

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, JUNE 3, 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 6:00 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Monday, June 3, 2024.

ROLL CALL

Roll call indicated the following Aldermen present: Lysakowski, Oskerka, Sayad, Brookman, Walsten, Smith, Charewicz. Alderman Moylan (6:01 pm) A quorum was present.

CLOSED SESSION

Moved by Smith, seconded by Walsten, to convene into Closed Session under the following sections of the Open Meetings Act – Pending Litigation and Probable and 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 6:01 p.m.

The City Council reconvened at 7:00 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 Matzl, Police Chief Anderson, and General Counsel Friedman.

PRAYER AND PLEDGE

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

PROCLAMATION

Deputy Clerk Fast read a proclamation by Mayor Goczkowski declaring June Pride Month.

SWEARING-IN

Mayor Goczkowski administered the Oaths of Office to Matthew Matzl, Fire Chief; Joseph Ciraulo, Deputy Chief; Michael Rioch, Battalion Chief; Danel Garhan, Lieutenant; Robert Chapman, Firefighter/Paramedic/Engineer; Dylan Lersch, Firefighter/Paramedic, and Ryan Schelin, Firefighter/Paramedic.

Fire Chief Matzl thanked the City Council for the opportunity to serve as Fire Chief and expressed appreciation for the staff and community.

ALDERMAN ANNOUNCEMENTS

Alderman Sayad thanked the staff for the valuable information they provided at the 4th ward meeting on May 23. He also thanked the individuals responsible for the Memorial Day program and thanked the men and women for serving in the military.

Alderman Walsten announced that there will be a 6th ward meeting on June 20, Leisure Center at 7:00 p.m. and expressed gratitude for all those in the military.

Alderman Smith stated 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 announced the 8th ward meeting will be held on June 4, Friendship Conservatory at 7:00 pm. June 6-9 is West Fest at Maine West High School. Also, on June 15 volunteers will meet at Izaak Walton League at 10:00 am to clean-up along the Des Plaines River.

Alderman Oskerka congratulated the Fire Department personnel that was sworn in.

**MAYORAL
ANNOUNCEMENTS**

Mayor Goczkowski reminded everyone that the Taste of Des Plaines is June 14 and June 15 and beginning this year will be cashless.

**MANAGER'S
REPORT**

City Manager Wisniewski expressed her gratitude to the Fire Department personnel.

CONSENT AGENDA

Moved by Sayad, seconded by Brookman, to Establish the Consent Agenda. 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 Sayad, to Approve the Consent Agenda. 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.

Minutes were approved; Ordinance M-9-24 was approved; Resolutions R-109-24, R-110-24, R-111-24, R-112-24 were adopted.

**AWARD BID/
HAMMER
CONSTRUCTION
Consent Agenda**

Moved by Brookman, seconded by Sayad, to Approve Resolution R-109-24, A RESOLUTION APPROVING AN AGREEMENT WITH HAMMER CONSTRUCTION, LLC FOR MAINTENANCE REPAIRS ON CITY-OWNED PARKING STRUCTURES. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-109-24**

**RELEASE CERTAIN
CLOSED SESSION
MINUTES AND
RECORDINGS
Consent Agenda**

Moved by Brookman, seconded by Sayad, to Approve 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. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-110-24**

**APPROVE
ADDENDUM TO
INTERGOVMNTAL
AGMT IL STATE
TOLL & ELK GROVE
Consent Agenda**

Moved by Brookman, seconded by Sayad, to Approve 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

**Resolution
R-111-24**

WESTERN ACCESS PROJECT. Motion declared carried as approved. unanimously under Consent Agenda.

**APPROVE
PURCHASE OF
SERVERS/IT SAVVY,
LLC**
Consent Agenda

Moved by Brookman, seconded by Sayad, to Approve Resolution R-112-24, A RESOLUTION APPROVING THE PURCHASE OF SERVERS FROM IT SAVVY, LLC. Motion declared carried as approved. unanimously under Consent Agenda.

**Resolution
R-112-24**

**SECOND
READING/AMEND
CITY CODE**
Consent Agenda

Moved by Brookman, seconded by Sayad, to Approve Second Reading 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**

**APPROVE
MINUTES**
Consent Agenda

Moved by Brookman, seconded by Sayad, to Approve the Minutes of the City Council meeting of May 20, 2024, as published. Motion declared carried as approved unanimously under Consent Agenda.

**APPROVE
MINUTES**
Consent Agenda

Moved by Brookman, seconded by Sayad, to Approve the Closed Minutes of the City Council meeting of May 20, 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 Smith, to Approve the Warrant Register of June 3, 2024, in the Amount of \$7,143,186.62 and Approve Resolution R-114-24.

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.

COMMUNITY DEVELOPMENT – Alderman Moylan, Chair

**CONSIDER
APPROVING CU,
MAJOR AND
STANDARD
VARIATION FOR**

Director of Community & Economic Development Rogers reviewed a memorandum dated May 23, 2024.

Vasile Haures (1387 Prospect Ave. LLC), 1980 Pine Street, Des Plaines, IL 60018 is requesting the following: (i) conditional use for a trade contractor use; (ii) standard variation

1387 PROSPECT AVENUE

to reduce the required front yard; and (iii) a major variation to allow the loading space to face a public way (alley).

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.

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* offstreet parking spaces, stating that all spaces must open directly to an aisle or driveway. However, because the trade contractor use does not *require* offstreet 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 the 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.

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.

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.

Moved by Brookman, seconded by Walsten, to Approve First Reading of 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). 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 to advance to second reading, seconded by Smith, to Adopt 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). 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.

**CONSIDER TEXT
AMENDMENT TO
ALLO CHILDCARE
CENTERS IN THE I-1
INSTITUTIONAL
DISTRCT**

**ORDINANCE
Z-8-24**

Director of Community & Economic Development Rogers reviewed a memorandum dated May 23, 2024.

The petitioner, Brickton Montessori (Representative: Erica Lane, 8622 W. Catalpa Ave, Chicago, IL 60656), 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.*

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.

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.

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.

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.

Moved by Moylan, seconded by Walsten, to Approve First Reading of Ordinance Z-8-24, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING CHILDCARE CENTERS IN THE I-1 INSTITUTIONAL DISTRICT. 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 Walsten to advance to second reading, seconded by Oskerka, to Adopt Ordinance Z-8-24, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING CHILDCARE CENTERS IN THE I-1 INSTITUTIONAL DISTRICT. 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.

CONSIDER
APPROVING A MAP
AMEND/C.U./MAJOR
VARIATIONS/1655
AND 1695 S.
DES PLAINES RIVER
ROAD

ORDINANCE
Z-9-24

Director of Community & Economic Development Rogers reviewed a memorandum dated May 23, 2024.

The petitioner, Brickton Montessori (Representative: Erica Lane, 8622 W. Catalpa Ave, Chicago, IL 60656), 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.

The subject properties 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.

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.

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. Note that the site improvement plans submitted are preliminary and will be finalized during the subdivision request stage.

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. 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.

MAP AMENDMENT

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.

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. 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. Note that the 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.

CONDITIONAL USE

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 Architectural Plans designates the building areas devoted to each of the proposed uses as well as general areas for building operations. 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.

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:

- 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 offstreet 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.

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 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 Traffic Impact Study.

MAJOR VARIATIONS

The proposal includes several variation requests related to the parking lot structure and multiple landscape requirements. The petitioner has provided a description of the hardships on the existing site and the necessity of the variation requests in the Petitioner's Responses to Standards. The City Council shall review each variation request and make a final determination based on its findings.

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 minutes from the May 14, 2024 PZB Meeting.

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.

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.

Moved by Walsten, seconded by Lysakowski, to Approve First Reading of 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, IL (CASE# 24-016-MAP-CU-V). 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 Walsten to advance to second reading, seconded by Oskerka, to Adopt 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, IL (CASE# 24-016-MAP-CU-V). 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.

CONSIDER
AMENDING
EXISTING C.U.TO
ALLOW MOTOR
VEHICLE SALES AND
A TRADE
CONTRACTOR
USE/1628 RAND
ROAD

Director of Community & Economic Development Rogers reviewed a memorandum dated June 3, 2024.

The petitioner, Urszula Topolewicz, 2020 Berry Lane, Des Plaines, IL 60018, 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.

ORDINANCE
Z-10-24

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

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.

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. Draft ordinance, Z-10-24, 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.

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.

The representative for 1628 Rand answered questions from Aldermen.

Moved by Lysakowski, seconded by Walsten, to Approve First Reading of Ordinance Z-10-24, AN ORDINANCE GRANTING AN AMENDMENT TO AN EXISTING CONDISITONAL USE PERMIT TO ALLOW MOTOR VEHICLE SALES AND A TRADE CONTRACTOR USE LOCATED AT 1628 RAND ROAD, DES PLAINES, IL.

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.

PUBLIC WORKS – Alderman Charewicz, Chair

DISCUSSION OF LEAD SERVICE LINE REPLACEMENT PLAN

Assistant Director of Public Works and Engineering Timothy Watkins explained 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.

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).

Based on the results survey conducted by the Northwest Municipal Conference 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.

The Public Works and Engineering Department is 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.

City Manager Wisniewski recommended that if there is consideration from the City Council to cover the cost of the replacement, during the budget process gaming tax revenue will be allocated toward this project. Another option is to seek State and Federal funds.

Alderman Brookman suggested that the city cover the cost of the replacement and possibly enact a specific fund.

Mayor Goczkowski announced that while grant funds are available the amount is comparatively low compared to the cost to each community.

The consensus of the aldermen was to direct staff to create a plan where the project will be funded 100% by the city.

This item will be brought back to the City Council.

LEGAL & LICENSING – Alderman Brookman, Chair

**RECONSIDER
ORDINANCE M-8-24/
AMENDMENTS TO
TITLE 5 OF THE
CITY CODE TO
PROHIBIT THE SALE
OF ILLICIT THC
PRODUCTS**

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.

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.

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.

Moved by Alderman Sayad, to amend ordinance M-8-24 to reinsert all of the provisions regarding kratom and the sale of kratom in the city will be prohibited, seconded by Smith to amend Title 5 of the City Code to prohibit the sale of “Illicit THC Products” and/or kratom.

Upon roll call vote, the vote was:

AYES: 6 - Moylan, Oskerka, Sayad, Brookman, Smith,
Charewicz;

NAYS: 2 - Lysakowski, Walsten

ABSENT: 0 - None

Motion declared carried.

**CONSIDER
AMENDING CITY
CODE TO ADDRESS
TECHNICAL ISSUES
RAISED BY IDOR**

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.

**ORDINANCE
M-10-24**

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.

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.

Moved by Alderman Walsten, seconded by Alderman Sayad to approve first reading of 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. 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 Alderman Brookman, seconded by Alderman Sayad to advance to second reading and adopt 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. 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.

ADJOURNMENT

The meeting adjourned at 8:35 p.m.

/s/ Laura Fast
Laura Fast – DEPUTY CITY CLERK

APPROVED BY ME THIS 20th
DAY OF June, 2024

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR