

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DES PLAINES, ILLINOIS HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS, DES PLAINES CIVIC CENTER, MONDAY, NOVEMBER 21, 2022

CALL TO ORDER

The regular meeting of the City Council of the City of Des Plaines, Illinois, was called to order by Mayor Goczkowski at 7:00 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, November 21, 2022.

ROLL CALL

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

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

MINUTES OF THE PUBLIC HEARINGS HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS DES PLAINES CIVIC CENTER, MONDAY, NOVEMBER 21, 2022

PUBLIC HEARING/ CONSIDER LEVYING TAXES FOR THE CITY FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022 & ENDING DECEMBER 21, 2022 Ordinance M-36-22

Mayor Goczkowski called the Public Hearing for reconsideration of Ordinance M-36-22, an ordinance levying taxes for the city of Des Plaines, Cook County, Illinois for the fiscal year beginning January 1, 2022 and ending December 31, 2022, to order at 7:01 p.m.

Assistant City Manager/Director of Finance Wisniewski reviewed a memorandum dated November 9, 2022.

The Illinois Truth in Taxation Act (ITTA) requires the City to provide notice and conduct a public hearing if the proposed aggregate levy is 5% or more than the previous year's property tax extension. The aggregate levy is defined as the combination of the annual corporate levy and all other special purpose levies. The aggregate levy does not include debt service levies and levies made for the purpose of paying amounts due under public building commission leases. Under the ITTA, the City would be prohibited from levying any amount greater than 5% of the previous year's property tax extension if the City failed to comply with this specific notice and hearing provisions.

Presented for City Council approval was the 2022 Tax Levy representing a 2.91% decrease from the 2021 Property Tax Extension. Section 18-15 of the Illinois Property Tax Code requires that the City adopt a tax levy ordinance and file it with the County Clerk's office by the last Tuesday in December (Tuesday, December 27 for 2022).

The 2022 Tax Levy is scheduled for first reading on November 21st (in conjunction with the public hearing on the Tax Levy) and second reading on December 5th.

The 2022 Tax Levy, which includes the general (corporate) fund, police and fire pension funds, public library fund, and bond & interest (debt service) fund, totals \$30,589,150. This represents a decrease of \$917,675 or -2.91% from the 2021 Property Tax Extension.

Staff recommended the City Council formally adopt the 2022 Property Tax Levy Ordinance.

Moved by Zadrozny, seconded by Oskerka, to Approve the Ordinance M-36-22, AN ORDINANCE LEVYING TAXES FOR THE CITY OF DES PLAINES, COOK COUNTY, ILLINOIS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022 AND ENDING DECEMBER 31, 2022.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

Mayor Goczkowski adjourned the Public Hearing at 7:03 p.m.

ALDERMAN ANNOUNCEMENTS

Alderman Moylan wished everyone a Happy Thanksgiving.

Alderman Oskerka mentioned registration is still open for Forest School's annual Turkey Trot on Thanksgiving Day at the Beacon Tap.

Alderman Zadrozny thanked everyone who attended his ward meeting, and thanked the city officials and staff who attended. He also wished everyone a Happy Thanksgiving.

Alderman Chester wished everyone a Happy Thanksgiving.

Alderman Smith stated Empty Bowls is having their annual event at Oakton Community College on Saturday, December 3, 2022 from 10:30 a.m. to 3:00 p.m. with proceeds benefiting six local pantries. She also wished everyone a Happy Thanksgiving.

Alderman Ebrahimi wished everyone a Happy Thanksgiving.

MAYORAL ANNOUNCEMENTS

Mayor Goczkowski mentioned that last weekend American Legion Post 36 distributed Thanksgiving meals at Sam's Club to individuals in need; he stated it was a great event and thanked the veterans for all of the great work they do.

On May 3, 2021, a Declaration of Civil Emergency for the City of Des Plaines related to the COVID-19 emergency was authorized. The Declaration provided that: (1) the City may enter into contracts for the emergency purchase of goods and services; (2) the City Manager may implement emergency staffing protocols pursuant to the City's respective collective bargaining agreements; and (3) directed City officials and employees to cooperate with other government agencies.

In accordance with Illinois statutes, the Mayor's Declaration lasted only for a period of seven days, unless it was extended by action of the City Council. At each subsequent City Council meeting, the City Council, by motion, extended the Declaration until the next adjournment of the next special or City Council meeting. This extension of the Declaration includes the Supplemental Order dated January 3, 2022.

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

Moved by Lysakowski, seconded by Oskerka, to extend the May 3, 2021 Declaration of Civil Emergency until the adjournment of the next regular, special, or emergency meeting of the City Council including the Supplement Order dated January 3, 2022.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

CONSENT AGENDA

Moved by Oskerka, seconded by Smith, to Establish the Consent Agenda.

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

Moved by Oskerka, seconded by Smith, to Approve the Consent Agenda.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

Appointments were approved; Minutes were approved; Ordinances M-31-22, M-32-22, M-33-22, M-34-22 were adopted; Resolutions R-173-22, R-180-22, R-181-22, R-182-22, R-183-22, R-184-22, R-185-22, R-189-22, R-190-22, R-191-22 were adopted.

AUTH EXPEND OF FUNDS/ SW MAINT SVCS/ TYLER TECH
Consent Agenda

Moved by Oskerka, seconded by Smith, to Approve Resolution R-180-22, A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS UNDER A SOFTWARE MAINTENANCE AGREEMENT WITH TYLER TECHNOLOGIES, INC. FOR SOFTWARE MAINTENANCE SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-180-22

AUTH PROC/ ROCK SALT/ COMP MINLS AMERICA
Consent Agenda

Moved by Oskerka, seconded by Smith, to Approve Resolution R-181-22, A RESOLUTION AUTHORIZING THE PROCUREMENT OF ROCK SALT FROM COMPASS MINERALS AMERICA, INC. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-181-22

APPROVE CHG ORD NO 3 & 4/ AIR HDLG REPLC/ OAK BROOK MECH SVCS
Consent Agenda

Moved by Oskerka, seconded by Smith, to Approve Resolution R-182-22, A RESOLUTION APPROVING CHANGE ORDERS NO. 3 AND 4 TO THE AGREEMENT WITH OAK BROOK MECHANICAL SERVICES, INC. FOR THE CITY HALL AIR HANDLING UNIT REPLACEMENT PROJECT. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-182-22

**AUTH PURCH/
PAVE PREVENT
MAINT UNIT/
SOURCEWELL**
Consent Agenda

Moved by Oskerka, seconded by Smith, to Approve Resolution R-183-22, A RESOLUTION AUTHORIZING THE PURCHASE OF A PAVEMENT PREVENTATIVE MAINTENANCE UNIT FROM ALTA EQUIPMENT COMPANY THROUGH SOURCEWELL. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-183-22**

**APPROVE AGRMT/
PW RESTOR &
PLANT/ T&T LS
CONSTR**
Consent Agenda

Moved by Oskerka, seconded by Smith, to Approve Resolution R-184-22, A RESOLUTION APPROVING AN AGREEMENT WITH T AND T LANDSCAPE CONSTRUCTION, INC. FOR PARKWAY RESTORATION AND PLANTING WITH INSTALLATION SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-184-22**

**APPROVE AGRMT/
UG STOR TANK/
PETRO TECH
EQUIP**
Consent Agenda

Moved by Oskerka, seconded by Smith, to Approve Resolution R-185-22, A RESOLUTION APPROVING AN AGREEMENT WITH PETROLEUM TECHNOLOGIES EQUIPMENT, INC FOR THE CITY HALL UNDERGROUND STORAGE TANK REMOVAL AND REPLACEMENT PROJECT. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-185-22**

**AUTH EXPEND OF
FUNDS/ ADD LIC/
DELL & MS**
Consent Agenda

Moved by Oskerka, seconded by Smith, to Approve Resolution R-189-22, A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS UNDER AGREEMENTS WITH DELL MARKETING L.P. AND MICROSOFT CORPORATION FOR ADDITIONAL LICENSES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-189-22**

**REJECT ALL BIDS/
HVAC MAINT &
REPAIR SVCS**
Consent Agenda

Moved by Oskerka, seconded by Smith, to Approve Resolution R-190-22, A RESOLUTION REJECTING ALL BIDS FOR HVAC MAINTENANCE AND REPAIR SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-190-22**

**APPROVE PURCH/
FIRE PERS PROMO
TEST SVCS/ IFCA**
Consent Agenda

Moved by Oskerka, seconded by Smith, to Approve Resolution R-191-22, A RESOLUTION APPROVING THE PURCHASE OF FIRE PERSONNEL PROMOTIONAL TESTING SERVICES FROM THE ILLINOIS FIRE CHIEFS ASSOCIATION. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-191-22**

**SECOND READING/
ORDINANCE
M-31-22**
Consent Agenda

Moved by Oskerka, seconded by Smith, to Approve Ordinance M-31-22, AN ORDINANCE PROVIDING FOR THE ABATEMENT OF THE 2022 TAX LEVY FOR THE 2009 TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009A. Motion declared carried as approved unanimously under Consent Agenda.

**SECOND READING/
ORDINANCE
M-32-22**

Consent Agenda

Moved by Oskerka, seconded by Smith, to Approve Ordinance M-32-22, AN ORDINANCE PROVIDING FOR THE ABATEMENT OF THE 2022 TAX LEVY FOR THE 2018 GENERAL OBLIGATION REFUNDING BONDS SERIES 2018. Motion declared carried as approved unanimously under Consent Agenda.

**SECOND READING/
ORDINANCE
M-33-22**

Consent Agenda

Moved by Oskerka, seconded by Smith, to Approve Ordinance M-33-22, AN ORDINANCE LEVYING TAXES FOR SPECIAL SERVICE AREA NO. 15 OF THE CITY OF DES PLAINES, COOK COUNTY, ILLINOIS. Motion declared carried as approved unanimously under Consent Agenda.

**SECOND READING/
ORDINANCE
M-34-22**

Consent Agenda

Moved by Oskerka, seconded by Smith, to Approve Ordinance M-34-22, AN ORDINANCE TERMINATING EXPIRED SPECIAL SERVICE AREAS 9, 10 AND 14. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
APPOINTMENT**

Moved by Oskerka, seconded by Smith, to Approve Appointment from November 7, 2022 of Don Smith to the Fire Pension Board, Term to Expire 11/21/25. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
APPOINTMENT**

Moved by Oskerka, seconded by Smith, to Approve Appointment from November 7, 2022 of Kristy Garceau to the Board of Fire & Police Commissioners, Term to Expire 11/21/25. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE AMD/
ELGIN O'HARE
WESTERN PROJ/
CCDOH**

**Resolution
R-173-22**

Moved by Oskerka, seconded by Smith, to Approve Resolution R-173-22, A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH THE COOK COUNTY DEPARTMENT OF TRANSPORTATION AND HIGHWAYS FOR IMPROVEMENTS ASSOCIATED WITH THE ELGIN O'HARE WESTERN ACCESS PROJECT. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
MINUTES**
Consent Agenda

Moved by Oskerka, seconded by Smith, to Approve the Minutes of the City Council meeting of November 7, 2022, as published. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
MINUTES**
Consent Agenda

Moved by Oskerka, seconded by Smith, to Approve the Closed Session Minutes of the City Council meeting of November 7, 2022, as published. Motion declared carried as approved unanimously under Consent Agenda.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Zadrozny, Chair

**WARRANT
REGISTER**

**Resolution
R-186-22**

Alderman Zadrozny presented the Warrant Register.

Moved by Zadrozny, seconded by Chester, to Approve the Warrant Register of November 21, 2022 in the Amount of \$5,526,004.84 and Approve Resolution R-186-22.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

**CONSIDER AMEND
THE CITY CODE &
CITY PURCH
POLICY RE THE
CITY MANAGER
PURCH AUTH**

**Ordinance
M-37-22**

Assistant City Manager/Director of Finance Wisniewski reviewed a memorandum dated November 9, 2022.

For the City Council to consider approving amendments to Chapter VII – “Purchasing” of the City of Des Plaines Financial Policy and Procedure Manual.

The current Purchasing Policy was last updated on April 6, 2015. The proposed Purchasing Policy for the City of Des Plaines includes suggested revisions to increase the approval threshold from \$20,000 to \$25,000.

Staff analyzed the City’s existing threshold of \$20,000 for purchasing to evaluate an increase to the threshold. Staff compared the City’s current threshold to (1) the state statutory authority limit, (2) surrounding municipalities’, (3) the average rate of inflation according to the Consumer Price Index (CPI), and (4) all existing contract expenditures between \$20,000 and \$25,000.

Staff recommended that the City Council adopt the revised Chapter VII – “Purchasing” of the City of Des Plaines Financial Policy and Procedure Manual and approve Ordinance M-37-22 which amends the purchasing threshold from \$20,000 to \$25,000.

Moved by Zadrozny, seconded by Oskerka, to Approve the Ordinance M-37-22, AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF DES PLAINES AND THE CITY PURCHASING POLICY REGARDING THE CITY MANAGER PURCHASING AUTHORITY.

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

COMMUNITY DEVELOPMENT - Alderman Chester, Chair

**CONSIDER
APPROVING A
CONDITIONAL USE
PERMIT TO
OPERATE A
COMMERCIALY
ZONED USE AT
2064 S. RIVER RD**

**Ordinance
Z-34-22**

Director of Community & Economic Development Carlisle reviewed a memorandum dated October 28, 2022.

The petitioner and property owner, Binu Simon of the Social Club of Chicago, is proposing a conditional use to allow a commercially zoned assembly use at 2064 South River Road. The property is one zoning lot but consists of three parcels and contains a two-story, 2,355-square-foot building and a surface parking lot with 15 off-street parking spaces.

The previously approved conditional use permit allowed for the use of the entire building/property for an assembly use—and, in fact, necessitated that “Any expansion for any other proposed use or Activities shall require the Owner or Applicant to obtain an amendment to the Conditional Use Permit.” The petitioner has stated rental of space on the first floor is necessary to financially support the Social Club of Chicago organization. The intent of this new proposed conditional use permit is to clarify what uses are permitted at this property and expand the allowable uses to include office space on the first floor. Note the site is currently unable to operate as the previously approved conditional use because the parking lot was not expanded in the time frame specified in the conditions of approval.

The proposed floor plan of the building includes meeting areas and offices for the assembly use on the second floor and a proposed area for two tenants unassociated with the Social Club of Chicago on the first floor. The club activities are unchanged from the previous Conditional

Use Permit, including monthly meetings to go over upcoming charitable events; to discuss official club business; and to play cards, board games, and other recreational games.

A prospective tenant for half of the first floor is Level Motors. The company describes itself as an online motor vehicle sales company that sells used cars directly from owners to dealerships; however, this property will not be directly used to sell or display vehicles but will be used as an office space. Most vehicles are picked up directly from the seller and taken to a dealership; however, some vehicles will be dropped off and taken to the dealership by an employee within 24 hours. According to the petitioner, no tow trucks or car carrier trailers will be used to transport vehicles in and out of this location. Due to the lack of motor vehicle display/sales on site, this use is classified as an office use and on its own would not require a conditional use permit. However, to co-occupy the property with a commercially zoned assembly, conditional use approval is required.

The petitioner and the proposed tenant do not have any plans to alter the interior or exterior of the building. A second tenant for the first floor would be determined at a later date, and whether the use is possible – permitted use, conditional use, or not allowed at all – in the C-3 zoning district would be determined at that time. All uses would have their own off-street parking requirements, and the parking lot on site would need to provide sufficient parking for all uses, unless a variation were approved.

Commercially zoned assembly uses for membership organizations are required to provide one space for every 200 square feet of gross activity area. The proposed office use for Level Motors would require one space for every 250 square feet gross floor area. The definition of “floor area” in Section 12-13-3 allows certain spaces such as restrooms, mechanical rooms, hallways, and up to 10 percent of storage areas to be excluded.

A total of 12 spaces with one (1) accessible space are required for these uses, per code requirements. During the previous conditional use process in 2019, 30 spaces, including two (2) accessible spaces, were required to meet the anticipated parking demand. The justification for this additional parking was based off a parking study completed for the previous location of the Social Club of Chicago at 9660 Golf Road. The study indicated the club generated greater demand than code requirements, with up to twenty-two spaces occupied by club attendees.

Since the COVID-19 pandemic, the petitioner states in the project narrative that in-person membership has been drastically reduced, with 15-20 members attending in person and other members attending virtually. However, the PZB and City Council may wish to ask the petitioner to clarify if there is virtual participation for all activities or if business meetings are different than truly social functions in the format of participation. Hours of operation are not anticipated to overlap for the assembly use and the office uses. Level Motors intends to operate M-F from 8 a.m. to 5 p.m. and Saturday 9 a.m. to 2 p.m. The Social Club of Chicago will meet monthly from 5 p.m. to 9 p.m. and any other activities occur after business hours for the office spaces. With the anticipated five (5) employees during business hours for Level Motors and the maximum anticipated attendance of 20 people for the Social Club of Chicago, parking demand should be satisfied with this location, provided the parking lot is expanded.

The parking lot is proposed to be expanded to include 30 total spaces, including two accessible spaces. A condition of approval for the previous conditional use was to expand the parking lot to provide fifteen (15) additional spaces within two years of the approval of Ord. Z-7-19, which set a deadline of May 20, 2021. The petitioner did not expand the parking lot by this deadline. However, they have submitted a building permit for construction of the parking lot. Due to the location of the property in the floodplain, additional engineering requirements and approvals have been necessary to meet local and federal regulations. Final issuance of city building

permits for the parking area is dependent on the approval of plans by the Metropolitan Water Reclamation District; the petitioner is currently awaiting this approval.

The parking lot will be required to meet specific standards since this property abuts a residential zoning district. Any lighting included with the parking lot may not exceed 0.1 foot-candles, and lighting fixtures are required to be shaded to avoid casting direct light to any abutting residential districts. Landscaping is to be provided along and within the new parking lot perimeter.

The PZB recommended (5-0) that the City Council approve the proposed conditional use with two modifications from the staff's recommended conditions.

Conditions of Approval:

1. The second story of the Subject Property shall only be used as a Commercially Zoned Assembly Use for the following activities:
 - a. Community services;
 - b. Recreational activities and social activities that comply with all applicable codes;
 - c. Charitable events; and
 - d. Office uses directly related to the Petitioner (collectively, the "Activities").
2. The first story of the Subject Property shall only be used for uses approved for C-3 Zoning Districts and any new uses must comply with the collective parking requirement set forth in the Zoning Ordinance for all of the uses on the Subject Property.
3. Any expansion or increase in intensity of the Activities shall require the Owner or Applicant to obtain an amendment to the Conditional Use Permit.
4. The Subject Property shall only be used for the Activities during the following times:
 - a. 6 pm to 9 pm Monday through Thursday, and 6pm to 10 pm Friday, Saturday, and Sunday for assembly uses;
 - b. 8 am to 5 pm for hours of the office use; and
 - c. Any deviation from the hours set forth in this Section must be approved by the Director of Community and Economic Development.
5. The Petitioner must add a minimum of 15 parking spaces to the Property to accommodate peak parking demand periods in substantial accordance with the Parking Lot Expansion Plans prepared by Bono Consulting, Inc., consisting of three sheets, with a latest revision date of April 12, 2022, a copy of which was made a part of this Ordinance as Exhibit C, before a certificate of occupancy or business registration would be issued for either the social club or office use.
6. All non-accessory uses, trailers, or other stored items, on the Subject Property must be removed within 90 days of the approval date of this Ordinance
7. The Activities and the Subject Property must comply at all times with the maximum occupancy load prescribed by the Fire Protection Department.
8. All food service preparation for any participant in the Activities must come from a commercial grade kitchen.
9. No motor vehicles in the process of being sold or awaiting transport to a purchaser may be located on the Subject Property for more than twenty-four hours. No towing vehicles or car carriers may be parked on the Subject Property or used on a regular basis to complete regular business practices of any auto-sales-related entity located on the Subject Property.

Peter Matthew, a representative and former president of the Social Club of Chicago, spoke on behalf of the petitioner.

Moved by Chester, seconded by Lysakowski, to Approve the Ordinance Z-34-22, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO OPERATE A COMMERCIALY ZONED ASSEMBLY USE AT 2064 S. RIVER ROAD, DES PLAINES, ILLINOIS. (Case # 22-044-CU).

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

CONSIDER
APPROVING A
CONDITIONAL USE
PERMIT ALLOW
EMB AT 780 LEE ST
Ordinance
Z-35-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated November 1, 2022.

The petitioner, Dr. Victor Grandinetti, is requesting a conditional use to allow for an EMB sign on a property in the C-5 Central Business District at 780 Lee Street. This property contains a two-story, 6,643-square-foot brick building set back roughly 11 feet from Lee Street with a surface parking lot. The subject property is accessed by two one-way drive aisles off Lee Street and an alley located directly west of the subject property. There is currently a wall sign on the building's east elevation facing Lee Street, but no freestanding signs currently exist on the site.

The petitioner is requesting a new pole sign with an EMB component to be positioned in the south landscape area located directly east of the building and facing south. The proposed EMB pole sign contains an approximate 18.31-square-foot circular portion, 2.16 feet tall by 5.25 feet wide static rectangular portion, and 5.77 feet tall by 5.25 feet wide EMB portion. The Zoning Ordinance allows for pole and monument signs to include one EMB sign component so long as this component does not exceed 50 percent of the total sign area. As the EMB component yields 30.32 square feet and the total proposed sign area is 68.16 square feet, this code requirement is met. The petitioner is also proposing to install a 3-foot-wide landscape bed around the base of the new pole sign as required by the zoning ordinance. However, pursuant to Section 12-11-5.G of the Zoning Ordinance, any proposed EMB sign must obtain a conditional use permit. The EMB component of the proposed pole sign requires the petitioner to request the conditional use.

The PZB recommended (4-1) that the City Council approve the Conditional Use request with the two conditions recommended by staff.

Conditions of Approval:

1. That all appropriate building permit documents and details are submitted as necessary for the proposed pole sign. All permit documents shall be sealed and signed by a design professional licensed in the State of Illinois and must comply with all City of Des Plaines building codes.
2. The pole sign is designed, positioned, and utilized to meet all applicable City of Des Plaines codes.

Moved by Chester, seconded by Moylan, to Approve the Ordinance Z-35-22, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN ELECTRONIC MESSAGE BOARD SIGN IN THE C-5 CENTRAL BUSINESS DISTRICT AT 780 LEE STREET, DES PLAINES, ILLINOIS (Case #22- 040-CU).

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

Advanced to second reading by Moylan, seconded by Chester, to Adopt the Ordinance Z-35-22, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO ALLOW AN ELECTRONIC MESSAGE BOARD SIGN IN THE C-5 CENTRAL BUSINESS DISTRICT AT 780 LEE STREET, DES PLAINES, ILLINOIS (Case #22- 040-CU).

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

CONSIDER
APPROVING A
FINAL PLAT OF
SUBDIVISION
LOCATED AT
1353 LEE ST
Resolution
R-187-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated November 1, 2022.

The petitioner, Hall Property Group, LLC, is requesting a Tentative and Final Plat of Subdivision, named Des Plaines Plaza II, for the property located at 1353 Lee Street. The subject property is 66,714 square feet (1.53 acres) and is comprised of one lot, which is currently vacant and unimproved.

The petitioner is proposing to subdivide the existing lot into two lots of record to construct two separate commercial buildings, one on each proposed lot. The first building, proposed on the northern lot (Lot 1) and would be imminently built. It is envisioned as a single-tenant commercial retail building. The construction of the second building is not imminent, so the lot (Lot 2) is reserved for construction at a later date, with a development-ready pad to be installed. The two lots would share a collective parking lot, and the lot boundaries would not divide any parking stalls or create substandard drive aisles. The length and width dimensions vary for the proposed lots due to their slightly irregular shape:

- Lot 1, the smallest of the two proposed lots, measures 77 feet in width at the street and totals 21,492 square feet in area; and
- Lot 2 measures 158 feet in width at the street and totals 42,957 square feet in area.

There are no lot width or lot area minimums for properties located within a commercial district. However, both lots front Lee Street and meet the minimum lot depth requirements in the Subdivision Regulations. The proposed lots will both be accessed from a service driveway located directly south of the subject property, which is shared by the shopping center directly south and the grocery store directly east of the subject property. Specifically, the proposed Lot 1 will require access through the proposed Lot 2 to connect it to the service drive.

Although construction of the second building is not imminent, the petitioner intends to provide necessary off-street parking areas for both lots, including the future parking for the second building along the perimeter of Lot 2.

The petitioner's Final Plat of Des Plaines Plaza II Subdivision shows the subdivision of the existing lot into two lots with the following easements: (i) an existing ten-foot drainage easement between the subject property's east property line and the Aldi property's west property line; (ii) an existing 15.5-foot ingress, egress, and public utility easement along the south property line of the subject property (south line of proposed Lot 2); and (iii) a temporary construction easement along the west property line of the subject property. There is also an 80-foot-wide no build area as measured from the northern edge of the service drive into the subject property. This area is designed to comply with a private restrictive covenant intended to ensure the Aldi building is visible from Lee Street.

Per the C-3 Zoning District bulk requirements, a five-foot building setback line is required for the front yard (along Lee Street), the rear yard (abutting Aldi), and the south property line (along the service drive). There is no required setback off the north (side) property line, as it

is not adjacent to residential, nor does it abut a street or alley. The Final Engineering Plans have been approved pending the approval of the Metropolitan Water Reclamation District (MWRD) permit.

Between the PZB review and this Council review, the petitioner has revised plans with direction from staff to shift the proposed building north to add a loading space appropriate for semi-truck deliveries, which would occur biweekly for the proposed use of the building on Lot 1.

The PZB voted 4-0 to approve the Tentative Plat of Subdivision and recommended (4-0) that the City Council approve the Final Plat with the proposed staff condition as well as an added condition.

Conditions of Approval:

1. Prior to signatures and recording, all easement and drawing language and labels on the Final Plat of Subdivision and Final Engineering drawings shall be clear and aligned with the site plan.
2. PZB-Added Condition: The petitioner shall work with the property owner of 1325 Lee Street to discuss and address the traffic flow and delivery concerns expressed. Note: In staff’s opinion, this condition as intended by the PZB has been met.

Lawrence Freeman, attorney representing the petitioner, and Eric Smith with KMA & Associates Inc Architects, spoke on behalf of the petitioner.

Moved by Chester, seconded by Lysakowski, to Approve the Resolution R-187-22, A RESOLUTION APPROVING A FINAL PLAT OF SUBDIVISION FOR THE DES PLAINES PLAZA II SUBDIVISION LOCATED AT 1353 LEE STREET, DES PLAINES, ILLINOIS.

Upon roll call, the vote was:

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

Motion declared carried.

CONSIDER
AMENDING SEC 12-
11-5 & 12-11-6 OF
ZONING
ORDINANCE
REGARDING
BILLBOARD SIGNS
IN THE C-6 CASINO
DISTRICT
Ordinance
Z-36-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated November 3, 2022.

The existing two-sided static billboard located northwest of the office building at 2500 Devon Avenue is proposed to be removed, and a new three-sided billboard would be erected directly in between the office building and the west drive aisle off Devon Avenue (south of the existing billboard location). The proposed billboard and new location will be located on its own parcel and lot. The proposed three-sided billboard will have up to two, 1,200-square-foot digital faces (one facing north and the other facing south) and one 600-square-foot static face directed to the east.

Several text amendments to various sections of the Zoning Ordinance related to billboard signage are necessary. Currently, billboard signs are permitted only in certain districts within a certain proximity to the I-90 and I-294 toll roads and are limited in number to 12 citywide. As of 2005, Ordinance Z-24-05 allocated the final billboard permit for the city, preventing new billboard permits from being approved. The existing billboard structure located on the subject properties is not one of the billboards with a citywide permit—its existence predates the current billboard-permit framework—and is therefore non-conforming pursuant to Section 12-11-10 of the Zoning Ordinance. The petitioner intends to remove this existing billboard in its entirety and construct a new billboard in a different location than the existing.

Allowing Billboards in C-6 District

The Zoning Ordinance currently permits billboards in the C-1, C-2, C-3, M-1, M-2, and I-1 districts but does not have an allowance for billboards in the C-6 district. As such, the petitioner is proposing to amend Section 12- 11-6.B under Billboards to add the C-6 district as one which can allow a billboard sign. All citywide billboard permits have been issued for the city as a whole. Consequently, for purposes of this project, the petitioner is also looking to amend Section 12-11-6.B under Billboards to add a special allowance for the C-6 district for one billboard sign—pursuant to Section 12-11-3.C.3—separate from the existing allowance of billboard permits for the rest of the city.

Allowing New Billboards with EMB Panels

The above amendments would create the necessary allowance to permit the construction of a static billboard sign in the C-6 district for the proposed Lot 2. However, the petitioner is requesting a new billboard sign with electronic message board (EMB) panels as an initial installation. While Section 12-11-5.H of the Zoning Ordinance allows for the conversion of an existing static billboard to an electronic message board (EMB) billboard, there is currently no allowance for a new billboard with EMB panels. As such, the petitioner is requesting to modify Section 12-11-5.H to allow a new EMB billboard pursuant to standards and regulations for billboards generally and the EMB billboard standards in Section 12-11-6.B under Billboards.

Allowing a Three-Sided Billboard

The Zoning Ordinance currently allows no more than a double-faced billboard sign with each face not exceeding 1,200 square feet and the total sign area not exceeding 2,400 square feet. However, the petitioner is proposing a three-sided billboard as part of this project. As a result, the petitioner is proposing to amend Section 12-11-6.B under Billboards to allow a three-sided billboard only in the C-6 District provided that two of the three faces cannot exceed 1,200 square feet in area, the third face cannot exceed 600 square feet in area, and the total billboard sign area cannot exceed 3,000 square feet.

Exempting Billboards from Sign Area Restrictions Due to Lot Size

There is a current 600-square-foot total sign area restriction for parcels that are less than five acres in size that directly conflicts with the new billboard on the proposed Lot 2. Since the proposed Lot 2 will be less than five acres in size, the petitioner is also looking to amend footnote 2 of the table in Section 12-11-6.B to exempt static or EMB billboards from this restriction.

The PZB recommended (5-0) that the City Council approve the proposed text amendment as written.

Todd Schaffer, Principal with Haeger Engineering, spoke on behalf of the petitioner.

City Manager Bartholomew noted that the City receives time on all electronic message boards, including each panel, to advertise City events.

Moved by Chester, seconded by Zadrozny, to Approve the Ordinance Z-36-22, AN ORDINANCE AMENDING SECTIONS 12-11-5 AND 12- 11-6 OF THE DES PLAINES ZONING ORDINANCE REGARDING BILLBOARD SIGNS IN THE C-6 CASINO DISTRICT (CASE# 22-046-TA-MAP-FPUD-FPLAT).

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

Advanced to second reading by Chester, seconded by Lysakowski, to Adopt the Ordinance Z-36-22, AN ORDINANCE AMENDING SECTIONS 12-11-5 AND 12- 11-6 OF THE DES PLAINES ZONING ORDINANCE REGARDING BILLBOARD SIGNS IN THE C-6 CASINO DISTRICT (CASE# 22-046-TA-MAP-FPUD-FPLAT).

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

CONSIDER
APPROVING A MAP
AMEND, MAJOR
AMENDS TO THE
FINAL PUD, A
FINAL PLAT OF
SUBDIV, AND
SUBDIV VAR FOR
2980-3000 S. RIVER
RD AND 2500
DEVON AVE

Ordinance
Z-37-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated November 3, 2022.

The petitioner is requesting the following items: (i) a map amendment under Section 12-3-7 to rezone the property at 2500 Devon Avenue from C-2 Limited Office Commercial district to C-6 Casino district; (ii) a Major Change to a Conditional Use for a Final PUD under Section 12-3-5 of the Zoning Ordinance to make various site improvements regarding parking and access drives on 2500 Devon Avenue, landscaping, pedestrian access, and billboard sign location; and (iii) a Final Plat of Subdivision under Section 13-2-7 of the Subdivision Regulations to consolidate four lots of record into two lots of record.

All of the requests are intended to work in concert to accomplish the following:

- Remove the existing billboard at 2500 Devon Avenue, and build and install a new billboard on a newly created lot approximately 127 feet to the south. While the change would not result in a net increase in the number of billboards, the new billboard is proposed to have three panels instead of two. (Note: Approval of this component relies on Ordinance Z-36-22, also considered for first reading at the November 21, 2022 meeting.)
- Formally bring the office building at 2500 Devon into the casino campus. The building is already owned by an entity controlled by the casino and used to support casino operations.
- Modify the parking lot design in the southwest corner of the casino campus, surrounding the 2500 Devon office building. The location of access points and drive aisles will change, notably with the removal of an existing curb cut to Devon. The proposal does not result in any net change of the number of parking spaces but does create a more cohesive parking area.

Map Amendment (2500 Devon)

The subject properties at 2980-3000 S. River Road are zoned C-6 Casino. However, the subject property at 2500 Devon Avenue, containing the second stand-alone office building, is currently zoned C-2 Limited Office Commercial. As a result, the petitioner is requesting a map amendment for this property from the C-2 to C-6 district so that it will be consistent with the rest of the casino properties. The proposed map amendment requires the existing Parcel 3 office building (to be consolidated with the proposed Lot 1) to be in conformance with the bulk regulations of the C-6 Casino district.

As this is a corner lot, the Zoning Ordinance designates the shortest property line abutting a street—Devon Avenue—as the front yard, the north property line as the rear yard, and the east and west property lines as the side yards. Aside from the differing rear yard setback and height requirements, the C-2 and C-6 bulk requirements are similar. However, there is a special consideration for developments in the C-6 Casino district as identified in Section 12-7-3.L of the Zoning Ordinance: “In the C-6 Casino District, more than 1 structure may be allowed per lot, thus, setbacks shall be maintained for each lot, and not to individual structures....”

As a result, the required setbacks identified for the C-6 district apply to all collective structures that makeup the development on a single lot as a whole—not as a required setback from individual structures. That said, the existing development on the proposed Lot 1—casino building, office buildings, and parking garages—all meet the required bulk regulations for the C-6 district and will not be altered by this request.

Major Change to Final PUD

The casino campus contains a roughly 224,363-square-foot casino building, a four-story parking garage, and a two-story office building with a surface parking lot. With all lots combined, the property encompasses 20.78 acres in land area. The applicant is requesting a Major Change to the Planned Unit Development to make various site improvements regarding parking and access drives on 2500 Devon Avenue, landscaping, pedestrian access, and billboard sign location.

Parking and Access Improvements

As part of this request and with the removal of the existing billboard, the current separate parking area for the office building at 2500 Devon Avenue will be reconfigured so that it is open and cohesive to the rest of the southwestern casino surface parking area. In addition, the existing south drive aisle providing access from Devon Avenue to the current office building parking lot will be removed and replaced with new parking spaces and new turf/curb work in the parkway. Both of the proposed changes are intended to increase available parking and allow for better connectivity and access throughout the subject properties. The proposal also includes improvements for pedestrian access to the office building at 2500 Devon Avenue. The improvements consist of modifications to the existing landing and stairs accessing the south elevation of the building from the public walkway along Devon Avenue and the addition of a separate paved walkway area to provide direct ADA accessibility from the accessible spaces in the southwestern corner of the reconfigured parking area and the building.

Landscape Improvements

The proposal seeks to make some adjustments and improvements to the existing landscape areas throughout the entire site including all three subject properties. The proposed improvements are focused around the parking lot redesign at the southwestern portion of the site, along River Road, and the main casino entrance off River Road but also include improvements interspersed throughout the subject properties.

Final Plat of Subdivision

The existing casino property consists of four separate parcels:

- Parcel 1 includes the Casino building and surface and covered parking areas on 3000 S. River Road and the office building and surface parking area on 2980 S. River Road;
- Parcel 2 includes the open space situated in between the office building at 2500 Devon Avenue and the west access drive aisle off Devon Avenue;
- Parcel 3 includes the office building and surface parking lot at 2500 Devon Avenue; and
- Parcel 4 includes the existing billboard and surface parking area portion.

The petitioner proposes to consolidate the existing four parcels into two lots of record as part of the Final Plat of Subdivision for the Des Plaines Casino Second Amended Resubdivision. Parcels 1, 2, and 3 will be consolidated into a proposed Lot 1 and the new billboard will be located on a proposed Lot 2, which will be positioned on a portion of the existing Lot 3. The Final Engineering Plans were approved by the Engineering department on October 12, 2022.

The new billboard is provided on a separate lot and will be owned by a separate entity (not the casino), but will retain 2500 Devon Avenue as its property address. The casino-owned parcels are proposed to be consolidated in an effort to provide more flexibility on future site projects and each property will retain its current property address.

Easements and Building Lines

The Final Plat shows the following existing easements and building lines: (i) a five-foot building setback line around the entire property boundary; (ii) a 15-foot Public Utility Easement along the south and east property boundaries; (iii) a 25-foot public utility easement along the west property boundary; (iv) various public utility easement and municipal watermain easements through site; (v) various municipal easements for storm sewer throughout site; (vi) a 10-foot water main easement at the northwest corner of the site; (vii) a 25-foot roadway ingress and egress easement along the west property boundary; (viii) a 33-foot Northern Illinois Gas Co. easement; (ix) a 38-foot City of Des Plaines easement; (x) a 38-foot utility roadway easement along the west property boundary; (xi) a public utility easement along the west property boundary; (xii) an aerial easement at the southwest corner of the site; (xiii) a roadway easement and separate access easement at the southwest corner of the site; and (xiv) a traffic signal easement at the southwest corner of the site.

As part of the resubdivision, the existing five-foot building setback line surrounding the current office building at 2500 Devon Avenue will be abrogated. However, the other existing easements are proposed to remain.

Subdivision Variations

The proposed Lot 2, which will contain the new billboard, is a new lot and is subject to the Subdivision Regulations. Pursuant to Section 13-2-5.R, all new lots must be a minimum of 125-feet in depth. Since the proposed Lot 2 is 62 feet deep, it does not meet the minimum depth requirements resulting in a need for a subdivision variation as part of this request. Further, pursuant to Section 13-2-5.V, all lots must front on a public street. The proposed lot borders a private drive, but not a public street, thus requiring a subdivision variation.

The PZB voted 5-0 to approve the Tentative Plat and voted 5-0 for each of other motions, to recommend approval of the map amendment, Final PUD, and Final Plat (with Subdivision Variations).

Staff and the PZB recommend the following conditions for the requests:

1. The existing billboard structure at 2500 Devon shall be removed in its entirety through a demolition permit prior to the approval of a billboard permit and construction of the new billboard structure.
2. All governing documents for the proposed development including covenants, conditions, and restrictions, or operating reciprocal easement agreements must be submitted to and approved by the City's General Counsel prior to the recording of the Final Plat of PUD or Final Plat of Subdivision.

Moved by Chester, seconded by Zadrozny, to Approve as amended, to amend C-1 to allow the concurrent review of the applications, the Ordinance Z-37-22, AN ORDINANCE APPROVING A MAP AMENDMENT, MAJOR AMENDMENTS TO THE FINAL PLANNED UNIT DEVELOPMENT, A FINAL PLAT OF SUBDIVISION, AND SUBDIVISION VARIATIONS FOR 2980-3000 SOUTH RIVER ROAD AND 2500 DEVON AVENUE (Case #22-046- TA-MAP-FPUD-FPLAT).

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

Advanced to second reading by Chester, seconded by Moylan, to Adopt as amended, to amend C-1 to allow the concurrent review of the applications, the Ordinance Z-37-22, AN ORDINANCE APPROVING A MAP AMENDMENT, MAJOR AMENDMENTS TO THE FINAL PLANNED UNIT DEVELOPMENT, A FINAL PLAT OF SUBDIVISION, AND SUBDIVISION VARIATIONS FOR 2980-3000 SOUTH RIVER ROAD AND 2500 DEVON AVENUE (Case #22-046- TA-MAP-FPUD-FPLAT).

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 1 - Brookman

Motion declared carried.

Mayor Goczkowski asked Chairman Chester if he was interested in advancing Ordinance Z-34-22 to second reading.

Chairman Chester asked Director of Community and Economic Development Carlisle if he found it necessary to advance the ordinance to second reading this evening. Chairman Chester decided to wait for a vote until the next meeting.

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

Mayor Goczkowski reminded residents of the upcoming City holiday events in Metropolitan Square – Holiday Tree Lighting on Friday, December 2nd from 4:00 p.m. to 6:30 p.m. and Winter Fair in the Square on Saturday, December 3rd from 11:00 a.m. to 6:00 p.m.

ADJOURNMENT

Moved by Moylan, seconded by Chester to adjourn the meeting. The meeting adjourned at 7:58 p.m.

/s/ Jessica M. Mastalski
Jessica M. Mastalski – CITY CLERK

APPROVED BY ME THIS 5th

DAY OF December, 2022

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR