto agree as follows:

- A. All provisions contained in the AGREEMENT that are not in conflict with the provisions of this FIRST AMENDMENT shall remain in full force and effect.
- B. EXHIBIT A and EXHIBIT B in the AGREEMENT are hereby stricken and replaced with attached EXHIBIT 2 and EXHIBIT 3, respectively.
- C. By way of this FIRST AMENDMENT, the PARTIES agree that Contract I-21-4746 is included as part of the PROJECT as depicted on EXHIBIT 2, and the provisions included in the AGREEMENT apply to work performed pursuant to Contract I-21-4746.
- D. By way of this FIRST AMENDMENT, the PARTIES agree the CITY-owned facilities to be relocated and constructed as part of Contract I-21-4746, including watermain, sanitary sewer, sanitary force main, and the sanitary lift station, shall be included as part of and referred to as "CITY FACILITIES" as depicted on EXHIBIT 3, and the provisions included in the AGREEMENT also apply to the CITY FACILITIES.
- E. The reference to EXHIBIT B in Section III.G of the AGREEMENT is hereby stricken and replaced with a reference to EXHIBIT 2.
- F. Section VII.A of the AGREEMENT is hereby stricken and replaced with the following:

The maintenance responsibilities are as shown on EXHIBITS 2 and 3.
- G. Article VII C. of the AGREEMENT is hereby stricken and replaced with the following:
 - C. The CITY also agrees to maintain the watermain from Touhy Avenue to Guard Post #1 along Mount Prospect Road, the watermain and sanitary sewer along Touhy Avenue east of Mount Prospect Road, the sanitary sewer along Touhy Avenue west of I-490 and the sanitary force main along Old Higgins Road to the proposed connection at the Elk Grove Village sanitary sewer, and the sanitary lift station.

All other terms and conditions of the AGREEMENT remain in full force and effect.

- H. In the event there is a conflict between the terms contained in this FIRST AMENDMENT and the attached Exhibit(s), the terms included in this FIRST - AMENDMENT shall control.
- I. This FIRST AMENDMENT may be executed in counterparts, each of which shall be deemed an original and all of which shall be deemed one and the same instrument. Duplicated signatures, electronic signatures, signatures transmitted via facsimile, or signatures contained in a Portable Document Format (PDF) document shall be deemed original for all purposes.
- J. This FIRST AMENDMENT shall be binding upon and inure to the benefit of the PARTIES, their respective successors and approved assigns.
- K. The Recitals in this FIRST AMENDMENT are incorporated in this FIRST AMENDMENT.

SIGNATURE PAGE TO FOLLOW

IN WITNESS THEREOF, the PARTIES have executed this FIRST AMENDMENT on the dates indicated.

THE CITY OF DES PLAINES

By: _____
Andrew Goczkowski
Mayor

Attest: _____
Jessica M. Mastalski
City Clerk

Date: _____

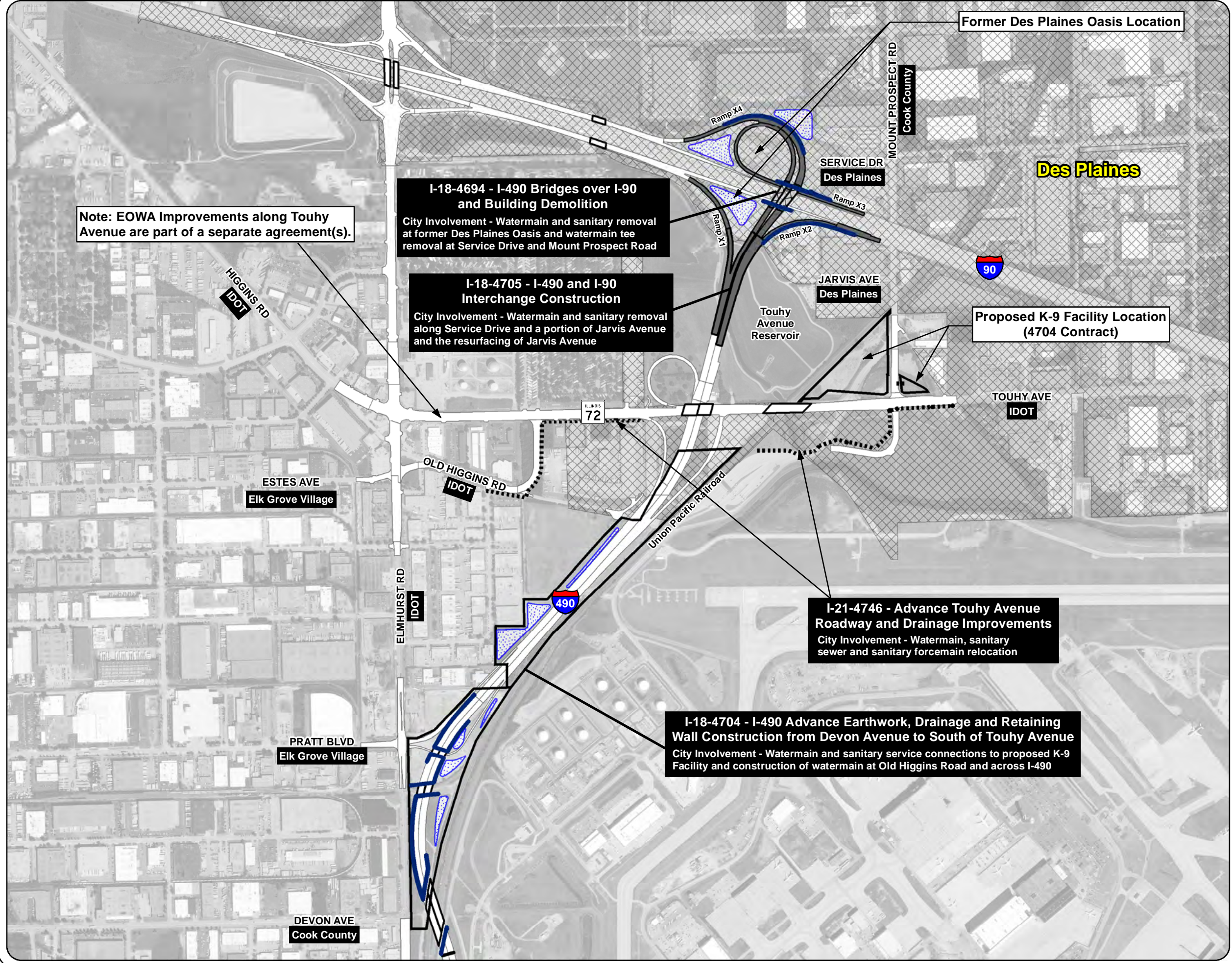
THE ILLINOIS STATE TOLL HIGHWAY AUTHORITY

By: _____
Cassandra Rouse
Executive Director

Date: _____

Approved as to Form and Constitutionality

Assistant Attorney General



Note: EOWA Improvements along Touhy Avenue are part of a separate agreement(s).

I-18-4694 - I-490 Bridges over I-90 and Building Demolition
City Involvement - Watermain and sanitary removal at former Des Plaines Oasis and watermain tee removal at Service Drive and Mount Prospect Road

I-18-4705 - I-490 and I-90 Interchange Construction
City Involvement - Watermain and sanitary removal along Service Drive and a portion of Jarvis Avenue and the resurfacing of Jarvis Avenue

I-21-4746 - Advance Touhy Avenue Roadway and Drainage Improvements
City Involvement - Watermain, sanitary sewer and sanitary forcemain relocation

I-18-4704 - I-490 Advance Earthwork, Drainage and Retaining Wall Construction from Devon Avenue to South of Touhy Avenue
City Involvement - Watermain and sanitary service connections to proposed K-9 Facility and construction of watermain at Old Higgins Road and across I-490

LEGEND

- Contract I-21-4746
- ▨ Contract I-18-4694
- ▭ Contract I-18-4704 Limits
- ▭ Contract I-18-4705
- ▭ Other EOWA Improvements
- ▬ Retaining Wall (Tollway)
- ▭ Bridge
- ▭ Proposed Detention Basin (Tollway)
- ▨ Des Plaines Municipal Boundary

STREET NAME
Jurisdiction

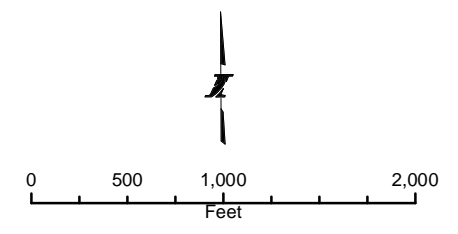
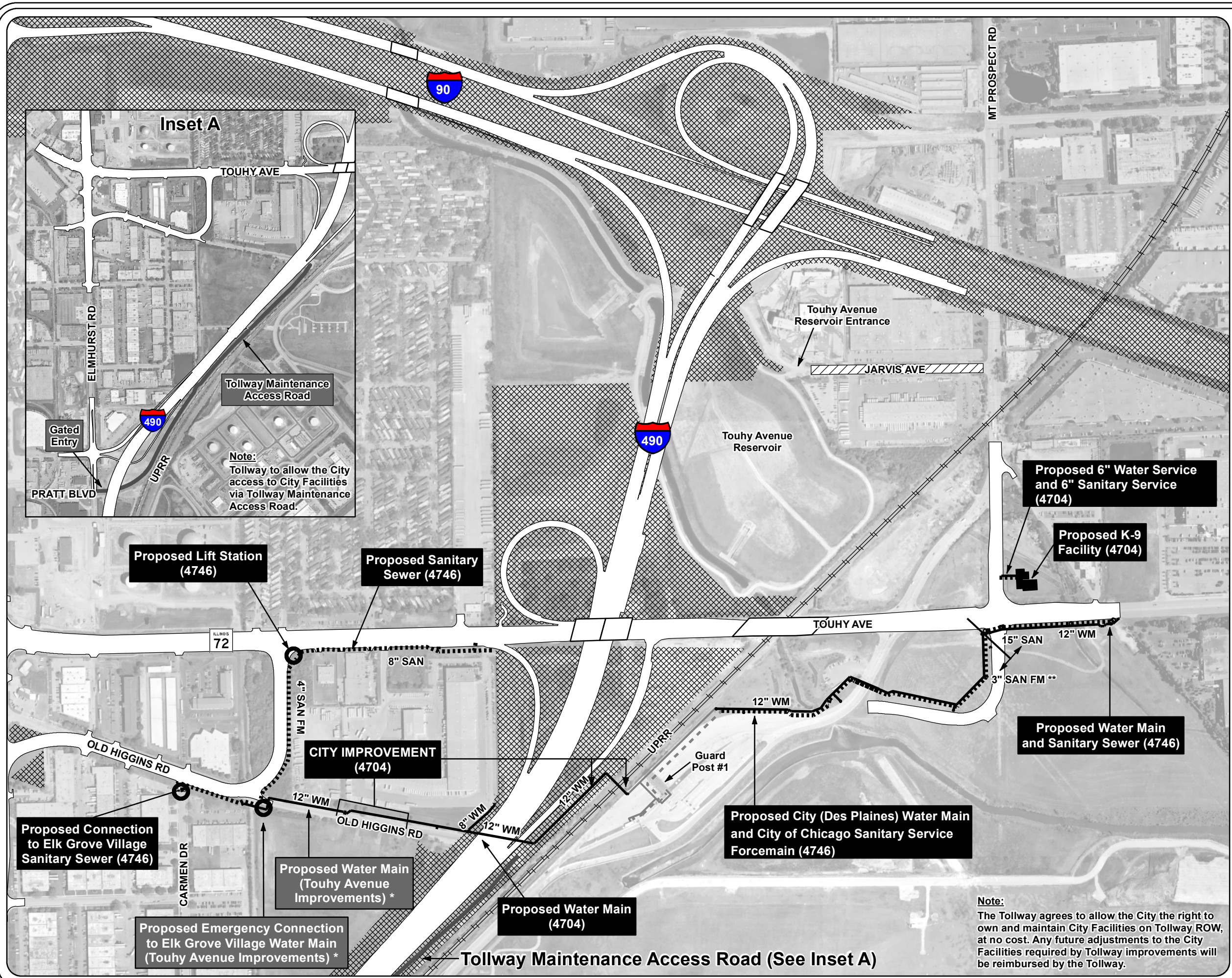


Exhibit 2
Elgin O'Hare Western Access
Illinois Tollway Construction
Contracts and City of
Des Plaines Involvement

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LEGEND

- Proposed Water Main (City)
- Proposed Sanitary Sewer (City)
- Existing Water Main
- Existing Sanitary Sewer
- ⊕ Railroad (UPRR)
- Maintenance Access Road
- ▨ City Maintenance/Jurisdiction
- EOWA Improvements
- ▩ Proposed Tollway Right-of-Way

* Touhy Avenue Improvements included as part of separate agreement(s)
 ** City of Chicago sanitary service forcemain from Touhy Avenue to Guard Post #1

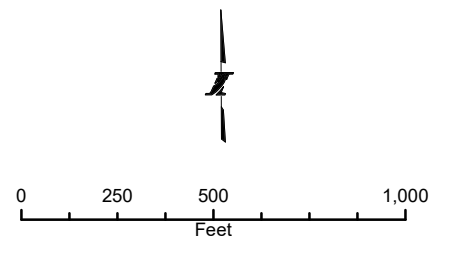


Exhibit 3
 Elgin O'Hare Western Access
 City of Des Plaines (City)
 Maintenance and
 Jurisdiction Map

Note:
 The Tollway agrees to allow the City the right to own and maintain City Facilities on Tollway ROW, at no cost. Any future adjustments to the City Facilities required by Tollway improvements will be reimbursed by the Tollway.

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**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF DES PLAINES
AND
THE VILLAGE OF ELK GROVE VILLAGE**

This INTERGOVERNMENTAL AGREEMENT (“AGREEMENT”) is entered into by and between the CITY OF DES PLAINES, a municipal corporation of the State of Illinois, "CITY", and the VILLAGE OF ELK GROVE VILLAGE, a municipal corporation of the State of Illinois, “VILLAGE”, individually referred to as “PARTY”, and collectively referred to as “PARTIES”.

WITNESSETH:

WHEREAS, in order to promote the public welfare and facilitate vehicular traffic by providing convenient, safe, modern and limited access highways within and through the State of Illinois, the Illinois State Toll Highway Authority (Illinois Tollway) intends to construct the I-490 Toll Highway connecting the Jane Addams Memorial Tollway (I-90) with the Tri-State Tollway (I-294) along the west side of O’Hare International Airport as part of the ILLINOIS TOLLWAY’s Elgin O’Hare Western Access (EOWA) project. The EOWA project improvements are contemplated in, but not limited to, Construction Contract I-21-4746, Advance Touhy Avenue Roadway and Drainage Improvements, which includes the construction of an 8-inch sanitary sewer along Touhy Avenue from I-490 to Old Higgins Road, a 4-inch sanitary forcemain along Old Higgins Road from Touhy Avenue to Carmen Drive and an associated lift station to be owned and maintained by the CITY (“CITY FACILITIES”), as depicted on EXHIBIT 1;

WHEREAS, the CITY FACILITIES will discharge sanitary flow to the existing VILLAGE sanitary sewer system via a connection along Old Higgins Road and Carmen Drive (“CITY TO VILLAGE SANITARY CONNECTION”), as depicted on EXHIBIT 1;

WHEREAS, the CITY FACILITIES provide sanitary service to four (4) properties (320 W. Touhy Avenue, 401-#1 and #2 West Touhy Avenue, 409-419 W. Touhy Avenue and 423 W. Touhy Avenue) which are within or adjacent to the CITY limits along Touhy Avenue between Old Higgins Road and the I-490 toll road (“PROPERTIES”), as depicted on EXHIBIT 1, and the administration of said sanitary service to the PROPERTIES is provided by the CITY;

WHEREAS, the CITY and VILLAGE are party to separate intergovernmental agreements with the ILLINOIS TOLLWAY in regard to design, engineering, right of way acquisition, utility relocation, construction, funding and maintenance for the EOWA project improvements;

WHEREAS, PARTIES by this instrument desire to establish their respective responsibilities relative the CITY TO VILLAGE SANITARY CONNECTION;

WHEREAS, the CITY, by virtue of its powers as set forth in the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*, is authorized to enter into this AGREEMENT;

WHEREAS, the VILLAGE, by virtue of its powers as set forth in the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*, is authorized to enter into this AGREEMENT; and

WHEREAS, a cooperative intergovernmental agreement is appropriate, and such an agreement is authorized by Article VII, Section 10 of the Illinois Constitution, and the Intergovernmental Cooperation Act, 5 ILCS 220/1, *et seq.*,

NOW, THEREFORE, in consideration of the aforementioned recitals and the mutual covenants contained herein, the PARTIES agree as follows:

I. RECITALS

- A. The PARTIES hereto agree that the recitals included above are incorporated into and made a part of this AGREEMENT.

II. UTILITIES

- A. The VILLAGE agrees to accept additional sanitary flow discharge to its system from the CITY FACILITIES at the CITY TO VILLAGE SANITARY CONNECTION for purposes of the VILLAGE providing sanitary services to the PROPERTIES.
- B. The PARTIES agree that the CITY FACILITIES are compatible with the VILLAGE sanitary sewer system. Should there be any changes to the PROPERTIES, the PARTIES agree the sanitary sewer forcemain would continue to be limited to the maximum of 4-inches in diameter and the sanitary lift station pump capacity and discharge rate shall remain unchanged unless otherwise approved by the VILLAGE.
- C. The CITY agrees to notify the VILLAGE of any redevelopment plans and/or future changes to the PROPERTIES that may impact the sanitary service or usage of the CITY FACILITIES, and the VILLAGE review and approval of any such changes to the sanitary discharge shall be obtained in advance of such changes being approved by the CITY.
- D. The sanitary discharge rate and chemical composition of discharge is limited by the requirements of Section II.B and II.C above, and any redevelopment of the PROPERTIES that includes change to the sanitary service or usage shall require VILLAGE review and approval.
- E.

III. FINANCIAL

- A. The PARTIES shall incur no cost for the work associated with the construction of the CITY FACILITIES and the CITY TO VILLAGE SANITARY CONNECTION. Such initial construction costs are borne by the Illinois Tollway.

- B. The VILLAGE agrees to accept in perpetuity the sanitary discharge through the CITY TO VILLAGE SANITARY CONNECTION, as limited by Sections II.B, II.C and II D above at no expense to the CITY.
- C. For any future changes to the PROPERTIES that would require both CITY and VILLAGE approval, as referenced in Sections II. B, II. C and II. D above, and which would change either the sanitary discharge composition or discharge rate above the currently permitted levels, the CITY agrees to be responsible for the additional costs associated with any additional sewage flows from the PROPERTIES that affect the sanitary services to the PROPERTIES, and agrees to reimburse the VILLAGE, at the then current actual unincorporated rates per VILLAGE Code.

IV. MAINTENANCE – RESPONSIBILITIES

- A. The VILLAGE shall continue to maintain all portions of the VILLAGE sanitary system, including the existing manhole at the CITY TO VILLAGE SANITARY CONNECTION.
- B. The CITY agrees to own and maintain the CITY FACILITIES, inclusive of the 8-inch sanitary sewer along Touhy Avenue from I-490 to Old Higgins Road, the sanitary lift station at Touhy Avenue and Old Higgins Road, and the 4-inch sanitary forcemain along Old Higgins Road from Touhy Avenue to Carmen Drive and the associated lift station, as depicted on EXHIBIT 1.
- C. The PARTIES agree that maintenance as described herein means keeping the facility in a good repair and in operable condition. The PARTIES agree to allow mutual rights to inspect and verify conditions as it affects their respective sanitary systems with requested approval.

V. GENERAL PROVISIONS

- A. This AGREEMENT constitutes the complete and exclusive statement of the PARTIES' agreements relative to the subject matter herein and supersedes all previous oral and written proposals, negotiations, representations, or understandings concerning such subject matter.
- B. In a timely manner following execution of this AGREEMENT, each PARTY shall designate in writing a representative who shall serve as the full-time representative of said PARTY during the term of this AGREEMENT. Each representative shall have authority, on behalf of such PARTY, to make decisions relating to the work covered by this AGREEMENT. Representatives may be changed, from time to time, by subsequent written notice. Each representative shall be readily available to the other PARTY.
- C. In the event of a dispute between the PARTIES in the carrying out of the terms of this AGREEMENT, the Director of Public Works and Engineering of the CITY and the Public Works Director of the VILLAGE, or their authorized designates, shall meet, and resolve the issue. In the event that they cannot mutually agree on

the resolution of a dispute concerning carrying out of the terms of this AGREEMENT, the PARTIES agree to resolve the issue in a manner that is acceptable to all PARTIES, including, but not limited to formal arbitration or the appointment of a neutral individual arbitrator mutually acceptable to the PARTIES.

- D. This AGREEMENT may be executed using electronic signatures and in two (2) or more counterparts, each of which shall be deemed an original and all of which shall be deemed one and the same instrument.

SIGNATURE PAGES TO FOLLOW

IN WITNESS THEREOF, the PARTIES have executed this AGREEMENT on the dates indicated.

THE VILLAGE OF ELK GROVE VILLAGE

By: _____
Craig B. Johnson
Mayor

Attest: _____

Date: _____

(Please Print Name)

THE CITY OF DES PLAINES

By: _____
Andrew Goczkowski
Mayor

Attest: _____

Date: _____

(Please Print Name)



PUBLIC WORKS AND ENGINEERING DEPARTMENT

1111 Joseph J. Schwab Road
Des Plaines, IL 60016
P: 847.391.5464
desplaines.org

MEMORANDUM

Date: May 23, 2023
To: Dorothy Wisniewski, City Manager
From: Jarek Wojtaniec, Director of Information Technologies JW
Timothy Watkins, Assistant Director of Public Works TW
Cc: Timothy P. Oakley, P.E., CFM, Director of Public Works and Engineering
Subject: Camera Servers

Issue: The current camera servers are no longer supported and need to be replaced.

Analysis: The existing servers that support the City's camera system are outdated and need to be replaced. The City currently maintains 270 cameras throughout the City and plans on adding additional cameras for the Police Station addition and other locations as needed. The new servers will have the additional capacity needed for future growth. Due to the specific equipment required, we solicited vendors and obtained proposals for the servers. We were able to obtain three proposals for this equipment which are summarized below:

Table with 2 columns: Company, Bid/Quoted Price. Rows include IT Savvy, LLC (\$112,199.91), SHI (\$113,574.03), and CDW-G (\$118,400.83).

The lowest quote was received from IT Savvy, LLC in the amount of \$112,199.91.

Recommendation: We recommend the City Council waive competitive bidding requirements and approve the purchase of the replacement camera servers from IT Savvy, LLC, 33 North LaSalle Street, Suite 2200, Chicago, Il, 60602 in the amount of \$112,199.91 per quote #3868314. The source of funding will be the IT Replacement Fund.

Attachments:
Attachment 1 – IT Savvy Quote #3868314
Resolution R-112-24



ITsavvy LLC
 33 North LaSalle Street, Suite 2200
 Chicago, IL 60602
 www.ITsavvy.com

IT PRODUCTS TECHNOLOGY SOLUTIONS PEACE OF MIND®

Quote Details	
Quote #:	3868314
Date:	05/13/2024
Payment Method:	Net 60 Days
Client PO#:	
Cost Center:	
Shipping Method:	Ground

Quote

Bill To:
 ACCT #: 576749
 City of Des Plaines
 Accounts Payable
 1420 Miner St
 Des Plaines, IL 60016-4498
 United States
 847-391-5314

Ship To:
 City of Des Plaines
 Hossein Sepehri
 1420 Miner St Ste 100
 Des Plaines, IL 60016-4498
 United States
 847-391-5623

Client Contact:
 Hossein Sepehri
 (P) 847-391-6120
 hsepehri@desplaines.org

Client Executive:
 Jack Place
 (P) 312.676.5351
 (F) 312.676.5322
 jplace@ITsavvy.com

Description: I-PRO Equipment (Quote Expires 06/05/2024) 2x NVR-R-2-336TB-V4 1x NVR-R-2-288TB-V4

Item Description	Part #	Tax	Qty	Unit Price	Total
1 I-PRO SR3E-XL, 2X XEON SILVER 16C/32T CPU, 64GB RAM, WINDOWS SERVER 2022 STD ON Manufacturer Part #: NVR-R-2-336TB-V4	24341240	Y	2	\$39,481.58	\$78,963.16
I-PRO SR3E-XL, 2X XEON SILVER 16C/32T CPU, 64GB RAM, WINDOWS SERVER 2022 STD ON 2X 240GB M.2 SSD (RAID 1) - STORAGE: 21 X 16TB ENTERPRISE HDD (336TB TOTAL, 304TB USABLE AFTER RAID 6), 2 X PSU, 2 X 1GB RJ-45, 2 X 10GB SPF+. UNIT INCLUDES KEYBOARD, MOUSE, IDRAC ENTERPRISE. NO RAILS, NO OPTICAL DRIVE. VI ENTERPRISE SERVER ACTIVATION PRE-CONFIGURED IN HOUSE, 1-YEAR VI HEALTHMONITOR PLUS ACTIVATION, 5 YEAR PRO-LIMITED HARDWARE WARRANTY WITH ON-SIGHT SERVICE. RECOMMENDED USE CASE UP TO 600MBS OF TOTAL NETWORK BANDWIDTH ON 1GBPS DEDICATED NETWORK OR 1200MBS OF TOTAL NETWORK BANDWIDTH ON A DEDICATED 10GBS NETWORK					
2 I-PRO SR3E, 2X XEON SILVER 16C/32T CPU, 64GB RAM, WINDOWS SERVER 2019 STD ON 2X Manufacturer Part #: NVR-R-2-288TB-V4	23868300	Y	1	\$32,586.75	\$32,586.75
I-PRO SR3E, 2X XEON SILVER 16C/32T CPU, 64GB RAM, WINDOWS SERVER 2019 STD ON 2X 240GB M.2 SSD (RAID 1) - STORAGE: 18 X 16TB ENTERPRISE HDD (288TB TOTAL, 256TB USABLE AFTER RAID 6), 2 X PSU, 4 X 1GB RJ-45, 2 X 10GB SPF+. UNIT INCLUDES KEYBOARD, MOUSE,					

Fair Market Value		\$1 Buy Out	
3 Year FMV / Year	5 Year FMV / Year	3 Year \$1 / Year	5 Year \$1 / Year
\$37,391.63	\$25,097.77	\$40,345.18	\$25,334.18

Subtotal: \$111,549.91
 Shipping: \$650.00
 Tax: Exempt
TOTAL: \$112,199.91

Lease prices listed above are estimates. They apply for Public School and Municipal Entities only. They are based upon individual credit review and approval. Your final rates will be determined after credit review.

Notes From Your Client Executive

Quote Expires 06/05/202

ITsavvy is always looking to deliver the lowest cost possible to our clients. This results in fluctuating prices that you will find are lower more often than not. However, prices are subject to increases without notice in the event of a manufacturer or distributor price increase. Available inventory is subject to change without notice. This document is a quotation only and is not an order or offer to sell.

We do accept credit cards for payment. However, if the credit card is provided after the order has been invoiced there will be a charge of 3% of the total purchase.

Unless specifically listed above, these prices do NOT include applicable taxes, insurance, shipping, delivery, setup fees, or any cables or cabling services or material.

ITsavvy's General Terms and Conditions of Sale, which can be found at www.ITsavvy.com/termsandconditions, shall apply to and are incorporated into all agreements with Client, including all Orders.

Printed Name: _____

Title: _____

Authorized Signature: _____

Date: _____

CITY OF DES PLAINES

RESOLUTION R - 112 - 24

A RESOLUTION APPROVING THE PURCHASE OF SERVERS FROM IT SAVVY, LLC.

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution authorizes the City to contract with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and

WHEREAS, the City has appropriated funds in the IT Replacement Fund for use by the Information Technology Department during the 2024 fiscal year for the purchase of new camera servers and related equipment (collectively, "*Equipment*"); and

WHEREAS, pursuant to Chapter 10 of Title 1 of the City of Des Plaines City Code and the City's purchasing policy, the City solicited quotes for the procurement of the Equipment; and

WHEREAS, the City received three quotes from qualified vendors; and

WHEREAS, IT Savvy, LLC, ("*Vendor*") submitted the lowest quote for the Equipment in the not-to-exceed amount of \$112,199.91; and

WHEREAS, the City desires to procure the Equipment from Vendor in the not-to-exceed amount of \$112,199.91; and

WHEREAS, the City Council has determined that it is in the best interest of the City to waive the competitive bidding requirements in the City Code and purchase the Equipment from Vendor;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Resolution as findings of the City Council.

SECTION 2: WAIVER OF COMPETITIVE BIDDING. The requirement that competitive bids be solicited for the procurement of the Equipment is hereby waived.

SECTION 3: APPROVAL OF PURCHASE. The City Council approves the purchase by the City of the Equipment from the Vendor in a total not-to-exceed amount of \$112,199.91.

SECTION 4: AUTHORIZATION OF PURCHASE. The City Council authorizes and directs the City Manager and the City Clerk to execute and seal documents approved by the General Counsel, and the City Manager to make payments, on behalf of the City, that are necessary to complete the purchase of the Equipment from the Vendor in a total not-to-exceed amount of \$112,199.91.

SECTION 5: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

PASSED this ____ day of _____, 2024.

APPROVED this ____ day of _____, 2024.

VOTE: AYES ____ NAYS ____ ABSENT ____

MAYOR

ATTEST:

Approved as to form:

CITY CLERK

Peter M. Friedman, General Counsel

DP-Resolution Waive Bid for Purchase of Replacement Camer Servers from IT Savvy LLC



PUBLIC WORKS AND
ENGINEERING DEPARTMENT

1420 Miner Street
Des Plaines, IL 60016
P: 847.391.5390
desplaines.org

MEMORANDUM

Date: April 30, 2024
To: Dorothy Wisniewski, City Manager
From: Timothy P. Oakley, P.E., CFM, Director of Public Works and Engineering *TPO*
Subject: Patton Drive between Craig Drive and Devon Avenue – Residential Parking Only

Issue: Section 7-3-9.B.1 of the City Code requires amendment to add Patton Drive, from Craig Drive to Devon Avenue for Residential Parking Only. This section of roadway has been posted on the street according to the above restriction since 2008 without an ordinance for enforcement.

Analysis: The following street is recommended to be added to Section 7-3-9.B.1, Resident Parking Only, Twenty-Four Hours Daily, of the City Code:

- Patton Drive, from Craig Drive to Devon Avenue

Recommendation: We recommend the above street be added to the City Code for resident parking only enforcement.

Attachment:
Ordinance M-9-24

CITY OF DES PLAINES

ORDINANCE M - 9 - 24

AN ORDINANCE AMENDING SECTION 7-3-9 OF THE CITY CODE REGARDING RESIDENTIAL PARKING AND RESTRICTED RESIDENT PARKING DISTRICTS.

WHEREAS, the City is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, Chapter 3 of Title 7 of the City of Des Plaines City Code, as amended ("*City Code*"), regulates parking restrictions throughout the City; and

WHEREAS, the City desires to amend Section 7-3-9 of the City Code to add Patton Drive, from Craig Drive to Devon Avenue, to the list of designated resident-only parking areas ("*Amendments*"); and

WHEREAS, the City Council has determined that it is in the best interest of the City to adopt the Amendments as set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1. RECITALS. The recitals set forth above are incorporated herein by reference and made a part hereof.

SECTION 2: RESIDENTIAL PARKING ONLY. Section 9, titled "Residential Parking Only," of Chapter 3, titled "Stopping Standing and Parking," of Title 7, titled "Motor Vehicles and Traffic" of the City Code is hereby amended to read as follows:

"7-3-9: RESIDENTIAL PARKING ONLY:

* * *

B. Twenty-Four Hours Daily:

1. Including Saturdays, Sundays, Holidays: The following areas are designated as "residential parking only" areas, 24 hours daily, including Saturdays, Sundays and holidays, and when signs are erected giving notice thereof, parking shall be restricted to service of delivery vehicles whose operators are doing business with residents of the designated areas and vehicles owned by residents of the designated areas:

Bennett Place	From Locust Street east to alley, north side of street.
Cedar Street	From Jarvis Avenue to Touhy Avenue.
Chase Avenue	From Scott Street to Des Plaines River Road.

Cordial Drive	Both sides from Marshall Drive to 600 feet west thereof.
Dover Drive	South side from west property line of 255 Dover Drive to west property line of 93 Dover Drive.
Hickory Street	From Chase Avenue to Touhy Avenue.
Jarvis Avenue	From Cedar Street to Magnolia Street.
Magnolia Street	From Jarvis Avenue to Touhy Avenue.
Marshall Drive	Both sides from Courtesy Lane north to Mount Prospect park district property.
<u>Patton Drive</u>	<u>From Craig Drive to Devon Avenue</u>
Pennsylvania Avenue	Both sides from Oakton Street north to Dover Drive.
Scott Street	From Jarvis Avenue to Touhy Avenue

* * *

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form according to law.

PASSED this _____ day of _____, 2024.

APPROVED this _____ day of _____, 2024.

VOTE: Ayes _____ Nays _____ Absent _____

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form this
____ day of _____, 2024.

Approved as to form:

CITY CLERK

Peter M. Friedman, General Counsel

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, MAY 20, 2024

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 6:05 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, May 20, 2024.

ROLL CALL

Roll call indicated the following Aldermen present: Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten, Smith, Charewicz. A quorum was present.

CLOSED SESSION

Moved by Sayad, seconded by Smith, to convene into Closed Session under the following sections of the Open Meetings Act – Biannual Review of Closed Session Minutes, Collective Bargaining, Pending Litigation, Probable or Imminent Litigation, Sale or Lease of Property, and Acquisition of Property.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared unanimously carried.

The City Council recessed at 6:05 p.m.

The City Council reconvened at 7:07 p.m.

Roll call indicated the following Alderman present: Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten, Smith, Charewicz. A quorum was present.

Also present were: City Manager Wisniewski, Acting Director of Finance Podbial, Director of Public Works and Engineering Oakley, Director of Community and Economic Development Rogers, 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 Oskerka.

PROCLAMATION

City Clerk Mastalski read a proclamation by Mayor Goczkowski declaring May as Bike Month.

Mayor Goczkowski presented the proclamation to Bike/Walk Des Plaines.

ALDERMAN ANNOUNCEMENTS

Alderman Sayad stated he is hosting a ward meeting on May 23rd at 7:00 p.m. at the Golf Road Baptist Church. He also mentioned the distribution of 300 bike lights in conjunction with Police Chief Anderson and the police department.

Police Chief Anderson states the bike lights will be distributed for children at upcoming City events – Food Truck Round Up on May 21st, next 4th ward meeting, and Taste of Des Plaines.

Alderman Sayad requested to put Ordinance M-8-24, regarding kratom, back on the agenda for the next City Council meeting.

Moved by Sayad, seconded by Brookman, pursuant to Rule 24 of the City Council Meeting procedures, to place consideration of the adoption of Ordinance M-8-24 back on the agenda for City Council consideration on June 3, 2024 due to aldermen reconsidering their vote.

Upon roll call, the vote was:

AYES: 5 - Oskerka, Sayad, Brookman,
Smith, Charewicz

NAYS: 3 - Lysakowski, Moylan, Walsten

ABSENT: 0 - None

Motion declared carried.

Alderman Smith stated the Des Plaines Community Foundation and the Whalen family will be having a fundraiser on June 5th at Zanies Rosemont; the tickets are \$20 along with a two-item purchase. She also states there will be an upcoming 7th ward meeting at the Frisbie Center on Tuesday, June 11th at 7:00 p.m.

Alderman Charewicz stated the park district will be having a grand opening for Arndt Park Pool on May 25th at 10:00 a.m., and on May 27th at Lake Park there will be a Memorial Day event at 11:00 a.m. He also stated the next 8th ward meeting is June 4th at 7:00 p.m. at the conservatory. He also mentioned that the Taste of Des Plaines starts June 14th, and will be cashless this year; and on June 15th at 10:00 a.m. Izaak Walton League is having their annual river cleanup at their clubhouse. Alderman Charewicz also asked residents to complete the outstanding water service line surveys. Lastly, he acknowledged this was Fire Chief Anderson's last City Council meeting due to his upcoming retirement; he thanked Fire Chief Anderson and stated Fire Chief Anderson left the department in a much better state than when he came on board.

Alderman Moylan echoed congratulations to Fire Chief Anderson; thanking him for the job well done and congratulated him on his retirement.

Alderman Brookman thanked Fire Chief Anderson for his service and wished him nothing but the best in the future.

Alderman Sayad thanked Fire Chief Anderson for the outstanding impression he left on the City and wished him well.

Alderman Smith echoed the thanks and well wishes, stating that Fire Chief Anderson has done a great job as a leader and for the department.

MAYORAL ANNOUNCEMENTS

Mayor Goczkowski shared his deepest appreciation for Fire Chief Anderson's commitment to the City and expressed his sincere gratitude for Fire Chief Anderson's service and the significant contributions he has made to Des Plaines.

Mayor Goczkowski presented Fire Chief Anderson with a plaque commemorating his dedication in serving and protecting the community.

Fire Chief Anderson gave thanks for the opportunity to serve the community, and thanked the City for their support of him, the department, and the mission. He stated he could not have asked for a better place to work due to the staff and the community. He also stated he is leaving the City in good hands with future Fire Chief Matzl.

Mayor Goczkowski also mentioned the Food Truck Round Up is on May 21st from 5:00 p.m. to 8:00 p.m. at Forest School. He also stated the annual Flags for Vets will be held on Saturday, May 25th at All Saints Cemetery; recommending participation in placing flags on the graves of each veteran on the cemetery grounds. Mayor Goczkowski also mentioned that June 1st is the beginning of Pride month, and there will be an annual Community Pride Event on June 1st from 3:00 p.m. to 7:00 p.m. at the Main West parking lot.

MANAGER'S REPORT

City Manager Wisniewski expressed gratitude to Fire Chief Anderson for his contributions and dedication to the community. She also gave a presentation providing further information on the water line service evaluations. She asked all residents to please assist the City in collecting information about the water lines within the City for development of a plan to replace the lead service lines and coordinate with the impacted property owners.

Mayor Goczkowski stated the reason the City is seeking water line information is due lead pipes leaching lead into water which is dangerous for the residents and their families, and this is the first step to addressing the problem.

CONSENT AGENDA

Alderman Brookman requested item #7, #8, and #9 to be removed from the consent agenda.

Moved by Brookman, seconded by Oskerka, to Establish the Consent Agenda without items #7, #8, and #9.

Upon voice vote, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

Moved by Brookman, seconded by Lysakowski, to Approve the Consent Agenda without items #7, #8, and #9.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

License was approved; Minutes were approved; Ordinance M-9-24 was approved; Resolutions R-46-24, R-100-24, R-101-24, R-102-24, R-103-24, R-104-24, R-105-24, R-106-24 were adopted.

City Clerk Mastalski read items which were removed from the consent agenda.

APPROVE LIQ LIC/ CL G/ MANZOS
Consent Agenda

Moved by Brookman, seconded by Lysakowski, to APPROVE NEW OWNERSHIP FOR AN EXISTING CLASS G LIQUOR LICENSE (BANQUET HALL - ON SITE CONSUMPTION ONLY) FOR AMZ MANZOS INC., D/B/A MANZOS BANQUETS & CATERING, 1571 ELMHURST ROAD. Motion declared carried as approved unanimously under Consent Agenda.

AMD CITY CODE/ RES PARKING
Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve First Reading of Ordinance M-9-24, AN ORDINANCE AMENDING SECTION 7-3-9 OF THE CITY CODE REGARDING RESIDENTIAL PARKING AND RESTRICTED RESIDENT PARKING DISTRICTS. Motion declared carried as approved unanimously under Consent Agenda.

Ordinance
M-9-24

AUTH MBRSH/ NWMC
Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-100-24, A RESOLUTION AUTHORIZING THE CITY OF DES PLAINES TO RENEW ITS MEMBERSHIP IN THE NORTHWEST MUNICIPAL CONFERENCE. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-100-24

AUTH PROC/ ROCK SALT/ MORTON
Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-101-24, A RESOLUTION AUTHORIZING THE PROCUREMENT OF ROCK SALT FROM MORTON SALT, INC. Motion declared carried as approved. unanimously under Consent Agenda.

Resolution
R-101-24

APPROVE AGRMT/ PAVE MKRS/ SUP RD
Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-102-24, A RESOLUTION APPROVING AN AGREEMENT WITH SUPERIOR ROAD STRIPING INC. FOR THE 2024 THERMOPLASTIC/EPOXY PAVEMENT MARKINGS AND RAISED REFLECTOR PAVEMENT MARKER REPLACEMENT PROJECT, MFT-24-00000-06-GM. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-102-24

APPROVE EXPEND FUNDS/ DEMO SVC/ 1177 WALNUT AVE
Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-103-24, A RESOLUTION APPROVING THE EXPENDITURE OF FUNDS FOR DEMOLITION SERVICES AT 1177 WALNUT AVENUE. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-103-24

APPROVE AGRMT/ CONCR IMPROV/ MARTAM
Consent Agenda

Item #7 was removed from the consent agenda.

Alderman Brookman stated she requested the removal of the consent agenda items to highlight the amount of capital improvement being done this summer.

Resolution
R-104-24

Moved by Brookman, seconded by Sayad, to Approve Resolution R-104-24, A RESOLUTION APPROVING AN AGREEMENT WITH MARTAM CONSTRUCTION, INC. FOR THE 2024 CAPITAL IMPROVEMENT PROGRAM CONCRETE IMPROVEMENTS, MFT-24-00000-01-GM.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

APPROVE AGRMT/ ST IMPROV/ SCHROEDER
Consent Agenda

Item #8 was removed from the consent agenda.

Moved by Walsten, seconded by Lysakowski, to Approve Resolution R-105-24, A RESOLUTION APPROVING AN AGREEMENT WITH SCHROEDER ASPHALT SERVICES, INC. FOR THE 2024 CAPITAL IMPROVEMENT PROGRAM STREET IMPROVEMENTS, MFT 24-00229-00-RS.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

APPROVE AGRMT/ WTR MAIN IMPROV/ DIMEO BROTHERS

Item #9 was removed from the consent agenda.

Consent Agenda

**Resolution
R-106-24**

Moved by Brookman, seconded by Sayad, to Approve Resolution R-106-24, A RESOLUTION APPROVING AN AGREEMENT WITH DIMEO BROTHERS, INC. FOR THE 2024 CAPITAL IMPROVEMENT PROGRAM - CONTRACT A, WATER MAIN IMPROVEMENTS.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

**APPROVE AGRMT/
SIGNAGE/ RTA**

Consent Agenda

**Resolution
R-46-24**

Moved by Brookman, seconded by Lysakowski, to Approve Resolution R-46-24, A RESOLUTION APPROVING AN AGREEMENT WITH RTA FOR THE INSTALLATION AND MAINTENANCE OF INTERAGENCY SIGNAGE WITHIN THE CITY. 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 May 6, 2024, as published. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
MINUTES**

Consent Agenda

Moved by Brookman, seconded by Lysakowski, to Approve the Closed Minutes of the City Council meeting of April 15, 2024, as published. Motion declared carried as approved unanimously under Consent Agenda.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Sayad, Chair

**WARRANT
REGISTER**

**Resolution
R-108-24**

Alderman Sayad presented the Warrant Register.

Alderman Sayad stated that as of March 31, 2024, the estimated general fund balance was \$26,529,613.00.

Moved by Sayad, seconded by Brookman, to Approve the Warrant Register of May 20, 2024, in the Amount of \$3,800,023.75 and Approve Resolution R-108-24.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

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

Moved by Sayad, seconded by Brookman, to convene into Closed Session under the following sections of the Open Meetings Act – Acquisition of Property and Probable or Imminent Litigation.

Upon roll call, the vote was:

AYES: 8 - Lysakowski, Moylan, Oskerka, Sayad,
Brookman, Walsten, Smith, Charewicz

NAYS: 0 - None

ABSENT: 0 - None

Motion declared unanimously carried.

The City Council recessed at 7:36 p.m.

ADJOURNMENT

The meeting adjourned at 8:55 p.m.

Jessica M. Mastalski – CITY CLERK

APPROVED BY ME THIS _____
DAY OF _____, 2024

Andrew Goczkowski, MAYOR



FINANCE DEPARTMENT

1420 Miner Street
Des Plaines, IL 60016
P: 847.391.5300
desplaines.org

MEMORANDUM

Date: May 21, 2024
To: Dorothy Wisniewski, City Manager
From: Agnes Podbial, Acting Director of Finance AP
Subject: Resolution R-114-24, June 3, 2024, Warrant Register

Recommendation: I recommend that the City Council approve the June 3, 2024 Warrant Register Resolution R-114-24.

Warrant Register.....\$7,143,186.62

Estimated General Fund Balance
Balance as of 03/31/2024: \$26,529,613
Please use caution when evaluating this number as revenues fluctuate dramatically from month to month due to delays in receiving sales tax revenue from the State and 1st & 2nd installments of property tax revenue.

CITY OF DES PLAINES

RESOLUTION

R-114-24

Be it resolved by the City Council of the City of Des Plaines that the following bills are due and payable and that the Mayor and City Clerk be and are hereby authorized to make payment for same.

June 3, 2024

City of Des Plaines

Warrant Register 06/03/2024

Line #	Account	Vendor	Invoice	Invoice Description	Amount	
Fund: 100 - General Fund						
Department: 00 - Non Departmental						
1	4210	Personal Property Replacement Tax	4999 Des Plaines Public Library	Q1-Q3 2023	PPRT Allocation for Q1-Q3 2023 R-98-24	497,158.75
Total 00 - Non Departmental					497,158.75	
Elected Office						
Division: 110 - Legislative						
2	6000	Professional Services	8452 Anderson Legislative Consulting LTD	05-2024	Lobbyist Services - May 2024 - R-120-23	5,420.00
3	6000	Professional Services	8453 Raucci & Sullivan Strategies LLC	4436	Lobbyist Services - April 2024 - R-215-23	5,000.00
Total 110 - Legislative					10,420.00	
Division: 120 - City Clerk						
4	7200	Other Supplies	1046 Hinckley Spring Water Co	2533573 051024	Water Delivery Service 04/25/2024	2.00
Total 120 - City Clerk					2.00	
Total 10 - Elected Office					10,422.00	
City Administration						
Division: 210 - City Manager						
5	6005	Legal Fees	8897 Emry Murdoch LLC	11571	1374-1384 Oakton Ave Eminent Domain Matter - April 2024	3,785.50
6	6005	Legal Fees	8897 Emry Murdoch LLC	11572	281-299 River Rd Eminent Domain Matter - April 2024	1,708.50
7	6010	Legal Fees - Labor & Employment	1127 Clark Baird Smith LLP	12	Legal Services April 2024	15,845.00
8	7000	Office Supplies	1644 Warehouse Direct Inc	5716650-0	3 Pks of Legal Pads & 2 Ctns of Paper	149.08
9	7200	Other Supplies	1046 Hinckley Spring Water Co	2533573 051024	Water Delivery Service 04/25/2024	62.95
Total 210 - City Manager					21,551.03	
Division: 230 - Information Technology						
10	6000	Professional Services	1118 Chicago Communications LLC	349994	Emergency Line From RED to Wheeling Dispatch 01/26/2024	375.00
11	6000	Professional Services	9023 Granite Telecommunications LLC	643077964	Emergency Call Boxes for City Hall Parking Deck for April 2024	50.00
12	6000	Professional Services	9023 Granite Telecommunications LLC	646811129	Emergency Call Boxes for City Hall Parking Deck for May 2024	1,187.27
13	6305	R&M Equipment	4288 Burwood Group Incorporated	INV46095	Nimble Maintenance 04/26/2024 - 04/25/2025	4,793.08
14	6305	R&M Equipment	1026 CDW LLC	RD25713	Beyond Trust Password Safe Appliance 05/01/2024-04/30/2025	10,160.92

City of Des Plaines

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Line #	Account	Vendor	Invoice	Invoice Description	Amount	
15	7200	Other Supplies	1046 Hinckley Spring Water Co	2533573 051024	Water Delivery Service 04/25/2024	71.95
16	7320	Equipment < \$5,000	1035 Dell Marketing LP	10747985157	3M Privacy Screen Filter For HR Laptop	58.07
17	7320	Equipment < \$5,000	1026 CDW LLC	RB66760	TRIPP Fiber Patch Panels For Police	1,153.04
Total 230 - Information Technology					17,849.33	

Division: 240 - Media Services						
18	6108	Public Relations & Communications	1050 Journal & Topics Newspapers	192299	Full Page Ad in Journal & Topics Special Section 04/24/2024	2,162.50
19	6108	Public Relations & Communications	1050 Journal & Topics Newspapers	192322	Half Page Ad for Community Garage Sale 4/24/24	525.00
20	6108	Public Relations & Communications	1050 Journal & Topics Newspapers	192351	Half Page Ad Community Garage Sale 05/01/24	525.00
21	6108	Public Relations & Communications	6100 Town Square Publications LLC	283889	Full Page Ad in 6/29/24 Daily Herald Chamber Guide	2,070.00
22	6110	Printing Services	8656 Stevens Group LLC, The	0216454	Printing of 23,500 Copies of Access Point Newsletter 05/06/2024	5,980.00
23	6195	Miscellaneous Contractual Services	3294 AVI Systems Inc	1255729	Council Chambers AV Annual Support 06/11/24-06/10/25	6,950.00
24	6195	Miscellaneous Contractual Services	5552 EDC Electronic Directory Corporation	50843	Lobby Display Support 8/27/24-8/26/25	399.00
25	6195	Miscellaneous Contractual Services	1026 CDW LLC	QW52902	3 Adobe Creative Cloud Subscriptions 4/24/24-4/24/25	1,556.58
26	6535	Subsidy - Youth Commission	1233 Press Tech Inc	52729	350 Postcards for Youth Comm. Taste of Des Plaines 06/14/24	118.00
27	7320	Equipment < \$5,000	3294 AVI Systems Inc	1260064	Uninterrupted Power Supply for Council Chambers AV	1,932.44
Total 240 - Media Services					22,218.52	

Division: 250 - Human Resources						
28	5340	Pre-Employment Testing	1267 Northwest Community Hospital	33763	2 New Hire Pre-Employment Testings 04/01-04/04/2024	697.00
29	5340	Pre-Employment Testing	8533 Justifacts Credential Verification	384734	3 Pre-Employment Background Screening Services 04/15-04/23/2024	432.84
30	5345	Post-Employment Testing	7857 Language Testing International Inc	L85057-IN	1 Language Test-Spanish,1 Employee 05/02/2024	124.00
31	6100	Publication of Notices	1485 ILCMA - IL City/County Management Assoc	5248	Job Posting - System Administrator 5/2/2024-5/16/2024	50.00
32	7200	Other Supplies	1046 Hinckley Spring Water Co	2533573 051024	Water Delivery Service 04/25/2024	34.48
Total 250 - Human Resources					1,338.32	

Total 20 - City Administration					62,957.20
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City of Des Plaines

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Line #	Account	Vendor	Invoice	Invoice Description	Amount	
Department: 30 - Finance						
33	6000	Professional Services	2943 Crowe LLP	CI-73166	Auditing Services for Tax Year 2023 (2nd of 3 Years)	11,000.00
34	7200	Other Supplies	1046 Hinckley Spring Water Co	2533573 051024	Water Delivery Service 04/25/2024	121.91
Total 30 - Finance					11,121.91	

Community Development						
Division: 410 - Building & Code Enforcement						
35	6000	Professional Services	6315 B&F Construction Code Services Inc	19237	April 2024 Inspection Services	4,632.95
36	6000	Professional Services	6315 B&F Construction Code Services Inc	64506	Plan Review 04/30/24 Project # 1130800	1,595.01
37	6000	Professional Services	6315 B&F Construction Code Services Inc	64557	Plan Review 05/03/24 Project # 1130849	895.01
38	6000	Professional Services	6315 B&F Construction Code Services Inc	64638	Plan Review 05/13/2024 Project # 1130908	2,134.67
39	6000	Professional Services	8629 Health Inspection Professionals Inc	736	Health Inspection and Plan Review Services April 2024	5,165.00
40	7000	Office Supplies	1644 Warehouse Direct Inc	5715351-0	1 Pack of Clear Tape	36.41
41	7000	Office Supplies	1644 Warehouse Direct Inc	5718734-0	White Board Kit, Black Pens	14.02
42	7200	Other Supplies	1046 Hinckley Spring Water Co	2533573 051024	Water Delivery Service 04/25/2024	121.91
Total 410 - Building & Code Enforcement					14,594.98	

Division: 420 - Planning & Zoning						
43	6100	Publication of Notices	1050 Journal & Topics Newspapers	192142	Legal Notice 04/03/2024 for PZB Mtg 04/23/24	122.27
44	6100	Publication of Notices	1050 Journal & Topics Newspapers	192242	Legal Notice 04/24/24 to Cut Grass, Destroy Noxious Weeds	197.51
45	7000	Office Supplies	1644 Warehouse Direct Inc	5714578-0	Copy Paper, Bulletin Board	182.97
46	7000	Office Supplies	1644 Warehouse Direct Inc	5718734-0	White Board Kit, Black Pens	7.53
47	7200	Other Supplies	1644 Warehouse Direct Inc	5714578-0	Copy Paper, Bulletin Board	58.58
Total 420 - Planning & Zoning					568.86	

Total 40 - Community Development					15,163.84
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Public Works & Engineering						
Division: 100 - Administration						
48	6300	R&M Software	6055 Axiom Human Resource Solutions Inc	0000058964	Kronos User Fee - April 2024	199.92
Total 100 - Administration					199.92	

Division: 510 - Engineering						
49	7000	Office Supplies	1644 Warehouse Direct Inc	5720938-0	Engineering Roll Paper and 2 X-Acto Knives	175.90
Total 510 - Engineering					175.90	

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Line #	Account	Vendor	Invoice	Invoice Description	Amount
Division: 530 - Street Maintenance					
50	5325	Training	6019 Stiava, Andrew R	Reimb 5/6-5/10 Reimb Meals-APWA Road Scholars Prog-05/06-05/10/2024 Crew Leader	92.00
51	5325	Training	5831 Trapani, Nicholas T	Reimb 5/6-5/10 Reimb Meals-APWA Road Scholars Prog-05/06-05/10/2024 Crew Leader	72.00
52	6110	Printing Services	2016 Signarama	44632 24 QR Code Stickers 05/05/2024	60.00
53	6110	Printing Services	2016 Signarama	44633 100 No Parking Police Order Signs 05/06/2024	817.32
54	6170	Tree Maintenance	6555 Landscape Concepts Management Inc	44555 Tree Trimming - Zone 3 - 03/18-03/29/2024, R-153-23	24,797.00
55	6170	Tree Maintenance	6555 Landscape Concepts Management Inc	45815 Stump Removal & Restoration - 03/28/2024, R-153-23	7,414.50
56	6175	Tree Plantings	1153 West Central Municipal Conference	0007543-IN 2024 Spring Parkway Tree Planting Program - 04/30/2024, R-238-23	241,748.95
57	6175	Tree Plantings	1347 Lurvey Landscape Supply	T1-10523708 2 Crab Trees - Tree Planting - 04/30/2024	490.00
58	6175	Tree Plantings	1347 Lurvey Landscape Supply	T1-10523725 Crab Tree - Tree Planting - 04/30/2024	245.00
59	6195	Miscellaneous Contractual Services	7409 Aquamist Plumbing & Lawn Sprinkling Co Inc	133873 RPZ Tests - 05/13/2024	515.85
60	6195	Miscellaneous Contractual Services	5399 Beary Landscape Management	282573 Greenspace Mowing - 04/30/2024, R-5-24	11,970.03
61	6195	Miscellaneous Contractual Services	5399 Beary Landscape Management	283512 Brick Repair - Downtown - 04/24/2024, R-166-22	900.00
62	6195	Miscellaneous Contractual Services	1367 Meade Inc	708484 EVP Repair - Rand & 3rd - 04/29/2024	4,201.48
63	6195	Miscellaneous Contractual Services	1367 Meade Inc	708485 EVP Repairs - Ballard & Rand - 05/08/2024	2,237.00
64	6195	Miscellaneous Contractual Services	1367 Meade Inc	708486 EVP Repairs - Wolf & Rand - 04/29/2024	404.98
65	6195	Miscellaneous Contractual Services	1367 Meade Inc	708488 EVP Repairs - Miner & River - 04/29/2024	289.98
66	6195	Miscellaneous Contractual Services	1367 Meade Inc	708489 EVP Repairs - Elmhurst & Dempster - 04/29/2024	404.98
67	6195	Miscellaneous Contractual Services	8581 Davey Resource Group	9000047258 Tree Planting Update - 05/06/2024	3,750.00
68	6325	R&M Street Lights	1044 H&H Electric Co	43493 Streetlight & Signal Maint-Wolf Rd - 04/06-04/12/2024, R-29-22	3,068.96

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Line #	Account	Vendor	Invoice	Invoice Description	Amount	
69	6325	R&M Street Lights	1044 H&H Electric Co	43541	Streetlight Repairs - City Hall - 02/29/2024, R-29-22	545.08
70	7030	Supplies - Tools & Hardware	8244 Des Plaines Ace Hardware	5471	Toggle Switch	6.29
71	7030	Supplies - Tools & Hardware	8244 Des Plaines Ace Hardware	5473	Exchange Toggle Switch	(0.90)
72	7035	Supplies - Equipment R&M	1057 Menard Incorporated	33820	Nozzles, Nipples, Tape, Valve	74.89
73	7035	Supplies - Equipment R&M	1057 Menard Incorporated	33836	3 Propane Tank Exchanges - 05/02/2024	59.76
74	7035	Supplies - Equipment R&M	1484 Thompson Rental Station Inc	611765-3	2 Propane Tanks - Forklift	63.90
75	7035	Supplies - Equipment R&M	1484 Thompson Rental Station Inc	612774-3	Propane Tank Refill - 05/01/2024	34.20
76	7050	Supplies - Streetscape	8855 Mulch Center, The	422836	8.0 Cu Yds Mulch - Spring Tree Planting - 04/25/2024	192.00
77	7050	Supplies - Streetscape	1228 Pesche's Inc	982315	2 Flower Baskets - PW	129.98
78	7050	Supplies - Streetscape	1347 Lurvey Landscape Supply	T1-10524485	2.0 Cu Yds Top Soil - 05/03/2024	64.00
79	7050	Supplies - Streetscape	1347 Lurvey Landscape Supply	T1-10525298	Repl Sod from Plow Damage - 05/07/2024	3.45
80	7055	Supplies - Street R&M	7691 Builders Asphalt LLC	133654	15.40 Tons Asphalt - 05/13/2024	1,016.40
81	7055	Supplies - Street R&M	1043 WW Grainger Inc	9104870457	4 Quartz Bulbs	133.36
82	7055	Supplies - Street R&M	1192 Sherwin Industries Inc	SS102309	Mastic - Street Repairs	1,803.59
83	7200	Other Supplies	4177 Uline Inc	177622177	Trash Bags - PW	90.11
Total 530 - Street Maintenance					307,696.14	

Division: 535 - Facilities & Grounds Maintenance						
84	6000	Professional Services	3338 Gabriel Environmental Services	0524L0046	Phase I Environmental Site Assessment - PW 04/10-5/01/2024	3,900.00
85	6000	Professional Services	2506 Trotter & Associates Inc	23346	TO#7 Switchgear Engineering-City Hall 04/02-04/14/2024, R-219-23	3,042.00
86	6195	Miscellaneous Contractual Services	1029 Cintas Corporation	4188378228	Mat Service - Metra Train Station - 04/03/2024	39.51
87	6195	Miscellaneous Contractual Services	1029 Cintas Corporation	4188378244	Mat Service - Police Station - 04/03/2024	143.21
88	6195	Miscellaneous Contractual Services	1029 Cintas Corporation	4191249308	Mat Service - Police Station - 05/01/2024	92.28
89	6195	Miscellaneous Contractual Services	1029 Cintas Corporation	4191249326	Mat Service - Metra Train Station - 05/01/2024	39.51

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Line #	Account	Vendor	Invoice	Invoice Description	Amount	
90	6195	Miscellaneous Contractual Services	1029 Cintas Corporation	4191968894	Mat Service - Metra Train Station - 05/08/2024	39.51
91	6195	Miscellaneous Contractual Services	5214 State Industrial Products	903338859	Drain Maintenance Program - City Hall 05/08/2024	119.41
92	6315	R&M Buildings & Structures	1025 Bedco Inc	099784	HVAC Service Contract - May 2024, R-220-22	1,380.00
93	6315	R&M Buildings & Structures	1025 Bedco Inc	099784	HVAC Service Contract - May 2024, R-220-22	2,817.50
94	6315	R&M Buildings & Structures	1135 Colley Elevator Co	258728	Elevator Inspection - Theater - 05/01/2024	185.00
95	6315	R&M Buildings & Structures	9062 Chicago Tank Removal Inc	324-3488B	Oil Encapsulation - 1488-1490 Miner	2,000.00
96	6315	R&M Buildings & Structures	7599 JF Ahern Company	642325	Hood Inspection - Fire Station #63 - 03/25/2024	283.50
97	6315	R&M Buildings & Structures	5440 Manusos General Contracting Inc	6894	TO#6 Railing Installation - Metra Station 05/02/2024	7,700.00
98	6315	R&M Buildings & Structures	1544 Fox Valley Fire & Safety Company Inc	IN00682794	Quarterly Fire Alarm Monitoring - Food Pantry May-July 2024	210.00
99	7020	Supplies - Safety	1047 Home Depot Credit Svcs	3072732	6 Hard Hats	68.82
100	7025	Supplies - Custodial	1029 Cintas Corporation	4188378210	Cleaners, Paper Towels, Soap, Mat, Scrubs, Etc. - PW	307.89
101	7025	Supplies - Custodial	1029 Cintas Corporation	4191249476	Cleaners, Paper Towels, Soap, Mat, Scrubs, Etc. - PW	271.11
102	7025	Supplies - Custodial	1029 Cintas Corporation	4191968900	Cleaners, Paper Towels, Scrubs, Air Freshener, Soap, Etc. - PW	174.96
103	7030	Supplies - Tools & Hardware	1057 Menard Incorporated	34414	Broom & Dust Pan	19.99
104	7030	Supplies - Tools & Hardware	1047 Home Depot Credit Svcs	6075667	Saw Blades	60.91
105	7035	Supplies - Equipment R&M	1047 Home Depot Credit Svcs	9075226	Tool Set & Strip Board	37.47
106	7045	Supplies - Building R&M	3378 Michael Wagner & Sons Inc	1015092	Plumbing Lines Hose Reels - PW	15.72
107	7045	Supplies - Building R&M	3378 Michael Wagner & Sons Inc	1015131	Plumbing Lines Hose Reels - PW	31.86
108	7045	Supplies - Building R&M	1057 Menard Incorporated	32813	Wood, Decor Plate, 2-Port Strap, Sealant Tape - Food Pantry	101.21
109	7045	Supplies - Building R&M	1057 Menard Incorporated	33827	Frog Tape & Caulk - City Hall	13.78
110	7045	Supplies - Building R&M	1057 Menard Incorporated	33875	Paint Cup, Tapcons, Short Pin, Pail Liners, Etc. - PW	42.79
111	7045	Supplies - Building R&M	1057 Menard Incorporated	33915	Shelf Boards, Angle, Paint, Adhesive - PW	137.30
112	7045	Supplies - Building R&M	1057 Menard Incorporated	33922	Shelf Board - PW	14.99

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113	7045	Supplies - Building R&M	1057 Menard Incorporated	34041	Shelf Board & Brass Pins - PW Mailbox	33.96
114	7045	Supplies - Building R&M	1057 Menard Incorporated	34050	2 Door Handles - City Hall	163.98
115	7045	Supplies - Building R&M	1057 Menard Incorporated	34059	Shelf, Brass Pins, Drill Bit - PW Mail Box	40.93
116	7045	Supplies - Building R&M	1057 Menard Incorporated	34099	Spray Paint, Nails, & Pickets - Fire Station #61	16.89
117	7045	Supplies - Building R&M	1057 Menard Incorporated	34115	2 Female Aerators - Fire Station #63	8.56
118	7045	Supplies - Building R&M	1057 Menard Incorporated	34281	Washers, Nuts, Clamps, Couplers, Clevis, Etc. - City Hall	261.25
119	7045	Supplies - Building R&M	1057 Menard Incorporated	34415	PVC Clamp - Police Station	6.74
120	7045	Supplies - Building R&M	1527 Sherwin-Williams Company, The	5416-3	Paint & Drywall Supplies - City Hall	147.25
121	7045	Supplies - Building R&M	1047 Home Depot Credit Svcs	5602839	Door Stop - City Hall	4.93
122	7045	Supplies - Building R&M	1047 Home Depot Credit Svcs	8023609	Saw Blade, Gloves, Poly Spray - City Hall Mailroom	102.93
123	7200	Other Supplies	1076 Sam's Club Direct	007365	3 Boxes Coffee - City Hall	311.84
124	7300	Uniforms	2067 Cutler Workwear	PS-INV033062	6 Pairs Jeans - Quartermaster Uniforms	134.95
Total 535 - Facilities & Grounds Maintenance					24,524.44	

Division: 540 - Vehicle Maintenance						
125	6135	Rentals	1029 Cintas Corporation	4188457352	Mechanic's Uniform Rental - 04/03/2024	236.74
126	6135	Rentals	1029 Cintas Corporation	4191256371	Mechanic's Uniform Rental - 05/01/2024	193.98
127	6135	Rentals	1029 Cintas Corporation	4191977434	Mechanic's Uniform Rental - 05/08/2024	240.27
128	6195	Miscellaneous Contractual Services	8481 Linde Gas & Equipment Inc	41848420	Cylinder Rental - 02/20-03/20/2024	1,142.73
129	6305	R&M Equipment	2168 Petroleum Technologies Equipment, Inc	34775	Chip Card Reader Replacement - PW 5PW3 - 05/02/2024	885.50
130	6310	R&M Vehicles	1739 Morton Grove Automotive Inc	62049	Alternator Repair - Fire 7603 - 05/07/2024	245.00
131	6310	R&M Vehicles	1575 Pirtek O'Hare	OH-T00030623	Hydraulic Hoses - PW 5093 05/01/2024	244.62
132	7035	Supplies - Equipment R&M	8454 NAPA Auto Parts	893553	Filter - PW 5106	18.22
133	7035	Supplies - Equipment R&M	1103 Casey Equipment Co	P10354	Fuel Filters - PW 5106	125.90
134	7040	Supplies - Vehicle R&M	4177 Uline Inc	177712596	Wipers & Armor All - PW Shop	388.97
135	7040	Supplies - Vehicle R&M	3518 O'Reilly Auto Parts	2479-192895	Core Deposit Returned - Police 6046	(10.00)
136	7040	Supplies - Vehicle R&M	1071 Pomp's Tire Service Inc	280160440	4 Police Tires - Police 6928	427.88

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137	7040	Supplies - Vehicle R&M	8244 Des Plaines Ace Hardware	5580	Fasteners - Fire Stock	3.60
138	7040	Supplies - Vehicle R&M	8244 Des Plaines Ace Hardware	5720	Screws & Bits - Fire Stock	39.58
139	7040	Supplies - Vehicle R&M	8244 Des Plaines Ace Hardware	5736	Returned Bit Set - Fire Stock	(26.09)
140	7040	Supplies - Vehicle R&M	8454 NAPA Auto Parts	884653CR	Voided 3 Fuses	(3.10)
141	7040	Supplies - Vehicle R&M	8454 NAPA Auto Parts	891443	Battery & Core Deposit - PW 2022	143.37
142	7040	Supplies - Vehicle R&M	8454 NAPA Auto Parts	891464	2 Panel Filters - Police Stock	178.72
143	7040	Supplies - Vehicle R&M	8454 NAPA Auto Parts	891653	Cable Tie Straps - Police 6046	6.50
144	7040	Supplies - Vehicle R&M	8454 NAPA Auto Parts	891754	Battery - PW Stock	122.87
145	7040	Supplies - Vehicle R&M	8454 NAPA Auto Parts	891951	Diesel Exhaust Fluid - PW & Fire	1,046.40
146	7040	Supplies - Vehicle R&M	8454 NAPA Auto Parts	892170	Core Deposits Returned - Police 6089	(132.00)
147	7040	Supplies - Vehicle R&M	8454 NAPA Auto Parts	893168	Filters & Batteries - Police Stock	847.83
148	7040	Supplies - Vehicle R&M	8454 NAPA Auto Parts	893212	2 Light Brackets - Fire 7602	15.14
149	7040	Supplies - Vehicle R&M	8454 NAPA Auto Parts	893309	Core Deposits Returned - Police Stock	(54.00)
150	7040	Supplies - Vehicle R&M	8454 NAPA Auto Parts	893310	Core Deposits Returned - PW Stock	(36.00)
151	7040	Supplies - Vehicle R&M	8104 MacQueen Emergency Group	P28170	Switch & Gauge - Fire 7608	267.37
152	7040	Supplies - Vehicle R&M	8104 MacQueen Emergency Group	P28226	Seat Cushion - Fire 7607	655.03
153	7040	Supplies - Vehicle R&M	5035 Northwest Trucks Inc	X101159829:01	Surge Tank - Fire 7706	182.42
154	7120	Gasoline	8331 Avalon Petroleum Company Inc	019288	4,500 Gals Unleaded Gasoline Price Adjustment - 01/01/2024	(12,127.95)
155	7120	Gasoline	8331 Avalon Petroleum Company Inc	029288	4,500 Gals Unleaded Gasoline - 01/01/2024	12,523.95
156	7120	Gasoline	1014 Al Warren Oil Company Inc	W1649668	5,500 Gals Unleaded Gasoline - 05/02/2024, R-189-23	14,986.42
157	7130	Diesel	1014 Al Warren Oil Company Inc	W1649669	1,094 Gals Bio Diesel Fuel - 05/02/2024, R-189-23	2,238.42
Total 540 - Vehicle Maintenance					25,018.29	

Total 50 - Public Works & Engineering	357,614.69
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Police Department						
Division: 610 - Uniformed Patrol						
158	7200	Other Supplies	2509 Lynn Peavey Co	409320	Evidence Tape	233.82
159	7200	Other Supplies	1043 WW Grainger Inc	9118118240	15 Transport Spit Hoods	199.20
Total 610 - Uniformed Patrol					433.02	

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Line #	Account	Vendor	Invoice	Invoice Description	Amount
Division: 620 - Criminal Investigation					
160	5325	Training	1261 North East Multiregional Training Inc	336747 Lead Homicide Investigator (2 Det) 9/25-9/29/2023	250.00
161	6195	Miscellaneous Contractual Services	1517 Trans Union LLC	04443008 Investigations Database 3/26-4/25/2024	116.11
162	6195	Miscellaneous Contractual Services	1572 LexisNexis Risk Solutions	1037713- 20240430 Investigations Database 4/1-4/30/2024	204.15
163	6195	Miscellaneous Contractual Services	1683 Thomson Reuters	850122591 Investigations Database 4/1-4/30/2024	385.62
164	7500	Postage & Parcel	1041 Federal Express	8-486-14386 Shipping for Trail Camera Repair 4/23/2024	12.78
Total 620 - Criminal Investigation					968.66

Division: 630 - Support Services					
165	5325	Training	1261 North East Multiregional Training Inc	353301 IPMBA Police Cyclist Course 4/22-4/25/2024 (1 Ofc)	175.00
166	6000	Professional Services	5975 Aero Removals Trisons Inc	21137CR155 Removal and Transport of 4 Deceased April 2024	1,700.00
167	6015	Communication Services	8484 PTS Communications Inc	2122063 3 Public Pay Phones Monthly Fee 6/1-6/30/2024	225.00
168	6190	Tow/Storage/Abandoned Fees	1567 Schimka Auto Wreckers, Inc	5/1/2024 April 2024 Towing Services (2)	80.00
169	6195	Miscellaneous Contractual Services	8566 Andy Frain Services Inc	357789 2024 Crossing Guard Services 4/1-4/30/2024 R-54-23	44,211.81
170	6195	Miscellaneous Contractual Services	7736 Velan Solutions LLC	812 Police Peer Support Network System Renewal 5/16/2024-5/15/2025	2,160.00
171	7000	Office Supplies	1644 Warehouse Direct Inc	5719549-0 6 Cartons of Paper	308.94
172	7010	Supplies - Community Relations	4095 Promos 911 Inc	11413 300 Bike Lights	1,006.08
173	7200	Other Supplies	1046 Hinckley Spring Water Co	2533573 051024 Water Delivery Service 04/25/2024	77.46
174	8000	Computer Software	8154 DACRA Tech LLC	DT 2024-04-044 Dacra Software Licensing 4/1-4/30/2024	3,250.00
Total 630 - Support Services					53,194.29

Total 60 - Police Department					54,595.97
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Fire Department					
Division: 100 - Administration					
175	7200	Other Supplies	1046 Hinckley Spring Water Co	2533573 051024 Water Delivery Service 04/25/2024	2.00
176	8010	Furniture & Fixtures	4177 Uline Inc	177501518 2 Storage Cabinets - 4th Floor	1,217.69
Total 100 - Administration					1,219.69

City of Des Plaines

Warrant Register 06/03/2024

Line #	Account	Vendor	Invoice	Invoice Description	Amount
Division: 710 - Emergency Services					
177	5325	Training	1252 NIPSTA	64496946	Veh Ops, Adv FF, Incident Safety Classes 4/30-9/27/2024 PMs/Lt. 3,950.00
178	5325	Training	1252 NIPSTA	64559577	Incident Safety Officer - 04/30 - 05/03/2024 - Engineer 600.00
179	5325	Training	1252 NIPSTA	65910751	Fire Apparatus Engineer 04/01-04/05/2024 - Paramedic 800.00
180	5325	Training	1252 NIPSTA	67348925	Incident Safety Officer - 04/30 - 05/03/2024 - Engineer 600.00
181	5325	Training	1252 NIPSTA	67772436	Room Rental: B Prop & Forcible Entry - 03/11, 03/13, 03/15/2024 1,275.00
182	5345	Post-Employment Testing	1267 Northwest Community Hospital	33777	1 NH Pre-Empl., 9 Post-Empl. Probationary Testing 3/29-4/29/2024 3,819.00
183	6015	Communication Services	9023 Granite Telecommunications LLC	646772909	Communication Call Boxes Station 61, 62,63 - 05/01 -05/31/2024 298.43
184	6035	Dispatch Services	5973 Emergency Twenty Four Inc	82906	Elevator Alarm Dispatch Fees - April 2024 1,068.00
185	6305	R&M Equipment	1080 Air One Equipment Inc	206339	2 Regulator Repairs, 2 Air Mask Test, Control Module- 05/01/2024 571.78
186	6305	R&M Equipment	1080 Air One Equipment Inc	206409	1 O Ring, 1 Hex, 1 Valve, 1 Handwheel Stem - 05/02/2024 104.39
187	6305	R&M Equipment	1118 Chicago Communications LLC	352055	Mobile Radio Repair 4/29/24 165.00
188	6315	R&M Buildings & Structures	2054 Breathing Air Systems	INV-IL65-401	Semi Annual Preventive Maintenance- Station 61 - 04/17/2024 1,070.49
189	7025	Supplies - Custodial	1043 WW Grainger Inc	9102843894	1 Case Paper Towels - Station 63 104.43
190	7025	Supplies - Custodial	1043 WW Grainger Inc	9104591988	1 Case Paper Towels - Station 63 104.43
191	7200	Other Supplies	1571 Welding Industrial Supply	3199886	5 Oxygen Cylinders 144.73
192	7200	Other Supplies	3297 Bound Tree Medical LLC	85342582	15 Cases Nitrile Gloves 2,409.95
193	7200	Other Supplies	1571 Welding Industrial Supply	R03202232	15 Cylinders - April 164.96
194	7300	Uniforms	3212 On Time Embroidery Inc	115363	1 Class A Cap - Battalion Chief 129.00
195	7300	Uniforms	3212 On Time Embroidery Inc	122849	1 Pair Safety Toe Boots - Paramedic 159.00
196	7300	Uniforms	3212 On Time Embroidery Inc	123026	1 Pair of Shoes- Paramedic 159.00
197	7300	Uniforms	3212 On Time Embroidery Inc	123153	3 Pants - Lieutenant 213.00
198	7300	Uniforms	3212 On Time Embroidery Inc	123158	1 Pair Safety Toe Boots - Lieutenant 159.00

City of Des Plaines

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Line #	Account	Vendor	Invoice	Invoice Description	Amount	
199	7300	Uniforms	3212 On Time Embroidery Inc	123317	1 Shorts, 1 Pant, 1 Belt - Lieutenant	126.00
200	7300	Uniforms	3212 On Time Embroidery Inc	123389	1 Pair Shoes - Paramedic	149.00
201	7300	Uniforms	3212 On Time Embroidery Inc	123499	1 Pair of Shoes- Paramedic	149.00
202	7300	Uniforms	3212 On Time Embroidery Inc	123518	2 Station Pants - Paramedic	156.00
203	7300	Uniforms	3212 On Time Embroidery Inc	123687	1 Pair of Boots- Paramedic	159.00
204	7300	Uniforms	3212 On Time Embroidery Inc	124035	1 Pair of Shoes- Paramedic	149.00
205	7300	Uniforms	3212 On Time Embroidery Inc	124036	1 Pair of Shoes- Paramedic	154.00
206	7300	Uniforms	3212 On Time Embroidery Inc	124037	1 Pair of Shoes, 1 Shorts, 1 Pant - Engineer	244.00
207	7320	Equipment < \$5,000	6854 Dinges Fire Company	PRE1880	Personal Protective Equipment for Firefighters R-199-23	98,119.15
208	7500	Postage & Parcel	1566 UPS Store The	05/03/2024	UPS Delivery Charges 02/23-04/25/2024	42.06
209	8015	Equipment	2626 Alpha Prime Communications	119651	2 Antennas, 1 Mobile Antenna, Cable Kit,	826.96
Total 710 - Emergency Services					118,343.76	

Division: 720 - Fire Prevention

210	7200	Other Supplies	1046 Hinckley Spring Water Co	2533573 051024	Water Delivery Service 04/25/2024	46.97
Total 720 - Fire Prevention					46.97	

Division: 730 - Emergency Management Agency

211	7300	Uniforms	3212 On Time Embroidery Inc	122489	1 Job Shirt - EMA	69.00
212	7300	Uniforms	3212 On Time Embroidery Inc	122536	1 Job Shirt - EMA	69.00
Total 730 - Emergency Management Agency					138.00	

Total 70 - Fire Department

119,748.42

Department: 75 - Fire & Police Commission

213	5340	Pre-Employment Testing	1267 Northwest Community Hospital	33777	1 NH Pre-Empl., 9 Post-Empl. Probationary Testing 3/29-4/29/2024	1,022.00
Total 75 - Fire & Police Commission					1,022.00	

Total 100 - General Fund

1,129,804.78

Fund: 208 - TIF #8 Oakton

214	6000	Professional Services	2262 MaRous & Co	24-066	Appraisal Report 04/24/2024	3,000.00
215	6195	Miscellaneous Contractual Services	8772 Helm Service	CHI196575	HVAC Evacuation - 1177 E Walnut - 04/24/2024	1,589.50
Total 208 - TIF #8 Oakton					4,589.50	

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Line #	Account	Vendor	Invoice	Invoice Description	Amount	
Fund: 230 - Motor Fuel Tax Fund						
216	6330	R&M Traffic Signals	1139 Cook County of Illinois	2024-1	Traffic Signal Maint. - Dempster & Potter 01/01-03/31/2024	1,357.51
217	7160	Ice Control	1372 Morton Salt Inc	05032024	Bulk Road Salt - 05/03/2024, R-211-23	91,764.00
Total 230 - Motor Fuel Tax Fund					93,121.51	

Fund: 250 - Grant Projects Fund						
Program: 2520 - Capital Grants						
218	6000	Professional Services	1123 Christopher B Burke Engineering LTD	191814	R-45-24 - Devon Ave Sidepath Ph I Eng 03/24-04/27/2024	6,987.82
Total 2520 - Capital Grants					6,987.82	

Total 250 - Grant Projects Fund					6,987.82
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Fund: 260 - Asset Seizure Fund						
Program: 2620 - DEA						
219	7300	Uniforms	1244 Ray O'Herron Company Inc	2341726	TRT Uniform Shirt	140.00
220	7300	Uniforms	1244 Ray O'Herron Company Inc	2342243	TRT Uniform Shirt and Pants	206.72
221	7320	Equipment < \$5,000	1244 Ray O'Herron Company Inc	2328344	30 AR Magazines	368.25
Total 2620 - DEA					714.97	

Total 260 - Asset Seizure Fund					714.97
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Fund: 400 - Capital Projects Fund						
222	6000	Professional Services	1123 Christopher B Burke Engineering LTD	192043	TO #5 - Cumberland Station Crossing Eng Svcs 3/31-4/27/2024	4,117.50
223	6000	Professional Services	7623 UrbanHydro Engineering Inc	200	1655 & 1695 S DP River Rd CRS Study 04/01-04/30/24	1,500.00
224	6000	Professional Services	1079 AECOM Technical Services Inc	2000884631	R-31-24 Task Order No. 7 - 2024 Resident Eng Svcs 02/18-04/26/24	44,742.81
225	6000	Professional Services	1126 Civiltech Engineering Inc	53910	TO #2 - Busse Hwy Improvements Phase I Eng Svcs 03/19-04/26/2024	10,603.22
Total 400 - Capital Projects Fund					60,963.53	

Fund: 420 - IT Replacement Fund						
226	8005	Computer Hardware	1026 CDW LLC	PV37028	Palo Alto Firewalls & Subscription 05/10/2024-05/10/2029 R-28-24	111,408.08
227	8005	Computer Hardware	1026 CDW LLC	QX79378	APC UPS 2200VA For Police	2,172.89
Total 420 - IT Replacement Fund					113,580.97	

Fund: 430 - Facilities Replacement Fund						
228	6000	Professional Services	7661 FGM Architects Inc	20-2890.03-9	TO#3 Furniture Design - Police Add - 03/30-04/26/2024, R-214-22	1,128.50

City of Des Plaines

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Line #	Account	Vendor	Invoice	Invoice Description	Amount	
229	6000	Professional Services	7661 FGM Architects Inc	23-3796.01-5	Structural Engineering - Leela – 03/30-04/26/2024, R-69-23	1,750.00
230	6000	Professional Services	7661 FGM Architects Inc	24-3948.01-3	TO#8 Roof Eng Services - Library - 03/30-04/26/2024, R-218-23	12,000.00
231	6000	Professional Services	7661 FGM Architects Inc	24-4048.01-2	TO#10 Grant App Services - 03/30-04/26/2024, R-214-22	9,750.00
232	6315	R&M Buildings & Structures	7706 Lakeshore Recycling Systems LLC	LR5697061	Trash Removal - Leela Building - May 2024	259.56
233	7045	Supplies - Building R&M	1057 Menard Incorporated	34113	Tarp & Washers - Leela Building	130.49
234	8100	Improvements	7713 Camosy Incorporated	PDAddition P#13	CH/PD Link & PD Add/Renovation P13 - 04/01-04/30/2024, R-55-23	1,122,673.00
Total 430 - Facilities Replacement Fund					1,147,691.55	

Fund: 500 - Water/Sewer Fund

Division: 550 - Water Systems						
235	6040	Waste Hauling & Debris Removal	5772 Berger Excavating Contractors Inc	DP_LM_001	159 Loads Dirt Spoils Hauled - PW - 02/22-03/15/2024	7,618.00
236	6180	Water Sample Testing	9025 Central Lake County	05/02/2024	Colilert Testing - 02/01-04/30/2024	713.00
237	6180	Water Sample Testing	1642 Suburban Laboratories, Inc	224509	IEPA Water Testing - 04/02/2024-04/25/2024	2,844.00
238	6180	Water Sample Testing	8809 USABluebook	INV00287819	Three CL2 Testing Packs	753.66
239	7020	Supplies - Safety	1148 WS Darley & Co	17528844	3 Pairs Hip Boots - Water	634.32
240	7020	Supplies - Safety	8809 USABluebook	INV00280842	7 Boxes of Gloves	24.78
241	7030	Supplies - Tools & Hardware	8244 Des Plaines Ace Hardware	5738	Fasteners	5.60
242	7030	Supplies - Tools & Hardware	8244 Des Plaines Ace Hardware	5739	8 Fasteners	5.20
243	7035	Supplies - Equipment R&M	8481 Linde Gas & Equipment Inc	42713423	Propane Tank - PW 9040	351.51
244	7035	Supplies - Equipment R&M	8454 NAPA Auto Parts	891186	2 Filters - PW 9037	59.16
245	7035	Supplies - Equipment R&M	8454 NAPA Auto Parts	893325	Spark Plug - Water Stock	2.30
246	7035	Supplies - Equipment R&M	1520 Russo Power Equipment	SPI20622701	Ignition Module & Filter - Water Stock	163.98
247	7035	Supplies - Equipment R&M	1520 Russo Power Equipment	SPI20627310	2 O-Rings - Water Stock	7.98
248	7035	Supplies - Equipment R&M	1520 Russo Power Equipment	SPI20633261	Switch - Water Stock	23.99

City of Des Plaines

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Line #	Account	Vendor	Invoice	Invoice Description	Amount	
249	7040	Supplies - Vehicle R&M	4280 Rush Truck Centers of Illinois Inc	3036897948	Intake Throttle Valve - PW 9031	1,120.00
250	7040	Supplies - Vehicle R&M	1057 Menard Incorporated	34038	Electrical Box, Mandrels, & Wheels - PW 9066	41.93
251	7040	Supplies - Vehicle R&M	8244 Des Plaines Ace Hardware	5741	Electrical Connectors - PW 9066	5.38
252	7045	Supplies - Building R&M	1057 Menard Incorporated	32527	2 Photocells - Exterior Lights O'Hare Lakes Water	15.30
253	7070	Supplies - Water System Maintenance	4093 White Cap LP	10019883808	ADA Armortile	284.99
254	7070	Supplies - Water System Maintenance	1162 Vollmar Clay Products Inc	189590	Valve Vaults & Cones	1,478.00
255	7070	Supplies - Water System Maintenance	3781 Smith Ecological Systems Company	24658	Chlorine Analyzer Replacement Kit - Maple	3,978.36
256	7070	Supplies - Water System Maintenance	1057 Menard Incorporated	33913	Hex Heads & Pan Screws - Maple	21.17
257	7070	Supplies - Water System Maintenance	1057 Menard Incorporated	34040	Lumber - Curb Repair	81.36
258	7070	Supplies - Water System Maintenance	1057 Menard Incorporated	34055	Ratchet Strips	74.97
259	7070	Supplies - Water System Maintenance	1047 Home Depot Credit Svcs	3615651	Sealant & Drill Bit Set - Maple PS	47.95
260	7070	Supplies - Water System Maintenance	4093 White Cap LP	50026485977	ADA Warning Tuftile	156.19
261	7070	Supplies - Water System Maintenance	1527 Sherwin-Williams Company, The	5412-2	Paint - Maple Water Plant	46.56
262	7070	Supplies - Water System Maintenance	1527 Sherwin-Williams Company, The	5476-7	Paint Supplies - Maple Water Plant	10.77
263	7070	Supplies - Water System Maintenance	8244 Des Plaines Ace Hardware	5633	Drill Bits	17.09
264	7070	Supplies - Water System Maintenance	1072 Prairie Material	891475184	3.0 Cu Yds Concrete - Repairs - 05/01/2024	690.75
265	7070	Supplies - Water System Maintenance	1072 Prairie Material	891476953	1.5 Cu Yds Concrete - Repairs - 05/02/2024	294.38
266	7070	Supplies - Water System Maintenance	1047 Home Depot Credit Svcs	9616143	Tapcon, Threshold, Brush Sweep - Maple Water Plant	44.99
267	7070	Supplies - Water System Maintenance	6992 Core & Main LP	U759894	Meter Cable	448.00

City of Des Plaines

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Line #	Account	Vendor	Invoice	Invoice Description	Amount	
268	7070	Supplies - Water System Maintenance	6992 Core & Main LP	U854892	Epoxy & Brass Bushing	200.00
269	7105	Wholesale Water - NWWC	2901 Northwest Water Commission	05012024	Wholesale Water Purchase - April 2024, R-183-14	348,031.25
270	7120	Gasoline	1014 Al Warren Oil Company Inc	W1649668	5,500 Gals Unleaded Gasoline - 05/02/2024, R-189-23	1,945.80
271	7130	Diesel	1014 Al Warren Oil Company Inc	W1649669	1,094 Gals Bio Diesel Fuel - 05/02/2024, R-189-23	592.35
272	7150	Water Treatment Chemicals	1082 Alexander Chemical Corporation	79882	10 Cylinders Chlorine Gas - 04/09/2024	2,566.55
273	7500	Postage & Parcel	1566 UPS Store The	05/03/2024	UPS Delivery Charges 02/23-04/25/2024	54.55
274	7550	Miscellaneous Expenses	1076 Sam's Club Direct	7190A	Snacks - AWWA Training 05/01/2024	101.72
Total 550 - Water Systems						375,557.84

Division: 560 - Sewer Systems						
275	7030	Supplies - Tools & Hardware	8244 Des Plaines Ace Hardware	5469	Cleaning Supplies	45.87
276	7035	Supplies - Equipment R&M	3518 O'Reilly Auto Parts	2479-192972	1 Pair of Hose Clamps	13.54
277	7075	Supplies - Sewer System Maintenance	1255 Neenah Foundry Company	149865	4 Manhole Frames	772.00
278	7075	Supplies - Sewer System Maintenance	1057 Menard Incorporated	32516	PVC Elbow, Screwdriver, Cord, PVC Pipe	157.04
279	7075	Supplies - Sewer System Maintenance	1057 Menard Incorporated	33879	Framing Lumber & Pine Boards - Curb Repair	60.56
280	7075	Supplies - Sewer System Maintenance	4093 White Cap LP	50026062989	Caution Tape - Sewer	113.97
281	7120	Gasoline	1014 Al Warren Oil Company Inc	W1649668	5,500 Gals Unleaded Gasoline - 05/02/2024, R-189-23	805.28
282	7130	Diesel	1014 Al Warren Oil Company Inc	W1649669	1,094 Gals Bio Diesel Fuel - 05/02/2024, R-189-23	625.18
283	7320	Equipment < \$5,000	1564 EJ Equipment Inc	P46504	Nozzle Repairs - 05/03/2024	1,642.07
Total 560 - Sewer Systems						4,235.51

Division: 570 - Equipment Replacement						
284	8020	Vehicles	8876 Vac-Con Incorporated	INV399971	VecJet Truck - PW 8048 - 04/26/2024, M-11-23	367,711.79
Total 570 - Equipment Replacement						367,711.79

Division: 580 - CIP - Water/Sewer						
285	6000	Professional Services	2506 Trotter & Associates Inc	23343	TO#2 Prelim Elec Improvement - Central PS - 04/26/2024, R-85-23	1,056.00

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Line #	Account	Vendor	Invoice	Invoice Description	Amount	
286	6000	Professional Services	2506 Trotter & Associates Inc	23344	TO#4 Design NWC Emergency Water Supply - 04/01/2024, R-218-22	27.25
287	6000	Professional Services	2506 Trotter & Associates Inc	23345	TO#5 2024 Watermain Improvements - 04/01-04/26/2024, R-197-23	31,504.50
288	6000	Professional Services	1606 Dixon Engineering Inc	24-0373	TO#10 Engineering Services - Dulles Tank - 04/17/2024, R-41-20	1,250.00
Total 580 - CIP - Water/Sewer					33,837.75	

Division: 590 - Water Facilities						
289	6195	Miscellaneous Contractual Services	1606 Dixon Engineering Inc	24-0322	TO#4 Clean Interior/Inspect-Howard Tower-03/06/2024, R-213-22	4,850.00
290	6195	Miscellaneous Contractual Services	6992 Core & Main LP	U600473	Water Meter Installs - 05/01/2024, R-20-24	5,610.00
291	6195	Miscellaneous Contractual Services	6992 Core & Main LP	U770444	Water Meter Installs - 04/24/2024, R-20-24	6,407.00
Total 590 - Water Facilities					16,867.00	

Total 500 - Water/Sewer Fund					798,209.89
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Fund: 510 - City Owned Parking Fund						
292	6025	Administrative Services	7960 Passport Labs Inc	INV-1045625	Mobile Pay Parking Transaction Fee - April 2024	55.50
293	7060	Supplies - Parking Lots	1057 Menard Incorporated	32518	Crack Filler, Broad Knife, Brush - Library Deck	17.64
294	7060	Supplies - Parking Lots	1057 Menard Incorporated	32802	Screws, Angle, Hinge, Hex Heads - Civic Deck	39.38
295	7060	Supplies - Parking Lots	1057 Menard Incorporated	32812	Connector, Cover, Gang Box - Metro Square Deck	49.44
296	7060	Supplies - Parking Lots	1057 Menard Incorporated	32828	Nipple & Service Entrance Cap - Civic Deck	18.68
297	7060	Supplies - Parking Lots	1057 Menard Incorporated	33870	Anchors, Drill Bits, Washers, Nuts, Etc. - Library Deck	60.83
298	7060	Supplies - Parking Lots	1057 Menard Incorporated	33874	Hanger - Library Deck	3.63
299	7060	Supplies - Parking Lots	1057 Menard Incorporated	34044	Paint Kit, Primer, Spray Paint, Sponge	56.77
300	7060	Supplies - Parking Lots	1057 Menard Incorporated	34060	Gang Blank Cover & Gang Box - Metro Square	8.83
301	7060	Supplies - Parking Lots	1057 Menard Incorporated	34100	Automotive Cleaner, Urine Remover, Citrus Cleaner - Parking Deck	46.91
302	7060	Supplies - Parking Lots	8244 Des Plaines Ace Hardware	5754	Spray Paint - Graffiti Removal - Metro Square Deck	15.46
303	7060	Supplies - Parking Lots	1047 Home Depot Credit Svcs	9082148	Rags, Cover Spray, Paint - Library Deck Graffiti	44.42

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Line #	Account	Vendor	Invoice	Invoice Description	Amount	
304	7060	Supplies - Parking Lots	1043 WW Grainger Inc	9093484559	2 Hydrant Caps - Library Deck	27.32
305	7060	Supplies - Parking Lots	1043 WW Grainger Inc	9104870440	2 Hydrant Plugs - Library Deck	48.16
306	7060	Supplies - Parking Lots	1043 WW Grainger Inc	9104870465	2 Hydrant Caps - Library Deck	(27.32)
307	7060	Supplies - Parking Lots	1043 WW Grainger Inc	9105791306	4 Hydrant Caps - Parking Decks	43.00
308	7060	Supplies - Parking Lots	1043 WW Grainger Inc	9105791314	Hydrant Plug - Parking Decks	23.64
Total 510 - City Owned Parking Fund					532.29	

Fund: 520 - Metra Leased Parking Fund						
309	6025	Administrative Services	7960 Passport Labs Inc	INV-1045625	Mobile Pay Parking Transaction Fee - April 2024	827.32
Total 520 - Metra Leased Parking Fund					827.32	

Fund: 600 - Risk Management Fund						
310	5345	Post-Employment Testing	1267 Northwest Community Hospital	33909	1 Post Employment Screening 4/22/2024	200.00
311	5540	MICA Premium	1061 Municipal Insurance Cooperative Agency	2024-2025	MICA Renewal Premium 2024-2025 R-66-97	2,048,188.00
312	5545	MICA Deductible	1061 Municipal Insurance Cooperative Agency	23112	MICA Claim Deductible 6/25/2022-12/25/2023	9,885.07
313	5550	Excess Insurance	7712 Marsh USA Inc	276846946810	2024 City of Des Plaines Storage Tank Insurance Renewal	1,994.18
314	6000	Professional Services	8874 Ready Rebound Inc	3142	Consulting-Orthopedic Patient Navigator Contract May 2024	998.58
315	6005	Legal Fees	1127 Clark Baird Smith LLP	12	Legal Services April 2024	255.00
Total 600 - Risk Management Fund					2,061,520.83	

Fund: 700 - Escrow Fund						
316	2221	Taste of Des Plaines	9078 DEO Consulting Inc	02/27/24	World Stage Entertainment at Taste of Des Plaines 6/15/24	485.00
317	2221	Taste of Des Plaines	7114 Screaming Galaxy LLC	022324-3	World Stage Entertainment at Taste of Des Plaines 6/15/24	450.00
318	2221	Taste of Des Plaines	6798 Lion Fencing	06132024	Barricade and Fencing Rental-Taste of Des Plaines 6/13-6/15/2024	1,289.40
319	2221	Taste of Des Plaines	7329 Prime Time Promotions	1020	Car Racing Game Rental for Taste of Des Plaines on 6/14-6/15/24	3,800.00
320	2221	Taste of Des Plaines	9041 CPP Events Incorporated	1363	Generator Services for Taste of Des Plaines 6/13-6/15/24 Balance	6,748.75

City of Des Plaines

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Line #	Account	Vendor	Invoice	Invoice Description	Amount
321	2221	Taste of Des Plaines	8625 Happy Balloon, The	170579-000085 Balloon Decor at Taste of Des Plaines 6/14/24	720.00
322	2221	Taste of Des Plaines	6230 Galeno, James	1919 World Stage Entertainment at Taste of Des Plaines 6/15/24	450.00
323	2221	Taste of Des Plaines	8900 Live Art International Inc	2023-104 Spin Bikes for Taste of Des Plaines on 06/14-06/15/2024	4,220.00
324	2221	Taste of Des Plaines	6032 Gerard Audio	2665A AV Services and Stage Rental for Taste of DP on 6/13-6/15/2024	4,975.00
325	2221	Taste of Des Plaines	6045 Double D Booking	32517 Entertainment Mgmt for Taste of Des Plaines on 6/14-6/15/2024	10,400.00
326	2221	Taste of Des Plaines	2016 Signarama	44649 Promotional Banner for Taste of Des Plaines 05/09/2024	199.00
327	2226	Special Events - July 4th	8426 VIP Valet Services Inc	32905 Parking Management Services for Fireworks on 06/30/2024	6,370.00
328	2226	Special Events - July 4th	8596 DJ Firm, The	6982 Balance for DJ at Fireworks Event on 6/30/24	700.00
329	2493	Escrow - CED Development	1050 Journal & Topics Newspapers	192243 Legal Notice 04/24/2024 for PZB Mtg 05/14/24	89.34
330	2493	Escrow - CED Development	1050 Journal & Topics Newspapers	192243 Legal Notice 04/24/2024 for PZB Mtg 05/14/24	89.35
331	2493	Escrow - CED Development	1050 Journal & Topics Newspapers	192243 Legal Notice 04/24/2024 for PZB Mtg 05/14/24	89.35
332	2493	Escrow - CED Development	1050 Journal & Topics Newspapers	192243 Legal Notice 04/24/2024 for PZB Mtg 05/14/24	89.35
Total 700 - Escrow Fund					41,164.54
Grand Total					5,459,709.50

City of Des Plaines

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Manual Payments

Line #	Account	Vendor	Invoice	Invoice Description	Amount	
Fund: 100 - General Fund						
Public Works & Engineering						
Division: 540 - Vehicle Maintenance						
333	6195	Miscellaneous Contractual Services	8504 Verizon Connect Fleet USA LLC	352000056949	Vehicle Diagnostic System for April 2024	1,442.20
334	7120	Gasoline	7349 Wex Inc	96914129	Fuel Purchases April 2024	658.94
Total 540 - Vehicle Maintenance					2,101.14	
Total 50 - Public Works & Engineering					2,101.14	
Police Department						
Division: 630 - Support Services						
335	6015	Communication Services	1032 Comcast	05/06/2024 x7069	Internet/Cable Service 05/10-06/09/2024	114.90
336	6015	Communication Services	1009 AT&T	847R18054604-24	Communications Service 04/28-05/27/2024	64.00
Total 630 - Support Services					178.90	
Total 60 - Police Department					178.90	
Total 100 - General Fund					2,280.04	
Fund: 230 - Motor Fuel Tax Fund						
337	6330	R&M Traffic Signals	1206 Illinois, State of	64386R	Traffic Signal Maint 10/01-12/31/2023-Replaces Ck 150972	23,178.99
Total 230 - Motor Fuel Tax Fund					23,178.99	
Fund: 260 - Asset Seizure Fund						
Program: 2620 - DEA						
338	7320	Equipment < \$5,000	9077 Global Lab Supply	GL39674	Isolation Glove Box	2,284.00
339	7320	Equipment < \$5,000	9077 Global Lab Supply	GL39674	Isolation Glove Box	436.30
Total 2620 - DEA					2,720.30	
Total 260 - Asset Seizure Fund					2,720.30	
Grand Total					28,179.33	

City of Des Plaines

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JPMorgan Chase

Line #	Account	Vendor	Invoice	Invoice Description	Amount	
Fund: 100 - General Fund						
Elected Office						
Division: 120 - City Clerk						
340	6115	Licensing/Titles	1441 Notary Public Association of IL	PC - 44791	Training for Notary Certification 04/24/2024	49.00
Total 120 - City Clerk					49.00	

Total 10 - Elected Office					49.00
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City Administration						
Division: 210 - City Manager						
341	7000	Office Supplies	4348 Amazon.Com	PC - 44880	Set of Prism Legal Pads	46.24
342	7000	Office Supplies	4348 Amazon.Com	PC - 44881	2 Wooden Desk Pads, File Folders, Tape Dispenser, Etc.	69.68
343	7000	Office Supplies	4348 Amazon.Com	PC - 44886	Rolodex	17.25
344	7000	Office Supplies	4348 Amazon.Com	PC - 44887	Desk Organizer, 12-Pack of Pens, Desktop Docs Holder	63.94
Total 210 - City Manager					197.11	

Division: 230 - Information Technology						
345	6195	Miscellaneous Contractual Services	6008 Network Solutions LLC	PC - 44844	Domain Security Renewal 04/01-04/30/2024	9.99
346	6195	Miscellaneous Contractual Services	6008 Network Solutions LLC	PC - 44849	3 DNS Renewals 04/08-05/07/2024	14.97
347	6195	Miscellaneous Contractual Services	6008 Network Solutions LLC	PC - 44851	Renewal Premium DNS Dpcitynet.com 04/09-05/08/2024	4.99
348	6195	Miscellaneous Contractual Services	6008 Network Solutions LLC	PC - 44854	This Charge is Being Disputed as of 05/13/2024	150.00
349	6195	Miscellaneous Contractual Services	5940 GoDaddy.Com LLC	PC - 44855	3-Year Certificate-Standard Wildcard SSL 04/12/2024-04/11/2027	1,049.97
350	6195	Miscellaneous Contractual Services	6008 Network Solutions LLC	PC - 44864	Domain Security 04/29-05/28/2024	9.99
351	7000	Office Supplies	4348 Amazon.Com	PC - 44848	Two 32-Pack AAA Batteries	37.58
352	7005	Printer Supplies	4348 Amazon.Com	PC - 44846	1 of Dymo Printer Label Cartridge	19.79
353	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44843	5 Dell Docking Stations	1,090.50
354	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44845	Upright Vacuum Cleaner	260.00
355	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44847	10 Keyboards	229.90
356	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44850	1 Keyboard	154.88
357	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44852	2 Clamp-On Cable Organizers	56.96
358	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44853	1 iPad Case	25.19

City of Des Plaines

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Line #	Account	Vendor	Invoice	Invoice Description	Amount	
359	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44856	1 Upright Vacuum	324.00
360	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44858	Returned 1 Upright Vacuum	(260.00)
361	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44859	1 Poly Headset	296.97
362	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44860	3 Logitech Keyboards	599.97
Total 230 - Information Technology					4,075.65	

Division: 240 - Media Services						
363	5320	Conferences	4444 Misc Vendor for Procurement Card	PC - 44753	Hospitality Summit 4/30/24-Comm and Events Coordinator-Prof Dev	42.49
364	5320	Conferences	5414 3CMA	PC - 44792	3CMA Conference Ticket for Comm Mgr 9/4/24-9/6/24	760.00
365	5320	Conferences	5062 Southwest Airlines Co.	PC - 44793	Flight from 3CMA Conference for Comm Mgr 9/9/24	183.98
366	5320	Conferences	5062 Southwest Airlines Co.	PC - 44794	Flight to 3CMA Conference for Comm Mgr 9/3/24	199.98
367	6015	Communication Services	3875 Apple Inc	PC - 44740	Add'l iCloud Storage for One MS Staff Member 3/16-4/15	0.99
368	7320	Equipment < \$5,000	1091 B&H Photo-Video	PC - 44822	Microphones for Closed Session	228.00
Total 240 - Media Services					1,415.44	

Division: 250 - Human Resources						
369	5310	Membership Dues	1413 ICMA Intl City/County Management Association	PC - 44778	ICMA Annual Membership Dues 07/01/2024-06/30/2025	200.00
370	7550	Miscellaneous Expenses	1076 Sam's Club Direct	PC - 44738	Prize for PSRW Raffle 5/10/24	583.82
371	7550	Miscellaneous Expenses	8204 Awards International	PC - 44739	1 Plaque for Outgoing Fire Chief	141.00
372	7550	Miscellaneous Expenses	4348 Amazon.Com	PC - 44774	Solar Eclipse Glasses - Eclipse 2024	424.86
373	7550	Miscellaneous Expenses	4348 Amazon.Com	PC - 44775	Duck Hunt Prizes - PSRW 2024	98.35
374	7550	Miscellaneous Expenses	4348 Amazon.Com	PC - 44776	Table Covers, Ticket Ballet and Box, Cutlery and Plates-PSRW	210.24
375	7550	Miscellaneous Expenses	4348 Amazon.Com	PC - 44777	Duck Hunt Prizes - PSRW 2024	99.96
Total 250 - Human Resources					1,758.23	

Total 20 - City Administration					7,446.43
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Department: 30 - Finance						
376	7000	Office Supplies	4348 Amazon.Com	PC - 44882	2 Wooden Desk Pads, File Folders, Tape Dispenser, Etc.	17.98
377	7000	Office Supplies	4348 Amazon.Com	PC - 44885	2 Petter Openers	16.00
Total 30 - Finance					33.98	

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Line #	Account	Vendor	Invoice	Invoice Description	Amount
Community Development					
Division: 410 - Building & Code Enforcement					
378	5310	Membership Dues	6792 American Association of Notaries	PC - 44751	Refund: Notary Bond Voided 04/02/2024 (100.90)
379	5320	Conferences	9075 IL Assoc of Municipal Mgmt Assistants IAMMA	PC - 44749	IAMMA Conf Ticket for Development Service Mgr 04/19/2024 50.00
380	7300	Uniforms	1538 Lands' End Business Outfitters	PC - 44805	Uniforms for CED 55.90
381	7300	Uniforms	1538 Lands' End Business Outfitters	PC - 44806	Uniforms for CED 228.53
382	7300	Uniforms	1538 Lands' End Business Outfitters	PC - 44807	Uniforms for CED 1,376.54
Total 410 - Building & Code Enforcement					1,610.07
Division: 420 - Planning & Zoning					
383	5320	Conferences	1532 Des Plaines Chamber of Commerce & Industry	PC - 44781	DP Spring Garden Ball Tickets 04/14/2024-Econ Dev Mgr 195.00
Total 420 - Planning & Zoning					195.00
Division: 430 - Economic Development					
384	5320	Conferences	9075 IL Assoc of Municipal Mgmt Assistants IAMMA	PC - 44750	IAMMA Conf Ticket for Management Analyst 04/19/2024 50.00
Total 430 - Economic Development					50.00
Total 40 - Community Development					1,855.07
Public Works & Engineering					
Division: 100 - Administration					
385	5325	Training	1753 American Public Works Association - APWA	PC - 44728	APWA Expo-Admin, Supts, Crw Ldrs and Maint Oprs 5/22-5/23/2024 150.00
Total 100 - Administration					150.00
Division: 510 - Engineering					
386	5310	Membership Dues	7664 IL Assoc for Floodplain & Stormwater Mgmt (IAFSM)	PC - 44841	Membership Dues for Civil Engineer II 05/02/2024-05/01/2025 25.00
387	6000	Professional Services	8880 ReMarkable AS	PC - 44839	Monthly ReMarkable Connect Subscription 04/01-04/30/2024 2.99
388	7000	Office Supplies	1066 Office Depot	PC - 44840	1 Pack of Flash Drives 26.81
Total 510 - Engineering					54.80
Division: 530 - Street Maintenance					
389	5310	Membership Dues	5441 International Society of Arboriculture	PC - 44769	Certified Arborist Recertification - 6/24-6/27/2024 - Supt 120.00
390	5325	Training	1753 American Public Works Association - APWA	PC - 44733	APWA Expo-Admin, Supts, Crw Ldrs and Maint Oprs 5/22-5/23/2024 600.00

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Line #	Account	Vendor	Invoice	Invoice Description	Amount	
391	5325	Training	1753 American Public Works Association - APWA	PC - 44804	APWA Loader Registration - 5/22/2024 - Maintenance Operators	140.00
392	7050	Supplies - Streetscape	4348 Amazon.Com	PC - 44870	Solar Lights for Gateway Signs	61.79
393	7050	Supplies - Streetscape	4348 Amazon.Com	PC - 44871	Solar Lights for Gateway Signs	61.79
394	7055	Supplies - Street R&M	4348 Amazon.Com	PC - 44868	Electric Vehicle Marking Stencil	67.99
395	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44816	3 iPad Cases and Screen Protectors	206.59
Total 530 - Street Maintenance					1,258.16	

Division: 535 - Facilities & Grounds Maintenance						
396	5325	Training	1753 American Public Works Association - APWA	PC - 44730	APWA Expo-Admin, Supts, Crw Ldrs and Maint Oprs 5/22-5/23/2024	400.00
397	6315	R&M Buildings & Structures	2965 State Fire Marshal	PC - 44772	Boiler Certificate Fee for Public Works 04/19/2024	71.58
398	7000	Office Supplies	4348 Amazon.Com	PC - 44872	Label Maker Cartridge Refill	65.24
399	7045	Supplies - Building R&M	4444 Misc Vendor for Procurement Card	PC - 44734	Sealants for Metra Station	560.72
400	7045	Supplies - Building R&M	7856 Metal Link LLC, The	PC - 44735	Diamond Plate for Fire Station 61	618.00
401	7045	Supplies - Building R&M	4444 Misc Vendor for Procurement Card	PC - 44736	Sealants for Train Station	560.72
402	7045	Supplies - Building R&M	4348 Amazon.Com	PC - 44767	Signs for PW Buildings	56.69
403	7045	Supplies - Building R&M	4444 Misc Vendor for Procurement Card	PC - 44865	Nozzle Adapters for PW Garage Hose Reels	108.15
404	7045	Supplies - Building R&M	4348 Amazon.Com	PC - 44866	Signs for PW Buildings	39.76
405	7045	Supplies - Building R&M	4444 Misc Vendor for Procurement Card	PC - 44867	Nozzles for PW Garage Hose Reels	82.51
406	7200	Other Supplies	4348 Amazon.Com	PC - 44869	Coffee for City Hall	217.48
407	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44768	iPad Tablet	259.96
408	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44813	3 iPads and Screen Protectors	776.74
409	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44815	4 iPad Cases	81.96
410	8010	Furniture & Fixtures	4348 Amazon.Com	PC - 44773	Wall Mounts for Monitors at Police Department	827.12
Total 535 - Facilities & Grounds Maintenance					4,726.63	

Division: 540 - Vehicle Maintenance						
411	5325	Training	1753 American Public Works Association - APWA	PC - 44731	APWA Expo-Admin, Supts, Crw Ldrs and Maint Oprs 5/22-5/23/2024	350.00
412	7030	Supplies - Tools & Hardware	4348 Amazon.Com	PC - 44745	Timing Tool - PW Shop	74.98

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Line #	Account	Vendor	Invoice	Invoice Description	Amount	
413	7035	Supplies - Equipment R&M	4348 Amazon.Com	PC - 44741	Oil Filters - PW 5005	123.07
414	7035	Supplies - Equipment R&M	4348 Amazon.Com	PC - 44742	Washer Nozzles - PW 5005	31.02
415	7300	Uniforms	4348 Amazon.Com	PC - 44746	Uniform Shirt - Foreman	74.98
416	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44743	Fluid Evacuator and Liquid Smoke - PW Equipment	159.06
417	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44821	Covers for Mechanics Keyboards	50.33
Total 540 - Vehicle Maintenance					863.44	

Total 50 - Public Works & Engineering	7,053.03
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Police Department						
Division: 610 - Uniformed Patrol						
418	6110	Printing Services	1568 Minuteman Press	PC - 44874	2,000 Cite and Release Forms 02/13/2024	963.14
419	6195	Miscellaneous Contractual Services	4444 Misc Vendor for Procurement Card	PC - 44873	Annual Physical Exam NIPAS Team (1 Negotiator) 3/13/2024	450.00
420	6305	R&M Equipment	4444 Misc Vendor for Procurement Card	PC - 44879	Credit for Tax Charged for Camera Repair 01/29/2024	(6.63)
421	7200	Other Supplies	4348 Amazon.Com	PC - 44760	Plastic Forks, Spoons, Knives	49.00
422	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44757	Lock Out Tools (10)	170.56
Total 610 - Uniformed Patrol					1,626.07	

Division: 620 - Criminal Investigation						
423	5325	Training	4444 Misc Vendor for Procurement Card	PC - 44759	C.C.R.O.C Conference 8/7-8/8/2024 (4 Det, 1 Det Sgt)	500.00
424	5325	Training	5071 Hampton Inn Hotels	PC - 44764	Lodging for IDEOA Conference 4/16-4/18/2024 (1TFO)	621.60
425	6015	Communication Services	8347 Browning Trail Cameras	PC - 44737	Cell Connection- Trail Camera for Surveillance 3/29-4/29/2024	29.99
426	7200	Other Supplies	4348 Amazon.Com	PC - 44758	Plastic Spoons, Forks, Knives	49.00
Total 620 - Criminal Investigation					1,200.59	

Division: 630 - Support Services						
427	5320	Conferences	2344 Maine, Township of	PC - 44780	Maine Township Agency Day 4/3/2024 (2 Social Workers)	67.70
428	6195	Miscellaneous Contractual Services	8370 Canva Pty Ltd	PC - 44754	Subscription for Graphic Design Software 04/01/2024-04/01/2025	119.99
429	6195	Miscellaneous Contractual Services	5093 Dropbox Inc	PC - 44762	Subscription Cloud Storage- Training Videos 4/10/2024-4/10/2025	119.88
430	6305	R&M Equipment	4435 Safariland LLC	PC - 44755	Repair Service of 14 Expandable Batons 4/1/2024	280.00
431	7000	Office Supplies	4348 Amazon.Com	PC - 44756	File Jackets, Magnetic Clips, File Folders	87.40
432	7000	Office Supplies	4348 Amazon.Com	PC - 44763	Binder Clips	27.75
433	7000	Office Supplies	4348 Amazon.Com	PC - 44766	Pens, Sticky Notes, Disinfectant Wipes	16.25

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Line #	Account	Vendor	Invoice	Invoice Description	Amount	
434	7015	Supplies - Police Range	6851 Axon Enterprise Inc	PC - 44748	60 Taser Cartridges	2,415.00
435	7015	Supplies - Police Range	1722 Brownells Inc	PC - 44761	Bore Brushes, Cleaning Patches, CLP, Solvent	545.21
436	7200	Other Supplies	4348 Amazon.Com	PC - 44765	Pens, Sticky Notes, Disinfectant Wipes	47.64
437	7200	Other Supplies	4444 Misc Vendor for Procurement Card	PC - 44779	Chest Seals and Tourniquets	243.97
438	7500	Postage & Parcel	1041 Federal Express	PC - 44747	Shipping for Baton Repair 4/1/2024	30.09
Total 630 - Support Services					4,000.88	

Total 60 - Police Department	6,827.54
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Fire Department						
Division: 100 - Administration						
439	5310	Membership Dues	1482 Metropolitan Fire Chiefs Association of Illinois	PC - 44796	2024 Membership Dues - Deputy Chief 1/1/24-12/31/24	50.00
440	5310	Membership Dues	1482 Metropolitan Fire Chiefs Association of Illinois	PC - 44800	2024 Membership Dues - Battalion Chief 1/1/24-12/31/24	50.00
441	5310	Membership Dues	1482 Metropolitan Fire Chiefs Association of Illinois	PC - 44801	2024 Membership Dues - Deputy Chief 1/1/24-12/31/24	50.00
442	5320	Conferences	1482 Metropolitan Fire Chiefs Association of Illinois	PC - 44802	Registration-Lunch Mtg. 5/2/24-Chief, 2 Deputies, Batt Chief	80.00
443	6310	R&M Vehicles	4444 Misc Vendor for Procurement Card	PC - 44782	Car Wash 4/12/24 Vehicle 6101 - Deputy Chief	7.00
444	6310	R&M Vehicles	4444 Misc Vendor for Procurement Card	PC - 44826	Car Wash 4/9/24 Vehicle 6102 - Deputy Chief	7.00
445	6310	R&M Vehicles	8811 WashU Speedy Shine LLC	PC - 44831	Car Wash 4/26/24 Vehicle 6102 - Deputy Chief	5.00
446	7000	Office Supplies	4348 Amazon.Com	PC - 44827	3 Packs Weatherproof Notebooks	109.81
447	7200	Other Supplies	4348 Amazon.Com	PC - 44823	2 Packs Large Plastic Wall Hooks - Admin Office	36.39
448	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44829	Projector - Admin Office	415.10
449	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44830	Ceiling Mount Projector Extension - Admin Office	39.15
450	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44832	HDMI Cable - Admin Office	32.38
451	7550	Miscellaneous Expenses	6163 Portillos Hot Dogs LLC	PC - 44797	Lunch for RED Center Telecommunicators Week 4/19/24	290.35
452	7550	Miscellaneous Expenses	6163 Portillos Hot Dogs LLC	PC - 44799	Credit for Tax Charged for Telecommunicators Lunch 4/19/24	(29.36)
Total 100 - Administration					1,142.82	

Division: 710 - Emergency Services						
453	5325	Training	4444 Misc Vendor for Procurement Card	PC - 44875	OSHA 10 and 30 Hour General Industry Online Training - Paramedic	215.00
454	6015	Communication Services	9023 Granite Telecommunications LLC	PC - 44798	Communication Call Boxes Stations 61,62,63 1/19/24-2/3/27	1,077.23

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Line #	Account	Vendor	Invoice	Invoice Description	Amount	
455	6195	Miscellaneous Contractual Services	5093 Dropbox Inc	PC - 44825	Dropbox Plus Subscription 4/5/24-4/5/25- Training Division	119.88
456	6305	R&M Equipment	2266 Underwriters Laboratories LLC	PC - 44795	Annual Aerial Inspection Service - Tower 61 4/23/21	1,595.00
457	7000	Office Supplies	4348 Amazon.Com	PC - 44836	3-Hole Punch for Sta 61 - not FFIB	23.03
458	7035	Supplies - Equipment R&M	1745 Suburban Accents Inc	PC - 44838	Replacement Reflective Signs for Ambulances	900.00
459	7200	Other Supplies	8244 Des Plaines Ace Hardware	PC - 44876	Padlock - Station 63	10.79
460	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44824	3 Packs Car Chargers for Rigs	48.36
461	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44837	Squeegees for the Fire Stations - not FFIB	124.20
462	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44877	3 Streamlight Portable Scene Lights	728.10
463	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44878	Backpack Vacuum	299.00
Total 710 - Emergency Services					5,140.59	

Division: 720 - Fire Prevention						
464	5325	Training	4840 International Association of Arson Investigators	PC - 44808	Fire/Arson Training - Part-time Inspector 5/22/24-5/23/24	110.00
Total 720 - Fire Prevention					110.00	

Division: 730 - Emergency Management Agency						
465	7300	Uniforms	4092 FullLife Safety Center	PC - 44888	Reflective Vests, Velcro Gloves - EMA	110.28
466	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44828	20 Duffle Bags - EMA Volunteer Equipment	927.49
Total 730 - Emergency Management Agency					1,037.77	

Total 70 - Fire Department					7,431.18
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Total 100 - General Fund					30,696.23
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Fund: 260 - Asset Seizure Fund						
Program: 2620 - DEA						
467	7200	Other Supplies	7186 Bentley's Pet Stuff-SC	PC - 44803	Food for K9 Jager 4/19/2024	98.09
Total 2620 - DEA					98.09	

Total 260 - Asset Seizure Fund					98.09
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Fund: 400 - Capital Projects Fund						
468	6195	Miscellaneous Contractual Services	6035 IL Dept of Natural Resources IDNR	PC - 44842	IDNR Protection/Preservation Review 2024 CIP Contract A 4/16/24	127.81
Total 400 - Capital Projects Fund					127.81	

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Line #	Account	Vendor	Invoice	Invoice Description	Amount	
Fund: 420 - IT Replacement Fund						
469	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44862	5 Flash Drives	108.55
470	7320	Equipment < \$5,000	4348 Amazon.Com	PC - 44863	8 Replacement Batteries for UPS Back Up	183.92
471	8005	Computer Hardware	4348 Amazon.Com	PC - 44857	6 APC UPS Battery Back up Surge Protectors	290.00
472	8005	Computer Hardware	4348 Amazon.Com	PC - 44861	6 APC UPS Battery Backups	391.05
Total 420 - IT Replacement Fund					973.52	

Fund: 430 - Facilities Replacement Fund						
473	6315	R&M Buildings & Structures	1033 ComEd	PC - 44770	Service to Police Department Addition 04/15/2024, PO 2024-258	5,000.00
474	6315	R&M Buildings & Structures	1033 ComEd	PC - 44771	Service to Police Department Addition 04/15/2024, PO 2024-258	522.82
Total 430 - Facilities Replacement Fund					5,522.82	

Fund: 500 - Water/Sewer Fund						
Non Departmental						
Division: 550 - Water Systems						
475	5320	Conferences	4444 Misc Vendor for Procurement Card	PC - 44818	Hotel for IEPA Mandatory Water Training-Crew Ldr 4/15-4/17/24	272.55
476	5320	Conferences	4444 Misc Vendor for Procurement Card	PC - 44819	Hotel for IEPA Mandatory Water Training-Maint Opr 4/15-4/17/24	272.55
477	5320	Conferences	4444 Misc Vendor for Procurement Card	PC - 44820	Hotel for IEPA Mandatory Water Training-Maint Opr 4/15-4/17/24	272.55
478	5325	Training	1753 American Public Works Association - APWA	PC - 44729	APWA Expo-Admin, Supts, Crw Ldrs and Maint Oprs 5/22-5/23/2024	900.00
479	5325	Training	4418 EBS - Eventbrite	PC - 44810	SCADA System Training - 4/24/2024 - Maintenance Operators	50.00
480	7000	Office Supplies	4348 Amazon.Com	PC - 44783	Dry Erase Boards	53.90
481	7030	Supplies - Tools & Hardware	1939 Northern Tool & Equipment	PC - 44809	Tools for Water Truck	953.75
482	7040	Supplies - Vehicle R&M	4348 Amazon.Com	PC - 44744	Air Filters - PW 9037	146.00
483	7070	Supplies - Water System Maintenance	2213 Automationdirect.com Inc	PC - 44817	PMP Sensors and Cable	338.00
484	7300	Uniforms	4348 Amazon.Com	PC - 44814	Uniform Pants - Foreman	104.70
Total 550 - Water Systems					3,364.00	

Division: 560 - Sewer Systems						
485	5320	Conferences	1563 American Water Works Assoc (AWWA)	PC - 44811	Sewer Jetting Conference - 5/28/2024 - Maintenance Operators	144.00
486	5325	Training	1753 American Public Works Association - APWA	PC - 44732	APWA Expo-Admin, Supts, Crw Ldrs and Maint Oprs 5/22-5/23/2024	400.00

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Line #	Account	Vendor	Invoice	Invoice Description	Amount	
487	7020	Supplies - Safety	4348 Amazon.Com	PC - 44812	Winter Jacket - Maintenance Operator	139.99
Total 560 - Sewer Systems					683.99	
Total 00 - Non Departmental					4,047.99	
Department: 30 - Finance						
488	7000	Office Supplies	4348 Amazon.Com	PC - 44883	2 Daily Planners, A4 Hardcover Notebook, Post-It Flags	35.47
489	7000	Office Supplies	4348 Amazon.Com	PC - 44884	Set of Gel Ink Pens	43.99
Total 30 - Finance					79.46	
Total 500 - Water/Sewer Fund					4,127.45	
Fund: 700 - Escrow Fund						
490	2221	Taste of Des Plaines	6644 Kwik-Covers LLC	PC - 44752	Tablecloths for Taste of Des Plaines 6/14-6/15/24	516.54
Total 700 - Escrow Fund					516.54	
Grand Total					42,062.46	

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Warrant Register 06/03/2024

Summary

	Amount		Transfer Date
Automated Accounts Payable	\$ 5,459,709.50	**	6/3/2024
Manual Checks	\$ 28,179.33	**	5/17/2024
Payroll	\$ 1,371,451.59		5/17/2024
RHS Payout	\$ -		
Electronic Transfer Activity:			
JPMorgan Chase Credit Card	\$ 42,062.46	**	5/25/2024
Chicago Water Bill ACH	\$ 128,229.15		5/31/2024
Postage Meter Direct Debits			
Postage USPS - AccessPoint			
Utility Billing Refunds	\$ 952.00		5/10/2024
Debt Interest Payment			
IMRF Payments	\$ 112,602.59		5/14/2024
Employee Medical Trust			
Property Purchase 1796 Rand Road			
Total Cash Disbursements:	\$ 7,143,186.62		

* Multiple transfers processed on and/or before date shown

** See attached report

Adopted by the City Council of Des Plaines

This Third Day of June 2024

Ayes _____ Nays _____ Absent _____

Jessica M. Mastalski, City Clerk

Andrew Goczkowski, Mayor



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

1420 Miner Street
Des Plaines, IL 60016
P: 847.391.5380
desplaines.org

MEMORANDUM

Date: May 23, 2024
To: Dorothy Wisniewski, City Manager
From: Samantha Redman, Senior Planner
Cc: Jeff Rogers, AICP, Director of Community and Economic Development
Subject: Conditional Use for Trade Contractor, Major Variation for Loading Zone, and Standard Variation to Reduce Required Front Yard at 1387 Prospect Avenue.

Issue: The petitioner is requesting the following: (i) conditional use for a trade contractor use; (ii) standard variation to reduce the required front yard; and (iii) a major variation to allow the loading space to face a public way (alley).

- PIN: 09-29-228-034-0000
Petitioner/Owner: Vasile Haures (1387 Prospect Ave. LLC), 1980 Pine Street, Des Plaines, IL 60018
Case Number: #24-014-CU-V
Ward Number: #5, Alderman Carla Brookman
Existing Zoning: C-3, General Commercial
Surrounding Zoning: North: R-3, Townhouse Residential District; South: R-3, Townhouse Residential District; East: C-3, General Commercial District; West: R-1, Single Family Residential District
Surrounding Land Uses: North: Townhouses; South: Townhouses; East: Vacant; West: Single Family Residence
Street Classification: Prospect Avenue and Chestnut Street are classified as local roads.
Comprehensive Plan: The Comprehensive Plan illustrates this site as commercial.
Property/Zoning History: The property is currently undeveloped and is located at the southwest corner of the Prospect Avenue and Chestnut Street intersection. In 2022, a zoning map amendment was approved to change the zoning of this property from C-1,

Neighborhood Shopping to C-3, General Commercial. A multitenant office building was contemplated when the property was re-zoned. Since 2022, this property was sold to the petitioner. Historic aerials and city records do not indicate any structure has existed on this property in known history.

The area surrounding the property is generally commercial and townhouses. However, the property immediately adjacent to the subject project, 1383 Prospect Avenue, is a single-family house re-zoned from C-1, Neighborhood Commercial to R-1, Single Family Residential in 2016. The presence of an adjacent single family residential property creates additional requirements in terms of the required front yard and requires a landscape and fence buffer between the properties.

Project Description:

The petitioner, Vasile Haures, is proposing to construct a one-story commercial building for a trade contractor use. The building will include two tenant spaces. The east half will include a showroom, office, and fabrication/storage area for a hardwood flooring business. The other tenant space will be occupied by a similar business, to be determined by the petitioner at a later date; note all proposed and future tenants will be required to follow the same conditions, should the proposed ordinance be approved.

Trade Contractor Use

A business classified as a “trade contractor” is defined in the zoning ordinance as,

“A building or portion thereof where building and construction trade services are provided to the public. "Trade contractor" shall include, but will not be limited to, contractor offices, including landscaper's showrooms, construction supplies and storage including plumbing, heating, air conditioning, and building equipment, materials, sales, and other uses similar in nature and impact.” (Section 12-13-3).

Refer to the Petitioner’s Letter of Intent for business operation information. The petitioner describes their business as a hardwood flooring company. Customers will be able to access the showroom by appointment only. Other services performed onsite will be deliveries and pickups of materials and limited fabrication work (e.g. custom cutting of hardwood planks). Activities would mostly include performing installation and finishing pre-made materials offsite at customer locations. The business currently includes two employees and four subcontractors.

Storage of materials must occur indoors, except as permitted by Section 12-7-F.5.d. Trade contractor businesses in the C-3 district can display materials outside of the building, although they cannot be displayed within any required yards. With the current site plan, there are few locations on the property where outdoor display would be possible. The petitioner has not indicated any intent to display materials outdoors; if interest is proposed in the future to display materials, all requirements of Section 12-7-3.F.5.d would need to be followed, limiting the location, height and types of material displayed.

Proposed Building and Front Yard Variation

The proposed building on the site will be 4,512 square feet in size and one story, 17 feet 9 inches in height. Two overhead doors are located adjacent to

the alley, with a loading zone present in front of each door. Although the petitioner at this time only intends to have one use in this space, the building could be separated into two separate spaces; any future businesses in this location would need to meet requirements of the C-3 zoning district. An accessible parking space is also provided at the rear of the building. Landscaping and fencing are noted on the site plan to meet landscape buffer requirements pursuant to Section 12-10-9.

In the C-3 zoning district, the required front yard is required to match the required setback of any adjacent residential district, or 5 feet if it is not adjacent to residential. This property is adjacent to an R-1 zoned property on the west side, thus requiring a 25-foot front yard setback. A standard variation to reduce the required front yard is requested to allow the building to be setback 5 feet instead of 25 feet from the property line. This distance of the building from the property line is consistent with the other commercial properties on this block.

The current building design does not meet Section 12-3-11 – Building Design Standards. The proposed materials meet requirements, with brick and metal proposed on the façade. However, for street-facing elevations (north and east facades) a minimum of 50% transparency from 2 feet to 9 feet above the sidewalk is required for this type of use. The petitioner may request a minor variation, reviewed administratively by zoning staff, to vary from this requirement.

Off-Street Parking

The trade contractor use does not require a specific amount of off-street parking per Section 12-9-7. Because trade contractor is a conditional use within the C-3 Zoning District, a specific amount or location of off-street parking can be a condition of approval. On-street parking is available on Prospect Avenue and on the west side of Chestnut Street.

One accessible parking space is noted on the site plan adjacent to the loading spaces and four standard parking spaces (two tandem spaces) are provided inside the building, accessible through the loading zone and overhead doors. The zoning ordinance does not permit tandem spaces for any *required* off-street parking spaces, stating that all spaces must open directly to an aisle or driveway. However, because the trade contractor use does not *require* off-street parking spaces, it only must be designed to provide “appropriate means of vehicular access to street or alley” (Section 12-9-9).

The conditional use process allows the flexibility to determine if the indoor tandem spaces will provide sufficient parking and if the tandem spaces can be managed in a way that provides appropriate means of access to the alley. If the Council requires modifications to the parking plan or if it is determined that parking agreements should be sought to relieve parking concerns associated with this use, a condition of approval can be added to the ordinance.

Traffic and Loading

Access to the property will be provided by the existing 16-foot-wide alley accessed from Chestnut Street. Traffic generated by this use would include vehicle trips associated with employees, customers and deliveries and loading of materials. A major variation is requested to allow for the loading zones to

open onto the alley. Due to the location and size of the property, the loading zone area opening into the alley provides access without requiring an additional curb cut along Chestnut Street or Prospect Avenue.

The Letter of Intent provided by the petitioner (refer to attachments) states deliveries will occur between 8 A.M. and 5 P.M. on weekdays, and larger deliveries would be scheduled outside of peak traffic hours. Loading and unloading will occur within the building or within the designated loading zones. Suggested conditions of approval state that any loading and unloading outside of the building may not occur between the hours of 10:00 P.M. and 7:00 A.M., loading and unloading cannot occur within any public ways, and any on-street parking of vehicles related to the business must be limited to the duration of time it takes for deliveries.

Due to the proposed use of the alley for entrance and exit for all loading, deliveries and parking, and the poor condition of the existing pavement, a suggested condition of approval is to complete alley improvements. The petitioner acknowledges this condition in the Letter of Intent and states plans for the improvements will be provided at time of building permit.

Noise

Any business within the City must abide by Section 6-2-7 of the Municipal Code, which includes measures to limit excessive noise and penalties for violating this ordinance. As stated during the public hearing during the Planning and Zoning Board meeting on May 14, 2024, the petitioner's business is unlikely to produce significant noise, as most activities involving power tools are conducted at a client's property rather than at the business itself. Any activities of the east tenant would be required to follow the same conditions, if this conditional use permit is approved.

Planning and Zoning Board (PZB) Recommendation

The PZB held a public hearing on May 14, 2024 to consider the requests. The PZB consolidated their determination for all requests into one motion voting 4-0, with one member abstaining, to recommend that City Council approve the requests with the five staff recommended conditions. The rationale for the PZB's vote is captured in the attached Excerpt of Draft Minutes from the May 14, 2024 PZB Meeting.

City Council Action

Pursuant to Sections 12-3-4.D.4 and 12-3-6.G.2.c of the Zoning Ordinance, the Council has the final authority on the Conditional Use and Major Variation. Pursuant to Section 12-2-2.C, the Council has final authority on Standard Variation requests, when connected with relief within city council jurisdiction. The Council may approve, approve with modifications, or deny Ordinance Z-7-24. If the City Council decides to approve these requests, staff and the PZB recommend the following conditions.

1. Full reconstruction of the portion of alley along the rear frontage is required, with a catch basin connected to the storm sewer in Chestnut Street. The improvements must be demonstrated on plans prior to issuance of a building permit.
2. Prior to issuance of a building permit, replacement of existing public sidewalks deemed unsatisfactory must be demonstrated on plans, as determined by the Director of Public Works and Engineering or their designee.

3. A turning radii exhibit is required to be submitted prior to issuance of building permit demonstrating acceptable turning radiuses for loading/unloading, to the satisfaction of the Director of Public Works and Engineering or their designee.
4. Loading and unloading of materials outside of the building is prohibited between the hours of 10:00 P.M. and 7:00 A.M. No loading and unloading can occur within any public ways.
5. Relocation of vehicles associated with the business to allow for deliveries shall occupy public on-street parking only as necessary during the delivery.

Attachments:

Attachment 1: Location Map

Attachment 2: Staff Site and Context Photos

Attachment 3: Plat of Survey

Attachment 4: Acting Chairman Saletnik PZB Recommendation Letter

Attachment 5: Excerpt of Draft Minutes from the May 14, 2024 PZB Meeting

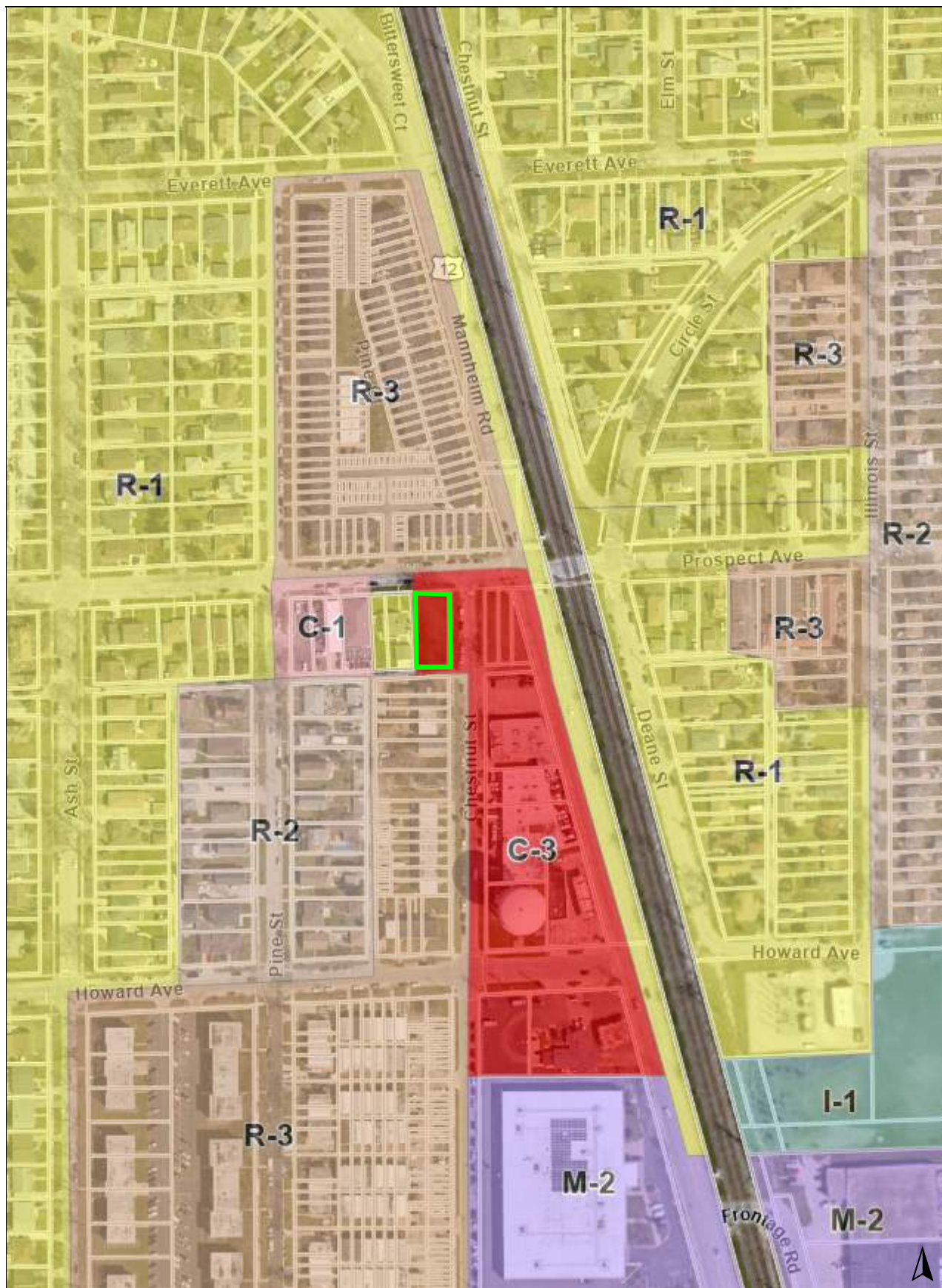
Ordinance Z-7-24

Exhibit A: Petitioner's Letter of Intent

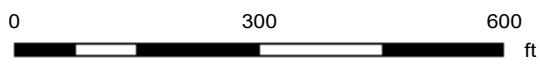
Exhibit B: Petitioner's Response to Standards

Exhibit C: Site and Architectural Plans

Exhibit D: Unconditional Agreement and Consent



- Legend**
- Subject Site
 - C-1: Neighborhood Shopping
 - C-3: General Comm
 - I-1: Institutional
 - M-2: General Manufacturing
 - R-1: Single Family Residential
 - R-2: Two Family Residential
 - R-3: Townhouse Residential



Print Date: 4/17/2024

Notes

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

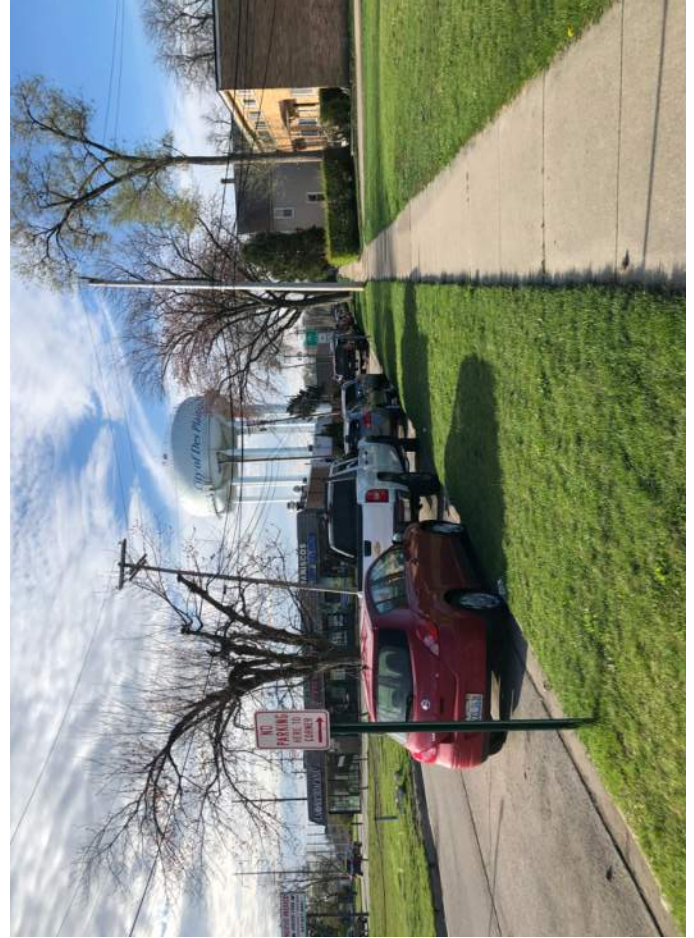


Attachment 2



View of property

1387 Prospect Ave – Public Notice Sign



View of street parking along Chestnut Street



View of alley and rear of property

ALTA/NSPS LAND TITLE SURVEY

OF

PROPERTY ADDRESS: 3287 PROSPECT AVENUE, DES PLAINES, ILLINOIS

THE EAST 8 FEET OF LOT 3 AND ALL OF LOTS 1 AND 2 IN BLOCK 1 IN BAKERS ADDITION TO RIVERVIEW IN THE SOUTH 1/2 OF THE SOUTH WEST 1/4 OF THE NORTH EAST 1/4 OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

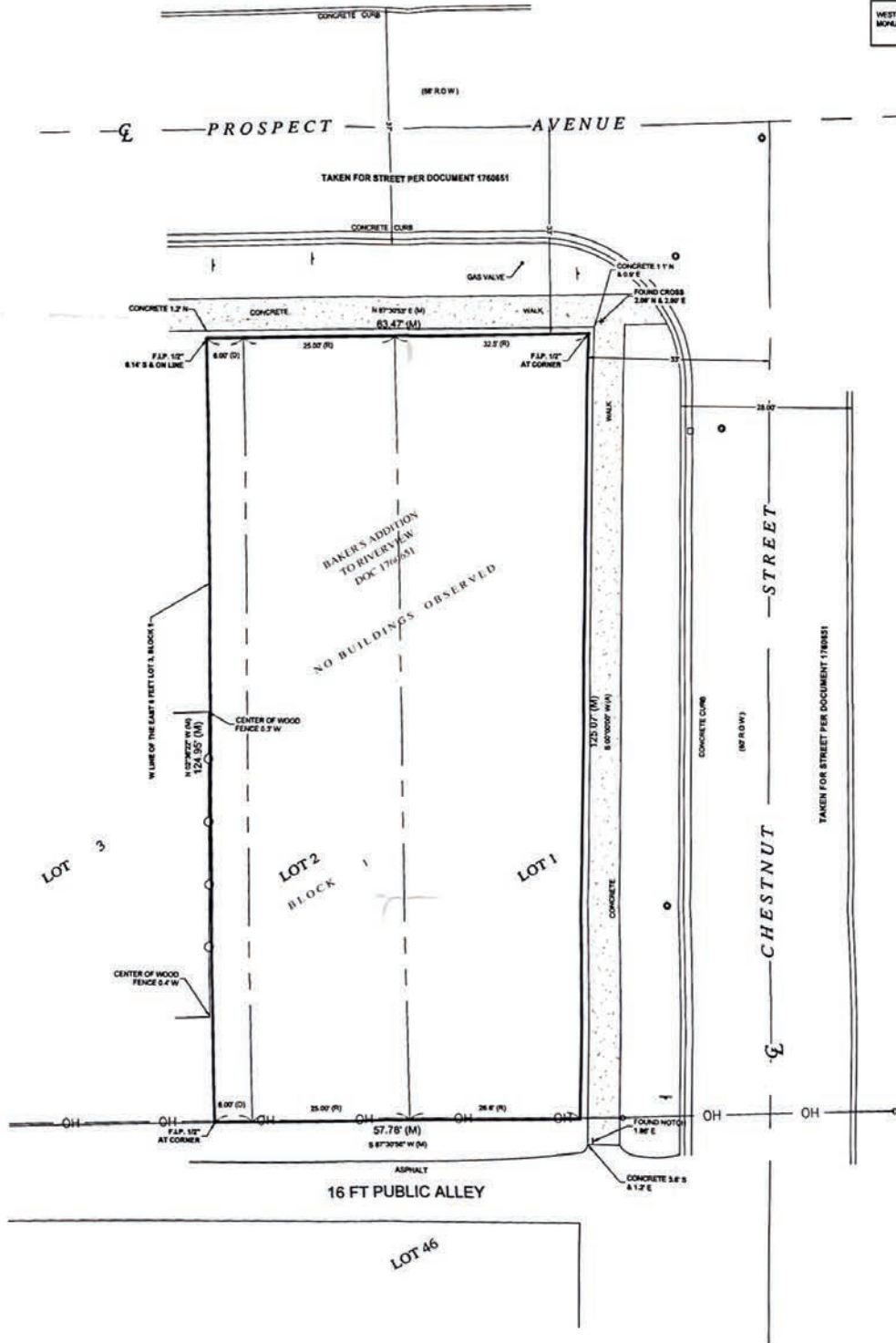
LAND AREA = 7,574.8 SF
OR 0.17 ACRES MORE OR LESS



BASIS OF BEARING
WEST LINE OF CHESTNUT STREET AS FOUND
MONUMENTED AND OCCUPIED
S 89°10'00" W (ASSUMED)
P.L.N. 09-28-228-034-0000

LEGEND

- | | | | |
|-------|---------------------------|-------|---------------------|
| — | EXISTING BOUNDARY | ○ | MANHOLE |
| - - - | EXISTING EASEMENT | ○ | EXIST. CATCH BASIN |
| - - - | EXISTING SETBACK | ○ | EXIST. CURB INLET |
| - - - | EXISTING CHAIN LINK FENCE | - - - | STORM SEWER |
| - - - | EXISTING WOOD FENCE | - - - | SAWDRY SEWER |
| - - - | EXISTING METAL FENCE | ⊕ | WOOD VALVE |
| - - - | EXISTING VINYL FENCE | ⊕ | BURIED BOX (B-BOX) |
| - - - | EXISTING BUILDING | ⊕ | WATER VALVE & VAULT |
| - - - | CENTER LINE | ⊕ | FIRE HYDRANT |
| ▨ | ASPHALT SURFACE | ⊕ | GAS METER |
| ▨ | BUILDING/STRUCTURE | ⊕ | GAS LINE |
| ▨ | CONCRETE SURFACE | ⊕ | ELECTRIC METER |
| (C) | CALCULATED | ⊕ | ELECTRIC PEDIESTAL |
| (M) | MEASURED | ⊕ | OVERHEAD WIRES |
| (SF) | SQUARE FEET | ⊕ | UTILITY POLE |
| | | ⊕ | PHONE PEDIESTAL |
| | | ⊕ | CABLE TV PEDIESTAL |
| | | ⊕ | LIGHT POST |
| | | ⊕ | STREET SIGN |
| | | ⊕ | DOWNPOUT |
| | | ⊕ | BOLLARD |



Know what's below.
Call before you dig.



May 15, 2024

Mayor Goczkowski and Des Plaines City Council, CITY OF DES PLAINES

Subject: Planning and Zoning Board, 1387 Prospect Avenue Case #24-014-CU-V (8th Ward)
RE: Consideration of a Conditional Use for Trade Contractor, Variations to Reduce Required Front Yard and Required Loading Area

Honorable Mayor and Members of the Des Plaines City Council:

The Planning and Zoning Board met on May 14, 2024 to consider: (i) conditional use for a trade contractor use; (ii) standard variation to reduce the required front yard; and (iii) a major variation to allow loading spaces to open or face a public right-of-way.

1. The petitioner and architect presented a brief overview of the request for the business and the requests. The petitioner is proposing to construct a one-story building that will house his hardwood flooring business in one tenant space and then rent the other tenant space to a similar business.
2. The Planning and Zoning Board (Board) asked about how the building will be demised; the petitioner stated the building will be divided into two. Member Weaver asked about accessibility with the two doorways and the loading spaces. The architect stated only one accessible stall could fit on the property and trucks will be parked inside. The petitioner stated the proposed showroom is by appointment only, not for walk-ins or used as a store. The petitioner stated materials brought in and out of the building are only leftover materials from a site and the majority of the time, materials are delivered directly to a project site because they must acclimate. The building will house their equipment and trucks will be parked inside for security. Employees will be one crew and the rest are subcontractors. Member Fowler discussed the adjacency to the residential property and asked about the landscape buffer; staff stated a required landscape buffer and eight-foot-tall fence is planned on the site, meeting screening requirements.
3. Staff summarized the staff report, describing the proposed use and variations and discussed the unique zoning history that resulted in a residentially zoned property next to this commercial property. Staff provided the conditions of approval and noted two additional conditions to consider related to sound and parking on the street. The Board expressed concerns about not knowing the tenant on the east side of the building; Staff clarified that this tenant would be required to meet the same conditions as this tenant and would be limited by the parking requirement. The petitioner stated they will work to ensure they find a suitable tenant and will not create concerns with the neighborhood.
4. Public comment was provided by several residents of the neighborhood concerned with the size of the property not being large enough to accommodate this use, traffic, noise, and parking. The Board discussed each issue, confirming with the petitioner that most noise would occur off-site on client properties, that the showroom would be appointment only, and that no loading will occur on the street. The Board agreed to add an additional condition on the floor limiting the time that can be spent parked on the street during loading/unloading into the building from the loading spaces.
5. Member Weaver made a motion to recommend, seconded by Board Member Catalano to recommend approval of requests with staff drafted conditions and included one additional condition that

relocation of vehicles associated with the business to allow for deliveries shall occupy public on-street parking only as necessary during the delivery.

6. The Planning and Zoning Board *recommended* (4-0, with one abstaining) that the City Council *approve* of the requests with recommended conditions.

Respectfully submitted,

A handwritten signature in black ink that reads "Paul Saletnik". The signature is written in a cursive, flowing style.

Paul Saletnik,
Des Plaines Planning and Zoning Board, Acting Chairman
Cc: City Officials/Aldermen



**DES PLAINES PLANNING AND ZONING BOARD MEETING
May 14, 2024
MINUTES**

3. **Address:** 1387 Prospect Avenue **Case Number:** 24-014-CU-V

The petitioner is requesting the following: (i) conditional use for a trade contractor use; (ii) standard variation to reduce the required front yard; and (iii) a major variation to allow loading spaces to open or face a public right-of-way.

PIN: 09-29-228-034-0000

Petitioner: Vasile Haures, 1980 Pine Street, Des Plaines, IL 60018

Owner: 1387 Prospect Ave LLC, 1980 Pine Street, Des Plaines, IL 60018

Ward Number: #5, Alderman Carla Brookman

Existing Zoning: C-3, General Commercial

Surrounding Zoning: North: R-3, Townhouse Residential District
South:R-3, Townhouse Residential District
East:C-3, General Commercial District
West:R-1, Single Family Residential District

Surrounding Land Uses: North:Townhouses
South:Townhouses
East:Vacant
West:Single Family Residence

Street Classification: Prospect Avenue and Chestnut Street are classified as local roads.

Comprehensive Plan: The Comprehensive Plan illustrates this site as commercial.

Property/Zoning History: The property is currently undeveloped and is located at the southwest corner of the Prospect Avenue and Chestnut Street intersection. In 2022, a zoning map amendment was approved to change the zoning of this property from C-1, Neighborhood Shopping to C-3, General Commercial. A multitenant office building was contemplated when the property was re-zoned. Since 2022, this property was sold to

the petitioner. Historic aerials and city records do not indicate any structure has existed on this property in known history.

The area surrounding the property is generally commercial and townhouses. However, the property immediately adjacent to the subject project, 1383 Prospect Avenue, is a single-family house re-zoned from C-1, Neighborhood Commercial to R-1, Single Family Residential in 2016. The presence of an adjacent single family residential property creates additional requirements in terms of the required front yard and requires a landscape and fence buffer between the properties.

Project Description:

The petitioner, Vasile Haures, is proposing to construct a one-story commercial building for a trade contractor use. The building will include a showroom, office, and fabrication/storage for a hardwood flooring business.

Trade Contractor Use

A business classified as a “trade contractor” is defined in the zoning ordinance as,

“A building or portion thereof where building and construction trade services are provided to the public. "Trade contractor" shall include, but will not be limited to, contractor offices, including landscaper's showrooms, construction supplies and storage including plumbing, heating, air conditioning, and building equipment, materials, sales, and other uses similar in nature and impact.” (Section 12-13-3).

Refer to the Petitioner’s Letter of Intent for business operation information. The petitioner describes their business as a hardwood flooring company. Customers will be able to access the showroom by appointment only. Other services performed onsite will be deliveries and pickups of materials and limited fabrication work (e.g. custom cutting of hardwood planks). Activities would mostly include performing installation and finishing pre-made materials offsite at customer locations. The business currently includes two employees and four subcontractors.

Storage of materials must occur indoors, except as permitted by Section 12-7-F.5.d. Trade contractor businesses in the C-3 district can display materials outside of the building, although they cannot be displayed within any required yards. With the current site plan, there are few locations on the property where outdoor display would be possible. The petitioner has not indicated any intent to display materials outdoors; if interest is proposed in the future to display materials, all requirements of Section 12-7-3.F.5.d would need to be followed, limiting the location, height and types of material displayed.

Proposed Building and Front Yard Variation

The proposed building on the site will be 4,512 square feet in size and one story, 17 feet 9 inches in height. Two overhead doors are located adjacent to the alley, with a loading zone present in front of each door. Although the petitioner at this time only intends to have one use in this space, the building could be separated into two

separate spaces; any future businesses in this location would need to meet requirements of the C-3 zoning district. An accessible parking space is also provided at the rear of the building. Landscaping and fencing are noted on the site plan to meet landscape buffer requirements pursuant to Section 12-10-9.

In the C-3 zoning district, the required front yard is required to match the required setback of any adjacent residential district, or 5 feet if it is not adjacent to residential. This property is adjacent to an R-1 zoned property on the west side, thus requiring a 25-foot front yard setback. A standard variation to reduce the required front yard is requested to allow the building to be setback 5 feet instead of 25 feet from the property line. This distance of the building from the property line is consistent with the other commercial properties on this block.

The current building design does not meet Section 12-3-11 – Building Design Standards. The proposed materials meet requirements, with brick and metal proposed on the façade. However, for street-facing elevations (north and east facades) a minimum of 50% transparency from 2 feet to 9 feet above the sidewalk is required for this type of use. The petitioner may request a minor variation, reviewed administratively by zoning staff, to vary from this requirement.

Off-Street Parking

The trade contractor use does not require a specific amount of off-street parking per Section 12-9-7. Because trade contractor is a conditional use within the C-3 Zoning District, a specific amount or location of off-street parking can be a condition of approval. On-street parking is available on Prospect Avenue and on the west side of Chestnut Street.

One accessible parking space is noted on the site plan adjacent to the loading spaces and four standard parking spaces (two tandem spaces) are provided inside the building, accessible through the loading zone and overhead doors. The zoning ordinance does not permit tandem spaces for any *required* off-street parking spaces, stating that all spaces must open directly to an aisle or driveway. However, because the trade contractor use does not *require* off-street parking spaces, it only must be designed to provide “appropriate means of vehicular access to street or alley” (Section 12-9-9).

The conditional use process allows the flexibility to determine if the indoor tandem spaces will provide sufficient parking and if the tandem spaces can be managed in a way that provides appropriate means of access to the alley. If the PZB requires modifications to the parking plan or if it is determined that parking agreements should be sought to relieve parking concerns associated with this use, a condition of approval can be suggested with the recommendation to City Council.

Traffic and Loading

Access to the property will be provided by the existing 16-foot-wide alley accessed from Chestnut Street. Traffic generated by this use would include vehicle trips

associated with employees, customers and deliveries and loading of materials. A major variation is requested to allow for the loading zones to open onto the alley. Due to the location and size of the property, the loading zone area opening into the alley provides access without requiring an additional curb cut along Chestnut Street or Prospect Avenue.

The Letter of Intent provided by the petitioner (refer to attachments) states deliveries will occur between 8 A.M. and 5 P.M. on weekdays, and larger deliveries would be scheduled outside of peak traffic hours. Loading and unloading will occur within the building or within the designated loading zones. A suggested condition of approval states that any loading and unloading outside of the building may not occur between the hours of 10:00 P.M. and 7:00 A.M.

Due to the proposed use of the alley for entrance and exit for all loading, deliveries and parking, and the poor condition of the existing pavement, a suggested condition of approval is to complete alley improvements. The petitioner acknowledges this condition in the Letter of Intent and states plans for the improvements will be provided at time of building permit.

Standards for Conditional Use

The following is a discussion of standards for conditional uses from Section 12-3-4(E) of the Zoning Ordinance. Rationale for how the proposed use would satisfy the standards is provided below and in the petitioner's response to standards. The PZB may use this rationale toward its recommendation, or the Board may make up its own.

1. The proposed Conditional Use is in fact a Conditional Use established within the specific Zoning district involved:

Comment: Trade contractor is a conditional use within the C-3, General Commercial District.

2. The proposed Conditional Use is in accordance with the objectives of the City's Comprehensive Plan:

Comment: The 2019 Comprehensive Plan illustrates this area to be used for Commercial. This business would create a commercial use for this vacant, commercially zoned property. A zoning map amendment was approved in 2022 to re-zone this property from C-1 to C-3 to expand the permitted uses for this parcel. Per historic aerials and City records, the property has been undeveloped for known history. The zoning was changed from residential to commercial for this block of Prospect Avenue in 1989; despite the commercial zoning, no commercial building has been constructed on this site. The conditional use would provide a commercial use for this property for the first time in known history.

3. The proposed Conditional Use is designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity:

Comment: Many suggested conditions of approval are included with this case to provide assurances about the use being compliant with applicable zoning requirements and minimize impact in terms of noise. Suggested conditions include limitations on the timeframe for loading and unloading at the exterior of the building, improvements to the alley, and providing information at time of building permit to ensure the turning radius of trucks will be adequate in the loading zones.

4. The proposed Conditional Use is not hazardous or disturbing to existing neighboring uses:

Comment: As discussed in the Petitioner's Letter of Intent, the business will operate Monday through Saturday 8:00 A.M. to 5:00 P.M. and closed on Sunday. See the Petitioner's Letter of Intent and Response to Standards for additional information about business operations. The suggested conditions of approval are meant to provide assurances that limit any disturbance or nuisance to the neighborhood.

- 5. The proposed Conditional Use is to be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or, agencies responsible for establishing the Conditional Use shall provide adequately any such services:**

Comment: The existing building has been adequately served by essential public facilities and services. Staff have no concerns that the proposed use will not be adequately served with essential public facilities and services. During the building permitting and construction phase and business registration approval, the petitioner must undergo an inspection of the building by the fire, building, and zoning divisions to determine compliance with this conditional use and all applicable local, state, and federal regulations.

- 6. The proposed Conditional Use does not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic well-being of the entire community:**

Comment: The proposed use would not create a burden on public facilities or services. This business would be located within a new building, and it is not anticipated that this use would generate additional need for public facilities or services compared to any other building constructed in this area.

- 7. The proposed Conditional Use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors:**

Comment: Traffic generated by this use will include trips generated for employees, deliveries, and customers (by appointment). The Letter of Intent by the petitioner states deliveries would occur between 8 A.M. and 5 P.M. A suggested condition of approval states that any loading and unloading outside of the building may not occur between the hours of 10:00 P.M. and 7:00 A.M., intended to limit the amount of noise associated with the business to neighboring properties. No extraordinary glare, smoke fumes, or odors are anticipated to occur with the operation of this business; however, any business within Des Plaines must meet Chapter 12 – Environmental Performance Standards of the Zoning Ordinance regulating noise, odor, glare, and any other specified nuisances, otherwise enforcement action can be taken.

- 8. The proposed Conditional Use provides vehicular access to the property designed so that it does not create an interference with traffic on surrounding public thoroughfares:**

Comment: Access to the building will be provided through the existing alley accessed from Chestnut Street. No additional curb cuts are proposed for this property. A suggested condition of approval will require a turning radii analysis submitted to City staff prior to building permit issuance to ensure adequate space is available for trucks entering/exiting the loading zone and any vehicles entering or exiting through the overhead doors.

- 9. The proposed Conditional Use does not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance:**

Comment: The proposed project would not result in the damage of natural, scenic, or historic features. A large parkway tree is present in the public right of way in front of the property, which is within public

property and required to be preserved regardless of this development unless otherwise authorized by the City. Section 8-4-4 of the Public Ways and Property title of the municipal code prevents any injury or movement of this tree without authorization by the city.

10. The proposed Conditional Use complies with all additional regulations in the Zoning Ordinance specific to the Conditional Use requested:

Comment: The proposed use complies with all applicable requirements as stated in the Zoning Ordinance. Two variations are proposed with this application associated with the required front yard and the loading zone and one minor variation may be requested upon approval of this conditional use to vary from building design standards in Section 12-3-11.

Standards for Variation:

Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. Rationale for how the proposed requests would or would not satisfy the standards is provided below and in the attached petitioner responses to standards. The Board may use the provided staff comments as its rationale, modify, or adopt its own.

1. Hardship: No variation shall be granted pursuant to this subsection H unless the applicant shall establish that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty.

Comment: Without the variation to reduce the required front yard, the buildable area of this relatively small C-3 zoned property would be further reduced. Hardships were imposed on this property in 2016 when the adjacent property, 1383 Prospect Avenue, petitioned for a zoning map amendment from C-1, Neighborhood Commercial to R-1, Single-Family Residential. Commercially zoned properties adjacent to residentially zoned properties are required to meet certain setback and screening/landscaping requirements. Prior to 2016, the front yard would have been required to be 5 feet for this property.

The major variation for the loading zone is necessary due to the size of the property. This property is relatively small for a C-3 zoned property and this specific use requires more dedicated areas for loading/unloading than other businesses and there is insufficient space for this loading space with the proposed size of the building, unless the petitioner chose to have loading space within the building. However, loading within the building would likely require the interior tandem parking spaces to be removed to accommodate this space with the existing design.

2. Unique Physical Condition: The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

Comment: This commercial property is unique in this neighborhood due to its location adjacent to an R-1 zoned property. Refer to the Zoning Map attachment. Other parcels in this area are zoned commercial or townhouse residential. The other commercial properties have smaller front yard setbacks along Prospect Avenue, similar to what is requested by this petitioner.

The location of the loading zone facing the alley is primarily due to size limitations of the property. Unless the petitioner chose to have loading inside the building, there are few design alternatives to add the

necessary loading areas for the business without requiring the driveway to face a public way. This orientation of the loading zone presents a less significant impact compared to a loading zone along the public streets.

- 3. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this title.**

Comment: With the re-zoning of the adjacent property (1383 Prospect Avenue) to residential, a hardship was imposed on this property requiring a larger front yard setback for a new building than other commercial properties along this block.

The property owner was aware of the size limitations when purchasing this property and because this is a new building, the hardship related to the loading zone is related to their chosen site design, rather than a hardship imposed by the physical property.

- 4. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision.**

Comment: The rights denied to the property owner would be the ability to develop this building as proposed. However, it is conceivable additional options exist to redesign the property to be compliant with all zoning ordinance standards. The PZB may ask the petitioner if this property is suitable for this type of use and clarify why specific decisions were chosen regarding the building design.

- 5. Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot.**

Comment: Variation decisions are made on a case-by-case, project-by-project basis upon applying the variation standards. In those evaluations, the determining body (e.g., PZB and/or City Council) usually determines the applicant has exhausted design options that do not require a variation. The PZB may ask the petitioner to explain whether they have exhausted other alternatives.

- 6. Title And Plan Purposes: The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this title and the provision from which a variation is sought were enacted or the general purpose and intent of the comprehensive plan.**

Comment: If the variations and conditional use were approved, it would meet all applicable requirements with the exception of a minor variation required for the proposed building design.

- 7. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.**

Comment: A remedy to relieve necessary relief for the required front yard would be to locate the building further from the property line along Prospect Avenue. However, the property is small and this would further reduce the buildable area of the parcel.

Unless the petitioner chose to have loading inside the building, there are few design alternatives to adding the necessary loading areas for the property without requiring the driveway to face a public way. This orientation of the loading zone presents a smaller impact compared to a loading zone along the public streets.

8. Minimum Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.

Comment: With the variations sought, it would meet all applicable requirements with the exception of a minor variation required for the proposed building design.

PZB Procedure and Recommended Conditions: Under Section 12-3-7.D (Procedure for Review and Decision for Amendments) of the Zoning Ordinance, the PZB has the authority to *recommend* that the City Council approve or deny the above-mentioned conditional use. Section 12-3-6.F of the Zoning Ordinance (Major Variations), the PZB has the authority to *recommend* approval, approval subject to conditions, or denial of the request to City Council. City Council has final authority on the proposal. Under Section 12-3-6(F) of the Zoning Ordinance (Standard Variations), the PZB has the authority to approve, approve subject to conditions, or deny the request. The decision should be based on review of the information presented by the applicant and the standards and conditions met by Section 12-3-6(H) (Findings of Fact for Variations) as outlined in the Zoning Ordinance.

Consideration of the request should be based on a review of the information presented by the applicant and the findings made above, as specified in Section 12-3-4.E (Standards for Conditional Use) and Section 12-3-6.H (Standards for Variations) of the Zoning Ordinance. If the PZB recommends and City Council ultimately approves the request, staff recommends the following condition on approval of the variation.

1. Full reconstruction of the portion of alley along the rear frontage is required, with a catch basin connected to the storm sewer in Chestnut Street. The improvements must be demonstrated on plans prior to issuance of a building permit.
2. Prior to issuance of a building permit, replacement of existing public sidewalks deemed unsatisfactory must be demonstrated on plans, as determined by the Director of Public Works and Engineering or their designee.
3. A turning radii exhibit is required to be submitted prior to issuance of building permit demonstrating acceptable turning radiuses for loading/unloading, to the satisfaction of the Director of Public Works and Engineering or their designee.
4. Loading and unloading of materials outside of the building is prohibited between the hours of 10:00 P.M. and 7:00 A.M. No loading and unloading can occur within any public ways.

Vasile Haures (petitioner) and Architect Robert Utero presented a summary of the business, General Hardwood Flooring and the proposed building. Mr. Haures would like to construct a building to operate as a hardwood flooring company. Mr. Utero described the relief requested to reduce the required front yard setback, a loading zone facing the alleyway, and the trade contractor use of the building. Parking will be provided for vehicles inside the building and one accessible stall will be provided in the back.

Acting Chairman Saletnik asked how the building will be demised. The plans divide the building into two.

Member Weaver asked the architect about the two doorways and how the accessible spaces are affected by the doorways. Mr. Utero stated the loading is outside the building, not inside, and accessible access would be in the front. Only one accessible stall could be placed on the property. The division between the buildings

is down the middle. Mr. Haures stated they will be using the east side, and a separate tenant will be in the west side to be determined. The showroom will be by appointment only, not for walk-ins or a store.

Member Weaver asked about the purpose of the spaces inside and will they be bringing materials in/out of the building. Mr. Haures stated the materials are brought in if there are leftover materials from a site. Every time there is a delivery, it is delivered directly to the client's house. Employees include one crew and the rest is subcontracted. Mr. Haures has one van that delivers services. Member Weaver clarified that.

Member Fowler asked about the buffer between the building and the residential property. Director Rogers stated there is a landscape buffer provided and a unique zoning history for the property that the staff presentation will discuss. Mr. Utero clarified there is also an eight-foot fence required and noted in the plans.

Member Fowler asked about what equipment and materials will be in the building. Mr. Haures stated the materials will include equipment like sanders, bundles, and parking of the trucks inside the building. Nothing will be parked outside. Acting Chairman Saletnik clarified that their understanding is that flooring materials have to be delivered to the job site and acclimate before being installed; there will not be many materials coming into the shop except for scraps. Mr. Haures confirmed this is correct. Member Weaver also clarified that sanding and cutting will primarily at the job site.

Member Veremis asked if there will be tool usage. Mr. Haures stated it will mainly be storage in the building. Member Weaver asks if putting the van is a security measure. Mr. Haures stated that is correct, and sanders and other equipment can be expensive.

Member Fowler asked about the other tenant. Mr. Haures does not have a tenant yet, but is attempting to find someone who is not loud. Mr. Haures lives in the neighborhood so he is nearby if there are issues.

Director Rogers provided the staff report.

Member Weaver expressed concerns about operations for the unknown tenant in the west half of the property. Member Weaver states the other business would need to be similar to the hardwood flooring business that operates on site and does not involve many people visiting this business. Member Weaver expressed discomfort about making conditions when the business is unknown.

Acting Chairman Saletnik asked if there is a condition that can limit the use to something similar or compatible with this property. Director Rogers stated due to the parking limitations on the site, it would not be feasible for many other uses on this property. A condition could be added, but may not be necessary. Director Rogers clarified that operationally, if the other business begins operations, they will need to follow these conditions of approval too. Acting Chairman Saletnik stated the size of the vehicles would also be limited by the loading zone and overhead door sizes.

Member Fowler asked about the size of the neighboring properties front setback for the house. Director Rogers stated is approximately 30 feet. Acting Chairman Saletnik stated beyond the single family home are two businesses that are closer to the front property line.

Member Weaver clarified condition 6 about being too specific about the term "saws". Member Weaver states that it should be limited by noise level than a specific piece of equipment, because other tenants might use other equipment. Director Rogers stated that noise restrictions are already in place in municipal code for all commercial businesses, but the conditional use process allows further restrictions and the condition could be expanded to include power tools and require it to be in compliance with the City's noise ordinance. Sound is measured at the lot line and from residential properties nearby. Examples include a powerful vacuum if they are removing sawdust; if sound levels were registered at a certain level in the neighboring residence, it would

be a violation. Member Weaver clarified that no windows are on the side facing the residence; Director Rogers stated that is correct, and the condition about keeping the overhead door closed would further muffle sound.

Acting Chairman Saletnik stated that the parking limitations would place the onus on the property owner to find a tenant that can use the space in a similar way as their business. Mr. Haures stated they will ensure a suitable tenant fills that space, not something like an auto mechanic shop.

Member Fowler asked about the front setback and the landscape buffer. Mr. Utero stated the setback is 5 feet, which is similar to other properties on this block, and a 5 to 6 foot landscape buffer is provided between the building and the property line of the adjacent residence.

Member Weaver asked about the mystery tenant and condition 5. If another business comes into the building with vehicles that do not fit, are they then able to use the street for loading/unloading? Director Rogers clarified that condition 4 prevents loading/unloading in any public ways and that the intent with condition 5 is to ensure that vehicles are not parked on the street for a prolonged period of time while loading/unloading occurs on the site. Member Weaver expressed concerns about condition 5, stating that condition 4 accomplishes the same intent as condition 5 of preventing loading/unloading in a public way.

Member Weaver asked for clarification on whether all variations were required to go to City Council for approval. Director Rogers clarified that, upon review of the Zoning Ordinance with legal counsel, any relief normally granted by the PZB such as a standard variation, must be reviewed and approved by City Council if there is relief that requires City Council approval, such as a conditional use and variation. In this circumstance, the standard variation is connected with a conditional use and a major variation, which require City Council approval, therefore the PZB is the recommending body for all requests.

Acting Chairman Saletnik asked the petitioner about their financial ability to build and operate in this facility dependent on having a tenant. Mr. Haures explained this is an investment and it would be ideal to have a tenant, but would be able to operate and expand their own business if they could not find a tenant. Acting Chairman Saletnik expressed there are concerns about finding a tenant compatible with the lot. Mr. Haures explained it is easier to rent out smaller places compared to larger places for this type of business. Member Fowler asked if there were potential tenants. Mr. Haures said they have a few in mind for the space with a similar business.

Member Veremis asked if condition 6 should be expanded to include all power tools. Director Rogers stated several options are available for this condition. The City's noise ordinance would always apply, regardless of the condition of approval; however, if additional clarification is necessary, that can be included within the condition.

Acting Chairman Saletnik requests any public comment. Jamesh Patel of 1858 Pine Court and represents the President of the Pine Court Association. He is the president of the association for the 13 townhouses on the block. Mr. Patel asked about putting a big business there and the effect on traffic and parking and the impact on the residence and childcare on this block. Mr. Patel states he has lived in this area for 20 years and a house was built and demolished in that areas in the 1990s. He feels a house should be located on this lot. Vice Chairman states this is not a big business, it is a small business. Mr. Patel agrees, but states the traffic will be an issue.

Member Fowler asked if Mr. Patel or anyone else in the audience represented the resident next door to 1387 Prospect. Mr. Patel states no and no member of the audience responds in the affirmative. Member Fowler asked what the resident next door thinks about this. Mr. Patel stated he has not talked to this neighbor, but the residents across the street from the business will be affected.

Maria Lomblad and Dave Lomblad, 1382 Prospect Ave, provide comment. They state they live across the street from this lot and it is too narrow. A lot of traffic is caused by the townhouses, with many residents with 2-3 townhouses. A proposal was submitted for a different building a few years ago that was not built. The driveway is too narrow and are concerned with parking. They are happy with the conditions now and are concerned about the new business being added with the home next door and childcare. Noise is also a concern and they are concerned the neighbor next door is not in attendance at the meeting.

Mario Castro, 1358 Prospect Avenue, provides comment and states they live across from the project. Mr. Castro expresses concerns about noise and that it is too close to neighbors.

Guadalupe Gonzalez provides comment, representing their mother on Pine Street. Ms. Gonzalez expresses concerns about parking. Her mother lives on Pine Street and has concerns about parking and traffic caused by this business.

Acting Chairman Saletnik stated the board is also concerned about parking. Member Fowler also stated that no customers will be coming into the building, so that would reduce that concern. Director Rogers stated in their testimony and in the application materials that they would only use the showroom by appointment only, which was entered into the record.

Member Weaver discussed how it is not a residential property. It is a C-3 property, it is not going to be a residence parked there. The business that will occupy the east part of the property is well suited because it does not have customers coming in and will be doing the work elsewhere and making noise elsewhere. The impact on the community would be much greater with other businesses. However, the west side of the property tenant is unknown but will have to operate with the same requirements and conditions.

Member Weaver makes a motion to recommend the conditional use, standard variation, and major variation with the first four conditions drafted by staff and the second sentence of condition 5. Member Catalano seconds the motion.

Acting Chairman Saletnik states that any transitional uses require consideration of the type of business located at this property. The business will include storage of equipment when not working, with minimal customer activity, and is compatible with the property.

Mr. Haures thanks the board and promises the attendees of the meeting no problems will be caused by the business, and that he lives in the neighborhood.

Motion by Board Member Weaver, seconded by Board Member Catalano to recommend approval of the requests with the following conditions:

1. Full reconstruction of the portion of alley along the rear frontage is required, with a catch basin connected to the storm sewer in Chestnut Street. The improvements must be demonstrated on plans prior to issuance of a building permit.
2. Prior to issuance of a building permit, replacement of existing public sidewalks deemed unsatisfactory must be demonstrated on plans, as determined by the Director of Public Works and Engineering or their designee.
3. A turning radii exhibit is required to be submitted prior to issuance of building permit demonstrating acceptable turning radiuses for loading/unloading, to the satisfaction of the Director of Public Works and Engineering or their designee.
4. Loading and unloading of materials outside of the building is prohibited between the hours of 10:00 P.M. and 7:00 A.M. No loading and unloading can occur within any public ways.

5. Relocation of vehicles associated with the business to allow for deliveries shall occupy public on-street parking only as necessary during the delivery.

AYES: Weaver, Catalano, Veremis, Saletnik

NAYES: None

ABSTAIN: Fowler

MOTION CARRIED

DRAFT

CITY OF DES PLAINES

ORDINANCE Z - 7 - 24

AN ORDINANCE APPROVING A CONDITIONAL USE, MAJOR VARIATION, AND STANDARD VARIATION FOR 1387 PROSPECT AVENUE, DES PLAINES, ILLINOIS. (Case #24-014-CU-V).

WHEREAS, Vasiles Haures ("**Owner**") is the owner of the property commonly known as 1387 Prospect Avenue, Des Plaines, Illinois ("**Subject Property**") and located in the C-3 General Commercial District of the City ("**C-3 District**");

WHEREAS, the Subject Property is currently vacant and unimproved; and

WHEREAS, the Petitioner desires to construct a building ("**Proposed Development**") to operate a trade contractor use ("**Proposed Use**") on the Subject Property; and

WHEREAS, the City of Des Plaines Zoning Ordinance of 1998, as amended, is codified as Title 12 of the City Code of the City of Des Plaines ("**Zoning Ordinance**"); and

WHEREAS, pursuant to Sections 12-3-4 and 12-3-6 of the Zoning Ordinance, the Petitioner ("**Petitioner**") filed an application with the City for the approval of a (i) conditional use permit to allow the operation of the Proposed Use on the Subject Property ("**Proposed Conditional Use**"); (ii) a major variation from Section 12-9-9.C.3 of the Zoning Ordinance to allow a loading space to face a public way; (iii) a standard variation from Section 12-7-3.L of the Zoning Ordinance to reduce the required front yard from 25 feet to 5 feet (collectively (ii) and (iii) are the "**Requested Variations**") (collectively, the Proposed Conditional Use and the Variations are the "**Requested Relief**"); and

WHEREAS, the Petitioner's application for the Requested Relief was referred by the Department of Community and Economic Development to the Planning and Zoning Board ("**PZB**") within 15 days after receipt of the application; and

WHEREAS, within 90 days after the date of the Petitioner's application, a public hearing was held by the PZB on May 14, 2024, pursuant to publication in the *Des Plaines Journal* on April 24, 2024; and

WHEREAS, notice of the public hearing was mailed to all property owners within 500 feet of the Subject Properties; and

WHEREAS, during the public hearing the PZB heard testimony and received evidence with respect to how the Petitioner intended to satisfy and comply with the provisions of the Zoning Ordinance; and

WHEREAS, pursuant to Sections 12-3-4 and 12-3-6 of the Zoning Ordinance, the Board filed a written report with the City Council on May 15, 2024, summarizing the testimony and evidence received by the PZB and stating the vote to recommend approval of the Requested Relief, subject to certain conditions; and

WHEREAS, the Petitioner made representations to the PZB with respect to the Requested Relief, which representations are hereby found by the City Council to be material and upon which the City Council relies in approving the Requested Relief; and

WHEREAS, the City Council has considered the written report of the PZB, the applicable standards for conditional uses and variations set forth in the Zoning Ordinance, and the Community and Economic Development Staff Memorandum dated May 23, 2024, and has determined that it is in the best interest of the City and the public to approve the Requested Relief in accordance with the provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1. RECITALS. The recitals set forth above are incorporated herein by reference and made a part hereof, the same constituting the factual basis for the approval of the Requested Relief.

SECTION 2. LEGAL DESCRIPTION OF THE SUBJECT PROPERTIES. The Subject Property is legally described as:

THE EAST 6 FEET OF LOT 3 AND ALL LOTS 1 AND 2 IN BLOCK 1 IN BAKERS ADDITION TO RIVERVIEW IN THE SOUTH 1/2 OF THE SOUTH WEST 1/4 OF THE NORTH EAST 1/4 OF SECTION 29, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PINs: 09-29-228-034-0000

Commonly known as 1387 Prospect Avenue, Des Plaines, Illinois

SECTION 3. APPROVAL OF CONDITIONAL USE PERMIT. Subject to and contingent upon the conditions, restrictions, limitations, and provisions set forth in Section 6 of this Ordinance, the City Council hereby grants the Proposed Conditional Use for the Subject Property. The Conditional Use Permit granted by this Ordinance is consistent with and equivalent to a "special use" as referenced in Section 11-13-25 of the Illinois Municipal Code, 65 ILCS 5/11-13-25.

SECTION 4. VARIATIONS. The City Council finds that the Requested Variations satisfy the standards set forth in Section 12-3-6.H of the Zoning Ordinance and, pursuant to the City's home rule powers, finds that the Requested Variations are otherwise necessary and appropriate. Subject to and

contingent upon the conditions, restrictions, limitations, and provisions set forth in Section 6 of this Ordinance, the Requested Variations are hereby approved to allow the Petitioner to allow the Proposed Development and the Proposed Uses on the Subject Property.

SECTION 5. CONDITIONS OF APPROVAL. The approvals granted in Sections 3, 4, and 5 of this Ordinance are expressly subject to and contingent upon compliance by the Petitioner with each and all of the following conditions, all at the sole cost and expense of the Petitioner:

A. Compliance with Law and Regulations. The development, use, operation, and maintenance of the Proposed Development, Proposed Uses, and the Subject Property must comply with all applicable City codes and ordinances, as the same have been or may be amended from time to time, except to the extent specifically provided otherwise in this Ordinance.

B. Compliance with Plans. The development, use, and maintenance of the Subject Property must be in strict compliance with the following plans, except for minor changes and site work approved by the Director of the Department, and changes to comply with the conditions set forth in Section 6.C of this Ordinance, in accordance with all applicable City codes, ordinances, and standards, including, without limitation, Sections 3.4-8, "Limitations on Conditional Uses," and 3.4-9, "Effect of Approval," of the Zoning Ordinance.

1. The Letter of Intent, prepared by the Petitioner, consisting of two pages, and dated April 18, 2024, a copy of which is attached to and, by this reference, made a part of this Ordinance as ***Exhibit A***;

2. The Response to Standards, prepared by the Petitioner, consisting of XX pages and undated, a copy of which is attached to and, by this reference, made a part of this Ordinance as ***Exhibit B***;

3. The Site and Architectural Plans, prepared by Telos Architects, PLLC, consisting of 3 pages and dated February 2, 2024, a copy of which is attached to and, by this reference, made a part of this Ordinance as ***Exhibit C***;

C. Additional Conditions.

1. Full reconstruction of the portion of alley along the rear frontage is required, with catch basin connected to the storm sewer in Chestnut Street. The improvements must be demonstrated on plans prior to issuance of a building permit.

2. Prior to issuance of a building permit, replacement of existing public sidewalks deemed unsatisfactory must be demonstrated on plans, as determined by the Director of Public Works and Engineering or their designee.

3. A turning radii exhibit is required to be submitted prior to issuance of building permit demonstrating acceptable turning radiuses for loading/unloading, to the satisfaction of the Director of Public Works and Engineering or their designee.

4. Loading and unloading of materials outside of the building is prohibited between the hours of 10:00 P.M. and 7:00 A.M. No loading and unloading can occur within any public ways.

5. Relocation of vehicles associated with the business to allow for deliveries shall occupy public on-street parking only as necessary during the delivery.

SECTION 7. FAILURE TO COMPLY WITH CONDITIONS.

A. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of, any of the provisions of this Ordinance shall be fined not less than seventy-five dollars (\$75.00) or more than seven hundred and fifty dollars (\$750.00) for each offense. Each and every day that a violation of this Ordinance is allowed to remain in effect shall constitute a complete and separate offense. In addition, the appropriate authorities of the City may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person, firm or corporation violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees.

B. In the event that the Petitioner fails to develop or maintain the Subject Property in accordance with the plans submitted, the requirements of the Zoning Ordinance, or the conditions set forth in Section 6 of this Ordinance, the approvals granted by Sections 3, 4, and 5 of this Ordinance may be revoked after notice and hearing before the Zoning Administrator of the City, all in accordance with the procedures set forth in Section 12-4-7 of the Zoning Ordinance. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the I-1 District. Further, in the event of such revocation, the City Manager and the City's General Counsel are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Petitioner acknowledges that public notices and hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice and hearing required by Section 12-4-7 of the Zoning Ordinance is provided to the Petitioner.

SECTION 8. BINDING EFFECT; NON-TRANSFERABILITY. The privileges, obligations, and provisions of each and every section and requirement of this Ordinance are for and shall

inure solely to the benefit of Petitioner. Nothing in this Ordinance shall be deemed to allow the Petitioner to transfer any of the rights or interests granted herein to any other person or entity without the prior approval of the City Council by a duly adopted amendment to this Ordinance.

SECTION 9. SEVERABILITY. If any paragraph, section, clause, or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

SECTION 10. EFFECTIVE DATE. This Ordinance and recordation of the annexation plat and annexation and development agreement shall be in full force and effect subject to:

- A. its passage and publication in pamphlet form in the manner required by law;
- B. the filing with the City Clerk by the Petitioner, not less than 60 days after the passage and approval of this Ordinance, of an unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance. Said unconditional agreement and consent shall be in substantially the form attached to, and by this reference made a part of, this Ordinance as *Exhibit D*; and
- C. at the Petitioner's sole cost and expense, the recordation of this Ordinance together with such exhibits as the City Clerk deems appropriate, with the Office of the Cook County Recorder.
- D. In the event that the Petitioner does not file with the City Clerk a fully executed copy of the unconditional agreement and consent referenced in Section 11.B of this Ordinance, within 60 days after the date of passage of this Ordinance by the City Council, the City Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

[SIGNATURE PAGE FOLLOWS]

PASSED this __ day of _____, 2024.

APPROVED this _____ day of _____ 2024.

VOTE: AYES _____ NAYS _____ ABSENT _____

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form this
_____ day of _____, 2024.

Approved as to form:

CITY CLERK

Peter M. Friedman, General Counsel

DP Ordinance for Conditional Use, and Variations for 1387 Prospect Avenue

EXHIBITS

EXHIBIT A: LETTER OF INTENT

EXHIBIT B: RESPONSE TO STANDARDS

EXHIBIT C: SITE AND ARCHITECTURAL PLANS

EXHIBIT D: UNCONDITIONAL AGREEMENT AND CONSENT (Next page)

General Hardwood Flooring Inc.

Letter of Intent for Conditional Use Permit and Building Permit

To: Zoning Board of Appeals, Des Plaines, IL

From: Vasile Haures, President of General Hardwood Flooring Inc

Date: April 18, 2024

Subject: Conditional Use Permit and Building Permit Application - Hardwood Flooring Business

Dear Zoning Board Members,

I am writing to express my interest in establishing a hardwood flooring business, General Hardwood Flooring Inc, at 1387 Prospect in Des Plaines, Illinois. I have been the owner and operator of General Hardwood Flooring Inc for 18 years, specializing in the installation, sanding, refinishing, and repair of hardwood flooring.

Why Des Plaines?

We have chosen Des Plaines as the location for our new business due to several factors:

- **Thriving Community:** Des Plaines offers a vibrant community with a strong demand for high-quality home improvement services.
- **Strategic Location:** The proposed location provides excellent access to major transportation routes, facilitating efficient deliveries and customer service throughout the area.
- **Availability of Space:** The property at 1387 Prospect will offer ample space to accommodate our operations, including designated areas for showroom, workshop, and storage.

Our Business Operations:

- **Services:** We will provide a comprehensive range of hardwood flooring services, including installation, sanding, refinishing, repair, and potentially stain application.
- **Deliveries and Pick-Ups:** Deliveries of materials will be scheduled during off-peak hours (e.g., weekdays between 8-5) to minimize traffic disruption. We will work with suppliers to ensure efficient deliveries and minimize the number of trucks needed. Larger deliveries will be scheduled outside of peak traffic hours.
- **Customer Interaction:** We anticipate a moderate level of customer traffic by appointment primarily for consultations, showroom visits, and pick-up/drop-off of materials for smaller jobs.
- **Fabrication:** Limited fabrication work may occur on-site, such as custom cutting of hardwood planks. However, the majority of our work will involve installation and finishing pre-made materials.
- **Employees:** We currently have 2 employees, 4 subcontractors and anticipate expanding this number as our business grows in Des Plaines.
- **Hours of Operation:** Our proposed hours of operation are 8-5 weekdays, 8-5 Saturdays, and closed on Sundays.

Commitment to the Community:

We are committed to being a responsible business neighbor in Des Plaines. We will prioritize practices that minimize noise, dust, and traffic congestion. Additionally, we plan to incorporate landscaping that complements the surrounding area.

We are confident that General Hardwood Flooring Inc will be a valuable asset to the Des Plaines community. We look forward to the opportunity to discuss our plans in more detail and answer any questions you may have.

Building Permit Considerations:

We understand the comments from the City regarding the building permit application and are prepared to address them as follows:

- **Loading:** Our current loading area design does not meet zoning ordinance requirements. We appreciate the addition of the variation request for off-street loading onto the alley. We will not be revising the plans at this time and will present the case for the variation at the public hearing on April 23rd.
- **Improvements to Lot and Alley:** We acknowledge the requirements from the Public Works and Engineering Department and will ensure these improvements, including full alley reconstruction with a storm sewer connection and a turning radii exhibit demonstrating acceptable maneuvering for loading/unloading, are demonstrated on the plans prior to building permit issuance.
- **Building Design Standards:** We understand the need for window transparency on street-facing elevations. We will review the attached markups and explore design revisions to meet the code section requirements. Alternatively, we may seek a minor variation from these standards after the PZB and Council review, if necessary.
- **Landscaping and Dumpster Enclosure:** We will incorporate landscaping and a dumpster enclosure into the plans prior to building permit issuance, if the case is approved. We will refer to the notes on the attached plans for specific requirements.

Parking Considerations:

We understand the concerns regarding on-site parking for customers and employees. Due to property size limitations, we are unable to provide on-site parking. However, we will consider implementing the following strategies to manage parking:

- Showroom viewings by appointment only.
- Exploring a parking agreement with nearby properties to demonstrate sufficient customer and employee parking availability.

Thank you for your time and consideration.

Sincerely,

Vasile Haures

Owner, General Hardwood Flooring Inc

Contact Information:

- Phone: (773) 562-0396
- Email: generalflooring@gmail.com
-

STANDARDS FOR CONDITIONAL USES

The Planning and Zoning Board and City Council review the particular facts and circumstances of each proposed Conditional Use in terms of the following standards. Keep in mind that in responding to the items below, you are demonstrating that the proposed use is appropriate for the site and will not have a negative impact on surrounding properties and the community. Please answer each item completely and thoroughly (two to three sentences each).

1. The proposed conditional use is in fact a conditional use established within the specific zoning district involved;

Response: Yes, trade contractor is a conditional use permitted in the C-3, General Commercial zoning district.

2. The proposed conditional use is in accordance with the objectives of the city's comprehensive plan and this title;

Response: The Comprehensive Plan illustrates this parcel as intended for commercial. The Comprehensive Plan encourages economic development within the city, which includes the development of new businesses and redevelopment of available properties to accommodate industry growth.

3. The proposed conditional use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;

Response: Our proposed trade contractor building will be designed to harmonize with the surrounding historic district. The neighborhood primarily consists of two-story red brick buildings with pitched roofs and large storefront windows. Our building will be one stories tall and incorporate a modern facade with large windows to maintain a cohesive streetscape. Additionally, landscaping will include mature trees and native plants to create a visually appealing and environmentally friendly space that integrates seamlessly with the existing streetscape.

4. The proposed conditional use is not hazardous or disturbing to existing neighboring uses;

Response: Our Hardwood Flooring Business Operations:

Our primary business is the installation, sanding, refinishing, and repair of hardwood flooring. Sometimes a service comes with the product.

Deliveries of hardwood materials will typically occur during weekdays between 8-5 to minimize disruption.

Our regular business hours will be 8-5 on weekdays, and 8-5 on Saturdays.

We will be closed on Sundays.

Parking: We will designate a specific area on our rear property for employee parking and our vans to be parked inside the building to avoid using on-street parking during business hours.

We will incorporate landscaping around the building to enhance the aesthetics and create a visually appealing space.

5. The proposed conditional use is to be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or the persons or agencies responsible for the establishment of the proposed conditional use shall provide adequately any such services;

Response: We understand that the proposed use must be adequately served by essential public facilities and services. We will work with the relevant authorities to ensure all necessary services are in place.

Our business operations will not require any additional capacity from existing public facilities and services. We will utilize existing infrastructure for utilities, waste disposal, and public safety needs

6. The proposed conditional use does not create excessive additional requirements at public expense for public facilities and services and not be detrimental to the economic welfare of the community;

Response: This use is not anticipated to generate any additional burden on public facilities or services.

7. The proposed conditional use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

Response: Traffic: We will schedule deliveries during off-peak hours to minimize traffic congestion. Customer traffic will be minimal as most of our work is conducted on-site.

Noise: We will prioritize using muffled power tools whenever possible and schedule noisy work for less busy times to reduce noise disturbance.

Smoke, Fumes, and Odors: Our business does not involve any significant sources of smoke, fumes, or odors. Dust generated during operations will be controlled through dust collection systems and proper ventilation.

8. The proposed conditional use provides vehicular access to the property designed that does not create an interference with traffic on surrounding public thoroughfares;

Response: Our property access is designed to minimize traffic on surrounding streets. We will primarily utilize the existing alley for deliveries and customer pick-up/drop-off. This reduces the number of vehicles entering and exiting onto the main road, minimizing congestion and ensuring smooth traffic flow for everyone.

9. The proposed conditional use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and

Response: Our hardwood flooring business will not cause any destruction, loss, or damage to natural, scenic, or historic features of major importance. Our operations are contained within a building and will not impact any protected areas.

10. The proposed conditional use complies with all additional regulations in this title specific to the conditional use requested

Response: With the requested standard variation to allow the building to be closer to the street, this conditional use would meet all regulations.

STANDARDS FOR VARIATIONS

In order to understand your reasons for requesting a variation, please answer the following items completely and thoroughly (two to three sentences each). Variation applicants must demonstrate that special circumstances or unusual conditions prevent them from following the specific regulations of their zoning district. Applicants must prove that the zoning regulations, in combination with the uncommon conditions of the property, prevents them from making any reasonable use of the land. Keep in mind that no variation may be granted that would adversely affect surrounding properties or the general neighborhood.

1. **Hardship:** No variation shall be granted pursuant to this subsection H unless the applicant shall establish that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty.

Response: This is a smaller commercial lot located in a primarily commercial area. Most of the commercial parcels in this neighborhood are not located adjacent to a residential use and do not have to meet the setback requirements. This limits the size and location of the building on the property.
2. **Unique Physical Condition:** The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

Response: This property is located in a commercial zoning district and adjacent to one single family residential use to the west. This property is also smaller than many commercial properties and has remained vacant for a significant period of time due to the size limitations. Reducing the setback allows for this building to be developed with the proposed building and operate as a commercial space, which is what is intended for the C-3, General Commercial zoning district.
3. **Not Self-Created:** The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the

enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this title.

Response: The property owner purchased this property with the existing zoning and size and did not create the uniqueness or hardship.

4. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

Response: If this variation reducing the required distance of the building to the property line is not granted, it limits the amount of the property that can be developed with a building.

5. Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot.

Response: Most other commercial buildings are located the same distance from the property line in this neighborhood as the proposed development. Therefore, this would not grant the property owner special privilege.

6. Title And Plan Purposes: The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this title and the provision from which a variation is sought were enacted or the general purpose and intent of the comprehensive plan.

Response: This development would be in harmony with the remainder of the zoning ordinance and would need to meet all applicable zoning, building, and other municipal codes prior to construction.

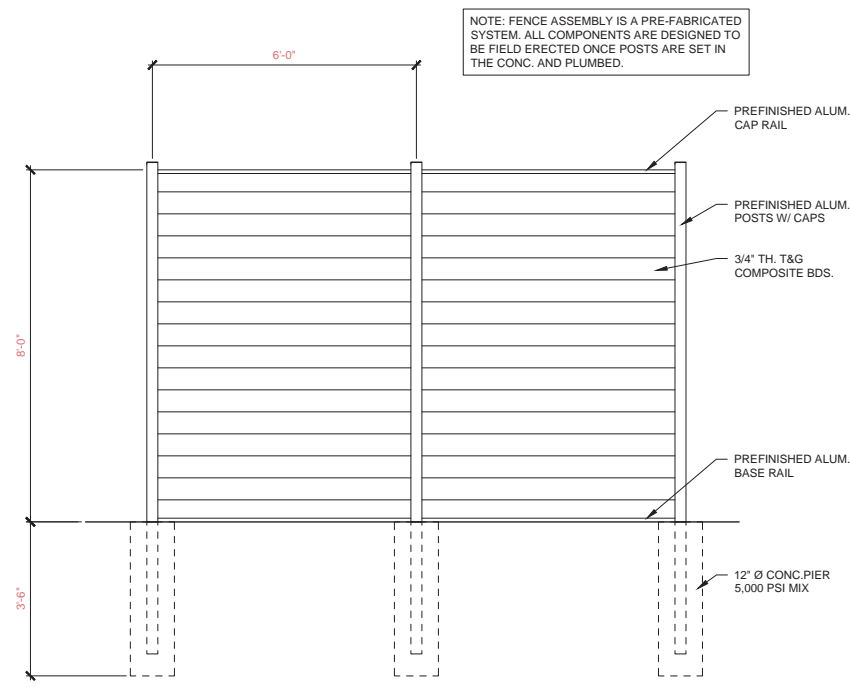
7. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.

Response: The other remedy would be reducing the footprint of the building or moving the building backwards.

This positioning allows us to maximize usable space within the building for our hardwood flooring operations. Having more space allows for efficient workflow, improved storage capacity for materials, and potentially a dedicated loading/unloading area within the building itself. A closer location to the property line facilitates a more efficient use of the existing alley for deliveries and customer pick-up/drop-off. This minimizes the need for maneuvering large vehicles on the main road and reduces overall traffic impact.

8. Minimum Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.

Response: Yes, this is the minimum relief necessary.



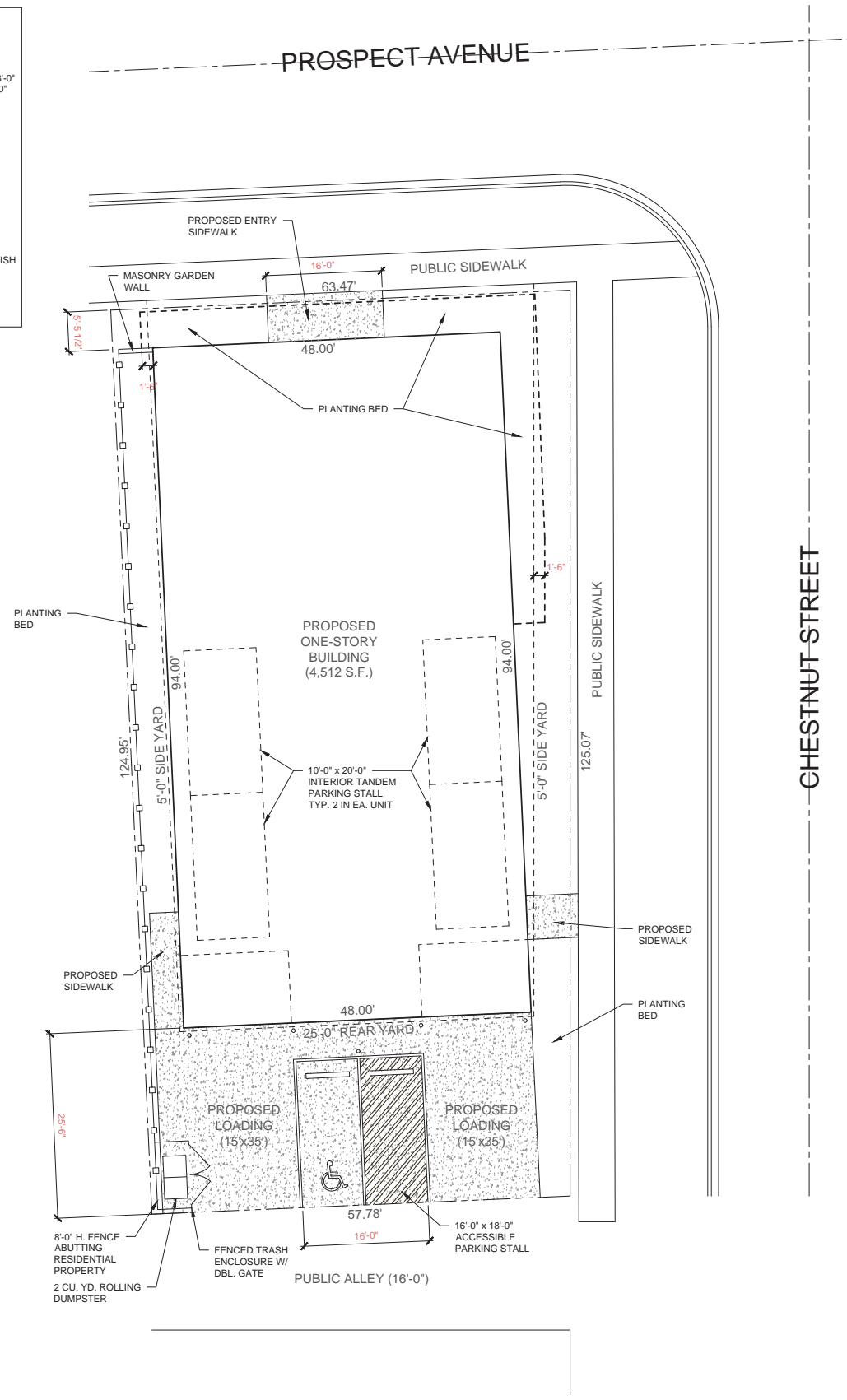
NOTE: FENCE ASSEMBLY IS A PRE-FABRICATED SYSTEM. ALL COMPONENTS ARE DESIGNED TO BE FIELD ERRECTED ONCE POSTS ARE SET IN THE CONC. AND PLUMBED.

ZONING REQUIREMENTS
 ZONING: C-3 GENERAL COMMERCIAL DISTRICT
 ALLOWABLE USE: TRADE CONTRACTOR
 PARKING REQUIRED: (1) ACCESSIBLE STALL, 16'-0" x 18'-0"
 (4) INTERIOR STALLS, 10'-0" x 20'-0"
 LOADING REQUIRED: (2) BAYS, 15'-0" x 35'-0"
 ALLOWABLE HEIGHT: 45'-0"
 PROPOSED HEIGHT: 17'-0"
 FRONT YARD: 25'-0"
 PROPOSED FRONT YARD: 5'-0"
 SIDE YARD: 5'-0"
 PROPOSED SIDE YARD: 5'-0"
 REAR YARD: 25'-0"
 PROPOSED REAR YARD: 25'-0"
 ALLOWABLE GROUND FLOOR EXTERIOR BUILDING FINISH MATERIALS:
 • FACE BRICK
 • STUCCO
 • CMU
 • METAL

3 ELEV. - COMPOSITE FENCE (8' H.)
 1/2" = 1'-0"



2 IMAGE - AERIAL PHOTO
 NO SCALE
 NORTH



1 SITE PLAN
 1" = 10'
 LOT AREA: 7,574.8 S.F.
 NORTH

TELOS
 ARCHITECTS, PLLC
 PURPOSE DRIVEN DESIGN
 10 W. Campbell Street, Unit 2
 Arlington Heights, Illinois 60005-1842
 www.telos-architects.com
 +1 847.302.6177
 Design Firm No. 184-008983

CONSULTANT
 OWNER
VASILE HAURES
 1980 PINE STREET
 DES PLAINES, ILLINOIS 60018
 (773) 562-0398

USER

PROJECT
HAURES BUILDING

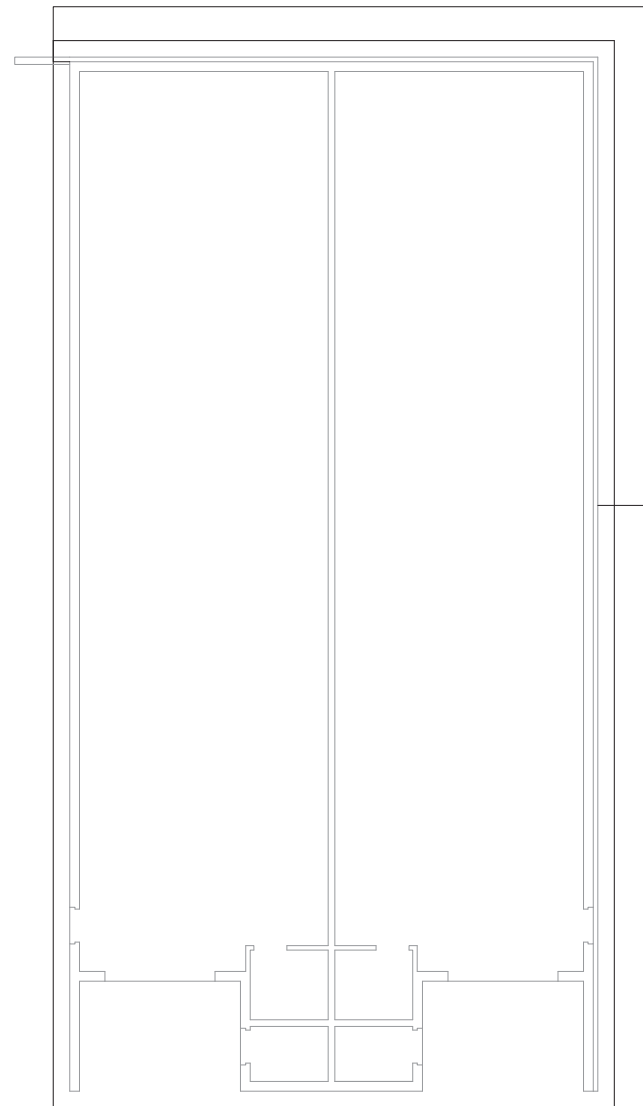
SCOPE
COMMERCIAL ONE-STORY TRADE CONTRACTOR OFFICE/SHOP

ADDRESS
 1387 PROSPECT AVE.
 DES PLAINES, ILLINOIS 60018
 OWNER PROJ. NO.
N/A

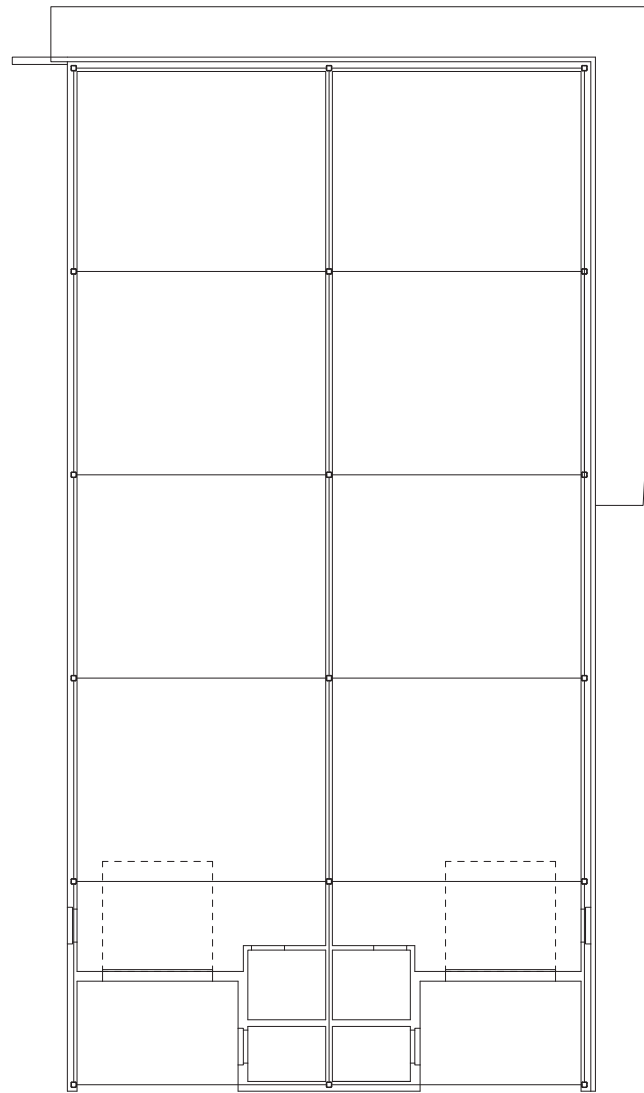
#	DATE	REVISIONS/SUBMISSIONS
04/18/2024	REVISION 2	
03/04/2024	REVISION 1	
02/02/2024	ISSUED FOR STAFF REVIEW	

GROUND FLOOR REFLECTED CEILING PLAN
 TELOS PROJ. NO. 24-001
 ISSUING DATE 02/02/2024

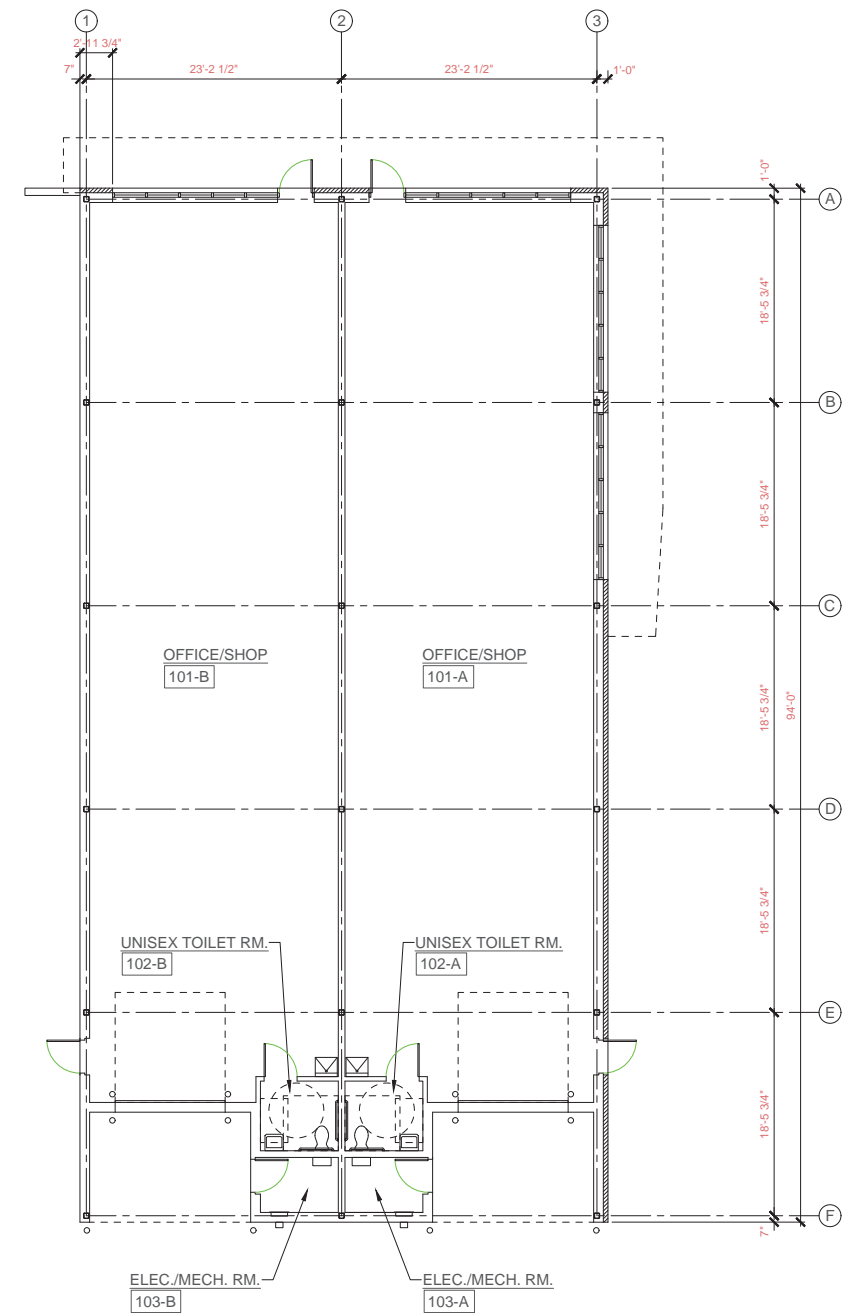
A-100



3 ROOF PLAN
 1/8" = 1'-0"
 NORTH



2 REFLECTED CEILING PLAN
 1/8" = 1'-0"
 NORTH



1 FLOOR PLAN
 1/8" = 1'-0"
 NORTH
 BUILDING AREA: 4,512.0 S.F.

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CONSULTANT

OWNER
VASILE HAURES
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 DES PLAINES, ILLINOIS 60018
 (773) 562-0398

USER

PROJECT
HAURES BUILDING

SCOPE
**COMMERCIAL ONE-STORY
 TRADE CONTRACTOR
 OFFICE/SHOP**

ADDRESS
 1387 PROSPECT AVE.
 DES PLAINES, ILLINOIS 60018

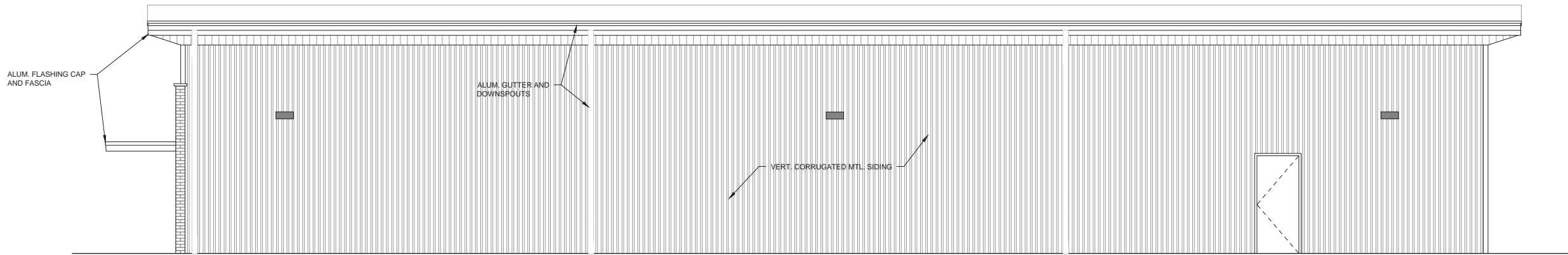
OWNER PROJ. NO.
N/A

#	DATE	REVISIONS/SUBMISSIONS
04/18/2024	REVISION 2	
03/04/2024	REVISION 1	
02/02/2024	ISSUED FOR STAFF REVIEW	

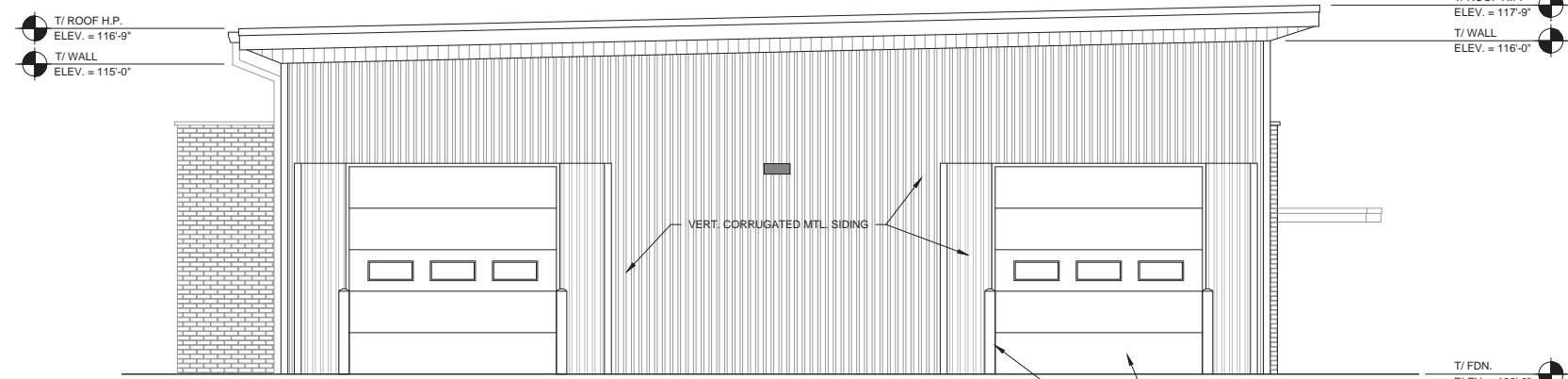
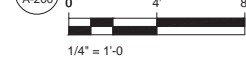
**GROUND FLOOR
 REFLECTED CEILING PLAN**

TELOS PROJ. NO.	ISSUING DATE
24-001	02/02/2024

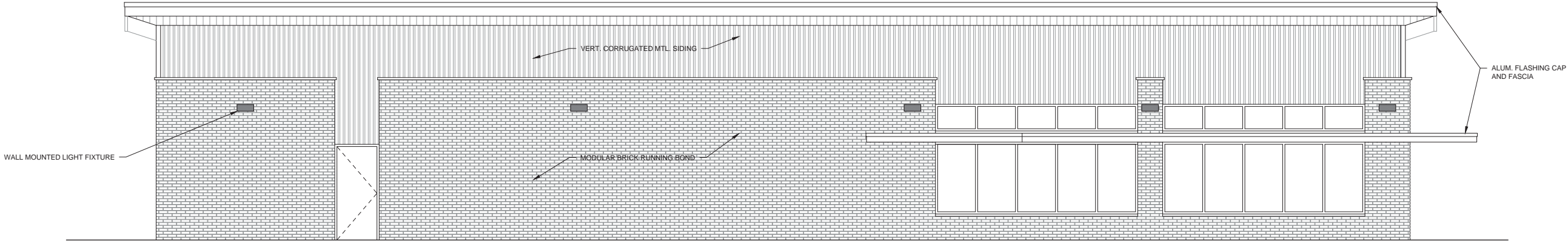
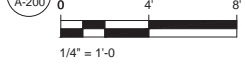
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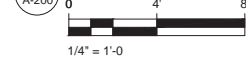
4 ELEV. - WEST FACADE



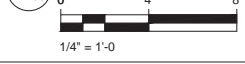
3 ELEV. - SOUTH FACADE



2 ELEV. - EAST FACADE



1 ELEV. - NORTH FACADE



TELOS
ARCHITECTS, PLLC

PURPOSE DRIVEN DESIGN

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CONSULTANT

OWNER

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(773) 562-0398

USER

PROJECT

HAURES BUILDING

SCOPE

COMMERCIAL ONE-STORY
TRADE CONTRACTOR
OFFICE/SHOP

ADDRESS

1387 PROSPECT AVE.
DES PLAINES, ILLINOIS 60018

OWNER PROJ. NO.

N/A

#	DATE	REVISIONS/SUBMISSIONS
04/18/2024	REVISION 2	
03/04/2024	REVISION 1	
02/02/2024	ISSUED FOR STAFF REVIEW	

EXTERIOR ELEVATIONS

TELOS PROJ. NO.	ISSUING DATE
24-001	02/02/2024

A-200

EXHIBIT D

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The City of Des Plaines, Illinois ("**City**"):

WHEREAS, Vasiles Haures ("**Owner**"), applied to the City of Des Plaines for the approval of: (i) conditional use for a trade contractor use; (ii) standard variation to reduce the required front yard; and (iii) a major variation to allow the loading space to face a public way (alley) (collectively, the "**Requested Relief**"); and

WHEREAS, Ordinance No. Z-7-24 adopted by the City Council of the City of Des Plaines on _____, 2024 ("**Ordinance**"), grants approval of the Requested Relief, subject to certain conditions; and

WHEREAS, Petitioner desires to evidence to the City its unconditional agreement and consent to accept and abide by each of the terms, conditions, and limitations set forth in the Ordinance, and the Owner desires to evidence its consent to recording the Ordinance against the Subject Property;

NOW, THEREFORE, Petitioner does hereby agree and covenant as follows:

1. Petitioner shall, and does hereby, unconditionally agree to, accept, consent to and abide by all of the terms, conditions, restrictions, and provisions of the Ordinance.
2. Petitioner acknowledges and agrees that the City is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the City's review and approval of any plans for the Subject Property, or the issuance of any permits for the use and development of the Subject Property, and that the City's review and approval of any such plans and issuance of any such permits does not, and shall not, in any way, be deemed to insure Petitioner against damage or injury of any kind and at any time.
3. Petitioner acknowledges that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the procedures required by Section 12-4-7 of the City's Zoning Ordinance are followed.

4. Petitioner agrees to and does hereby hold harmless and indemnify the City, the City's corporate authorities, and all City elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with: (a) the City's review and approval of any plans and issuance of any permits, (b) the procedures followed in connection with the adoption of the Ordinance, (c) the development, construction, maintenance, and use of the Subject Property, and (d) the performance by Petitioner of its obligations under this Unconditional Agreement and Consent.

5. Petitioner shall, and does hereby agree to, pay all expenses incurred by the City in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses shall include all out-of-pocket expenses, such as attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the City.

ATTEST:

VASILE HAURES

By: _____

By: _____

SUBSCRIBED and **SWORN** to
before me this _____ day of
_____, 2024.

Notary Public



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

1420 Miner Street
Des Plaines, IL 60016
P: 847.391.5380
desplaines.org

MEMORANDUM

Date: May 23, 2024
To: Dorothy Wisniewski, City Manager
From: Jonathan Stytz, AICP, Senior Planner JS
Cc: Jeff Rogers, AICP, Director of Community & Economic Development JDR
Subject: Consideration of a Text Amendment Regarding the Allowance of Childcare Centers in the I-1 Institutional District, Case #24-016-TA-MAP-CU-V

Issue: The petitioner is requesting text amendments to the Zoning Ordinance under 12-3-7 to create an allowance with a conditional use permit for childcare center uses in the I-1 district. This is related to map amendment, conditional use, and major variation requests under the same case number for a proposed private school and childcare center development at 1655 and 1695 S. Des Plaines River Road.

Petitioner: Brickton Montessori (Representative: Erica Lane, 8622 W. Catalpa Ave, Chicago, IL 60656)
Case Number: 24-016-TA-MAP-CU-V
PIN: Citywide
Request Description: The petitioner is proposing amending the Zoning Ordinance to create a new allowance for childcare centers in the I-1 Institutional district as a conditional use with certain restrictions.

Background
A childcare center, defined below, is not listed as a permitted or conditional use in the Institutional Use Matrix in Section 12-7-5.A.6, and therefore requires a text amendment to be added as an allowed use in the I-1 Institutional district.

CENTER, CHILDCARE: Any place other than a family home in which persons receive childcare services during any part of a day not exceeding thirteen (13) hours in any twenty-four (24) hour period.

Childcare centers are governed by Section 12-8-7 of the Zoning Ordinance and currently require a conditional use permit in all districts in which they are allowed, including the R-4 Central Core Residential district, M-2 General Manufacturing district, and all commercial districts with the exception of the C-6 Casino district where childcare centers are not allowed.

Proposed Amendments

The petitioner has worked with staff and formally requested the proposed text amendments to Section 12-7-5.A.6 of the Zoning Ordinance as identified in Ordinance Z-8-24. Based on the proposal, a childcare center use would require a conditional use permit in the I-1 district, which is consistent with the current designations in the zoning districts above. No footnotes or other language is proposed as part of this request.

Planning and Zoning Board (PZB) Recommendation: The PZB held a public hearing on May 14, 2024, to consider the requests. The PZB consolidated their determination for all requests into one motion voting 5-0 to recommend that City Council approve the Text Amendment request and related Map Amendment, Conditional Use, and Major Variation requests under Ordinance Z-9-24. The rationale for the PZB's vote is captured in the attached minutes from the May 14, 2024 meeting.

City Council Action: Pursuant to Section 12-3-7.D.4 of the Zoning Ordinance, the Council has the final authority on the Text Amendment request. The Council may approve, approve with modifications, or deny Ordinance Z-8-24, which includes the requested text amendment for childcare center uses in the I-1 district.

Attachments:

Attachment 1: Petitioner's Responses to Standards for Text Amendments

Attachment 2: Acting Chairman Saletnik Letter

Attachment 3: Excerpt of Draft Minutes from the May 14, 2024 PZB Meeting

Ordinance Z-8-24

STANDARDS FOR TEXT AMENDMENT

The Planning and Zoning Board and City Council review the particular facts and circumstances of each proposed Map or Text Amendment in terms of the following standards. Keep in mind that in responding to the items below, you are demonstrating that a proposed Map Amendment is appropriate for the site and will not have a negative impact on surrounding properties and the community. For Text Amendments, you must demonstrate that the proposed text change is appropriate for the entire jurisdiction, not just a particular site. Please answer each item completely and thoroughly (**two to three sentences each**).

6. Whether the proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan, as adopted and amended from time to time by the city council.

Response: The circumstances and facts supporting Brickton Montessori's proposed Text Amendment are consistent with the following principles of Des Plaines' Comprehensive Plan. **Incorporate Parks and Open Space** – Brickton will maintain the former Clark & Barlow site on its northern boundary as landscaped open space and it will provide a natural play area for all the children. **Incorporate Green Infrastructure to Address Flooding** - If acceptable to the City, Brickton Montessori will construct a rain garden in the River Road parkway. **Preserve Historic Buildings** – Although uncredentialed, the 1892 Jones Woolen Mill building will be adapted for a new use by Brickton, preserving a rare remnant of Riverview industrial development that Des Plaines annexed in 1925. **Incorporate Inclusive Growth Principles** – Brickton Montessori serves a diverse population, providing all parents with a superior development environment for their children. As an employer, Brickton will sustain at least 32.5 full-time equivalent positions.

7. Whether the proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property.

Response: Brickton Montessori's proposed amendment to include a childcare center as a conditional use is compatible with the current conditions being directly adjacent to the Cook County Forest Preserve, the Des Plaines River and retail businesses. There will be no negative impacts to residents as the surrounding uses will be compatible with a school use.

8. Whether the proposed amendment is appropriate considering the adequacy of public facilities and services available to this subject property.

Response: Brickton Montessori's site is adequately accessed by River Road and its current utilities.

9. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction.

Response: Brickton's presence will not adversely affect the value of neighboring properties. Brickton Montessori will be an asset to the community, already providing educational services to families in Des Plaines and the surrounding communities. It provides access to high-quality, curiosity-driven learning for infants to eighth graders. As an employer, Brickton will be an economic generator.

10. Whether the proposed amendment reflects responsible standards for development and growth.

Response: Brickton Montessori will adapt existing historic structures for its use and will support the City of Des Plaines principle promoting inclusive growth.



May 15, 2024

Mayor Goczkowski and Des Plaines City Council
CITY OF DES PLAINES

Subject: Planning and Zoning Board, 1655 & 1695 S. Des Plaines River Road, 24-016-TA-MAP-CU-V

RE: Consideration of a Text Amendment to allow childcare centers in the I-1 Institutional district, Map Amendment to rezone both properties to the I-1 district, Conditional Use to allow a childcare center on the subject property, and Major Variations for parking lot location, setbacks, and landscaping.

Honorable Mayor and Members of the Des Plaines City Council:

The Planning and Zoning Board (PZB) held a public hearing on May 14, 2024 to consider all requests.

1. The petitioner and project team provided a detailed and comprehensive description of the Brickton Montessori organization, the history of the subject properties, and the requests for all proposed activities on the site. Brickton Montessori is an accredited and licensed educational institution currently operating out of an office complex east of O'Hare Airport. The existing location is currently restricting their enrollment due to limited space, so they are looking to locate to the subject site in Des Plaines to accommodate their existing operations and increase their enrollment. An overview of the existing parking area adjustments was provided, noting the conversion of an existing row of parking spaces into a designated queuing lane for drop-off and pick-up activities for better circulation and minimal impact to Des Plaines River Road. There is also a proposed curb cut on the northwest portion of the 1695 S. Des Plaines River Road property to assist in access and circulation of the site. The petitioner's team also identified and described the proposed flood control improvements to be installed around the entire building to displace and compensate for water during a flood event.
2. PZB members asked why the proposed fence along the east property is not fully enclosed; if the proposed outdoor playground area is fenced in; how the flood control design will work to manage flood levels; why there is not a fence proposed for the south property line; where the school gym is located in the building; the typical classroom size; how are flood control improvements will be handled financially; if there is any asbestos in the building; the current school enrollment; if this will be a year around school; if there is a proposed staff increase with the anticipated max enrollment; and where students are coming from (i.e., the service area of the school).

The petitioner responded that there are multiple fence enclosures along the east property line near the river to ensure the safety of students while outside, including a separate fence enclosure for the outdoor playground area; that they will be utilizing a pump to lower the water level below the water table to compensate for a flood event; that they are not proposing a fence on the southern property line given that children will not be unaccompanied in the parking area; that there is a space on the first floor of the building identified as *gross motor* which serves as an indoor activity space; that the typical classroom size for their lower elementary school (i.e., first through fourth grades) is 24 students, but they do not exceed 20 students for upper grades; that they have spoken with consultants regarding the cost and practicality of the flood wall construction and have been told it could satisfy all requirements; that in their initial review they found that previous renovations have removed most, if not all, of the asbestos in the building but that

they will remove any remaining asbestos found; that the current enrollment is 125 students but they do anticipated an increase to the maximum enrollment of 196 students; that they do have a summer program that consists of about two-thirds of their full enrollment; and that a majority of their students reside and travel from the northwest suburbs of Chicago (e.g., Schaumburg, Park Ridge, etc.) with some located in the Chicago Metropolitan Region.

3. CED staff summarized the staff report with slides providing an overview of the requests and the process surrounding each. Staff described the additional considerations necessary given both property's locations in the floodplain and partial floodway, noting that detailed and stamped engineering plans prepared by a structural and professional engineer will be necessary to proceed with the proposed improvements on the site and obtain proper permits and licensing. Staff noted that this is Part 1 of the entitlements necessary for this request, and that a subdivision request to consolidate the two lots into one will also be required to allow the sale of the properties to the petitioner. Finally, staff identified the recommended conditions of approval and the motions before the PZB.
4. One individual from the public who is a current resident, alumni from this school, and a parent with a child currently enrolled in the school, spoke in support of this request stating that the Brickton provides a lot of benefits to their students and will be a great addition to the City of Des Plaines.
5. The PZB combined their determination into one motion voting 5-0 to recommend that City Council approve the Text Amendment, Map Amendment, Conditional Use, and Major Variation requests with all staff recommended conditions.

Respectfully submitted,

A handwritten signature in cursive script that reads "Paul Saletnik".

Paul Saletnik,
Des Plaines Planning and Zoning Board, Acting Chairman
Cc: City Officials/Aldermen

The petitioner is requesting the following under the Zoning Ordinance for the properties at 1655 and 1695 S. Des Plaines River Road: (i) a city-wide Text Amendment related to childcare centers in the I-1 Institutional district; (ii) Map Amendments to rezone both properties to the I-1 district; (iii) a Conditional Use for a childcare center; (iv) Major Variations for the location and setback of a parking lot; (v) Major Variations for interior and perimeter parking lot landscaping; and (vi) a Major Variation for landscape buffer regulations.

While not part of the Part 1 entitlements listed above, the petitioner will also be separately requesting a combined Tentative and Final Plat of Subdivision to consolidate the existing two lots into one lot of record. However, the effectiveness of the Part 1 entitlements will be contingent on the approval of the final engineering plans and Tentative and Final Plat of Subdivision requested as the Part 2 entitlement.

- Petitioner:** Brickton Montessori (Representative: Erica Lane, 8622 W. Catalpa Ave, Chicago, IL 60656)
- Owner:** 1655 LLC and Schawk INC, 1695 S. Des Plaines River Road, Des Plaines, IL 60018
- Case Number:** 24-016-TA-MAP-CU-V
- PINs:** 09-28-107-008-0000; -009
- Ward:** #2, Alderman Colt Moylan
- Existing Zoning:** C-3 General Commercial district (*1655 S. Des Plaines River Road*);
M-1 Limited Manufacturing district (*1695 S. Des Plaines River Road*)
- Existing Land Use:** Vacant property (*1655 S. Des Plaines River Road*); office building and parking lot (*1695 S. Des Plaines River Road*)
- Surrounding Zoning:** North: C-3 General Commercial District
South: Single Family Residential District (R4) (Unincorporated Cook County)
East: Single Family Residential District (R4) (Unincorporated Cook County)
West: C-3 General Commercial District
- Surrounding Land Use:** North: Multi-tenant Office Building (Commercial)
South: Cook County Forest Preserve (Recreation)
East: Des Plaines River; then Cook County Forest Preserve (Recreation)
West: Retail and Service Establishments (Commercial)
- Street Classification:** Des Plaines River Road is classified as a minor arterial and is under City of Des Plaines jurisdiction.

Comprehensive Plan: The subject property is illustrated as open space on the Future Land Use map in the 2019 Comprehensive Plan.

Zoning/Property History: The subject properties described below are both located along Des Plaines River Road in the City of Des Plaines but are bounded by the Des Plaines River and the Cook County Forest Preserve in unincorporated Cook County.

Street Classification: Des Plaines River Road is classified as a minor arterial and is under City of Des Plaines jurisdiction.

Comprehensive Plan: The subject property is illustrated as open space on the Future Land Use map in the 2019 Comprehensive Plan.

Zoning/Property History: The subject properties described below are both located along Des Plaines River Road in the City of Des Plaines but are bounded by the Des Plaines River and the Cook County Forest Preserve in unincorporated Cook County.

Address	PIN	Current Zoning District	Lot Size
1655 S. Des Plaines River Rd	09-28-107-008-0000	C-3 General Commercial	30,592.48 SF (0.70 acres)
1695 S. Des Plaines River Rd	09-28-107-009-0000	M-1 Limited Manufacturing	58,478.31 SF (1.34 acres)

The property at 1655 S. Des Plaines River Road is currently unimproved. However, the property at 1695 S. Des Plaines River Road is improved with a two-story, 19,000-square-foot commercial building with a surface parking area as shown on the attached ALTA/NSPS Land Title Survey.

Both properties abut the Des Plaines River on their eastern boundaries and, based off the current Federal Emergency Management Agency (FEMA) flood hazard maps, are located entirely within a flood hazard zone and a portion of the regulatory floodway. As such, any proposal is required to conform with all FEMA and City of Des Plaines Flood Control regulations prior to the construction of any improvements on either property.

Development Summary: *Overview*

Petitioner Erica Lane, on behalf of Brickton Montessori, intends to purchase the properties at 1655 and 1695 S. Des Plaines River Road and repurpose both for a private school and childcare center. The Brickton Montessori school has been serving the northwest Chicago suburban communities since 1986 providing education and childcare services for children 3 months to eighth grade as specified in the attached Project Narrative. While both uses will operate in the same building as one entity, designated areas for both the childcare center and private school have been identified on the attached Architectural and Site Plan Set with the childcare center use areas concentrated on the first level and the private school use spread between the two floors. See the project narrative for additional information on both the proposed childcare and private school uses.

Preliminary Improvements Proposed

The proposal includes both building and site improvements to accommodate the childcare center and private school uses. While the petitioner is interested in preserving the existing office building as much as possible, the proposed childcare and private school uses require specific updates to the building to meet current building and fire codes. As such, the Floor Plan details the required alterations to the building's interior, which will be reviewed further at time of building permit to ensure compliance with all regulations.

The size, location, and setbacks of the existing office building were not subject to change and no new building is proposed for the vacant 1655 S. Des Plaines River Road property. However, there are proposed improvements for each property, which are detailed in the attached Architectural and Site Plan Set and summarized in the table below. Note that the site improvement plans submitted are preliminary and will be finalized during the subdivision request stage.

Address	Preliminary Improvements Proposed
1655 S. Des Plaines River Rd	<ul style="list-style-type: none"> • Garden space with mulch area and circular granite walking path; • New perimeter fence • Non-paved mulch area designated for compensatory storage and stormwater quality treatment
1695 S. Des Plaines River Rd	<ul style="list-style-type: none"> • New perimeter fence • Fenced outdoor playground area • Replacement of existing north parking space row with drop-up/pick-up lane and walkway • New vehicular entrance on northwest corner • Restriping of retained parking spaces • New fire department connection point • New flood wall surrounding the existing building • Parking lot landscaping along south property line • Reinstall exterior light poles throughout site • New ADA accessible ramp on south building face to serve new building entrances • New stairs on west building face to serve new building entrances

Flood Control Considerations

The largest improvement proposed is the flood wall, which is necessary to comply with the FEMA and City of Des Plaines Flood Control regulations. The petitioner has submitted the preliminary engineering drawings and flood wall details as a reference to their solution to address the necessary flood control considerations for the subject properties. The Public Works and Engineering (PWE) department has reviewed the preliminary engineering submittal provided by the petitioner (see PWE Preliminary Letter) and has noted that the final engineering drawings and flood wall details must be prepared and stamped by a structural and professional engineer. These engineering plans will need to be reviewed and approved by PWE prior to the hearing of the future subdivision request.

Request Overview

The proposal requires several zoning requests under Title 12 Zoning, which are summarized in the table below as Part 1 entitlements. These requests are necessary to correct the property zoning for the change in use, permit the childcare center use, and receive relief from the zoning requirements noted in the referenced code sections.

Note that the table also includes the required subdivision request as the Part 2 entitlement, which will be a separate request pursued by the petitioner to consolidate the two existing lots into one lot of record. This is required by Section 13-1-2 of the Subdivision Regulations, which prohibits the sale of a zoning lot that is in a non-residentially zoned area and is not a "lot of record" and requires the property to be subdivided or consolidated into a lot or lots of record before the sale can be completed. As such, this step will need to be completed prior to the purchase of the subject properties by the petitioner.

Part 1 Entitlements		
Request	Description	Code Section Reference
Text Amendment	Allow childcare center as a conditional use in the I-1 district	12-7-5.A.6
Map Amendment	Rezone 1655 S. DP River Rd to I-1	12-3-7
Map Amendment	Rezone 1695 S. DP River Rd to I-1	12-3-7
Conditional Use ¹	Allow childcare center on the subject properties in the I-1 district	12-7-5.A.6
Major Variation	Allow parking lot in the required front yard in the I-1 district	12-7-5.A.5.a
Major Variation	Allow parking lot to be setback less than 3.5 feet from the property line	12-9-6.D
Major Variation	To not require interior parking lot landscaping as required in code	12-10-8.A
Major Variation	To not require perimeter parking lot landscaping on the west property line	12-10-8.B
Major Variation	To not require landscape buffer improvements on the south property line	12-10-9.C
Part 2 Entitlement		
Request	Description	Code Section Reference
Tentative and Final Plat of Subdivision	Consolidate the two existing parcels into one lot of record	Title 13 Subdivision Regulations

¹ Contingent upon the approval of the text amendment to allow childcare centers in the I-1 district, a conditional use is requested for a childcare center use at the subject properties.

MAP AMENDMENT

Request Description: *Overview*

The subject properties at 1655 S. Des Plaines River Road and 1695 S. Des Plaines River Road are currently zoned C-3 General Commercial and M-1 Limited Manufacturing respectively, neither of which allow a private school or childcare center use. However, the 2019 Comprehensive Plan recognizes schools, libraries, community organizations, places of worship, and other public facilities that provide similar services to Des Plaines residents as institutional uses. As such, a proposed rezoning of both properties to the I-1 Institutional district is consistent with the goals and objectives of the comprehensive plan based on the uses proposed. In addition, the I-1 district currently allows private schools as a permitted use as noted in the table below.

Institutional District Use Matrix	
<i>Use</i>	<i>I-1</i>
Schools, private - elementary and high school	P

While the childcare centers are currently not allowed in this district, a text amendment has been requested as noted in the *Text Amendment* section below to add this use to the Institutional District Use Matrix as a conditional use.

Bulk Regulations

A private school and childcare center are subject to the bulk regulations in Section 12-7-5.A.7 of the Zoning Ordinance. The table below compares the I-1 district regulations with the proposed development on the subject properties.

I-1 Institutional District Bulk Standards		
<i>Bulk Controls</i>	<i>Required</i>	<i>Proposed</i>
Maximum height (adjacent residential, 5 ft of height permitted for each 10 ft of additional setback provided)	45 ft	33 ft
Minimum front yard [west]	50 ft	165 ft
Minimum side yards <ul style="list-style-type: none"> • North • South 	25 ft 25 ft	121 ft 89 ft
Minimum rear yard [east]	30 ft	43 ft
Minimum lot size	2 acres	3 acres
Maximum lot coverage	40%	40%

Note that while site is currently comprised of two separate properties under different ownership and zoning, a subdivision or consolidation will be required as part of the approval for the requests described in this report. As such, the figures identified under the *Proposed* column assume the consolidation of the two lots into one lot of record. The site currently is improved with a parking area located in front of the existing building. While this is not an issue for a lot in the M-1 district, parking lots are not permitted in the front yard of an I-1- zoned lot. As such, the petitioner is requesting a variation from this standard.

Site Plan Review

Pursuant to Section 12-3-7.D.2 of the Zoning Ordinance, a Site Plan Review is required for all map amendment requests to assess how the request meets the characteristics identified in Section 12-3-2, which are listed below along with staff’s assessment of each in relation to the current Site Plan provided by the petitioner. Note that the attached Site Plan may be adjusted as necessary by the petitioner to address staff/public comments and incorporate all needs of the proposed private school and childcare center development.

Site Plan Review	
<i>Item</i>	<i>Analysis (based on Proposal)</i>
The arrangement of structures on the site	<ul style="list-style-type: none"> • Positions new playground area to make better use of space and create separate parking and open spaces; maintains existing building location. • Playground and open space are compatible with the Forest Preserve to the south
The arrangement of open space and landscape improvements	<ul style="list-style-type: none"> • Large open space proposed in northern portion of development; minimal landscape additions proposed on south portion of development. • Creates a functional and desirable environment for patrons, pedestrians, and occupants.
The adequacy of the proposed circulation system on the site	<ul style="list-style-type: none"> • Provides designated drop-up/pick-up area for both uses; maintains two-way travel drive aisles. • Adds one right-in/right-out curb-cut on Des Plaines River Road for additional site access.
The location, design, and screening of proposed off-street parking areas	<ul style="list-style-type: none"> • Maintain existing landscape screening of parking areas; adds some perimeter parking lot landscaping • No defined separation between pedestrian and vehicle circulation.
The adequacy of the proposed landscaping design on the site	<ul style="list-style-type: none"> • Adequate perimeter parking lot landscaping provided in front of and behind parking areas. • Intends to preserve existing trees on site. • Both foundation and site perimeter landscaping proposed all of sides of buildings to create an adequate and defined transition between uses.
The design, location, and installation of proposed site illumination	<ul style="list-style-type: none"> • Retains existing exterior light poles on site; new exterior lighting proposed on building • Higher foot-candles concentrated around parking area; minimal light encroachment onto neighboring properties
The correlation of the proposed site plan with adopted land use policies, goals, and objectives of the Comp. Plan	<ul style="list-style-type: none"> • Partially in line with the open-space use designated for the subject properties on the future land use map in the Comprehensive Plan. • Proposed zoning district better matches the private school and childcare center uses as identified in the Comprehensive Plan.

TEXT AMENDMENT

Request Description:

Overview

A childcare center, defined below, is not listed as a permitted or conditional use in the Institutional Use Matrix in Section 12-7-5.A.6, and therefore requires a text amendment to be added as an allowed use in the I-1 Institutional district.

CENTER, CHILDCARE: Any place other than a family home in which persons receive childcare services during any part of a day not exceeding thirteen (13) hours in any twenty-four (24) hour period.

Childcare centers are governed by Section 12-8-7 of the Zoning Ordinance and currently require a conditional use permit in all districts in which they are allowed, including the R-4 Central Core Residential district, M-2 General Manufacturing district, and all commercial districts with the exception of the C-6 Casino district.

Proposed Text Amendment

The petitioner has worked with staff and formally requested the attached Proposed Text Amendments to identify the necessary adjustments in Section 12-7-5.A.6. Based on the proposal, a childcare center use would require a conditional use permit in the I-1 district, which is consistent with the current designations in the zoning districts above. No footnotes or other language is proposed as part of this request.

CONDITIONAL USE

Request Description:

Overview

Upon approval of the text amendment above to Section 12-7-5.A.6 of the Zoning Ordinance, a conditional use permit will be required for the proposed childcare center use. Section 12-3-4 of the Zoning Ordinance governs the procedure for review of uses—or in this case two separate principal uses—that are unique in character and require additional consideration of the impact of those uses upon neighboring lands and upon the public need for the particular use of the particular location(s). However, given the second principal use, private school, also proposed for this development, the analysis below will assess how both uses will coexist and operate on the site based on the petitioner submittals and the potential impacts of the entire development on the community as a whole.

Floor Plan and Elevations

Brickton Montessori School operates the private school and childcare center operations as one entity. That said, the Floor Plan in the attached Architectural Plans designates the building areas devoted to each of the proposed uses as well as general areas for building operations, which are summarized in the table on the following page. While there are no proposed changes in size, location, and height of the existing building, entrances to the building will be altered and new pedestrian access stairs, ADA accessible ramps, and emergency egress landing will be provided based on the required flood wall improvements. See the attached Architectural Plans for more information.

Floor Plan Breakdown			
Use	General	Private School	Childcare Center
First	<ul style="list-style-type: none"> • 1 Restroom • 227 SF Lobby • Storage areas totaling 913 SF • Mechanical areas totaling 111 SF 	<ul style="list-style-type: none"> • 1 classroom totaling 840 SF • 6 offices including reception area totaling 994 SF 	<ul style="list-style-type: none"> • 4 classrooms with shared restrooms totaling 2,334 SF • 2 offices totaling 247 SF
Second	<ul style="list-style-type: none"> • 1 Restroom • 75 SF Pantry • 127 SF Storage area • Outdoor roof deck 	<ul style="list-style-type: none"> • 8 classrooms totaling 5,113 SF • 2 offices totaling 261 SF 	No space devoted for childcare center use

The proposal does not include any changes to the exterior brick building façade of the existing two-story office building. However, the following exterior building improvements are proposed as noted on the Exterior Elevations sheet in the attached Architectural Plans:

- Replace existing windows with new windows;
- Add new egress ramp on the south elevation and new egress doors; and
- Add new elevated deck with fall protection on front (west elevation) and side (south elevation) of the building.

Off-Street Parking

Sections 12-9-7 and 12-9-8 of the Zoning Ordinance govern the number of off-street standard and accessible parking spaces required based on the property uses. Given the floor plan information above, the following are the parking requirements for the proposed private school and childcare center uses:

Required Off-Street Parking			
Use	Parking Calculation	Required Spaces	
		Current Enrollment (89 students; 43 children)	Future Max Enrollment (144 students; 52 children)
Private School – Elementary (Students)	One space for each classroom plus one space per 200 SF of area devoted to offices	16 spaces (9 classrooms; 1,225 SF of office area)	16 spaces (9 classrooms; 1,225 SF of office area)
Childcare Center (Children)	One space for every 15 children, plus one space for every employee	15 spaces (43 children; 12 staff members)	16 spaces (52 children; 12 staff members)
Total Off-Street Parking Required		31 (incl. two accessible)	32 (incl. two accessible)
Total Off-Street Parking Provided		38 (incl. two accessible)	

Access and Circulation

There is currently one full access point to the subject property off Des Plaines River Road, which will be maintained as part of this proposal. Based on the findings of the Traffic Impact Study, the petitioner intends to add a second limited access curb cut on the northwest portion of 1695 S. Des Plaines River Road to allow another entrance off of and exit onto northbound Des Plaines River Road to accommodate traffic flow. The addition of the second curb cut will require review and approval from the PWE department as this portion of Des Plaines River Road is under the City's jurisdiction.

The existing two-way drive aisles will be maintained in the parking area to allow for more sufficient vehicle circulation throughout the site. In addition, the proposal includes some parking area reconfiguration to remove the northern parking space row, accommodate a designated vehicle lane for drop-off and pick-up activities on site, and avoid adverse effects on Des Plaines River Road. Note that the existing parking area is not setback a minimum of 3.5 feet from the property line as required in Section 12-9-6.D of the Zoning Ordinance. While the location of this parking area will not change, the proposed alterations require the parking area to conform with the setback requirement. Since the proposal does not include adjustments to meet this requirement, a variation is required. See the *Variation* section for additional information.

Landscaping and Screening

The existing site contains some natural vegetation (1655 S. Des Plaines River Road) and some landscape improvements in the middle of the parking area on 1695 S. Des Plaines River Road but does not meet the specific requirements in Section 12-10, "Landscaping and Screening", of the Zoning Ordinance. The proposal does include new perimeter parking lot landscaping along the south portion of the parking area as noted in the attached Landscape Plan. However, the proposed improvements do not fully meet the interior and perimeter parking lot landscaping requirements in Section 12-10-8, requiring major variations.

The subject property abuts the Cook County Forest Preserve district to its south, which is a residentially zoned lot and requires conformance with the Landscape Buffer requirements in Section 12-10-9. An I-1-zoned property abutting a residential district or use must provide a minimum five-foot-wide landscape buffer containing shade trees planted every 30 feet, a solid eight-foot-tall fence, and turf or other ground cover along 100 percent of the property boundaries that abuts the residential district. While the landscape plan does provide some new landscaping along this property line, it does not fully satisfy this requirement, necessitating a major variation.

Business Operations

The attached Project Narrative describes how the private school and childcare center uses will operate on site. Both uses will operate from 8 a.m. to 3 p.m. on weeks days (with before and after care on each weekday from 7-8 a.m. and 3-6 p.m.) and will be closed on weekends with the exception of occasional open houses throughout the year. The petitioner employs staggered drop-off and pick-up times in order to manage traffic flows and circulation on site during hours of operation for both uses as noted in the attached Traffic Impact Study.

MAJOR VARIATIONS

Request Description:

The proposal includes several variation requests related to the parking lot structure and multiple landscape requirements, which are summarized below. The petitioner has provided a description of the hardships on the existing site and the necessity of the variation requests in the attached Petitioner’s Responses to Standards. Note that these are all major variation requests that require City Council approval. However, the PZB shall review each variation request and make a recommendation to City Council based on its findings.

Requested Variations		
Requirement	Proposal	Code Reference
Parking lots are not permitted in the front yard in Institutional districts	Maintain existing parking lot in the front yard of the site as is	12-7-5.A.5.a
Parking lot curbs shall be setback a minimum of 3.5 feet from all property lines	Maintain existing 0-foot parking lot setback from the property line	12-9-6.D
A minimum 8-foot-wide, 100 SF landscape bed is required at the end of every parking row and after 30 spaces.	Maintain existing parking lot without the addition of interior parking lot improvements at the end of parking rows	12-10-8.A
A minimum 5-foot-wide landscape bed is required around the perimeter of the parking lot	Maintain existing parking lot without the addition of perimeter parking lot improvements on the west side	12-10-8.B
A minimum 5-foot-wide landscape buffer is required along 100 percent of the property line abutting a residential use	Limit the required landscape buffer treatment of the south property line to the parking area limits and forgo the fencing requirement	12-10-9.C

Zoning Map Amendment Findings of Fact:

The following is a discussion of standards for zoning map amendments from Section 12-3-7.E of the Zoning Ordinance to rezone both properties to the I-1 district. Rationale for how well the proposal addresses the standards is provided below and in the attached Petitioner's Responses to Standards. The Board may use the provided responses as written as its rationale or modify or adopt its own.

1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan, as adopted and amended from time to time by the City Council;

Comment: The retention and expansion of institutional uses is noted as an overarching principle of the 2019 Comprehensive Plan. In addition, the proposal includes the retention of open space on the existing site that arguably fits underneath the open space land use designated on the Future Land Use map. The Board may decide whether there is sufficient alignment with the Comprehensive Plan to satisfy the standard.

2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development;

Comment: The subject property is adjacent to commercial zoning on its north and west and residential zoning to the south and east (Cook County Forest Preserve). The current C-3 zoning of 1655 S. Des Plaines River Road complements the commercial uses and is currently undeveloped, complementing the open space land use identified for this area on the Future Land Use Map. However, the M-1 zoning of 1695 S. Des Plaines River Road does not match surrounding zoning or complement the land use designation of the Future Land Use Map. While there is no other I-1-zoned property in this area currently, given the neighboring forest preserve and the nature of the proposed private school and childcare center uses the I-1 district is an ideal choice for rezoning of the site and will be compatible with the surrounding uses.

3. Whether the proposed amendment is appropriate considering the adequacy of public facilities and services available to this subject property;

Comment: There are no perceived concerns with the adequacy of public facilities and services for the subject property with the proposed map amendment. The anticipated use of the site upon approval of the map amendment would arguably improve the public facilities and services available on the site.

4. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction; and

Comment: The proposed map amendment would allow for institutional uses, such as schools and childcare centers that are by nature situated on larger lots with additional open space. In addition, the proposal includes parking lot circulation and stacking improvements to better manage vehicle volume during drop-off and pick-up periods for both uses, which minimize traffic issues on the surrounding road infrastructure. That said, there are no perceived concerns that an allowance of institutional uses would negatively affect surrounding properties by way of traffic, noise, fumes, dust, and odors. It is anticipated that this request could reduce any existing adverse effects associated with the unoccupied building and increase the values of neighboring properties, both of which benefit the City.

5. Whether the proposed amendment reflects responsible standards for development and growth.

Comment: The proposed amendment allows for institutional uses on a site that abuts defined open space and recreation areas that promotes developments—such as the current proposal—which complement the surrounding uses. This map amendment to the I-1 district also serves as an effective transition area between the commercial development from the north and west and the open space/recreational space to the south and east. Finally, the map amendment also paves a way for the current proposal to make necessary flood control and site improvements but also repurposes an underutilized property.

Zoning Text Amendment Findings of Fact:

The following is a discussion of standards for zoning text amendments from Section 12-3-7.E of the Zoning Ordinance to allow childcare centers in the I-1 district. Rationale for how well the proposal addresses the standards is provided in the attached Petitioner’s Responses to Standards. The Board may use the provided responses as written as its rationale or modify or adopt its own.

1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan, as adopted and amended from time to time by the City Council;

Comment: The proposed amendments expand on the institutional use types allowed in the Institutional district to address a current gap in the Zoning Ordinance. Childcare centers are institutions that provide direct services to the public and are often associated with other uses already allowed in the I-1 district such as schools. The amendments fit within the description of institutional uses noted in the Comprehensive Plan and help achieve benefits for the City as a whole.

2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development;

Comment: Childcare centers complement the types of institutional uses that are currently allowed in the I-1 district including schools and do not pose adverse effects on surrounding properties. The amendments require a conditional use permit for each childcare center use in this district, allowing staff and governing bodies to review each request on a case-by-case basis to ensure the compatibility of each site for this use.

3. Whether the proposed amendment is appropriate considering the adequacy of public facilities and services available to this subject property;

Comment: The proposed amendments are appropriate for the I-1 district as it allows a new institutional use that complements existing uses allowed in this district and the public facilities and services required for each. Staff do not see concerns with the adequacy of public facilities and services associated with childcare center uses in the I-1 district.

4. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction; and

Comment: Childcare centers provide services to Des Plaines residents and are also associated with other institutional uses such as schools and places of worship. In addition, each childcare center request will be reviewed on a case-by-case basis to minimize adverse effects on surrounding properties.

5. Whether the proposed amendment reflects responsible standards for development and growth.

Comment: The proposed amendments create an allowance that currently does not exist for further development in the I-1 district that is responsible and consistent with existing development in the institutional district.

Conditional Use Findings of Fact:

The following is a discussion of standards for conditional uses from Section 12-3-4 of the Zoning Ordinance for the proposed childcare center use. Rationale for how well the proposal addresses the standards is provided below and in the attached Petitioner's Responses to Standards. The Board may use the provided responses as written as its rationale or modify or adopt its own.

1. The proposed Conditional Use is in fact a Conditional Use established within the specific Zoning district involved:

Comment: Upon approval of the proposed text amendment, a childcare center will be designated as a conditional use within the Institutional Use Matrix in Section 12-7-5.A.6 of the Zoning Ordinance.

2. The proposed Conditional Use is in accordance with the objectives of the City's Comprehensive Plan:

Comment: The proposed childcare center is a service-oriented use that primarily serves day-to-day needs of local residents by increasing care and education opportunities for residents in Des Plaines. Additionally, the subject property is large and contains a sizeable amount of open space ideal for institutional uses.

3. The proposed Conditional Use is designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity:

Comment: The proposed childcare center use is designed, constructed, operated, and maintained to be harmonious and appropriate in appearance to surrounding commercial uses. The proposal includes integral enhancements to the site as a whole including modifications to the parking area.

4. The proposed Conditional Use is not hazardous or disturbing to existing neighboring uses:

Comment: The proposed childcare center use would not be hazardous or distributing to neighboring uses given the large lot and defined open space areas in between the site activities and other properties. While a majority of activities take place inside the building, some outdoor areas are designated and setback from the property lines to provide additional benefits to children attending the childcare center but also reduce any hazardous or disturbing effects from this use.

- 5. The proposed Conditional Use is to be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or, agencies responsible for establishing the Conditional Use shall provide adequately any such services:**

Comment: The site is served adequately by essential public facilities and services. With the proposed curb cut and circulation/queuing improvements to the existing parking area, it can be argued that the proposed use will not affect the existing public facilities and services for this property.

- 6. The proposed Conditional Use does not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic well-being of the entire community:**

Comment: The proposed use will not create excessive additional requirements at the public expense and will not be detrimental to economic well-being of the community.

- 7. The proposed Conditional Use does not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare, or odors:**

Comment: The petitioner is proposing designated outdoor activity areas for the children which are setback a considerable distance from the street as well as parking lot circulation and queuing improvements to adequately accommodate vehicular volumes throughout the site. In addition, the proposal includes the installation of flood controls to address the requirements of FEMA and Title 14 of the Code.

- 8. The proposed Conditional Use does not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare, or odors:**

Comment: The petitioner is proposing designated outdoor activity areas for the children which are setback a considerable distance from the street as well as parking lot circulation and queuing improvements to adequately accommodate vehicular volumes throughout the site. In addition, the proposal includes the installation of flood controls to address the requirements of FEMA and Title 14 of the Code.

- 9. The proposed Conditional Use provides vehicular access to the property designed so that it does not create an interference with traffic on surrounding public thoroughfares:**

Comment: The proposed site plan introduces a new curb cut for easier access to/from the property in addition to the alterations to the parking area for traffic queuing, both of which will minimize inference with traffic on Des Plaines River Road and the surrounding local streets.

10. The proposed Conditional Use complies with all additional regulations in the Zoning Ordinance specific to the Conditional Use requested:

Comment: The proposed childcare center use will be designed to meet the regulations of the Zoning Ordinance.

Variation Findings of Fact: Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. Rationale for how the proposed standard and major variations would or would not satisfy the standards is provided in the attached petitioner responses to standards. The Board may use the provided petitioner responses as written as its rationale or modify or adopt its own.

1. **Hardship:** No variation shall be granted pursuant to this subsection H unless the applicant shall establish that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty.
2. **Unique Physical Condition:** The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.
3. **Not Self-Created:** The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this title.
4. **Denied Substantial Rights:** The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision.
5. **Not Merely Special Privilege:** The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot.
6. **Title And Plan Purposes:** The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this title and the provision from which a variation is sought were enacted or the general purpose and intent of the comprehensive plan.

7. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.
8. Minimum Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.

PZB Procedure and Recommended Conditions:

Under Section 12-3-4.D (Procedure for Review and Decision for Conditional Uses), Section 12-3-6.G.2 (Procedure for Review and Decision for Variations), and Section 12-3-7.D (Procedure for Review and Decision for Amendments) of the Zoning Ordinance, the PZB has the authority to *recommend* that the City Council approve, approve with modifications, or deny the above-mentioned requests at 1655 and 1695 S. Des Plaines River Road. The City Council has final authority on these requests.

The PZB should take the following motions. The zoning motions can be combined or taken individually:

- A motion pursuant to Section 12-3-7.E of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the proposed Map Amendments;
- A motion pursuant to Section 12-3-7.E of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the proposed Text Amendments;
- A motion pursuant to Section 12-3-4.E of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the request for a Conditional Use; and
- A motion pursuant to Section 12-3-6.H of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the requests for Variations.

If the PZB recommends approval, staff recommends the following conditions.

Conditions of Approval:

1. All proposed improvements and modifications shall be in full compliance with all applicable codes and ordinances. Drawings may have to be modified to comply with current codes and ordinances.
2. The petitioner shall submit a request to consolidate the subject properties in conformance with Title 13, "Subdivision Regulations" of the Municipal Code. The zoning entitlements will not be effective until the approval and recording of the consolidation plat for the subject properties.
3. The appropriate plans related to flood control improvements to the subject properties shall comply with the FEMA and Title 14, "Flood Control", requirements. All flood control improvements shall be approved by both FEMA and the PWE department and be installed on sit prior to the issuance of a certificate of occupancy.

4. Address: 1655 and 1695 S. Des Plaines River Road **Case Number:** 24-016-TA-MAP-CU-V

The petitioner is requesting the following: (i) a Map Amendment to rezone both properties to I-1 Institutional district; (ii) a Text Amendment to allow a childcare center use as a conditional use in the I-1 district; (iii) a Conditional Use to allow a childcare center use on the subject property; (iv) and a Major Variation to reduce the required front yard; (v) a Major Variation to reduce to parking lot setback; and (vi) any other variations, waivers, and zoning relief as may be necessary.

PIN: 09-28-107-008-0000; -009

Petitioner: Brickton Montessori (Representative: Erica Lane, 8622 W. Catalpa Ave, Chicago, IL 60656)

Owner: 1655 LLC and Schawk Inc., 1695 S. Des Plaines River Road, Des Plaines, IL 60018

Principal Erica Lane presented a summary of the mission of the Brickton Montessori School including their professional accreditations and affiliations. The school is licensed by the State of Illinois. She noted the organization's current long wait lists and the need for a new facility.

Larry Kearns (Architect) summarized the history of the existing building which was constructed in 1892. The existing building has been improved over time including removal of a third story and removal of a water tower in the 1980s at which time an addition to the south elevation of the building was constructed. The property is comprised of two parcels.

Larry Kearns summarized the projected traffic impacts from the proposed land use. The property would be improved with 38 parking stalls and would include sufficient vehicle stacking in two rows to accommodate pick-up and drop-off of students. A new curb cut is proposed to provide improved site circulation and a new outbound right-turn to S. Des Plaines River Road.

--- discussion of flood plain

The north half of the site would be improved with new outdoor recreation/playground area. New sidewalk connections would extend from the public right-of-way to the building.

The floor plan was presented in relation to the proposed flood wall. The proposed wall would stand at a height of approx. 4.5 feet and would include a ramp for strollers as well as stairs at the main entry and the building entrance near the proposed playground.

Two accessible stalls would be provided and the total parking would exceed the city's minimum requirements.

The proposed scope of engineering improvements would extend into the ground to the existing clay layer, providing a dry flood proofing solution. The proposal includes approximately 0.5 acre-feet of storage to accommodate the storage of stormwater that would occupy the area within the flood wall without the new floodwall improvement.

Neal Smith (Attorney) presented a summary of the proposed zoning entitlement requests including a rezoning of the two parcels to I-1, a conditional use for the proposed private school within the I-1 District, a major variation for a parking lot within the front yard, a major variation for parking setback from the front lot line, a major variation for landscaping, and a major variation to omit fencing along the south lot line.

Neal Smith summarized the developer's intent to retain many of the existing conditions of the property while improving the property to accommodate a new, modern use which would comply with FEMA's requirements. The requested relief from landscaping requirements would allow the property to benefit from the views into the adjacent forest preserve.

Neal Smith asserted that a private school in this location would benefit the community and would not introduce any new hazards or negative impacts on neighbors. Parents of students will patronize local businesses and create opportunities for new business from customers who may not otherwise visit the community.

To manage parking and pick-up and drop-off queues, the school would stagger daily start and end times.

- 3-acre site, existing open space with mature trees

Reuse of the existing parking field would help preserve existing areas, and the current location is permissible in accordance with the existing zoning but would be made noncompliant by the proposed rezoning to I-1. The redevelopment would be in compliance with the city's comprehensive plan and would be constructed in accordance with building and engineering requirements.

Member Fowler inquired about the proposed fencing and whether a barrier would be provided to prevent children from accessing the river.

Larry Kearns summarized the proposed fencing and the extents of a secured "L" shaped space which would contain students and prevent access to the River. The playground would also be enclosed with a fence which would connect to a fence along the river.

Member Weaver inquired about contingency planning for both expected and unexpected expenses associated with required flood proofing, soil types, historic building issues, and any remediation of hazardous materials.

Larry Kearns also summarized estimated costs related to the proposed floor proofing, potential surprises relating to soils, and other costs. They acknowledge that the extra investment needed to comply with requirements helps ensure this location can serve as an especially attractive natural location for the school's curriculum.

Acting Chairman Saletnik inquired about the use of pumps in relation to the stormwater management requirements.

Larry Kearns summarized the proposed pump system which would be required to facilitate the storage of some storm water under the building.

Member Veremis inquired about current enrollment.

Erica Lane identified the current enrollment of 125 students and identified the projected enrollment with this location to be 196. This is max.

Member Veremis inquired about the potential service area from which students would be expected.

Erica Lane summarized the expected service area including Chicago, Des Plaines, Park Ridge, Harwood Heights, Rosemont, Schaumburg, and Northshore.

Member Veremis – traffic

Erica Lane responded to traffic- Majority of families are coming for Northwest side of Chicago, Up Touhy and down River Road.

Member Veremis – how long has this been vacant

Senior Planner Jonathan Stytz – only a few years.

Member Fowler – fence extension further to the south

Erica Lane responded, safety of children. South end is for entering the facility.

Member Weaver observed that Brickton was a 19th century name for Park Ridge.

Erica Lane confirmed that the name was indeed associated with this history and outlined the history of the growth of the organization. School started first in Park Ridge. Maintained historic name for the area.

Member Veremis appreciated that the adjacent land would be maintained as open space rather than commercial development.

Acting Chairman Saletnik opened the public hearing.

Daria Plamada was sworn in. She identified herself as a Des Plaines resident, an alum of the school, and the parent of a current student. The faculty are excellent and are long-tenured members of the organization. She is very supportive of the proposed use.

Acting Chairman Saletnik requested a summary of the staff presentation.

Senior Planner Stytz provided an overview of the request and presented photos of the subject property including the legal notice sign. He noted that a tentative and final plat of subdivision for the subject property will be presented separately to the PZB and City Council at a later date.

The proposed use would be considered a childcare use and would require the requested map amendment and conditional use. He summarized the proposed improvements and locations of specific structures and flood control improvements across the site plan.

He provided a summary of the site plan standards and several proposed site improvements which demonstrate compliance with these standards. A substantial amount of existing open space would be retained with the applicant's proposed development plans.

He summarized the land use table for the I-1 District and presented the floor plan and use of various areas of the plan. He presented the building elevations, renderings, and proposed signage. He reviewed the minimum parking requirements versus the proposed surplus. The expected increase in enrollment to 144 students and 59 children would be accommodated with the proposed quantity of parking stalls.

He reviewed the specific requirements in regard to location of parking lots in the I-1 District and the proposed parking stall setback from the public right-of-way. 3 feet is existing and would remain. He summarized the landscaping design requirements for the parking lot and the south lot line. Although the applicant is retaining trees and open space, required landscaping within the parking lot has not been proposed in order to limit the scope of alterations to the existing parking lot and maximize the quantity of parking stalls without adding additional impervious areas.

He confirmed that the Public Works & Engineering Department has provided a review letter outlining the requirements for flood control and other improvements through the review and approval of final engineering plans associated with the building construction process.

He summarized the public improvements and engineering requirements associated with the subdivision of the property and confirmed that the subdivision would need to be completed prior to permitting for the property.

Acting Chairman Saletnik asked for discussion.

Member Weaver inquired about consolidation of the various requests into a common motion.

Member Catalano comments on the proposed pump design and confirmed the concept seems appropriate.

Member Fowler inquired about the location of an indoor gymnasium.

Erica Lane identified a space for gross motor on the first floor for younger children, but confirmed no gymnasium is proposed. Historically, Brickton has partnered with outside organizations for use or rental of sports, courts, and fields consistent with their programming needs.

Member Catalano inquired about potential staffing changes between the existing operations and proposed operations.

Erica Lane described staff will minimally increase. One additional classroom will be opening. So increase of 3 staff members.

Member Fowler inquired about the combination and interaction among age groups in the Montessori and class sizes.

Erica Lane confirmed that maximum class sizes range from 20-24 students and that students of various ages interact through various programs.

Member Veremis inquired about summer programming.

Erica Lane confirmed that 10-week summer programming is available, and students/parents select what services they need over the summer months.

Acting Chairman Saletnik entertained a motion.

Member Weaver moved to City Council recommendation for all four items for MAP Amendment, Text Amendment, Conditional Use, and Variations and include the three conditions of approval granted by staff

Motion by Board Member Fowler, seconded by Board Member Veremis to approve.

AYES: Weaver, Catalano Veremis, Fowler, Saletnik

NAYES: None

ABSTAIN: None

MOTION CARRIED

Other items:

None

ADJOURNMENT

Acting Chairman Saletnik adjourned the meeting at 9:02 p.m.

Sincerely,

Jeff Rogers/Recording Secretary

cc: City Officials, Aldermen, Planning & Zoning Board, Petitioners

CITY OF DES PLAINES

ORDINANCE Z - 8 - 24

AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING CHILDCARE CENTERS IN THE I-1 INSTITUTIONAL DISTRICT.

WHEREAS, the City is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the "Des Plaines Zoning Ordinance of 1998," as amended ("**Zoning Ordinance**"), is codified as Title 12 of the City Code of the City of Des Plaines ("**City Code**"); and

WHEREAS, Brickton Montessori ("**Applicant**") desires to operate a childcare center on the property commonly known as 1655 and 1695 S. Des Plaines River Road in the City, which is located in the I-1 Institutional District of the City ("**I-1 District**"); and

WHEREAS, the Applicant applied for text amendment to amend Section 12-7-5.A.6 of the Zoning Ordinance to allow childcare centers in a conditional use in the I-1 District ("**Proposed Amendment**"); and

WHEREAS, a public hearing by the PZB to consider the Proposed Amendment was duly advertised in the *Des Plaines Journal* on April 24, 2024, and held by the PZB on May 14, 2024; and

WHEREAS, the PZB voted 5-0 to recommend approval of the Proposed Amendment; and

WHEREAS, the PZB forwarded its recommendation in writing to the City Council on May 15, 2024; and

WHEREAS, the City Council has considered the factors set forth in Section 12-3-7.E, titled "Standards for Amendments," of the Zoning Ordinance; and

WHEREAS, the City Council has determined that it is in the best interest of the City to adopt the Proposed Amendment and amend the Zoning Ordinance as set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1. RECITALS. The recitals set forth above are incorporated herein by reference and made a part hereof.

Additions are bold and double-underlined; ~~deletions are struck through.~~

SECTION 2. FINDING OF COMPLIANCE. The City Council finds that consideration of the Text Amendments complies with the provisions of Section 12-3-7 of Zoning Ordinance.

SECTION 3. INSTITUTIONAL USE MATRIX. Sub-section 6, titled “Institutional Use Matrix”, of Section 12-7-5, titled “Special District Regulations,” of Chapter 7, titled “Districts,” the Zoning Ordinance is hereby amended to read as follows:

“12-7-5: SPECIAL DISTRICT REGULATIONS.

A. Institutional District:

“* * *

6. Institutional Use Matrix:

<i>Uses</i>	<i>I-1</i>

Cemetery, mausoleums, and crematoriums	P
<u>Childcare Center</u>	<u>C</u>
Colleges and universities	P

* * *

SECTION 4. SEVERABILITY. If any paragraph, section, clause, or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form according to law.

[SIGNATURES ON FOLLOWING PAGE]

Additions are bold and double-underlined; deletions are struck through.

PASSED this _____ day of _____, 2024.

APPROVED this _____ day of _____, 2024.

VOTE: Ayes _____ Nays _____ Absent _____

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form this
____ day of _____, 2024.

Approved as to form:

CITY CLERK

Peter M. Friedman, General Counsel

DP-Ordinance Allowing Childcare Centers in the I-1 District

Additions are bold and double-underlined; ~~deletions are struck through.~~



MEMORANDUM

Date: May 23, 2024
To: Dorothy Wisniewski, City Manager
From: Jonathan Stytz, AICP, Senior Planner JS
Cc: Jeff Rogers, AICP, Director of Community & Economic Development JDR
Subject: Consideration of a Map Amendment, Conditional Use, and Variations at 1655 and 1695 S. Des Plaines River Road, Case #24-016-TA-MAP-CU-V

Issue: The petitioner is requesting the following under the Zoning Ordinance for the properties at 1655 and 1695 S. Des Plaines River Road: (i) Map Amendments to rezone both properties to the I-1 district; (ii) a Conditional Use for a childcare center; (iii) Major Variations for the location and setback of a parking lot; (iv) Major Variations for interior and perimeter parking lot landscaping; and (v) a Major Variation for landscape buffer regulations. *This is related to a text amendment request under the same case number to create an allowance with a conditional use permit for childcare center uses in the I-1 district.*

While not part of the Part 1 entitlements listed above, the petitioner will also be separately requesting a combined Tentative and Final Plat of Subdivision to consolidate the existing two lots into one lot of record. However, the effectiveness of the Part 1 entitlements will be contingent on the approval of the final engineering plans and Tentative and Final Plat of Subdivision requested as the Part 2 entitlement.

Petitioner: Brickton Montessori (Representative: Erica Lane, 8622 W. Catalpa Ave, Chicago, IL 60656)
Owners: 1655 LLC and Schawk INC, 1695 S. Des Plaines River Road, Des Plaines, IL 60018
Case Number: 24-016-TA-MAP-CU-V
PINs: 09-28-107-008-0000; -009
Ward: #2, Alderman Colt Moylan
Existing Zoning: C-3 General Commercial district (1655 S. Des Plaines River Road); M-1 Limited Manufacturing district (1695 S. Des Plaines River Road)
Existing Land Use: Vacant property (1655 S. Des Plaines River Road); office building and parking lot (1695 S. Des Plaines River Road)

Surrounding Zoning: North: C-3 General Commercial District
 South: Single Family Residential District (R4) (Unincorporated Cook County)
 East: Single Family Residential District (R4) (Unincorporated Cook County)
 West: C-3 General Commercial District

Surrounding Land Use: North: Multi-tenant Office Building (Commercial)
 South: Cook County Forest Preserve (Recreation)
 East: Des Plaines River; then Cook County Forest Preserve (Recreation)
 West: Retail and Service Establishments (Commercial)

Street Classification: Des Plaines River Road is classified as a minor arterial and is under City of Des Plaines jurisdiction.

Comprehensive Plan: The subject property is illustrated as open space on the Future Land Use map in the 2019 Comprehensive Plan.

Zoning/Property History: The subject properties described below are both located along Des Plaines River Road in the City of Des Plaines but are bounded by the Des Plaines River and the Cook County Forest Preserve in unincorporated Cook County.

Address	PIN	Current Zoning District	Lot Size
1655 S. Des Plaines River Rd	09-28-107-008-0000	C-3 General Commercial	30,592.48 SF (0.70 acres)
1695 S. Des Plaines River Rd	09-28-107-009-0000	M-1 Limited Manufacturing	58,478.31 SF (1.34 acres)

The property at 1655 S. Des Plaines River Road is currently unimproved. However, the property at 1695 S. Des Plaines River Road is improved with a two-story, 19,000-square-foot commercial building with a surface parking area as shown on the attached ALTA/NSPS Land Title Survey.

Both properties abut the Des Plaines River on their eastern boundaries and, based off the current Federal Emergency Management Agency (FEMA) flood hazard maps, are located entirely within a flood hazard zone and a portion of the regulatory floodway. As such, any proposal is required to conform with all FEMA and City of Des Plaines Flood Control regulations prior to the construction of any improvements on either property.

Development Summary: *Overview*
 Petitioner Erica Lane, on behalf of Brickton Montessori, intends to purchase the properties at 1655 and 1695 S. Des Plaines River Road and repurpose both for a private school and childcare center. The Brickton Montessori school has been serving the northwest Chicago suburban communities since 1986 providing education and childcare services for children 3 months to eighth grade as specified in the attached Project Narrative. While both uses will operate in the same building as one entity, designated areas for both the childcare center and private school have been identified on the attached Architectural and Site Plan Set with the childcare center use areas concentrated on the first level and the private school use spread between the two floors. See the project narrative for additional information on both the proposed childcare and private school uses.

Preliminary Improvements Proposed

The proposal includes both building and site improvements to accommodate the childcare center and private school uses. While the petitioner is interested in preserving the existing office building as much as possible, the proposed childcare and private school uses require specific updates to the building to meet current building and fire codes. As such, the Floor Plan details the required alterations to the building’s interior, which will be reviewed further at time of building permit to ensure compliance with all regulations.

The size, location, and setbacks of the existing office building were not subject to change and no new building is proposed for the vacant 1655 S. Des Plaines River Road property. However, there are proposed improvements for each property, which are detailed in the attached Architectural and Site Plan Set and summarized in the table below. Note that the site improvement plans submitted are preliminary and will be finalized during the subdivision request stage.

Address	Preliminary Improvements Proposed
1655 S. Des Plaines River Rd	<ul style="list-style-type: none">• Garden space with mulch area and circular granite walking path;• New perimeter fence• Non-paved mulch area designated for compensatory storage and stormwater quality treatment
1695 S. Des Plaines River Rd	<ul style="list-style-type: none">• New perimeter fence• Fenced outdoor playground area• Replacement of existing north parking space row with drop-up/pick-up lane and walkway• New vehicular entrance on northwest corner• Restriping of retained parking spaces• New fire department connection point• New flood wall surrounding the existing building• Parking lot landscaping along south property line• Reinstall exterior light poles throughout site• New ADA accessible ramp on south building face to serve new building entrances• New stairs on west building face to serve new building entrances

Flood Control Considerations

The largest improvement proposed is the flood wall, which is necessary to comply with the FEMA and City of Des Plaines Flood Control regulations. The petitioner has submitted the preliminary engineering drawings and flood wall details as a reference to their solution to address the necessary flood control considerations for the subject properties. The Public Works and Engineering (PWE) department has reviewed the preliminary engineering submittal provided by the petitioner (see PWE Preliminary Letter) and has noted that the final engineering drawings and flood wall details must be prepared and stamped by a structural and professional engineer. These engineering plans will need to be reviewed and approved by PWE prior to the hearing of the future subdivision request.

Request Overview

The proposal requires several zoning requests under Title 12 Zoning, which are summarized in the table below as Part 1 entitlements. These requests are necessary to correct the property zoning for the change in use, permit the childcare center use, and receive relief from the zoning requirements noted in the referenced code sections.

Note that the table also includes the required subdivision request as the Part 2 entitlement, which will be a separate request pursued by the petitioner to consolidate the two existing lots into one lot of record. This is required by Section 13-1-2 of the Subdivision Regulations, which prohibits the sale of a zoning lot that is in a non-residentially zoned area and is not a "lot of record" and requires the property to be subdivided or consolidated into a lot or lots of record before the sale can be completed. As such, this step will need to be completed prior to the purchase of the subject properties by the petitioner.

Part 1 Entitlements		
Request	Description	Code Section Reference
Text Amendment <i>(separate report)</i>	Allow childcare center as a conditional use in the I-1 district	12-7-5.A.6
Map Amendment	Rezone 1655 S. DP River Rd to I-1	12-3-7
Map Amendment	Rezone 1695 S. DP River Rd to I-1	12-3-7
Conditional Use ¹	Allow childcare center on the subject properties in the I-1 district	12-7-5.A.6
Major Variation	Allow parking lot in the required front yard in the I-1 district	12-7-5.A.5.a
Major Variation	Allow parking lot to be setback less than 3.5 feet from the property line	12-9-6.D
Major Variation	To not require interior parking lot landscaping as required in code	12-10-8.A
Major Variation	To not require perimeter parking lot landscaping on the west property line	12-10-8.B
Major Variation	To not require landscape buffer improvements on the south property line	12-10-9.C
Part 2 Entitlement		
Request	Description	Code Section Reference
Tentative and Final Plat of Subdivision	Consolidate the two existing parcels into one lot of record	Title 13 Subdivision Regulations

¹ Contingent upon the approval of the text amendment to allow childcare centers in the I-1 district, a conditional use is requested for a childcare center use at the subject properties.

MAP AMENDMENT

Request Description:

Overview

The subject properties at 1655 S. Des Plaines River Road and 1695 S. Des Plaines River Road are currently zoned C-3 General Commercial and M-1 Limited Manufacturing respectively, neither of which allow a private school or childcare center use. However, the 2019 Comprehensive Plan recognizes schools, libraries, community organizations, places of worship, and other public facilities that provide similar services to Des Plaines residents as institutional uses. As such, a proposed rezoning of both properties to the I-1 Institutional district is consistent with the goals and objectives of the comprehensive plan based on the uses proposed. In addition, the I-1 district currently allows private schools as a permitted use as noted in the table below.

Institutional District Use Matrix	
<i>Use</i>	<i>I-1</i>
Schools, private - elementary and high school	P

While childcare centers are currently not allowed in this district, a text amendment has been requested to add this use to the Institutional District Use Matrix as a conditional use.

Bulk Regulations

A private school and childcare center are subject to the bulk regulations in Section 12-7-5.A.7 of the Zoning Ordinance. The table below compares the I-1 district regulations with the proposed development on the subject properties.

I-1 Institutional District Bulk Standards		
<i>Bulk Controls</i>	<i>Required</i>	<i>Proposed</i>
Maximum height (adjacent residential, 5 ft of height permitted for each 10 ft of additional setback provided)	45 ft	33 ft
Minimum front yard [west]	50 ft	165 ft
Minimum side yards <ul style="list-style-type: none"> • North • South 	25 ft 25 ft	121 ft 89 ft
Minimum rear yard [east]	30 ft	43 ft
Minimum lot size	2 acres	3 acres
Maximum lot coverage	40%	40%

Note that while site is currently comprised of two separate properties under different ownership and zoning, a subdivision or consolidation will be required as part of the approval for the requests described in this report. As such, the figures identified under the *Proposed* column assume the consolidation of the two lots into one lot of record. The site currently is improved with a parking area located in front of the existing building. While this is not an issue for a lot in the M-1 district, parking lots are not permitted in the front yard of an I-1-zoned lot. As such, the petitioner is requesting a variation from this standard.

Site Plan Review

Pursuant to Section 12-3-7.D.2 of the Zoning Ordinance, a Site Plan Review is required for all map amendment requests to assess how the request meets the characteristics identified in Section 12-3-2, which are listed below along with staff’s assessment of each in relation to the current Site Plan provided by the petitioner. Note that the attached Site Plan may be adjusted as necessary by the petitioner to address staff/public comments and incorporate all needs of the proposed private school and childcare center development.

Site Plan Review	
<i>Item</i>	<i>Analysis (based on Proposal)</i>
The arrangement of structures on the site	<ul style="list-style-type: none"> • Positions new playground area to make better use of space and create separate parking and open spaces; maintains existing building location. • Playground and open space are compatible with the Forest Preserve to the south
The arrangement of open space and landscape improvements	<ul style="list-style-type: none"> • Large open space proposed in northern portion of development; minimal landscape additions proposed on south portion of development. • Creates a functional and desirable environment for patrons, pedestrians, and occupants.
The adequacy of the proposed circulation system on the site	<ul style="list-style-type: none"> • Provides designated drop-up/pick-up area for both uses; maintains two-way travel drive aisles. • Adds one right-in/right-out curb-cut on Des Plaines River Road for additional site access.
The location, design, and screening of proposed off-street parking areas	<ul style="list-style-type: none"> • Maintain existing landscape screening of parking areas; adds some perimeter parking lot landscaping • No defined separation between pedestrian and vehicle circulation.
The adequacy of the proposed landscaping design on the site	<ul style="list-style-type: none"> • Adequate perimeter parking lot landscaping provided in front of and behind parking areas. • Intends to preserve existing trees on site. • Both foundation and site perimeter landscaping proposed all of sides of buildings to create an adequate and defined transition between uses.
The design, location, and installation of proposed site illumination	<ul style="list-style-type: none"> • Retains existing exterior light poles on site; new exterior lighting proposed on building • Higher foot-candles concentrated around parking area; minimal light encroachment onto neighboring properties
The correlation of the proposed site plan with adopted land use policies, goals, and objectives of the Comp. Plan	<ul style="list-style-type: none"> • Partially in line with the open-space use designated for the subject properties on the future land use map in the Comprehensive Plan. • Proposed zoning district better matches the private school and childcare center uses as identified in the Comprehensive Plan.

CONDITIONAL USE

Request Description:

Overview

Upon approval of the text amendment to Section 12-7-5.A.6 of the Zoning Ordinance, a conditional use permit will be required for the proposed childcare center use. Section 12-3-4 of the Zoning Ordinance governs the procedure for review of uses—or in this case two separate principal uses—that are unique in character and require additional consideration of the impact of those uses upon neighboring lands and upon the public need for the particular use of the particular location(s). However, given the second principal use, private school, also proposed for this development, the analysis below will assess how both uses will coexist and operate on the site based on the petitioner submittals and the potential impacts of the entire development on the community as a whole.

Floor Plan and Elevations

Brickton Montessori School operates the private school and childcare center operations as one entity. That said, the Floor Plan in the attached Architectural Plans designates the building areas devoted to each of the proposed uses as well as general areas for building operations, which are summarized in the table on the following page. While there are no proposed changes in size, location, and height of the existing building, entrances to the building will be altered and new pedestrian access stairs, ADA accessible ramps, and emergency egress landing will be provided based on the required flood wall improvements. See the attached Architectural Plans for more information.

Floor Plan Breakdown			
Use	General	Private School	Childcare Center
First	<ul style="list-style-type: none">• 1 Restroom• 227 SF Lobby• Storage areas totaling 913 SF• Mechanical areas totaling 111 SF	<ul style="list-style-type: none">• 1 classroom totaling 840 SF• 6 offices including reception area totaling 994 SF	<ul style="list-style-type: none">• 4 classrooms with shared restrooms totaling 2,334 SF• 2 offices totaling 247 SF
Second	<ul style="list-style-type: none">• 1 Restroom• 75 SF Pantry• 127 SF Storage area• Outdoor roof deck	<ul style="list-style-type: none">• 8 classrooms totaling 5,113 SF• 2 offices totaling 261 SF	No space devoted for childcare center use

The proposal does not include any changes to the exterior brick building façade of the existing two-story office building. However, the following exterior building improvements are proposed as noted on the Exterior Elevations sheet in the attached Architectural Plans:

- Replace existing windows with new windows;
- Add new egress ramp on the south elevation and new egress doors; and
- Add new elevated deck with fall protection on front (west elevation) and side (south elevation) of the building.

Off-Street Parking

Sections 12-9-7 and 12-9-8 of the Zoning Ordinance govern the number of off-street standard and accessible parking spaces required based on the property uses. Given the floor plan information above, the following are the parking requirements for the proposed private school and childcare center uses:

Required Off-Street Parking			
Use	Parking Calculation	Required Spaces	
		Current Enrollment <i>(89 students; 43 children)</i>	Future Max Enrollment <i>(144 students; 52 children)</i>
Private School – Elementary <i>(Students)</i>	One space for each classroom plus one space per 200 SF of area devoted to offices	16 spaces <i>(9 classrooms; 1,225 SF of office area)</i>	16 spaces <i>(9 classrooms; 1,225 SF of office area)</i>
Childcare Center <i>(Children)</i>	One space for every 15 children, plus one space for every employee	15 spaces <i>(43 children; 12 staff members)</i>	16 spaces <i>(52 children; 12 staff members)</i>
Total Off-Street Parking Required		31 (incl. two accessible)	32 (incl. two accessible)
Total Off-Street Parking Provided		38 (incl. two accessible)	

Access and Circulation

There is currently one full access point to the subject property off Des Plaines River Road, which will be maintained as part of this proposal. Based on the findings of the Traffic Impact Study, the petitioner intends to add a second limited access curb cut on the northwest portion of 1695 S. Des Plaines River Road to allow another entrance off of and exit onto northbound Des Plaines River Road to accommodate traffic flow. The addition of the second curb cut will require review and approval from the PWE department as this portion of Des Plaines River Road is under the City’s jurisdiction.

The existing two-way drive aisles will be maintained in the parking area to allow for more sufficient vehicle circulation throughout the site. In addition, the proposal includes some parking area reconfiguration to remove the northern parking space row, accommodate a designated vehicle lane for drop-off and pick-up activities on site, and avoid adverse effects on Des Plaines River Road. Note that the existing parking area is not setback a minimum of 3.5 feet from the property line as required in Section 12-9-6.D of the Zoning Ordinance. While the location of this parking area will not change, the proposed alterations require the parking area to conform with the setback requirement. Since the proposal does not include adjustments to meet this requirement, a variation is required. See the *Variation* section for additional information.

Landscaping and Screening

The existing site contains some natural vegetation (1655 S. Des Plaines River Road) and some landscape improvements in the middle of the parking area on 1695 S. Des Plaines River Road but does not meet the specific requirements in Section 12-10, “Landscaping and Screening”, of the Zoning Ordinance. The proposal does include new perimeter parking lot landscaping along the south portion of the parking area as noted in the attached Landscape Plan. However, the proposed improvements do not fully meet the interior and perimeter parking lot landscaping requirements in Section 12-10-8, requiring major variations.

The subject property abuts the Cook County Forest Preserve district to its south, which is a residentially zoned lot and requires conformance with the Landscape Buffer requirements in Section 12-10-9. An I-1-zoned property abutting a residential district or use must provide a minimum five-foot-wide landscape buffer containing shade trees planted every 30 feet, a solid eight-foot-tall fence, and turf or other ground cover along 100 percent of the property boundaries that abuts the residential district. While the landscape plan does provide some new landscaping along this property line, it does not fully satisfy this requirement, necessitating a major variation.

Business Operations

The attached Project Narrative describes how the private school and childcare center uses will operate on site. Both uses will operate from 8 a.m. to 3 p.m. on weeks days (with before and after care on each weekday from 7-8 a.m. and 3-6 p.m.) and will be closed on weekends with the exception of occasional open houses throughout the year. The petitioner employs staggered drop-off and pick-up times in order to manage traffic flows and circulation on site during hours of operation for both uses as noted in the attached Traffic Impact Study.

MAJOR VARIATIONS

Request Description:

The proposal includes several variation requests related to the parking lot structure and multiple landscape requirements, which are summarized below. The petitioner has provided a description of the hardships on the existing site and the necessity of the variation requests in the attached Petitioner’s Responses to Standards. The City Council shall review each variation request and make a final determination based on its findings.

Requested Variations		
Requirement	Proposal	Code Reference
Parking lots are not permitted in the front yard in Institutional districts	Maintain existing parking lot in the front yard of the site as is	12-7-5.A.5.a
Parking lot curbs shall be setback a minimum of 3.5 feet from all property lines	Maintain existing 0-foot parking lot setback from the property line	12-9-6.D

Requested Variations (continued)		
Requirement	Proposal	Code Reference
A minimum 8-foot-wide, 100 SF landscape bed is required at the end of every parking row and after 30 spaces.	Maintain existing parking lot without the addition of interior parking lot improvements at the end of parking rows	12-10-8.A
A minimum 5-foot-wide landscape bed is required around the perimeter of the parking lot	Maintain existing parking lot without the addition of perimeter parking lot improvements on the west side	12-10-8.B
A minimum 5-foot-wide landscape buffer is required along 100 percent of the property line abutting a residential use	Limit the required landscape buffer treatment of the south property line to the parking area limits and forgo the fencing requirement	12-10-9.C

Planning and Zoning Board (PZB) Recommendation

The PZB held a public hearing on May 14, 2024 to consider the requests. The PZB consolidated their determination for all requests into one motion voting 5-0 to recommend that City Council approve the requests with the three staff recommended conditions. The rationale for the PZB’s vote is captured in the attached minutes from the May 14, 2024 PZB Meeting.

City Council Action

Pursuant to Sections 12-3-4.D.4, 12-3-6.G.2.c, and 12-3-7.D.4 of the Zoning Ordinance, the Council has the final authority on the Map Amendment, Conditional Use, and Major Variation requests. The Council may approve, approve with modifications, or deny Ordinance Z-9-24, which includes the requested entitlements for the proposed private school and childcare center development. If the City Council decides to approve these requests, staff and the PZB recommend the following conditions.

Conditions of Approval:

1. All proposed improvements and modifications shall be in full compliance with all applicable codes and ordinances. Drawings may have to be modified to comply with current codes and ordinances.
2. The petitioner shall submit a request to consolidate the subject properties in conformance with Title 13, “Subdivision Regulations” of the Municipal Code. The zoning entitlements will not be effective until the approval and recording of the consolidation plat for the subject properties.
3. The appropriate plans related to flood control improvements to the subject properties shall comply with the FEMA and Title 14, “Flood Control”, requirements. All flood control improvements shall be approved by both FEMA and the PWE department and be installed on site prior to the issuance of a certificate of occupancy.

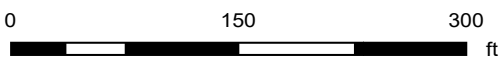
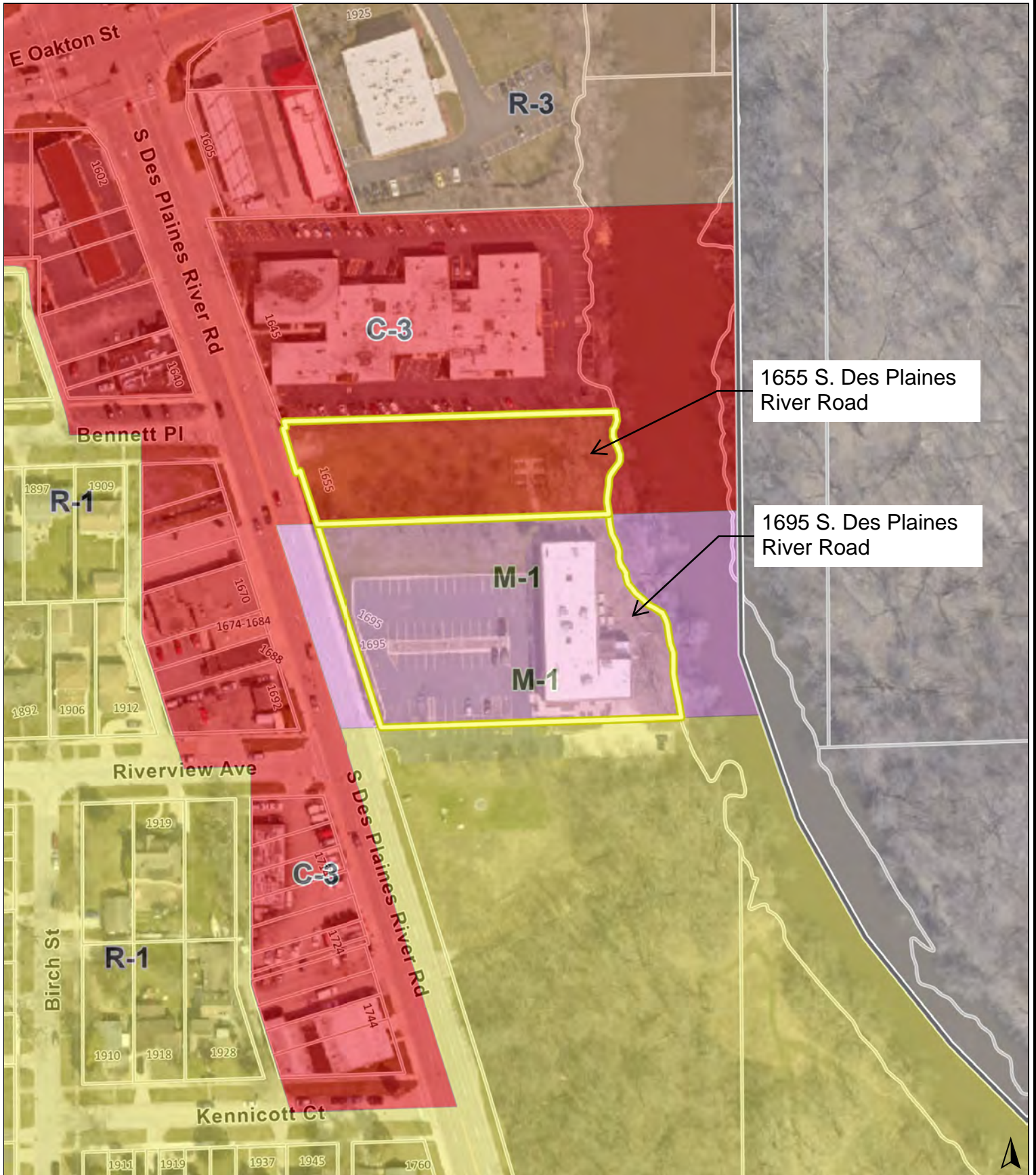
Attachments:

- Attachment 1: Location Map
- Attachment 2: Site and Context Photos
- Attachment 3: Photos of Existing Conditions
- Attachment 4: Petitioner’s Responses to Standards
- Attachment 5: ALTA/NSPS Land Title Survey
- Attachment 6: PWE Department Memo
- Attachment 7: Excerpt of the Traffic Impact Study²
- Attachment 8: Acting Chairman Saletnik PZB Recommendation Letter
- Attachment 9: Excerpt of Approved Minutes from the May 14, 2024 PZB Meeting

Ordinance Z-9-24

- Exhibit A: Project Narrative
- Exhibit B: Site Dimension Plan
- Exhibit C: Floor Plans
- Exhibit D: Exterior Elevations
- Exhibit E: Renderings and Signage Plan
- Exhibit F: Tree Survey
- Exhibit G: Overall Concept Plan
- Exhibit H: Landscape Details
- Exhibit I: Turning Movement Plan
- Exhibit J: Site Grading and Utility Plan
- Exhibit K: Photometric Plan
- Exhibit L: Unconditional Agreement and Consent

² A full copy is available by request to the Department of Community and Economic Development.



Print Date: 5/10/2024

Notes

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.



1655 & 1695 S. DP River Rd – Public Notice Sign #1



1655 & 1695 S. DP River Rd – Public Notice Sign #2



1655 & 1695 S. DP River Rd – Looking Northeast at Front of Site



1655 & 1695 S. DP River Rd – Looking Southeast at Front of Site



1. West facade from River Rd



2. View North from existing parking lot



3. View south from north side of exist parking lot



4. Southwest corner of existing building



5. South facade from southern paved lot



6. Southeast corner of existing building



7. North facade



8. East facade, from Northeast corner of building



9. West facade from parking lot



10. Southwest corner of existing building



Illinois State Recognized
Accredited by the Independent Schools
Association of the Central States and the
American Montessori Society

Brickton Montessori School – New School Building 1655 and 1695 S. Des Plaines River Road, Des Plaines, IL

STANDARDS FOR MAP AMENDMENTS

The Planning and Zoning Board and City Council review the particular facts and circumstances of each proposed Map or Text Amendment in terms of the following standards. Keep in mind that in responding to the items below, you are demonstrating that a proposed Map Amendment is appropriate for the site and will not have a negative impact on surrounding properties and the community. For Text Amendments, you must demonstrate that the proposed text change is appropriate for the entire jurisdiction, not just a particular site. Please answer each item completely and thoroughly (**two to three sentences each**).

1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan, as adopted and amended from time to time by the city council.

Response: The circumstances and facts supporting Brickton Montessori's proposed Map Amendment are consistent with the following principles of Des Plaines' Comprehensive Plan. **Incorporate Parks and Open Space** – Brickton Montessori will convert over one acre of existing landscaped grounds into active play and learning spaces while preserving all existing trees; **Incorporate Green Infrastructure to Address Flooding** - If acceptable to the City, Brickton Montessori will construct a rain garden in the River Road parkway. Additionally, Brickton will floodproof the building, while striving to minimize the impact to the historic structure. The building predates The National Flood Insurance Act of 1994 and the Flood Insurance Reform Act of 2004. **Preserve Historic Buildings** – Although uncredentialed, the 1892 Jones Woolen Mill building will be adapted for a new use by Brickton, preserving a rare remnant of Riverview industrial development that Des Plaines annexed in 1925. **Incorporate Inclusive Growth Principles** – Brickton Montessori serves a diverse population, providing all parents with a superior development environment for their children. As an employer, Brickton will sustain at least 32.5 full-time equivalent positions.

2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property.

Response: Brickton Montessori's proposed amendment is compatible with the character of the natural landscapes to the south of the property. The immediate parcel to the south, owned by the Forest Preserves of Cook County, is dominated by natural landscape and contains access to the Izaak Walton League's historic Jefferson Home, which predates the Jones Woolen Mill Building. The River Plaza Professional Building to the north, built in the 1970s and 1980s, is surrounded by parking and is more characteristic of the commercial development along Oakton Street.

3. Whether the proposed amendment is appropriate considering the adequacy of public facilities and services available to this subject property.

Response: Brickton Montessori's site is adequately accessed by River Road and its current utilities. The three fire hydrants on the opposite side of River Road will provide adequate access to the Fire Department as Brickton is providing a closer fire sprinkler hook-up for easy access.

4. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction.

Response: Brickton's presence will not adversely affect the value of neighboring properties. Brickton Montessori will be an asset to the community, already providing educational services to families in Des Plaines and the surrounding communities. It provides access to high-quality, curiosity-driven learning for infants to eighth graders. As an employer, Brickton will be an economic generator.

5. Whether the proposed amendment reflects responsible standards for development and growth.

Response: Brickton Montessori will adapt existing historic structures for its use and will support the City of Des Plaines principle promoting inclusive growth.

STANDARDS FOR TEXT AMENDMENT

The Planning and Zoning Board and City Council review the particular facts and circumstances of each proposed Map or Text Amendment in terms of the following standards. Keep in mind that in responding to the items below, you are demonstrating that a proposed Map Amendment is appropriate for the site and will not have a negative impact on surrounding properties and the community. For Text Amendments, you must demonstrate that the proposed text change is appropriate for the entire jurisdiction, not just a particular site. Please answer each item completely and thoroughly (**two to three sentences each**).

6. Whether the proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan, as adopted and amended from time to time by the city council.

Response: The circumstances and facts supporting Brickton Montessori's proposed Text Amendment are consistent with the following principles of Des Plaines' Comprehensive Plan. **Incorporate Parks and Open Space** – Brickton will maintain the former Clark & Barlow site on its northern boundary as landscaped open space and it will provide a natural play area for all the children. **Incorporate Green Infrastructure to Address Flooding** - If acceptable to the City, Brickton Montessori will construct a rain garden in the River Road parkway. **Preserve Historic Buildings** – Although uncredentialed, the 1892 Jones Woolen Mill building will be adapted for a new use by Brickton, preserving a rare remnant of Riverview industrial development that Des Plaines annexed in 1925. **Incorporate Inclusive Growth Principles** – Brickton Montessori serves a diverse population, providing all parents with a superior development environment for their children. As an employer, Brickton will sustain at least 32.5 full-time equivalent positions.

7. Whether the proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property.

Response: Brickton Montessori's proposed amendment to include a childcare center as a conditional use is compatible with the current conditions being directly adjacent to the Cook County Forest Preserve, the Des Plaines River and retail businesses. There will be no negative impacts to residents as the surrounding uses will be compatible with a school use.

8. Whether the proposed amendment is appropriate considering the adequacy of public facilities and services available to this subject property.

Response: Brickton Montessori's site is adequately accessed by River Road and its current utilities.

9. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction.

Response: Brickton's presence will not adversely affect the value of neighboring properties. Brickton Montessori will be an asset to the community, already providing educational services to families in Des Plaines and the surrounding communities. It provides access to high-quality, curiosity-driven learning for infants to eighth graders. As an employer, Brickton will be an economic generator.

10. Whether the proposed amendment reflects responsible standards for development and growth.

Response: Brickton Montessori will adapt existing historic structures for its use and will support the City of Des Plaines principle promoting inclusive growth.

STANDARDS FOR CONDITIONAL USES

The Planning and Zoning Board and City Council review the particular facts and circumstances of each proposed Conditional Use in terms of the following standards. Keep in mind that in responding to the items below, you are demonstrating that the proposed use is appropriate for the site and will not have a negative impact on surrounding properties and the community. Please answer each item completely and thoroughly (**two to three sentences each**).

1. The proposed conditional use is in fact a conditional use established within the specific zoning district involved;

Response: Upon approval of the text amendment, a childcare center will be a conditional use in the I-1 district.

2. The proposed conditional use is in accordance with the objectives of the city's comprehensive plan and this title;

Response: This childcare facility will be an asset to Des Plaines' principle of Inclusive Growth and makes use of an historic structure while preserving over one acre of green open space.

3. The proposed conditional use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;

Response: Brickton Montessori intends to preserve the park like setting by keeping and maintaining many of the mature trees and will not be conducting any operations which would not be harmonious with the existing character of the site.

4. The proposed conditional use is not hazardous or disturbing to existing neighboring uses;

Response: The childcare center will not be hazardous or disturb existing neighboring uses. Other than playing outside, all other school activities will be indoors. The childcare use will function along with the elementary use, which is an allowed use in the I-1 District.

5. The proposed conditional use is to be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or the persons or agencies responsible for the establishment of the proposed conditional use shall provide adequately any such services;

Response: Since the use is an infant to 8th grade school, it will bolster essential services and will be adequately served by River Road, the Des Plaines police and Fire Department, new and

existing drainage structures, a new trash and recycling enclosure and the existing sewer. The City of Des Plaines Fire Department can rely on the three fire hydrants on the west side of River Road and the existing water service will be adequate.

6. The proposed conditional use does not create excessive additional requirements at public expense for public facilities and services and not be detrimental to the economic welfare of the community;

Response: The proposed use will not require any new public facilities or services and will benefit the economic welfare of the community by providing a service to the community. Many of the school's families and faculty will be visiting and patronizing shops and restaurants in Des Plaines throughout the year. Parents who choose a half day option for their children may explore Des Plaines while their children are at school.

7. The proposed conditional use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

Response: Because Brickton Montessori has a staggered arrival and dismissal schedule, the proposed use will not be detrimental to residents and the general welfare by creating excessive traffic. As an infant to 8th grade school, it will not be detrimental to any resident, their property, or the general welfare by creating excessive noise, smoke, fumes, glare, or odors.

8. The proposed conditional use provides vehicular access to the property designed that does not create an interference with traffic on surrounding public thoroughfares;

Response: A traffic study was conducted and based on the numbers of employees, the staggered drop-off and pick-up, and operations, it was determined that the new use would not interfere with traffic along River Road.

9. The proposed conditional use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and

Response: The proposed use will not result in any negative impacts to the natural environment due to the preservation of existing open space and mature trees. Brickton will strive to maintain the exterior of the historic building as much as possible.

10. The proposed conditional use complies with all additional regulations in this title specific to the conditional use requested.

Response: The proposed use will comply with all additional regulations.

STANDARDS FOR VARIATIONS

In order to understand your reasons for requesting a variation, please answer the following items completely and thoroughly (two to three sentences each). Variation applicants must demonstrate that special circumstances or unusual conditions prevent them from following the specific regulations of their zoning district. Applicants must prove that the zoning regulations, in combination with the uncommon conditions of the property, prevents them from making any reasonable use of the land. Keep in mind that no variation may be granted that would adversely affect surrounding properties or the general neighborhood.

1. Hardship: No variation shall be granted pursuant to this subsection H unless the applicant shall establish that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty.

General Response: Of the 16 parcels in Des Plaines zoned Institutional, only one – Catholic Charities on Rand – is smaller than Brickton Montessori’s site. The average size of an institutional zone parcel in Des Plaines is 72 acres. With a historic structure sited on only 3 acres of land, requiring Brickton to maintain the same setback for parking as much larger properties constitutes a hardship. Comparable examples include the four-acre site Des Plaines Park District purchased from Good Shepherd, where parking dominates the 50-foot front yard.

Parking Lot in Front Yard Variation: The parking lot is an existing non-conformity which has been in its current configuration for many decades. The existing location of the parking lot is in the front yard of the property. The current parking lot supplies sufficient parking for the proposed use and no expansion would be necessary. Adjusting the parking lot to remove it from the front yard would create a hardship based on the current location of the 1892 building and the desire to maintain the mature trees on the north side of the property.

Parking Lot Setback Variation: The existing parking lot is located 0 feet from the western property line. Adjusting the parking lot to conform to the required setback of 3’-6” would create a hardship. The existing parking lot configuration would need to be adjusted, which could disrupt the current vehicular flow and require additional impervious area. Adjusting the western line of the parking lot to conform to the setback would create a hardship by adjusting an existing condition that has been in place for many years without any negative impacts.

Parking Lot Landscaping Variation: The existing parking lot provides one large landscaping island between parking aisles but is not configured with landscape islands on the aisle ends. Brickton intends to preserve the existing parking lot as much as possible to limit unnecessary site disruptions. The existing landscape island is approximately 1,100 sf in size and does provide the opportunity to comply with the overall parking lot landscaping area requirement. The parking lot will meet all other landscaping requirements.

Parking Lot Screening Variation: The existing parking lot is located at the property line along River Road. The road right-of-way provides a 13-foot landscape area between the sidewalk and the property line. Adjusting the western line of the parking lot to provide a 20-foot landscape area would create a hardship by adjusting an existing condition that has been in place for many years without any known negative impacts.

Property Screening Fencing Variation: Cook Country Forest Preserve (CCFP) is the adjacent property to the south and has a residential zoning. Through residentially zoned, this property is owned and maintained by the CCFP and is not intended to include any residential housing. Providing an 8-foot tall, screening fencing would not be necessary and would create a hardship and unnecessary visual divide along River Road.

2. **Unique Physical Condition:** The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

General Response: With an historic building on a site almost 70 acres smaller than the average Institutional parcel in Des Plaines, Brickton Montessori's site is an outlier of a substandard size.

Parking Lot in Front Yard Variation: The parking lot is an existing non-conformity which has been in its current configuration for many decades. The building location on the lot and the river create a unique physical condition that directly impacts any development on the site.

Parking Lot Setback Variation: The parking lot is an existing non-conformity which has been in its current configuration for many decades. The building location on the lot and the river create a unique physical condition that directly impacts any development on the site.

Parking Lot Landscaping Variation: The parking lot is an existing non-conformity which has been in its current configuration for many decades. The building location on the lot and the river create a unique physical condition that directly impacts any development on the site.

Parking Lot Screening Variation: The parking lot is an existing non-conformity which has been in its current configuration for many decades. The building location on the lot and the river create a unique physical condition that directly impacts any development on the site.

Property Screening Fencing Variation: Cook Country Forest Preserve (CCFP) as the southern neighbor is a unique existing use and the screening from a forest preserve will not be necessary for this proposed use.

3. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this title.

General Response: Neither Brickton Montessori nor its predecessors created the hardship of an Institutional parcel of substandard size.

Parking Lot in Front Yard Variation: The historic building was built in 1892, before this property was part of the City of Des Plaines. The location and configuration of the parking lot was dictated by the building's location on the property. The building was built before modern zoning rules and was located on the property to best utilize the river.

Parking Lot Setback Variation: The historic building was built in 1892, before this property was part of the City of Des Plaines. The location and configuration of the parking lot was dictated by the building's location on the property. The building was built before modern zoning rules and was located on the property to best utilize the river.

Parking Lot Landscaping Variation: The historic building was built in 1892, before this property was part of the City of Des Plaines. The parking lot was built before 2002, or when the most recent city zoning ordinance was adopted.

Parking Lot Screening Variation: The historic building was built in 1892, before this property was part of the City of Des Plaines. The parking lot was built before 2002, or when the most recent city zoning ordinance was adopted.

Property Screening Fencing Variation: Cook Country Forest Preserve (CCFP) as the southern neighbor is a unique existing condition which was not a result of any action of the previous owners.

4. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

General Response: Implementing the strict letter of the provision would ignore the hardship Brickton Montessori faces with an existing structure on the second-smallest Institutional parcel in the City.

Parking Lot in Front Yard Variation: Allowing Brickton to maintain the decades-long setback for parking on the site will maximize the size and utility of the play space for students. Based on the

very small property size as compared to other institutional properties, there are limited options for adjusting the parking lot.

Parking Lot Setback Variation: Allowing Brickton to maintain the decades-long setback for parking on the site will maximize the size and utility of the play space for students. Based on the very small property size as compared to other institutional properties, there are limited options for adjusting the parking lot.

Parking Lot Landscaping Variation: Allowing Brickton to maintain the decades-long setback for parking on the site will maximize the size and utility of the play space for students. Based on the very small property size as compared to other institutional properties, there are limited options for adjusting the parking lot.

Parking Lot Screening Variation: Allowing Brickton to maintain the decades-long setback for parking on the site will maximize the size and utility of the play space for students. Based on the very small property size as compared to other institutional properties, there are limited options for adjusting the parking lot.

Property Screening Fencing Variation: Though the CCFP is residentially zoned, this parcel is anticipated to be designated as forest preserve and open space for the foreseeable future. Requiring screening fencing along the shared property line would be an unnecessary requirement as compared to other properties adjacent to permanently vacant parcels.

5. Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot.

General Response: Because Brickton Montessori's site is so unique in its history and configuration, relief from the hardship will not convey a special privilege or opportunity for profit.

Parking Lot in Front Yard Variation: By maintaining the existing parking lot configuration, relief will not convey a special privilege or opportunity for profit.

Parking Lot Setback Variation: By maintaining the existing parking lot configuration, relief will not convey a special privilege or opportunity for profit.

Parking Lot Landscaping Variation: By maintaining the existing parking lot configuration, relief will not convey a special privilege or opportunity for profit.

Parking Lot Screening Variation: By maintaining the existing parking lot configuration, relief will not convey a special privilege or opportunity for profit.

Property Screening Fencing Variation: The elimination of the screening fencing adjacent to an undeveloped parcel will not convey a special privilege or opportunity for profit.

6. Title And Plan Purposes: The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this title and the provision from which a variation is sought were enacted or the general purpose and intent of the comprehensive plan.

General Response: Brickton Montessori's use and development is consistent with the Des Plaines' Comprehensive Plan as explained in our responses to the Map and Text Amendments.

Parking Lot in Front Yard Variation: Limiting the disruption to the parking lot and landscaping, including the mature trees, will be consistent with the Des Plaines' Comprehensive Plan

Parking Lot Setback Variation: Limiting the disruption to the parking lot and landscaping, including the mature trees, will be consistent with the Des Plaines' Comprehensive Plan

Parking Lot Landscaping Variation: Limiting the disruption to the parking lot and landscaping, including the mature trees, will be consistent with the Des Plaines' Comprehensive Plan

Parking Lot Screening Variation: Limiting the disruption to the parking lot and landscaping, including the mature trees, will be consistent with the Des Plaines' Comprehensive Plan

Property Screening Fencing Variation: Maintaining connections to open spaces by not placing a screening fencing will be consistent with the Des Plaines' Comprehensive Plan.

7. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.

General Response: The only logical remedy to the hardship is to allow Brickton Montessori to maintain and extend its current parking location to maximize useful landscaped open space while precluding congestion on River Road.

Parking Lot in Front Yard Variation: Maintaining the existing parking lot configuration will ensure we maintain and preserve the northern open space and mature trees.

Parking Lot Setback Variation: Maintaining the existing parking lot configuration will ensure we maintain and preserve the northern open space and mature trees.

Parking Lot Landscaping Variation: Maintaining the existing parking lot configuration will ensure we maintain and preserve the northern open space and mature trees.

Parking Lot Screening Variation: Maintaining the existing parking lot configuration will ensure we maintain and preserve the northern open space and mature trees.

Property Screening Fencing Variation: There is no other means than to eliminate the required screening fencing requirement as the CCFP will be maintained as vacant open space for the foreseeable future and a screening fence would not be in the spirit of natural connectivity.

8. Minimum Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.

Parking Lot in Front Yard Variation: The requested variation is the minimum measure of relief needed for Brickton to overcome the hardship unique to its historic, undersized Institutional parcel.

Parking Lot Setback Variation: The requested variation is the minimum measure of relief needed for Brickton to overcome the hardship unique to its historic, undersized Institutional parcel.

Parking Lot Landscaping Variation: The requested variation is the minimum measure of relief needed for Brickton to overcome the hardship unique to its historic, undersized Institutional parcel.

Parking Lot Screening Variation: The requested variation is the minimum measure of relief needed for Brickton to overcome the hardship unique to its historic, undersized Institutional parcel.

Property Screening Fencing Variation: The requested variation is the minimum measure of relief needed for Brickton to overcome the hardship unique to its historic, undersized Institutional parcel.



**PUBLIC WORKS AND
ENGINEERING DEPARTMENT**

1420 Miner Street
Des Plaines, IL 60016
P: 847.391.5390
desplaines.org

MEMORANDUM

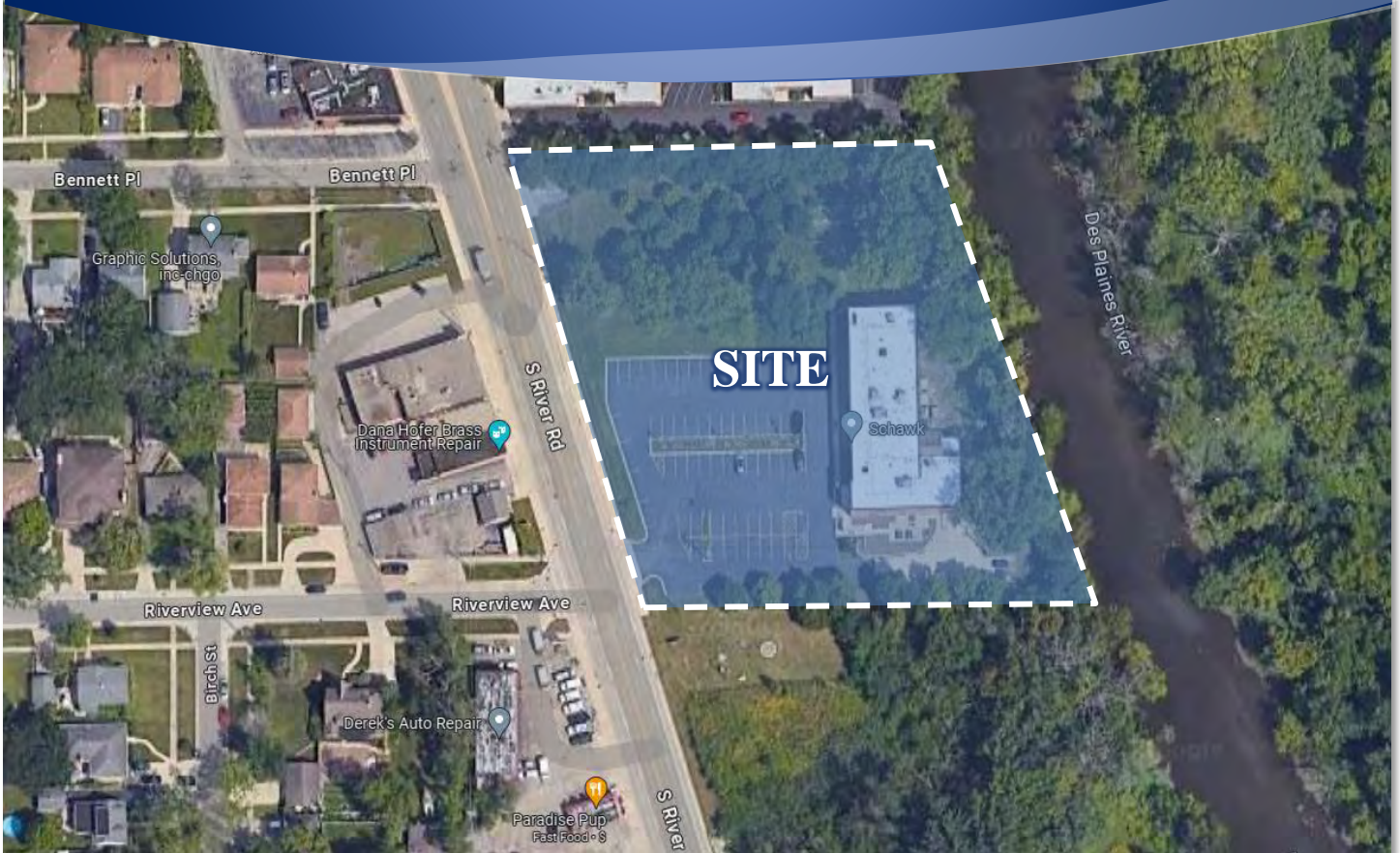
Date: May 1, 2024
To: Jonathan Stytz, Senior Planner
From: Timothy P. Oakley, P.E., CFM, Director of Public Works and Engineering
Cc: Becka Shipp, P.E., Assistant Director of Public Works and Engineering
Subject: 1695 River Rd. Proposed Brickton Montessori school

Public Works and Engineering has reviewed the preliminary architectural plans for the above. We are concerned about the developer's proposal to build a floodwall around the building to satisfy FEMA requirements for a substantial improvement in the floodplain without changing the City's class 5 CRS rating (that gives our residents a 25% discount on their flood insurance premiums). The city will need final engineering plans stamped by a PE and SE ensuring the above. The city will also require the floodwall to be built first and an as-built plan of the floodwall submitted to FEMA for their approval. MWRD WMO and IDOT permits will be required in addition to the above.

JL/jl

Traffic Impact Study Proposed Brickton Montessori

Des Plaines, Illinois



Prepared For:

Brickton
MONTESSORI SCHOOL



April 8, 2024

1. Introduction

This report summarizes the methodologies, results, and findings of a traffic impact study conducted by Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.) for the proposed Brickton Montessori School to be located a 1695 S. River Road in Des Plaines, Illinois. As proposed, the existing office building will be repurposed to accommodate the school. Access to the school will continue to be provided via the existing full movement access drive aligned opposite Riverview Avenue. A secondary access drive, to facilitate fire truck access to the site, is also proposed via a right-out only access drive on River Road near the north property line.

The purpose of this study was to examine background traffic conditions, assess the impact that the proposed development will have on traffic conditions in the area, and determine if any roadway or access improvements are necessary to accommodate traffic generated by the proposed development. **Figure 1** shows the location of the site in relation to the area roadway system. **Figure 2** shows an aerial view of the site.

The sections of this report present the following:

- Existing roadway conditions
- A description of the proposed development
- Directional distribution of the development traffic
- Vehicle trip generation for the development
- Future traffic conditions including access to the development.
- Traffic analyses for the weekday morning, afternoon, and evening peak hours
- Recommendations with respect to adequacy of the site access and on site circulation
- Evaluation of the adequacy of the parking supply

Traffic capacity analyses were conducted for the weekday morning and evening peak hours for the following conditions:

1. Existing Conditions - Analyzes the capacity of the existing roadway system using existing peak hour traffic volumes in the surrounding area.
2. Projected Conditions – Analyzes the capacity of the future roadway system using the traffic volumes that include the existing traffic volumes increased by an ambient growth factor and the traffic estimated to be generated by the proposed development.



Figure 1

Site Location



Figure 2

Aerial View of Site

2. Existing Conditions

The following provides a description of the geographical location of the site, physical characteristics of the area roadway system including lane usage and traffic control devices, and existing peak hour traffic volumes.

Site Location

The site, which is currently occupied by an office building, is located on the east side of River Road, approximately 675 feet south of Oakton Street. The site is bounded by the Des Plaines River on the east and a nature preserve to the south. Land-uses fronting River Road are primarily commercial with residential land-uses located to the west of River Road.

Existing Roadway System Characteristics

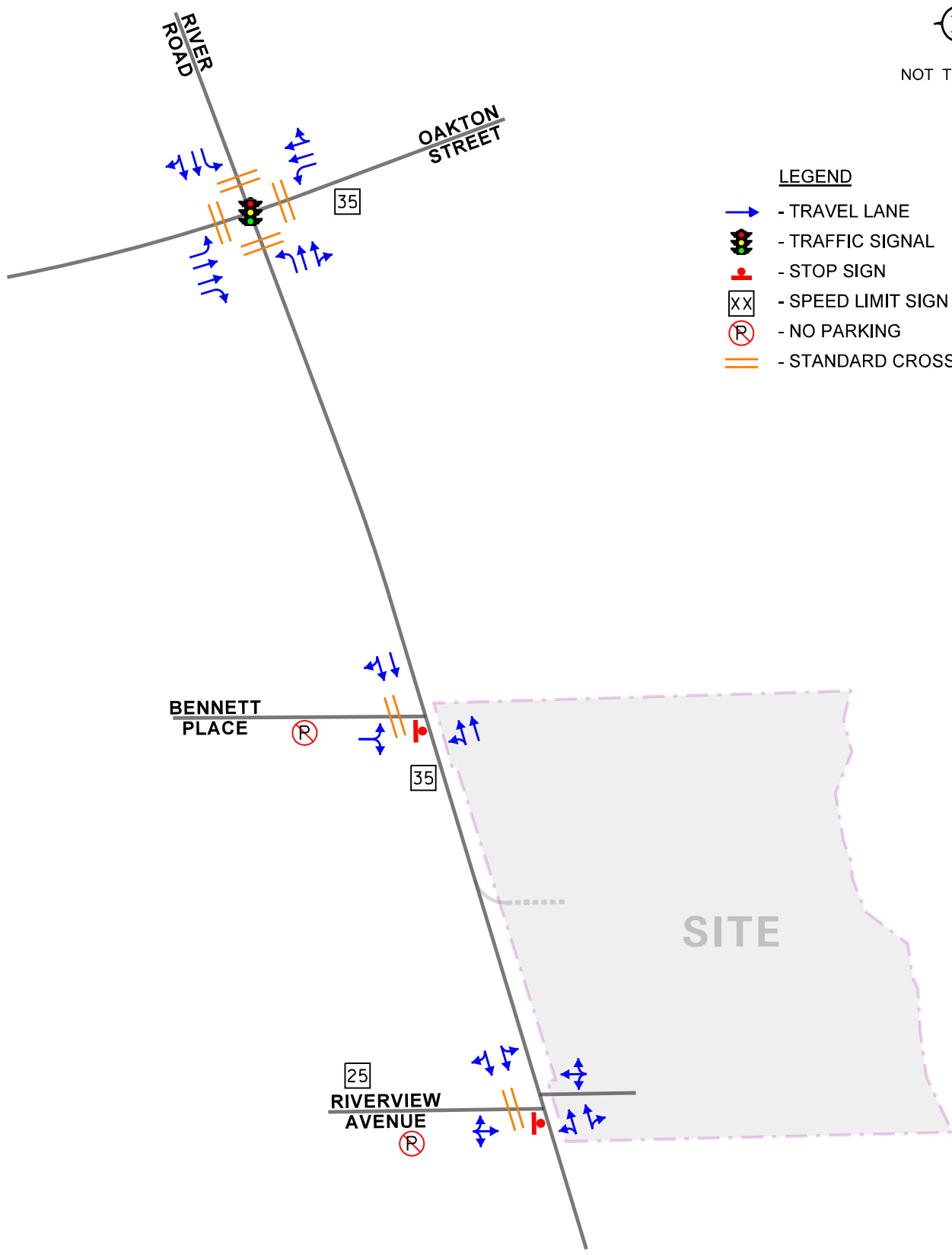
The characteristics of the existing roadways near the proposed development are described below and illustrated in **Figure 3**.

River Road is a north-south minor arterial roadway that in the vicinity of the site provides two through lane in each direction. At its signalized intersection with Oakton Street, River Road provides an exclusive left-turn lane, an exclusive through lane and a shared through/right-turn lane on both approaches. Both legs of the intersection provide a standard style crosswalk and pedestrian countdown signals. At its unsignalized intersection with Riverview Avenue/the access drive serving the site, and at Bennett Place, River Road provides a shared left-turn/through lane and a shared through/right-turn lane on both approaches. River Road is under the jurisdiction of the City of Des Plaines, carries an annual average daily traffic (AADT) volume of 18,100 vehicles north of Riverview Avenue and an AADT volume of 19,900 vehicles south of Riverview Avenue (IDOT AADT 2022), is not classified as a Strategic Regional Arterial (SRA) and has a posted speed limit of 35 miles per hour.







Oakton Street is an east-west minor arterial roadway that in the vicinity of the site provides two through lanes in each direction. At its signalized intersection with River Road, Oakton Street provides an exclusive left-turn lane, an exclusive through lane and a shared through/right-turn lane on the westbound approach and an exclusive left-turn lane, two exclusive through lanes an exclusive right-turn lane on the eastbound approach. Both legs of the intersection provide a standard style crosswalk and pedestrian countdown signals. Oakton Street is under the jurisdiction of IDOT east of River Road and is under the jurisdiction of the City of Des Plaines west of River Road. The roadway carries an AADT volume of 18,200 vehicles (IDOT AADT 2022) and has a posted speed limit of 35 miles per hour east of River Road and a posted speed limit of 30 miles per hour west of River Road.



NOT TO SCALE



LEGEND

-  - TRAVEL LANE
-  - TRAFFIC SIGNAL
-  - STOP SIGN
-  - SPEED LIMIT SIGN
-  - NO PARKING
-  - STANDARD CROSSWALK

Brickton Montessori
Des Plaines, Illinois

Existing Roadway Characteristics



Job No: 24-092 Figure: 3

Riverview Avenue is an east-west local roadway that in the vicinity of the site provides one through lane in each direction. At its unsignalized intersection with River Road, Riverview Avenue provides a shared left/through/right-turn lane and a standard style crosswalk on the eastbound approach. Riverview Avenue is under the jurisdiction of the City of Des Plaines and has a posted speed limit of 25 miles per hour.

Bennett Place is an east-west local roadway that in the vicinity of the site provides one through lane in each direction between River Road and the public alley and is a one-way eastbound roadway between Locust Street and the public alley. At its unsignalized intersection with River Road, Bennett Place provides a shared left/right-turn lane and a standard style crosswalk on the eastbound approach. Riverview Avenue is under the jurisdiction of the City of Des Plaines.

Existing Traffic Volumes

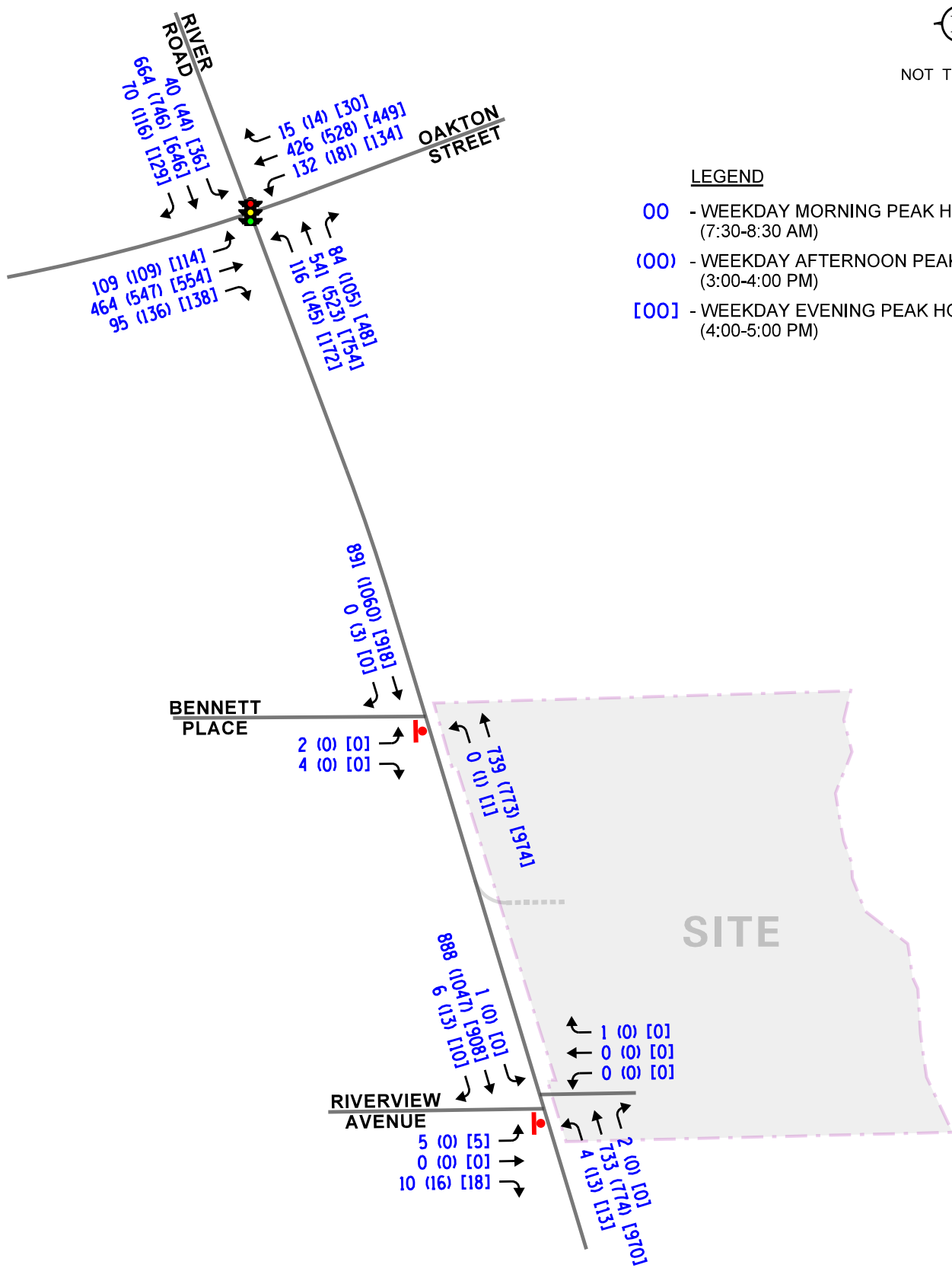
In order to determine current traffic conditions within the study area, KLOA, Inc conducted traffic counts using Miovision Video Scout Collection Units on Tuesday, March 19, 2024 during the weekday morning (7:00 to 9:00 A.M.) and weekday evening (2:00 to 6:00 P.M.) peak periods at the following intersections:

- River Road with Oakton Street
- River Road with Bennett Place
- River Road with Riverview Avenue/Site Access Drive

The results of the traffic counts indicated that the weekday morning peak hour of traffic occurs from 7:30 A.M. to 8:30 A.M. and the weekday evening peak hour of traffic occurs from 4:00 P.M. to 5:00 P.M. As discussed later, the peak hour of activity in the evening hours for the proposed school occurs from 3:00 P.M. to 4:00 P.M. and as such, this afternoon peak hour was also included for the purposes of this traffic impact study. **Figure 4** illustrates the existing traffic volumes.



NOT TO SCALE



Brickton Montessori
Des Plaines, Illinois

Existing Traffic Volumes



Job No: 24-092

Figure: 4

Crash Data Summary

KLOA, Inc. obtained crash data¹ for the past five years (2018 to 2022) for the three study area intersections. A review of the crash data indicated that one crash was reported at the intersection of River Road with Bennett Place and that two crashes were reported at the intersection of River Road with Riverview Avenue during the review period. It should be noted that no fatalities were reported at any studied intersection between 2018 and 2022. **Table 1** summarized the crash data for the intersection of River Road with Oakton Street.

Table 1
RIVER ROAD WITH OAKTON STREET – CRASH SUMMARY

Year	Type of Crash Frequency							Total
	Angle	Head On	Object	Rear End	Sideswipe	Turning	Other	
2018	1	0	0	0	0	6	0	7
2019	0	0	0	0	0	4	0	4
2020	1	0	0	0	0	2	0	3
2021	1	0	0	0	1	4	0	6
2022	<u>1</u>	<u>0</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>5</u>
Total	4	0	0	3	1	17	0	25
Average	< 1	0	0	< 1	< 1	3.4	0	5

¹ IDOT DISCLAIMER: The motor vehicle crash data referenced herein was provided by the Illinois Department of Transportation. The author is responsible for any data analyses and conclusions drawn.

3. Traffic Characteristics of the Proposed Development

In order to properly evaluate future traffic conditions in the surrounding area, it was necessary to determine the traffic characteristics of the proposed development, including the directional distribution and volumes of traffic that it will generate.

Proposed Site and Development Plan

Under existing conditions, the site provides a two-story office building. Access to the site is provided via a single full movement access drive on River Road aligned opposite Riverview Avenue which provides one inbound lane and one outbound lane. Additionally, the site currently provides approximately 70 parking spaces.

As proposed, the existing office building on site will be repurposed to serve the Brickton Montessori School. To better facilitate pick-up drop-off maneuvers (as discussed in the following section), the parking lot will be modified to provide a dedicated drop-off/pick-up area and a parking lot providing 38 parking spaces.

Access to the site will continue to be provided via the full movement access drive on River Road. A secondary access drive, to better accommodate fire trucks and to provide additional access to the school during drop-off/pick-up activities, will be provided via a right-out only access drive on River Road, located approximately 170 feet north of Riverview Avenue.

Brickton Montessori School Operations

The Brickton Montessori school is a private school with classrooms for toddlers, preschool, elementary and middle school children. The hours of operation for the school generally occurs from 7:00 A.M. to 6:00 P.M. with drop-off and pick-up windows for the various grades staggered throughout the day. There are a total of 32 full-time employees and will have a maximum enrollment of 226 students.

Drop-off/Pick-Up Operations

To minimize the surge of drop-off and pick-up of students that is seen at a typical day school, the drop-off and pick-up windows for the various school days/grade levels are staggered as follows:

- Infant/Toddler
 - Full Day Drop Off: 7:30-8:15 AM
 - Half/Core Day Drop Off: 8:15-8:45 AM
 - Half Day Pick-Up: 12:00-12:05 PM
 - Core Day Pick-Up: 3:00-3:10 PM
 - Full Day Pick-Up: 3:15-5:30 PM
- Pre-K/K
 - Full Day Drop Off: 7:30-8:15 AM
 - Half/Core Day Drop Off: 8:00-8:30 AM
 - Half Day Pick-Up: 12:30-12:35 PM
 - Core Day Pick-Up: 3:00-3:10 PM
 - Full Day Pick-Up: 3:15-6:00 PM

- Elementary
 - Full Day Drop Off: 7:00-8:00 AM
 - Core Day Drop Off: 8:00-8:15 AM
 - Core Day Pick-Up: 3:00-3:10 PM
 - Full Day Pick-Up: 3:15-6:00 PM
- Middle School
 - Full Day Drop Off: 7:45-8:00 AM
 - Core Day Drop Off: 8:00-8:05 AM
 - Core Day Pick-Up: 3:00-4:00 PM
 - Full Day Pick-Up: 4:00-6:00 PM

Based on information provided by Brickton Montessori, it is anticipated that with the staggered pick-up/drop-off schedule that the peak time of pick-up activity will be between 3:00 and 3:10 P.M. with pick-up occurring for the Core Day students for Infant/Toddler, Pre-K/K, and elementary classes. To better accommodate drop-off and pick-up activities, the existing parking lot on site should be modified as follows:

- The easterly north-south drive aisle should be widened to allow for dual stacking lanes on the east side of the parking lot.
- The parallel parking located on the south side of the parking lot should be modified to allow for dual stacking lanes.
- The parking spaces on the north side of the parking lot should be eliminated and a single westbound stacking lane should be provided. Striping should be provided to designate the stacking lane and this should be the start of the drop-off/pick-up queue.
- A sidewalk should be provided along the north side to provide a walking path for children that will be dropped off and picked up.
- The parallel parking located on the west side of the parking lot should be eliminated to ensure a two-way drive aisle is maintained. This would allow for outbound vehicles from the drop-off/pick-up lane and inbound vehicles from the parking lot to traverse the site without conflict.

Overall, this configuration will provide 38 parking spaces to be utilized by staff and visitors and for stacking of 27 vehicles. Staff should be utilized to assist in loading students to/from vehicles and to direct vehicles to pull fully forward in the drop-off/pick-up lane to ensure the flow of drop-off/pick-up activities occur efficiently. Additionally, to ensure that the drive aisles serving the parking spaces are not utilized for vehicles to by-pass the queue, cones should be placed at the east end of the drive aisles.

As previously indicated, a secondary right-out only access drive will be provided at the northwest corner of the parking lot which will be located in the vicinity of the drop-off/pick-up lane exit. The provision of this access drive will allow for the separation of right-turn and left-turn movements out onto River Road, increasing the on-site stacking for outbound vehicles and minimizing on site circulation.

A site plan illustrating the site and proposed access, and a preliminary parking lot layout plan are included in the Appendix.

Directional Distribution

The directions from which employees and parents/guardians of the development will approach and depart the site were estimated based on existing travel patterns, as determined from the traffic counts. **Figure 5** illustrates the directional distribution of the traffic to be generated by the proposed development.

Development Traffic Generation

The vehicle trip generation for the overall development was calculated using data published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 11th Edition. The “Private School (K-8)” (ITE Land-Use Code 530) rate was used for the proposed school. **Table 2** shows the estimated vehicle trip generation for the weekday morning, weekday afternoon, and weekday evening peak hours. Copies of the ITE trip generation worksheets are included in the Appendix.

Table 2
SITE GENERATED TRIP ESTIMATES

ITE Land-Use Code	Type/Size	Weekday Morning Peak Hour			Weekday Afternoon Peak Hour			Weekday Evening Peak Hour		
		In	Out	Total	In	Out	Total	In	Out	Total
530	Private School (K-8) (226 students)	126	100	226	65	74	139	27	32	59

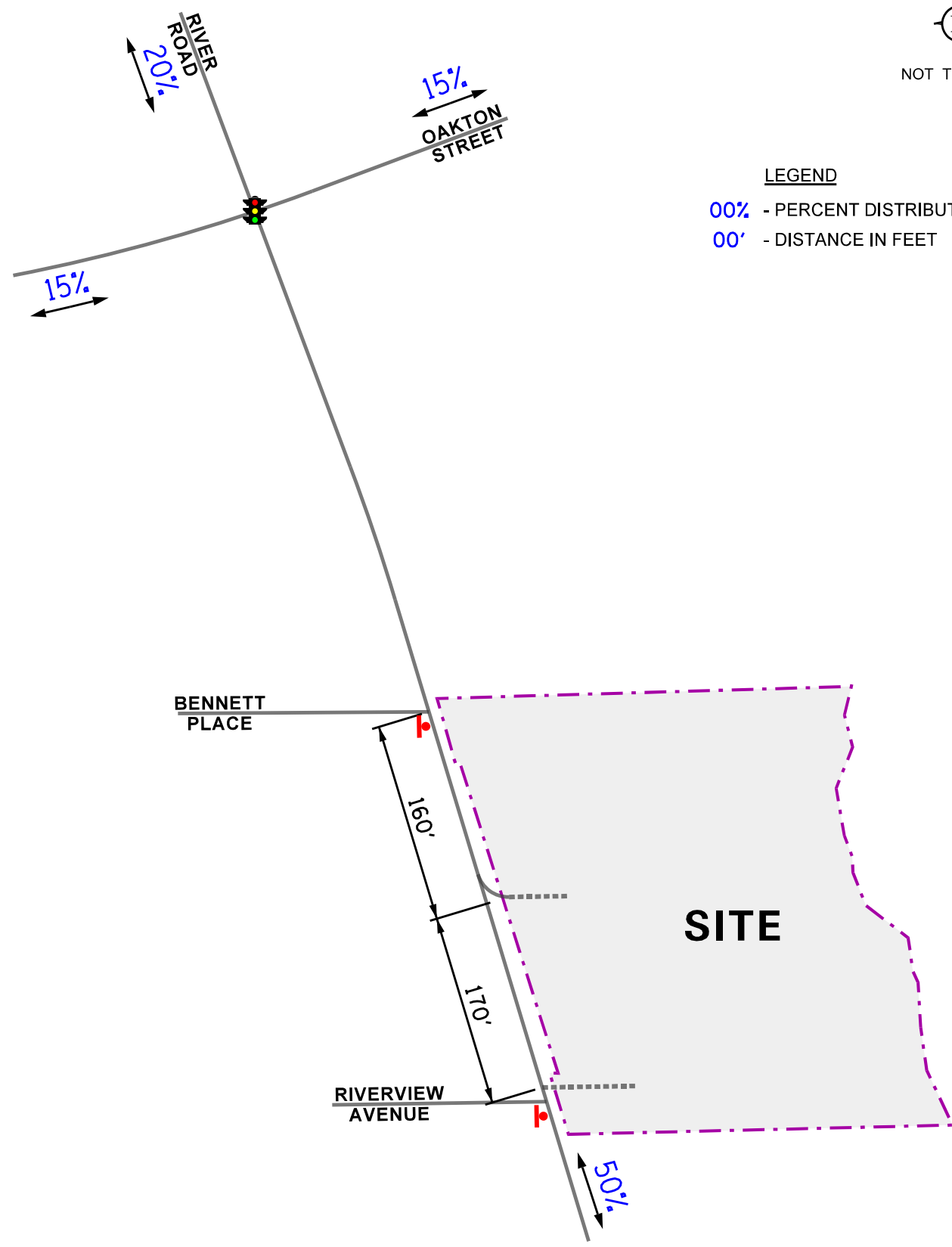


NOT TO SCALE

LEGEND

00% - PERCENT DISTRIBUTION

00' - DISTANCE IN FEET



Brickton Montessori
Des Plaines, Illinois

Directional Distribution



Job No: 24-092

Figure: 5

4. Projected Traffic Conditions

The total projected traffic volumes include the existing traffic volumes, increase in background traffic due to growth, and the traffic estimated to be generated by the proposed school.

School Traffic Assignment

The estimated peak hour traffic volumes that will be generated by the proposed school were assigned to the roadway system in accordance with the previously described directional distribution. **Figure 6** illustrates the assignment of the vehicle traffic volumes to be generated by the proposed school.

Background (No-Build) Traffic Conditions

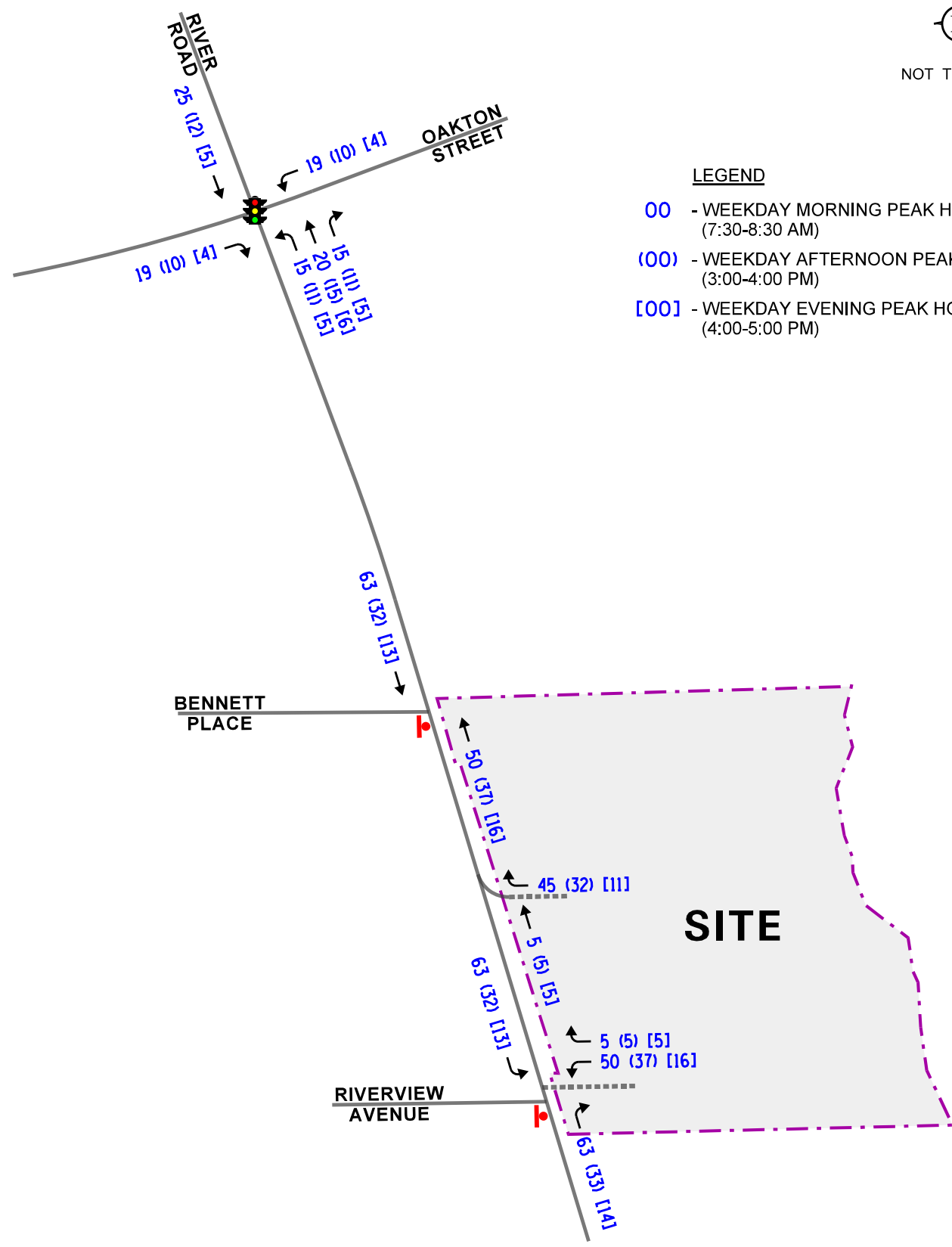
The existing traffic volumes (Figure 4) were increased by a regional growth factor to account for the increase in existing traffic related to regional growth in the area (i.e., not attributable to any particular planned development). Based on 2050 Average Daily Traffic (ADT) projections provided by the Chicago Metropolitan Agency for Planning (CMAP), the existing traffic volumes were increased by an annually compounded growth rate for six years (one-year buildout plus five years) totaling approximately three percent to represent Year 2030 total projected conditions. **Figure 7** illustrates the Year 2030 no-build traffic volumes.

Total Projected Traffic Volumes

The total projected traffic volumes include the Year 2030 no-build traffic volumes and the traffic estimated to be generated by the proposed school (Figure 6). **Figure 8** illustrates the Year 2030 total projected traffic volumes.



NOT TO SCALE



Brickton Montessori
Des Plaines, Illinois

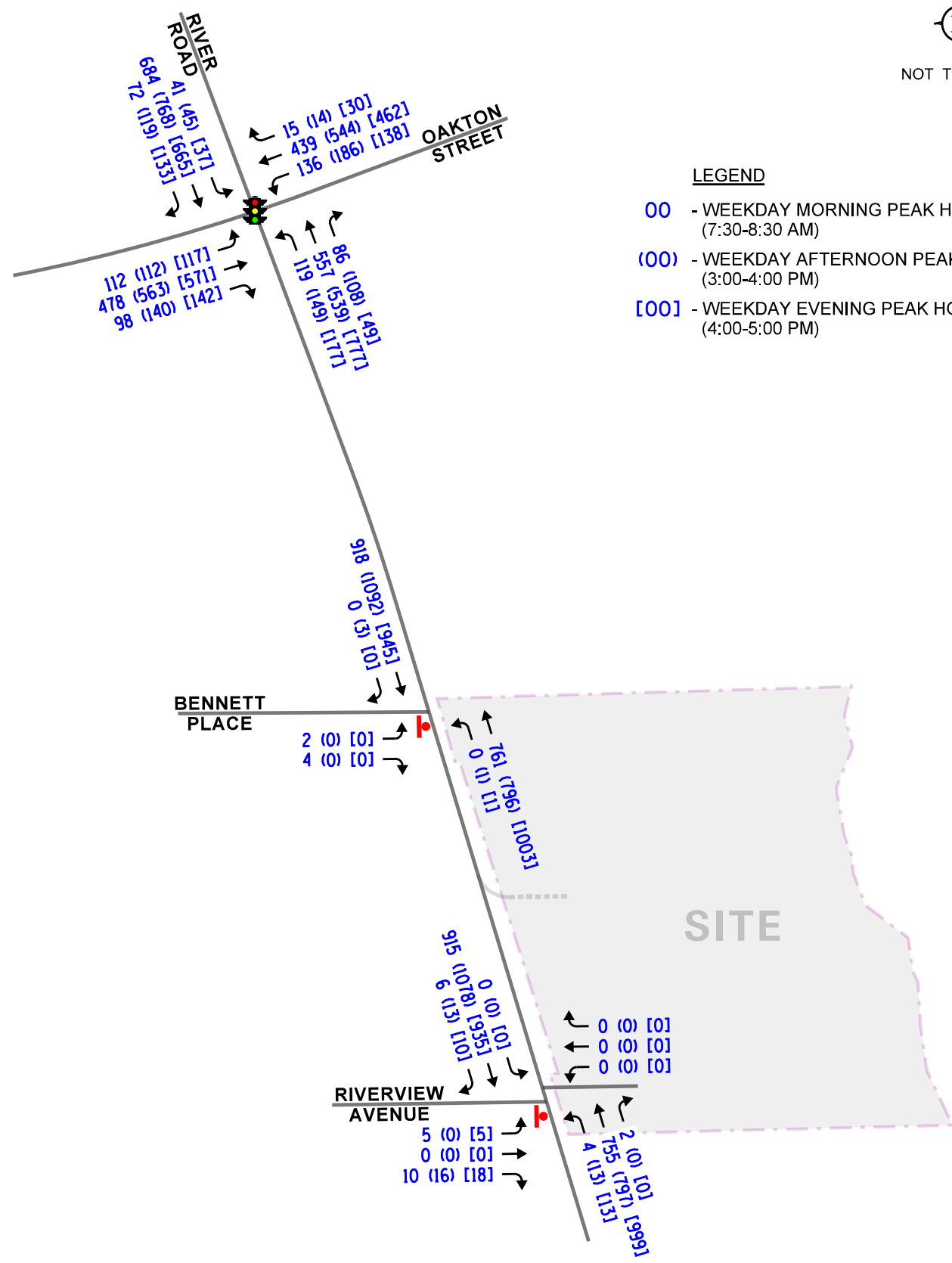
Site-Generated Traffic Volumes



Job No: 24-092 Figure: 6



NOT TO SCALE



Brickton Montessori
Des Plaines, Illinois

Year 2030 No-Build Traffic Volumes

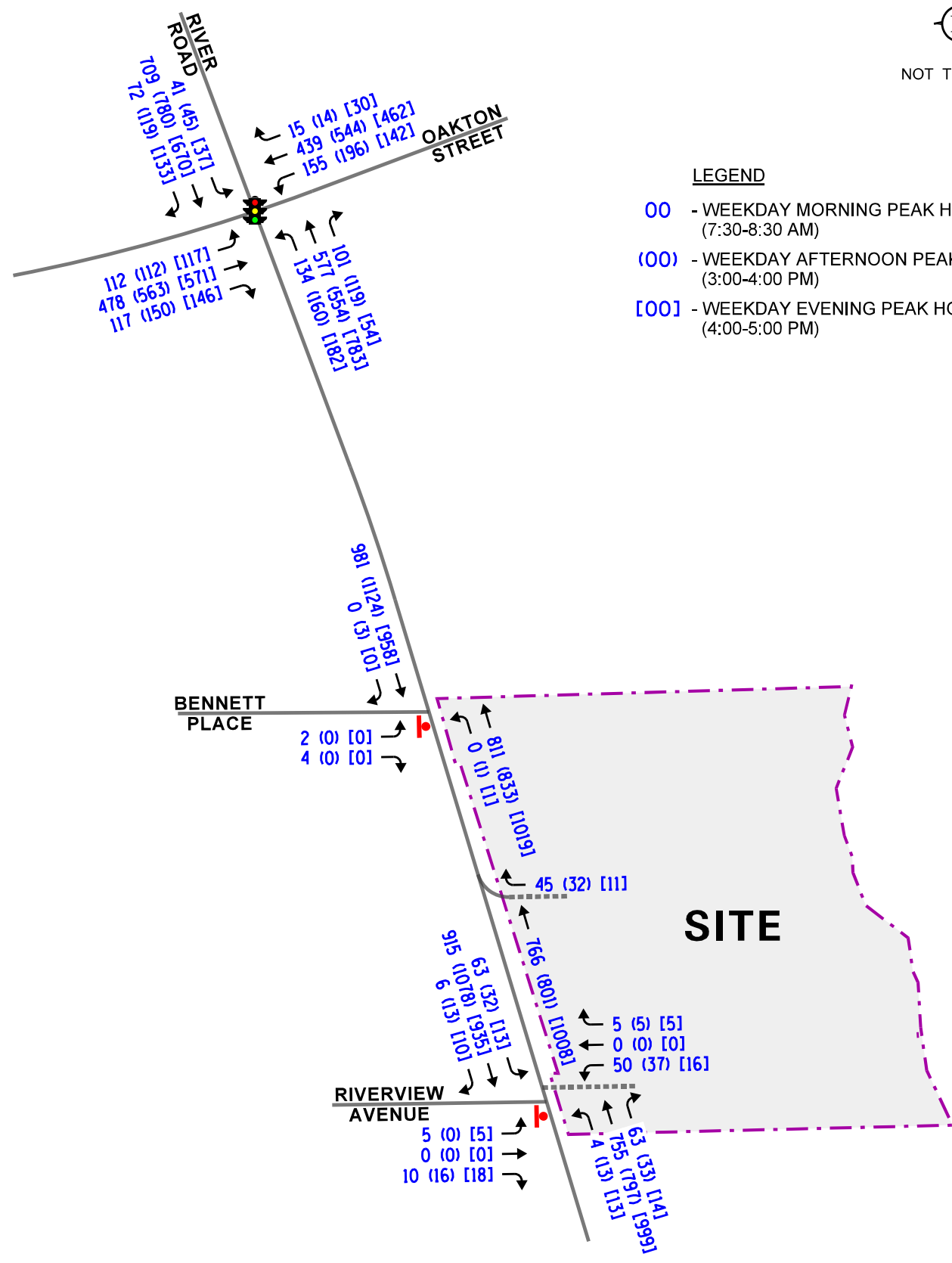
KLOA
Kenig, Lindgren, O'Hara, Aboona, Inc.
Job No: 24-092 Figure: 7



NOT TO SCALE

LEGEND

- 00** - WEEKDAY MORNING PEAK HOUR (7:30-8:30 AM)
- (00)** - WEEKDAY AFTERNOON PEAK HOUR (3:00-4:00 PM)
- [00]** - WEEKDAY EVENING PEAK HOUR (4:00-5:00 PM)



Brickton Montessori
Des Plaines, Illinois

Year 2030 Total Traffic Volumes



Job No: 24-092 Figure: 8

5. Traffic Analysis and Recommendations

The following provides an evaluation conducted for the weekday morning, afternoon, and evening peak hours. The analysis includes conducting capacity analyses to determine how well the roadway system and access drives are projected to operate and whether any roadway improvements or modifications are required.

Traffic Analyses

Roadway and adjacent or nearby intersection analyses were performed for the weekday morning, afternoon and evening peak hours for the existing and future projected (Year 2030) traffic volumes.

The traffic analyses were performed using the methodologies outlined in the Transportation Research Board's *Highway Capacity Manual (HCM)*, 6th Edition and analyzed using Synchro/SimTraffic 11 software. The analysis for the traffic-signal controlled intersection was accomplished using actual cycle lengths and phasings to determine the average overall vehicle delay and levels of service.

The analyses for the unsignalized intersections determine the average control delay to vehicles at an intersection. Control delay is the elapsed time from a vehicle joining the queue at a stop sign (includes the time required to decelerate to a stop) until its departure from the stop sign and resumption of free flow speed. The methodology analyzes each intersection approach controlled by a stop sign and considers traffic volumes on all approaches and lane characteristics.

The ability of an intersection to accommodate traffic flow is expressed in terms of level of service, which is assigned a letter from A to F based on the average control delay experienced by vehicles passing through the intersection. The *Highway Capacity Manual* definitions for levels of service and the corresponding control delay for signalized intersections and unsignalized intersections are included in the Appendix of this report.

Summaries of the traffic analysis results showing the level of service and overall intersection delay (measured in seconds) for the existing and Year 2030 total projected conditions are presented in **Tables 3** through **5**. A discussion of the intersections follows. Summary sheets for the capacity analyses are included in the Appendix.

Table 3
CAPACITY ANALYSIS RESULTS – RIVER ROAD WITH OAKTON STREET – SIGNALIZED

Peak Hour	Eastbound			Westbound			Northbound			Southbound			Overall
	L	T	R	L	T	R	L	T	R	L	T	R	
	<p>Existing Conditions</p> <p>Weekday Morning C 28.1 45.0 23.7 C C D 31.8 43.8 B B B 12.4 18.0 18.0 C C D – 39.2 D – 41.1 B – 17.2 C – 22.4</p> <p>Weekday Afternoon C 33.1 64.7 32.6 C D D 40.4 49.9 B B B 14.8 18.8 18.8 A C D – 54.9 D – 47.5 B – 18.0 C – 23.2</p> <p>Weekday Evening C 30.4 51.4 30.6 C C D 33.6 43.8 B C C 16.7 20.2 24.7 D – 44.9 D – 41.6 B – 19.6 C – 24.0</p>												
<p>Projected Conditions</p> <p>Weekday Morning C 28.6 45.7 24.0 C D D 37.1 44.3 B B B 13.7 18.7 18.7 C C D – 39.4 D – 42.5 B – 17.9 C – 23.6</p> <p>Weekday Afternoon C 34.6 78.5 33.6 C D D 42.7 52.5 B B B 16.4 19.0 19.0 A C E – 64.4 D – 50.0 B – 18.5 C – 23.5</p> <p>Weekday Evening C 31.4 55.6 31.3 C C D 35.0 45.2 B C C 17.7 20.3 24.7 D – 48.0 D – 42.9 B – 19.8 C – 24.0</p>													

Letter denotes Level of Service L – Left Turn R – Right Turn
 Delay is measured in seconds. T – Through

Table 4

CAPACITY ANALYSIS RESULTS – EXISTING CONDITIONS - UNSIGNALIZED

Intersection	Weekday Morning Peak Hour		Weekday Afternoon Peak Hour		Weekday Evening Peak Hour	
	LOS	Delay	LOS	Delay	LOS	Delay
River Road with Bennett Place						
• Eastbound Approach	C	18.3	--	--	--	--
• Northbound Left Turn	--	--	B	11.1	A	9.9
River Road with Riverview Avenue/Access Drive						
• Eastbound Approach	B	13.1	B	10.7	B	12.8
• Westbound Approach	B	10.9	--	--	--	--
• Northbound Left Turn	A	8.3	A	9.0	A	8.4
• Southbound Left Turn	A	9.3	--	--	--	--
LOS = Level of Service Delay is measured in seconds. Note: All intersections under two-way stop sign control						

Table 5

CAPACITY ANALYSIS RESULTS –PROJECTED CONDITIONS - UNSIGNALIZED

Intersection	Weekday Morning Peak Hour		Weekday Afternoon Peak Hour		Weekday Evening Peak Hour	
	LOS	Delay	LOS	Delay	LOS	Delay
River Road with Bennett Place						
• Eastbound Approach	C	20.6	--	--	--	--
• Northbound Left Turn	--	--	B	11.5	B	10.0
River Road with Riverview Avenue/Access Drive						
• Eastbound Approach	C	16.4	B	10.7	B	13.8
• Westbound Approach	D	30.6	E	40.9	D	26.0
• Northbound Left Turn	A	8.4	A	9.2	A	8.4
• Southbound Left Turn	B	10.1	B	10.3	B	10.4
River Road with Right-Out Only Access Drive						
• Westbound Approach	B	11.5	B	11.8	B	12.7
LOS = Level of Service Delay is measured in seconds. Note: All intersections under two-way stop sign control						

Discussion and Recommendations

The following summarizes how the intersections are projected to operate and identifies any roadway and traffic control improvements necessary to accommodate the development traffic.

River Road with Oakton Street

The results of the capacity analysis indicate that overall, this intersection currently operates at LOS C during the weekday morning and weekday evening peak hours and at LOS D during the afternoon peak hour.

Under total projected conditions, this intersection overall is projected to continue operating at existing levels of service with an increase in delay of approximately three seconds or less than existing conditions. All of the approaches are projected to continue to operate at LOS D or better during the peak hours except for the eastbound approach which is projected to operate at LOS E. This level of service is also attributed to the existing operation of the eastbound through movements which were increased by three percent regional growth factor. As proposed, the school is not projected to increase the volume of eastbound through movements at this intersection.

As such, this intersection has sufficient reserve capacity to accommodate the traffic estimated to be generated by the proposed school and no roadway improvements or signal modifications will be required.

River Road with Bennett Place

The results of the capacity analysis indicate that the eastbound approach currently operates at LOS C during the weekday morning peak hour and the northbound left-turn movements currently operate at LOS B or better during the weekday afternoon and evening peak hours. Under projected conditions, the eastbound approach is projected to continue to operate at LOS C during the weekday morning peak hour and the northbound left-turn movements are projected to operate at LOS B during the weekday afternoon and weekday evening peak hours. As such, this intersection has sufficient reserve capacity to accommodate the traffic estimated to be generated by the proposed school and no roadway or geometric improvements will be required.

River Road with Riverview Avenue/Site Access Drive

The results of the capacity analysis indicate that the eastbound approach currently operates at LOS B during the weekday morning, afternoon, and evening peak hours. The northbound left-turn movements from Rive Road onto Riverview Avenue currently operates at LOS A during all three peak hours.

Under projected conditions, the eastbound approach is projected to operate at LOS C during the weekday morning peak hour and at LOS B during the weekday afternoon and evening peak hours with increase in delay of approximately three seconds or less over existing conditions. Outbound movements from the proposed access drive onto River Road are projected to operate at LOS D during the weekday morning and weekday evening peak hours and at LOS E during the weekday afternoon peak hour.

However, this level of service is expected for an access driveway that has an unsignalized intersection with a major roadway such as River Road. Northbound and southbound left-turn movements are projected to operate at LOS B or better during the peak hours.

As such, the existing full movement access drive will be adequate in accommodating the traffic estimated to be generated by the proposed development and will ensure efficient access is provided.

River Road with Proposed Right-Out Only Access Drive

The results of the capacity analysis indicate that outbound movements from the right-out only access drive are projected to operate at LOS B during all three peak hours. The provision of the right-out only access drive will be beneficial based on the following:

- It provides supplemental access for the site, enhancing site access flexibility.
- Will allow for the separation of left and right-turn outbound movements onto River Road, particularly during drop-off and pick-up activities.
- It will allow fire trucks to circulate the site efficiently.

As such, this access drive will be adequate in accommodating the traffic estimated to be generated by the proposed development and will ensure efficient and flexible access is provided.

Evaluation of On-Site Circulation

As discussed previously, the existing parking lot serving the site will be modified to provide a single stacking lane on the north side of the parking lot and dual stacking lanes on the east and south sides of the parking lot. This will result in a total of 27 vehicles able to be stacked on site. Furthermore, the provision of the right-out only access drive onto River Road will allow for right and left-turn movements from the site to occur at separate access drives, increasing the available stacking for outbound vehicles. In order to ensure that the drop-off/pick-up procedures occur efficiently, the following should be implemented:

- Students should only be dropped off/picked up within the single file lane on the north side of the site.
- Staff should direct vehicles to pull all the way forward to the start of the drop-off/pick-up lane.
- Staff should assist in loading/unloading students into/from the first two or three vehicles and to ensure the drop-off/pick-up queue does not advance until students are loaded/unloaded from the vehicles stopped in the single file lane.
- Cones should be utilized at the east end of the parking lot drive aisles to prevent vehicles from exiting the queue at these locations.

- In the event outbound queues at the right-out only access drive prohibit vehicles from exiting the drop-off/pick-up lane, staff should direct vehicles to the south access drive to maintain the flow of drop-off/pick-up activity.
- Parents should be educated on drop-off/pick-up procedures and the procedures should be available on the school website.
- Consideration should be give to the utilization of placards with colors/numbers to easily identify parent/guardian vehicles by grade level and for each student.
- The effectiveness of the existing stagger should be continually evaluated by staff to determine if any modifications need to be made to better accommodate students loading activities.

6. Conclusion

Based on the preceding analyses and recommendations, the following conclusions have been made:

- The proposed Brickton Montessori School will occupy an existing vacant office building that generated traffic at full occupancy.
- The results of the capacity analysis indicate that the proposed development traffic will not have a significant impact on the area roadways
- The proposed access system consisting of the existing full movement access drive on River Road and a proposed right-out only access drive will be adequate in accommodating the traffic estimated to be generated by the proposed development and will ensure efficient and flexible access is provided.
- The recommended parking lot configuration will provide for maximum on-site stacking for parents/guardians, will provide a dedicated area for drop-off/pick-up activities, and will minimize the interaction between drop-off/pick-up vehicles and vehicles accessing the parking spaces.



May 15, 2024

Mayor Goczkowski and Des Plaines City Council
CITY OF DES PLAINES

Subject: Planning and Zoning Board, 1655 & 1695 S. Des Plaines River Road, 24-016-TA-MAP-CU-V

RE: Consideration of a Text Amendment to allow childcare centers in the I-1 Institutional district, Map Amendment to rezone both properties to the I-1 district, Conditional Use to allow a childcare center on the subject property, and Major Variations for parking lot location, setbacks, and landscaping.

Honorable Mayor and Members of the Des Plaines City Council:

The Planning and Zoning Board (PZB) held a public hearing on May 14, 2024 to consider all requests.

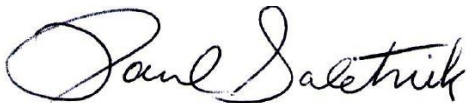
1. The petitioner and project team provided a detailed and comprehensive description of the Brickton Montessori organization, the history of the subject properties, and the requests for all proposed activities on the site. Brickton Montessori is an accredited and licensed educational institution currently operating out of an office complex east of O'Hare Airport. The existing location is currently restricting their enrollment due to limited space, so they are looking to locate to the subject site in Des Plaines to accommodate their existing operations and increase their enrollment. An overview of the existing parking area adjustments was provided, noting the conversion of an existing row of parking spaces into a designated queuing lane for drop-off and pick-up activities for better circulation and minimal impact to Des Plaines River Road. There is also a proposed curb cut on the northwest portion of the 1695 S. Des Plaines River Road property to assist in access and circulation of the site. The petitioner's team also identified and described the proposed flood control improvements to be installed around the entire building to displace and compensate for water during a flood event.
2. PZB members asked why the proposed fence along the east property is not fully enclosed; if the proposed outdoor playground area is fenced in; how the flood control design will work to manage flood levels; why there is not a fence proposed for the south property line; where the school gym is located in the building; the typical classroom size; how are flood control improvements will be handled financially; if there is any asbestos in the building; the current school enrollment; if this will be a year around school; if there is a proposed staff increase with the anticipated max enrollment; and where students are coming from (i.e., the service area of the school).

The petitioner responded that there are multiple fence enclosures along the east property line near the river to ensure the safety of students while outside, including a separate fence enclosure for the outdoor playground area; that they will be utilizing a pump to lower the water level below the water table to compensate for a flood event; that they are not proposing a fence on the southern property line given that children will not be unaccompanied in the parking area; that there is a space on the first floor of the building identified as *gross motor* which serves as an indoor activity space; that the typical classroom size for their lower elementary school (i.e., first through fourth grades) is 24 students, but they do not exceed 20 students for upper grades; that they have spoken with consultants regarding the cost and practicality of the flood wall construction and have been told it could satisfy all requirements; that in their initial review they found that previous renovations have removed most, if not all, of the asbestos in the building but that

they will remove any remaining asbestos found; that the current enrollment is 125 students but they do anticipated an increase to the maximum enrollment of 196 students; that they do have a summer program that consists of about two-thirds of their full enrollment; and that a majority of their students reside and travel from the northwest suburbs of Chicago (e.g., Schaumburg, Park Ridge, etc.) with some located in the Chicago Metropolitan Region.

3. CED staff summarized the staff report with slides providing an overview of the requests and the process surrounding each. Staff described the additional considerations necessary given both property's locations in the floodplain and partial floodway, noting that detailed and stamped engineering plans prepared by a structural and professional engineer will be necessary to proceed with the proposed improvements on the site and obtain proper permits and licensing. Staff noted that this is Part 1 of the entitlements necessary for this request, and that a subdivision request to consolidate the two lots into one will also be required to allow the sale of the properties to the petitioner. Finally, staff identified the recommended conditions of approval and the motions before the PZB.
4. One individual from the public who is a current resident, alumni from this school, and a parent with a child currently enrolled in the school, spoke in support of this request stating that the Brickton provides a lot of benefits to their students and will be a great addition to the City of Des Plaines.
5. The PZB combined their determination into one motion voting 5-0 to recommend that City Council approve the Text Amendment, Map Amendment, Conditional Use, and Major Variation requests with all staff recommended conditions.

Respectfully submitted,

A handwritten signature in cursive script that reads "Paul Saletnik".

Paul Saletnik,
Des Plaines Planning and Zoning Board, Acting Chairman
Cc: City Officials/Aldermen

The petitioner is requesting the following under the Zoning Ordinance for the properties at 1655 and 1695 S. Des Plaines River Road: (i) a city-wide Text Amendment related to childcare centers in the I-1 Institutional district; (ii) Map Amendments to rezone both properties to the I-1 district; (iii) a Conditional Use for a childcare center; (iv) Major Variations for the location and setback of a parking lot; (v) Major Variations for interior and perimeter parking lot landscaping; and (vi) a Major Variation for landscape buffer regulations.

While not part of the Part 1 entitlements listed above, the petitioner will also be separately requesting a combined Tentative and Final Plat of Subdivision to consolidate the existing two lots into one lot of record. However, the effectiveness of the Part 1 entitlements will be contingent on the approval of the final engineering plans and Tentative and Final Plat of Subdivision requested as the Part 2 entitlement.

- Petitioner:** Brickton Montessori (Representative: Erica Lane, 8622 W. Catalpa Ave, Chicago, IL 60656)
- Owner:** 1655 LLC and Schawk INC, 1695 S. Des Plaines River Road, Des Plaines, IL 60018
- Case Number:** 24-016-TA-MAP-CU-V
- PINs:** 09-28-107-008-0000; -009
- Ward:** #2, Alderman Colt Moylan
- Existing Zoning:** C-3 General Commercial district (*1655 S. Des Plaines River Road*);
M-1 Limited Manufacturing district (*1695 S. Des Plaines River Road*)
- Existing Land Use:** Vacant property (*1655 S. Des Plaines River Road*); office building and parking lot (*1695 S. Des Plaines River Road*)
- Surrounding Zoning:** North: C-3 General Commercial District
South: Single Family Residential District (R4) (Unincorporated Cook County)
East: Single Family Residential District (R4) (Unincorporated Cook County)
West: C-3 General Commercial District
- Surrounding Land Use:** North: Multi-tenant Office Building (Commercial)
South: Cook County Forest Preserve (Recreation)
East: Des Plaines River; then Cook County Forest Preserve (Recreation)
West: Retail and Service Establishments (Commercial)
- Street Classification:** Des Plaines River Road is classified as a minor arterial and is under City of Des Plaines jurisdiction.

Comprehensive Plan: The subject property is illustrated as open space on the Future Land Use map in the 2019 Comprehensive Plan.

Zoning/Property History: The subject properties described below are both located along Des Plaines River Road in the City of Des Plaines but are bounded by the Des Plaines River and the Cook County Forest Preserve in unincorporated Cook County.

Street Classification: Des Plaines River Road is classified as a minor arterial and is under City of Des Plaines jurisdiction.

Comprehensive Plan: The subject property is illustrated as open space on the Future Land Use map in the 2019 Comprehensive Plan.

Zoning/Property History: The subject properties described below are both located along Des Plaines River Road in the City of Des Plaines but are bounded by the Des Plaines River and the Cook County Forest Preserve in unincorporated Cook County.

Address	PIN	Current Zoning District	Lot Size
1655 S. Des Plaines River Rd	09-28-107-008-0000	C-3 General Commercial	30,592.48 SF (0.70 acres)
1695 S. Des Plaines River Rd	09-28-107-009-0000	M-1 Limited Manufacturing	58,478.31 SF (1.34 acres)

The property at 1655 S. Des Plaines River Road is currently unimproved. However, the property at 1695 S. Des Plaines River Road is improved with a two-story, 19,000-square-foot commercial building with a surface parking area as shown on the attached ALTA/NSPS Land Title Survey.

Both properties abut the Des Plaines River on their eastern boundaries and, based off the current Federal Emergency Management Agency (FEMA) flood hazard maps, are located entirely within a flood hazard zone and a portion of the regulatory floodway. As such, any proposal is required to conform with all FEMA and City of Des Plaines Flood Control regulations prior to the construction of any improvements on either property.

Development Summary: *Overview*

Petitioner Erica Lane, on behalf of Brickton Montessori, intends to purchase the properties at 1655 and 1695 S. Des Plaines River Road and repurpose both for a private school and childcare center. The Brickton Montessori school has been serving the northwest Chicago suburban communities since 1986 providing education and childcare services for children 3 months to eighth grade as specified in the attached Project Narrative. While both uses will operate in the same building as one entity, designated areas for both the childcare center and private school have been identified on the attached Architectural and Site Plan Set with the childcare center use areas concentrated on the first level and the private school use spread between the two floors. See the project narrative for additional information on both the proposed childcare and private school uses.

Preliminary Improvements Proposed

The proposal includes both building and site improvements to accommodate the childcare center and private school uses. While the petitioner is interested in preserving the existing office building as much as possible, the proposed childcare and private school uses require specific updates to the building to meet current building and fire codes. As such, the Floor Plan details the required alterations to the building's interior, which will be reviewed further at time of building permit to ensure compliance with all regulations.

The size, location, and setbacks of the existing office building were not subject to change and no new building is proposed for the vacant 1655 S. Des Plaines River Road property. However, there are proposed improvements for each property, which are detailed in the attached Architectural and Site Plan Set and summarized in the table below. Note that the site improvement plans submitted are preliminary and will be finalized during the subdivision request stage.

Address	Preliminary Improvements Proposed
1655 S. Des Plaines River Rd	<ul style="list-style-type: none"> • Garden space with mulch area and circular granite walking path; • New perimeter fence • Non-paved mulch area designated for compensatory storage and stormwater quality treatment
1695 S. Des Plaines River Rd	<ul style="list-style-type: none"> • New perimeter fence • Fenced outdoor playground area • Replacement of existing north parking space row with drop-up/pick-up lane and walkway • New vehicular entrance on northwest corner • Restriping of retained parking spaces • New fire department connection point • New flood wall surrounding the existing building • Parking lot landscaping along south property line • Reinstall exterior light poles throughout site • New ADA accessible ramp on south building face to serve new building entrances • New stairs on west building face to serve new building entrances

Flood Control Considerations

The largest improvement proposed is the flood wall, which is necessary to comply with the FEMA and City of Des Plaines Flood Control regulations. The petitioner has submitted the preliminary engineering drawings and flood wall details as a reference to their solution to address the necessary flood control considerations for the subject properties. The Public Works and Engineering (PWE) department has reviewed the preliminary engineering submittal provided by the petitioner (see PWE Preliminary Letter) and has noted that the final engineering drawings and flood wall details must be prepared and stamped by a structural and professional engineer. These engineering plans will need to be reviewed and approved by PWE prior to the hearing of the future subdivision request.

Request Overview

The proposal requires several zoning requests under Title 12 Zoning, which are summarized in the table below as Part 1 entitlements. These requests are necessary to correct the property zoning for the change in use, permit the childcare center use, and receive relief from the zoning requirements noted in the referenced code sections.

Note that the table also includes the required subdivision request as the Part 2 entitlement, which will be a separate request pursued by the petitioner to consolidate the two existing lots into one lot of record. This is required by Section 13-1-2 of the Subdivision Regulations, which prohibits the sale of a zoning lot that is in a non-residentially zoned area and is not a "lot of record" and requires the property to be subdivided or consolidated into a lot or lots of record before the sale can be completed. As such, this step will need to be completed prior to the purchase of the subject properties by the petitioner.

Part 1 Entitlements		
Request	Description	Code Section Reference
Text Amendment	Allow childcare center as a conditional use in the I-1 district	12-7-5.A.6
Map Amendment	Rezone 1655 S. DP River Rd to I-1	12-3-7
Map Amendment	Rezone 1695 S. DP River Rd to I-1	12-3-7
Conditional Use ¹	Allow childcare center on the subject properties in the I-1 district	12-7-5.A.6
Major Variation	Allow parking lot in the required front yard in the I-1 district	12-7-5.A.5.a
Major Variation	Allow parking lot to be setback less than 3.5 feet from the property line	12-9-6.D
Major Variation	To not require interior parking lot landscaping as required in code	12-10-8.A
Major Variation	To not require perimeter parking lot landscaping on the west property line	12-10-8.B
Major Variation	To not require landscape buffer improvements on the south property line	12-10-9.C
Part 2 Entitlement		
Request	Description	Code Section Reference
Tentative and Final Plat of Subdivision	Consolidate the two existing parcels into one lot of record	Title 13 Subdivision Regulations

¹ Contingent upon the approval of the text amendment to allow childcare centers in the I-1 district, a conditional use is requested for a childcare center use at the subject properties.

MAP AMENDMENT

Request Description: *Overview*

The subject properties at 1655 S. Des Plaines River Road and 1695 S. Des Plaines River Road are currently zoned C-3 General Commercial and M-1 Limited Manufacturing respectively, neither of which allow a private school or childcare center use. However, the 2019 Comprehensive Plan recognizes schools, libraries, community organizations, places of worship, and other public facilities that provide similar services to Des Plaines residents as institutional uses. As such, a proposed rezoning of both properties to the I-1 Institutional district is consistent with the goals and objectives of the comprehensive plan based on the uses proposed. In addition, the I-1 district currently allows private schools as a permitted use as noted in the table below.

Institutional District Use Matrix	
<i>Use</i>	<i>I-1</i>
Schools, private - elementary and high school	P

While the childcare centers are currently not allowed in this district, a text amendment has been requested as noted in the *Text Amendment* section below to add this use to the Institutional District Use Matrix as a conditional use.

Bulk Regulations

A private school and childcare center are subject to the bulk regulations in Section 12-7-5.A.7 of the Zoning Ordinance. The table below compares the I-1 district regulations with the proposed development on the subject properties.

I-1 Institutional District Bulk Standards		
<i>Bulk Controls</i>	<i>Required</i>	<i>Proposed</i>
Maximum height (adjacent residential, 5 ft of height permitted for each 10 ft of additional setback provided)	45 ft	33 ft
Minimum front yard [west]	50 ft	165 ft
Minimum side yards <ul style="list-style-type: none"> • North • South 	25 ft 25 ft	121 ft 89 ft
Minimum rear yard [east]	30 ft	43 ft
Minimum lot size	2 acres	3 acres
Maximum lot coverage	40%	40%

Note that while site is currently comprised of two separate properties under different ownership and zoning, a subdivision or consolidation will be required as part of the approval for the requests described in this report. As such, the figures identified under the *Proposed* column assume the consolidation of the two lots into one lot of record. The site currently is improved with a parking area located in front of the existing building. While this is not an issue for a lot in the M-1 district, parking lots are not permitted in the front yard of an I-1- zoned lot. As such, the petitioner is requesting a variation from this standard.

Site Plan Review

Pursuant to Section 12-3-7.D.2 of the Zoning Ordinance, a Site Plan Review is required for all map amendment requests to assess how the request meets the characteristics identified in Section 12-3-2, which are listed below along with staff’s assessment of each in relation to the current Site Plan provided by the petitioner. Note that the attached Site Plan may be adjusted as necessary by the petitioner to address staff/public comments and incorporate all needs of the proposed private school and childcare center development.

Site Plan Review	
<i>Item</i>	<i>Analysis (based on Proposal)</i>
The arrangement of structures on the site	<ul style="list-style-type: none"> • Positions new playground area to make better use of space and create separate parking and open spaces; maintains existing building location. • Playground and open space are compatible with the Forest Preserve to the south
The arrangement of open space and landscape improvements	<ul style="list-style-type: none"> • Large open space proposed in northern portion of development; minimal landscape additions proposed on south portion of development. • Creates a functional and desirable environment for patrons, pedestrians, and occupants.
The adequacy of the proposed circulation system on the site	<ul style="list-style-type: none"> • Provides designated drop-up/pick-up area for both uses; maintains two-way travel drive aisles. • Adds one right-in/right-out curb-cut on Des Plaines River Road for additional site access.
The location, design, and screening of proposed off-street parking areas	<ul style="list-style-type: none"> • Maintain existing landscape screening of parking areas; adds some perimeter parking lot landscaping • No defined separation between pedestrian and vehicle circulation.
The adequacy of the proposed landscaping design on the site	<ul style="list-style-type: none"> • Adequate perimeter parking lot landscaping provided in front of and behind parking areas. • Intends to preserve existing trees on site. • Both foundation and site perimeter landscaping proposed all of sides of buildings to create an adequate and defined transition between uses.
The design, location, and installation of proposed site illumination	<ul style="list-style-type: none"> • Retains existing exterior light poles on site; new exterior lighting proposed on building • Higher foot-candles concentrated around parking area; minimal light encroachment onto neighboring properties
The correlation of the proposed site plan with adopted land use policies, goals, and objectives of the Comp. Plan	<ul style="list-style-type: none"> • Partially in line with the open-space use designated for the subject properties on the future land use map in the Comprehensive Plan. • Proposed zoning district better matches the private school and childcare center uses as identified in the Comprehensive Plan.

TEXT AMENDMENT

Request Description:

Overview

A childcare center, defined below, is not listed as a permitted or conditional use in the Institutional Use Matrix in Section 12-7-5.A.6, and therefore requires a text amendment to be added as an allowed use in the I-1 Institutional district.

CENTER, CHILDCARE: Any place other than a family home in which persons receive childcare services during any part of a day not exceeding thirteen (13) hours in any twenty-four (24) hour period.

Childcare centers are governed by Section 12-8-7 of the Zoning Ordinance and currently require a conditional use permit in all districts in which they are allowed, including the R-4 Central Core Residential district, M-2 General Manufacturing district, and all commercial districts with the exception of the C-6 Casino district.

Proposed Text Amendment

The petitioner has worked with staff and formally requested the attached Proposed Text Amendments to identify the necessary adjustments in Section 12-7-5.A.6. Based on the proposal, a childcare center use would require a conditional use permit in the I-1 district, which is consistent with the current designations in the zoning districts above. No footnotes or other language is proposed as part of this request.

CONDITIONAL USE

Request Description:

Overview

Upon approval of the text amendment above to Section 12-7-5.A.6 of the Zoning Ordinance, a conditional use permit will be required for the proposed childcare center use. Section 12-3-4 of the Zoning Ordinance governs the procedure for review of uses—or in this case two separate principal uses—that are unique in character and require additional consideration of the impact of those uses upon neighboring lands and upon the public need for the particular use of the particular location(s). However, given the second principal use, private school, also proposed for this development, the analysis below will assess how both uses will coexist and operate on the site based on the petitioner submittals and the potential impacts of the entire development on the community as a whole.

Floor Plan and Elevations

Brickton Montessori School operates the private school and childcare center operations as one entity. That said, the Floor Plan in the attached Architectural Plans designates the building areas devoted to each of the proposed uses as well as general areas for building operations, which are summarized in the table on the following page. While there are no proposed changes in size, location, and height of the existing building, entrances to the building will be altered and new pedestrian access stairs, ADA accessible ramps, and emergency egress landing will be provided based on the required flood wall improvements. See the attached Architectural Plans for more information.

Floor Plan Breakdown			
Use	General	Private School	Childcare Center
First	<ul style="list-style-type: none"> • 1 Restroom • 227 SF Lobby • Storage areas totaling 913 SF • Mechanical areas totaling 111 SF 	<ul style="list-style-type: none"> • 1 classroom totaling 840 SF • 6 offices including reception area totaling 994 SF 	<ul style="list-style-type: none"> • 4 classrooms with shared restrooms totaling 2,334 SF • 2 offices totaling 247 SF
Second	<ul style="list-style-type: none"> • 1 Restroom • 75 SF Pantry • 127 SF Storage area • Outdoor roof deck 	<ul style="list-style-type: none"> • 8 classrooms totaling 5,113 SF • 2 offices totaling 261 SF 	No space devoted for childcare center use

The proposal does not include any changes to the exterior brick building façade of the existing two-story office building. However, the following exterior building improvements are proposed as noted on the Exterior Elevations sheet in the attached Architectural Plans:

- Replace existing windows with new windows;
- Add new egress ramp on the south elevation and new egress doors; and
- Add new elevated deck with fall protection on front (west elevation) and side (south elevation) of the building.

Off-Street Parking

Sections 12-9-7 and 12-9-8 of the Zoning Ordinance govern the number of off-street standard and accessible parking spaces required based on the property uses. Given the floor plan information above, the following are the parking requirements for the proposed private school and childcare center uses:

Required Off-Street Parking			
Use	Parking Calculation	Required Spaces	
		Current Enrollment (89 students; 43 children)	Future Max Enrollment (144 students; 52 children)
Private School – Elementary (<i>Students</i>)	One space for each classroom plus one space per 200 SF of area devoted to offices	16 spaces (9 classrooms; 1,225 SF of office area)	16 spaces (9 classrooms; 1,225 SF of office area)
Childcare Center (<i>Children</i>)	One space for every 15 children, plus one space for every employee	15 spaces (43 children; 12 staff members)	16 spaces (52 children; 12 staff members)
Total Off-Street Parking Required		31 (incl. two accessible)	32 (incl. two accessible)
Total Off-Street Parking Provided		38 (incl. two accessible)	

Access and Circulation

There is currently one full access point to the subject property off Des Plaines River Road, which will be maintained as part of this proposal. Based on the findings of the Traffic Impact Study, the petitioner intends to add a second limited access curb cut on the northwest portion of 1695 S. Des Plaines River Road to allow another entrance off of and exit onto northbound Des Plaines River Road to accommodate traffic flow. The addition of the second curb cut will require review and approval from the PWE department as this portion of Des Plaines River Road is under the City's jurisdiction.

The existing two-way drive aisles will be maintained in the parking area to allow for more sufficient vehicle circulation throughout the site. In addition, the proposal includes some parking area reconfiguration to remove the northern parking space row, accommodate a designated vehicle lane for drop-off and pick-up activities on site, and avoid adverse effects on Des Plaines River Road. Note that the existing parking area is not setback a minimum of 3.5 feet from the property line as required in Section 12-9-6.D of the Zoning Ordinance. While the location of this parking area will not change, the proposed alterations require the parking area to conform with the setback requirement. Since the proposal does not include adjustments to meet this requirement, a variation is required. See the *Variation* section for additional information.

Landscaping and Screening

The existing site contains some natural vegetation (1655 S. Des Plaines River Road) and some landscape improvements in the middle of the parking area on 1695 S. Des Plaines River Road but does not meet the specific requirements in Section 12-10, "Landscaping and Screening", of the Zoning Ordinance. The proposal does include new perimeter parking lot landscaping along the south portion of the parking area as noted in the attached Landscape Plan. However, the proposed improvements do not fully meet the interior and perimeter parking lot landscaping requirements in Section 12-10-8, requiring major variations.

The subject property abuts the Cook County Forest Preserve district to its south, which is a residentially zoned lot and requires conformance with the Landscape Buffer requirements in Section 12-10-9. An I-1-zoned property abutting a residential district or use must provide a minimum five-foot-wide landscape buffer containing shade trees planted every 30 feet, a solid eight-foot-tall fence, and turf or other ground cover along 100 percent of the property boundaries that abuts the residential district. While the landscape plan does provide some new landscaping along this property line, it does not fully satisfy this requirement, necessitating a major variation.

Business Operations

The attached Project Narrative describes how the private school and childcare center uses will operate on site. Both uses will operate from 8 a.m. to 3 p.m. on weeks days (with before and after care on each weekday from 7-8 a.m. and 3-6 p.m.) and will be closed on weekends with the exception of occasional open houses throughout the year. The petitioner employs staggered drop-off and pick-up times in order to manage traffic flows and circulation on site during hours of operation for both uses as noted in the attached Traffic Impact Study.

MAJOR VARIATIONS

Request Description:

The proposal includes several variation requests related to the parking lot structure and multiple landscape requirements, which are summarized below. The petitioner has provided a description of the hardships on the existing site and the necessity of the variation requests in the attached Petitioner’s Responses to Standards. Note that these are all major variation requests that require City Council approval. However, the PZB shall review each variation request and make a recommendation to City Council based on its findings.

Requested Variations		
Requirement	Proposal	Code Reference
Parking lots are not permitted in the front yard in Institutional districts	Maintain existing parking lot in the front yard of the site as is	12-7-5.A.5.a
Parking lot curbs shall be setback a minimum of 3.5 feet from all property lines	Maintain existing 0-foot parking lot setback from the property line	12-9-6.D
A minimum 8-foot-wide, 100 SF landscape bed is required at the end of every parking row and after 30 spaces.	Maintain existing parking lot without the addition of interior parking lot improvements at the end of parking rows	12-10-8.A
A minimum 5-foot-wide landscape bed is required around the perimeter of the parking lot	Maintain existing parking lot without the addition of perimeter parking lot improvements on the west side	12-10-8.B
A minimum 5-foot-wide landscape buffer is required along 100 percent of the property line abutting a residential use	Limit the required landscape buffer treatment of the south property line to the parking area limits and forgo the fencing requirement	12-10-9.C

Zoning Map Amendment Findings of Fact:

The following is a discussion of standards for zoning map amendments from Section 12-3-7.E of the Zoning Ordinance to rezone both properties to the I-1 district. Rationale for how well the proposal addresses the standards is provided below and in the attached Petitioner's Responses to Standards. The Board may use the provided responses as written as its rationale or modify or adopt its own.

1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan, as adopted and amended from time to time by the City Council;

Comment: The retention and expansion of institutional uses is noted as an overarching principle of the 2019 Comprehensive Plan. In addition, the proposal includes the retention of open space on the existing site that arguably fits underneath the open space land use designated on the Future Land Use map. The Board may decide whether there is sufficient alignment with the Comprehensive Plan to satisfy the standard.

2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development;

Comment: The subject property is adjacent to commercial zoning on its north and west and residential zoning to the south and east (Cook County Forest Preserve). The current C-3 zoning of 1655 S. Des Plaines River Road complements the commercial uses and is currently undeveloped, complementing the open space land use identified for this area on the Future Land Use Map. However, the M-1 zoning of 1695 S. Des Plaines River Road does not match surrounding zoning or complement the land use designation of the Future Land Use Map. While there is no other I-1-zoned property in this area currently, given the neighboring forest preserve and the nature of the proposed private school and childcare center uses the I-1 district is an ideal choice for rezoning of the site and will be compatible with the surrounding uses.

3. Whether the proposed amendment is appropriate considering the adequacy of public facilities and services available to this subject property;

Comment: There are no perceived concerns with the adequacy of public facilities and services for the subject property with the proposed map amendment. The anticipated use of the site upon approval of the map amendment would arguably improve the public facilities and services available on the site.

4. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction; and

Comment: The proposed map amendment would allow for institutional uses, such as schools and childcare centers that are by nature situated on larger lots with additional open space. In addition, the proposal includes parking lot circulation and stacking improvements to better manage vehicle volume during drop-off and pick-up periods for both uses, which minimize traffic issues on the surrounding road infrastructure. That said, there are no perceived concerns that an allowance of institutional uses would negatively affect surrounding properties by way of traffic, noise, fumes, dust, and odors. It is anticipated that this request could reduce any existing adverse effects associated with the unoccupied building and increase the values of neighboring properties, both of which benefit the City.

5. Whether the proposed amendment reflects responsible standards for development and growth.

Comment: The proposed amendment allows for institutional uses on a site that abuts defined open space and recreation areas that promotes developments—such as the current proposal—which complement the surrounding uses. This map amendment to the I-1 district also serves as an effective transition area between the commercial development from the north and west and the open space/recreational space to the south and east. Finally, the map amendment also paves a way for the current proposal to make necessary flood control and site improvements but also repurposes an underutilized property.

Zoning Text Amendment Findings of Fact:

The following is a discussion of standards for zoning text amendments from Section 12-3-7.E of the Zoning Ordinance to allow childcare centers in the I-1 district. Rationale for how well the proposal addresses the standards is provided in the attached Petitioner’s Responses to Standards. The Board may use the provided responses as written as its rationale or modify or adopt its own.

1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the comprehensive plan, as adopted and amended from time to time by the City Council;

Comment: The proposed amendments expand on the institutional use types allowed in the Institutional district to address a current gap in the Zoning Ordinance. Childcare centers are institutions that provide direct services to the public and are often associated with other uses already allowed in the I-1 district such as schools. The amendments fit within the description of institutional uses noted in the Comprehensive Plan and help achieve benefits for the City as a whole.

2. Whether the proposed amendment is compatible with current conditions and the overall character of existing development;

Comment: Childcare centers complement the types of institutional uses that are currently allowed in the I-1 district including schools and do not pose adverse effects on surrounding properties. The amendments require a conditional use permit for each childcare center use in this district, allowing staff and governing bodies to review each request on a case-by-case basis to ensure the compatibility of each site for this use.

3. Whether the proposed amendment is appropriate considering the adequacy of public facilities and services available to this subject property;

Comment: The proposed amendments are appropriate for the I-1 district as it allows a new institutional use that complements existing uses allowed in this district and the public facilities and services required for each. Staff do not see concerns with the adequacy of public facilities and services associated with childcare center uses in the I-1 district.

4. Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction; and

Comment: Childcare centers provide services to Des Plaines residents and are also associated with other institutional uses such as schools and places of worship. In addition, each childcare center request will be reviewed on a case-by-case basis to minimize adverse effects on surrounding properties.

5. Whether the proposed amendment reflects responsible standards for development and growth.

Comment: The proposed amendments create an allowance that currently does not exist for further development in the I-1 district that is responsible and consistent with existing development in the institutional district.

Conditional Use Findings of Fact:

The following is a discussion of standards for conditional uses from Section 12-3-4 of the Zoning Ordinance for the proposed childcare center use. Rationale for how well the proposal addresses the standards is provided below and in the attached Petitioner's Responses to Standards. The Board may use the provided responses as written as its rationale or modify or adopt its own.

1. The proposed Conditional Use is in fact a Conditional Use established within the specific Zoning district involved:

Comment: Upon approval of the proposed text amendment, a childcare center will be designated as a conditional use within the Institutional Use Matrix in Section 12-7-5.A.6 of the Zoning Ordinance.

2. The proposed Conditional Use is in accordance with the objectives of the City's Comprehensive Plan:

Comment: The proposed childcare center is a service-oriented use that primarily serves day-to-day needs of local residents by increasing care and education opportunities for residents in Des Plaines. Additionally, the subject property is large and contains a sizeable amount of open space ideal for institutional uses.

3. The proposed Conditional Use is designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity:

Comment: The proposed childcare center use is designed, constructed, operated, and maintained to be harmonious and appropriate in appearance to surrounding commercial uses. The proposal includes integral enhancements to the site as a whole including modifications to the parking area.

4. The proposed Conditional Use is not hazardous or disturbing to existing neighboring uses:

Comment: The proposed childcare center use would not be hazardous or distributing to neighboring uses given the large lot and defined open space areas in between the site activities and other properties. While a majority of activities take place inside the building, some outdoor areas are designated and setback from the property lines to provide additional benefits to children attending the childcare center but also reduce any hazardous or disturbing effects from this use.

- 5. The proposed Conditional Use is to be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or, agencies responsible for establishing the Conditional Use shall provide adequately any such services:**

Comment: The site is served adequately by essential public facilities and services. With the proposed curb cut and circulation/queuing improvements to the existing parking area, it can be argued that the proposed use will not affect the existing public facilities and services for this property.

- 6. The proposed Conditional Use does not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic well-being of the entire community:**

Comment: The proposed use will not create excessive additional requirements at the public expense and will not be detrimental to economic well-being of the community.

- 7. The proposed Conditional Use does not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare, or odors:**

Comment: The petitioner is proposing designated outdoor activity areas for the children which are setback a considerable distance from the street as well as parking lot circulation and queuing improvements to adequately accommodate vehicular volumes throughout the site. In addition, the proposal includes the installation of flood controls to address the requirements of FEMA and Title 14 of the Code.

- 8. The proposed Conditional Use does not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare, or odors:**

Comment: The petitioner is proposing designated outdoor activity areas for the children which are setback a considerable distance from the street as well as parking lot circulation and queuing improvements to adequately accommodate vehicular volumes throughout the site. In addition, the proposal includes the installation of flood controls to address the requirements of FEMA and Title 14 of the Code.

- 9. The proposed Conditional Use provides vehicular access to the property designed so that it does not create an interference with traffic on surrounding public thoroughfares:**

Comment: The proposed site plan introduces a new curb cut for easier access to/from the property in addition to the alterations to the parking area for traffic queuing, both of which will minimize inference with traffic on Des Plaines River Road and the surrounding local streets.

10. The proposed Conditional Use complies with all additional regulations in the Zoning Ordinance specific to the Conditional Use requested:

Comment: The proposed childcare center use will be designed to meet the regulations of the Zoning Ordinance.

Variation Findings of Fact: Variation requests are subject to the standards set forth in Section 12-3-6(H) of the Zoning Ordinance. Rationale for how the proposed standard and major variations would or would not satisfy the standards is provided in the attached petitioner responses to standards. The Board may use the provided petitioner responses as written as its rationale or modify or adopt its own.

1. Hardship: No variation shall be granted pursuant to this subsection H unless the applicant shall establish that carrying out the strict letter of the provisions of this title would create a particular hardship or a practical difficulty.
2. Unique Physical Condition: The subject lot is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the subject lot that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.
3. Not Self-Created: The aforesaid unique physical condition is not the result of any action or inaction of the owner or its predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this title.
4. Denied Substantial Rights: The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject lot of substantial rights commonly enjoyed by owners of other lots subject to the same provision.
5. Not Merely Special Privilege: The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject lot.
6. Title And Plan Purposes: The variation would not result in a use or development of the subject lot that would be not in harmony with the general and specific purposes for which this title and the provision from which a variation is sought were enacted or the general purpose and intent of the comprehensive plan.

7. No Other Remedy: There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject lot.
8. Minimum Required: The requested variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this title.

PZB Procedure and Recommended Conditions:

Under Section 12-3-4.D (Procedure for Review and Decision for Conditional Uses), Section 12-3-6.G.2 (Procedure for Review and Decision for Variations), and Section 12-3-7.D (Procedure for Review and Decision for Amendments) of the Zoning Ordinance, the PZB has the authority to *recommend* that the City Council approve, approve with modifications, or deny the above-mentioned requests at 1655 and 1695 S. Des Plaines River Road. The City Council has final authority on these requests.

The PZB should take the following motions. The zoning motions can be combined or taken individually:

- A motion pursuant to Section 12-3-7.E of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the proposed Map Amendments;
- A motion pursuant to Section 12-3-7.E of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the proposed Text Amendments;
- A motion pursuant to Section 12-3-4.E of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the request for a Conditional Use; and
- A motion pursuant to Section 12-3-6.H of the Zoning Ordinance to *recommend* to City Council to approve, approve with modifications, or deny the requests for Variations.

If the PZB recommends approval, staff recommends the following conditions.

Conditions of Approval:

1. All proposed improvements and modifications shall be in full compliance with all applicable codes and ordinances. Drawings may have to be modified to comply with current codes and ordinances.
2. The petitioner shall submit a request to consolidate the subject properties in conformance with Title 13, "Subdivision Regulations" of the Municipal Code. The zoning entitlements will not be effective until the approval and recording of the consolidation plat for the subject properties.
3. The appropriate plans related to flood control improvements to the subject properties shall comply with the FEMA and Title 14, "Flood Control", requirements. All flood control improvements shall be approved by both FEMA and the PWE department and be installed on sit prior to the issuance of a certificate of occupancy.

4. Address: 1655 and 1695 S. Des Plaines River Road **Case Number:** 24-016-TA-MAP-CU-V

The petitioner is requesting the following: (i) a Map Amendment to rezone both properties to I-1 Institutional district; (ii) a Text Amendment to allow a childcare center use as a conditional use in the I-1 district; (iii) a Conditional Use to allow a childcare center use on the subject property; (iv) and a Major Variation to reduce the required front yard; (v) a Major Variation to reduce to parking lot setback; and (vi) any other variations, waivers, and zoning relief as may be necessary.

PIN: 09-28-107-008-0000; -009

Petitioner: Brickton Montessori (Representative: Erica Lane, 8622 W. Catalpa Ave, Chicago, IL 60656)

Owner: 1655 LLC and Schawk Inc., 1695 S. Des Plaines River Road, Des Plaines, IL 60018

Principal Erica Lane presented a summary of the mission of the Brickton Montessori School including their professional accreditations and affiliations. The school is licensed by the State of Illinois. She noted the organization's current long wait lists and the need for a new facility.

Larry Kearns (Architect) summarized the history of the existing building which was constructed in 1892. The existing building has been improved over time including removal of a third story and removal of a water tower in the 1980s at which time an addition to the south elevation of the building was constructed. The property is comprised of two parcels.

Larry Kearns summarized the projected traffic impacts from the proposed land use. The property would be improved with 38 parking stalls and would include sufficient vehicle stacking in two rows to accommodate pick-up and drop-off of students. A new curb cut is proposed to provide improved site circulation and a new outbound right-turn to S. Des Plaines River Road.

--- discussion of flood plain

The north half of the site would be improved with new outdoor recreation/playground area. New sidewalk connections would extend from the public right-of-way to the building.

The floor plan was presented in relation to the proposed flood wall. The proposed wall would stand at a height of approx. 4.5 feet and would include a ramp for strollers as well as stairs at the main entry and the building entrance near the proposed playground.

Two accessible stalls would be provided and the total parking would exceed the city's minimum requirements.

The proposed scope of engineering improvements would extend into the ground to the existing clay layer, providing a dry flood proofing solution. The proposal includes approximately 0.5 acre-feet of storage to accommodate the storage of stormwater that would occupy the area within the flood wall without the new floodwall improvement.

Neal Smith (Attorney) presented a summary of the proposed zoning entitlement requests including a rezoning of the two parcels to I-1, a conditional use for the proposed private school within the I-1 District, a major variation for a parking lot within the front yard, a major variation for parking setback from the front lot line, a major variation for landscaping, and a major variation to omit fencing along the south lot line.

Neal Smith summarized the developer's intent to retain many of the existing conditions of the property while improving the property to accommodate a new, modern use which would comply with FEMA's requirements. The requested relief from landscaping requirements would allow the property to benefit from the views into the adjacent forest preserve.

Neal Smith asserted that a private school in this location would benefit the community and would not introduce any new hazards or negative impacts on neighbors. Parents of students will patronize local businesses and create opportunities for new business from customers who may not otherwise visit the community.

To manage parking and pick-up and drop-off queues, the school would stagger daily start and end times.

- 3-acre site, existing open space with mature trees

Reuse of the existing parking field would help preserve existing areas, and the current location is permissible in accordance with the existing zoning but would be made noncompliant by the proposed rezoning to I-1. The redevelopment would be in compliance with the city's comprehensive plan and would be constructed in accordance with building and engineering requirements.

Member Fowler inquired about the proposed fencing and whether a barrier would be provided to prevent children from accessing the river.

Larry Kearns summarized the proposed fencing and the extents of a secured "L" shaped space which would contain students and prevent access to the River. The playground would also be enclosed with a fence which would connect to a fence along the river.

Member Weaver inquired about contingency planning for both expected and unexpected expenses associated with required flood proofing, soil types, historic building issues, and any remediation of hazardous materials.

Larry Kearns also summarized estimated costs related to the proposed floor proofing, potential surprises relating to soils, and other costs. They acknowledge that the extra investment needed to comply with requirements helps ensure this location can serve as an especially attractive natural location for the school's curriculum.

Acting Chairman Saletnik inquired about the use of pumps in relation to the stormwater management requirements.

Larry Kearns summarized the proposed pump system which would be required to facilitate the storage of some storm water under the building.

Member Veremis inquired about current enrollment.

Erica Lane identified the current enrollment of 125 students and identified the projected enrollment with this location to be 196. This is max.

Member Veremis inquired about the potential service area from which students would be expected.

Erica Lane summarized the expected service area including Chicago, Des Plaines, Park Ridge, Harwood Heights, Rosemont, Schaumburg, and Northshore.

Member Veremis – traffic

Erica Lane responded to traffic- Majority of families are coming for Northwest side of Chicago, Up Touhy and down River Road.

Member Veremis – how long has this been vacant

Senior Planner Jonathan Stytz – only a few years.

Member Fowler – fence extension further to the south

Erica Lane responded, safety of children. South end is for entering the facility.

Member Weaver observed that Brickton was a 19th century name for Park Ridge.

Erica Lane confirmed that the name was indeed associated with this history and outlined the history of the growth of the organization. School started first in Park Ridge. Maintained historic name for the area.

Member Veremis appreciated that the adjacent land would be maintained as open space rather than commercial development.

Acting Chairman Saletnik opened the public hearing.

Daria Plamada was sworn in. She identified herself as a Des Plaines resident, an alum of the school, and the parent of a current student. The faculty are excellent and are long-tenured members of the organization. She is very supportive of the proposed use.

Acting Chairman Saletnik requested a summary of the staff presentation.

Senior Planner Stytz provided an overview of the request and presented photos of the subject property including the legal notice sign. He noted that a tentative and final plat of subdivision for the subject property will be presented separately to the PZB and City Council at a later date.

The proposed use would be considered a childcare use and would require the requested map amendment and conditional use. He summarized the proposed improvements and locations of specific structures and flood control improvements across the site plan.

He provided a summary of the site plan standards and several proposed site improvements which demonstrate compliance with these standards. A substantial amount of existing open space would be retained with the applicant's proposed development plans.

He summarized the land use table for the I-1 District and presented the floor plan and use of various areas of the plan. He presented the building elevations, renderings, and proposed signage. He reviewed the minimum parking requirements versus the proposed surplus. The expected increase in enrollment to 144 students and 59 children would be accommodated with the proposed quantity of parking stalls.

He reviewed the specific requirements in regard to location of parking lots in the I-1 District and the proposed parking stall setback from the public right-of-way. 3 feet is existing and would remain. He summarized the landscaping design requirements for the parking lot and the south lot line. Although the applicant is retaining trees and open space, required landscaping within the parking lot has not been proposed in order to limit the scope of alterations to the existing parking lot and maximize the quantity of parking stalls without adding additional impervious areas.

He confirmed that the Public Works & Engineering Department has provided a review letter outlining the requirements for flood control and other improvements through the review and approval of final engineering plans associated with the building construction process.

He summarized the public improvements and engineering requirements associated with the subdivision of the property and confirmed that the subdivision would need to be completed prior to permitting for the property.

Acting Chairman Saletnik asked for discussion.

Member Weaver inquired about consolidation of the various requests into a common motion.

Member Catalano comments on the proposed pump design and confirmed the concept seems appropriate.

Member Fowler inquired about the location of an indoor gymnasium.

Erica Lane identified a space for gross motor on the first floor for younger children, but confirmed no gymnasium is proposed. Historically, Brickton has partnered with outside organizations for use or rental of sports, courts, and fields consistent with their programming needs.

Member Catalano inquired about potential staffing changes between the existing operations and proposed operations.

Erica Lane described staff will minimally increase. One additional classroom will be opening. So increase of 3 staff members.

Member Fowler inquired about the combination and interaction among age groups in the Montessori and class sizes.

Erica Lane confirmed that maximum class sizes range from 20-24 students and that students of various ages interact through various programs.

Member Veremis inquired about summer programming.

Erica Lane confirmed that 10-week summer programming is available, and students/parents select what services they need over the summer months.

Acting Chairman Saletnik entertained a motion.

Member Weaver moved to City Council recommendation for all four items for MAP Amendment, Text Amendment, Conditional Use, and Variations and include the three conditions of approval granted by staff

Motion by Board Member Fowler, seconded by Board Member Veremis to approve.

AYES: Weaver, Catalano Veremis, Fowler, Saletnik

NAYES: None

ABSTAIN: None

MOTION CARRIED

Other items:

None

ADJOURNMENT

Acting Chairman Saletnik adjourned the meeting at 9:02 p.m.

Sincerely,

Jeff Rogers/Recording Secretary

cc: City Officials, Aldermen, Planning & Zoning Board, Petitioners

CITY OF DES PLAINES

ORDINANCE Z - 9 - 24

AN ORDINANCE APPROVING A MAP AMENDMENT, CONDITIONAL USE, AND MAJOR VARIATIONS FOR 1655 AND 1695 S. DES PLAINES RIVER ROAD, DES PLAINES, ILLINOIS. (Case #24-016-MAP-CU-V).

WHEREAS, Brickton Montessori ("**Petitioner**") is the contract purchaser of real properties commonly known as 1655 S. Des Plaines River Road ("**1655 Lot**") and 1695 S. Des Plaines River Road ("**1695 Lot**") (collectively, the 1655 Lot and 1695 Lot are the "**Subject Property**"), which are located in the City; and

WHEREAS, the 1655 Lot is located in the C-3 General Commercial ("**C-3 District**") and is currently vacant and unimproved and the 1695 Lot is located in the M-1 Limited Manufacturing ("**M-1 District**") and is currently improved with a two-story office building and surface parking area; and

WHEREAS, the Petitioner desires to purchase the Subject Property to operate a private school and childcare center ("**Proposed Uses**") on the 1695 Lot; and

WHEREAS, the City of Des Plaines Zoning Ordinance of 1998, as amended, is codified as Title 12 of the City Code of the City of Des Plaines ("**Zoning Ordinance**"); and

WHEREAS, pursuant to Section 12-3-4 of the Zoning Ordinance, the Petitioner ("**Petitioner**") filed an application with the City for the approval of a conditional use permit to allow a childcare center use on the Subject Property ("**Proposed Conditional Use**"); and

WHEREAS, pursuant to Section 12-3-6 of the Zoning Ordinance, the Petitioner ("**Petitioner**") also filed an application with the City for the approval of major variations from (i) Section 12-7-5.A.5.a of the Zoning Ordinance to allow a parking area in the front yard of Subject Property; (ii) Section 12-9-6.D of the Zoning Ordinance to reduce the parking area curb to be setback from 3.5 feet to zero feet from the west property line of the Subject Property; (iii) Section 12-10-8.A of the Zoning Ordinance to eliminate the required minimum interior parking lot landscaping; (iv) Section 12-10-8.B of the Zoning Ordinance to eliminate the minimum required perimeter parking lot landscaping along the west side of the parking lot of the Subject Property; and (v) Section 12-10-9.C of the Zoning Ordinance to reduce the minimum landscape buffer improvements along the south property line of the Subject Property from 100 percent to 25 percent and eliminate the fence requirement (collectively, the "**Proposed Major Variations**"); and

WHEREAS, pursuant to Section 12-3-7 of the Zoning Ordinance, the Petitioner ("**Petitioner**") filed additionally applied to the City for the approval of (i) a map amendment to rezone the 1655 Lot from the C-3 District to the I-1 District; and (ii) a map amendment to rezone the 1695 Lot from the M-1 District to the I-1 District (collectively, the "**Proposed Map Amendments**") (collectively, the Proposed Conditional Use, Proposed Major Variations, and Proposed Map Amendments are the "**Requested Relief**"); and

WHEREAS, 1655 LLC ("**1695 Lot Owner**") is the owner of the 1655 Lot and Schawk INC ("**1695 Lot Owner**") is the owner of the 1695 Lot, both of which have consented to the Petitioner's applications; and

WHEREAS, the Petitioner’s applications for the Requested Relief were referred by the Department of Community and Economic Development to the Planning and Zoning Board (“**PZB**”) within 15 days after receipt of the application; and

WHEREAS, within 90 days after the date of the Petitioners' applications, a public hearing was held by the Planning and Zoning Board of the City (“**Board**”) was held on May 14, 2024, pursuant to publication in the *Des Plaines Journal* on April 24, 2024; and

WHEREAS, notice of the public hearing was mailed to all property owners within 500 feet of the Subject Property; and

WHEREAS, during the public hearing the PZB heard testimony and received evidence with respect to how the Petitioner intended to satisfy and comply with the provisions of the Zoning Ordinance; and

WHEREAS, pursuant to Sections 12-3-4, 12-3-6, and 12-3-7 of the Zoning Ordinance, the Board filed a written report with the City Council on May 15, 2024, summarizing the testimony and evidence received by the Board and stating its recommendation by two separate motions, voting 5-0 to recommend approval of the Requested Relief, subject to certain conditions; and

WHEREAS, the Petitioners made representations to the Board with respect to the Requested Relief, which representations are hereby found by the City Council to be material and upon which the City Council relies in approving the Revised Relief; and

WHEREAS, the City Council has considered the written report of the Board, the applicable standards for conditional uses, variations, and map amendments set forth in the Zoning Ordinance, and the Community and Economic Development Staff Memorandum dated May 23, 2024, and has determined that it is in the best interest of the City and the public to approve the Requested Relief in accordance with the provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1. RECITALS. The recitals set forth above are incorporated herein by reference and made a part hereof, the same constituting the factual basis for the approval of the Requested Relief.

SECTION 2. LEGAL DESCRIPTION OF THE SUBJECT PROPERTY. The Subject

Property is legally described as:

PARCEL 1:

A TRACT OF LAND IN REVERE PARK SUBDIVISION OF SECTIONS 21 AND 28, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH WEST CORNER OF BLOCK 10 IN REVERE PARK AFORESAID; THENCE NORTHWESTERLY ON THE WEST LINE OF SAID BLOCK 10, 207.6 FEET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID BLOCK TO CENTER OF DES PLAINES RIVER; THENCE SOUTHEASTERLY ALONG THE THREAD OF SAID RIVER TO THE NORTH LINE OF SPRINGER STREET AND THE SOUTH LINE OF BLOCK 10 TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THAT PART OF SPRINGER STREET LYING EAST OF THE EAST RIGHT OF WAY OF THE DES PLAINES RIVER ROAD AND WEST OF THE CENTER THREAD OF THE DES PLAINES RIVER AND SOUTH OF THE SOUTH LINE OF BLOCK 10 EXTENDED EAST IN REVERE PARK SUBDIVISION OF SECTIONS 21 AND 28, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

THE SOUTH 100 FEET OF THE NORTH 427 FEET OF THAT PART LYING BETWEEN DES PLAINES ROAD AND CENTER OF DES PLAINES RIVER OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 28, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS; EXCEPT THE FOLLOWING TAKEN IN CONDEMNATION CASE NO. 92L50448: COMMENCING AT THE NORTHWEST CORNER OF THE ABOVE DESCRIBED TRACT, SAID POINT BEING ON THE EXISTING EASTERLY RIGHT OF WAY LINE OF DES PLAINES RIVER ROAD; THENCE ALONG SAID EXISTING RIGHT OF WAY LINE ON AN ASSUMED BEARING OF SOUTH 15 DEGREES 20 MINUTES 16 SECONDS EAST 6.59 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EXISTING RIGHT OF WAY LINE THE SAME BEARING OF SOUTH 15 DEGREES 20 MINUTES 16 SECONDS EAST 45.00 FEET; THENCE NORTH 74 DEGREES 39 MINUTES 44 SECONDS EAST 5.00 FEET; THENCE NORTH 15 DEGREES 20 MINUTES 16 SECONDS WEST 45.00 FEET; THENCE SOUTH 74 DEGREES 39 MINUTES 44 SECONDS WEST 5.00 FEET TO THE POINT OF BEGINNING IN COOK COUNTY, ILLINOIS.

EXCEPTING FROM THE ABOVE 3 PARCELS THAT PART FALLING IN DES PLAINES RIVER ROAD.

PINs: 09-28-107-008-0000; 09-28-107-009-0000

Commonly known as 1655 and 1695 S. River Road, Des Plaines, Illinois 60018

SECTION 3. APPROVAL OF PROPOSED MAP AMENDMENTS. Pursuant to Section 12-3-7 of the Zoning Ordinance, the City Council has considered the factors relevant to the approval of map amendments and has determined that the procedure for the review of map amendments has been satisfied. The City Council hereby approves the Proposed Map Amendments, and the Zoning Map is hereby amended to rezone the 1655 Lot from the C-3 District to the I-1 District and rezone the 1695 Lot from the M-1 District to the I-1 district.

SECTION 4. APPROVAL OF CONDITIONAL USE PERMIT. Subject to and contingent upon the conditions, restrictions, limitations, and provisions set forth in Section 6 of this Ordinance, the City Council hereby grants the Proposed Conditional Use to allow the Proposed Uses on the Subject Property. The Conditional Use Permit granted by this Ordinance is consistent with and equivalent to a "special use" as referenced in Section 11-13-25 of the Illinois Municipal Code, 65 ILCS 5/11-13-25.

SECTION 5. VARIATIONS. The City Council finds that the Requested Major Variations satisfy the standards set forth in Section 12-3-6.H of the Zoning Ordinance and, pursuant to the City's home rule powers, finds that the Requested Major Variations are otherwise necessary and appropriate. Subject to and contingent upon the conditions, restrictions, limitations, and provisions set forth in Section 6 of this Ordinance, the Requested Major Variations are hereby approved to allow the Petitioner to operate the Proposed Uses on the Subject Property.

SECTION 6. CONDITIONS OF APPROVAL. The approvals granted in Sections 3, 4, and 5 of this Ordinance are expressly subject to and contingent upon compliance by the Petitioner with each and all of the following conditions, all at the sole cost and expense of the Petitioner:

A. **Compliance with Law and Regulations.** The development, use, operation, and maintenance of the Proposed Uses and the Subject Property must comply with all applicable City codes and ordinances, as the same have been or may be amended from time to time, except to the extent specifically provided otherwise in this Ordinance.

B. Compliance with Plans. The development, use, and maintenance of the Subject Property must be in strict compliance with the following plans, except for minor changes and site work approved by the Director of the Department, and changes to comply with the conditions set forth in Section 6.C of this Ordinance, in accordance with all applicable City codes, ordinances, and standards, including, without limitation, Sections 3.4-8, "Limitations on Conditional Uses," and 3.4-9, "Effect of Approval," of the Zoning Ordinance.

1. The Project Narrative, prepared by the Petitioner, consisting of five pages, and undated, a copy of which is attached to and, by this reference, made a part of this Ordinance as ***Exhibit A***;

2. The Site Dimension Plan, prepared by Wheeler Kearns Architects, consisting of two sheets, and with a latest revision date of May 3, 2024, a copy of which is attached to and, by this reference, made a part of this Ordinance as ***Exhibit B***;

3. The Floor Plans, prepared by Wheeler Kearns Architects, consisting of one sheet, and with a latest revision date of May 6, 2024, a copy of which is attached to and, by this reference, made a part of this Ordinance as ***Exhibit C***;

4. The Exterior Elevations, prepared by Wheeler Kearns Architects, consisting of one sheet, and with a latest revision date of May 6, 2024, a copy of which is attached to and, by this reference, made a part of this Ordinance as ***Exhibit D***;

5. The Renderings and Signage Plan, prepared by Wheeler Kearns Architects, consisting of one sheet, and with a latest revision date of May 6, 2024, a copy of which is attached to and, by this reference, made a part of this Ordinance as ***Exhibit E***;

6. The Tree Survey, prepared by Wheeler Kearns Architects, consisting of one sheet, and with a latest revision date of May 3, 2024, a copy of which is attached to and, by this reference, made a part of this Ordinance as ***Exhibit F***;

7. The Overall Concept Plan, prepared by Wheeler Kearns Architects, consisting of two sheets, and with a latest revision date of May 3, 2024, a copy of which is attached to and, by this reference, made a part of this Ordinance as ***Exhibit G***;

8. The Landscape Details, prepared by Wheeler Kearns Architects, consisting of one sheet, and with a latest revision date of May 3, 2024, a copy of which is attached to and, by this reference, made a part of this Ordinance as ***Exhibit H***;

9. The Turning Details Plan, prepared by Wheeler Kearns Architects, consisting of one sheet, and with a latest revision date of May 3, 2024, a copy of which is attached to and, by this reference, made a part of this Ordinance as ***Exhibit I***;

10. The Site Grading and Utility Plan, prepared by Wheeler Kearns Architects, consisting of one sheet, and with a latest revision date of May 3, 2024, a copy of which is attached to and, by this reference, made a part of this Ordinance as ***Exhibit J***; and

11. The Photometric Plan, prepared by Wheeler Kearns Architects, consisting of two sheets, and with a latest revision date of May 6, 2024, a copy of which is attached to and, by this reference, made a part of this Ordinance as ***Exhibit K***.

C. Additional Conditions.

1. The Petitioner must apply for the approval of a plat of consolidation to consolidate the Subject Property into a single lot of record in conformance with Title 13, “Subdivision Regulations” of the Municipal Code (***“Plat of Consolidation”***).

2. The Petitioner must submit to the City appropriate plans related to flood control improvements to the Subject Property must comply with the FEMA and Title 14, “Flood Control”, requirements. All flood control improvements must be approved by both FEMA and the City’s Public Works and Engineering Department and installed on the Subject Property as a condition precedent to the City’s issuance of a certificate of occupancy.

SECTION 7. FAILURE TO COMPLY WITH CONDITIONS.

A. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of, any of the provisions of this Ordinance shall be fined not less than seventy-five dollars (\$75.00) or more than seven hundred and fifty dollars (\$750.00) for each offense. Each and every day that a violation of this Ordinance is allowed to remain in effect shall constitute a complete and separate offense. In addition, the appropriate authorities of the City may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person, firm or corporation violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees.

B. In the event that the Petitioner fails to develop or maintain the Subject Property in accordance with the plans submitted, the requirements of the Zoning Ordinance, or the conditions set forth in Section 6 of this Ordinance, the approvals granted by Sections 3, 4, and 5 of this Ordinance may be revoked after notice and hearing before the Zoning Administrator of the City, all in accordance with the procedures set forth in Section 12-4-7 of the Zoning Ordinance. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the I-1 District. Further, in the event of such revocation, the City Manager and the City's General Counsel are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Petitioner acknowledges that public notices and hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice and hearing required by Section 12-4-7 of the Zoning Ordinance is provided to the Petitioner.

SECTION 8. BINDING EFFECT; NON-TRANSFERABILITY. The privileges, obligations, and provisions of each and every section and requirement of this Ordinance are for and shall inure solely to the benefit of Petitioner. Nothing in this Ordinance shall be deemed to allow the Petitioner to transfer any of the rights or interests granted herein to any other person or entity without the prior approval of the City Council by a duly adopted amendment to this Ordinance.

SECTION 9. SEVERABILITY. If any paragraph, section, clause, or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

SECTION 10. EFFECTIVE DATE.

A. This Ordinance shall be in full force and effect subject to the occurrence of all the following:

1. its passage and publication in pamphlet form in the manner required by law;
2. the filing with the City Clerk by the Petitioner, not less than 60 days after the passage and approval of this Ordinance, of an unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance. Said unconditional agreement and consent shall be in substantially the form attached to, and by this reference made a part of, this Ordinance as *Exhibit L*;
3. at the Petitioner's sole cost and expense, the recordation of this Ordinance together with such exhibits as the City Clerk deems appropriate, with the Office of the Cook County Recorder.
4. the approval and recordation of the Plat of Consolidation with the Office of the Cook County Recorder; and
5. the Director of Community and Economic Development has received documentation in the form of a recorded deed or title commitment evidencing that the Petitioner is the record title holder of the Subject Property.

B. In the event that the Petitioner does not file with the City Clerk a fully executed copy of the unconditional agreement and consent referenced in Section 11.A of this Ordinance, within 60 days after the date of passage of this Ordinance by the City Council, the City Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

PASSED this _____ day of _____, 2024

APPROVED this _____ day of _____, 2024.

VOTE: Ayes _____ Nays _____ Absent _____

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form this
____ day of _____, 2024.

Approved as to form:

CITY CLERK

Peter M. Friedman, General Counsel



Illinois State Recognized
Accredited by the Independent Schools
Association of the Central States and the
American Montessori Society

Brickton Montessori School – New School Building 1655 and 1695 S. Des Plaines River Road, Des Plaines, IL

About Brickton Montessori School

Brickton Montessori School is an accredited Montessori School serving northwest Chicago suburban communities since 1986. The school continues to grow and provides care and learning for children 3 months to 8th grade. It now serves approximately 125 students from Northwest Chicago and the surrounding suburbs, including Des Plaines families.

Brickton Montessori School follows the time-tested, evidence-based Montessori approach to education, honoring the child as a whole, fostering a global mindset through peace education, with a commitment to educational leadership and institutional longevity.

We believe that each child is unique and endowed with great potential. We believe in nurturing the heart of the child and challenging the intellect. We believe in an individualized Montessori curriculum designed to meet the needs of each child and promote self-motivation. We believe that the community of the child, parent, and educator is the foundation of the school's success.

Project Narrative

Brickton Montessori School is proposing to purchase and renovate an approximately 19,000 square foot office building. The property is comprised of 3 parcels which make up 1655 and 1695 S. Des Plaines River Road. The intent is to preserve the historic 1892 building, which is one the remaining historic structures from the Riverview industrial period. Brickton Montessori School is proposing to preserve the existing open space and mature trees. Site work will mainly comprise of the addition of play spaces for the children in existing open areas, playground fencing, adding an additional egress for the parking lot, and include brining the property into compliance with the City of Des Plaines' Floodproofing requirements. All proposed signage will meet current code requirements.

The childcare and school function as one entity but for the purposes of zoning review the information provided for both the childcare and school portions of the school have been organized for easier review but there is overlap in some information.

Please note that Brickton Montessori serves families with multiple children and many of Brickton’s families have children in both kinds of classrooms.

Proposed Childcare Operations

Brickton Montessori School operates Monday through Friday from 8 am until 3 pm. The school provides before and after care from 7-8 am and 3-6 pm, respectively. The school has periodic breaks through the year that typically are aligned with the surrounding school districts’ academic calendars.

Brickton Montessori School functions as one school, ranging in ages from 3 months to 8th grade. All four 0 – 3-year-old classrooms (one 3-15 month classroom, one 15-24 month classroom, two 24-36 month classrooms) are licensed by DCFS and follow all necessary guidelines, including maximum enrollment numbers and student to teacher ratios. This program’s maximum operational hours are 7:30 am – 5:30 pm. These environments focus on developmental milestones and nurture the needs of very young children with appropriate materials and opportunities for appropriate growth in all areas.

Current Childcare Enrollment: 43 Students

Future Maximum Childcare Enrollment: 52 Students

Dedicated Childcare Staff: 12 staff

Drop-off and Pick-up: Start and end times for the students are staggered throughout the morning and afternoon. No bus service is provided or anticipated for the future.

Brickton Montessori Staggered Drop off/Pick up				
	Infant/Toddler	Pre-K/K	Elementary	Middle School
Drop off: Full Day	7:30 - 8:15	7:00 - 8:15	7:00 - 8:00	7:45 - 8:00
Drop off: Half/Core Day	8:15 - 8:45	8:00 - 8:30	8:00 - 8:15	8:00 - 8:05
Pick Up: Half Day	12:00 - 12:05	12:30 - 12:35	-----	-----
Pick Up: Core	3:00 - 3:10	3:00 - 3:10	3:00 - 3:10	3:00 - 4:00
Pick Up: Full Day	3:15 - 5:30	3:15 - 6:00	3:15 - 6:00	4:00 - 6:00

Brickton Montessori School’s academic school year runs from the last week in August to the first week in June. Additionally, Brickton runs a ten-week summer camp program from the

second week in June through the second week in August. There are two weeks during the winter break (last week of December and first week of January) when there are no on-site operations.

The infant/toddler children (childcare center programs) will have an independent, designated fenced space in the outdoor environment to play and be in nature (see site plans). DCFS requires 75 square feet of outdoor space per child in a childcare setting. Brickton will have no more than 16 childcare children (0-3) outside at any given time. Our outdoor space dedicated for the childcare portion is 3,576 square feet in play area. This satisfies the DCFS requirement of 75 square feet per child (16 children X 75 Sf required space= 1,200 required).

Hours for childcare center classrooms are reduced. Childcare Center hours are Monday – Friday from 7:30 am to 5:30 pm. There are no Saturday or Sunday hours of operations except for three school open houses and two annual family events. Families with children in both programs adhere to the hours of the youngest child when dropping off and picking up.

Proposed School Operations

Brickton Montessori School operates Monday through Friday from 8 am until 3 pm. The school provides before and after care from 7-8 am and 3-6 pm, respectively. The school has periodic breaks through the year that typically are aligned with the surrounding school districts' academic calendars.

Brickton's preschool through middle school programs are registered and recognized by the Illinois State Board of Education and accredited by the American Montessori Society (AMS) and the Independent School Association of the Central States (ISACS). These programs have an academic focus, along with an emphasis on the social and emotional development of each student. Each classroom has a three-year age span and allows for individual, adaptive learning that meets the needs of each child.

Current Elementary Enrollment: 89 Students

Future Maximum School Enrollment: 144 Students

Dedicated School Staff: 22 staff

Drop-off and Pick-up: Start and end times for the students are staggered throughout the morning and afternoon. No bus service is provided or anticipated for the future.

Brickton Montessori Staggered Drop off/Pick up				
	Infant/Toddler	Pre-K/K	Elementary	Middle School
Drop off: Full Day	7:30 - 8:15	7:00 - 8:15	7:00 - 8:00	7:45 - 8:00
Drop off: Half/Core Day	8:15 - 8:45	8:00 - 8:30	8:00 - 8:15	8:00 - 8:05
Pick Up: Half Day	12:00 - 12:05	12:30 - 12:35	-----	-----
Pick Up: Core	3:00 - 3:10	3:00 - 3:10	3:00 - 3:10	3:00 - 4:00
Pick Up: Full Day	3:15 - 5:30	3:15 - 6:00	3:15 - 6:00	4:00 - 6:00

Brickton Montessori School’s academic school year runs from the last week in August to the first week in June. Additionally, Brickton runs a ten-week summer camp program from the second week in June through the second week in August. There are two weeks during the winter break (last week of December and first week of January) when there are no on-site operations.

The preschool/elementary programs will have larger play spaces on the north end of the property with which to participate in gross motor activities. All play spaces will be fenced.

The preschool/elementary school hours are Monday – Friday from 7:00 am to 6:00 pm. There are no Saturday or Sunday hours of operations except for three school open houses and two annual family events. Families with children in both programs adhere to the hours of the youngest child when dropping off and picking up.

Summer Camp Operational Information:

During summer camp weeks, the last week of March, and the third and fourth weeks of August on-site operations are reduced, lightening traffic to and from the school.

Summer camp enrollment is typically 50% - 75% of school year enrollment.

Summer camp hours are the same as the school year hours.

The number of cars at any given time in our ten-week summer camp program is as follows:

- 7:30 - 8:30 am drop off = 33 families/cars
- 8:30 - 9:00 am drop off = 30 families/cars
- 12:00 - 12:30 pm pick up = 7 families/cars
- 3:00 pm pick up = 23 families/cars
- 3:10 - 5:30 pm pick up = 33 families/cars

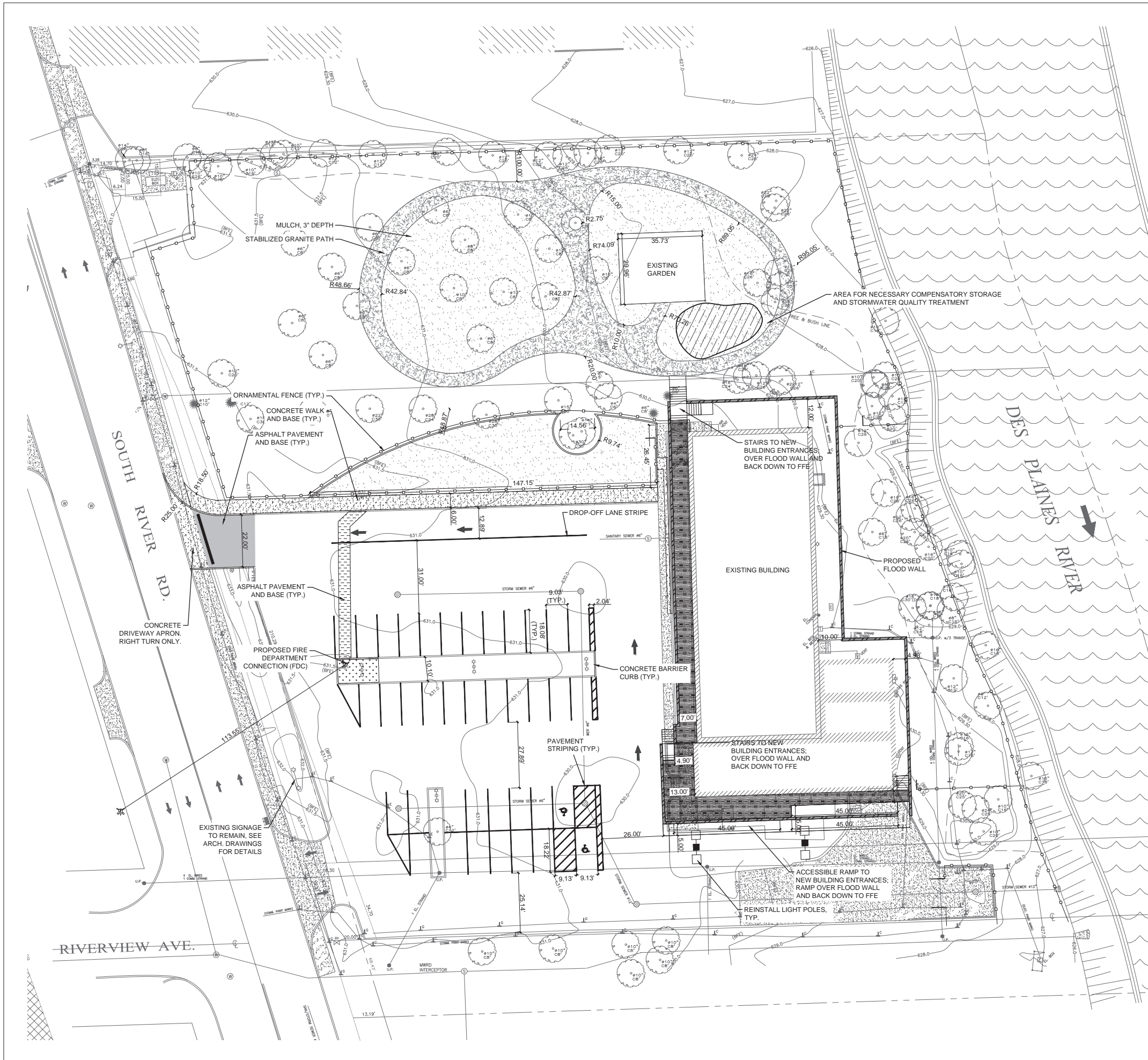
School Open Houses and Special Events:

There are three open houses and one Montessori parent educational day throughout each school year. Open houses are set for a Sunday in October, January, and March from 10:00 am to 12:30 pm and typically yield about 12 - 20 families. The parent education event takes place on a Saturday in February from 9 am - 2 pm. All four events are for the school and childcare center simultaneously.

Additional Information:

Several teachers carpool or take public transportation to and from the school. In addition to the daily USPS mail service, Brickton Montessori will receive 1 – 3 deliveries per day from Gourmet Gorilla (Infant/Toddler organic lunches), Amazon, UPS, DHL, or FedEx. These usually consist of small, handheld packages containing office supplies, classroom materials, or food service items.

The existing parking lot will maintain 38 parking spaces and 2 ADA spaces. As shown on the Site Plan, the northern portion of the lot will be used for car stacking for drop-off and pick-up, though many of our families park and walk-in their children.



N

 Scale: 1 inch = 20 feet

LEGEND:

- PROPERTY LINE
- EXISTING BUILDING
- CONCRETE WALK AND BASE
- ASPHALT PAVEMENT AND BASE
- STORMWATER BMP
- CONCRETE BARRIER CURB
- ORNAMENTAL FENCE
- MULCH, 3" DEPTH
- STABILIZED GRANITE PATH
- COMPOSITE DECK
- EXISTING TREE TO REMAIN

wkarch
 Wheeler Kearns Architects
 343 South Dearborn Street
 Suite 200
 Chicago IL 60604
 312.939.7787
 wkarch.com

PRELIMINARY - NOT FOR CONSTRUCTION

1 May, 3 2024 Zoning Revisions



Project
Brickton Montessori School
 1695 South River Road
 Des Plaines, IL 60018

SITE DIMENSION PLAN

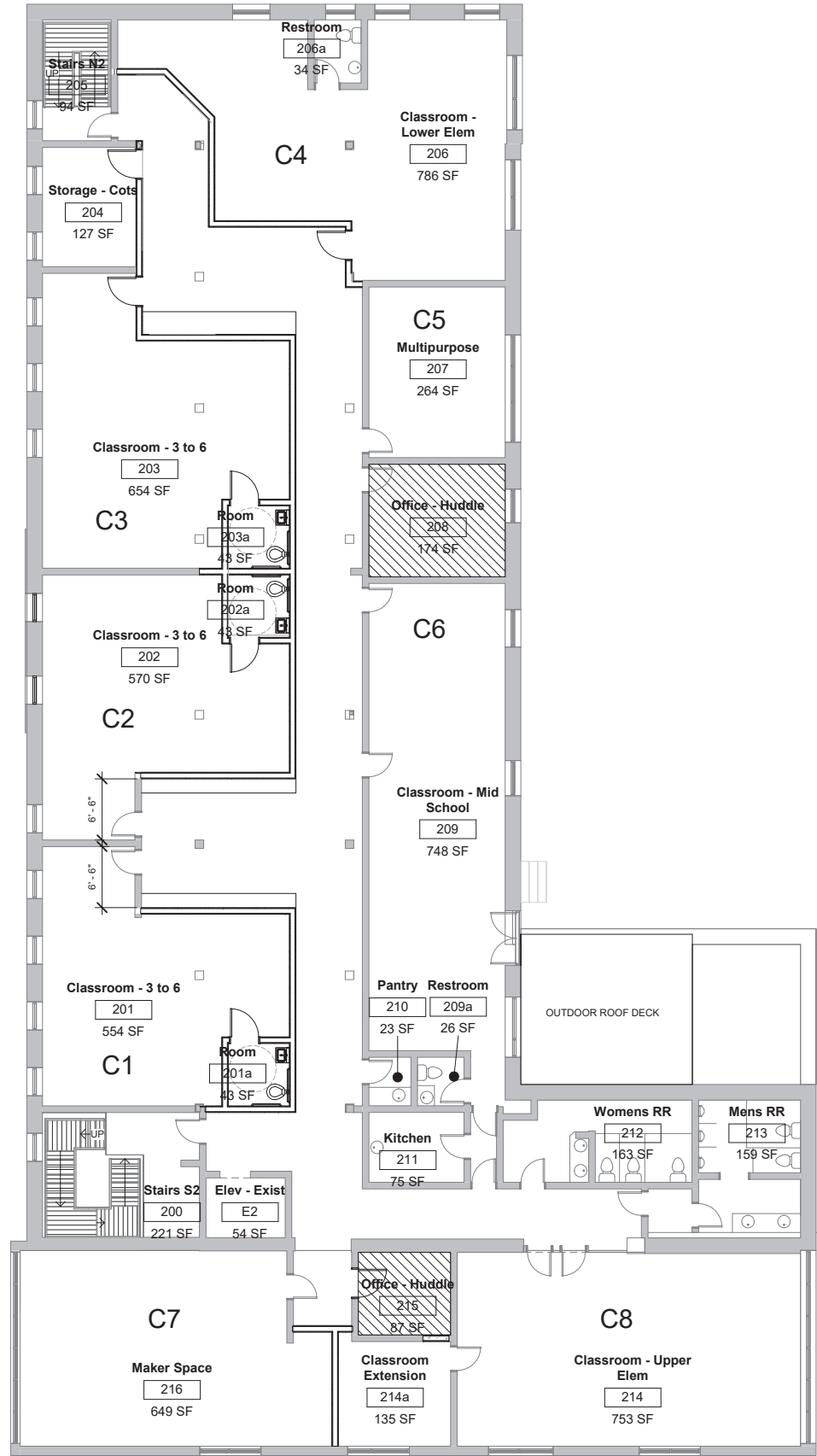
Drawing No
C200

Scale AS NOTED

Job No R3072

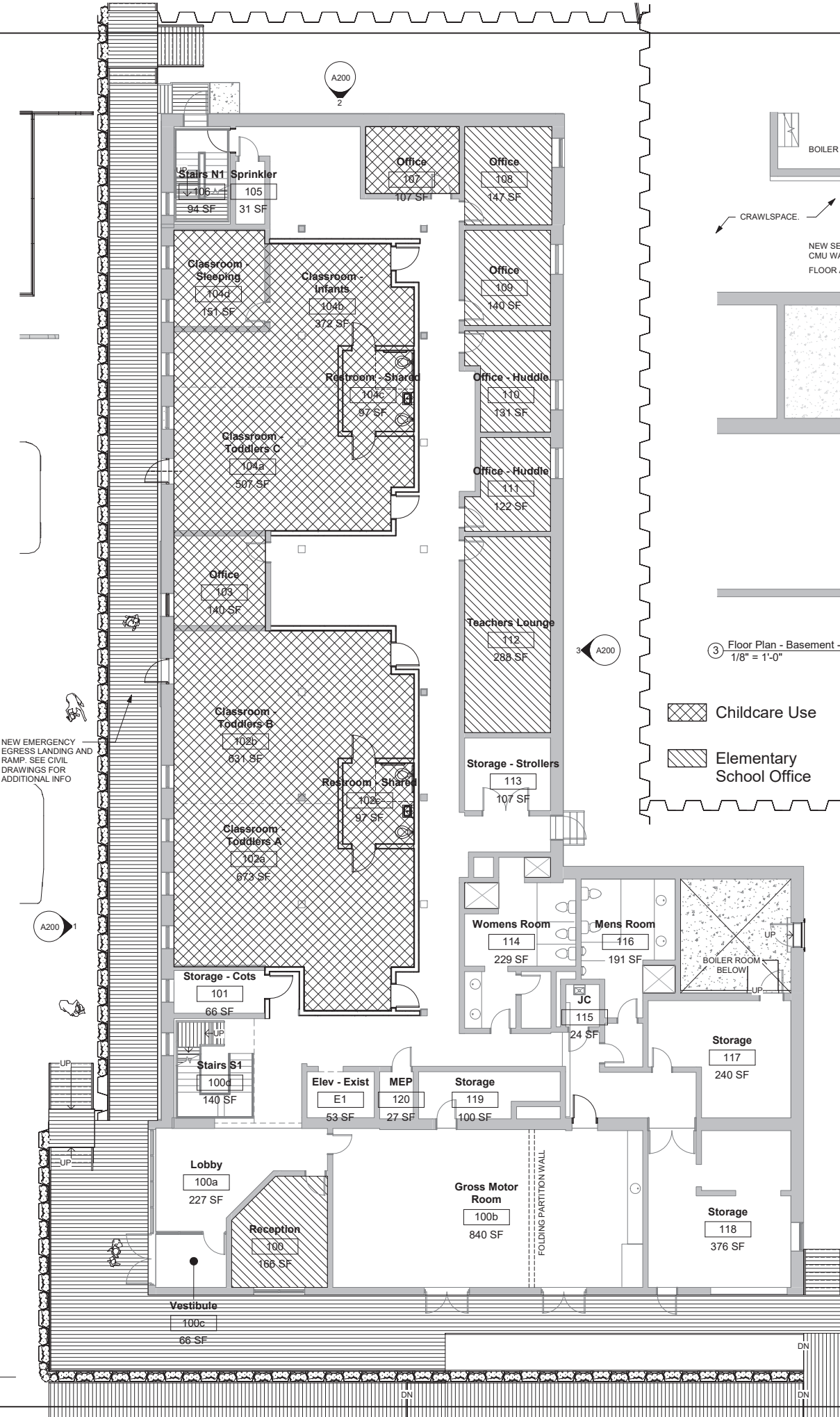
5/6/2024 2:35:28 PM

Exhibit C



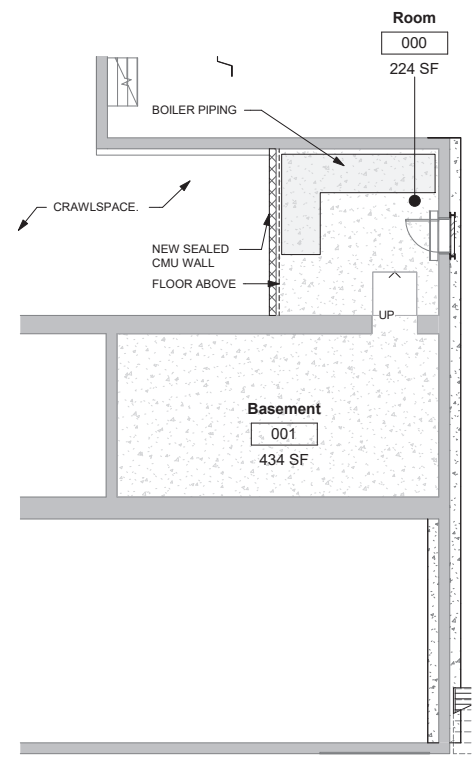
2 Floor Plan - Level 2
1/8" = 1'-0"

1 Floor Plan - Level 1
1/8" = 1'-0"



Childcare Use
Elementary School Office

3 Floor Plan - Basement - SE Corner
1/8" = 1'-0"



12-9-7: OFF STREET PARKING REQUIREMENTS
Childcare Facilities
 1 space for every 15 children, plus 1 space for every employee.
 43 children and 9 employees per DCS area requirements within classrooms => 3+9 = 12 stalls
 + 2 private office employees per designated area on level 1 => 2 stalls
 Childcare facilities requires 14 stalls
Elementary School
 1 space for each classroom, plus 1 space per 200 square feet of area devoted to offices
 8 classrooms => 8 stalls
 office area = 1,255 SF / 200 = 6.3 => 7 stalls
 Elementary School requires 15 stalls
Building requires 29 parking stalls
 12-9-8: MOBILITY IMPAIRED ACCESSIBLE PARKING:
 Total Off Street Parking Spaces Provided:
 Accessible Spaces Required: 21 to 50 => 2
Building requires 2 accessible stalls and 27 standard stalls

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Revisions
 1 Zoning Changes April 8 2024
 2 Zoning Revisions May 6 2024

NOT FOR CONSTRUCTION

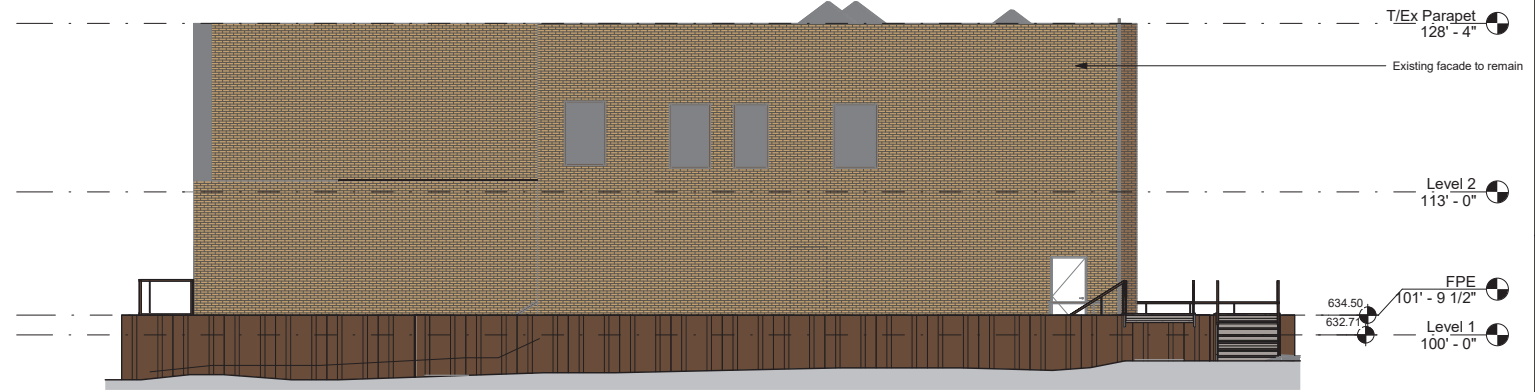
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 1695 South River Road,
 Des Plaines, IL

ARCHITECTURAL ELEVATION
 100'-0" = 632.92' CCD DATUM

Floor Plans

Drawing No
A110
 Scale 1/8" = 1'-0"
 Job No R3058

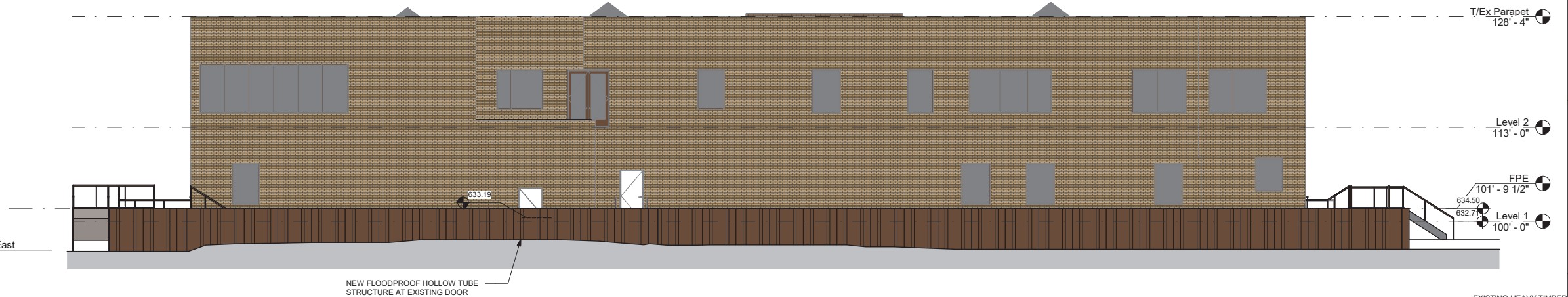
② Ext Elevation - North
1/8" = 1'-0"



④ Ext Elevation - South
1/8" = 1'-0"



③ Ext Elevation - East
1/8" = 1'-0"



① Ext Elevation - West
1/8" = 1'-0"



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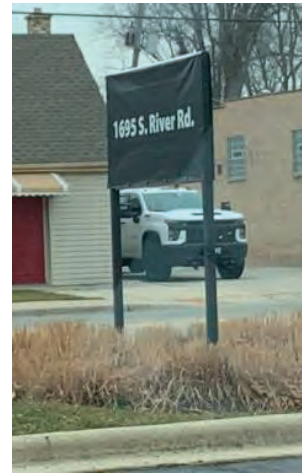
Exterior Elevations

Drawing No
A200

Scale 1/8" = 1'-0"

Job No R3058

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EXISTING LANDSCAPE SIGN
TWO SIDES



PROPOSED LANDSCAPE SIGN
TWO SIDES



③ Repurposed Sign
1" = 1'-0"

PROPOSED LANDSCAPE SIGN
DETAIL
VIF



RENDERING - WEST FACADE



RENDERING - NEW EGRESS RAMP AND FENCE

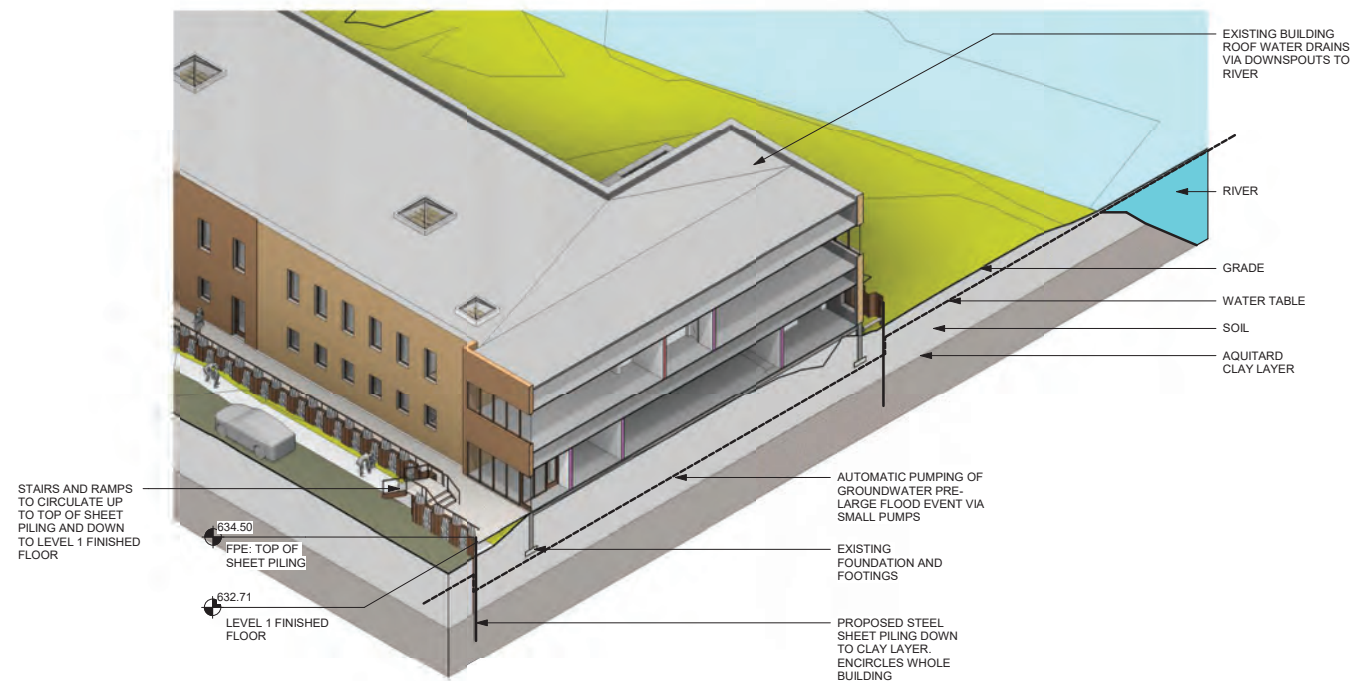


DIAGRAM - FLOODWALL SYSTEM

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Revisions

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CONSTRUCTION***

Project
**Brickton Montessori
School**

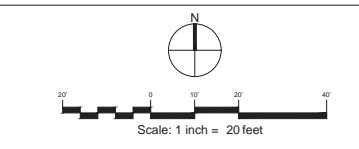
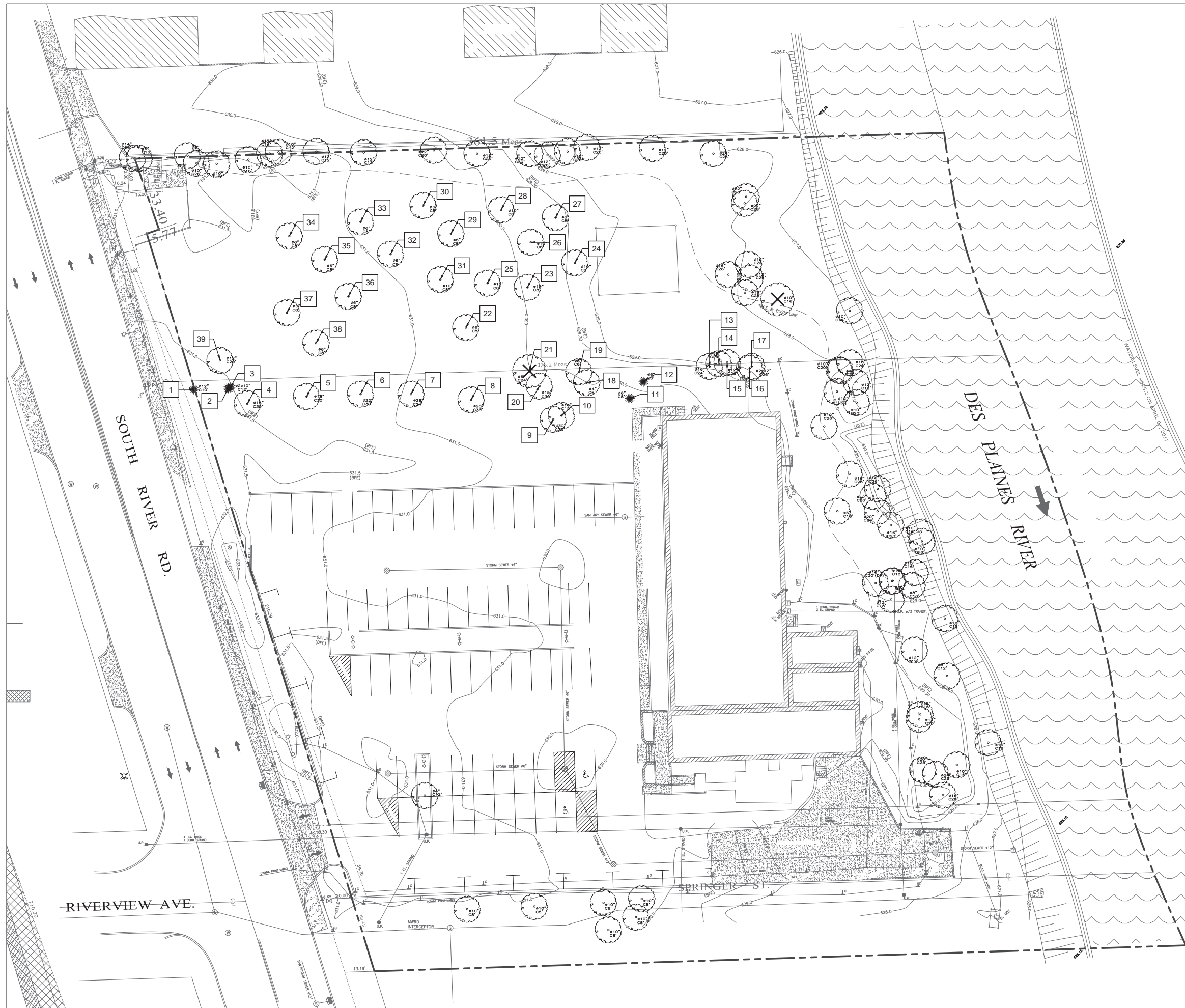
1695 South River Road,
Des Plaines, IL

**Renderings and
Signage**

Drawing
No
A900

Scale As indicated

Job No R3058



- LEGEND:**
- PROPERTY LINE
 - - - LIMITS OF WORK
 - ▨ EXISTING BUILDING
 - EXISTING TREE TO REMAIN
 - ⊗ EXISTING TREE TO BE REMOVED

TREE SURVEY

No	Botanical name	Common name	Size	Cond.
1	<i>Picea pungens</i>	Blue Spruce	12"	Fair
2	<i>Picea pungens</i>	Blue Spruce	10"	Fair
3	<i>Picea pungens</i>	Blue Spruce	10"	Fair
4	<i>Acer saccharinum</i>	Silver Maple	18"	Good
5	<i>Acer saccharinum</i>	Silver Maple	18"	Good
6	<i>Acer saccharinum</i>	Silver Maple	22"	Good
7	<i>Acer saccharinum</i>	Silver Maple	28"	Good
8	<i>Acer saccharinum</i>	Silver Maple	28"	Good
9	<i>Tilia americana</i>	American Linden	30"	Good
10	<i>Tilia americana</i>	American Linden	16"	Good
11	<i>Picea pungens</i>	Blue Spruce	6"	Fair
12	<i>Picea pungens</i>	Blue Spruce	6"	Fair
13	<i>Fraaxinus pennsylvanica</i>	Green Ash	19"	Poor
14	<i>Fraaxinus pennsylvanica</i>	Green Ash	18"	Poor
15	<i>Fraaxinus pennsylvanica</i>	Green Ash	12"	Poor
16	<i>Fraaxinus pennsylvanica</i>	Green Ash	12"	Poor
17	<i>Fraaxinus pennsylvanica</i>	Green Ash	12"	Poor
18	<i>Ulmus rubra</i>	Slippery Elm	4"	Fair
19	<i>Ulmus rubra</i>	Slippery Elm	8"	Fair
20	<i>Ulmus rubra</i>	Slippery Elm	10"	Good
21	<i>Rhamnus cathartica</i>	Buckhorn	6"	Fair
22	<i>Acer saccharum</i>	Sugar Maple	5"	Good
23	<i>Quercus macrocarpa</i>	Bur oak	10"	Good
24	<i>Quercus macrocarpa</i>	Bur oak	10"	Good
25	<i>Quercus macrocarpa</i>	Bur oak	10"	Good
26	<i>Quercus macrocarpa</i>	Bur oak	10"	Good
27	<i>Quercus macrocarpa</i>	Bur oak	6"	Good
28	<i>Quercus macrocarpa</i>	Bur oak	10"	Good
29	<i>Quercus macrocarpa</i>	Bur oak	8"	Good
30	<i>Quercus macrocarpa</i>	Bur oak	6"	Good
31	<i>Acer saccharum</i>	Sugar Maple	10"	Good
32	<i>Acer saccharum</i>	Sugar Maple	6"	Good
33	<i>Acer saccharum</i>	Sugar Maple	6"	Good
34	<i>Acer saccharum</i>	Sugar Maple	6"	Good
35	<i>Acer saccharum</i>	Sugar Maple	6"	Good
36	<i>Acer saccharum</i>	Sugar Maple	6"	Good
37	<i>Acer saccharum</i>	Sugar Maple	6"	Good
38	<i>Acer saccharum</i>	Sugar Maple	6"	Good
39	<i>Ailanthus altissima</i>	Tree of Heaven	12"	Good

NOTE: TREE BEYOND BRUSH LINE CONTAIN A MIX OF WEEDY SPECIES:

- ASH
- COTTONWOOD
- ELM
- BUCKHORN
- BOXELDER

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1 May, 3 2024 Zoning Revisions



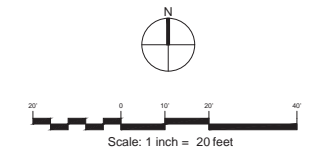
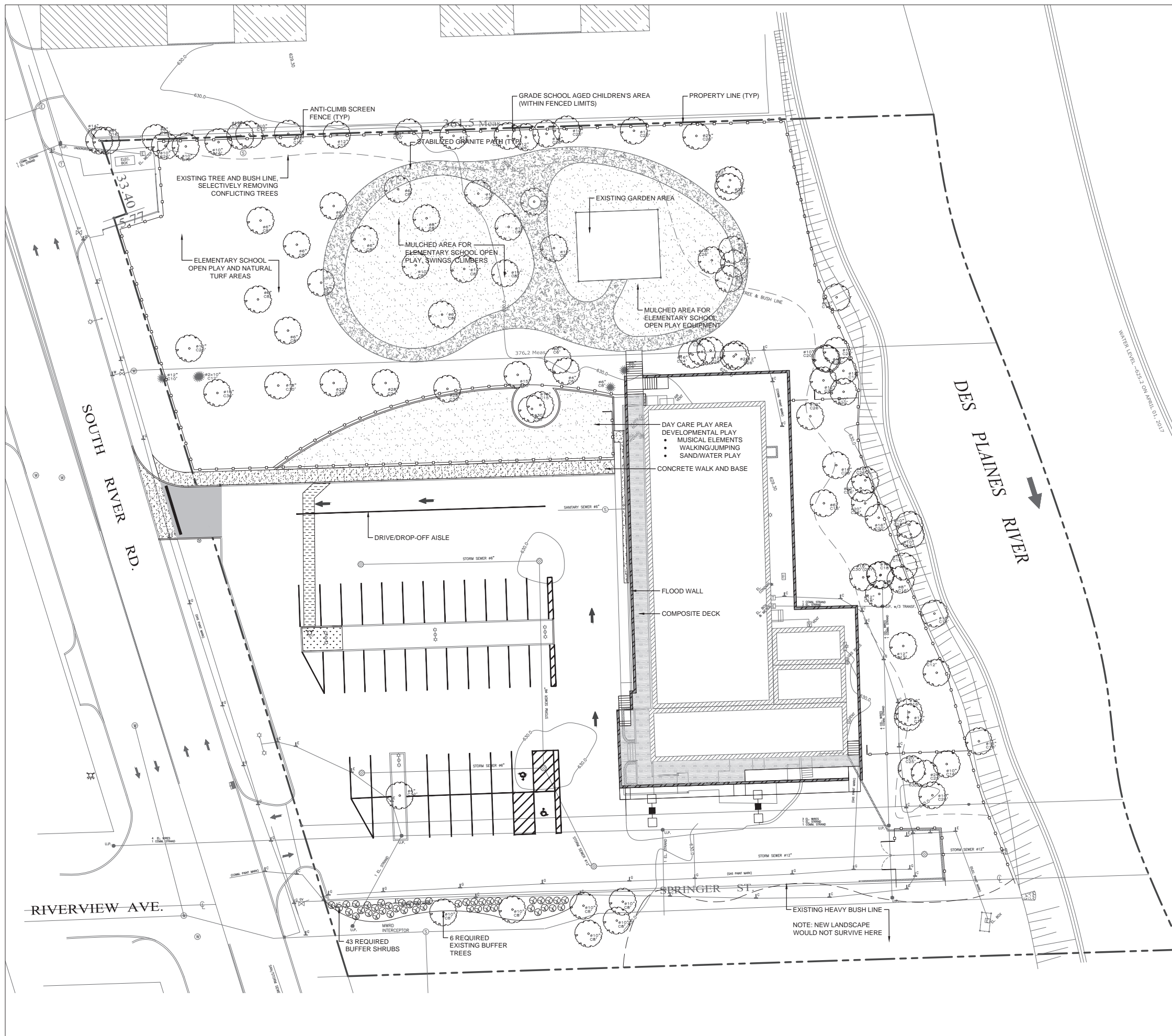
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 1695 South River Road
 Des Plaines, IL 60018

TREE SURVEY

Drawing No
L000

Scale AS NOTED

Job No R3072



LEGEND:

- PROPERTY LINE
- CONCRETE WALK AND BASE
- ASPHALT PAVEMENT AND BASE
- MULCH, 3" DEPTH
- STABILIZED GRANITE PATH
- CONCRETE PAVEMENT AND BASE
- COMPOSITE DECK
- ORNAMENTAL FENCE
- WALL
- EXISTING TREE TO REMAIN
- DECIDUOUS SHRUBS
- LIGHT

Landscape Ordinance Analysis

Water Shade Trees Required (1 per 40 linear feet of parking lot along lot line)	3	Trees required
Existing Perimeter Trees	0	
Proposed Perimeter Trees	3	
TOTAL SHADE TREES PROVIDED	3	Trees provided
Buffer Shrubs Required (1 per 2 linear feet of parking lot along lot line)	43	Shrubs required
Existing Perimeter Shrubs	0	
Proposed Perimeter Shrubs	43	
TOTAL BUFFER SHRUBS PROVIDED	43	Shrubs provided

Open Space Analysis

Daycare Playground Area Required (1/3 students) (75 square feet per student)	8,225	Square feet required
Daycare Playground Area Provided	8,565	Square feet provided
Elementary School Open Area Required (1/4 students) (75 square feet per student)	10,800	Square feet required
Elementary School Open Area Provided	16,800	Square feet provided

Wkarch
 Wheeler Kearns Architects
 343 South Dearborn Street
 Suite 200
 Chicago IL 60604
 312.939.7787
 wkarch.com

PRELIMINARY - NOT FOR CONSTRUCTION

1 May, 3 2024 Zoning Revisions



Project
Brickton Montessori School
 1695 South River Road
 Des Plaines, IL 60018



ANTI-CLIMB SCREEN FENCE PRECEDENT IMAGE

Overall Concept Plan

Drawing No
L100

Scale AS NOTED

Job No R3072



STEPPERS



KIDS COUCH



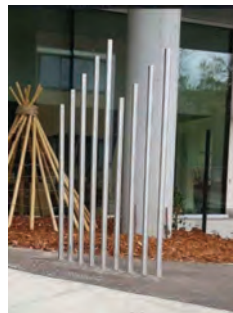
SEATING SET



SLUICE WAY



MUSICAL DRUM



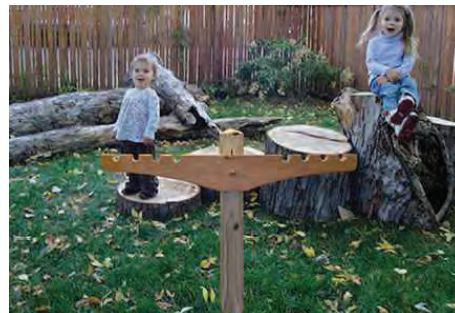
METAL MUSIC FENCE



XYLOPHONE FENCE



XYLOPHONE



BALANCE SCALE



SINK



HAND PUMP

1 NATURAL PLAYGROUND ELEMENTS - TODDLERS



OUTDOOR CLASSROOM



CLIMBER



CLIMBING NET



CLIMBING ROPE



DOUBLE SWING



SINGLE SWING



LISTENING TUBE



THUNDER DRUM



MUD KITCHEN



DRINKING FOUNTAIN WITH HOSE

2 NATURAL PLAYGROUND ELEMENTS - GRADE SCHOOL AGED CHILDREN

wkarch

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Suite 200
Chicago IL 60604
312.939.7787
wkarch.com

PRELIMINARY - NOT
FOR CONSTRUCTION

1 May, 3 2024 Zoning Revisions



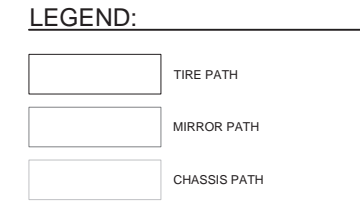
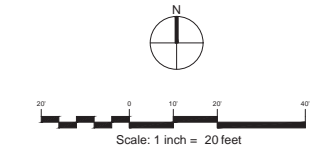
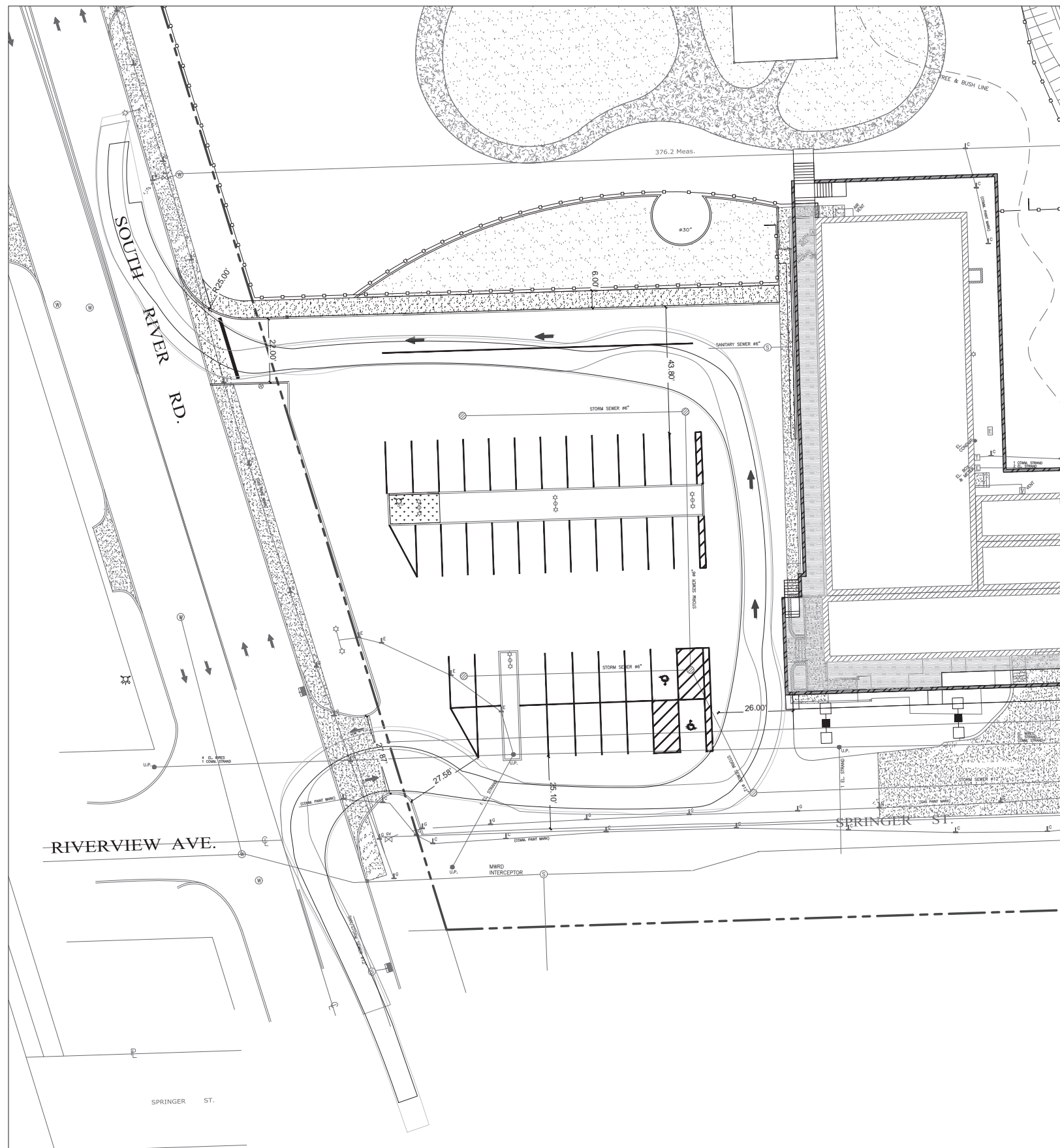
Project
Brickton Montessori
School
1695 South River Road
Des Plaines, IL 60018

LANDSCAPE
DETAILS

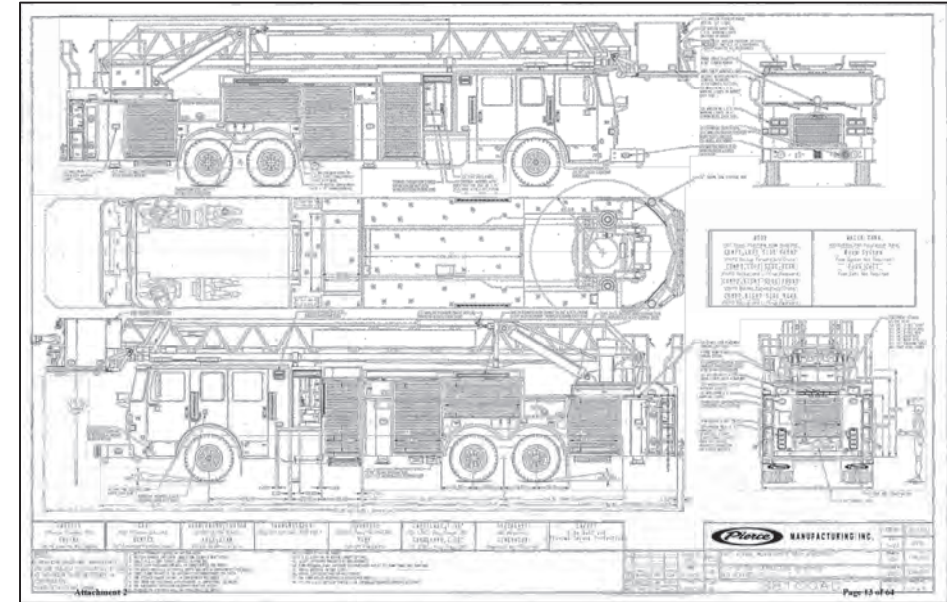
Drawing
No
L200

Scale AS NOTED

Job No R3072



1 PARKING LOT LOOP
SCALE: 1" = 20'



100-FT AERIAL PLATFORM TRUCK

wkarch

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343 South Dearborn Street
Suite 200
Chicago IL 60604
312.939.7787
wkarch.com

PRELIMINARY - NOT FOR CONSTRUCTION

1 May, 3 2024 Zoning Revisions



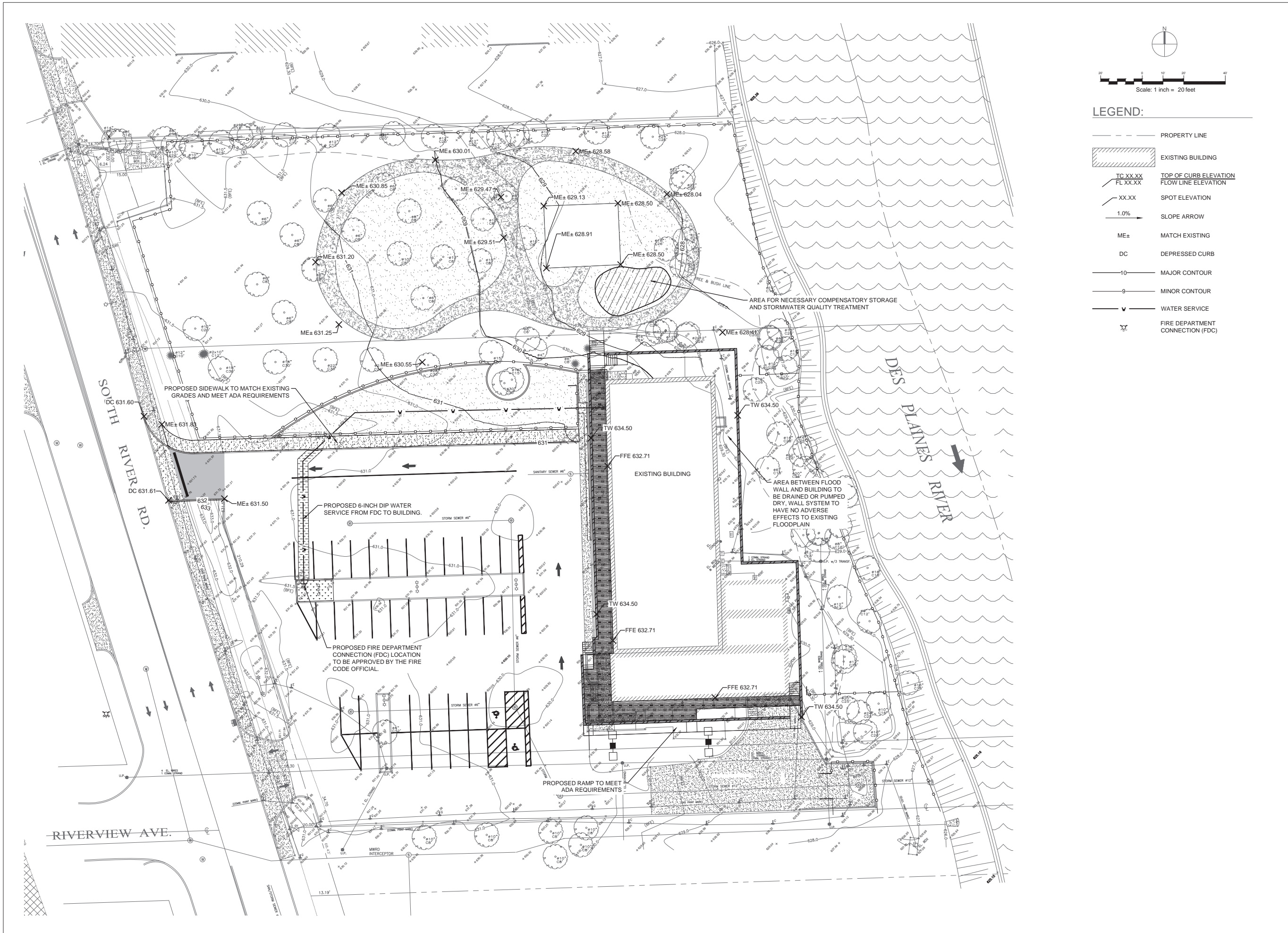
Project
Brickton Montessori School
1695 South River Road
Des Plaines, IL 60018

TURNING MOVEMENT PLAN

Drawing No
C201

Scale AS NOTED

Job No R3072



N

 Scale: 1 inch = 20 feet

LEGEND:

- PROPERTY LINE
- EXISTING BUILDING
- TOP OF CURB ELEVATION
FLOW LINE ELEVATION
- SPOT ELEVATION
- SLOPE ARROW
- MATCH EXISTING
- DEPRESSED CURB
- MAJOR CONTOUR
- MINOR CONTOUR
- WATER SERVICE
- FIRE DEPARTMENT CONNECTION (FDC)

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PRELIMINARY - NOT FOR CONSTRUCTION

1 May, 3 2024 Zoning Revisions



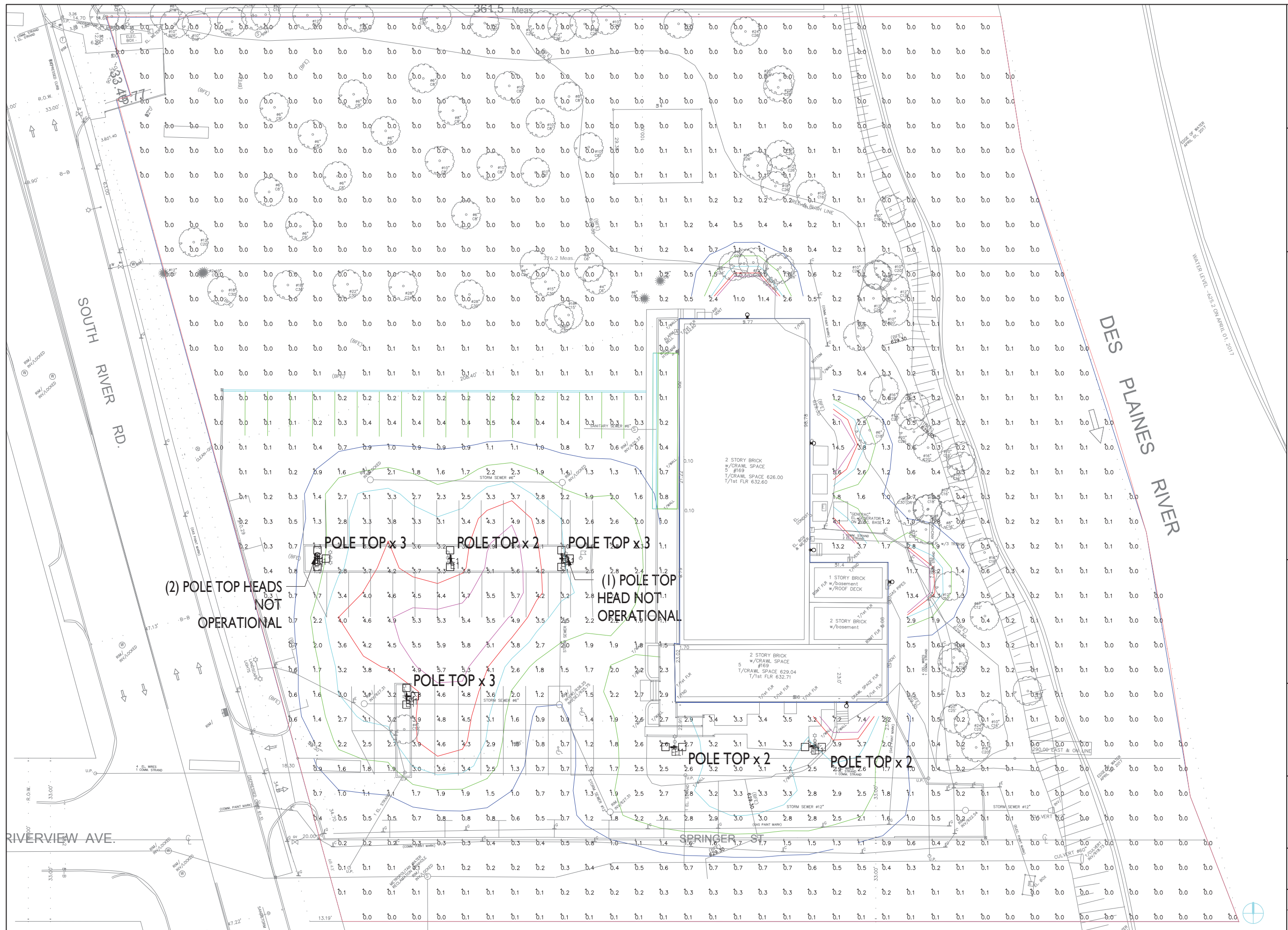
Project
Brickton Montessori School
 1695 South River Road
 Des Plaines, IL 60018

SITE GRADING AND UTILITY PLAN

Drawing No
C300

Scale AS NOTED

Job No R3072



wkarch
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 Suite 200
 Chicago IL 60604
 312.939.7787
 wkarch.com

PRELIMINARY DRAWINGS
 NOT FOR CONSTRUCTION



- Revisions
- 1 Zoning Changes April 8 2024
 - 2 Zoning Revisions May 6 2024

"NOT FOR CONSTRUCTION"

Project
 Brickton Montessori
 School
 1695 South River Road
 Des Plaines, IL 60018

Existing Site
 Lighting Plan

Drawing
 No **LT100**
 Scale 1'-0" = 200'-0"
 Job No R3072



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 Chicago IL 60604
 312.939.7787
 wkarch.com

PRELIMINARY DRAWINGS
 NOT FOR CONSTRUCTION



Revisions
 1 Zoning Changes April 8 2024
 2 Zoning Revisions May 6 2024

"NOT FOR CONSTRUCTION"

Project
 Brickton Montessori
 School
 1695 South River Road
 Des Plaines, IL 60018

**New Site
 Lighting Plan**

Drawing
 No
LT101

Scale 1'-0" = 200'-0"

Job No R3072

EXHIBIT L

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The City of Des Plaines, Illinois ("**City**");

WHEREAS, Brickton Montessori ("**Petitioner**") is the contract purchaser of real properties commonly known as 1655 S. Des Plaines River Road ("**1655 Lot**") and 1695 S. Des Plaines River Road ("**1695 Lot**") (collectively, the 1655 Lot and 1695 Lot are the "**Subject Property**"), which are located in the City; and

WHEREAS, Ordinance No. Z-9-24 adopted by the City Council of the City of Des Plaines on _____, 2024 ("**Ordinance**"), grants approval of a conditional use permit, map amendments, and major variations to allow the operation of a school and childcare center on the Subject Property, subject to certain conditions; and

WHEREAS, Petitioner desires to evidence to the City its unconditional agreement and consent to accept and abide by each of the terms, conditions, and limitations set forth in the Ordinance, and the Owner desires to evidence its consent to recording the Ordinance against the Subject Property;

NOW, THEREFORE, Petitioner does hereby agree and covenant as follows:

1. Petitioner shall, and does hereby, unconditionally agree to, accept, consent to and abide by all of the terms, conditions, restrictions, and provisions of the Ordinance.
2. Petitioner acknowledges and agrees that the City is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the City's review and approval of any plans for the Subject Property, or the issuance of any permits for the use and development of the Subject Property, and that the City's review and approval of any such plans and issuance of any such permits does not, and shall not, in any way, be deemed to insure Petitioner against damage or injury of any kind and at any time.
3. Petitioner acknowledges that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the procedures required by Section 12-4-7 of the City's Zoning Ordinance are followed.
4. Petitioner agrees to and does hereby hold harmless and indemnify the City, the City's corporate authorities, and all City elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with: (a) the City's review and approval of any plans and issuance of any permits, (b) the approval of the Ordinance including the procedures followed in connection with the adoption of the Ordinance, (c) the development, construction, maintenance, and use of the Subject Property, and (d) the performance by Petitioner of its obligations under this Unconditional Agreement and Consent.

5. Petitioner shall, and does hereby agree to, pay all expenses incurred by the City in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses shall include all out-of-pocket expenses, such as attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the City.

ATTEST:

**ERICA LANE O/B/O BRICKTON
MONTESSORI**

By: _____

By: _____

SUBSCRIBED and **SWORN** to
before me this _____ day of
_____, 2024.

Notary Public



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

1420 Miner Street
Des Plaines, IL 60016
P: 847.391.5380
desplaines.org

MEMORANDUM

Date: June 3, 2024
To: Dorothy Wisniewski, City Manager
From: Jeff Rogers, Director of Community & Economic Development
Subject: Consideration of an Ordinance granting an Amendment to an existing Conditional Use Permit to allow motor vehicle sales and a trade contractor use located at 1628 Rand Road

Issue: The petitioner is requesting the following items: (i.) a Conditional Use amendment under Section 12-7-3(K) of the City of Des Plaines Municipal Code to allow a trade contractor use with outdoor display and storage; and (ii.) a conditional use for a motor vehicle sales use within existing tenant spaces in an existing multi-tenant building upon the subject property in the C-3 General Commercial zoning district.

Owner: Art Investment, LLC, 2020 Berry Lane, Des Plaines, IL 60018

Petitioner: Urszula Topolewicz, 2020 Berry Lane, Des Plaines, IL 60018

Case Number: 24-004-CU

Real Estate Index Number: 09-16-104-022-0000

Ward: #1, Alderman Mark A. Lysakowski

Existing Zoning: C-3, General Commercial District

Existing Land Use: Multi-tenant commercial building including a trade contractor granite countertop business and cabinet business

Surrounding Zoning: North: R-1, Single Family Residential District
South: C-3, General Commercial District
East: C-1, Neighborhood Shopping / R-1, Single Family Residential Districts
West: C-3, General Commercial District

- Surrounding Land Uses:** North: Single-Family Residences
 South: Columbus Foods & Liquors, Vazquez Dental, Castro Hand Car Wash, and 7-Eleven/Mobil (Commercial)
 East: A Mother’s Touch Learning Academy (Commercial)
 West: Our Lady of Fatima Center (Commercial)
- Street Classification:** Rand Road is classified as a Minor Arterial road and Grove Avenue is classified as a Local street.
- Comprehensive Plan:** The Comprehensive Plan designates this site as Commercial.
- Zoning/Property History:** The subject property was annexed into the City in 1965. A conditional use was approved in 2021 via Ordinance Z-36-21 to permit a trade contractor use at this address. A subsequent amendment to the conditional use was approved in 2022 via Ordinance Z-26-22 and a zoning variation for signage was approved via Ordinance Z-27-22. The applicant has been working with the City to resolve several outstanding issues associated with the expiration of the 2022 conditional use ordinance as well as several minor code violations. This application is part of the resolution.

Conditional Use Amendment

Request Summary: The petitioner, Urszula Topolewicz, requests Conditional Use Permits to amend an existing trade contractor use and operate a proposed motor vehicle sales use in adjacent tenant spaces both at 1628 Rand Road. In accordance with the proposed motor vehicles sales use, the applicant would perform vehicle maintenance and detailing of vehicles offered for sale.

PZB Recommendation and Conditions: The case was published for consideration by the Planning & Zoning Board (PZB) at their regular meeting on January 23, 2024 but was continued to February 23, 2024 at which time the public hearing was opened. The PZB provided requests for improved accuracy among the exhibits provided and requested the applicant address several concerns relating to proposed operations and site plan design. The PZB subsequently continued the case to several subsequent meetings until April 23, 2024 at which time a quorum was not achieved. The case was renoticed for a public hearing on May 14, 2024. The PZB considered the applicant’s revised plans and materials during the public hearing and recommended approval *by a 5-0 vote* of the applicant’s request with several conditions.

Pursuant to Sections 12-3-4.D.4 and 12-3-7.D.4 of the Zoning Ordinance, the City Council may vote to approve, approve with modifications, or deny the request. The Council has final authority over the conditional use. A draft ordinance, Z-10-24, is attached and would approve an amendment to the Conditional Use. Should the City Council vote to approve the request, the PZB recommends the following conditions be included.

Conditions of Approval:

1. The petitioner shall implement all site improvements shown on the proposed undated site plan and any amendments required by the Planning & Zoning Board.
2. The applicant shall provide plans and specifications for review and secure permits for all site work governed by city codes and ordinances (pavement, exterior doors/window systems, mechanical/electrical/plumbing/structural, civil engineering, etc.). All proposed improvements and modifications shall be in full compliance with all applicable codes and ordinances.
3. No materials shall be stored outside of the extents of the proposed privacy fence enclosure.
4. All outdoor storage and/or displays shall be permissible only in full compliance with the requirements of Title 14 of the Municipal Code including raising of stored materials above the base flood elevation (BFE).
5. Display and storage of vehicles or materials shall be permissible in designated areas on private property only and shall not be permissible within required drive aisles or customer parking stalls, or within the public right-of-way. All motor vehicles stored on the site must be operable and stored on a dust-free, hard surface.
6. The applicant shall coordinate with the City regarding the assignment of unique unit addresses for the two tenant spaces comprising the existing building upon the property.
7. No more than sixteen (16) motor vehicles may be displayed for sale on the Subject Property at one time. Through signs, striping, or combination, these sixteen (16) spaces should be identified and reserved. Adding additional motor vehicle sales spaces would require an amendment to the Conditional Use Permits. Sufficient parking spaces to meet the minimum off-street parking requirements for the Proposed Uses must be provided on the Subject Property at all times.
8. Deliveries of vehicles by flatbed truck shall be scheduled during business hours and area within the extents of the storage area shall be maintained free from obstructions to facilitate three-point turnarounds for trucks so that no reversing into Rand Road will occur.

Attachments:

- Attachment 1: Ordinance Z-36-21
- Attachment 2: Draft Ordinance Z-26-22
- Attachment 3: Ordinance Z-27-22
- Attachment 4: Location Map
- Attachment 5: Site and Context Photos
- Attachment 6: Plat of Survey
- Attachment 7: Project Narrative
- Attachment 8: Petitioner's Responses to Standards
- Attachment 9: Excerpt from Minutes of the January 23, 2024 Planning & Zoning Board Meeting
- Attachment 10: Excerpt from Minutes of the February 13, 2024 Planning & Zoning Board Meeting
- Attachment 11: Excerpt from Minutes of the March 12, 2024 Planning & Zoning Board Meeting
- Attachment 12: Excerpt from Minutes of the April 9, 2024 Planning & Zoning Board Meeting
- Attachment 13: Excerpt from *Draft* Minutes of the May 14, 2024 Planning & Zoning Board Meeting

Ordinance Z-10-24

- Exhibit A: Site Plan
- Exhibit B: Floor Plan
- Exhibit C: Unconditional Agreement and Consent

CITY OF DES PLAINES

ORDINANCE Z - 36 - 21

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A TRADE CONTRACTOR ESTABLISHMENT AT 1628 RAND ROAD, DES PLAINES, ILLINOIS.

WHEREAS, Peter Topolewick ("**Petitioner**") is the lessee of the property commonly known as 1628 Rand Road, Des Plaines, Illinois ("**Subject Property**"); and

WHEREAS, the Subject Property is located in the C-3 General Commercial District of the City ("**C-3 District**"); and

WHEREAS, the Subject Property is improved with an one-story single-tenant commercial building ("**Building**"); and

WHEREAS, the Petitioner desires to locate a trade contractor establishment on the Subject Property; and

WHEREAS, pursuant to Section 12-7-3.K of the City of Des Plaines Zoning Ordinance of 1998, as amended ("**Zoning Ordinance**"), the operation of a trade contractor establishment is permitted in the C-3 District only with a conditional use permit; and

WHEREAS, Petitioner submitted an application to the City of Des Plaines Department of Community and Economic Development ("**Department**") for a conditional use permit to allow a trade contractor establishment on the Subject Property ("**Conditional Use Permit**"), in accordance with Sections 12-7-3.F.3 and 12-7-3.K of the Zoning Ordinance; and

WHEREAS, the Subject Property is owned by Elliott Kratz ("**Owner**"), who has consented to the Petitioner's application; and

WHEREAS, the Petitioner's application was referred by the Department to the Planning and Zoning Board of the City of Des Plaines ("**PZB**") within 15 days after the receipt thereof; and

WHEREAS, within 90 days from the date of the Petitioner's application a public hearing was held by the PZB on May 11, 2021 pursuant to notice published in the *Des Plaines Journal* on April 21, 2021; and

WHEREAS, notice of the public hearing was mailed to all property owners within 300 feet of the Subject Property; and

WHEREAS, during the public hearing, the PZB heard testimony and received evidence with respect to how the Petitioner intended to satisfy and comply with the applicable provisions of the Zoning Ordinance; and

WHEREAS, pursuant to Section 12-3-4 of the Zoning Ordinance, the PZB filed a written report with the City Council on May 12, 2021, summarizing the testimony and evidence received by the PZB and stating the Board's recommendation, by a vote of 5-0, to approve the Petitioner's application for the Conditional Use Permit subject to certain terms and conditions; and

WHEREAS, the Petitioner made certain representations to the PZB with respect to the proposed Conditional Use Permit, which representations are hereby found by the City Council to be material and upon which the City Council relies in granting this request for the Conditional Use Permit; and

WHEREAS, the City Council has considered the written report of the PZB, the applicable standards for conditional use permits set forth in the Zoning Ordinance, and the Community and Economic Development Staff Memorandum dated April 30, 2021, including the attachments and exhibits thereto, and has determined that it is in the best interest of the City and the public to grant the Petitioner's application in accordance with the provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1. RECITALS. The recitals set forth above are incorporated herein by reference and made a part hereof, the same constituting the factual basis for this Ordinance.

SECTION 2. LEGAL DESCRIPTION OF SUBJECT PROPERTY. The Subject Property is legally described as follows:

LOTS 14 TO 18, BOTH INCLUSIVE, (EXCEPT THE SOUTHWESTERLY 17.0 FEET THEREOF) IN BLOCK 3 IN RIVER-RAND ROAD SUBDIVISION OF LOTS 1 TO 8, INCLUSIVE, IN BLOCK 18 (OR BENNET BLOCK) AND LOT 1 TO 13, EXCLUSIVE IN, BLOCK 18 (OR RAND BLOCK) IN PARK SUBDIVISION OF PARTS OF SECTIONS 16 AND 17, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDAN, IN COOK COUNTY, ILLINOIS.

PIN: 09-16-104-022-0000

Commonly known as: 1628 Rand Road, Des Plaines, Illinois.

SECTION 3. CONDITIONAL USE PERMIT. Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in Section 4 of this Ordinance, the City Council grants the Petitioner a Conditional Use Permit to allow the operation of a trade contractor

establishment on the Subject Property. The Conditional Use Permit granted by this Ordinance is consistent with and equivalent to a "special use" as referenced in Section 11-13-25 of the Illinois Municipal Code, 65 ILCS 5/11-13-25.

SECTION 4. CONDITIONS. The Conditional Use Permit granted in Section 3 of this Ordinance shall be, and is hereby, expressly subject to and contingent upon the following conditions, restrictions, limitations, and provisions:

A. **Compliance with Law and Regulations.** The development, use, operation, and maintenance of the Subject Property, by the Petitioner must comply with all applicable City codes and ordinances, as the same have been or may be amended from time to time, except to the extent specifically provided otherwise in this Ordinance.

B. **Compliance with Plans.** Except for minor changes and site work approved by the City Director of Community and Economic Development in accordance with all applicable City standards, the development, use, operation, and maintenance of the Subject Property by the Petitioner must comply with the following plans as may be amended to comply with Section 4.C of this Ordinance:

1. That certain "Project Narrative" prepared by Petitioner, consisting of one sheet, and undated, attached to and by this reference made a part of this Ordinance as **Exhibit A**; and

2. That certain "Site Plan/Floor Plan" submitted by the Petitioner, consisting of one sheet, and undated, attached to and by this reference made a part of, this Ordinance as **Exhibit B**.

C. **Additional Conditions.** The development, use, and maintenance of the Subject Property shall be subject to and contingent upon the following conditions:

1. The Petitioner must revise the Site Plan to include landscape details in conformance with Section 12-10 of the Zoning Ordinance within 60 days of City Council approval of this Ordinance.

2. That an eight-foot-tall wood privacy fence must be installed along the north property line of the Subject Property in conformance with Section 12-8-2 of the Zoning Ordinance within 60 days of City Council approval of this Ordinance.

3. Storage of commercial vehicles or materials within the required drive aisles or customer parking spaces is prohibited at all times on the Subject Property.

4. Outdoor storage of raw materials or fabricated goods is prohibited at all times on the Subject Property.

SECTION 5. RECORDATION; BINDING EFFECT. A copy of this Ordinance must be recorded in the Office of the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein run with the Subject Property and inure to the benefit of, and are binding upon, the Petitioner and Owner and their respective personal representatives, successors, and assigns, including, without limitation, subsequent purchasers of the Subject Property.

SECTION 6. NONCOMPLIANCE.

A. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of, any of the provisions of this Ordinance shall be fined not less than seventy five dollars (\$75.00) or more than seven hundred and fifty dollars (\$750.00) for each offense. Each and every day that a violation of this Ordinance is allowed to remain in effect shall constitute a complete and separate offense. In addition, the appropriate authorities of the City may take such other action as they deem proper to enforce the terms and conditions of

this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person, firm or corporation violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees.

B. In the event that the Petitioner or Owner fails to develop or maintain the Subject Property in accordance with the plans submitted, the requirements of the Zoning Ordinance, or the conditions set forth in Section 4 of this Ordinance, the Conditional Use Permit granted in Section 3 of this Ordinance may be revoked after notice and hearing before the Zoning Administrator of the City, all in accordance with the procedures set forth in Section 4.7 of the Zoning Ordinance. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the C-3 District. Further, in the event of such revocation the Conditional Use Permit, the City Manager and City's General Counsel are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Petitioner and Owner acknowledge that public notices and hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice and hearing required by Section 4.7 of the Zoning Ordinance is provided to the Petitioner and Owner.

SECTION 7. EFFECTIVE DATE.

A. This Ordinance shall be in full force and effect only after the occurrence of the following events:

1. its passage and approval by the City Council in the manner provided by law;
2. its publication in pamphlet form in the manner provided by law;
3. the filing with the City Clerk by the Petitioner and the Owner, not less than 60 days after the passage and approval of this Ordinance, of an unconditional agreement

and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance, and demonstrating the Petitioner's and Owner's consent to its recordation. Said unconditional agreement and consent shall be in substantially the form attached to, and by this reference made a part of, this Ordinance as **Exhibit C**; and

4. at the Petitioner's sole cost and expense, the recordation of this Ordinance together with such exhibits as the City Clerk deems appropriate, with the Office of the Cook County Recorder.

- B. In the event that the Petitioner and the Owner do not file with the City Clerk a fully executed copy of the unconditional agreement and consent referenced in Section 7.A.3 of this Ordinance, within 60 days after the date of passage of this Ordinance by the City Council, the City Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

SECTION 8. SEVERABILITY. If any paragraph, section, clause or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

[SIGNITURE PAGE FOLLOWS]

PASSED this 7th day of June, 2021.


APPROVED this 7th day of June, 2021.

VOTE: AYES 6 NAYS 0 ABSENT 1




MAYOR

ATTEST:




CITY CLERK

Published in pamphlet form this
8th day of June, 2021.



CITY CLERK

Approved as to form:



Peter M. Friedman, General Counsel

DP-Ordinance Approving a Conditional Use Permit (CUP) at 1628 Rand Road for a Trade Contractor Use

HGM

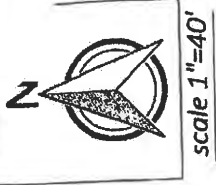
House Of Granite & Marble . Co

5136 N Pearl St.
Schiller Park Il 60176
Tel:(847) 928-1111
Fax: (847) 928-1138

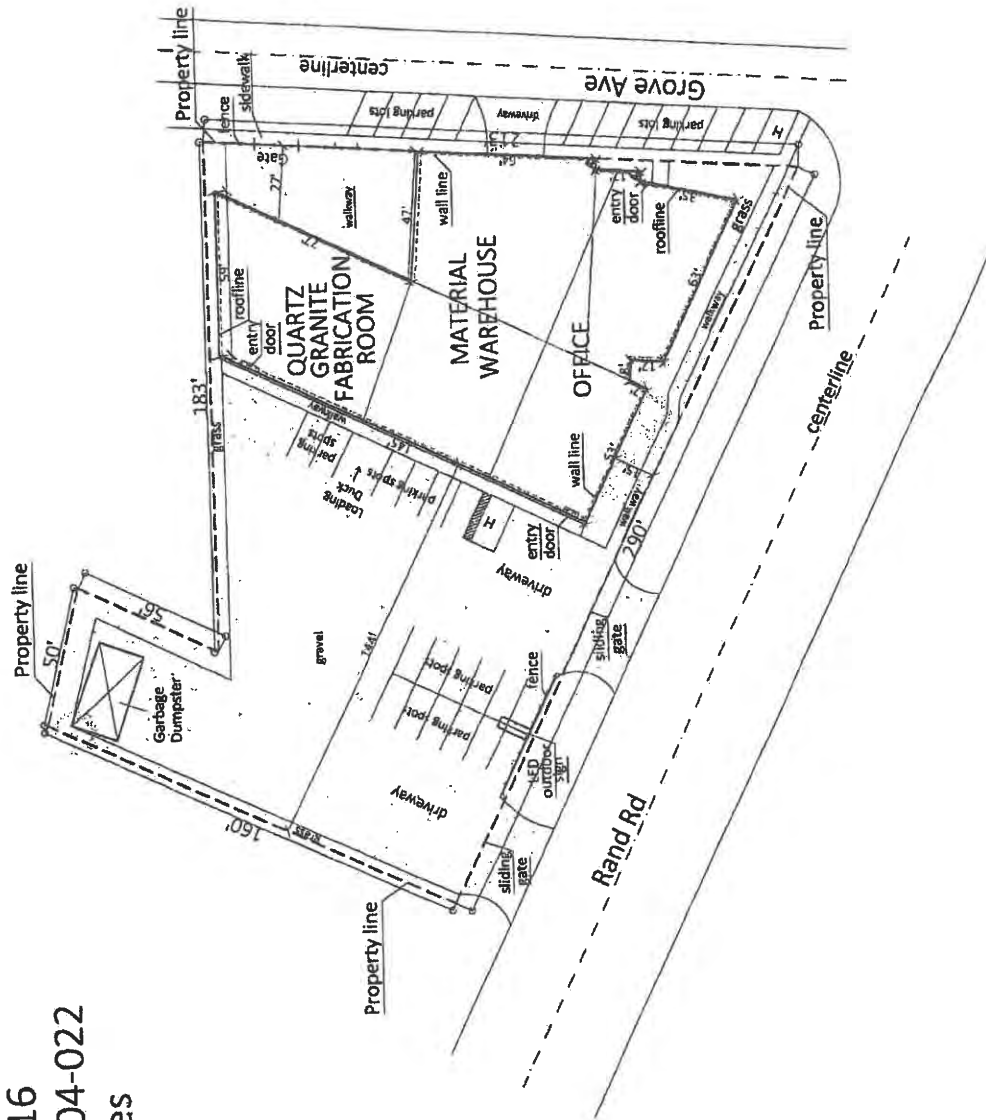
Website: www.houseofgranite.com
Email: houseofgranite@hotmail.com

We are Company since 2002 in market at one location pass 19 years . We sell or kind of stone granite, quartz ,marble qurtzite kitchen cabinets, sinks, faucets ,counter tops vanity's , shower glass all brands . We important stuff all over the world . Our goal is keep nice clean store showroom ,warehouse , fabrication counter tops close to the people . We currently have our location at Schiller Park 10000.00 sq ft .We want move our businesses to Des Plains to bigger location and more parking spaces . We are open 6 Days a week store from 8:30 AM to 6:00 PM and warehouse and fabrication from 7:15 AM to 6:00 PM .Our team is 12 people same times more is the pants at the session . We want duet nice improvement to this location .

Sincerely
Peter Topolewicz



SITE PLAN
 1628 Rand Rd
 Des Plaines IL 60016
 Parcel ID: 09-16-104-022
 Lot area: 0.95 Acres



UNCONDITIONAL AGREEMENT AND CONSENT

TO: The City of Des Plaines, Illinois ("**City**"):

WHEREAS, Peter Topolewick ("**Petitioner**") applied to the City of Des Plaines for a conditional use permit to allow a trade contractor establishment ("**Conditional Use Permit**") on that certain property commonly known as 1628 Rand Road, Des Plaines, Illinois ("**Subject Property**") pursuant to Section 12-7-3.E.3 and 12-7-3.K of the City of Des Plaines Zoning Ordinance of 1998, as amended; and

WHEREAS, Ordinance No. Z-36-21 adopted by the City Council of the City of Des Plaines on June 7, 2021 ("**Ordinance**"), grants approval of the Conditional Use Permit, subject to certain conditions; and

WHEREAS, at the time Ordinance No. Z-36-21 was adopted, the Subject Property was owned by Elliott Kratz, who subsequently passed away prior to the execution of this Unconditional Agreement and Consent; and

WHEREAS, ART Investment, LLC, an Illinois limited liability company ("**Owner**"), subsequently acquired fee title to the Subject Property and agrees and acknowledges that the Property is subject to the terms, conditions, and restrictions of Ordinance Z-36-21; and

WHEREAS, the Petitioner and the Owner each desires to evidence to the City its unconditional agreement and consent to accept and abide by each of the terms, conditions, and limitations set forth in said Ordinance, and its consent to recording the Ordinance and this Unconditional Agreement and Consent against the Subject Property;

NOW, THEREFORE, the Petitioner and the Owner do hereby agree and covenant as follows:

1. Petitioner and Owner hereby unconditionally agree to accept, consent to and abide by all of the terms, conditions, restrictions, and provisions of that certain Ordinance No. Z-36-21, adopted by the City Council on June 7, 2021.
2. Petitioner and Owner acknowledge and agree that the City is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the City's review and approval of any plans for the Subject Property, or the issuance of any permits for the use and development of the Subject Property, and that the City's review and approval of any such plans and issuance of any such permits does not, and shall not, in any way, be deemed to insure Petitioner or Owner against damage or injury of any kind and at any time.
3. Petitioner and Owner acknowledge that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, have considered the possibility of the revocation provided for in the Ordinance, and agree not to challenge any such revocation on the grounds of any procedural infirmity or

any denial of any procedural right, provided that the procedures required by Section 12-4-7 of the City's Zoning Ordinance are followed.

4. Petitioner agrees to and do hereby hold harmless and indemnify the City, the City's corporate authorities, and all City elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with (a) the City's review and approval of any plans and issuance of any permits, (b) the procedures followed in connection with the adoption of the Ordinance, (c) the development, construction, maintenance, and use of the Subject Property, and (d) the performance by Petitioner of its obligations under this Unconditional Agreement and Consent.
5. Petitioner hereby agrees to pay all expenses incurred by the City in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses shall include all out-of-pocket expenses, such as attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the City.

ATTEST:

By: Victoria M Baumann

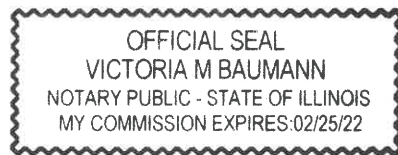
SUBSCRIBED and **SWORN** to
before me this 22nd day of
November, 2021.

Victoria M Baumann
Notary Public

PETER TOPOLEWICK

By: [Signature]

Its: PRESIDENT



ATTEST:

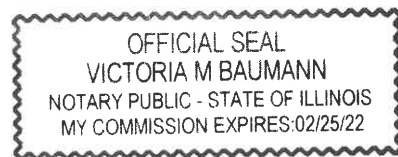
By: Victoria M Baumann

SUBSCRIBED and **SWORN** to
before me this 22nd day of
November, 2021.

Victoria M Baumann
Notary Public

ART INVESTMENT, LLC

Its: Member / Manager



{00121938.1}

2

CITY OF DES PLAINES

ORDINANCE Z-36-21

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR A TRADE
CONTRACTOR ESTABLISHMENT AT 1628 RAND ROAD, DES PLAINES, ILLINOIS

ADOPTED ON JUNE 7, 2021
BY THE CITY COUNCIL
OF THE
CITY OF DES PLAINES

Published in pamphlet form by authority of the City Council of the City of Des Plaines,
Cook County, Illinois, on this 8th day of June, 2021.

CITY OF DES PLAINES

ORDINANCE Z - 26 - 22

AN ORDINANCE GRANTING AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT TO ALLOW OUTDOOR DISPLAY AND STORAGE OF PRODUCTS RELATED TO THE TRADE CONTRACTOR USE LOCATED AT 1628 RAND ROAD, DES PLAINES, ILLINOIS.

WHEREAS, Granite Place & Quartz, LLC and Cabinet Land Kitchen & Bath Corporation (collectively, the "***Petitioner***") are the lessees of the property commonly known as 1628 Rand Road, Des Plaines, Illinois ("***Subject Property***"); and

WHEREAS, the Subject Property is located in the C-3 General Commercial District of the City ("***C-3 District***"); and

WHEREAS, on June 7, 2021, the City Council adopted Ordinance Z-36-21 ("***Conditional Use Ordinance***"), approving a conditional use permit to allow a trade contractor use on the Subject Property ("***Conditional Use Permit***"); and

WHEREAS, the Conditional Use Ordinance prohibits the storage of products outdoors on the Subject Property; and

WHEREAS, the Petitioner desires to store and display products on the Subject Property; and

WHEREAS, the Petitioner submitted an application to the City of Des Plaines Department of Community and Economic Development ("***Department***") to amend the Conditional Use Permit to allow the outdoor storage and display of products on the Subject Property in accordance with Section 12-7-3 of the Zoning Ordinance ("***Amended Conditional Use Permit***"), in accordance with Section 12-3-4 of the Zoning Ordinance; and

WHEREAS, the Subject Property is owned by Art Investment, LLC ("***Owner***"), which has consented to the Petitioner's application; and

WHEREAS, the Petitioner's application was referred by the Department to the Planning and Zoning Board of the City of Des Plaines ("***PZB***") within 15 days after the receipt thereof; and

WHEREAS, within 90 days from the date of the Petitioner's application a public hearing was held by the PZB on July 26, 2022 pursuant to notice published in the *Des Plaines Journal* on July 6, 2022; and

WHEREAS, notice of the public hearing was mailed to all property owners within 500 feet of the Subject Property; and

WHEREAS, during the public hearing, the PZB heard testimony and received evidence with respect to how the Petitioner intended to satisfy and comply with the applicable provisions of the Zoning Ordinance; and

WHEREAS, pursuant to Section 12-3-4 of the Zoning Ordinance, the PZB filed a written report with the City Council on July 27, 2022, summarizing the testimony and evidence received by the PZB and stating the Board's recommendation, by a vote of 4-0, to approve the Petitioner's application for the Amended Conditional Use Permit, subject to certain terms and conditions; and

WHEREAS, the Petitioner made certain representations to the PZB with respect to the proposed Amended Conditional Use Permit, which representations are hereby found by the City Council to be material and upon which the City Council relies in granting this request for the Amended Conditional Use Permits; and

WHEREAS, the City Council has considered the written report of the PZB, the applicable standards for conditional use permits set forth in the Zoning Ordinance, and the Community and Economic Development Staff Memorandum dated August 25, 2022, including the attachments and exhibits thereto, and has determined that it is in the best interest of the City and the public to grant the Petitioner's application in accordance with the provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1. RECITALS. The recitals set forth above are incorporated herein by reference and made a part hereof, the same constituting the factual basis for this Ordinance.

SECTION 2. LEGAL DESCRIPTION OF SUBJECT PROPERTY. The Subject Property is legally described as follows:

LOTS 14 TO 18, BOTH INCLUSIVE, (EXCEPT THE SOUTHWESTERLY 17.0 FEET THEREOF) IN BLOCK 3 IN RIVER-RAND ROAD SUBDIVISION OF LOTS 1 TO 8, INCLUSIVE, IN BLOCK 18 (OR BENNET BLOCK) AND LOT 1 TO 13, EXCLUSIVE IN, BLOCK 18 (OR RAND BLOCK) IN PARK SUBDIVISION OF PARTS OF SECTIONS 16 AND 17, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 09-16-104-022-0000

Commonly known as: 1628 Rand Road, Des Plaines, Illinois.

SECTION 3. AMENDED CONDITIONAL USE PERMIT. Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in Section 4 of this Ordinance, the City Council grants the Petitioner an Amended Conditional Use Permit to allow the outdoor display and storage of products on Subject Property, in accordance with Section 12-7-3 of the Zoning Ordinance. The Amended Conditional Use Permit granted by this Ordinance is consistent with and equivalent to a "special use" as referenced in Section 11-13-25 of the Illinois Municipal Code, 65 ILCS 5/11-13-25.

SECTION 4. CONDITIONS. The Amended Conditional Use Permit granted in Section 3 of this Ordinance shall be, and is hereby, expressly subject to and contingent upon the following conditions, restrictions, limitations, and provisions:

A. Compliance with Law and Regulations. The development, use, operation, and maintenance of the Subject Property, by the Petitioner must comply with all applicable City codes and ordinances, including, without limitation, the Conditional Use Ordinance, as the same have been or may be amended from time to time, except to the extent specifically provided otherwise in this Ordinance.

B. Compliance with Plans. Except for minor changes and site work approved by the City Director of Community and Economic Development in accordance with all applicable City standards, the development, use, operation, and maintenance of the Subject Property by the Petitioner must comply with the following plans as may be amended to comply with Section 4.C of this Ordinance: that certain "Final Site Plan" prepared by the Owner, consisting of one sheet, with a latest revision date of February 22, 2022, attached to and by this reference made a part of this Ordinance as **Exhibit A** ("*Site Plan*"); and

C. Additional Conditions. The development, use, and maintenance of the Subject Property shall be subject to and contingent upon the following additional conditions:

1. All proposed improvements shown on the Site Plan must be constructed in full compliance with all applicable codes and ordinances. Plans and drawings may require modification in order to comply with current City codes and ordinances; and

2. No outdoor display or storage of products is allowed on the Subject Property unless the location of the outdoor display and storage of products complies with the City of Des Plaines Flood Control Regulations set forth in Title 14 of the City Code.

SECTION 5. RECORDATION; NON-TRANSFERABILITY. The privileges, obligations, and provisions of each and every section and requirement of this Ordinance are for and shall inure solely to the benefit of Petitioner. Nothing in this Ordinance shall be deemed to allow the Petitioner to transfer any of the rights or interests granted herein to any other person or entity without the prior approval of the City Council by a duly adopted amendment to this Ordinance.

SECTION 6. NONCOMPLIANCE.

A. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of, any of the provisions of this Ordinance shall be fined not less than seventy five dollars (\$75.00) or more than seven hundred and fifty dollars (\$750.00) for each offense. Each and every day that a violation of this Ordinance is allowed to remain in effect shall constitute a complete and separate offense. In addition, the appropriate authorities of the City may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its

terms. Any person, firm or corporation violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees.

B. In the event that the Petitioner or Owner fails to develop or maintain the Subject Property in accordance with the plans submitted, the requirements of the Zoning Ordinance, or the conditions set forth in Section 4 of this Ordinance, the Conditional Use Ordinance as amended by this Ordinance, the Amended Conditional Use Permit granted in Section 3 of this Ordinance may be revoked after notice and hearing before the Zoning Administrator of the City, all in accordance with the procedures set forth in Section 12-4-7 of the Zoning Ordinance. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the C-3 District. Further, in the event of such revocation of the Amended Conditional Use Permit, the City Manager and City's General Counsel are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Petitioner and Owner acknowledge that public notices and hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice and hearing required by Section 12-4-7 of the Zoning Ordinance is provided to the Petitioner and Owner.

SECTION 7. EFFECTIVE DATE.

A. This Ordinance shall be in full force and effect only after the occurrence of the following events:

1. its passage and approval by the City Council in the manner provided by law;
2. its publication in pamphlet form in the manner provided by law;

3. the filing with the City Clerk by the Petitioner and the Owner, not less than 60 days after the passage and approval of this Ordinance, of an unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance, and demonstrating the Petitioner's and Owner's consent to its recordation. Said unconditional agreement and consent shall be in substantially the form attached to, and by this reference made a part of, this Ordinance as **Exhibit B**; and

4. at the Petitioner's sole cost and expense, the recordation of this Ordinance together with such exhibits as the City Clerk deems appropriate, with the Office of the Cook County Recorder.

B. In the event that the Petitioner and the Owner do not file with the City Clerk a fully executed copy of the unconditional agreement and consent referenced in Section 7.A.3 of this Ordinance, within 60 days after the date of passage of this Ordinance by the City Council, the City Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

SECTION 8. SEVERABILITY. If any paragraph, section, clause or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

[SIGNATURE PAGE FOLLOWS]

PASSED this ____ day of _____, 2022.

APPROVED this ____ day of _____, 2022.

VOTE: AYES ____ NAYS ____ ABSENT ____

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form this
____ day of _____, 2022.

Approved as to form:

CITY CLERK

Peter M. Friedman, General Counsel

ATTEST:

GRANITE PLACE & QUARTZ, LLC

By: _____

By: _____

Its: _____

ATTEST:

CABINET LAND KITCHEN & BATH CORPORATION

By: _____

By: _____

Its: _____

ATTEST:

ART INVESTMENT, LLC

By: _____

By: _____

Its: _____

CITY OF DES PLAINES

ORDINANCE Z - 27 - 22

AN ORDINANCE APPROVING MAJOR VARIATIONS FROM SECTION 12-11-6.B OF THE CITY OF DES PLAINES ZONING ORDINANCE TO ALLOW THE INSTALLATION OF WALL SIGNS AND AN ELECTRONIC MESSAGE BOARD POLE SIGN AT 1628 RAND ROAD, DES PLAINES, ILLINOIS (CASE #22-024-TA-CU-V).

WHEREAS, Granite Place & Quartz, LLC and Cabinet Land Kitchen & Bath Corporation (collectively, the "**Petitioner**") are the lessees of that certain property commonly known as 1628 Rand Road, Des Plaines, Illinois ("**Subject Property**"); and

WHEREAS, the Subject Property is located in the C-3 General Commercial District of the City ("**C-3 District**"); and

WHEREAS, pursuant to Section 12-11-6.B of the Des Plaines Zoning Ordinance of 1998, as amended ("**Zoning Ordinance**"): (i) the total sign area permitted on any street-facing building elevation may not exceed 125 square feet; (ii) the animated face of an electronic message board sign must be at least 250 feet from a residence located in the R-1, R-2, or R-3 Districts; and (iii) electronic message boards may not exceed 50 percent of the total sign area; and

WHEREAS, the Petitioner has installed wall signs on the Subject Property with the total sign area of 236 square feet, in violation of Section 12-11-6.B of the Zoning Ordinance; and

WHEREAS, the Petitioner proposes to install an electronic message board sign in an existing pole sign structure that would: (i) would be located 189.5 feet from the nearest residence in the R-1 District; and (ii) consist of 100 percent of the sign area, in violation of Section 12-11-6.B of the Zoning Ordinance; and

WHEREAS, the Petitioner submitted an application to the City of Des Plaines to the Department of Community and Economic Development ("**Department**") for major variations from Section 12-11-6.B of the Zoning Ordinance to: (i) increase the maximum wall sign area from 125 square feet to 236 square feet ("**Wall Sign Area Variation**"); (ii) decrease the required distance between the animated face of an electronic message board sign and a residence in the R-1 District from 250 feet to 189.5 feet ("**Residential Separation Variation**"); and (iii) increase the maximum permitted sign area for the electronic message board sign from 50 percent to 100 percent ("**EMB Sign Area Variation**") (collectively, the "**Variations**"); and

WHEREAS, the Petitioner's application for the Variations was referred by the Department, within 15 days after its receipt, to the Planning and Zoning Board of the City of Des Plaines ("**PZB**"); and

WHEREAS, within 90 days after the date of the Petitioner's application, a public hearing

was held by the PZB on July 26, 2022, pursuant to publication of notice in the *Des Plaines Journal* on July 6, 2022; and

WHEREAS, notice of the public hearing was mailed to all owners of property located within 500 feet of the Subject Property; and

WHEREAS, during the public hearing, the PZB heard testimony and received evidence with respect to the Petitioner's application for the Variations; and

WHEREAS, on July 26, 2022, the PZB voted on the following motions: (i) the motion to recommend approval the Wall Sign Area Variation passed by a vote of 4-0; (ii) the motion to recommend approval of the Residential Separation Variation passed by a vote of 3-1; and (iii) the motion to recommend approval of the EMB Sign Area Variation failed to pass by a vote of 2-2; and

WHEREAS, on July 27, 2022, the PZB filed a written report with the City Council summarizing the testimony received by the PZB and the PZB's recommendations; and

WHEREAS, the Petitioner made representations to the PZB with respect to the requested Variations, which representations are hereby found by the City Council to be material and upon which the City Council relies in granting the Variations subject to certain terms and conditions; and

WHEREAS, the City Council has studied the written report of the PZB, the applicable standards set forth in the Zoning Ordinance, and the Staff Memorandum dated August 25, 2022, including its exhibits, which form part of the basis for this Ordinance;

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1. RECITALS. The recitals set forth above are incorporated herein by reference and made a part hereof, the same constituting part of the factual basis for this Ordinance granting the Variations.

SECTION 2. LEGAL DESCRIPTION OF SUBJECT PROPERTY. The Subject Property is legally described as follows:

LOTS 14 TO 18, BOTH INCLUSIVE, (EXCEPT THE SOUTHWESTERLY 17.0 FEET THEREOF) IN BLOCK 3 IN RIVER-RAND ROAD SUBDIVISION OF LOTS 1 TO 8, INCLUSIVE, IN BLOCK 18 (OR BENNET BLOCK) AND LOT 1 TO 13, EXCLUSIVE IN, BLOCK 18 (OR RAND BLOCK) IN PARK SUBDIVISION OF PARTS OF SECTIONS 16 AND 17, TOWNHSIP 41 NORTH,

RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDAN, IN COOK COUNTY, ILLINOIS.

PIN: 09-16-104-022-0000

Commonly known as 1628 Rand Road, Des Plaines, Illinois.

SECTION 3. VARIATIONS.

A. Wall Sign Area Variation. The City Council finds that the Wall Sign Area Variation satisfies the standards set forth in Section 12-3-6.H of the Zoning Ordinance and, pursuant to the City's home rule powers, finds that the Wall Sign Area Variation is otherwise necessary and appropriate. Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in Section 4 of this Ordinance, the City Council hereby grants the Wall Sign Area Variation for the Subject Property to the Petitioner.

B. Residential Separation Variation. The City Council finds that the Residential Separation Variation satisfies the standards set forth in Section 12-3-6.H of the Zoning Ordinance and, pursuant to the City's home rule powers, finds that the Residential Separation Variation is otherwise necessary and appropriate. Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in Section 4 of this Ordinance, the City Council hereby grants the Residential Separation Variation for the Subject Property to the Petitioner.

C. EMB Sign Area Variation. The City Council finds that the EMB Sign Area Variation satisfies the standards set forth in Section 12-3-6.H of the Zoning Ordinance and, pursuant to the City's home rule powers, finds that the EMB Sign Area Variation is otherwise necessary and appropriate. Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in Section 4 of this Ordinance, the City Council hereby grants the EMB Sign Area Variation for the Subject Property to the Petitioner.

SECTION 4. CONDITIONS. The Variations granted in Section 3 of this Ordinance shall be, and are expressly subject to and contingent upon the conditions, restrictions, and limitations set forth in this Section 4. The development, use, and maintenance of the Subject Property shall be in strict compliance with the "Sign Photos and Renderings" consisting of 11 sheets, submitted by the Petitioner, and undated, copies of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit A**, except for minor changes and site work approved by the Director of the Department of Community and Economic Development in accordance with applicable City codes, ordinances, and standards.

SECTION 5. EFFECT. This Ordinance authorizes the use and development of the Subject Property in accordance with the terms and conditions of this Ordinance and shall prevail against other ordinances of the City to the extent that any might conflict. The terms and conditions of this Ordinance shall be binding upon Petitioner, its grantees, assigns and successors in interest to the Subject Property.

SECTION 6. LIMITATIONS. The Variations shall be valid for not more than 12 months prior to the issuance of a building permit and the commencement of construction in accordance with the terms and conditions of this Ordinance. The Zoning Administrator may extend the Variations if the Petitioner requests an extension in accordance with Section 12-3-6.L of the Zoning Ordinance.

SECTION 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law; provided, however, that this Ordinance shall not take effect unless and until a true and correct copy of this Ordinance is executed by the Owner of the Subject Property or such other party in interest consenting to and agreeing to be bound by the terms and conditions contained within this

Ordinance. Such execution shall take place within 60 days after the passage and approval of this Ordinance or within such extension of time as may be granted by the City Council by motion and delivered directly to the City Clerk.

SECTION 8. SEVERABILITY. If any paragraph, section, clause or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

PASSED this 19th day of September, 2022.

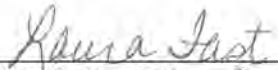
APPROVED this 19th day of September, 2022.

VOTE: Ayes 7 Nays 0 Absent 1



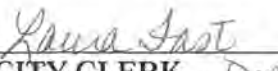
MAYOR

ATTEST:




CITY CLERK, Deputy

Published in pamphlet form this
20th day of September, 2022.



CITY CLERK, Deputy

Approved as to form:



Peter M. Friedman, General Counsel

I, _____, being the owner or other party in interest of the property legally described within this Ordinance, having read a copy of the Ordinance, do hereby accept, concur and agree to develop and use the Subject Property in accordance with the terms of this Ordinance.

Dated: _____

(Signature)

CITY OF DES PLAINES

ORDINANCE Z-27-22

AN ORDINANCE APPROVING MAJOR VARIATIONS FROM SECTION 12-11-6.B OF THE CITY OF DES PLAINES ZONING ORDINANCE TO ALLOW THE INSTALLATION OF WALL SIGNS AND AN ELECTRONIC MESSAGE BOARD POLE SIGN AT 1628 RAND ROAD, DES PLAINES, ILLINOIS (CASE #22-024-TA-CU-V)

ADOPTED ON SEPTEMBER 19, 2022
BY THE CITY COUNCIL
OF THE
CITY OF DES PLAINES

Published in pamphlet form by authority of the City Council of the City of Des Plaines, Cook County, Illinois, on this 20th day of September, 2022.



EXISTING WOOD FRAME IS TIED INTO THE WALL WITH ¾" (THICK) AND 8' (LONG) KWIK BOLT LONG THREAD CARBON STEEL EXPANSION ANCHORS.

MATERIAL: ALU PANEL 12.5 MM INSTALL TO EXISTING GREEN WOOD FRAME.

DIMENSIONS: 24' X 3'







VINYL WRAP OVER EXISTING FRONT FASCIA BOARD.

MATERIAL: VINYL STICKER

DIMENSIONS: 82' X 2'









Outdoor LED Programmable sign

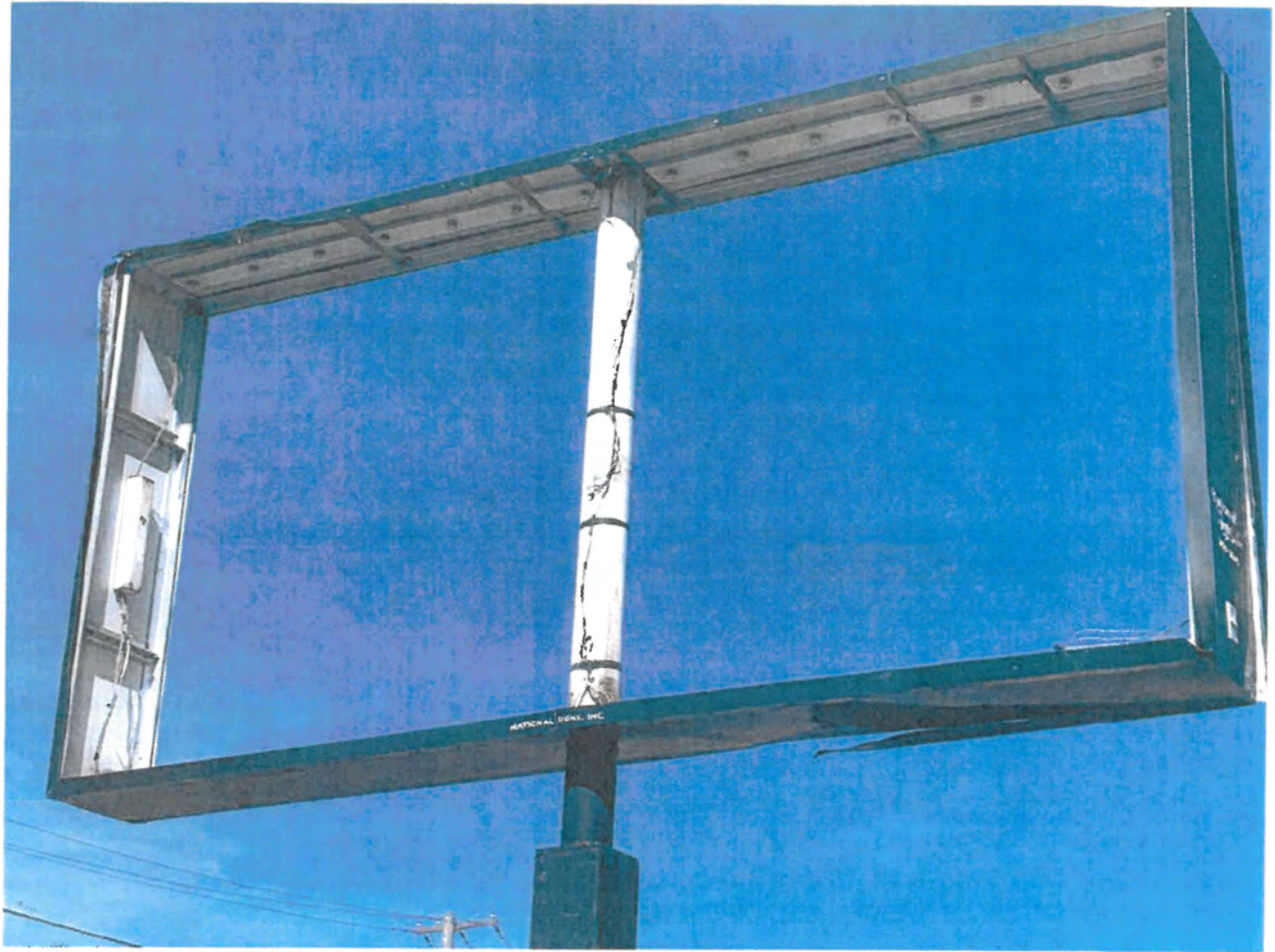
16mm Pixel Pitch

Cabinet Size 73" by 144"

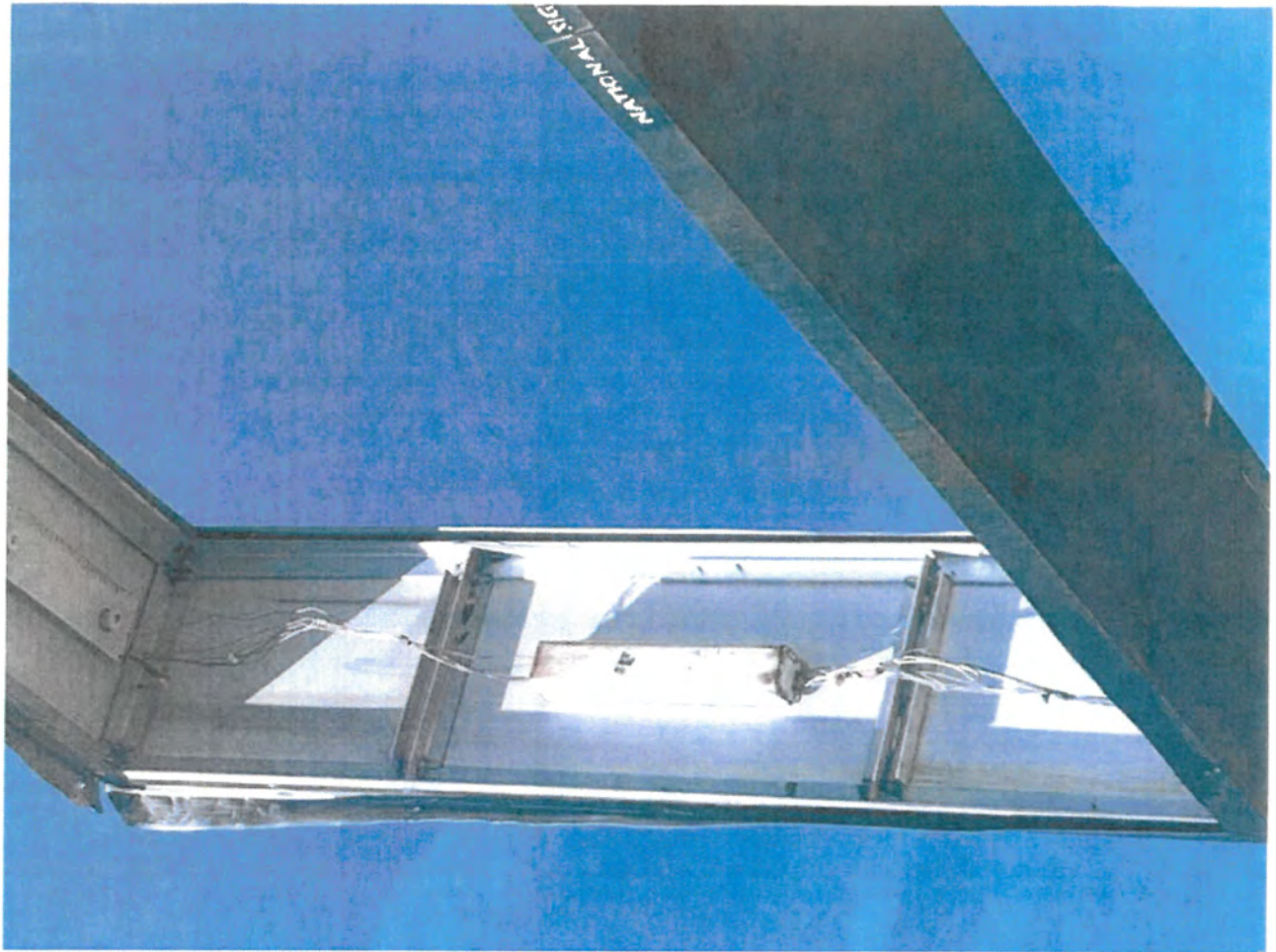
Viewable Area 70.5" by 141.5"

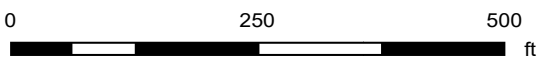
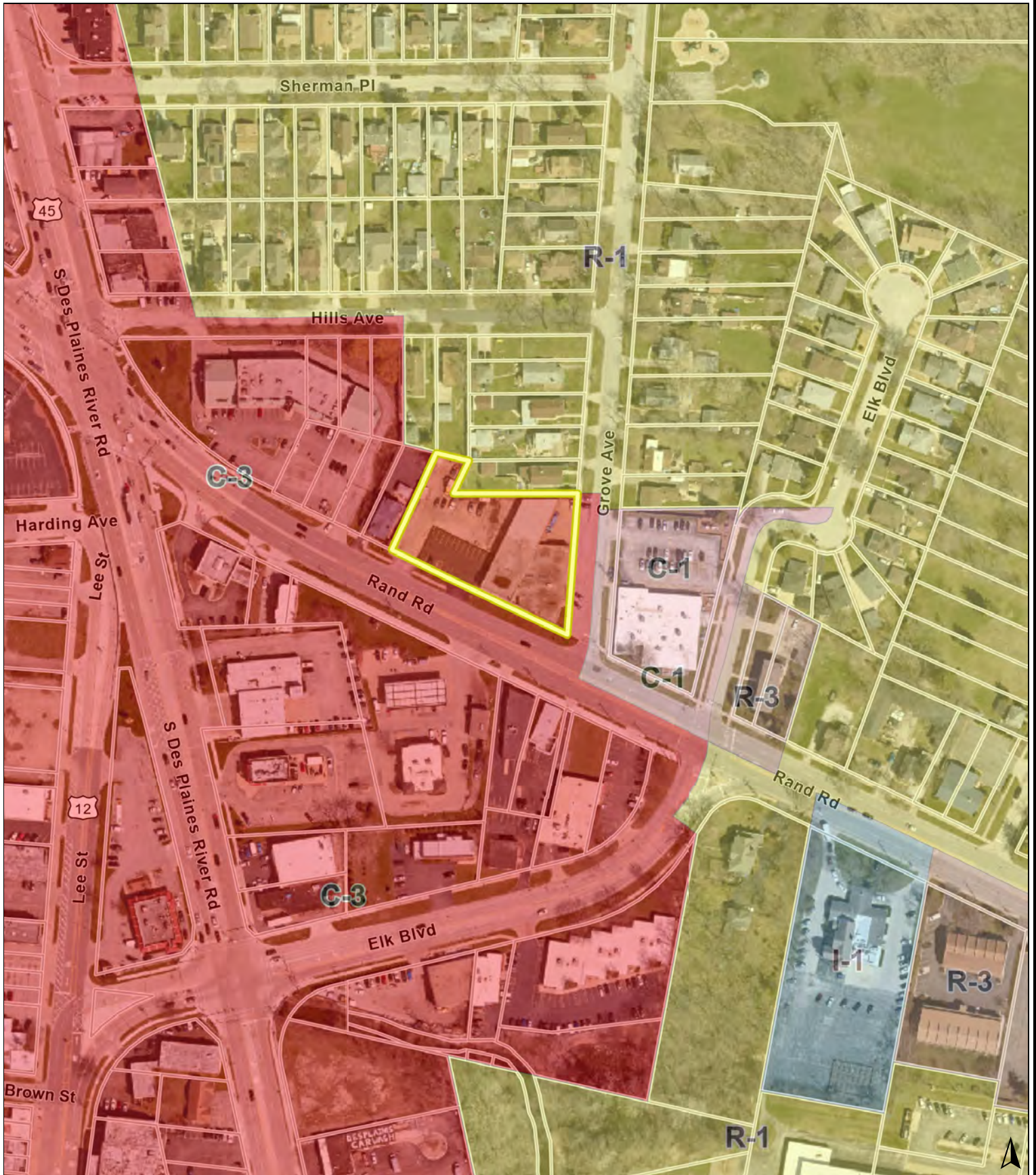
Brightness adjustable and includes Auto Dimmer

Install to **existing** Electric contraction









Print Date: 2/9/2024

Notes

Disclaimer: The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law. This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.



1628 Rand Road – Outdoor Display



1628 Rand Road – Outdoor Display



1628 Rand Road – Subject Property



1628 Rand Road – Motor Vehicle Sales Entrance



1628 Rand Road – Outdoor Display



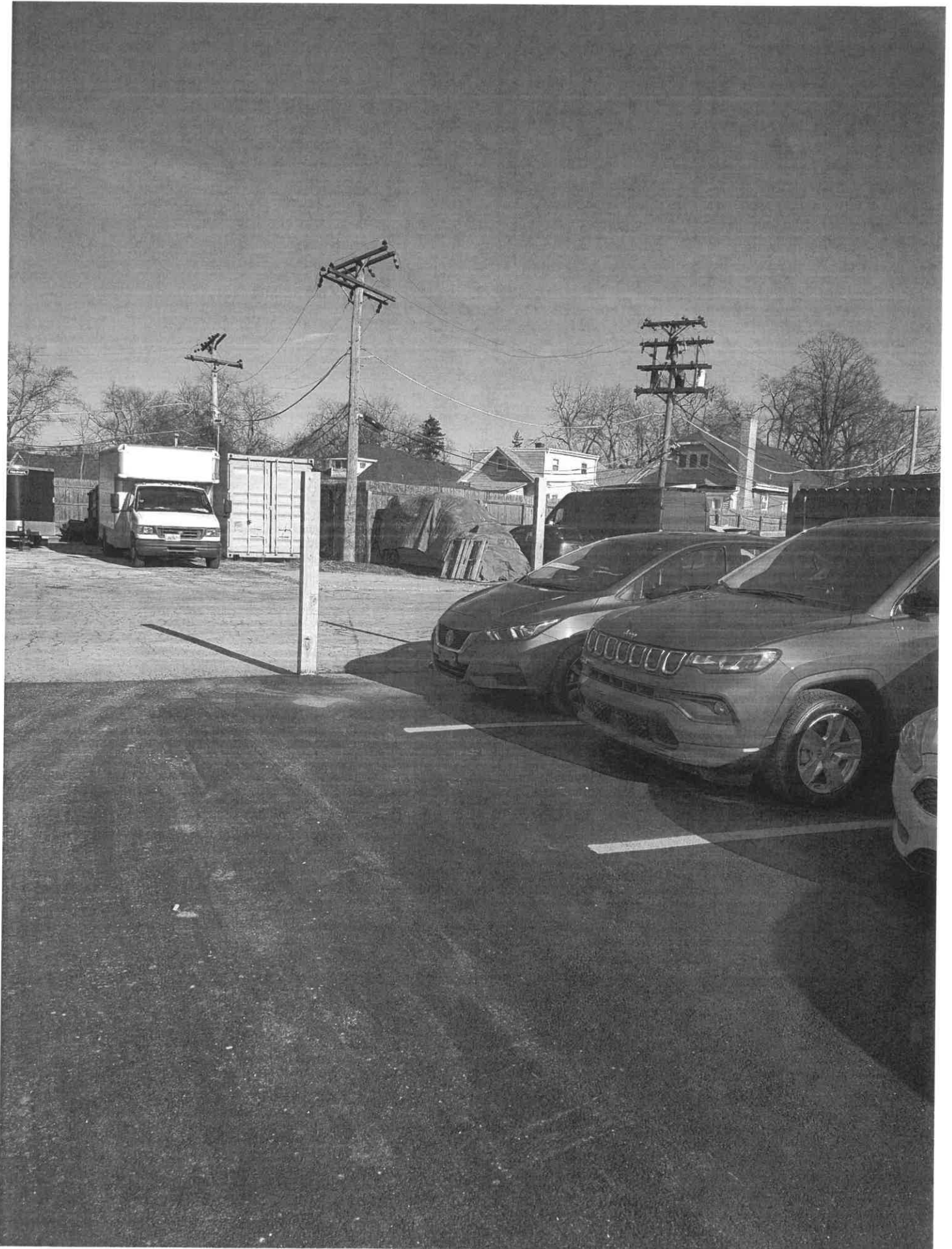
1628 Rand Road – Outdoor Display



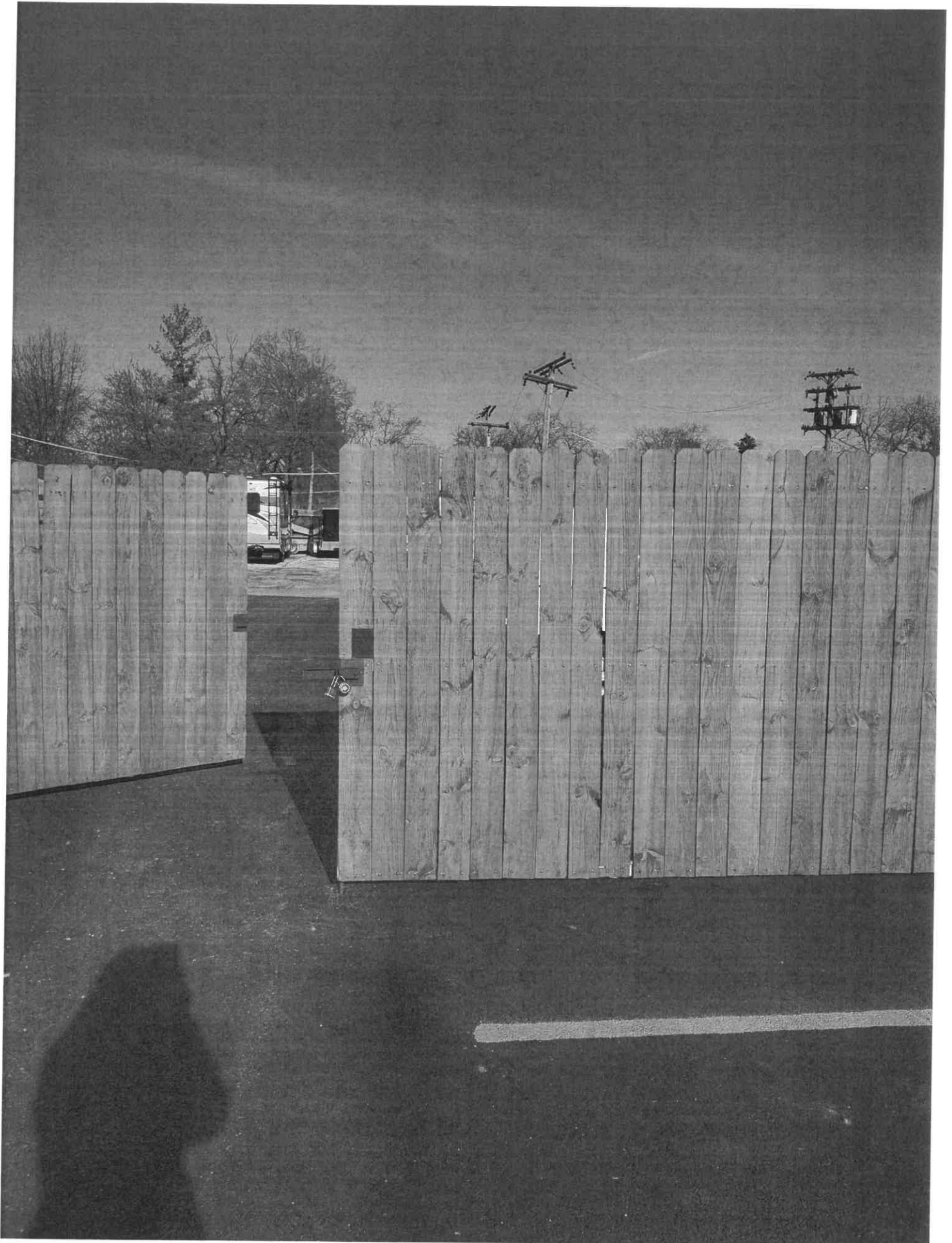
1628 Rand Road – Subject Property

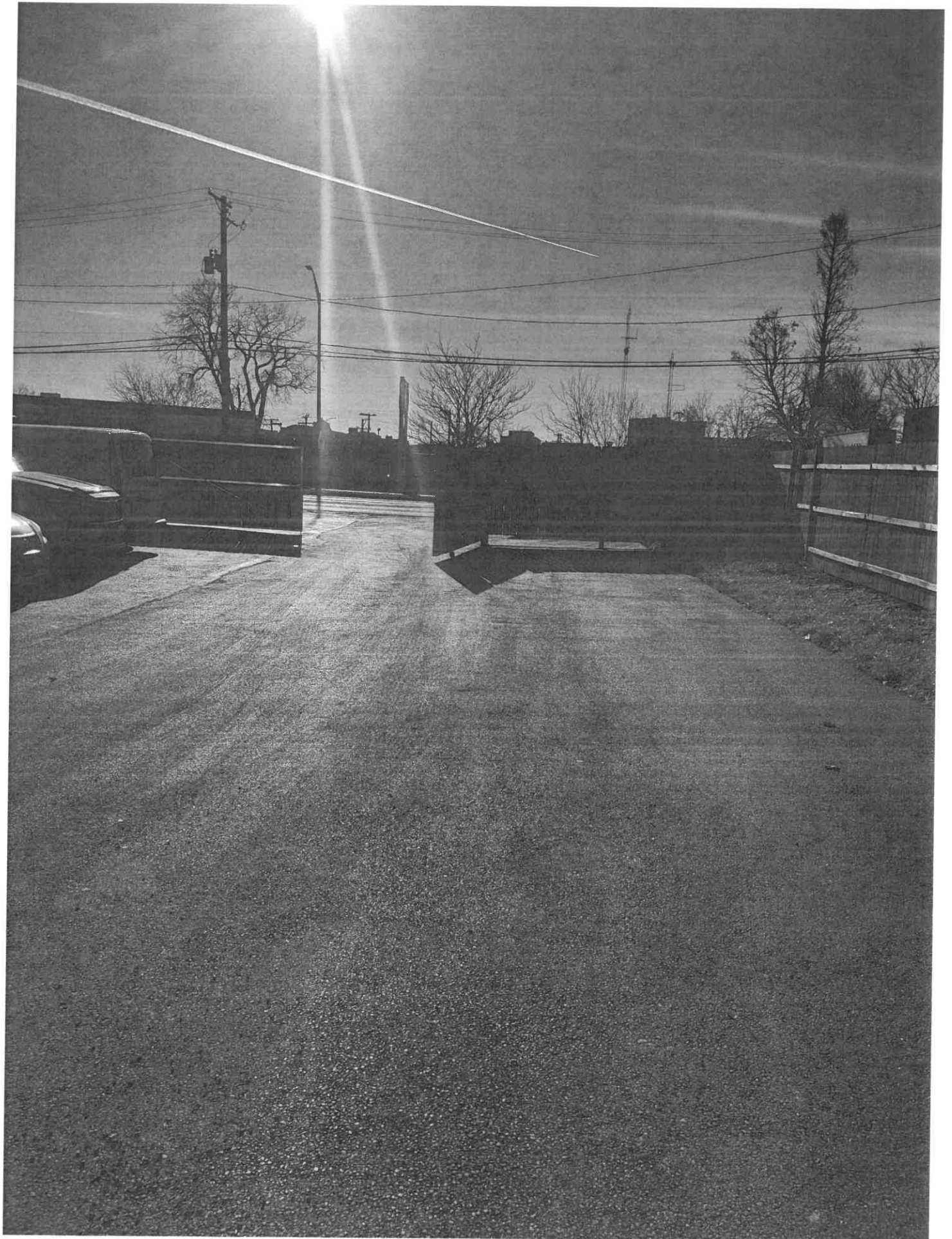


1628 Rand Road – Motor Vehicle Sales Entrance



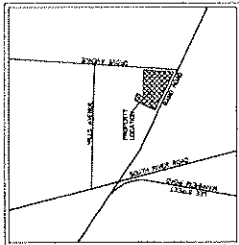
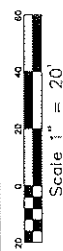








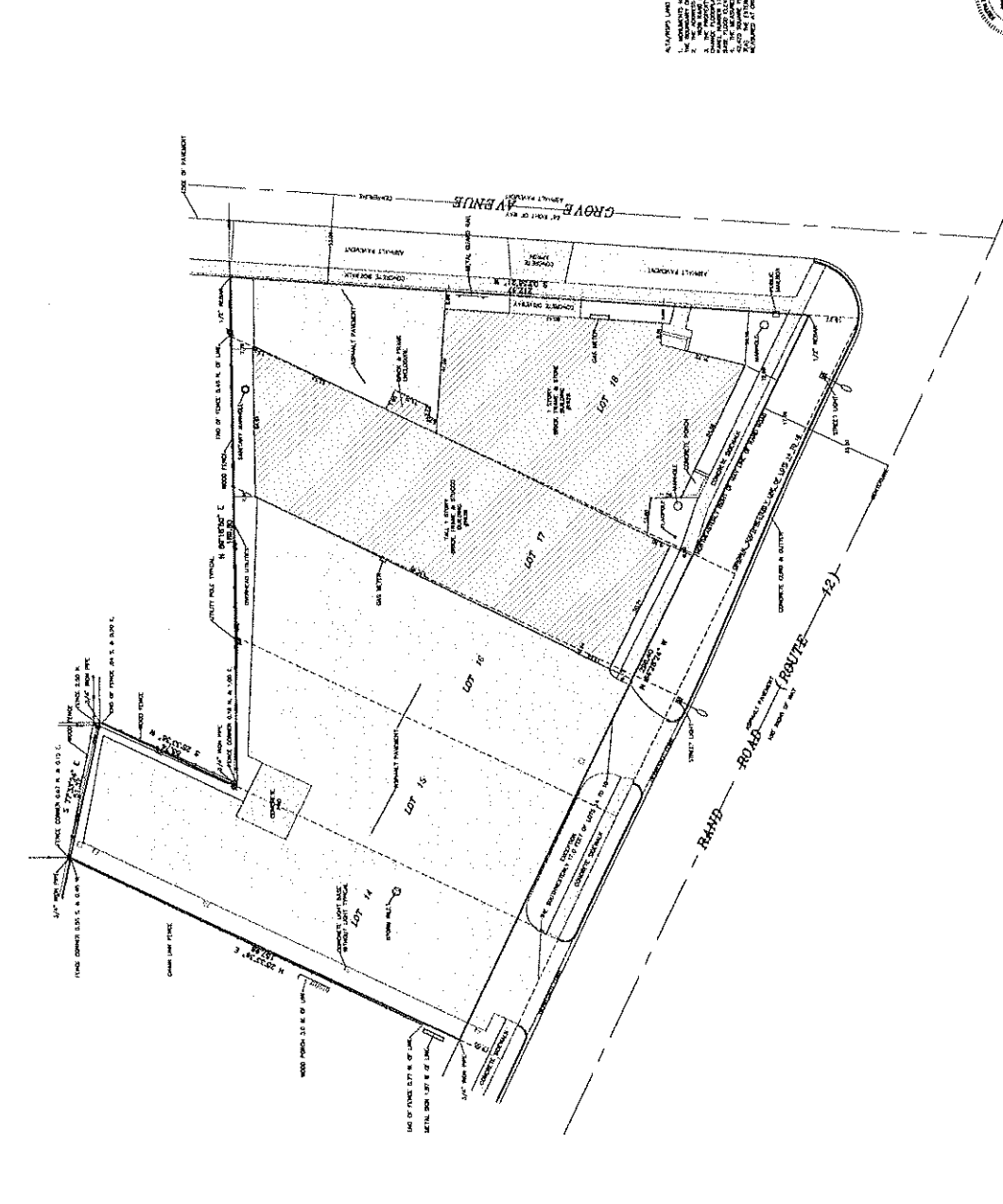




ALTA/NSPS LAND TITLE SURVEY

LOCAL JURISDICTION
 THIS TITLE SURVEY IS A PRIVATE SURVEY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THE SURVEY DATA AND THE TECHNICAL ASPECTS OF THE SURVEY. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF THE DATA PROVIDED TO HIM BY HIS CLIENTS. THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THE SURVEY DATA AND THE TECHNICAL ASPECTS OF THE SURVEY. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF THE DATA PROVIDED TO HIM BY HIS CLIENTS.

PREPARED BY:
 J. A. ...
 ...



ALL RIGHTS RESERVED
 ...

ALTA/NSPS LAND TITLE SURVEY SHALL BE CONSIDERED VALID AND CORRECT UNLESS IT IS CHALLENGED BY A COURT OF LAW OR BY A JURY OF PEER REVIEW. THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THE SURVEY DATA AND THE TECHNICAL ASPECTS OF THE SURVEY. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF THE DATA PROVIDED TO HIM BY HIS CLIENTS.

THIS SURVEY IS MADE BY THE COMPANY/PERSONS AND/OR INDIVIDUALS AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THE SURVEY DATA AND THE TECHNICAL ASPECTS OF THE SURVEY. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF THE DATA PROVIDED TO HIM BY HIS CLIENTS.



Project Narrative

The Petitioner, Urszula Topolewicz, as lessor of AutoDepot Car Sales LLC, is requesting an Amendment to the Conditional Use Permit to a Trade Contractor Use at 1628 Rand Road, Des Plaines, IL 60016, namely under Title 12 Chapter 7 Subjection 3 (12-7-3) and requesting an Amendment to the Conditional Use Permit for Trade Contractor use, at 1628 Rand Road, namely, Ordinance Z-36-21 regarding storage; specifically, the restriction of Ordinance Z-36-21 Section 4. Conditions subparagraph C. 4.

The subject property is located within the C-3 General Commercial District and has been granted conditional use as a Trade Contractor in the C-3 zoning district (Z-36-21). The subject property contains a commercial building with and off-street surface parking area on the west side of the property and on-street parking area along Grove Ave on the east side of the property as shown on the Plat of Survey. (Attached as Exhibit A). The subject property is located along Rand Road at the northwest corner of the Rand/Grove Lane intersection. The property is currently accessed by three curb cuts, two off Rand Road and one off Grove Lane.

The existing one story building which is roughly 15,300 sq ft consists of two front customer entrances located on the southwest and southeast of the property. The proposed uses of the property is a used car dealership with minor service/repairs and car detail cleaning only for vehicles sold by the dealership. The detailing services will not be open to the general public only to customers who purchase vehicles from the dealership. The remainder of the building, 11,400 sq ft will continue to be leased to Granite Place & Quartz LLC. Granite Place & Quartz LLC will not have any changes and no further information is required as this was provided previously and in the Village record.

The Petitioner's request does not involve any changes/ modifications to the building that would require permits. If permits are required to simply move the fence and reface the sign Petitioner/ Owner will acquire the permits as per the Village instructions per 2015 IBC 105.2. However, please note that throughout several conversations with the Village representatives no permit requirements were raised. Again, if permits are required this should be advised and my client will obtain. As the owner of the property has done in the past, they will continue to obtain any permits required and continue to contribute to the beautification and safety of the surrounding residence.

The exterior changes to the property include moving the wooden gate from the front northwest end to the back northwest end of the property, as illustrated on the survey, to open more parking to the public. The gate will be moved to the back northwest end of the property and will separate the private backyard area from the public parking and car sale lot. The interior changes simply include the removal of the kitchen cabinets displays from the show room. The interior space being utilized by the car dealership is the same space utilized by the previous lessor of Cabinet Land Kitchen & Bath Co. The Petitioner does not believe the interior or exterior work require permits.

Use	Total Area / Vehicles	Parking Requirement	Provided Parking
Motor Vehicle Sales	Showroom: 850 sq ft Office space:, hallway, bathrooms 1,500 sq ft Warehouse space: \$1,550 sq ft Total sq ft – 3,900 sq ft	1 space per 500 square feet of showroom and office floor area, plus 1 space for every 20 vehicle display spaces (required off street parking spaces cannot be occupied by motor vehicles for sale or for lease)	11 spaces outside for motor vehicle display 3-4 spaces in interior showroom for motor vehicle display 11 plus 1 handicapped parking spaces for customers (total 12 spaces) Off street parking is not included in the above numbers
Motor Vehicle Sales – Display Spaces	20 vehicles maximum	Spaces used for motor vehicle display may not be used to meet parking requirements	23 parking spaces noted on site plan; 11 for displayed vehicles and 13 for customers.
Trade Contractor	Showroom: 850 sq ft Office space, hallway, bathrooms: 1,500 sq ft Please see sight Plan	No parking required	23 parking spaces noted on site plan; 11 for displayed vehicles and 12 for customers.

As displayed on the Plat of Survey, Petitioner will only utilize roughly 3,900 sq ft of the interior of the property which includes Showroom: 850 sq ft; Office space: 1,500 sq ft and Warehouse space: \$1,550 sq ft. The remaining portion of the property will continue to be leased Granite Place & Quartz LLC., which is 11,400 sq ft as illustrated on the Site Plan. The interior will be used as office space and possibly display of up to four vehicles in the showroom area consisting of 1,500 sq ft . Along with 1,550 sq ft of warehouse space for car detailing which is separated from the office and showroom area. There will be no service bays. The minor repairs/detailing will be completed inside the warehouse.

AutoDepot Car Sales LLC will operate Monday to Saturday 9:00 am to 9:00pm. Sunday the business is closed. The existing business Granite Place & Quartz LLC. shall remain the same as **54**
Attachment 7

previously approved, the operating hours are Monday to Friday 9:00 am to 5:00 pm; Saturday 9:00 am to 3:00 pm; Sunday closed. Granite Place & Quartz LLC has its own overhead warehouse door for egress and ingress. The existing back yard will provide access to both warehouses. In addition each of the two businesses have separate entrances for customers which is displayed on the site plan enclosed. The business will have a minimum of two (2) employees and a maximum of four (4). The Petitioner will display maximum of 20 vehicles, including exterior and interior displays. As illustrated on the Plat of Survey, there will be 12 customer parking spaces one of which is handicapped. There are currently 11 exterior parking spaces designated for displayed vehicles for sale.

This was one of the specific variations requested and tabled due to the property being in a flood plain. All items held in the outdoor backyard are moveable, including but not limited to the granite racks and the cars. The items include vehicles and granite racks for the holding of granite slabs. See pictures attached which was previously provided to the city and PZB board in both 2021 and 2022. This area is fenced off and not accessible to the public. Please also note that only a small portion of this 0.96 acres lot is in a flood plain with only 1% chance of being equaled or exceeded in any given year.

As noted in the attached site plan, the property has been split off and separated into sections, including private and exclusive parking for customers. There is a separate section, closed off by a 8 foot fence for the business back yard, which has no access to the public nor views to the public or surrounding residence, thus creating no public nuisance, The back yard of the business is utilized for cars, incoming and outgoing orders, for storage of business products and basic functioning of business orders. The current Ordinance Z-36-21 is written, namely Section 4. ALL PRODUCTS ARE MOVEABLE. Products include cars and granite slabs ON RACKS. Conditions subparagraph C. 4, not only restricts the Petitioners ability to conduct regular/standard business but also places the current employees health and safety at risk as the current restrictions under Section 4. Conditions subparagraph C. 4 of the Z-36-21 Ordinance

The private yard will not be accessible to the public. The existing gate will be removed and a new swing gate will be installed, as illustrated on the Plat of Survey, separating the private yard from the public area. The private yard is closed off by an 8 foot fence. The fenced off private yard has no access or views to the public, thus creating no public nuisance. The private yard will be utilized for the ingress and egress of vehicles being sold or serviced by the dealership and by Granite Place & Quartz LLC.

As you are aware the finished product we produce such as, granite/quartz/marble and/or any stone are not light materials that may be moved easily from place to place. The unrealistic and unsafe restrictions referenced in Section 4. Conditions subparagraph C. 4 of Ordinance Z-36-21 are placing the employees of the Petitioner in an unhealthy and unsafe work environment, especially during the fall and winter seasons. The Petitioner should have access to their own, secured back yard to store business equipment as fits the time of the season and need of the business.

In order to continue to serve the residents of Des Plaines, ensure a safe working environment for the employees and continue to not be a nuisance to the surrounding residence, Ordinance Z-36-21 should be modified as follows: Section 4. Conditions subparagraph C. 4 shall be removed in its entirety. The restriction of Ordinance Z-36-21 Section 4. Conditions subparagraph C. 4, is an additional restriction specifically for this property.

As there is no restriction/ stipulation in the City code regarding back yard storage, the Amendment to Ordinance Z-36-21 Section 4. Conditions subparagraph C. 4 would be the best resolution for all parties involved, including the Village, Petitioner, future and current C-3 and the surrounding community and residence. However, if a Text Amendment is required (which should not be as this an addition instead of an amendment to the City Code), then Petitioner proposes the following addition (not per se amendment as back yards are not covered in the statute to 12-7.3 F.5 but an addition): the addition of subparagraph 5.d to the City Code is requested to 12.7.3 F12-7.3 .5 as follows: Back yard may be used for storage of finished products and/or fabricated product and/or movable products such as cars but without limitation as long as the back yard is enclosed with 8 foot wooden fencing and does not create a health hazard to the surrounding residence or violate FEMA. A text amendment was previously submitted and my clients request encompasses the same.

There is a separate section, closed off by a 8 foot fence for the business back yard, which has no access to the public nor views to the public or surrounding residence, thus creating no .public nuisance, The back yard of the business is utilized for incoming and outgoing orders, for storage of business products , cars and basic functioning of business orders. The current Ordinance Z-36-21 is written, namely Section 4. Conditions subparagraph C. 4, not only restricts the Petitioners ability to conduct regular/standard business but also places the current employees health and safety at risk as the current restrictions under Section 4. Conditions subparagraph C. 4 of the Z-36-21 Ordinance. Despite a small portion of the corner property that is in a flood zone, all items stored in my clients private back yard are moveable.

The new business, namely AutoDepot Car Sales LLC, will replace the current sign from Cabinet Land Kitchen & Bath Co. to AutoDepot Car Sales LLC. The size and dimensions of the sign will not be changed. Simply refacing the current sign.

Since roughly September the Petitioner has been attempting to work with the Village to obtain approval to operate a used car dealership; almost half a year. Note that a new/used car dealership previously operated in this same location from 1975 to 2015. The annual property taxes on the property are roughly \$113,000. The owner cannot keep paying taxes without rental income.

I request the Village take a look at their records for over 3 years on this property since my client purchased. The discrimination against my clients is more than apparent in addition to the lack of due diligence on the part of the Village. Either way, it's a reason to sue the Village for their actions towards my client and their financial consequences for the Villages incompetency, lack of due diligence or responsibility. My client has spent and lost A LOT of money due to the Villages incompetency, lack of consistency and discrimination.

Thank you for your time and consideration regarding this matter. Please also keep in mind all improvements and requests made by the Petitioner have been and will continue to be to enhance the safety, environment and productivity of the surrounding residence and the Des Plaines community as a whole. We are hoping this will not have to end in litigation against Des Plaines.







STANDARDS FOR CONDITIONAL USES

The Planning and Zoning Board and City Council review the particular facts and circumstances of each proposed Conditional Use in terms of the following standards. Keep in mind that in responding to the items below, you are demonstrating that the proposed use is appropriate for the site and will not have a negative impact on surrounding properties and the community. Please answer each item completely and thoroughly (two to three sentences each).

1. The proposed conditional use is in fact a conditional use established within the specific zoning district involved;

Yes, the conditional use request is for a used car dealership with minor service /repair center and detail cleaning.

2. The proposed conditional use is in accordance with the objectives of the city's comprehensive plan and this title;

Yes, the commercial/used car dealership, repair service and detail center use is in accordance with the objective of Chapters 2, 3, and 8 of the Des Plaines comprehensive plan. The business will retail showroom with minor repair service and detail center.

3. The proposed conditional use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity;

The proposed conditional use will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the existing C-3 commercial character of the general vicinity. The business will be commercial storefront with a warehouse , office space accessible to the public and car lot for the display of vehicles for sale.

4. The proposed conditional use is not hazardous or disturbing to existing neighboring uses.

The proposed conditional use is not hazardous or disturbing to existing neighboring uses. As other neighboring uses, the property will be a commercial storefront and car sale lot open to the public which will be serving the day to day needs of local residents.

5. The proposed conditional use is to be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or the persons or agencies responsible for the establishment of the proposed conditional use shall provide adequately any such services;

Yes, the proposed conditional use will be served adequately by essential public facilities and services. The property is currently connected to all public utilities (gas, water, sewer, etc) and is protected by police and fire services. The property has access to Rand Rd and provides parking for customers and employees.

6. The proposed conditional use does not create excessive additional requirements at public expense for public facilities and services and not be detrimental to the economic welfare of the community;

The proposed conditional use does not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare. The property is already connected to all public utilities and is within the boundaries of police and fire services provided by the Village. There will be minimal to no additional requirements at public expense.

7. The proposed conditional use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

The proposed conditional use will be a showroom, car lot, offices and warehouse. The business will be open during normal business hours and the warehouse shall be used for storage. minor repairs and detail cleaning of cars which does not produce excessive noise, smoke, fumes, glare or odor. The business will not produce excessive production of traffic as the business is not a high traffic business and has large parking lot.

8. The proposed conditional use provides vehicular access to the property designed that does not create an interference with traffic on surrounding public thoroughfares;

The proposed conditional use provides vehicular access to the property via Rand Rd. The property has also a large parking lot sufficient for both customers and employees, eliminating any need for customer or employees parking on public streets. The ingress and egress to the property does not create an interference with traffic.

9. The proposed conditional use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance; and

The proposed conditional use does not result in destruction, loss, or damage of a historical scenic or historic feature of major importance. The property is not classified as historical per Village.

10. The proposed conditional use complies with all additional regulations in this title specific to the conditional use requested.

The proposed conditional use does comply with all additional regulations in this title specific to the conditional use being requested. Owner will also designate parking spaces for customers and employees as required and stipulated by the Village.

EXCERPT FROM MINUTES OF THE JANUARY 23, 2024 PLANNING & ZONING BOARD MEETING

Regarding Item Number 6 on the agenda. Chair Szabo announced that the petitioner for Case Number 24-004-CU, 1628 Rand Road, requested a continuance to the February 13, 2024 meeting.

Motion by Board Member Weaver, seconded by Board Member Fowler to continue the case to the February 13, 2024 meeting.

AYES: Weaver, Szabo, Saletnik, Veremis, Fowler, Catalano
NAYS: None
ABSENT: Hofherr
ABSTAIN: None

*****MOTION CARRIES*****

EXCERPT FROM MINUTES OF THE MARCH 12, 2024 PLANNING & ZONING BOARD MEETING

1. **Address:** 1628 Rand Road
Case Number: 24-004-CU

The petitioner is requesting the following items: (i) a Conditional Use amendment under Section 12-7-3(K) of the City of Des Plaines Municipal Code to allow a trade contractor use with outdoor display and storage; and (ii) a conditional use for a new motor vehicle sales use within existing tenant spaces in an existing multi-tenant building upon the subject property in the C-3 General Commercial zoning district.

PIN: 09-16-104-022-0000

Petitioner: Urszula Topolewicz, 2020 Berry Lane, Des Plaines, IL 60018

Owner: Art Investment LLC, 2020 Berry Lane, Des Plaines, IL 60018

The petitioner requested the continue this case to the April 9th Planning and Zoning Board Meeting.

Motion by Board Member Catalano, seconded by Board Member Weaver to approve a continuance to the April 9th Planning and Zoning Board Meeting.

AYES: Saletnik, Weaver, Catalano, Veremis, Szabo
NAYES: None
ABSTAIN: None

MOTION CARRIED

EXCERPT FROM MINUTES OF THE MARCH 12, 2024 PLANNING & ZONING BOARD MEETING

1. **Address:** 1628 Rand Road
Case Number: 24-004-CU

The petitioner is requesting the following items: (i) a Conditional Use amendment under Section 12-7-3(K) of the City of Des Plaines Municipal Code to allow a trade contractor use with outdoor display and storage; and (ii) a conditional use for a new motor vehicle sales use within existing tenant spaces in an existing multi-tenant building upon the subject property in the C-3 General Commercial zoning district.

PIN: 09-16-104-022-0000

Petitioner: Urszula Topolewicz, 2020 Berry Lane, Des Plaines, IL 60018

Owner: Art Investment LLC, 2020 Berry Lane, Des Plaines, IL 60018

The petitioner requested the continue this case to the April 9th Planning and Zoning Board Meeting.

Motion by Board Member Catalano, seconded by Board Member Weaver to approve a continuance to the April 9th Planning and Zoning Board Meeting.

AYES: Saletnik, Weaver, Catalano, Veremis, Szabo
NAYES: None
ABSTAIN: None

MOTION CARRIED

EXCERPT FROM MINUTES OF THE APRIL 9, 2024 PLANNING & ZONING BOARD MEETING

- 2. Address:** 1628 Rand Road
Case Number: 24-004-CU

The petitioner is requesting the following items: (i) a Conditional Use amendment under Section 12-7-3(K) of the City of Des Plaines Municipal Code to allow a trade contractor use with outdoor display and storage; and (ii) a conditional use for a new motor vehicle sales use within existing tenant spaces in an existing multi-tenant building upon the subject property in the C-3 General Commercial zoning district.

PIN: 09-16-104-022-0000

Petitioner: Urszula Topolewicz, 2020 Berry Lane, Des Plaines, IL 60018

Owner: Art Investment LLC, 2020 Berry Lane, Des Plaines, IL 60018

The petitioner requested the continuation of this case to the April 23rd Planning and Zoning Board Meeting. Director Jeff Rogers explained that the petitioner requested this continuation due to a medical issue.

Motion by Board Member Fowler, seconded by Board Member Veremis to approve a continuance to the April 23rd Planning and Zoning Board Meeting.

AYES: Weaver, Saletnik, Veremis, Fowler

NAYES: None

ABSTAIN: None

*****MOTION CARRIED*****

EXCERPT FROM DRAFT MINUTES OF THE MAY 14, 2024 PLANNING & ZONING BOARD MEETING

- 1. **Address:** 1628 Rand Road
Case Number: 24-004-CU

The petitioner is requesting the following items: (i.) a Conditional Use amendment under Section 12-7-3(K) of the City of Des Plaines Municipal Code to allow a trade contractor use with outdoor display and storage; and (ii.) a conditional use for a motor vehicle sales use within existing tenant spaces in an existing multi-tenant building upon the subject property in the C-3 General Commercial zoning district.

- PIN:** 09-16-104-022-0000
- Petitioner:** Urszula Topolewicz, 2020 Berry Lane, Des Plaines, IL 60018
- Owner:** Art Investment, LLC, 2020 Berry Lane, Des Plaines, IL 60018
- Ward:** #1, Alderman Mark A. Lysakowski
- Existing Zoning:** C-3, General Commercial District
- Existing Land Use:** Multi-tenant commercial building including a trade contractor granite countertop business and cabinet business
- Surrounding Zoning:**
 - North: R-1, Single Family Residential District
 - South: C-3, General Commercial District
 - East: C-1, Neighborhood Shopping / R-1, Single Family Residential Districts
 - West: C-3, General Commercial District
- Surrounding Land Uses:**
 - North: Single-Family Residences
 - South: Columbus Foods & Liquors, Vazquez Dental, Castro Hand Car Wash, and 7-Eleven/Mobil (Commercial)
 - East: A Mother’s Touch Learning Academy (Commercial)
 - West: Our Lady of Fatima Center (Commercial)
- Street Classification:** Rand Road is classified as a Minor Arterial Road and Grove Avenue is classified as a Local street.

Comprehensive Plan: The Comprehensive Plan designates this site as Commercial.

Case History: At their January 23, 2024 meeting, the Planning & Zoning Board (PZB) continued the applicant’s case without discussion to their regular meeting on February January 23, 2024.

The PZB opened the public hearing for this case at their February 23, 2024 meeting. The applicant’s proposal and materials were presented. The PZB requested revisions to the plans provided to clarify the scope of the improvements to the site, as well as some clarifications to the proposed operations. A review of staff’s recommendations for revisions to the site plan including a potential change to the off-street circulation pattern was discussed. The public hearing was continued to the PZB’s March 12, 2024 meeting.

At their regular meeting on March 12, 2024, the PZB inquired about the status of the applicant’s revised materials prior to continuing the public hearing to their April 9, 2024 meeting.

At their regular meeting on April 9, 2024, the applicant relayed a request to continue the case in writing and the PZB subsequently continued the case to their April 23, 2024 meeting.

The PZB did not have a quorum to open their April 23, 2024 meeting. To facilitate additional consideration of the request, staff published a new legal notice, mailed notice to adjacent property owners, and posted signage upon the property in accordance with Code requirements to facilitate additional consideration by the PZB at their regular meeting on May 14, 2024.

Case History: In advance of the April 23, 2024 meeting, the applicant confirmed their intent to proceed with a revised site plan.

The applicant’s revised plans rectify many of the issues noted in the prior staff report. The applicant has provided two exhibits for consideration. The first exhibit entitled “Existing Conditions” notes existing site improvements while the second exhibit entitled “Proposed Site Plan” primarily shows proposed improvements but continues to reflect some of the existing improvements.

The revised site plan can be summarized as follows:

- A. Motor Vehicle Sales | An automobile sales use would be introduced in the tenant space previously occupied by the

custom cabinet showroom. The new conditional use ordinance would allow both the existing custom countertop trade contractor & showroom use and the proposed motor vehicle sales use upon the subject property and would replace the prior conditional use ordinance authorizing only the trade contractor use.

- B. Fence Relocation | the existing privacy fence would be relocated to the north to provide additional parking stalls on the south side of the fence to be used for the display of vehicles. No outdoor storage other than vehicles displayed for sale will be proposed outside of the fence.
- C. Parking Lot Expansion | A small extension of the parking lot would occur at the southwest corner of the site to accommodate the minimum width for a two-way drive aisle. The proposed pavement extension would provide additional taper for vehicle movements and would comply with the minimum two-way drive aisle width required per Code of 22.0 feet.

The applicant has decided not to reverse the orientation of the proposed parking stalls at the west end of the site to connect the two parking areas to allow on-site/off-street vehicle circulation between the existing parking area and proposed vehicle display area. The applicant prefers to segregate the vehicle display area from the employee/customer off-street parking area to prevent damage to display vehicles from truck & customer traffic maneuvers. Staff recommends the PZB consider whether the applicant's proposed design is appropriate or if site circulation would be improved by reversing the orientation of the proposed parking row so that stalls would be west of the drive aisle.

To address staff's prior concerns relating to the lack of adequate off-street circulation area for drop-off of vehicles from flatbed tow trucks to occur entirely on private property without loading/unloading in Rand Road right-of-way or reversing of vehicles into the right-of-way, the applicant has agreed to schedule vehicle deliveries by flat bed two truck during business hours and to keep the area of storage behind the fence free from obstructions to facilitate three-point turnarounds for trucks so that no reversing into Rand Road will occur.

If the proposed site plan, parking stall locations, and vehicle display areas are approved as presented, staff recommends that the

recommendation stipulate that the applicant provide access and reserve area free from storage to accommodate a three-point turnaround for flat-bed tow trucks. This would require accommodations for access to any gate locks or hours of operation restrictions for vehicle deliveries only during business hours so access to the turnaround area can be ensured.

Conditions relating to removal or modification of existing noncompliant displays and outdoor storage, assignment of addresses, and other details remain listed in the recommendation for consideration by the PZB. The applicant has removed the storage unit that was previously stored upon the property.

The applicant will be available at the public hearing to provide testimony in support of their request.

Project Description:

The petitioner, Urszula Topolewicz, has requested Conditional Use Permits to amend an existing trade contractor use and operate a proposed motor vehicle sales use, both at 1628 Rand Road. In accordance with the proposed motor vehicles sales use, the applicant would perform vehicle maintenance and detailing of vehicles offered for sale.

The subject property is located within the C-3 General Commercial district. Both a trade contractor use and a motor vehicle sales use are a conditional use in the C-3 zoning district. The subject property contains a multi-tenant building with an off-street surface parking area on the west side of the property with additional on-street parking east of the property along Grove Avenue, each as depicted on the attached Plat of Survey. The subject property is located along Rand Road at the northwest corner of the Rand Road/Grove Lane intersection. The subject property is currently accessed by three curb cuts, two from Rand Road and one from Grove Lane. The subject property lies entirely within the 1% annual chance floodplain (Zone AE).

Prior Approvals

In 2021, the applicant received approval of a conditional use permit via Ordinance Z-36-21 for a Trade Contractor use upon the subject property. Among various conditions, the Ordinance included a restriction stipulating that “outdoor storage of raw materials or

fabricated goods is strictly prohibited.” A copy of this Ordinance is attached for reference.

In 2022, the applicant received approval of several zoning variations relating to ground signage and wall signage via Ordinance Z-27-22. The signage associated with this Ordinance has since been installed, including wall signage for two businesses and an electronic message board (EMB) sign. In accordance with the proposed scope of work at this time, the face of one of the existing wall signs would be removed and replaced with new signage for the proposed motor vehicle sales business.

Concurrently in 2022, the applicant requested an amendment to Ordinance Z-36-21 to strike the restriction stipulating that “outdoor storage of raw materials or fabricated goods is strictly prohibited.” The request proceeded through the Planning & Zoning Board to the City Council as draft Ordinance Z-27-22 but was tabled by the City Council in September 2022 with instruction to the applicant to address various engineering concerns. A proposed solution to the floodplain restrictions has not yet been provided, the tabled Ordinance has not yet been scheduled for consideration by the City Council, and the condition from Ordinance Z-36-21 restricting outdoor storage remains in effect.

Existing Violations

Several violations of the Municipal Code currently present upon the property would need to be rectified before a business registration for the proposed motor vehicle sales use could be approved. Also, these violations would need to be rectified to avoid additional enforcement action. The current violations include the following:

- a. A storage container upon the property which was in violation of the accessory use requirements and floodplain requirements of the Municipal Code has been removed from the premises.
- b. There exist two outdoor displays of fabricated goods in violation of the floodplain requirements and the requirements of Ordinance Z-36-21. If outdoor display is proposed, said display must be authorized in accordance with this conditional use request and installed in a manner which complies with the requirements of Title 14 of the Municipal Code including compliance with all floodplain requirements.
- c. There presently exists temporary outdoor storage from time-to-time of raw materials or fabricated goods in violation of the

floodplain requirements and Ordinance Z-36-21. If outdoor storage is proposed, said storage must be authorized in accordance with this conditional use request and installed in a manner which complies with the requirements of Title 14 of the Municipal Code including compliance with all floodplain requirements.

Current Proposal

The applicant has provided an executive summary, a floor plan for the proposed motor vehicle sales use, and a proposed site plan with additional details regarding the interior layout of the modified tenant spaces. The draft motion included in this report includes conditions which would need to be rectified before the proposed motor vehicle sales use could commence.

Various dimensions noted within the applicant's narrative and on the proposed plans are not depicted to scale. The area of the building depicted on the proposed site plan scales to approximately 12,425 square feet where the applicant notes in their narrative that the building area is approximately 15,300 square feet.

The trade contractor use would occupy the north and east areas of the existing building. This area scales to approximately 8,915 square feet but is noted as 11,400 square feet on the applicant's site plan.

The proposed motor vehicle sales use including accessory detailing and repair/service uses would occupy the southwest area of the existing building. This area scales to approximately 3,480 square feet but is noted as 3,900 square feet on the applicant's site plan.

The applicant has indicated that vehicles would be displayed within the proposed showroom. The plan(s) submitted in accordance with this permit should demonstrate that the display of vehicles within the showroom would maintain accessible routes through the showroom floor area.

The proposed parking layout would introduce new parking stalls along the east side of a drive aisle west of the existing off-street public parking stalls. The proposed drive aisle would not comply with the minimum aisle widths for two-way traffic. If the proposed site plan alterations and land use are supported, the drive aisle should be required to be widened to a minimum of 22.0 feet south of the southernmost parking stall as depicted on the revised site plan

provided in advance of the April 24, 2024 meeting. A building permit would be needed before any parking lot improvements could commence.

Required Parking

The following parking regulations apply to this request pursuant to Section 12-9-7 of the City of Des Plaines Municipal Code:

- One vehicle stall for every vehicle displayed for sale outdoors (16 vehicles outdoors = 16 vehicle stalls)
- One parking stall for every 500 square feet of showroom and office floor area for motor vehicle sales (2,350 square feet = 5 stalls);
- One parking stall for each 20 vehicle stalls within the showroom for motor vehicle sales (850 square feet = 1 stall);
- One parking stall for every 20 vehicles displayed for sale outdoors upon the premises (16 vehicles outdoors = 1 stall); and
- Zero parking stalls for the trade contractor use.

In accordance with minimum off-street parking provisions, 16 off-street parking stalls would be required, including one accessible parking stall. The applicant proposes 23 off-street parking stalls. The subject property is adjacent to an additional 13 public on-street parking stalls within the Grove Lane right-of-way. The proposed motor vehicle sales use shall not be permitted to display or store vehicles for sale within the public right-of-way.

Hours of Operation

The existing Granite Place & Quartz LLC business operates from 9 a.m. to 5 p.m., Monday through Friday, from 9 a.m. to 3 p.m. on Saturday, and is closed on Sunday.

The proposed motor vehicle sales use would operate from 9 a.m. to 9 p.m., Monday through Saturday and would be closed on Sunday.

Please see the attached applicant's Project Narrative for more details.

Compliance with the Comprehensive Plan

The proposed project, including the proposed the site improvements, address various goals and objectives of the 2019 Comprehensive Plan including the following aspects:

Future Land Use Plan:

- This property is designated as Commercial on the Future Land Use Plan. The Future Land Use Plan strives to create a well-balanced development area with a healthy mixture of commercial uses.
- The subject property is located along the defined Rand Road commercial corridor with single-family residences to the north, multi-family residences to the east, and commercial development to the east, south, and west. The subject property contains a multi-tenant building located between established commercial developments along Rand Road. The request would assist in the retention of a new commercial business at this location and provide additional retail goods and services for the residents of Des Plaines.

- **Landscaping and Screening:**

- The Comprehensive Plan seeks to encourage and actively pursue beautification opportunities and efforts, including the installation of landscaping, street furniture, lighting, and other amenities, to establish a more attractive shopping environment and achieve stronger corridor identity in Des Plaines.
- The existing site contains landscaping along the south of the property and foundation landscaping adjacent to the east building footprint.
- The applicant proposes to relocate an existing privacy fence from its current location along the front lot line to a point north of the new row of parking along the west end of the site.

While the aforementioned aspects represent a small portion of the goals and strategies of the Comprehensive Plan, there is a large emphasis on improving existing commercial developments and enhancing commercial corridors throughout Des Plaines.

Conditional Use Findings: Conditional Use requests are subject to the standards set forth in Section 12-3-4(E) of the Zoning Ordinance.

Rationale for how the proposed amendments would satisfy the standards is provided below and in the attached petitioner responses to standards. The Board may use the provided responses as written as its rationale, modify, or adopt its own.

1. The proposed Conditional Use is in fact a Conditional Use established within the specific Zoning district involved:

Comment: The proposed uses are classified as a Trade Contractor use and a motor vehicle sales use, respectively. Both a Trade Contractor and Motor Vehicle Sales are a Conditional Use in the C-3 zoning district.

2. The proposed Conditional Use is in accordance with the objectives of the City's Comprehensive Plan:

Comment: The proposed Trade Contractor use and motor vehicle sales use provide both retail- and service-oriented uses that primarily serve day-to-day needs of local residents by increasing commercial opportunities for residents in Des Plaines. Additionally, the subject property is located near the River Road & Rand Road commercial corridors, which are major corridors in Des Plaines.

3. The proposed Conditional Use is designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity:

Comment: The existing Trade Contractor use and proposed motor vehicle sales use are designed, constructed, operated, and maintained to be harmonious and appropriate in appearance to surrounding commercial uses. The proposal includes enhancements to the site as a whole including modifications to the parking area.

4. The proposed Conditional Use is not hazardous or disturbing to existing neighboring uses:

Comment: The proposed Trade Contractor use and motor vehicle sales use would not be hazardous or distributing to neighboring uses as all activities including the fabrication of materials will take place inside the building except for potential storage within the extents of a privacy fence and outdoor display of vehicles for sale within the parking lot. Refer to the suggested conditions of approval for additional avenues for ensuring safety and harmony with the neighboring uses.

5. The proposed Conditional Use is to be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or, agencies responsible for establishing the Conditional Use shall provide adequately any such services:

Comment: The subject property is served adequately by essential public facilities and services since it is currently accessible by two streets and three total curb cuts as well as necessary public utilities. The proposed uses will not affect the existing public facilities and services for this property.

6. The proposed Conditional Use does not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic well-being of the entire community:

Comment: The proposed uses will not create excessive additional requirements at the public expense and will not be detrimental to economic well-being of the community.

7. The proposed Conditional Use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors:

Comment: The petitioner is proposing outdoor storage and display of raw materials and finished products. If such storage and display is to be considered, such storage and display must be conducted in accordance with the requirements of Title 14 of the Code. Storage or display of material below the base flood elevation (BFE) cannot be permitted. Refer to the suggested conditions of approval for additional avenues for ensuring compliance with applicable regulations.

8.. The proposed Conditional Use provides vehicular access to the property designed so that it does not create an interference with traffic on surrounding public thoroughfares:

Comment: The proposed site plan introduces new parking areas which would potentially increase traffic volume at the existing west curb cut. The design of the western curb cut would need to be modified to accommodate a two-way drive aisle with a minimum width of 22.0 feet. An alternate site plan with parking along the west of the west parking row would connect the two parking areas and allow for circulation within the site without the need to leave the site onto Rand Road to access the west drive aisle. A suggested condition of approval requires a modified site plan to confirm all requirements are met and safe, efficient circulation is provided.

9. The proposed Conditional Use does not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance:

Comment: The subject property is currently developed and improved with a building and surface parking area. The proposed uses will not lead to the loss or damage of natural, scenic, or historic features of major importance on this property.

10. The proposed Conditional Use complies with all additional regulations in the Zoning Ordinance specific to the Conditional Use requested:

Comment: There exist several open violations upon the property related to an existing illegal nonconforming accessory storage unit use and outdoor display/storage of goods. Provided the storage unit is removed and outdoor storage and display is conducted in accordance with the requirements of all applicable codes and ordinances, a modified plan for display and storage could meet the regulations of the Zoning Ordinance.

Recommendation: Staff recommends approval of the Conditional Use Permit for a trade contractor use and motor vehicle use at 1628 Rand Road as amended based upon a review of the information presented by the applicant and the findings made above, as specified in Section 12-3-4(E) (Standards for Conditional Uses) of the City of Des Plaines Municipal Code with the following conditions:

1. The petitioner shall implement all site improvements shown on the proposed undated site plan and any amendments required by the Planning & Zoning Board.
2. The applicant shall provide plans and specifications for review and secure permits for all site work governed by city codes and ordinances (pavement, exterior doors/window systems, mechanical/electrical/plumbing/structural, civil engineering, etc.). All proposed

improvements and modifications shall be in full compliance with all applicable codes and ordinances.

3. No materials shall be stored outside of the extents of the proposed privacy fence enclosure.
4. All outdoor storage and/or displays shall be permissible only in full compliance with the requirements of Title 14 of the Municipal Code including raising of stored materials above the base flood elevation (BFE).
5. Display and storage of vehicles or materials shall be permissible in designated areas on private property only and shall not be permissible within required drive aisles or customer parking stalls, or within the public right-of-way. All motor vehicles stored on the site must be operable and stored on a dust-free, hard surface.
6. The applicant shall coordinate with the City regarding the assignment of unique unit addresses for the two tenant spaces comprising the existing building upon the property.
7. No more than sixteen (16) motor vehicles may be displayed for sale on the Subject Property at one time. Through signs, striping, or combination, these sixteen (16) spaces should be identified and reserved. Adding additional motor vehicle sales spaces would require an amendment to the Conditional Use Permits. Sufficient parking spaces to meet the minimum off-street parking requirements for the Proposed Uses must be provided on the Subject Property at all times.

Planning and Zoning Board Procedure: Under Section 12-3-4(D) (Procedure for Review and Decision for Conditional Uses) of the Zoning Ordinance, the Planning and Zoning Board has the authority to *recommend* that the City Council approve, approve subject to conditions, or deny the above-mentioned conditional use requests for a trade contractor use and motor vehicle sales use at 1628 Rand Road. The City Council has final authority on the proposal.

Applicant (Urzsula and Peter) stated that they are here pursuant to the last continuance.

Director Jeff Rogers presented the case. There are some small changes, including a clarification of the flood plain. They are in Flood Zone AE, which is a 100-year flood plain. They are not doing work in the affected flood plain area and have presented various solutions on their site plan. They have revised their site plan, so that the parking will be reconfigured.

Since the previous presentation, the applicant has demonstrated how the door system would work for the entry and removal of cars from the interior showroom area. The applicant has also worked with staff to find a solution for their outdoor storage. The storage racks will be modified so that they will be above the base flood elevation, meeting requirements.

The PZB can recommend approval, approval with conditions, or denial.

The proposed site plan allows for a truck to make a 3-point turn to exit the location.

Acting Chairman Saletnik asked if the storage racks are above the base flood elevation. Director Rogers explained that the racks would be above the flood level after they're modified.

Member Catalano asked the applicant if they are good with the conditions and they stated yes. Member Weaver stated that he is in favor of Condition 8 in particular.

Acting Chairman Saletnik asked if there were any further comments, and no one from the audience came forward.

The petitioner asked about condition 8, specifically what if a truck arrives early in the morning or late at night.

Director Rogers stated if the vehicle has someone there to open the gate and allow for the 3-point turn out of there, then it is not an issue.

The petitioner stated there is space elsewhere. Director Rogers said if they are not creating a traffic back up onto Rand Road, that is important.

Member Weaver stated his interpretation is that we don't want trucks outside of business hours, and that it is also for the benefit of neighbors. The petitioner said it would not be intended, but that if it happens, she would try to limit the disruption.

Motion by Member Weaver, seconded by Member Catalano to recommend approval of the requests to City Council, subject to the 8 conditions drafted by staff.

AYES: Weaver, Catalano, Veremis, Saletnik

NAYES: None

ABSTAIN: Fowler

CITY OF DES PLAINES

ORDINANCE Z - 10 - 24

AN ORDINANCE GRANTING AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT TO ALLOW MOTOR VEHICLE SALES AND A TRADE CONTRACTOR USE LOCATED AT 1628 RAND ROAD, DES PLAINES, ILLINOIS.

WHEREAS, Granite Place & Quartz, LLC and Urszula Topolewicz (collectively, the "*Petitioner*") are the lessees of the property commonly known as 1628 Rand Road, Des Plaines, Illinois ("*Subject Property*");

WHEREAS, the Subject Property is located in the C-3 General Commercial District of the City ("*C-3 District*");

WHEREAS, on June 7, 2021, the City Council adopted Ordinance Z-36-21 ("*Conditional Use Ordinance*"), approving a conditional use permit to allow a trade contractor use on the Subject Property ("*Conditional Use Permit*");

WHEREAS, the Petitioner desires to store finished products on the Subject Property; and

WHEREAS, the Petitioner also desires to operate a motor vehicle sales use including the outdoor display of vehicles on the Subject Property; and

WHEREAS, pursuant to Section 12-7-3.K of the Des Plaines Zoning Ordinance ("*Zoning Ordinance*"), motor vehicle sales are permitted in the C-3 District only pursuant to a conditional use permit approved by the City Council; and

WHEREAS, the Petitioner submitted an application to the City of Des Plaines Department of Community and Economic Development ("*Department*") to amend the Conditional Use Permit to allow the outdoor storage and display of finished products and motor vehicle sales on the Subject Property ("*Amended Conditional Use Permit*"), in accordance with Section 12-3-4 of the Zoning Ordinance;

WHEREAS, the Subject Property is owned by Art Investment, LLC ("*Owner*"), which has consented to the Petitioner's application;

WHEREAS, the Petitioner's application was referred by the Department to the Planning and Zoning Board of the City of Des Plaines ("*PZB*") within 15 days after the receipt thereof;

WHEREAS, within 90 days from the date of the Petitioner's application a public hearing was held by the PZB beginning on January 23, 2024 pursuant to notice published in the *Des Plaines Journal* on January 3, 2024;

WHEREAS, within 90 days from the date of the Petitioner's revised application a public hearing was held by the PZB on May 14, 2024 pursuant to notice published in the *Des Plaines Journal* on April 24, 2024;

WHEREAS, notice of the public hearing was mailed to all property owners within 500 feet of the Subject Property;

WHEREAS, during the public hearing, the PZB heard testimony and received evidence with respect to how the Petitioner intended to satisfy and comply with the applicable provisions of the Zoning Ordinance;

WHEREAS, pursuant to Section 12-3-4 of the Zoning Ordinance, Community and Economic Development Staff Memorandum filed a written report with the City Council on May 24, 2024, summarizing the testimony and evidence received by the PZB and stating the PZB's recommendation, by a vote of 5-0, to approve the Petitioner's application for the Amended Conditional Use Permit, subject to certain terms and conditions;

WHEREAS, the Petitioner made certain representations to the PZB with respect to the proposed Amended Conditional Use Permit, which representations are hereby found by the City Council to be material and upon which the City Council relies in granting this request for the Amended Conditional Use Permits; and

WHEREAS, the City Council has considered the applicable standards for conditional use permits set forth in the Zoning Ordinance and the Community and Economic Development Staff Memorandum dated June 3, 2024, including the attachments and exhibits thereto, and has determined that it is in the best interest of the City and the public to grant the Petitioner's application in accordance with the provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1. RECITALS. The recitals set forth above are incorporated herein by reference and made a part hereof, the same constituting the factual basis for this Ordinance.

SECTION 2. LEGAL DESCRIPTION OF SUBJECT PROPERTY. The Subject Property is legally described as follows:

LOTS 14 TO 18, BOTH INCLUSIVE, (EXCEPT THE SOUTHWESTERLY 17.0 FEET THEREOF) IN BLOCK 3 IN RIVER-RAND ROAD SUBDIVISION OF LOTS 1 TO 8, INCLUSIVE, IN BLOCK 18 (OR BENNET BLOCK) AND LOT 1 TO 13, EXCLUSIVE IN, BLOCK 18 (OR RAND BLOCK) IN PARK SUBDIVISION OF PARTS OF SECTIONS 16 AND 17, TOWNSHIP 41 NORTH,

RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDAN, IN COOK COUNTY, ILLINOIS.

PIN: 09-16-104-022-0000

Commonly known as: 1628 Rand Road, Des Plaines, Illinois.

SECTION 3. AMENDED CONDITIONAL USE PERMIT. Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in Section 4 of this Ordinance, the City Council grants the Petitioner an Amended Conditional Use Permit to allow a trade contractor use including the outdoor storage and display of finished products and motor vehicle sales including the outdoor display of vehicles on Subject Property. The Amended Conditional Use Permit granted by this Ordinance is consistent with and equivalent to a "special use" as referenced in Section 11-13-25 of the Illinois Municipal Code, 65 ILCS 5/11-13-25.

SECTION 4. CONDITIONS. The Amended Conditional Use Permit granted in Section 3 of this Ordinance shall be, and is hereby, expressly subject to and contingent upon the following conditions, restrictions, limitations, and provisions:

A. **Compliance with Law and Regulations.** The development, use, operation, and maintenance of the Subject Property, by the Petitioner must comply with all applicable City codes and ordinances, including, without limitation, the Conditional Use Ordinance, as the same have been or may be amended from time to time, except to the extent specifically provided otherwise in this Ordinance.

B. **Compliance with Plans.** Except for minor changes and site work approved by the City Director of Community and Economic Development in accordance with all applicable City standards, the development, use, operation, and maintenance of the Subject Property by the Petitioner must comply with the following plans as may be amended to comply with Section 4.C of this Ordinance:

1. The "Final Site Plan" prepared by the Owner, consisting of one sheet, with a latest revision date of February 28, 2024, attached to and by this reference made a part of this Ordinance as **Exhibit A** ("*Site Plan*"); and

2. The "Floor Plan" prepared by the Owner, consisting of one sheet, with a latest revision date of February 28, 2024, attached to and by this reference made a part of this Ordinance as **Exhibit B** ("*Floor Plan*").

C. Additional Conditions. The development, use, and maintenance of the Subject Property shall be subject to and contingent upon the following additional conditions:

1. All proposed improvements shown on the Site Plan must be constructed in full compliance with all applicable codes and ordinances. Plans and drawings may require modification in order to comply with current City codes and ordinances.

2. The Petitioner must provide plans and specifications for review and secure permits issued by the City for all site work governed by City codes and ordinances, including, without limitation for the pavement, exterior doors and window systems, and mechanical, electrical, plumbing structural, civil engineering plans.

3. No materials may be stored outside of the proposed privacy fence enclosure as shown on the Site Plan.

4. Outdoor storage and displays on the Subject Property must be conducted in compliance with this Ordinance and Title 14 of City Code of the City of Des Plaines, including, without limitation, raising stored materials above the base flood elevation (BFE).

5. Display and storage of vehicles or materials may only be conducted in the designated areas on private property only and is prohibited within required drive aisles,

customer parking stalls, and the public right-of-way. All motor vehicles stored on the Subject Property must be operable and stored on a dust-free, hard surface.

6. The Petitioner must coordinate with the City regarding the assignment of unique unit addresses for the two tenant spaces comprising the existing building upon the Subject Property.

7. No more than 16 motor vehicles may be displayed for sale on the Subject Property at one time. Through signs, striping, or combination thereof, the 16 vehicle display spaces must be identified and reserved. The addition of more than 16 motor vehicle sales spaces may only be permitted pursuant to an amendment to the Conditional Use Permit. Sufficient parking spaces to meet the minimum off-street parking requirements as required by the Zoning Ordinance for the Proposed Uses must be provided on the Subject Property at all times. The 16 motor vehicle sales spaces do not count toward satisfying the minimum required off-street parking spaces.

8. Deliveries of vehicles by flatbed truck must be scheduled during business hours and within the storage area on the Subject Property, which must be maintained free from obstructions to facilitate three-point turnarounds for trucks so that trucks do not need to reverse into Rand Road.

SECTION 5. RECORDATION; NON-TRANSFERABILITY. The privileges, obligations, and provisions of each and every section and requirement of this Ordinance are for and shall inure solely to the benefit of Petitioner. Nothing in this Ordinance shall be deemed to allow the Petitioner to transfer any of the rights or interests granted herein to any other person or entity without the prior approval of the City Council by a duly adopted amendment to this Ordinance.

SECTION 6. NONCOMPLIANCE.

A. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of, any of the provisions of this Ordinance shall be fined not less than seventy-five dollars (\$75.00) or more than seven-hundred and fifty dollars (\$750.00) for each offense. Each and every day that a violation of this Ordinance is allowed to remain in effect shall constitute a complete and separate offense. In addition, the appropriate authorities of the City may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person, firm or corporation violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees.

B. In the event that the Petitioner or Owner fails to develop or maintain the Subject Property in accordance with the plans submitted, the requirements of the Zoning Ordinance, or the conditions set forth in Section 4 of this Ordinance, the Conditional Use Ordinance as amended by this Ordinance, the Amended Conditional Use Permit granted in Section 3 of this Ordinance may be revoked after notice and hearing before the Zoning Administrator of the City, all in accordance with the procedures set forth in Section 12-4-7 of the Zoning Ordinance. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the C-3 District. Further, in the event of such revocation of the Amended Conditional Use Permit, the City Manager and City's General Counsel are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Petitioner and Owner acknowledge that public notices and hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of

any procedural right, provided that the notice and hearing required by Section 12-4-7 of the Zoning Ordinance is provided to the Petitioner and Owner.

SECTION 7. EFFECTIVE DATE.

A. This Ordinance shall be in full force and effect only after the occurrence of the following events:

1. its passage and approval by the City Council in the manner provided by law;
2. its publication in pamphlet form in the manner provided by law;
3. the filing with the City Clerk by the Petitioner and the Owner, not less than 60 days after the passage and approval of this Ordinance, of an unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance, and demonstrating the Petitioner's and Owner's consent to its recordation. Said unconditional agreement and consent shall be in substantially the form attached to, and by this reference made a part of, this Ordinance as **Exhibit C**; and
4. at the Petitioner's sole cost and expense, the recordation of this Ordinance together with such exhibits as the City Clerk deems appropriate, with the Office of the Cook County Recorder.

B. In the event that the Petitioner and the Owner do not file with the City Clerk a fully executed copy of the unconditional agreement and consent referenced in Section 7.A.3 of this Ordinance, within 60 days after the date of passage of this Ordinance by the City Council, the City Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

SECTION 8. SEVERABILITY. If any paragraph, section, clause or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

PASSED this ____ day of _____, 2024.

APPROVED this ____ day of _____, 2024.

VOTE: AYES ____ NAYS ____ ABSENT ____

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form this
____ day of _____, 2024.

Approved as to form:

CITY CLERK

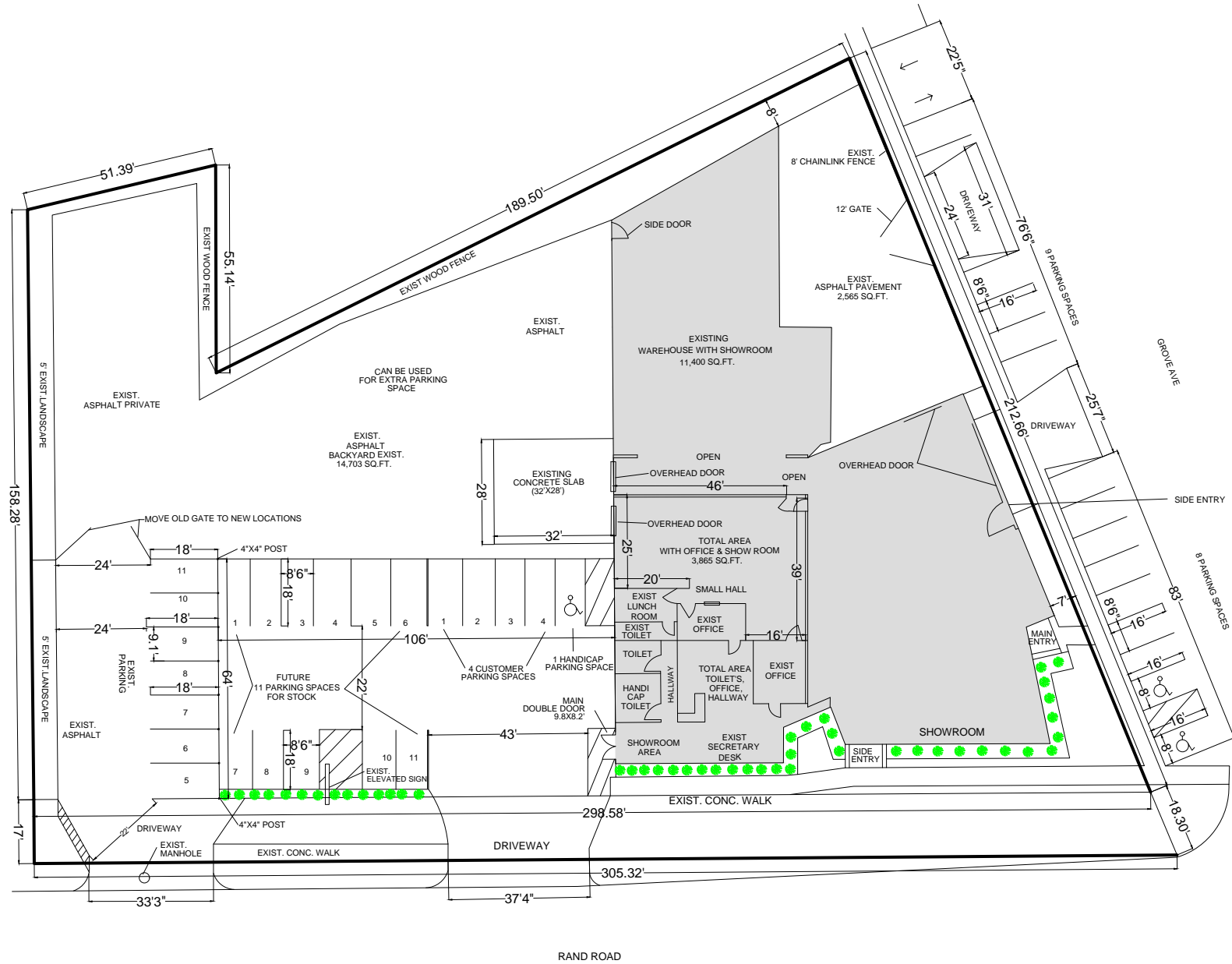
Peter M. Friedman, General Counsel

EXHIBIT A

SITE PLAN

PROPOSED SITE PLAN

Revised 02/28/2024



NOTES:

ADDRESS:
1628 RAND RD
DES PLAINES, IL 60016

PARCEL ID: 09161040220000

LOT AREA: 0.96 ACRES

PLOT SIZE: 8.5" X 11"

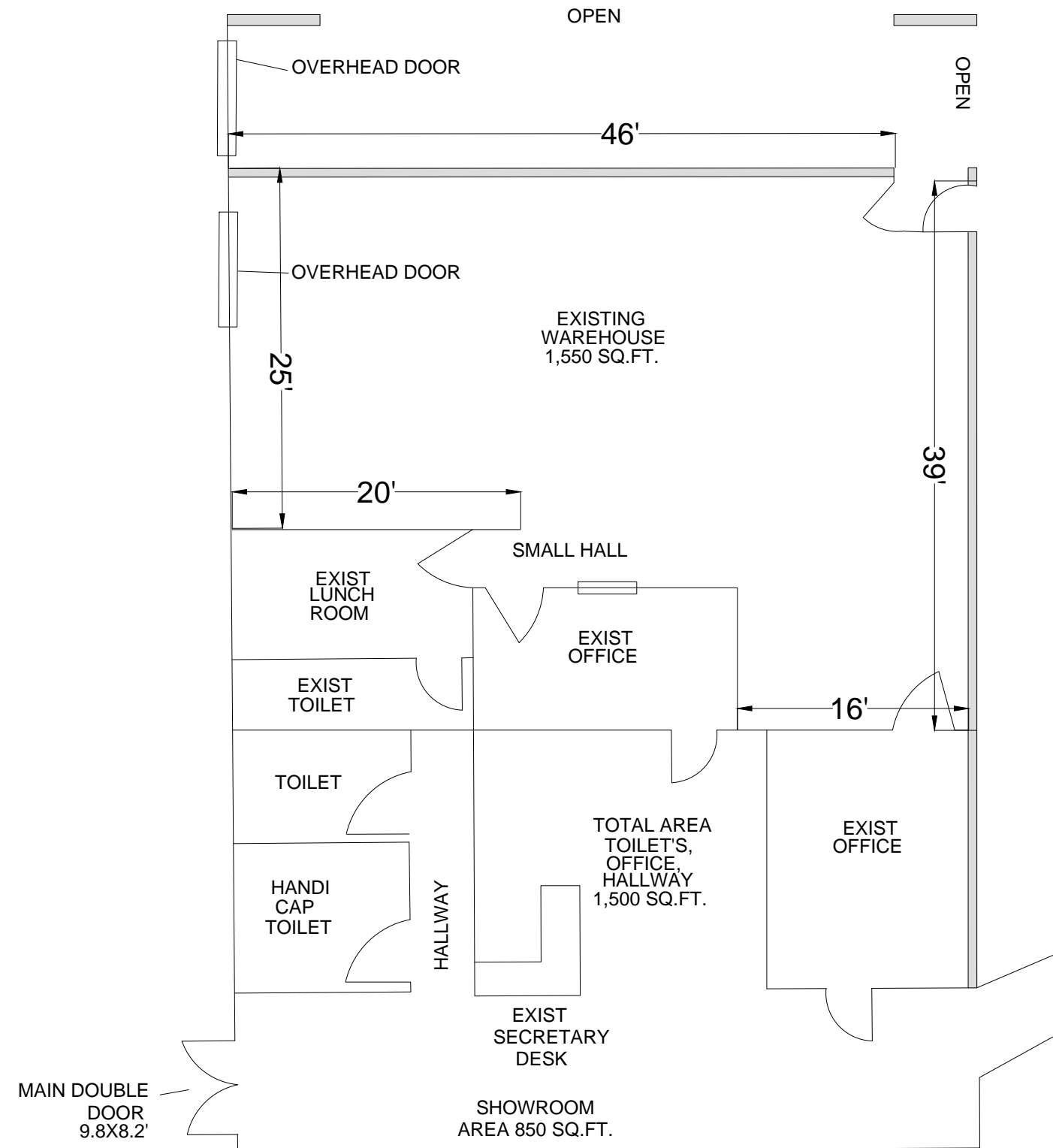
DRAWING SCALE: 1"=40'



EXHIBIT B
FLOOR PLAN

NOTE: FOR THE SCALE TO BE CORRECT SHEET MUST BE PRINTED ON 11" x 17"

Revised 02/28/2024



NOTES:

FLOOR PLAN

ADDRESS:
1628 RAND RD
DES PLAINES, IL 60016

PARCEL ID: 09161040220000

FLOOR AREA: 3,900 SQ.FT.

PLOT SIZE: 11" X 17"

DRAWING SCALE: 1"=10'

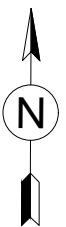


EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The City of Des Plaines, Illinois ("*City*");

WHEREAS, Granite Place & Quartz, LLC and Urszula Topolewicz (collectively, the "*Petitioner*") applied to the City of Des Plaines for an amendment to an existing conditional use permit to allow for outdoor storage and display of finished products related to a Trade Contractor Use and motor vehicle sales and outdoor display ("*Amended Conditional Use Permit*") on that certain property commonly known as 1628 Rand Road, Des Plaines, Illinois ("*Subject Property*");

WHEREAS, the Subject Property is owned by Art Investment, LLC ("*Owner*"), which consented to the Petitioner's application;

WHEREAS, Ordinance No. Z-10-22 adopted by the City Council of the City of Des Plaines on _____, 2024 ("*Ordinance*"), grants approval of the Amended Conditional Use Permit to allow motor vehicle sales and outdoor display of finished products on the Subject Property, subject to certain conditions; and

WHEREAS, the Petitioner and the Owner each desires to evidence to the City its unconditional agreement and consent to accept and abide by each of the terms, conditions, and limitations set forth in said Ordinance, and its consent to recording the Ordinance and this Unconditional Agreement and Consent against the Subject Property;

NOW, THEREFORE, the Petitioner and the Owner do hereby agree and covenant as follows:

1. Petitioner and Owner hereby unconditionally agree to accept, consent to and abide by all of the terms, conditions, restrictions, and provisions of that certain Ordinance No. Z-10-24, adopted by the City Council on _____, 2024.
2. Petitioner and Owner acknowledge and agree that the City is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the City's review and approval of any plans for the Subject Property, or the issuance of any permits for the use and development of the Subject Property, and that the City's review and approval of any such plans and issuance of any such permits does not, and shall not, in any way, be deemed to insure Petitioner or Owner against damage or injury of any kind and at any time.
3. Petitioner and Owner acknowledge that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, have considered the possibility of the revocation provided for in the Ordinance, and agree not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the procedures required by Section 12-4-7 of the City's Zoning Ordinance are followed.

4. Petitioner agrees to and do hereby hold harmless and indemnify the City, the City's corporate authorities, and all City elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with (a) the City's review and approval of the Ordinance and any plans and issuance of any permits, (b) the procedures followed in connection with the adoption of the Ordinance, (c) the development, construction, maintenance, and use of the Subject Property, and (d) the performance by Petitioner of its obligations under this Unconditional Agreement and Consent.

5. Petitioner hereby agrees to pay all expenses incurred by the City in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses shall include all out-of-pocket expenses, such as attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the City.

ATTEST:

GRANITE PLACE & QUARTZ, LLC

By: _____

By: _____

Its: _____

ATTEST:

URSZULA TOPOLEWICZ

By: _____

By: _____

Its: _____

ATTEST:

ART INVESTMENT, LLC

By: _____

By: _____

Its: _____

PUBLIC WORKS AND
ENGINEERING DEPARTMENT

1111 Joseph Schwab Road
Des Plaines, IL 60016
P: 847.391.5464
desplaines.org

MEMORANDUM

Date: May 23, 2024

To: Dorothy Wisniewski, City Manager

From: Timothy Watkins, Assistant Director of Public Works and Engineering TW

Cc: Timothy P. Oakley, P.E., CFM, Director of Public Works and Engineering

Subject: Lead Service Line Replacements

Issue: Both the Environmental Protection Agency (EPA) and the Illinois Environmental Protection Agency (IEPA) have mandated that all community water supplies submit a final Lead Line Replacement Plan by April 15, 2027. Additionally, in connection with the plan, both agencies have mandated that community water supplies must start replacing lead/galvanized service lines regardless of who owns the water service line.

Analysis: The EPA and the IEPA have mandated that all community water supplies must start replacing lead/galvanized water service lines connected to their system commencing in 2027 once their final Replacement Plan has been approved by the IEPA. Additionally, since 2022, water systems were no longer permitted to replace only the right-of-way portion of lead/galvanized service lines in connection with water main replacement work and services affected by water main breaks. Rather, the entire lead/service line must be replaced from the water main to the water meter. The IEPA places this responsibility on the water system, regardless of ownership. Accordingly, the City has paid for these full lead/galvanized service line replacements.

However, City Code Section 9-1-3.M, Water Service Line Maintenance, states “*The property owner shall be responsible for the maintenance, repair and replacement of the water service line from the buffalo box or shutoff valve, including the connection thereto, up to the structure serviced by that water line. The city shall be responsible for the maintenance, repair and replacement of the water service line from the buffalo box or shutoff valve to the point of connection to the city water main.*” Based on the current ordinance, property owners would be responsible for replacing their portion of the water service line (b-box to water meter).

We asked the Northwest Municipal Conference to conduct a survey of what surrounding communities are doing regarding this issue. Based on the results shown in Attachment 1, many surrounding municipalities have some type of cost sharing program with the property owners, while a few communities cover the entire cost.

The City is also required to notify all affected property owners with lead/galvanized water service lines, and service lines where the material is unknown, by September 30, 2024 with the following information:

“The notice must include a statement that the person's service line is lead, galvanized or suspected lead, an explanation of the health effects of lead that meets the requirements of paragraph (a)(1)(ii) of 40 CFR 141.85, steps persons at the service connection can take to reduce exposure to lead in drinking water, information about opportunities to replace lead/galvanized service lines as well as programs that provide financing solutions to assist property owners with replacement of their portion of a lead service line, and a statement that the water system is required to replace its portion of a lead service line when the property owner notifies them they are replacing their portion of the lead service line.”

Based on the number of known lead/galvanized service lines 1,363 and the number of unknown service lines 4,916, Des Plaines would have to replace up to a total of 6,279 over 20 years. The current average cost to replace a water service line is \$21,500. The total project cost at today's rate is \$134,998,500. If the City were to pay for the entire project, the annual cost would be \$6,749,925. This does not include annual increases in labor, equipment, and materials.

We are requesting that the City Council adopt one of the following options to include in the required letter notification to affected property owners in order for the City to maintain compliance with the IEPA.

1. Approve a resolution at a future meeting that requires property owners that have lead/galvanized water service lines to pay their fair share of the customer owned portion of the service line. This could include payment plan options and default remedies for the City.
2. Approve a resolution at a future meeting that requires property owners that have lead/galvanized water service lines to pay 50% of the cost of the customer owned portion of the service line and the City would pay for the other 50% of the cost. This could include payment plan options and default remedies for the City.
3. Approve a resolution at a future meeting stating that the City would pay for the entire cost of the customer owned portion of the service line.

It should be noted that if a property owner refuses to participate in the replacement program, they will be required to sign a waiver to that effect and their lead/galvanized water service line will not be replaced. Also, Options 1 and 2 will require additional administrative staff to manage any payment programs. Further, the annual project budget would still be \$6.7 million as the City will have to cover the upfront cost of the project.

Hopefully, as time progresses to the final replacement plan deadline of April 15, 2027, we will receive additional survey responses and determinations from property owners to reduce the number of unknown or suspected lead/galvanized service lines to properly estimate the ultimate cost to the City for this mandated program.

Conclusion: This memo is for City Council Consideration.

Attachments:

Attachment 1 – Northwest Municipal Conference Survey

Municipality	1. Is your community paying for the full replacement of the customer's portion of the water service line (b-box to house)?	2. If yes, what is the funding source of this project?	3. If your community is not fully funding the replacement, will they be providing assistance to customers for the private side of the service line?	4. Does this assistance include structured payment plans for the customers?	5. Please provide any written documentation of any programs if available.
Arlington Heights	No.		In the process of proposing this.	It will.	
Barrington	Yes.	We are currently using the IEPA forgivable loan. Beginning in 2027, the funding source is not known at this time.	N/A.	N/A.	
Des Plaines	Currently undecided. City is currently paying for full replacement in connection with water main replacement projects.	Water fund pays for full replacement in connection with water main replacement projects.	Unknown.	Unknown.	
Elk Grove Village	No, our Village has no lead service lines.	N/A.	N/A.	N/A.	
Evanston	Yes.	Water Fund, Grant from Illinois Department of Commerce and Economic Opportunity (DCEO), and loan from the IEPA State Revolving Fund (SRF) Public Water Supply Loan Program (PWSLP).	N/A.	N/A.	City of Evanston's Lead Service Line Program can be found here: https://www.evanstonleadreplacement.org/
Glencoe	No - per our ordinance the entire service is privately owned.		Yes - adopted a cost sharing program that reimburses residents for replacement for %50 of the costs up to a max \$10,000.	No.	See attached.
Highland Park	Final plans not yet determined.	Final plans not yet determined.	Final plans not yet determined.	Final plans not yet determined.	
Kenilworth	No.	N/A.	We are currently looking into a cost-sharing program. Currently residents own the entire service line from main to meter. Village is exploring funding the portion from main to b-box and taking ownership over it.	TBD.	
Lake Forest	In Lake Forest, the resident is responsible for the entire service line, from the main to the house, so the City is not paying for any of the replacement.		At this time there is no assistance being offered to help replace the lead service lines.		
Lake Zurich	Yes.	Water/Sewer Capital Fund.	N/A.	N/A.	
Libertyville	We currently have a matching reimbursement program up to \$2,500.	Water Utility Fund.	See answer to question 1.	No.	See attached.
Lincolnshire					Lincolnshire has no lead services and does not have a plan for service line replacement at this time.
Northbrook	No.		Yes, the Village has a 50/50 cost share program in place, up to \$5,000.		See attached.
Northfield	No.	Only 50% cost sharing. Budgeting \$100,000.00 per year for eight year cost sharing program. From water fund CIP.	50% of eligible costs up to \$10,000.00.	No, it is on reimbursement basis with proof of payment to the resident's contractor.	See attached.
Palatine	No.	N/A.	Yes.	No.	
Park Ridge	Not at this time.	N/A.	This has not been determined yet.	N/A.	
Skokie	No.		Yes.	Yes.	See attached.
Streamwood	No. We do not have any lead lines in Streamwood.				



COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT

1420 Miner Street
Des Plaines, IL 60016
P: 847.391.5380
desplaines.org

MEMORANDUM

Date: May 28, 2024

To: Dorothy Wisniewski, City Manager

From: Jeff Rogers, AICP, Director of Community and Economic Development *JWR*
David Anderson, Chief of Police *DA*

Cc: Stewart Weiss, Partner, Elrod Friedman, General Counsel

Subject: Reconsideration of Ordinance M-8-24 amending the City Code to Prohibit the Sale of Illicit THC Products

Issue: At their regular meeting on May 20, 2024, the City Council approved *by a 5-3 vote* that the reconsideration of Ordinance M-8-24 be included on the agenda of their regular meeting on June 3, 2024.

Analysis: The City Council heard testimony and discussed the proposed ordinance at their regular meetings on April 1, 2024, and April 15, 2024.

At the conclusion of public comment and consideration during their regular meeting on April 15, 2024, the City Council approved Ordinance M-8-24 as amended *by a 6-1 vote*. The City Council's amendment to the draft ordinance struck the proposed prohibition of kratom and instead limited the new prohibition to only the sale of illicit THC products, and maintaining kratom as a product that could be legally sold throughout the city.

Background: There has been a proliferation of retail stores in the City and surrounding communities offering unregulated and untested products derived from industrial hemp as well as a separate botanical ingredient called Kratom. These products are touted as alternatives to cannabis that produce similar intoxicating effects, but are not regulated, inspected, or taxed in the same manner as legal cannabis.

In 2019, the General Assembly adopted the Cannabis Regulation and Tax Act ("**CRTA**"), which legalized the cultivation, sale, and consumption of cannabis in the state of Illinois. The CRTA, along with its predecessor, the Compassionate Use of Medical Cannabis Act ("**Medical Use Act**"), required that cannabis only be grown, processed, and sold by facilities licensed by the State of Illinois. Licensed cannabis growers, processors, and dispensaries are required to abide by strict regulations governing the quality, potency, and purity of cannabis. Legally sold cannabis is required to be free of harmful pesticides and dangerous additives. Cannabis cannot be sold to persons under 21, with the limited exception of certain persons with qualifying medical conditions under the Medical Use Act.

Although "cannabis" and "hemp" are commonly referred to as separate plants, they are distinct strains of the same plant – *Cannabis Sativa*. The significant physical difference between the two strains is the concentration of delta-9 tetrahydrocannabinol (Delta-9 THC) in the plant on a dry weight basis. If a cannabis sativa plant

has a concentration of 0.3% or less Delta-9 THC, it is legally considered hemp, or “industrial hemp.”

Conversely, if the plant has a concentration of more than 0.3% Delta-9 THC it is considered cannabis and subject to regulation under the CRTA or the Medical Use Act.

The 2018 Federal Farm Bill legalized the cultivation of industrial hemp on the assumption that the plant was psychoactively inert and could not be used for intoxicating purposes. However, a cannabis sativa plant can include up to 100 different naturally occurring chemical compounds, called “cannabinoids.” Although Delta-9 THC is the most commonly known cannabinoid to produce an intoxicating effect, other cannabinoids that naturally occur in both “industrial hemp” and “cannabis” can also produce intoxicating or psychoactive effects.

Over the past few years, products synthesized from legally grown industrial hemp have been marketed as having similar effects to cannabis thanks to higher concentrations of other cannabinoids, including Delta-8 THC, Delta-10 THC, and THC-0. Because these products are derived or synthesized from industrial hemp, they fall into a legal gray area unregulated by the CRTA or the Medical Use Act. Further, these products are not included in the Federal Drug Schedules established by the Controlled Substances Act.

Although there have been various legislative proposals at both the state and federal levels, there is no general prohibition on production or sale of these unregulated THC products, although many municipalities have recently imposed local bans on these products. City staff has observed a number of retail businesses throughout the city offering these products, as well as products derived from kratom, a botanical substance from Southeast Asia. Some of these businesses appear similar to licensed cannabis dispensaries and consumer confusion is likely.

City staff has determined that the sale of unregulated THC products and kratom in the City is not beneficial to the City or its residents. These products are not tested for pesticides or other adulterating substances, are not measured for potency, and are not subject to the state and local taxes imposed on legal cannabis. The sale of these products does not benefit the health, safety or welfare of the City’s residents or the City as a whole.

City Council Action: The City Council should consider whether to repeal, modify, or affirm an ordinance amending Title 5 of the City Code to prohibit the sale of “Illicit THC Products” and/or kratom. The proposed draft ordinance that would implement such a ban includes a delayed effective date of 60 days to allow existing retailers to dispose or sell their current stock of these specific products before such sales would become prohibited. It should be noted that nothing in the proposed ordinance would prohibit the establishment of a cannabis dispensary that is fully licensed by the state Department of Finance and Professional Regulation from opening and operating in the City.

Attachments:

Attachment 1: Copy of original Draft Ordinance M-8-24 that reflects redline changes directed by City Council’s amendments from April 15, 2024

Ordinance M-8-24: Amending Title 5 of the City Code to Prohibit the Sale of Illicit THC Products

CITY OF DES PLAINES

ORDINANCE M - 8 - 24

AN ORDINANCE AMENDING TITLE 5 OF THE CITY CODE TO PROHIBIT THE SALE OF ILLICIT THC PRODUCTS ~~AND KRATOM.~~

WHEREAS, the City is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, Title 5 of the City Code of the City of Des Plaines, as amended ("*City Code*"), entitled "Public Health and Safety," sets forth various regulations to protect and preserve the public health, safety, and welfare; and

WHEREAS, the City Council has noted the proliferation of retail stores selling products containing potentially intoxicating ingredients including synthesized THC ~~and Kratom~~ that are largely unregulated at the state and federal level; and

WHEREAS, the City Council has determined that it would be in the best interest of the City, its residents, and the general health, safety, and welfare of the public, to prohibit the retail sale of products that include synthesized THC ~~and Kratom~~; and

WHEREAS, the City Council desires to amend Title 5 of the City Code, to add a new Chapter 9 prohibiting the sale of Illicit THC products ~~and Kratom~~ throughout the City (the "*Proposed Amendment*"); and

WHEREAS, the City Council has determined that it will serve and be in the best interests of the City and its residents to approve the Proposed Amendment;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the City Council.

SECTION 2: PROHIBITION OF SALE OF ILLICIT THC PRODUCTS ~~AND KRATOM.~~ Title 5, titled "Public Health and Safety," of the City Code is hereby amended by adding a new Chapter 9, which shall be and read as follows:

"CHAPTER 9

SALE OF ILLICIT THC PRODUCTS ~~AND KRATOM~~ PROHIBITED

5-9-1. – DEFINITIONS

For the purposes of this Chapter, the following terms have the meanings ascribed to them in this section unless different meanings are plainly indicated by the context:

~~KRATOM: Any parts of the plant mitragyna speciosa, whether growing or not, and any compound, manufacture, salt, derivative, mixture, or preparation of that plant, including but not limited to mitragynine and 7-hydroxymitragynine.~~

SYNTHESIZED THC: Tetrahydrocannabinol synthesized in a laboratory or by industry using directed or biosynthetic chemistry rather than traditional food preparation techniques such as heating or extracting.

ILLICIT THC PRODUCT: Any product, material, compound, isomer, acid, salt, mixture, or preparation:

- (a) Used or intended for human consumption;
- (b) That is not made, manufactured, sold, given away, bartered, exchanged, distributed, furnished, marketed, advertised, or otherwise held out for sale by cannabis business establishments duly licensed under the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, et seq.) or the Cannabis Regulation and Tax Act (410 ILCS 705/1-1, et seq.); and
- (c) That contains: (1) any amount of synthesized tetrahydrocannabinol (THC) of any kind, inclusive of acid forms, regardless of name, and including but not limited to THC-O, delta-8 tetrahydrocannabinol, and delta-10 tetrahydrocannabinol, (2) a total delta-9 tetrahydrocannabinol content concentration level in excess of 0.3% on a dry weight basis, (3) a total delta-9 tetrahydrocannabinol content in excess of 0.5 milligrams per labeled serving or individual unit or 2.5 milligrams per package regardless of the number of labeled servings or individual units therein, ~~or (4) kratom, as that term is defined in Section 5(a) of the Illinois Kratom Control Act, 720 ILCS 642/5(a), as may be amended.~~

TOTAL DELTA-9 THC CONTENT: The value determined after the process of decarboxylation, or the application of a conversion factor if the testing methodology does not include decarboxylation, that expressed the potential total delta-9 tetrahydrocannabinol content derived from the sum of the THC and THCA content and reported on a dry weight basis, to be calculated either by using a chromatograph technique using heat, such as gaschromatography, through which THCA is converted from its acid form to its neutral form, or by using a liquid chromatograph technique, which keeps the THCA intact, and using the following conversion: [Total THC = (0.877 x THCA) + THC] which calculates the potential total THC in a given sample.

5-9-2 SALE OF ILLICIT THC PRODUCTS ~~AND KRATOM~~ PROHIBITED:

It shall be unlawful for any retail establishment to sell, or offer for sale offer for sale, give away, or deliver any illicit THC product ~~or kratom~~.

5-9-3 PENALTIES:

Any person and/or retail business whose agent or employee violates this Section shall be fined not less than \$200.00 and not more than \$750.00 for each offense, and every day on which a violation occurs or continues shall be considered a separate and distinct offense. In addition, a violation of this prohibition shall be considered a nuisance in fact and a clear and present danger to the public health, safety, or general welfare, constituting grounds for suspension or revocation of a business license pursuant to Section 4-2-11 of this code.”

SECTION 3: EFFECTIVE DATE. This Ordinance shall be in full force and effect 60 days after its passage, approval, and publication in pamphlet form.

[SIGNATURE PAGE FOLLOWS]

PASSED this ____ day of _____, 2024.

APPROVED this ____ day of _____, 2024.

VOTE: AYES ____ NAYS ____ ABSENT ____

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form this
____ day of _____, 2024.

Approved as to form:

CITY CLERK

Peter M. Friedman, General Counsel

CITY OF DES PLAINES

ORDINANCE M - 8 - 24

AN ORDINANCE AMENDING TITLE 5 OF THE CITY CODE TO PROHIBIT THE SALE OF ILLICIT THC PRODUCTS.

WHEREAS, the City is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, Title 5 of the City Code of the City of Des Plaines, as amended ("*City Code*"), entitled "Public Health and Safety," sets forth various regulations to protect and preserve the public health, safety, and welfare; and

WHEREAS, the City Council has noted the proliferation of retail stores selling products containing potentially intoxicating ingredients including synthesized THC that are largely unregulated at the state and federal level; and

WHEREAS, the City Council has determined that it would be in the best interest of the City, its residents, and the general health, safety, and welfare of the public, to prohibit the retail sale of products that include synthesized THC; and

WHEREAS, the City Council desires to amend Title 5 of the City Code, to add a new Chapter 9 prohibiting the sale of Illicit THC products throughout the City (the "*Proposed Amendment*"); and

WHEREAS, the City Council has determined that it will serve and be in the best interests of the City and its residents to approve the Proposed Amendment;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the City Council.

SECTION 2: PROHIBITION OF SALE OF ILLICIT THC PRODUCTS. Title 5, titled "Public Health and Safety," of the City Code is hereby amended by adding a new Chapter 9, which shall be and read as follows:

"CHAPTER 9

SALE OF ILLICIT THC PRODUCTS PROHIBITED

5-9-1. – DEFINITIONS

For the purposes of this Chapter, the following terms have the meanings ascribed to them in this section unless different meanings are plainly indicated by the context:

SYNTHESIZED THC: Tetrahydrocannabinol synthesized in a laboratory or by industry using directed or biosynthetic chemistry rather than traditional food preparation techniques such as heating or extracting.

ILLICIT THC PRODUCT: Any product, material, compound, isomer, acid, salt, mixture, or preparation:

- (a) Used or intended for human consumption;
- (b) That is not made, manufactured, sold, given away, bartered, exchanged, distributed, furnished, marketed, advertised, or otherwise held out for sale by cannabis business establishments duly licensed under the Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, et seq.) or the Cannabis Regulation and Tax Act (410 ILCS 705/1-1, et seq.); and
- (c) That contains: (1) any amount of synthesized tetrahydrocannabinol (THC) of any kind, inclusive of acid forms, regardless of name, and including but not limited to THC-O, delta-8 tetrahydrocannabinol, and delta-10 tetrahydrocannabinol, (2) a total delta-9 tetrahydrocannabinol content concentration level in excess of 0.3% on a dry weight basis, (3) a total delta-9 tetrahydrocannabinol content in excess of 0.5 milligrams per labeled serving or individual unit or 2.5 milligrams per package regardless of the number of labeled servings or individual units therein.

TOTAL DELTA-9 THC CONTENT: The value determined after the process of decarboxylation, or the application of a conversion factor if the testing methodology does not include decarboxylation, that expressed the potential total delta-9 tetrahydrocannabinol content derived from the sum of the THC and THCA content and reported on a dry weight basis, to be calculated either by using a chromatograph technique using heat, such as gas chromatography, through which THCA is converted from its acid form to its neutral form, or by using a liquid chromatograph technique, which keeps the THCA intact, and using the following conversion: $[\text{Total THC} = (0.877 \times \text{THCA}) + \text{THC}]$ which calculates the potential total THC in a given sample.

5-9-2 SALE OF ILLICIT THC PRODUCTS PROHIBITED:

It shall be unlawful for any retail establishment to sell, or offer for sale offer for sale, give away, or deliver any illicit THC product.

5-9-3 PENALTIES:

Any person and/or retail business whose agent or employee violates this Section shall be fined not less than \$200.00 and not more than \$750.00 for each offense, and every day on which a violation occurs or continues shall be considered a separate and distinct offense. In addition, a violation of this prohibition shall be considered a nuisance in fact and a clear and present danger to the public health, safety, or general welfare, constituting grounds for suspension or revocation of a business license pursuant to Section 4-2-11 of this code.”

SECTION 3: EFFECTIVE DATE. This Ordinance shall be in full force and effect 60 days after its passage, approval, and publication in pamphlet form.

[SIGNATURE PAGE FOLLOWS]

PASSED this ____ day of _____, 2024.

APPROVED this ____ day of _____, 2024.

VOTE: AYES ____ NAYS ____ ABSENT ____

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form this
____ day of _____, 2024.

Approved as to form:

CITY CLERK

Peter M. Friedman, General Counsel


**COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT**

1420 Miner Street
Des Plaines, IL 60016
P: 847.391.5380
desplaines.org

MEMORANDUM

Date: May 28, 2024

To: Dorothy Wisniewski, City Manager

From: Jeff Rogers, AICP, Director of Community and Economic Development *JR*
Agnes Podbial, Acting Finance Director

Cc: Stewart Weiss, Partner, Elrod Friedman, General Counsel

Subject: Amendments to Chapter 13 of Title 15 of the City of Des Plaines Municipal Code regarding the Municipal Cannabis Retailers' Occupation Tax (ROT) to Address Technical Issues raised by the Illinois Department of Revenue

Issue: The Illinois Department of Revenue (IDOR) has requested amendments to the City of Des Plaines Code of Ordinances to better align local regulations with State of Illinois requirements relating to the collection of a Municipal Cannabis Retailer's Occupation Tax. In coordination with IDOR, the city attorney developed the attached ordinance including amendments requested by IDOR to ensure the City's ordinance will comply with Illinois Municipal Cannabis Retailer's Occupation Tax Law and allow future collection of this tax where applicable by IDOR.

Analysis: The Illinois General Assembly adopted the Cannabis Regulation and Tax Act, Public Act 101-0027 (the "Act"), which legalized the possession, use, cultivation, transportation, and sale of recreational cannabis beginning January 1, 2020. The Act also authorized municipalities to enact a municipal tax on the retail sale of cannabis for recreational purposes to persons over the age of 21. In December 2019, the City of Des Plaines City Council adopted Ordinance Z-31-19 establishing regulations relating to the operation of recreational cannabis dispensaries. In January 2020, the City Council adopted Ordinance M-52-19 establishing a three percent (3.0%) tax on gross receipts of all sales of cannabis by cannabis retailers within the City of Des Plaines.

A complete summary of the proposed amendments to the Code is included within Exhibit A of the attached draft ordinance.

At this time, potential revenues from a municipal sales tax upon cannabis sales cannot be estimated since there are presently no cannabis business establishments within the City of Des Plaines.

Recommendation: Staff recommends approval of Ordinance M-10-24 amending the City's Municipal Cannabis Retailer's Occupation Tax regulations in Chapter 13 of Title 15 of the City's Code of Ordinances.

Ordinance M-10-24

Exhibit A – Amendments to Chapter 13 of Title 15 of the Des Plaines Code of Ordinances

CITY OF DES PLAINES

ORDINANCE M - 10 - 24

**AN ORDINANCE AMENDING CHAPTER 13 OF TITLE 15
THE CITY CODE REGARDING THE CITY'S MUNICIPAL
CANNABIS RETAILER'S OCCUPATION TAX.**

WHEREAS, the City is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, Chapter 13, of Title 15 of the City Code of the City of Des Plaines, as amended ("*City Code*"), entitled "Municipal Cannabis Retailer's Occupation Tax," imposes a tax on the operations of retailers of recreational cannabis ("*Tax*"); and

WHEREAS, on January 6, 2020, the City Council of the City of Des Plaines adopted Ordinance M-52-19 which implemented the tax; and

WHEREAS, the City has received inquiries from various cannabis retailers seeking to locate in the City; and

WHEREAS, in anticipation of a cannabis retailer commencing operations in the City, the City staff transmitted a copy of Ordinance M-52-19 to the Illinois Department of Revenue in the manner required by the Illinois Municipal Cannabis Retailer's Occupation Tax Law ("*State Law*") to ensure that the Department of Revenue would commence collection of the Tax; and

WHEREAS, the Department of Revenue subsequently requested that the City amend certain provisions of Chapter 13 to bring it into full conformance with the requirements of the State Law; and

WHEREAS, the City Council desires to amend Chapter 13 of Title 15 of the City Code, to address the issues raised by the Department of Revenue (the "*Proposed Amendment*"); and

WHEREAS, the City Council has determined that it will serve and be in the best interests of the City and its residents to approve the Proposed Amendment;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the City Council.

SECTION 2: AMENDMENT TO CHAPTER 13 OF TITLE 15. Chapter 13, entitled "Municipal Cannabis Retailer's Occupation Tax," of Title 15, titled "Municipal Taxes," of the City Code is hereby amended as set forth in *Exhibit A*, a copy of which is attached to, and by this reference, made a part of this Ordinance.

SECTION 3: REPEAL OF CONFLICTING PROVISIONS. All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

SECTION 4: EFFECTIVE DATE. This Ordinance shall be in full force and effect July 1, 2024.

SECTION 5: CLERK TO FILE ORDINANCE WITH ILLINOIS DEPARTMENT OF REVENUE. The City Clerk is hereby directed to file a certified copy of this Ordinance with the Illinois Department of Revenue.

[SIGNATURE PAGE FOLLOWS]

PASSED this ____ day of _____, 2024.

APPROVED this ____ day of _____, 2024.

VOTE: AYES ____ NAYS ____ ABSENT ____

MAYOR

EXHIBIT A

AMENDMENTS TO CHAPTER 13 OF TITLE 15 OF THE DES PLAINES CODE OF ORDINANCES

[Added Text **bold and double-underlined**; deleted text ~~struck through~~]

CHAPTER 13

MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX

15-13-1: DEFINITIONS:

As used in this Chapter, the following words or terms shall have the following meanings:

CANNABIS: Marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

**CANNABIS
RETAILER:** ~~All persons or businesses engaged in selling cannabis at retail.~~

15-13-2: TAX IMPOSED:

~~Pursuant to Section 8-11-22 of the Illinois Municipal Code, 65 ILCS 5/8-11-22, a tax is hereby imposed upon all Cannabis Retailers that sell cannabis in the City at the rate of three percent (3.0%) of the gross receipts from sales made in the course of business other than those sales made under the Compassionate Use of Medical Cannabis Pilot Program Act. Such tax shall be in addition to any and all other surcharges or taxes which may be legally imposed by the City or any other taxing authority, including federal, state, county, and regional public bodies.~~

A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Program Act,

at retail in this municipality at the rate of 3% of the gross receipts from such cannabis sales made in the municipality. The imposition of this tax is in accordance with and subject to the provisions of Section 8-11-23 of the Illinois Municipal Code (65 ILCS 5/8-11-23).

15-13-3: COLLECTION OF TAX ILLINOIS DEPARTMENT OF REVENUE TO ADMINISTER:

~~Any Cannabis Retailer within the City shall have the duty to collect the municipal cannabis retailer's occupation tax imposed pursuant to this Chapter and remit it to the Illinois Department of Revenue. Any remittance by a Cannabis Retailer required by this Chapter shall be done in accordance with the rules and forms promulgated by the Illinois Department of Revenue. Any tax required to be collected pursuant to or as authorized by this Chapter shall constitute a debt owed by the retailer to the State of Illinois.~~

The tax hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the State of Illinois. The Department of Revenue shall have full power to administer and enforce the provisions of this Ordinance.