

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, TUESDAY, FEBRUARY 21, 2023

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 Tuesday, February 21, 2023.

ROLL CALL

Roll call indicated the following Aldermen present: Moylan, Oskerka, Zadrozny, Chester, Smith, Ebrahimi. Absent: Lysakowski, 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, Police Chief Anderson, and General Counsel Weiss.

PRAYER AND PLEDGE

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

MINUTES OF THE PUBLIC HEARINGS HELD IN THE ELEANOR ROHRBACH MEMORIAL COUNCIL CHAMBERS DES PLAINES CIVIC CENTER, TUESDAY, FEBRUARY 21, 2023

PUBLIC HEARING/ CONSIDER MAKING APPROPRIATIONS TO DEFRAY THE EXPENSES OF THE CITY FOR MUNICIPAL PURPOSES FOR THE FISCAL YEAR BEGINNING JAN 1, 2023 AND ENDING DEC 31, 2023
Ordinance M-36-22

Mayor Goczkowski called the Public Hearing for reconsideration of Ordinance M-6-23, an ordinance Making Appropriations To Defray The Expenses Of The City Of Des Plaines, Cook County, Illinois For Municipal Purposes Designated As The “Annual Appropriation Ordinance” For The Fiscal Year Beginning January 1, 2023 And Ending December 31, 2023, to order at 7:01 p.m.

Assistant City Manager/Director of Finance Wisniewski reviewed a memorandum dated February 8, 2023.

In accordance with the Illinois Compiled Statutes (ILCS), the City is required to pass an annual appropriation ordinance within the first quarter of its fiscal year. This appropriation ordinance specifies the sums of money deemed necessary to defray all expenses and liabilities for the calendar year 2023.

The appropriation ordinance serves as a limit on what may be spent during the current fiscal year. The purpose of the appropriation ordinance is to appropriate such sums of money as the municipality deems necessary to defray all of its necessary expenses and liabilities. The ordinance is to be set up by objects and purposes for which each line item of the appropriation is made, and each appropriation must be for a specific dollar amount.

The purpose for the required specificity in the appropriation ordinance is to inform the taxpayers of the purposes for which the municipal revenues are to be expended since no fund can legally be expended for any purpose other than that for which it was appropriated.

Staff recommends the City Council pass and adopt the 2023 Appropriation Ordinance.

Moved by Chester, seconded by Oskerka, to Approve the Ordinance M-6-23, AN ORDINANCE MAKING APPROPRIATIONS TO DEFRAY THE EXPENSES OF THE CITY OF DES PLAINES, COOK COUNTY, ILLINOIS FOR MUNICIPAL PURPOSES DESIGNATED AS THE “ANNUAL APPROPRIATION ORDINANCE” FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023 AND ENDING DECEMBER 31, 2023.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Brookman

Motion declared carried.

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

PUBLIC COMMENT

Resident Phil Rominski asked about the status of a possible future farmer's market; he asked about the possibility of an alley being extended in the second ward; he questioned the measures regarding dust mitigation for building demolition and construction; he asked what electric, water, and life safety measures are in place when determining building occupancy; and he asked about the drainage required for flat roofs.

City Manager Bartholomew responded regarding a possible future farmer's market.

Mayor Goczkowski mentioned other possible events the City is considering.

Alderman Moylan addressed the question regarding the possibility of an alley being extended in the second ward.

Director of CED Carlisle and City Manager Bartholomew addressed the question regarding dust mitigation for building demolition and construction,

Fire Chief Anderson addressed the question regarding measures considered when determining building occupancy.

City Manager Bartholomew addressed the question regarding drainage required for flat roofs.

Resident Deb Lester asked if the train, which derailed in Ohio, traveled through Des Plaines; and she stated the City and residents should be educated for an emergency situation on the freight lines.

Mayor Goczkowski stated the City is unaware if that train travelled through Des Plaines, but he assumes there are hazardous materials that travel the City freight lines on a regular basis.

ALDERMAN ANNOUNCEMENTS

Alderman Moylan thanked Public Works for purchasing an EV cargo van, and noted the new City owned Romano's building will be demolished next week.

Alderman Zadrozny thanked City staff for helping resolve resident issues, and he asked Police Chief Anderson and Fire Chief Anderson about safety procedures in place for a possible train derailment.

Police Chief Anderson briefed the City on safety plans in place for a possible train derailment.

Alderman Chester mentioned Patty Sayad, wife of former Alderman Sayad passed away; he extended his condolences and stated visitation will be Saturday, February 25, 2023 at St. Zachary from 9:00 a.m. to 11:00a.m.

Alderman Smith expressed condolences to the family of Patty Sayad, She also asked City Manager Bartholomew about the number of data centers that have expressed interest in building in the City.

City Manager Bartholomew stated he will put together a raw number of data centers.

Alderman Ebrahimi echoed what Alderman Zadrozny stated about the staff, and gave this gratitude to the staff.

MANAGER'S REPORT

City Manager Bartholomew stated that at previous meeting the City Council postponed an item regarding a 1700 Higgins Rd 7B tax incentive which was supposed to appear on tonight's agenda; however, the petitioner asked for an extension, so the item will be deferred to the next City Council meeting. He also stated that the petitioners of Item 2b on tonight's agenda asked for a postponement, so action will be needed to postpone to the next meeting.

CONSENT AGENDA

Resident Tom Lovestrand requested Item #9 be removed from the Consent Agenda.

Moved by Chester, seconded by Zadrozny, to Establish the Consent Agenda without Item #9. Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Brookman

Motion declared carried.

Moved by Oskerka, seconded by Chester, to Approve the Consent Agenda without Item #9. Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Brookman

Motion declared carried.

Minutes were approved; Ordinance M-5-23 was adopted; Resolutions R-44-23, R-45-23, R-46-23, R-47-23, R-48-23, R-49-23, R-50-23, R-51-23, R-54-23, R-55-23 were adopted.

City Clerk Mastalski read the Item removed from the Consent Agenda

APPROVE IGA/ OCC/ EVENTS
Consent Agenda
Resolution
R-44-23

Moved by Oskerka, seconded by Chester, to Approve Resolution R-44-23, A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH OAKTON COLLEGE REGARDING CITY-HOSTED EVENTS. Motion declared carried as approved unanimously under Consent Agenda.

AUTH EXPND OF FUNDS/ SW LIC AGRMT/ TYLER
Consent Agenda

Moved by Oskerka, seconded by Chester, to Approve Resolution R-45-23, A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS UNDER A SOFTWARE LICENSE AGREEMENT WITH TYLER TECHNOLOGIES, INC. FOR SOFTWARE LICENSES AND MAINTENANCE SERVICES . Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-45-23

AUTH EXPND OF FUNDSSW MAINT AGRMT/ TYLER
Consent Agenda

Moved by Oskerka, seconded by Chester, to Approve Resolution R-46-23, 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-46-23

AUTH PURCH/ FD
UNIFORMS/ ON
TIME EMB
Consent Agenda

Moved by Oskerka, seconded by Chester, to Approve Resolution R-47-23, A RESOLUTION AUTHORIZING THE PURCHASE OF FIRE DEPARTMENT UNIFORMS FROM ON TIME EMBROIDERY, INC. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-47-23

AUTH PURCH/
ELEV SVCS/
EMERG 24
Consent Agenda

Moved by Oskerka, seconded by Chester, to Approve Resolution R-48-23, A RESOLUTION AUTHORIZING THE PURCHASE OF ELEVATOR ALARM MONITORING SERVICES FROM EMERGENCY 24, INC. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-48-23

APPROVE TSK ORD
4/ CONSTR ADMIN
SVCS/ FGM ARCHT
Consent Agenda

Moved by Oskerka, seconded by Chester, to Approve Resolution R-49-23, A RESOLUTION APPROVING TASK ORDER NO. 4 WITH FGM ARCHITECTS INC. FOR CONSTRUCTION ADMINISTRATION SERVICES FOR THE CITY HALL AND POLICE STATION LINK AND POLICE STATION ADDITION AND RENOVATION . Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-49-23

APPROVE AGRMT/
FH PURCH/ CORE
& MAIN
Consent Agenda

Moved by Oskerka, seconded by Chester, to Approve Resolution R-50-23, A RESOLUTION APPROVING AN AGREEMENT WITH CORE AND MAIN, LP. FOR THE PURCHASE OF MUELLER FIRE HYDRANT. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-50-23

APPROVE AMD/
LAA/ IDOT
Consent Agenda

Moved by Oskerka, seconded by Chester, to Approve Resolution R-51-23, A RESOLUTION APPROVING AMENDMENT NO. 1 TO LOCAL AGENCY AGREEMENT WITH IDOT IN CONNECTION WITH THE CONSTRUCTION OF THE OAKTON STREET SIDEPATH PROJECT. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-51-23

APPROVE AGRMT/
LIC PLATE RECOG
CAMERAS/ FLOCK
GROUP
Consent Agenda

Item #9 was removed from the Consent Agenda, Resolution R-53-23, A RESOLUTION APPROVING AN AGREEMENT WITH FLOCK GROUP, INC. FOR THE INSTALLATION AND MAINTENANCE OF LICENSE PLATE RECOGNITION CAMERAS.

Police Chief Anderson gave a review of the Flock safety program and license plate recognition cameras.

Resolution
R-53-23

Moved by Moylan, seconded by Chester, to Approve the Resolution R-53-23, A RESOLUTION APPROVING AN AGREEMENT WITH FLOCK GROUP, INC. FOR THE INSTALLATION AND MAINTENANCE OF LICENSE PLATE RECOGNITION CAMERAS.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Brookman

Motion declared carried.

**APPROVE AGRMT/
TASERS/ AXON**
Consent Agenda

Moved by Oskerka, seconded by Chester, to Approve Resolution R-54-23, A RESOLUTION APPROVING AN AGREEMENT WITH AXON ENTERPRISES, INC. FOR TASERS AND RELATED SERVICES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-54-23**

**APPROVE AGRMT/
ADD & RENO PRJ/
CAMOSY**
Consent Agenda

Moved by Oskerka, seconded by Chester, to Approve Resolution R-55-23, A RESOLUTION APPROVING AN AGREEMENT WITH CAMOSY INCORPORATED FOR THE CITY HALL AND POLICE STATION LINK AND POLICE STATION ADDITION AND RENOVATION PROJECT. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-55-23**

**SECOND READING/
ORDINANCE**
M-5-23
Consent Agenda

Moved by Oskerka, seconded by Chester, to Approve Ordinance M-2-23, AN ORDINANCE AMENDING THE CITY CODE TO ADD ONE CLASS "A" LIQUOR LICENSE. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
MINUTES**
Consent Agenda

Moved by Oskerka, seconded by Chester, to Approve the Minutes of the City Council meeting of February 6, 2023, as published. Motion declared carried as approved unanimously under Consent Agenda.

RE-APPOINTMENT

Mayor Goczkowski read the following re-appointment for consideration; no action was required:

YOUTH COMMISSION

Josephine Al-Naemy – Term to Expire 9/4/2026

Ronald Burton – Term to Expire 9/4/2026

Mary Dankowski – Term to Expire 9/4/2026

Bob Neil – Term to Expire 9/4/2026

**UNFINISHED
BUSINESS**

**CONSIDER
AUTHORIZING A
SECOND
REDUCTION OF
THE LETTER OF
CREDIT FOR
PUBLIC
IMPROVEMENTS
AT 1425**

ELLINWOOD ST
Resolution
R-219-22

Director of Community & Economic Development Carlisle reviewed a memorandum dated February 9, 2023.

Initially on the City Council's agenda for the December 19, 2022 meeting, consideration of a request to reduce the performance security for required public improvements for the Bayview-Compasspoint mixed-use development was deferred. Based on a revised request from the developer and re-inspection, the Council is once again asked to consider the request, modified to a lesser amount.

1425 Ellinwood Apartments, LLC is the developer of the mixed-use residential, commercial, and parking development under construction at 1425 Ellinwood. The developer has submitted a request for a second reduction of the subdivision improvement performance security for public improvements.

In October 2020, Bayview-Compasspoint posted a letter of credit for an amount is equal to 125 percent of the estimated cost to complete the public improvements. On October 4, 2021 via Resolution R-158-21, the City Council approved a reduction of the letter of credit to \$485,477.50 after the completion of water main replacement along Ellinwood. The developer has now have completed most streetscaping work along the frontages adjacent to the project (Ellinwood, Lee Street, and Graceland Avenue), with grates along Ellinwood and crosswalk pavers at the Ellinwood-Lee and Ellinwood-Graceland intersections.

Therefore, the developer requests reducing the amount of the letter of credit accordingly. This reduction amounts to \$285,477.50, leaving a balance of \$200,000. Previously the developer had requested a reduction to a balance of \$96,189.75. The Public Works and Engineering Department (PWE) has inspected the improvements and concurs with the reduction to \$200,000.

An additional reduction will be requested in the future, concurrent with a request for the City to accept the improvements as public property. This future action would also begin the maintenance warranty period pursuant to City Code and the redevelopment agreement. Approval of Resolution R-219-22 does not fully release all funds in the security nor does it accept the improvements.

Alderman Smith expressed safety concerns about the building drainage system.

Resident Phil Rominski expressed various safety issues he has noticed outside of the building and inside the public garage located in the building.

Resident Deb Lester also expressed safety concerns regarding the building drainage system, and she inquired about the amount of the construction bond for the building.

Moved by Moylan, seconded by Oskerka, to Approve the Resolution R-219-22, A RESOLUTION AUTHORIZING A SECOND REDUCTION OF THE LETTER OF CREDIT FOR PUBLIC IMPROVEMENTS FOR THE BAYVIEW COMPASSPOINT MIXED-USE DEVELOPMENT AT 1425 ELLINWOOD STREET.

Upon roll call, the vote was:

AYES: 5 - Moylan, Oskerka, Zadrozny,
Chester, Ebrahimi

NAYS: 1 - Smith

ABSENT: 2 - Lysakowski, Brookman

Motion declared carried.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Zadrozny, Chair

Alderman Zadrozny presented the Warrant Register.

Moved by Zadrozny, seconded by Chester, to Approve the Warrant Register of February 21, 2023 in the Amount of \$21,960,295.81 and Approve Resolution R-56-23.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Brookman

Motion declared carried.

COMMUNITY DEVELOPMENT – Alderman Chester, Chair

WARRANT REGISTER **Resolution R-56-23**

CONSIDER
APPROVING AN
AMD TO AN
EXISTING
CONDITIONAL USE
PERMIT FOR AN
AUTO BODY
REPAIR USE AT
1300 MINER ST
Ordinance
Z-2-23

Director of Community & Economic Development Carlisle reviewed a memorandum dated February 8, 2023.

The petitioner, Melbin Ordonez, has requested an amendment to the existing Conditional Use Permit to expand the existing auto body repair facility, Blessing Automotive LLC, at 1300 Miner Street into Suite 3 of the multi-tenant building located on the subject property. The existing one-story, 9,139-square-foot building is made up of three tenant spaces, all of which have been utilized for automotive repair uses in the past. Suites 1 and 2 of the building, or the two end spaces, have been occupied by Blessing Automotive since 2020 and C&H Auto Repair, Inc. since 2015. Suite 3, the middle space, which had been occupied by AP Transmissions, Inc. since 2017, is now vacant and is adjacent to Suite 1. As such, the petitioner proposes to expand Blessing Automotive into Suite 3, which is directly adjacent to its current space. This means they would occupy two-thirds of the building instead of one third. The proposed change requires an amendment to the conditional use.

Suite 1, where Blessing Automotive currently operates, consists of a 3,720- square-foot tenant space with four service bays, a retail area with an office and kitchenette, a spray booth, a mixing room, three separate storage areas on a mezzanine level, and four off-street parking spaces. Suite 3 consists of an indoor garage area with access to the front parking area, kitchenette area, two restrooms, and two separate office spaces. The petitioner intends to utilize the existing kitchenette and separate office spaces in Suite 3 for additional storage space. There are no proposed changes to the size of the building or to Suite 2 on the far east side of the building. However, the petitioner intends to add two service bays, a wheel balancing machine, and two customer parking spaces inside the existing indoor garage area in Suite 3.

Auto repair facilities are required to provide two parking spaces per service bay, plus one space for every 200 square feet of accessory retail. As a result, a total of 12 off-street parking spaces are required for the new proposal for Blessing Automotive. Given the unique shape of the property and the small size of the outdoor parking lot, Suite 1 contains four indoor parking spaces—two for employees and two for customers—inside the open garage area. Now that the petitioner is expanding the business into Suite 3 of the building, the proposal includes adding two customer parking spaces in the indoor garage area of Suite 3. Therefore, the Site Plan proposes 13 total parking spaces on the property— six spaces inside the building and seven outside, in front of the building, including a mobility-impaired accessible space.

Blessing Automotive currently operates from 8:00 a.m. to 6:00 p.m. Monday through Friday, 9:00 a.m. to 2:00 p.m. on Saturday, and closed on Sundays. Their services include removal of damaged auto body parts; realigning car frames and chassis; patching dents and repairing minor auto body damage; and fitting, attaching, and welding replacement parts in place. Additionally, priming, painting, and applying finish to restored parts takes place inside a prefabricated fireproofed spray booth with a filtered exhaust system. During operations a total of two employees will be on site at a given time. The petitioner does not intend to change the hours of operation or expand their existing services at this time. Because of the small lot and prominent location, several conditions are being recommended by staff to continue to minimize any visual impacts.

The PZB voted 4-1 to recommend approval of the conditional use amendment request. Staff and the PZB recommend the following conditions:

1. A landscape area that contains at least four shrubs and one tree must be added in the area north and west of the proposed accessible parking spot prior to issuance of any building permits related to the use of the Expanded Location.
2. Vehicles related to the auto body repair use may not be stored or parked overnight on the surrounding residential streets.
3. The sidewalk along the Miner Street property line of the Subject Property may not be blocked by vehicles at any time.

- 4. Vehicles may not be dropped-off on the Subject Property between 6 p.m. and 8 a.m.

Moved by Chester, seconded by Oskerka, to Approve the Ordinance Z-2-23, AN ORDINANCE APPROVING AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT FOR AN AUTO BODY REPAIR USE AT 1300 MINER STREET, DES PLAINES, ILLINOIS (Case #23-001-CU).

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Brookman

Motion declared carried.

Advanced to second reading by Chester, seconded by Oskerka, to Adopt the Ordinance Z-2-23, AN ORDINANCE APPROVING AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT FOR AN AUTO BODY REPAIR USE AT 1300 MINER STREET, DES PLAINES, ILLINOIS (Case #23-001-CU).

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Brookman

Motion declared carried.

CONSIDER
APPROVING A
CONDITIONAL USE
PERMIT FOR AN
AUTO SVC REPAIR
USE AT 827
ELMHURST RD
Ordinance
Z-3-23

The petitioner has requested a Conditional Use Permit to allow the construction of a new automotive service repair use, Strickland Oil, at 827 Elmhurst Road. The subject 20,099-square-foot (0.46-acre) vacant property is in the C-3 General Commercial district. An oil change business falls underneath an auto service repair use, which requires a conditional use permit in the C-3 district.

City Manager Bartholomew previously stated the petitioner requested a postponement of the ordinance.

Moved by Chester, seconded by Oskerka, to Defer to the next City Council meeting, the Ordinance Z-3-23, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT FOR AN AUTO SERVICE REPAIR USE AT 827 ELMHURST ROAD, DES PLAINES, ILLINOIS (Case #22- 054-CU).

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Brookman

Motion declared carried.

CONSIDER
VACATING A
PUBLIC ALLEY AT
1900 MANNHEIM
RD
Ordinance
M-7-23

Director of Community & Economic Development Carlisle reviewed a memorandum dated February 9, 2023.

Jorge Escobedo, owner of property at 1900 Mannheim Road, has requested that the City vacate a public alley (right-of-way) so that in the future he will have the option to construct additional parking to serve a small shopping center that currently includes an ice cream shop, grocery market, and restaurant.

The property, which is bounded by Mannheim on the east, Prospect Avenue on the north, and Chestnut Street on the west, encompasses 0.54 acres. The property consists of four parcels bisected by an unimproved 2,013-square-foot City alley. The single parcel located south of the

alley currently contains a commercial building (shopping center) with a 19-space surface parking lot. The three smaller parcels north of the alley area are currently an unimproved, grassy area, but if the owner can acquire the alley, all of the land would be connected as one zoning lot and would enable future parking lot expansion. The existing alley does not contain any utility lines. The appraisal assigns a market value of \$7,000.

Representatives of the petitioner spoke on their behalf.

Moved by Chester, seconded by Moylan, to Approve the Ordinance M-7-23, AN ORDINANCE VACATING A PUBLIC ALLEY AT 1900 MANNHEIM ROAD.

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Brookman

Motion declared carried.

Advanced to second reading by Chester, seconded by Moylan, to Adopt the Ordinance M-7-23, AN ORDINANCE VACATING A PUBLIC ALLEY AT 1900 MANNHEIM ROAD.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Brookman

Motion declared carried.

CONSIDER
APPROVING A
CONDITIONAL USE
PERMIT TO
OPERATE A
COMMERCIALY
ZONED ASSEMBLY
USE AT 1683 ELK
BLVD

Ordinance
Z-4-23

Director of Community & Economic Development Carlisle reviewed a memorandum dated February 9, 2023.

The petitioner, Jiju Mathew of the a, is proposing a conditional use to allow a commercially zoned assembly at 1683 Elk Blvd. Specifically, the petitioner is interested in using one unit of the 1665-1695 building (east building) for worship services. The church has used this property as an office space for one year and now proposes to host worship services on Sundays and weeknights after standard business hours.

1683 Elk is one unit out of six in a two-building, multi-tenant office complex (six total uses/tenants). All other tenants are classified as “office” in the Zoning Ordinance, including Ahlbeck and Company, an accounting company; a dentist office; an IT company; a video production company; and the Center of Concern, a nonprofit organization that provides housing and social services to senior and other at-risk populations.

The floor plan of the 1683 Elk unit includes office space and a common meeting area that the petitioner intends to use for worship services. The applicant requests a maximum of 49 people for the assembly use (the fire occupancy limit). The proposed hours of operation are as follows:

- 9 a.m. to 6 p.m. for hours of the office use (Tuesday through Friday; Saturday and Sunday for occasional office use)
- 5 p.m. to 10 p.m. for assembly uses on weekdays (Monday through Friday)
- 7:30 a.m. to 3 p.m. for assembly uses on Saturdays and Sundays

Generally, the hours of operation for the other tenants in this office building are Monday through Friday, 8 a.m. to 5 p.m.

Commercially zoned assembly uses for places of worship are required to provide 1 space for every 60 square feet of gross floor area. The parking lot currently includes 56 standard parking spaces and two accessible spaces (58 total) to serve the two buildings collectively. Although

the 1651 Elk (office building) adjoins 1645 Elk (Pavestone Brick Paving), Pavestone is a separate zoning lot with its own parking lot and does not use this parking area. A minimum of three accessible spaces are required, so designating an additional accessible parking space to satisfy Section 12-9-8 is a recommended approval condition. The spaces in front of 1683 Elk have striping for a loading zone and a handicap-accessible curb but are missing some necessary striping and signage. These may be an option for the petitioner to fulfill the condition.

Staff determined the available parking for all tenants in the complex – without the proposed assembly use – meets the requirement. Adding the assembly use increases the total requirement to 76, making the parking lot 18 spaces short of the requirement without the practical ability to add more. A standard variation to reduce the total required parking from 76 to 58 was approved at the January 24, 2023 Planning and Zoning Board meeting.

The petitioner's narrative states a maximum of 35 spaces would be used in this parking lot for this use. However, it is important to note the assembly use is not proposed to overlap in hours with the other office uses. The neighboring tenants do not have hours of operation after 5 p.m. on any day of the week, leaving many spaces unoccupied. Additionally, the church requests to use the space on occasional evenings for meetings or other worship activities, intending to operate after 5 p.m. and not exceeding 20 attendees.

The PZB approved (5-0) a standard variation to reduce required parking by less than 30 percent and recommended (5-0) that the City Council approve of the conditional use permit, with the conditions provided by staff.

Recommend Conditions of Approval:

1. The Subject Property shall only be used for the Activities during the following times:
 - a. 9 a.m. to 6 p.m. for hours of the office use (Tuesday through Friday; Saturday and Sunday for employees, as needed).
 - b. 5 p.m. to 10 p.m. for assembly uses on weeknights (Monday through Friday).
 - c. 7:30 a.m. to 3 p.m. for assembly uses on Saturdays and Sundays.
 - d. Any other hours of operation that are approved by the Director of Community and Economic Development.
2. Additional accessible parking for the development shall be located on site to meet the mobility accessible standards pursuant to Section 12-9-8.
3. The Activities and the Subject Property must comply at all times with the maximum occupancy load determined by the Fire Department.

Jimi Vilson, a pastor of Living Hope Church, spoke on behalf of the petitioner.

Moved by Chester, seconded by Oskerka, to Approve the Ordinance Z-4-23, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO OPERATE A COMMERCIALY ZONED ASSEMBLY USE AT 1683 ELK BOULEVARD, DES PLAINES, ILLINOIS. (Case # 22-048-CU).

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Brookman

Motion declared carried.

Advanced to second reading by Chester, seconded by Zadrozny, to Adopt the Ordinance Z-4-23, AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT TO OPERATE A COMMERCIALY ZONED ASSEMBLY USE AT 1683 ELK BOULEVARD, DES PLAINES, ILLINOIS. (Case # 22-048-CU).

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Brookman

Motion declared carried.

CONSIDER
AMENDING THE
TEXT OF THE
ZONING
ORDINANCE
REGARDING THE
VARIATION
APPROVAL
PROCESS
Ordinance
Z-5-23

Director of Community & Economic Development Carlisle reviewed a memorandum dated February 9, 2023.

Consider Zoning Ordinance amendments that would allow the Zoning Administrator to determine that Minor Variation requests, upon which the Administrator has the authority to decide, may also be escalated to be decided by the City Council.

Section 12-3-6 of the Zoning Ordinance establishes three types of variations and the procedures for each: Minor, Standard, and Major. Currently Minor Variations must be decided by the Zoning Administrator with the following outcomes: approved, approved with modifications/conditions, or denied. These variations include the following instances (paraphrased from the Ordinance):

- Vary any required front, side, or rear yard setback by no more than thirty percent (30%);
- Vary the height, type, and location of any fence (but no barbed wire may be allowed within a residential district);
- Allow replacement or expansion of an existing residential detached garage located in a residential district, or the expansion of an existing structure located within a residential district, when the replacement or expansion would not further encroach into the required side yard;
- Vary the location of accessory structures for lots that are "double frontage lots" or lots that are both "corner" and "double frontage lots" (lots at the end of a block with three street frontages), where the construction or installation of an accessory structure is between the principal structure and the street of secondary frontage (generally bordering busy or industrial streets);
- Vary the size, location, and number of parking or driveway areas as established in the driveway rules when a property improved with a residential single-family detached dwelling cannot accommodate two parking spaces within a garage, carport, on a surface driveway or a combination (but cannot be granted if the result is more than two parking spaces on the property);
- Vary the Building Design Review Standards;
- Vary the open storage requirements in the M-2 District; and
- Vary the minimum distance from a lot line for a driveway in a required yard in the R-1 and R-2 Districts or in any other district where the property has a single-family detached dwelling.

Nonetheless, there are occasional denials. While there is a current appeal option (heard and decided by the Planning and Zoning Board) under the Ordinance, a more time-efficient process in certain circumstances would be to allow the Zoning Administrator to treat a Minor Variation like it is a non-administrative application – in other words, a request that will go to the PZB for a public hearing and recommendation and subsequently to the City Council for a final vote. Although these instances are generally rare, when the Zoning Administrator believes a request is sensitive or controversial enough that those duly elected should ultimately decide its outcome, there is currently no procedural allowance for this path. The proposed amendments are intended to add this option for the Zoning Administrator.

The full proposed amendments are summarized below:

- Section 12-3-6.E.2: Procedure for Review and Decision
 - Added language to express that because of the nature of an application for minor variation, it should be decided by the City Council in accordance with the procedures for a major variation.
- Section 12-2-6: Decision Making Diagram
 - Update to correspond with Section 12-3-6.E.2.

In the instances where a Minor Variation has been elevated to be determined by the City Council as if it were a Major Variation, notice of the public hearing to be held by the PZB (recommendation vote) will be required. What is not proposed to change is the lack of application fee for these Minor Variations. Regardless of whether the Zoning Administrator chooses to decide upon them or escalate them to be decided by the City Council, there will remain no application fee.

The PZB voted 5-0 to recommend approval.

Moved by Chester, seconded by Oskerka, to Approve the Ordinance Z-5-23, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING THE VARIATION APPROVAL PROCESS.

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Brookman

Motion declared carried.

Advanced to second reading by Chester, seconded by Oskerka, to Adopt the Ordinance Z-5-23, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING THE VARIATION APPROVAL PROCESS.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 2 - Lysakowski, Brookman

Motion declared carried.

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

Fire Chief Anderson stated the train that derailed in Ohio was a Norfolk Southern train which originated in Matteson, Illinois and did not travel through Des Plaines.

ADJOURNMENT

Moved by Chester, seconded by Zadrozny to adjourn the meeting. The meeting adjourned at 8:27 p.m.

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

APPROVED BY ME THIS 6th

DAY OF March, 2023

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR