

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, SEPTEMBER 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 6:01 p.m. in the Eleanor Rohrbach Memorial Council Chambers, Des Plaines Civic Center on Tuesday, September 3, 2024.

ROLL CALL

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

CLOSED SESSION

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

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 6:03 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, 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 Oskerka.

PROCLAMATION

City Clerk Mastalski read a proclamation by Mayor Goczkowski declaring September 2024 as National Suicide Prevention Month.

Mayor Goczkowski presented the proclamation to a representative of Leyden Family Service and Mental Health.

PUBLIC COMMENT

Resident Dr. McKernan requested a stoplight at Mannheim Road and Pratt Street.

Director of Public Works and Engineering Oakley stated that at the October 7, 2024 City Council meeting there will be an agenda item regarding that intersection for traffic signal warrant analysis as well as preliminary designs for traffic signal at that location.

The Knights of Columbus of St. Zachary stated they are having their Tootsie Roll Drive September 13th – September 15th, and are hosting annual Bowling Event on November 3rd.

The members of Knights of Columbus shared tootsie rolls and took a photo with the City officials.

Resident Chris expressed his concern that in his opinion there is not a cold-water ground at 1339 Willow Ave, which he stated could lead a to safety issue with the resident and first responders. He also expressed frustration with the length of time and requests for his own permit application with the City.

Mayor Goczkowski asked Director of CED Rogers to follow-up with the resident regarding his concerns about 1339 Willow Ave, he stated the City is trying to work on expediting the permit process, and that the City will also look into his permit application.

ALDERMAN ANNOUNCEMENTS

Alderman Moylan commended public works for their great job with the cleanup.

Alderman Oskerka echoed that public works did a solid job with the cleanup.

Alderman Sayad also thanked public works, first responders, and the residents for their work after the microburst. He also stated there will be a fourth ward meeting on October 3rd at 7:00 p.m. at the Golf Road Baptist Church. He further mentioned the budget meetings are scheduled for October 10th and October 16th at 6:00 p.m., with a possible follow up meeting on October 24th.

Alderman Brookman also thanked public works, and stated political signs are not allowed on any public property.

Alderman Walsten also thanked public works, and inquired why the sirens did not go off.

City Manager Wisniewski stated it was determined that the storm did not meet the thresholds required to trigger the sirens because it was a microburst which is localized and difficult to predict.

Alderman Smith thanked public works for doing an excellent job.

Alderman Charewicz thanked public works, first responders, residents, and ComEd for their storm response. He also stated the next Food Truck Round Up will be September 17th at 5:00 p.m.- 8:00 p.m. at Friendship Park, September 28th is the Des Plaines River Trail Community Bike Ride, and also on September 28th the Izaak Walton League is hosting a Door County Fish Boil. He mentioned there will be an eighth ward meeting on October 1st at 7:00 p.m. at the conservatory.

Alderman Sayad mentioned the fire department is hosting s Fire Station Open House on September 21st from 11:00 a.m.-2:00 p.m. at Station 63.

Alderman Brookman acknowledged the work of the police and fire in connection with the storm.

MAYORAL ANNOUNCEMENTS

Mayor Goczkowski thanked public works and first responders. He also mentioned public works will be picking up branches all this week and next week as needed. He stated the City is hosting a Patriot Day tribute on September 11th at 8:00 a.m. at City Hall.

MANAGER'S REPORT

City Manager Wisniewski echoed recognition of the police, fire, and public works teams for their response to the aftermath of the storm. She also stated if any residents are experiencing residual effects from the storm to contact public works directly.

CONSENT AGENDA

Alderman Walsten requested item #3 to be removed from the Consent Agenda.

Alderman Charewicz requested item #7 to be removed from the Consent Agenda.

Moved by Brookman, seconded by Sayad, to Establish the Consent Agenda without items # 3 & 7.

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 without items # 3 & 7.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried.

License was approved; Minutes were approved; Ordinance Z-18-24 were adopted; Resolutions R-145-24, R-146-24, R-148-24, R-149-24, R-150-24 were adopted.

**APPROVE TO 7/
SANITARY SEWER SYS
EVAL/ RJN**
Consent Agenda

Moved by Brookman, seconded by Sayad, to Approve Resolution R-145-24, A RESOLUTION APPROVING TASK ORDER NO. 7 WITH RJN GROUP, INC. FOR A SANITARY SEWER SYSTEM EVALUATION. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-145-24**

**APPROVE LTR OF
UNDERSTANDING/
BUSSE HWY IMPROVE
PRJ/ KEY IDOT**
Consent Agenda

Moved by Brookman, seconded by Sayad, to Approve Resolution R-146-24, A RESOLUTION APPROVING A LETTER OF UNDERSTANDING WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE BUSSE HIGHWAY IMPROVEMENT PROJECT. Motion declared carried as approved unanimously under Consent Agenda.

**Resolution
R-146-24**

**APPROVE
CONTRACTS/ SNOW
REMOVAL SVCS/
LANGTON & DGO**
Consent Agenda

Item #3 was removed from the Consent Agenda.

Alderman Walsten asked if there is a special blade they will be using for the permeable pavement in the alleys.

Director of PW&E Oakley confirmed they should be using a rubber blade.

**Resolution
R-147-24**

Moved by Walsten, seconded by Sayad, to Approve Resolution R-147-24, A RESOLUTION APPROVING CONTRACTS WITH LANGTON SNOW SOLUTIONS AND DGO PREMIUM SERVICES COMPANY FOR SNOW REMOVAL SERVICES ON CERTAIN ROADS AND ALLEYS WITHIN THE CITY.

Upon roll call, the vote was:

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

NAYS: 0 - None

ABSENT: 0 - None

Motion declared carried

APPROVE PURCH / FD UNIFORMS/ ON TIME EMBROIDERY
Consent Agenda

Moved by Brookman, seconded by Sayad, to Approve Resolution R-148-24, A RESOLUTION APPROVING THE PURCHASE OF FIRE DEPARTMENT UNIFORMS FROM ON TIME EMBROIDERY, INC. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-148-24

APPROVE FIRST AMD LIC AGRMT/ CONCESSION/ BREW COFFEE LAB
Consent Agenda

Moved by Brookman, seconded by Sayad, to Approve Resolution R-149-24, A RESOLUTION APPROVING A FIRST AMENDMENT TO LICENSE AGREEMENT FOR CONCESSION BETWEEN THE CITY OF DES PLAINES AND BREW COFFEE LAB, LLC FOR THE CITY-OWNED PROPERTY LOCATED AT 1501 MINER STREET. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-149-24

APPROVE TO 4/ PROF ENG SVCS/ CIVIL TECH ENG
Consent Agenda

Moved by Brookman, seconded by Sayad, to Approve Resolution R-150-24, A RESOLUTION APPROVING TASK ORDER NO. 4 WITH CIVILTECH ENGINEERING, INC. FOR PROFESSIONAL SERVICES RELATED TO THE 2024 ACTIVE TRANSPORTATION PLAN. Motion declared carried as approved unanimously under Consent Agenda.

Resolution
R-150-24

AUTH PURCH/ PROPERTY/ 1374-1384 E. OAKTON ST
Consent Agenda

Item #7 was removed from the Consent Agenda.

General Counsel Friedman stated this item was this item was removed because Alderman Charewicz has a conflict, and the City Council needs to vote it separately.

Resolution
R-153-24

Moved by Oskerka, seconded by Sayad, to Approve Resolution R-153-24, A RESOLUTION AUTHORIZING THE PURCHASE OF THE PROPERTY LOCATED AT 1374-1384 E. OAKTON STREET, DES PLAINES, ILLINOIS.

Upon roll call, the vote was:

AYES: 7 - Lysakowski, Moylan, Oskerka, Sayad, Brookman, Walsten, Smith

NAYS: 0 - None

ABSTAIN: 1 - Charewicz

ABSENT 0 - None

Motion declared carried

APPROVE CLASS AB/ MARIANO'S
Consent Agenda

Moved by Brookman, seconded by Sayad, to Approve, CLASS AB (TAVERN & BULK SALES ON-SITE AND OFF-SITE CONSUMPTION) FOR 1918 WINTER STREET ILLINOIS LLC D/B/A MARIANO'S #541 AT 10 EAST GOLF ROAD. Motion declared carried as approved unanimously under Consent Agenda.

SECOND READING/ ORDINANCE Z-18-24
Consent Agenda

Advanced to second reading by Brookman, seconded by Sayadi, to Adopt the Ordinance Z-18-24, AN ORDINANCE APPROVING MAJOR VARIATION FOR 1701 BIRCHWOOD AVENUE, DES PLAINES, ILLINOIS (CASE #24-028-V). Motion declared carried as approved unanimously under Consent Agenda.

APPROVE MINUTES
Consent Agenda

Moved by Smith, seconded by Lysakowski, to Approve the Minutes of the City Council meeting of August 19, 2024, as published. Motion declared carried as approved unanimously under Consent Agenda.

UNFINISHED BUSINESS**CONSIDER
APPROVING COND USE
PERMIT FOR AN AUTO
SVC REP USE AT 1263
ELMHURST RD****Ordinance
Z-17-24**

Director of Community and Economic Development Rogers reviewed a memorandum dated August 8, 2024.

Petitioner Ahmet Polat has requested a Conditional Use Permit to operate an auto service repair facility, C3 Auto Corp, at 1263 Elmhurst Road. The subject property contains a single building with a surface parking area. The existing building is vacant and is proposed to be used solely for auto service repair activities of the C3 Auto Corp business. The subject property is an interior lot fronting Elmhurst Road on the west with a single access point.

The existing building varies in height with a one-story section in the front housing the four service bays with an office/reception area and a two-story section in the rear housing office, storage, and staff areas. The proposal does not include the interior alteration of the building, its rooms, or its location. There are also no plans to alter the existing exterior building materials, which consist of brick and wood paneling for the front, one-story building portion and concrete blocks for the rear, two-story building portion.

Pursuant to the Zoning Ordinance, auto service repair facilities are required to provide two parking spaces per service bay and one space for every 200 square feet of accessory retail. As such, a total of ten off-street spaces are required for the proposed business, including a minimum of one accessible space. The Site Plan indicates that the petitioner will restripe the parking area to accommodate a total of 25 off-street parking spaces on site: eight along the north property line at the rear of the property and 17 along the south property line. However, no accessible spaces are indicated on the Site Plan. A total of two accessible spaces are required for properties with between 21 to 50 off-street parking spaces. As such, staff has worked with the petitioner to revise the Site Plan to show the required accessible spaces as well as identify the remaining space designations for customers, employees, and vehicles waiting to be serviced. The parking area on site is in disrepair so staff has added a condition requiring the pavement areas to be repaved and restriped to match the revised Site Plan.

The existing property is void of any landscaping and the petitioner's proposal does not include the addition of any new landscaping. However, given the positioning of the subject property along a major commercial corridor in the City and ample space in front of the building and parking area, staff have worked with the petitioner to revise the Site Plan to provide the following improvements in conformance with the Zoning Ordinance:

- The installation of a minimum 3-foot-wide foundation landscaping bed along the west building elevation/front walkway and installation of a turf, landscape, or combined turf and landscape area in the remaining space between the west building elevation and the west property line;
- The installation of a minimum 3-foot-wide landscape bed around the base of the existing pole sign; and
- The installation of a minimum 8-foot-wide, 100-square-foot landscape bed on the southwest corner of the subject property between the west property line and the parking area.

In addition, staff has added a condition that a dumpster enclosure shall be installed in conformance with the Zoning Ordinance and all garbage, used tires, and any other debris shall be kept in the dumpster enclosure at all times.

The C3 Autos Corp business will be open 8:00 a.m. to 5:00 p.m. Monday through Friday, 9 a.m. to 3 p.m. on Saturdays, and closed on Sundays. Their services include tune-ups and servicing for the brake system, engine, exhaust system, tires, and transmission. They will

also offer auto accessories for sale and installation on site. A maximum of six employees—two managers and four laborers—will be present on site at a given time.

The PZB voted 6-0 to recommend that City Council approve the request with the staff recommended conditions.

If the City Council decides to approve this request, staff and the PZB recommend the following conditions of approval:

1. The parking area shall be repaved with a dust-free hard surface and the parking spaces shall be painted on the property to match the approved Site Plan. A revised parking striping plan may be approved by the Community and Economic Development Department if the plans meet requirements of Section 12-9-6 and Site Plan Review standards pursuant to Section 12-3-2.B.
2. Inoperable vehicles shall not be parked or stored outdoors on the Subject Property except vehicles actively being serviced. Vehicles may only be parked in striped spaces.
3. Only four service bays shall be allowed for the life of this conditional use.
4. No auto body related activities are permitted unless this conditional use is amended. Sale and display of motor vehicles or parking of vehicles unrelated to the auto service repair use is not permitted at any time.
5. Used tires may only be stored inside the building, a dumpster, a fully enclosed fence enclosure, or a permitted accessory structure. A contract with a tire disposal company must be provided to staff, or an affidavit must be signed attesting that no used tires will be stored on site.
6. Prior to the time of building permit, the petitioner shall obtain the Des Plaines Fire Department's review and written approval of all waste oil removal arrangements and practices for the Subject Property.
7. The dumpster shall be stored inside the building or within a dumpster enclosure in compliance with Section 12-10-11 of the Zoning Ordinance at all times.
8. Any and all property violations shall be resolved to the satisfaction of staff prior to the issuance of any business registration.

Director of CED Rogers stated this item was deferred from the August 19th meeting for further evaluation of one of the conditions of the sample ordinance in Section 4 Subsection C in which there is a description of a requirement to repave the parking lot. He stated that after a reinspection, staff is amenable to an amendment to that section to require crack sealing, resealing of the existing parking lot, and restriping.

General Counsel Friedman asked if that language is already in the amendment; Director of CED Rogers stated it is not.

General Counsel Friedman stated a motion would be needed to approve the ordinance on first reading as amended as indicated by Director of CED Rogers.

Moved by Charewicz, seconded by Smith, to Approve First Reading of Ordinance Z-17-24 as amended to encompass that crack sealing, seal coating, and striping will be enough for the parking lot and as indicated by Director of CED Rogers, AN ORDINANCE APPROVING CONDITIONAL USE PERMIT FOR AN AUTO SERVICE REPAIR USE AT 1263 ELMHURST ROAD, DES PLAINES, ILLINOIS. (Case #24- 032-CU).

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.

Advanced to second reading by Charewicz, seconded by Sayad, to Adopt the Ordinance Z-17-24 as amended to encompass that crack sealing, seal coating, and striping will be enough for the parking lot and as indicated by Director of CED Rogers, AN ORDINANCE APPROVING CONDITIONAL USE PERMIT FOR AN AUTO SERVICE REPAIR USE AT 1263 ELMHURST ROAD, DES PLAINES, ILLINOIS. (Case #24- 032-CU).

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.

NEW BUSINESS

FINANCE & ADMINISTRATION – Alderman Sayad, Chair

WARRANT REGISTER

Resolution R-151-24

Alderman Sayad presented the Warrant Register.

Moved by Sayad, seconded by Smith, to Approve the Warrant Register of September 3, 2024, in the Amount of \$3,148,324.01 and Approve Resolution R-151-24.

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 A CONDITIONAL USE FOR A LEASING/RENTAL AGENT, LARGE EQUIPMENT USE AT 125 E. OAKTON ST
Ordinance Z-20-24

Director of Community and Economic Development Rogers reviewed a memorandum dated August 22, 2024.

The subject property consists of two separate parcels located in the M-2 General Manufacturing district at 125 E. Oakton Street and under common ownership. The subject property is a total of 4.63 acres in size and is located at the southeast corner of the Oakton Street and Winthrop Drive intersection with two existing curb-cuts off each street. While the existing uses are denoted as permitted uses in the M-2 district, the requested Leasing/Rental Agents, Large Equipment use requires a conditional use.

Feldco and Pepper Construction currently operate in the existing building with Pepper Construction occupying a majority of the space. However, this existing arrangement will be altered to accommodate the 365 Equipment and Supply business, which is proposed for the far east portion of the building. The Site Plan shows the reallocation of building space to fit a separate office and warehouse space for 365 Equipment and Supply.

The petitioner noted in the Project Narrative that all equipment available for lease or rent will be stored inside the building and the warehouse area would include a separate space to clean and maintain the equipment once returned. The 54,000-square-foot warehouse space on the eastern side of building will be utilized by 365 Equipment and Supply to store and maintain its leased/rental equipment.

The proposal does alter both street-facing building facades requiring it to meet the Building Design Materials in the Zoning Ordinance. The Architectural Plans note proposed window, garage door, and building sign additions but the existing compliant face brick exterior building material will remain the same. However, industrial buildings are required to have at least 20 percent transparency for office spaces. As such, staff has added a condition that

the elevations are adjusted to meet the transparency requirements in Section 12-3-11 or a minor variation is requested.

Through staff review, it was noted that not all of the uses within the building were allocated a sufficient number of parking spaces. The petitioner has since revised the Site Plan to provide a total of 135 parking spaces, including five accessible spaces.

There are currently two full access curb cuts off both Oakton Street and Winthrop Drive providing access to the subject property, which will both be maintained as part of this proposal without any changes. While both curb cuts are wide at the street, the specific width of these curb cuts is not identified on the ALTA-NSPS Land Title Survey or the Site Plan. The Zoning Ordinance requires drive aisles to be a minimum of 22 feet in width for two-way travel and a minimum of 12 feet in width for one-way travel. The petitioner has revised the Site Plan to identify the width and direction of travel for all existing curb cuts to show that compliance with the Zoning Ordinance are met.

The existing site contains some natural vegetation along its north and west boundaries and minimal landscape improvements up near the front of the building. Given that the subject property is located along the Oakton Street corridor, additional landscaping considerations should be made to improve—at a minimum—the northern boundary of the subject property abutting Oakton Street to meet this goal. The Comprehensive Plan also considers revisions and administrative flexibility towards the landscape code to consider the context of existing developments while continuing to promote landscaping improvements on properties with existing open space constraints.

There are clear space constraints on the west side of the property both along the building foundation and property line abutting Winthrop Drive due to the existing parking area layout. However, there is more open space available along the north portion of the building both along the building's foundation and the north property line abutting Oakton Street. The Site Plan denotes the installation of a three-foot-wide foundation landscape area along a portion of the north building elevation behind a new row of parking spaces. However, the specific details of the landscape improvements were not shown in the original petitioner submittal.

As such, staff requested, and the petitioner has revised the Site Plan to illustrate the existing landscape installed on the subject property and detailing these required improvements:

- The plant names and quantities proposed for the minimum three-footwide foundation landscape bed in conformance with Section 12-10-10 of the Zoning Ordinance; and
- The plant names and quantities proposed for the minimum five-footwide foundation landscape bed in between the north parking area and the north property line in conformance with Section 12-10-8.B of the Zoning Ordinance, noting that where space constraints exist all of the available space shall be improved with landscaping.

The current building contains two wall signs and one awning sign, all for the existing Feldco warehouse use. While no changes to these signs are proposed, new wall and monument signs are proposed for both the Pepper Construction and 365 Equipment and Supply uses.

While the Sign Plan provides details for the Pepper Construction and 365 Equipment and Supply tenants, staff have added a condition that the petitioner provides at time of building permit a revised sign plan showing the type, dimensions, and locations of all existing and proposed signs on the subject property to conform compliance with Section 12-11 of the Zoning Ordinance.

The PZB voted 6-0 to recommend that City Council approve the conditional use request with the staff recommended conditions.

If the City Council decides to approve these requests, staff and the PZB recommend the following conditions.

1. The Building Elevations shall be revised to meet the transparency requirements in Section 12-3-11 of the Zoning Ordinance or a minor variation is requested.
2. Open storage for any of the tenants on the subject property shall be in conformance with Section 12-7- 4.E.5.a at all times.
3. At time of building permit, the petitioner shall provide a revised sign plan showing the type, dimensions, and locations of all existing and proposed signs on the subject property to conform compliance with Section 12-11 of the Zoning Ordinance.

Moved by Brookman, seconded by Sayad, to Approve First Reading of Ordinance Z-20-24, AN ORDINANCE APPROVING A CONDITIONAL USE FOR A LEASING/RENTAL AGENT, LARGE EQUIPMENT USE AT 125 E. OAKTON STREET, DES PLAINES, ILLINOIS (Case #24-037-CU).

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.

Advanced to second reading by Brookman, seconded by Oskerka, to Adopt the Ordinance Z-20-24, AN ORDINANCE APPROVING A CONDITIONAL USE FOR A LEASING/RENTAL AGENT, LARGE EQUIPMENT USE AT 125 E. OAKTON STREET, DES PLAINES, ILLINOIS. (Case #24-037-CU).

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
 THE TEXT OF ZONING
 ORDINANCE RE FOOD
 PROCESSING
 ESTABLISHMENTS IN
 THE C-4 ZONING DIST
 Ordinance
 Z-21-24**

Director of Community and Economic Development Rogers reviewed a memorandum dated August 22, 2024.

Pepi Company of Illinois, LLC, operating at Alonti Catering Kitchen, are seeking to open a “catering kitchen” in a combined tenant space in The Oaks Shopping Center at 1545-1547 Lee Street. This property is zoned C-4, Regional Shopping District. The proposed type of use has historically been classified as a “food processing establishment”, which is not a permitted or conditional use within the C-4 Zoning District.

As the petitioner discusses in their narrative and response to standards, the intent with the text amendments is to provide a path to allow for this business in this specific location. However, any text amendment is widely applicable to the city as a whole and must be evaluated for any of its impacts.

Staff provided an alternative text amendment to the petitioner’s proposed with a narrower scope in greater harmony with the existing zoning ordinance. The Planning and Zoning Board (PZB) agreed with the text amendment drafted by staff and recommended approval to the City Council for this version.

Staff considered the existing food processing establishment definition to adequately encompass the proposed use. Below is the existing food processing establishment definition, with sections underlined presenting similarities to the catering kitchen definition:

“Establishments producing or processing foods and certain related products. Includes: a) bakery products, sugar and confectionery products (except facilities that produce goods only for on site sales with no wider distribution); b) dairy products processing; c) fat and oil products (not including rendering plants); d) fruit and vegetable canning, preserving, and related processing; e) grain mill products and byproducts; f) meat, poultry, and seafood canning, curing, and byproduct processing (not including facilities that also slaughter animals); and g) miscellaneous food preparation from raw products, including catering services that are independent from food stores or restaurants” (Section 12-13-3).

Therefore, staff does not propose an amendment to add a new definition for catering kitchen. Rather, staff would continue to classify this use under a “food processing establishment.”

The purpose of this amendment by Alonti Foods is to permit this business at 1545-1547 Lee Street, within the C-4 Zoning District. Presently, this use is not permitted in this zoning district. The C-4 Regional Shopping District purpose is stated to be, “to accommodate shopping centers in a location to serve the general public. The district is designed to permit, as of right, uses commonly associated and concentrated within a commercial shopping center.”

C-4 zoned properties are located in four sections of the city: 721 Golf Rd., 101 W. Oakton St., and the properties on the northeast and the northwest corners of the intersection of Oakton Street and Lee Street. Shopping districts are generally intended to concentrate public-facing commercial activities, primarily retail activities into one area. Generally, the range of uses permitted by right or with a conditional use within this zoning district have some type of public facing component.

Staff proposes to add this use as a conditional use, with a footnote requiring incorporation of a public facing component to their business and regulations on number of vehicles.

The intent with the first half of the proposed footnote is to ensure that this type of use will be compatible with the goals of this zoning district. The intent of the second half provides control over the number of commercial vehicles stored overnight on the property. The limitation is stated to be 1 per 1,000 square feet, but allows some flexibility within the conditional use process to permit additional vehicles on a case-by-case basis. This is intended to prevent an overburdening of parking in shopping centers with fleet vehicles as well as provide limitations on the intensity of operations.

For the proposed Alonti Catering Kitchen Use, the business would be required to demonstrate at time of the conditional use process that they intend to have on-site consumption, public facing retail, or a carryout service available and specify the location and type and number of vehicles to be stored on the property. The proposed commercial space is approximately 2,400 square feet, allowing 2 commercial vehicles to be located on the property overnight, unless a different quantity is permitted with the conditional use. If the text amendment is adopted, the applicant and property owner will need to apply for a conditional use to consider a potential food processing establishment on the premises, requiring a public hearing before the Planning and Zoning Board, and consideration of a recommendation regarding an Ordinance by the City Council.

The PZB voted 6-0 to recommend that City Council approve the Text Amendment request, with the language drafted by staff.

Moved by Charewicz, seconded by Brookman, to Approve First Reading of Ordinance Z-21-24, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING FOOD PROCESSING ESTABLISHMENTS IN THE C-4 ZONING 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.

CONSIDER
SCHEDULING A
FUTURE PUBLIC
HEARING AND JOINT
REVIEW BOARD
MEETING RELATED
TO THE EXTENSION
OF TIF #6
Resolution
R-152-24

Director of Community and Economic Development Rogers reviewed a memorandum dated August 23, 2024.

The issue is to consider scheduling a future public hearing and joint review board meeting related to the extension of TIF #6.

Tax increment finance (TIF) funding is an incentive method used to better the economic condition of a specified area. TIF funding freezes the assessed valuation of a given area for a period of time. The development that subsequently occurs in the area results in an increase in the valuation of the district. The incremental property tax increase is deposited into a segregated fund of the City, which in turn utilizes those funds to provide incentives for the initial and additional development.

TIF District #6 was created in 2001, to the north and east at the intersection of Mannheim and Higgins Roads. Construction of a commercial strip center concluded in early 2007, with Starbucks and Potbelly as occupants. In 2014, the district was amended and restructured to include only properties north of Pratt Avenue, and the remaining properties to the south became part of the new TIF #7. The original term of TIF #6 was set to expire at the end of 2025.

Over the past few years, a sizable portion of TIF District #6 has been in the midst of redevelopment. Extending the term of TIF #6 would help defray prior expenditures that were needed to assemble and redevelop the area, and better ensure that the TIF #6 Plan is implemented, allowing for further long-term growth for the benefit of the City and its residents.

Illinois TIF law allows a TIF district to exist for 23 years, while extensions for an additional 12 years are possible when passed by the State and then amended by the municipality. On August 9, 2024, Illinois Public Act 103-1016 amended the TIF Act by adding a new Section 11-74.4-3.5(c)(274), which authorized the extension of the term of TIF #6 from December 31, 2025 to December 31, 2037.

The Illinois TIF Act permits the City to extend the term of TIF #6 after the City has convened a joint review board (JRB) meeting and conducted a public hearing regarding the matter. Upon approval of the City Council, the JRB would convene on Friday, September 20, 2024, and a public hearing would be conducted on Monday, October 21, 2024.

Moved by Walsten, seconded by Sayad, to Approve Resolution R-152-24, A RESOLUTION CONVENING THE JOINT REVIEW BOARD AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING FOR THE APPROVAL OF A SECOND AMENDMENT TO THE AMENDED TAX INCREMENT REDEVELOPMENT PLAN AND PROJECT FOR THE HIGGINS ROAD/MANNHEIM ROAD REDEVELOPMENT PROJECT AREA NO. 6.

Upon voice vote, the vote was:

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

NAYS: 0 - None

ABSENT: 0 - Sayad

Motion declared carried.

**CONSIDER TEXT AMD
TO THE ZONING ORD
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**Ordinance
Z-19-24**

Director of Community and Economic Development Rogers reviewed a memorandum dated August 8, 2024.

Consideration of Zoning Ordinance amendments to: (i) add or revise requirements for rooftop-installed mechanical equipment screening and ground-installed mechanical equipment in Section 12-10-11 of the Zoning Ordinance; and (ii) specify a minor variation process for mechanical screening within Section 12-3-6 of the Zoning Ordinance.

The purpose of the amendments is to clarify mechanical screening requirements, specifying screening necessary for ground-installed and rooftop-installed mechanical equipment. Mechanical equipment commonly includes generators or HVAC equipment. Existing screening requirements for mechanical equipment are within Chapter 10 – Landscaping and Screening.

Mechanical screening can serve many purposes, with two main objectives: (a) create a consistent, aesthetically pleasing appearance with the existing or proposed architecture of a building and (b) provide noise attenuation for mechanical equipment. Presently, only ground-installed mechanical equipment requires screening. The proposed amendments expand requirements to roof-top units and clarify requirements for ground-installed equipment.

The proposed amendments specify that screening requirements must be followed when new equipment is installed for commercial, manufacturing, institutional, or residential buildings with four or more dwelling units. However, to limit financial burden on existing property owners with older equipment, the replacement of roof-top mechanical equipment with units in the same place and same or shorter height does not require new screening if none was previously provided. Replacement of ground-installed equipment must have screening installed, regardless of whether existing screening exists, to maintain safety and security of equipment and provide assurances about noise attenuation. Structures associated with venting (i.e. chimneys or other vents) are exempt from screening requirements.

The amendments state that mechanical equipment is encouraged to be located within the principal structure. However, locating a unit outside of a structure may be necessary due to space or safety constraints in the building. In these circumstances, the zoning ordinance either currently requires or would require (with the proposed amendments) additional screening to limit the visibility of the units. While mechanical equipment can be installed outside, the proposed amendments expand the existing enclosure material options to achieve effective screening of said equipment, regardless of its location.

The amendments to this section include specifying requirements for ground-installed versus roof-top installed mechanical equipment. The amendments propose that an enclosure can be made from masonry, concrete, or solid wood of a compatible color with the principal structure. The required height (six feet), landscaping (three feet of landscaping around the enclosure), and applicability (commercial, industrial, institutional or residential developments with four or more dwelling units) remain unchanged from the existing requirements.

Currently no zoning regulations exist for screening rooftop-installed mechanical equipment. This section was added, with inspiration from the zoning codes of other municipalities, to specify the required height and materials for screening of roof-top equipment. Requirements are similar to the ground-installed mechanical equipment, requiring complete screening of the equipment with materials compatible with the building.

The amendments specify that any mechanical equipment must be in compliance with the City noise ordinance and acoustical paneling may be required to mitigate any noise disturbance. Although compliance with the noise ordinance is necessary regardless of the approval of the proposed amendments, the amendments propose additional safeguards to affirm that disturbances from sound are properly mitigated.

The existing requirements require a masonry enclosure “unless otherwise permitted by a zoning administrator.” To clarify the process for the zoning administrator’s approval of alternative materials, an amendment to Section 12-3-6 provides authorization for the Zoning Administrator to review a minor variation to allow a property or development to vary from the required height, landscaping, and materials specified in Section 12-10-11.B. However, a major variation would be necessary to authorize a building permit where no screening is proposed for either ground- or rooftop-installed mechanical equipment, as a lack of any screening could have more significant implications for the aesthetics and noise impacts of a building to the surrounding neighborhood.

The PZB voted 6-0 to recommend that City Council approve the Text Amendment request.

Moved by Moylan, seconded by Sayad, to Approve First Reading of Ordinance Z-19-24, AN ORDINANCE AMENDING THE TEXT OF THE DES PLAINES ZONING ORDINANCE REGARDING MECHANICAL SCREENING.

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.

DISCUSSION
REGARDING CITY
CODE REGULATIONS
FOR FOOD TRUCKS

City staff has been informed of interest from residents and some businesses in revising the City’s current regulations regarding food trucks. Changing the rules would require a text amendment to the Business Regulations Ordinance to revise the regulations regarding “Food Service Vehicles” in Sections 4-5-1 and 4- 5-5.

The current definition of food service vehicles limits the sales of licensed food trucks to only the sale of pre-prepared packaged food items. Items that could fall under this category are ice cream, sandwiches, potato or snack chips, bottled or canned non-alcoholic beverages, etc. The 2013 change prohibited what the public may think of as a “traditional food truck”, where food is both prepared and sold from the vehicle. Per the definition in 4-5-5, food service vehicles may not be used to cook or prepare food items to customers.

With the current regulations, to become a licensed food truck in the City, the operator must apply for a Food Service Vehicle license through the Community and Economic Development department. Staff verifies with the application materials that only pre-prepared packaged food items, like ice cream, will be sold out of the vehicle. The food service vehicle license expires after one calendar year, and the operator must reapply for the license every year. For operators that want to sell food prepared in the vehicles, licenses are only available if associated with a special event license and can only operate in a particular location for a specific event. Typically, staff receives the special event license and the food service vehicle license applications together for the event.

The two processes have the potential to create confusion for both the operators and the public. There is an opportunity for the City to streamline the regulations for food service vehicles by updating the definition and general regulations.

Staff requested a survey of the Northwest Municipal Conference (NWMC) to research what other communities in the North and Northwest Chicago suburbs had in their code about food trucks. The survey received thirteen (13) responses.

Of the respondents, eight (8) allowed for the preparation of food on the trucks. The remainder of the respondents either did not respond to the question or allowed for some preparation on the truck based on its capabilities. Staff used this information to make changes to the definition of food service vehicles.

Staff took into consideration concerns about conflict and competition between brick-and-mortar restaurants and proposed food trucks in the City. When creating a list of potential food truck sites, staff took other food-based businesses into account.

When Staff was evaluating potential sites for food truck parking, consideration was given to the surrounding restaurants in the area. Staff located spots that are a.) at least 300 feet away from any existing restaurant storefronts, b.) can handle any added pedestrian traffic; and c.) would not obstruct heavily trafficked routes. The below locations were selected:

1. Southside of Prairie Street between Graceland Avenue & Lee Street (2)
2. 1800 block of E. Oakton Street (2)
3. 70-80 N Broadway St (2)

The potential proposed amendment to the food service vehicle definition and general regulations, included below. Additions are bold, double-underline. Deletions are struck through. Amended sections are provided with some surrounding, unamended text for context.

4-5-1: Definition:

"Food service vehicle" is defined as any vehicle, whether motorized or not, from which ~~pre-prepared packaged~~ food **or non-alcoholic drink is prepared, cooked and** sold directly to customers for immediate consumption.

4-5-5: General Regulations: "Every holder of a food service vehicle license shall comply strictly with all the provisions of this code relating to health, sanitation and food service vehicles and all other applicable provisions of this code. Food service vehicles may only sell food and **non-alcoholic drinks in the designated City food service vehicle parking locations, or at an approved and licensed special event.** ~~items that have been manufactured, prepared or wrapped in a licensed food establishment. In no event may a food service vehicle be used to cook or otherwise prepare and serve food items to customers."~~

Discussion ensued among the aldermen, and each gave their opinion on the specifics of food truck regulations.

Mayor Goczkowski asked if there is board consensus to establish a pilot program; none of the aldermen expressed rejection of a pilot program.

Resident Deb Lester commented regarding her concern the food trucks will take away from the brick-and-mortar businesses, the hours of operation of the food trucks, the cost to the City; and she questioned who will clean up food truck areas and the safety regulations.

No further action was taken.

PUBLIC SAFETY – Alderman Oskerka, Chair**CONSIDER AMENDING
SEC 3-3-8 OF THE CITY
CODE REGARDING
FEES FOR
AMBULANCE
SERVICES
Ordinance
M-14-24**

Fire Chief Matzl reviewed a memorandum dated August 13, 2024.

The City charges a fee when a patient is treated by Fire Department paramedics to help offset the cost of providing the services. Fees have not changed since 2019, prior to the City's participation in the Ground Emergency Medical Transport (GEMT) program. Adjustment to the ambulance service fees to match the GEMT rate set annually by the GEMT program is proposed.

The current ambulance service fee for all residents and non-residents of Des Plaines is \$1,500 for the evaluation, treatment, and transportation of a patient by the Fire Department to a medical facility. In addition to the ambulance service fee, there is a charge of \$15.00 per mile during the transport of the patient. There is a \$250 "no transport" fee for patients who are medically evaluated and/or treated by the Fire Department but are not transported to a medical facility. There is also a lift-assist fee that can occur when the Fire Department responds and provides assistance with moving an individual who does not need ambulance transportation services related to illness or injury. The number of lift-assist occurrences determines the fee. These rates have historically been based on what fire departments in our area have charged and have not been increased since 2019. Fees are billed to the patient's private insurance, Medicare, Medicaid, or, when no medical insurance is available, the patient themselves. The City does not "balance bill" Des Plaines residents.

For several years, our ambulance billing company has been working with the Centers for Medicare and Medicaid Services and the Illinois Department of Healthcare and Family Services (HFS) to participate in the GEMT program. The GEMT program is a federally funded program that allows Illinois fire agencies that perform emergency medical transport for Medicaid patients to submit for additional reimbursements for unrecovered costs associated with those transports. The standard reimbursement for ambulance transports for those covered by Medicaid is significantly less than the actual costs experienced by the City. Under the HFS Department's Transportation Fee Schedule, the standard reimbursement for ambulance transport of persons covered by Medicaid is approximately \$250 per transport. Participation in the GEMT Program offers a revenue sharing opportunity with HFS, which has helped to cover the funding gap between the reimbursement amount and the actual cost to provide services. These additional reimbursements are then split between the City of Des Plaines and the State of Illinois.

As part of the GEMT program, HFS annually sets a rate unique to our Fire Department that is based upon our Fire Department budget and the portion of our budget that goes towards providing emergency medical services. The 2024 GEMT rate for the Des Plaines Fire Department is \$2,647.47 for Advanced Life Support (ALS) care and \$2,756.19 for Basic Life Support (BLS) care.

Federal guidelines stipulate that Medicaid cannot be charged more than private insurance. Therefore, it is suggested that our ambulance service fees be equal to the GEMT rate to ensure the uniformity of billing rates. Many neighboring fire departments have already made this change or are in the process of doing so as the GEMT program becomes more widespread in our area.

While the GEMT program will bring additional funding to the City of Des Plaines, it will not add any new costs to our residents. The City of Des Plaines will continue to accept payment by the resident's insurance company and/or Medicare and will continue to not require the resident to pay any additional costs out of pocket. The City will continue to not "balance bill" our residents.

It is recommended by staff that the City changes the ambulance billing rate from the current fee of \$1,500 to the GEMT rate set annually by this GEMT program. The primary benefit of this change would be that this rate will adjust annually as our costs to provide emergency medical services inevitably rise each year. Additionally, the GEMT rate determined by HFS will provide a fair and unbiased third-party analysis of what it costs the City of Des Plaines per call. On an annual basis, when the City of Des Plaines reviews and approves its fee schedule, the Des Plaines Fire Department will update the ambulance service to reflect the most recently ascertained GEMT rate.

Alderman Brookman stated she would like a line graph that shows the progression from the current fees to the proposed fees, and stated she needs a fuller understanding.

Moved by Brookman, seconded by Oskerka, to defer first reading of Ordinance M-14-24 to the second meeting in September, AN ORDINANCE AMENDING SECTION 3-3-8 OF THE DES PLAINES CITY CODE REGARDING FEES FOR AMBULANCE SERVICES.

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.

ADJOURNMENT

Moved by Brookman, seconded by Sayad, to adjourn the meeting. Upon voice vote, motion declared carried. The meeting adjourned at 8:49 p.m.

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

APPROVED BY ME THIS 16th
DAY OF September, 2024

/s/ Andrew Goczkowski
Andrew Goczkowski, MAYOR