



VILLAGE BOARD OF TRUSTEES REGULAR MEETING NOTICE/AGENDA

May 9, 2023, 7:00 pm

**RICHARD T. FLICKINGER MUNICIPAL CENTER, COUNCIL CHAMBERS
6101 CAPULINA AVENUE, MORTON GROVE, IL 60053**

In accordance with the Illinois Open Meetings Act, all Village Board and Commission meetings are open to the public. This meeting can be viewed remotely via the live stream link found at: www.mortongrovel.org/stream. (If an Executive Session is placed on the agenda, the meeting shall commence at 6:00 pm and the time between 6:00 pm and 7:00 pm shall be used for the Executive Session per 1-5-7A of the Village of Morton Grove Municipal Code. If the Agenda does not include an Executive Session, the meeting will begin at 7:00 pm.)

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Approval of Minutes** – Regular Meeting – April 25, 2023
4. **Special Reports**
5. **Public Hearings** – None
6. **Plan Commission Reports** – Presented by Zoe Heidorn, Community Development Administrator.
 - a. **PC 23-05** – Request by Everclean Car Wash for approval of a Special Use Permit for a Car Wash in a C-1 General Commercial District for the property commonly known as 9120 Waukegan Road.
 - b. **PC 23-06** – Request by Imagine MG LLC for approval of a Text Amendment to Sections 12-4-2:C and 12-17-1 to define “Educational Institution” and authorize the use as a Special Use in the residential zoning districts.
 - c. **PC 23-07** – Request by Imagine MG LLC for approval of a Special Use Permit for a Daycare Center, Educational Institution, and House of Worship in an R-1 Single Family Residence District for the property commonly known as 9233 Shermer Road.
 - d. **PC 23-08** – Request by Lexington Homes LLC for approval of a Preliminary Plat of Subdivision and Final Plat of Subdivision with associated waivers, in accordance with Chapter 12-8 of the Morton Grove Municipal Code, and a Planned Unit Development (PUD) Special Use Permit for 89 attached single-family dwellings in a C/R General Commercial/Residential District with waivers

to accessway standards (12-9) for the property commonly known as 8350 Lehigh Avenue.

- e. **PC 23-09** – Request by Jamar Group, Inc., for approval of a Special Use Permit for a Drive-Through Facility in a C-1 General Commercial District for the property commonly known as 5843 Dempster Street.

7. **Residents' Comments (agenda items only)**

8. **President's Report** – *Administration, Comprehensive Plan, Council of Mayors, Northwest Municipal Conference, Strategic Plan Committee*

- a. Appointment of Michael Lukich as Village of Morton Grove, Director of Public Works
- b. Proclamation: National Safe Boating Week.

9. **Clerk's Report** – *Condominium Association, Strategic Plan Committee*

- a. **Resolution 23-23:** Accepting the Canvas Results and Proclamation for the April 4, 2023, Consolidated Election

10. **Staff Report**

- a. **Village Administration**
- b. **Corporation Counsel**

12. **Reports by Trustees**

- a. **Trustee Khan** – *Finance Department, Appearance Commission, Capital Projects, French Market, Lehigh/Ferris TIF (Trustee Travis)*
- b. **Trustee Minx** – *Fire Department, Fire Pension Board, Fire & Police Commission, Special Events Commission, RED Center, NIPSTA (Trustee Thill)*
- c. **Trustee Shiba** – *Building Department, Environment & Natural Resources Commission, Legal Department, IT Department (Trustee Witko)*
- d. **Trustee Thill** – *Public Works Department, SWANCC (Solid Waste Agency of Northern Cook County), MG-Niles Water Commission, Traffic Safety Commission (Trustee Minx)*
- e. **Trustee Travis** – *Police Department, Police Pension Board, Fire & Police Commission, Community Relations Commission, (Trustee Khan)*
- f. **Trustee Witko** – *Community & Economic Development Department, Economic Development Commission, Plan Commission/ Zoning Board (Trustee Shiba)*

1. **Ordinance 23-09:** *(Introduced May 9, 2023) (First Reading):* Approving a Special Use Permit for a Car Wash at 9120 Waukegan Road in Morton Grove, Illinois.
2. **Ordinance 23-10** *(Introduced May 9, 2023) (First Reading):* Approving a Text Amendment to Modify Regulations Relating to Non-Profit Educational Institutions in Morton Grove, Illinois.
3. **Ordinance 23-11** *(Introduced May 9, 2023) (First Reading):* Approving a Special Use Permit for a Daycare Center, Non-Profit Educational Institution, and House of Worship at 9233 Shermer Road in Morton Grove, Illinois.
4. **Ordinance 23-12** *(Introduced May 9, 2023) (First Reading):* Approving a Preliminary and Final Plat of Subdivision and a Planned Unit Development Special Use Permit for an Eighty-Nine-Unit Townhome Development at 8350 Lehigh Avenue in Morton Grove, Illinois.
5. **Ordinance 23-13** *(Introduced May 9, 2023) (First Reading):* Approving a Special Use Permit for a Restaurant with a Drive-Through Facility at 5843 Dempster Street in Morton Grove, Illinois.

11. Other Business

- a. Swearing in of Newly Elected Officials by Daniel P. DiMaria, Village President

Village Trustee Rita Minx
Village Trustee John C. Thill
Village Trustee Janine Witko
Village Trustee Ashur Shiba

- b. Remarks by New Board Members

12. Presentation of Warrants - \$187,814.10

13. Residents' Comments

14. Adjournment

**MINUTES OF A REGULAR MEETING OF THE PRESIDENT
AND THE BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE
RICHARD T. FLICKINGER MUNICIPAL CENTER COUNCIL CHAMBERS
APRIL 25, 2023**

CALL TO ORDER

- I. Village President Dan DiMaria convened the Regular Meeting of the Village Board at 7:00 p.m.
- & II. in the Council Chambers of Village Hall.

- III. Village Clerk Eileen Harford called the roll. Present were Trustees Saba Khan, Rita Minx, Ashur Shiba, John Thill, Connie Travis, and Janine Witko.

IV. **APPROVAL OF MINUTES**

Trustee Minx moved to approve the Minutes of the April 11, 2023 Village Board Meeting as presented. Trustee Khan seconded the motion. **Motion passed unanimously via voice vote.**

V. **SPECIAL REPORTS**

- 1. On tonight's agenda is the presentation of the Outstanding Neighbor Award; however, the recipients are ill and unable to be here tonight to receive the award, so Mayor DiMaria said this presentation will occur at the next Board Meeting, which is May 9.
- 2. Next, Mayor DiMaria introduced Michael Simkins, Chairman of the Police and Fire Commission, present this evening to swear Morton Grove's two newest firefighters.
 - a. Mr. Simkins approached the podium and invited the mayor, Fire Chief Ensign, and Trustee liaison Minx to join him.
 - b. First up is **Solomon "Solly" Algozino**. Mr. Simkins provided some brief background information on him. Solomon began his employment with the MG Fire Department on February 6, 2023. He just completed nine weeks at the Romeoville Fire Academy and he's currently working day shifts as an orientation for two weeks before being assigned to a shift. Solly grew up in Oak Park, attended college at Western Illinois University, and received a bachelor's degree in fire science. After college, he moved out west to Colorado and fought forest fires for three years. He then returned home to Chicago and is excited to become a full-time member of the Morton Grove Fire Department. Solly is present tonight with his parents and a girlfriend. Mr. Simkins performed the oath of office and his dad pinned on his badge. The Board and assemblage enthusiastically welcomed the Village's new Firefighter.

V. **SPECIAL REPORTS** (continued)

- c. Next, Mr. Simkins welcomed **John “Jack” Loper** and gave the assemblage some background on him. Jack began his employment with the MG Fire Department on February 6, 2023. He has recently completed nine weeks at the Romeoville Fire Academy and will begin working on black shift next week.
- d. Jack was born and raised on the northwest side of Chicago. He attended Loyola Academy high school and later attended the University of Illinois and graduated with a bachelor’s degree in English. While at Illinois, he was a member of the Fighting Illini Boxing Team, where he was the men’s 174 pound national champion. Shortly after graduating, he completed EMT school and worked for Superior Ambulance for two years.
- e. Jack currently lives in Forest Park with his roommate and black lab. He is very proud and excited to follow in his dad’s and his two uncles’ footsteps. They worked as firefighters for the City of Chicago for 35, 32, and 27 years respectively. Jack is looking forward to beginning his own journey as a firefighter and to serving the community of Morton Grove for many years to come.
- f. Mr. Simkins performed the oath of office and Jack’s dad pinned on his son’s badge. Jack received a hearty welcome from the Board and the assemblage.

VI. **PUBLIC HEARINGS**

NONE

VII. **PLAN COMMISSION REPORTS**

NONE

VIII. **RESIDENTS’ COMMENTS (Agenda Items Only)**

NONE

IX. **PRESIDENT’S REPORT**

- 1. Mayor DiMaria sought concurrence from the Board for his appointments of the following residents to the Village’s Economic Development Commission:
 - a.
 - Marc Fernandez, 3-year term
 - Lee Hadeegree, 3-year term
 - Lindsey Karp, 3-year term
 - Tariq Laliwala, 3-year term
 - Tony Lundin, 3-year term
 - Polson Matthew, 3-year term
 - Devesh Pandit, 3-year term
 - Wayne Youkhana, 3-year term

IX. **PRESIDENT'S REPORT** (continued)

- b. Trustee Minx moved to concur with the Mayor's appoints to the Economic Development Commission, seconded by Trustee Witko. **Motion passed unanimously via voice vote.**

- 2. Mayor DiMaria also asked for the Board's concurrence of his appoint of Tony Lundin to be the Chair of the Economic Development Commission. Trustee Minx so moved, seconded by Trustee Travis. **Motion passed unanimously via voice vote.**

- 3. Mayor DiMaria stated that April is "Earth Month" and hoped that everyone had a chance to review the Village's Earth Month Edition Newsletter. It contains a variety of sustainable programs and information. He hoped that residents had reviewed the newsletter and participated in at least some of these programs as they matched to their needs and lifestyle. Mayor DiMaria invited all residents to help protect and preserve the planet by participating in the following Village of Morton Grove Earth Month programs:
 - **Mayor's Water Conservation Challenge:** Only six more days to take the mayor's water conservation challenge! Mayor DiMaria said that last year, we were fourth in the nation for our population category. He'd really like to see Morton Grove be ranked #1!
 - **2023 Crayon & Marker Recycling Program:** Collection points will be at Village Hall and the Library from April 1 to June 30, 2023.
 - **First "Community Clean Up Event":** May 20, 2023, from 9:00am to noon. Meeting point is the Civic Center to check-in, pick-up supplies, and a map of pre-selected clean-up site.

X. **CLERK'S REPORT**

Clerk Harford had no formal report this evening.

XI. **STAFF REPORTS**A. **Village Administrator:**

Village Administrator Czerwinski had no formal report this evening.

B. **Corporation Counsel:**

Corporation Counsel Liston had no formal report this evening.

XII.

TRUSTEES' REPORTSA. Trustee Khan:

Trustee Khan had no formal report this evening.

B. Trustee Minx:

Trustee Minx had no formal report this evening.

C. Trustee Shiba:

Trustee Shiba encouraged residents to participate in other upcoming Village activities:

- **Arbor Day Celebration:** April 28 t 11:00am at Park View School, 6200 Lake Street
- **Electronic Recycling & Document Destruction Event:** Saturday, May 13, from 9:00am to noon at Public Works, 7840 Nagle.
- **Morton Grove 2023 Tree Walk:** Saturday, June 10 at 10:00am, starting at Village Hall
- **Community Garage Sale:** Friday, June 9 through Sunday, June 11. Check Village website for details and to register as the date gets closer.

D. Trustee Thill:

1. Trustee Thill presented **Resolution 23-22, Authorizing a Contract With Empire Today, LLC for the 6250 Lincoln Avenue Flooring Project.**
- a. He explained that the existing carpeting on the administrative side of Fire Station #4 was installed in 1996 and has reached the end of its useful life. The project was bid out and two sealed bids were received, with Empire Today, LLC of Northwest Avenue in Northlake, Illinois being the low bidder in the amount of \$39,141.13. This contract must conform to the requirements of the Prevailing Wage Act.

Trustee Thill moved to approve Resolution 23-22, seconded by Trustee Minx.

Motion passed: 6 ayes, 0 nays.

Tr. Khan aye
Tr. Thill aye

Tr. Minx aye
Tr. Travis aye

Tr. Shiba aye
Tr. Witko aye

XII. TRUSTEES' REPORTS (continued)E. Trustee Travis:

1. Trustee Travis noted that the very successful Winter Adopt-a-Planter Program had concluded, and that homes had been found for all of the trees.
- a. Trustee Travis asked the assemblage to watch for details regarding these upcoming community events:
 - Next **"Neighborhood Outreach"** event will be held on Thursday, May 18, at Edison School.
 - Registration for the **Summer Adopt-a-Planter Program** is now available on the Village's website. Plant pick-up is scheduled for Saturday, June 3, at Village Hall.
 - The **Community Garage Sale** will be held on June 9, 10, and 11. Registration information is on the Village's website.

F. Trustee Witko:

1. Trustee Witko presented **Ordinance 23-04, Approving a Text Amendment to Establish Regulations Relating to Tattoo, Body Art, and Permanent Cosmetics Services Establishments in Morton Grove, Illinois.**

This is the second reading of this Ordinance.

- a. Trustee Witko explained that this Ordinance is pursuant to Plan Commission Case PC 23-03 which was reported out at the April 11, 2023 Board Meeting. This is based on a request by Ironwood Tattoo LLC for a text amendment authorizing the use of tattoo and body art establishments as a Special Use in the Commercial zoning district. The text amendment defines tattoo and body art establishments in "permanent cosmetics services" and classifies them as a Special Use in all Commercial Zoning Districts. Permanent cosmetic services, such as micro-blading, may be administratively approved as a permitted use if the activities occupy no more than 20% of the customer care area.

Trustee Witko moved to adopt Ordinance 23-04, seconded by Trustee Thill.

Motion passed: 6 ayes, 0 nays.

Tr. Khan aye
Tr. Thill aye

Tr. Minx aye
Tr. Travis aye

Tr. Shiba aye
Tr. Witko aye

2. Next, Trustee Witko presented **Ordinance 23-07, Approving a Special Use Permit for a Tattoo and Body Art Establishment for the Property Commonly Known as 6046 Dempster Street in Morton Grove, Illinois.**

XII. **TRUSTEES' REPORTS** (continued)F. **Trustee Witko:** (continued)

- a. Trustee Witko explained that this Ordinance is pursuant to Plan Commission Case PC 23-04, which was reported out at the April 11, 2023 Board Meeting. This is based on a request by Ironwood Tattoo LLC for a Special Use Permit to operate a tattoo and body art establishment at 6046 Dempster. The property is currently improved by a two-story mixed-use building.
- b. Trustee Witko noted, as recommended conditions of the Special Use Permit approval, the business would be limited to a maximum of three (3) employees onsite at any time; all services to be provided by appointment only; the rear parking area would be striped; the hours of operation would be limited; and snow removal, trash screening, and parking signage will be addressed. She said that Plan Commission voted unanimously to recommend approval of the Special Use Permit, with conditions noted in the Ordinance.

Trustee Witko moved, seconded by Trustee Travis, to adopt Ordinance 23-07.

Motion passed: 6 ayes, 0 nays.

Tr. Khan	<u>aye</u>	Tr. Minx	<u>aye</u>	Tr. Shiba	<u>aye</u>
Tr. Thill	<u>aye</u>	Tr. Travis	<u>aye</u>	Tr. Witko	<u>aye</u>

XIII. **OTHER BUSINESS**

NONE

XIV. **WARRANTS**

Trustee Khan presented the Warrant Register for April 25, 2023 in the amount of \$713,866.47. She moved to approve the Warrant Register as presented, seconded by Trustee Minx.

Motion passed: 6 ayes, 0 nays.

Tr. Khan	<u>aye</u>	Tr. Minx	<u>aye</u>	Tr. Shiba	<u>aye</u>
Tr. Thill	<u>aye</u>	Tr. Travis	<u>aye</u>	Tr. Witko	<u>aye</u>

XV. **RESIDENTS' COMMENTS**

NONE

XVI.

ADJOURNMENT

There being no further business being brought before the Board, Trustee Minx moved to adjourn the meeting, seconded by Trustee Witko. **Motion passed unanimously via voice vote.**

The meeting adjourned at 7:20 p.m.

PASSED this 9th day of May, 2023.

Trustee Khan	_____
Trustee Minx	_____
Trustee Shiba	_____
Trustee Thill	_____
Trustee Travis	_____
Trustee Witko	_____

APPROVED by me this 9th day of May, 2023.

Daniel P. DiMaria, Village President
Board of Trustees, Morton Grove, Illinois

APPROVED and FILED in my office this 10th day of May, 2023.

Eileen Harford, Village Clerk
Village of Morton Grove, Cook County, Illinois

Minutes by Teresa Cousar

Proclamation

Village of Morton Grove

Whereas, on average, 650 people die each year in boating-related accidents in the U.S.; 75 percent of these are fatalities caused by drowning; and

Whereas, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment or environmental factors; and

Whereas, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets.

NOW, THEREFORE, I, Daniel P. DiMaria, Mayor of the Village of Morton Grove, do hereby proclaim A do hereby proclaim May 20-26, 2023 as

NATIONAL SAFE BOATING WEEK

and the start of the year-round effort to promote safe boating.

FURTHER, I urge all those who boat to practice safe boating habits and wear a life jacket at all times while boating.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the Village of Morton Grove.

Daniel P. DiMaria, Village President

Legislative Summary

Resolution 23-23

ACCEPTING THE CANVAS RESULTS AND PROCLAMATION FOR THE APRIL 4, 2023, CONSOLIDATED ELECTION

Introduced:	May 9, 2023																
Purpose:	This resolution will formally accept, confirm, announce, and record the results of the April 4, 2023, Consolidated Election.																
Background:	<p>On April 4, 2023, a consolidated election was held within the Village of Morton Grove. Three candidates ran for three offices of Village Trustee (four-year terms). One candidate ran for one office of Village Trustee (two-year term). Two candidates ran for two offices for Library Trustee (six-year term). One candidate ran for one office for Library Trustee (four-year term). One candidate ran for one office for Library Trustee (two-year term).</p> <p>The Board of Election Commissioners has certified the following canvassing results:</p> <p style="text-align: center;">Total Ballots Cast 1,707</p> <p style="text-align: center;">Village Trustee: three (3) four-year terms:</p> <table><tr><td>Rita Minx</td><td>1,088</td></tr><tr><td>John C. Thill</td><td>1,050</td></tr><tr><td>Janine Witko</td><td>1,096</td></tr></table> <p style="text-align: center;">Village Trustee: one (1) two-year term:</p> <table><tr><td>Ashur E. Shiba</td><td>1,180</td></tr></table> <p style="text-align: center;">Library Trustee: two (2) six-year terms:</p> <table><tr><td>Joanne Pelletier</td><td>1,070</td></tr><tr><td>Emily Macejak</td><td>1,124</td></tr></table> <p style="text-align: center;">Library Trustee: (1) four-year term:</p> <table><tr><td>Mark Anthony Flores</td><td>1,166</td></tr></table> <p style="text-align: center;">Library Trustee: for one (1) two-year term:</p> <table><tr><td>Mohammed Azam Hussain</td><td>1,084</td></tr></table> <p>This Resolution confirms and accepts the certification by the Board of Election Commissioners and proclaims the following newly elected officials:</p> <p style="text-align: center;">Village Trustee, Village of Morton Grove Rita Minx, John C. Thill, and Janine Witko (4-year term) Ashur Shiba (2-year term)</p> <p style="text-align: center;">Library Trustee, Village of Morton Grove Joanne Pelletier, Emily Macejak, (6-year term) Mark Anthony Flores, (4-year term) Mohammed Azam Hussain, (2-year term)</p>	Rita Minx	1,088	John C. Thill	1,050	Janine Witko	1,096	Ashur E. Shiba	1,180	Joanne Pelletier	1,070	Emily Macejak	1,124	Mark Anthony Flores	1,166	Mohammed Azam Hussain	1,084
Rita Minx	1,088																
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Joanne Pelletier	1,070																
Emily Macejak	1,124																
Mark Anthony Flores	1,166																
Mohammed Azam Hussain	1,084																
Groups Affected	Village Residents																
Fiscal Impact:	None.																
Source of Funds:	Not Applicable.																
Workload Impact:	Not Applicable																
Admin. Recommendation:	Approval as presented.																
First Reading:	Not Required																
Special Requirements:	None																

RESOLUTION 23-23

ACCEPTING THE CANVAS RESULTS AND PROCLAMATION FOR THE APRIL 4, 2023, CONSOLIDATED ELECTION

WHEREAS, pursuant to the Consolidated Election laws of the State of Illinois, the Village of Morton Grove did cause to be submitted to the electors of said Village, at the regular general Consolidated Election held on the 4th day of April 2023, the election of three Village Trustees for four (4) year terms; the election of one Village Trustee, for a two (2) year term; the election of two (2) Library Trustees for six (6) year terms; the election of one (1) Library Trustee for a four (4) year term; and the election of one (1) Library Trustee for a two (2) year term; and

WHEREAS, the election returns have been canvassed by the Board of Election Commissioners of Cook County, Illinois; and

WHEREAS, as a result of said canvas, the Board of Elections have certified the following results:

- A. Total Number of Ballots Cast at the April 4, 2023, Consolidated Election: 1,707.
- B. The balloting for the office of Village Trustee of the Village of Morton Grove for three (3) four (4) year terms was as follows:

<u>NAME OF CANDIDATE</u>	<u>NUMBER OF VOTES RECEIVED</u>
RITA MINX	1,088
JOHN C. THILL	1,050
JANINE WITKO	1,096

- C. The balloting for the office of Village Trustee of the Village of Morton Grove for one (1) two (2) year term was as follows:

<u>NAME OF CANDIDATE</u>	<u>NUMBER OF VOTES RECEIVED</u>
ASHUR E SHIBA	1,180

- D. The balloting for the office of Library Trustee of the Village of Morton Grove for two (2) six (6) year terms was as follows:

<u>NAME OF CANDIDATE</u>	<u>NUMBER OF VOTES RECEIVED</u>
JOANNE PELLETIER	1,070
EMILY MACEJAK	1,124

- E. The balloting for the office of Library Trustee of the Village of Morton Grove for one (1) four (4) year term was as follows:

<u>NAME OF CANDIDATE</u>	<u>NUMBER OF VOTES RECEIVED</u>
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MARK ANTHONY FLORES

1,166

- F. The balloting for the office of Library Trustee of the Village of Morton Grove for one (1) two (2) year term was as follows:

NAME OF CANDIDATE

NUMBER OF VOTES RECEIVED

MOHAMMED AZAM HUSSAIN

1,084

WHEREAS, the Board of Election Commissioners of Cook County Illinois has certified the results of the election and has proclaimed the following persons have been elected as Village Trustee of the Village of Morton Grove to serve a full term of four (4) years:

RITA MINX

JOHN C. THILL

JANINE WITKO

WHEREAS, the Board of Election Commissioners of Cook County Illinois has certified the results of the election and has proclaimed the following person has been elected as Village Trustee of the Village of Morton Grove to serve a term of two (2) years:

ASHUR E SHIBA

WHEREAS, the Board of Election Commissioners of Cook County Illinois has certified the results of the election and has proclaimed the following persons have been elected as Library Trustees of the Village of Morton Grove to serve full terms of six (6) years:

JOANNE PELLETIER

EMILY MACEJAK

WHEREAS, the Board of Election Commissioners of Cook County Illinois has certified the results of the election and has proclaimed the following person has been elected as Library Trustee of the Village of Morton Grove to serve a term of four (4) years:

MARK ANTHONY FLORES

WHEREAS, the Board of Election Commissioners of Cook County Illinois has certified the results of the election and has proclaimed the following person has been elected as Library Trustee of the Village of Morton Grove to serve a term of two (2) years:

MOHAMMED AZAM HUSSAIN

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The Corporate Authorities do hereby incorporate the foregoing WHEREAS clauses into this Resolution as though fully set forth therein thereby making the findings as hereinabove set forth.

SECTION 2: The Village accepts the canvassing and certification of the Board of Election Commissioners of Cook County Illinois and proclaims the following persons have been duly elected to the following Village Offices:

RITA MINX	Village Trustee, four-year term
JOHN C. THILL	Village Trustee, four-year term
JANINE WITKO	Village Trustee, four-year term
ASHUR E SHIBA	Village Trustee, two-year term
JOANNE PELLETIER	Library Trustee, six-year term
EMILY MACEJAK	Library Trustee, six-year term
MARK ANTHONY FLORES	Library Trustee, four-year term
MOHAMMED AZAM HUSSAIN	Library Trustee, two-year term

SECTION 3. All orders or resolutions in conflict with this Canvassing Resolution and the same are to the extent of such conflict hereby repealed. This Resolution be in full force and effective immediately upon its adoption as required by the statutes of the State of Illinois.

Passed this 9th day of May 2023.

Trustee Khan	_____
Trustee Minx	_____
Trustee Shiba	_____
Trustee Thill	_____
Trustee Travis	_____
Trustee Witko	_____

Approved by me this 9th day of May 2023.

Daniel P. DiMaria, Village President
Village of Morton Grove
Cook County, Illinois

Attested and Filed in my office
This 10th day of May 2023.

Eileen Scanlon Harford, Village Clerk
Village of Morton Grove
Cook County, Illinois

Legislative Summary

Ordinance 23-09

APPROVING A SPECIAL USE PERMIT FOR A CAR WASH AT 9120 WAUKEGAN ROAD IN MORTON GROVE, ILLINOIS

Introduction:	May 9, 2023
Purpose:	To approve a Special Use Permit authorizing the modification of an existing car wash at 9120 Waukegan Road in Morton Grove.
Background:	<p>Everclean Car Wash (“applicant”) submitted a complete application to the Department of Community and Economic Development requesting a Special Use Permit to modify an existing car wash at 9120 Waukegan Road (“subject property”), which is zoned C-1 General Commercial. The applicant is proposing physical alterations to property, including demolition of a portion of the principal structure, the installation of new vacuum stalls, minor site modifications, and various cosmetic improvements. The existing car wash was considered by the Plan Commission in 1961 and has been operating continuously since around that time. Per Section 12-4-3:D of the Morton Grove Unified Development Code, car washes are classified as a Special Use in the C-1 District. Any physical alteration to an existing Special Use requires Plan Commission review and Board of Trustees approval.</p> <p>The site is developed as a full-service car wash currently operated as Platinum Car Wash. The applicant plans to demolish the northern portion of the 7,600-square-foot building containing the detailing area. Proposed modifications to the site plan, building elevations, signage, and landscaping are intended to improve circulation, reduce bottlenecks, create covered outdoor vacuum stalls for customer convenience, and reflect the Everclean Car Wash brand. The applicant proposes to operate between the hours of 7:00 a.m. and 7:00 p.m., seven days per week. Between two and three employees will work on-site on a daily basis, and no more than four employees on the busiest days. The proposed use meets the minimum parking requirement established by Section 12-7-3:I and the membership-based business model produces steadier traffic volumes by comparison with standard service car washes.</p> <p>On April 4, 2023, the Appearance Commission Chairperson reviewed Case PC 23-05 and voted unanimously to recommend approval of the application. On April 6, 2023, the Traffic Safety Commission Chairperson reviewed Case PC 23-05 and voted unanimously to recommend approval of the application. On April 24, 2023, the applicant appeared before the Plan Commission to present the request for approval of the application made under Case PC 23-05. Based on the application, staff report, and testimony presented at the public hearing, the Plan Commission voted unanimously (6-0, Chairperson Blonz absent) to recommend approval of the Special Use Permit with conditions relating to business operation and site improvements.</p>
Programs, Dept’s, Groups Affected	Department of Community and Economic Development
Fiscal Impact:	N/A
Source of Funds:	N/A
Workload Impact:	The Special Use Permit will be implemented and supervised by staff as part of their normal work activities.
Administrative Recommendation:	Approval as presented
Second Reading:	May 23, 2023
Special Considerations or Requirements:	None

Submitted by - Ralph Czerwinski, Village Administrator
Reviewed by - Teresa Hoffman Liston, Corporation Counsel
Prepared by - Zoe Heidorn, Community Development Administrator

ORDINANCE 23-09

APPROVING A SPECIAL USE PERMIT FOR A CAR WASH AT 9120 WAUKEGAN ROAD IN MORTON GROVE, ILLINOIS

WHEREAS, the Village of Morton Grove (“Village”), located in Cook County, Illinois, is a home rule unit of government under the provisions of Article 7 of the 1970 Constitution of the State of Illinois, and can exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and incur debt; and

WHEREAS, 9120 Waukegan Road, legally described in “**Exhibit A**”, attached hereto and made a part of this Ordinance, is a 45,252-square-foot (1.04-acre) property zoned C-1 General Commercial (“Subject Property”); and

WHEREAS, the Subject Property is improved with a one-story car wash structure containing approximately 7,600 square feet of floor area and operated as Platinum Car Wash; and

WHEREAS, Everclean Car Wash (“Applicant”) submitted a Special Use Application to the Village’s Plan Commission under Case PC 23-05 (“Application”) requesting a Special Use Permit to authorize the modification of the existing car wash, a use which is classified as a Special Use in the C-1 District pursuant to Section 12-4-3:D; and

WHEREAS, pursuant to the applicable provisions of the Municipal Code, public notice for a public hearing on the Application to be held at a Special Meeting of the Plan Commission on April 24, 2023, was published in the *Morton Grove Champion*, a newspaper of general circulation in the Village of Morton Grove, on March 30, 2023, written notification was sent to property owners within 250 feet of the Subject Property on March 30, 2023, and a sign was posted on the Subject Property on March 30, 2023, as required by ordinance; and

WHEREAS, on April 4, the Appearance Commission reviewed the Application, including the site plan, building elevations, signage plan, and landscape plan, issued an Appearance Certificate with select variations, and recommended approval of the Application with conditions; and

WHEREAS, on April 6, 2023, the Traffic Safety Commission (TSC) reviewed the Application, including the plans and traffic and parking impact study, and recommended approval of the Application; and

WHEREAS, at the April 24, 2023, public hearing, the Village's Plan Commission heard the Applicant's presentation and reviewed the Application, at which time all concerned parties were given the opportunity to be present and express their views for the consideration by the Plan Commission; and

WHEREAS, the Village's Plan Commission considered all the evidence and testimony presented to it, discussed the merits of the Application in light of applicable law, including the Standards for Special Use established in Section 12-16-4:C.5 of the Unified Development Code, and voted to recommend approval of the Special Use Permit, subject to conditions, restrictions, and requirements contained in the report of the Plan Commission, dated May 2, 2023, which was presented to the Village Board on May 9, 2023, and a copy of that report is contained in "**Exhibit B**", attached to and made a part of this Ordinance; and

WHEREAS, pursuant to the provisions of the Village's Unified Development Code, the Corporate Authorities have determined that the Special Use Permit should be approved, subject to the provisions, conditions, and restrictions contained in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. Incorporation by Reference. The Corporate Authorities do hereby incorporate the foregoing WHEREAS clauses into this Ordinance by this reference, as though fully set forth herein, thereby making the findings as hereinabove set forth.

SECTION 2. Approval of Special Use Permit. The Corporate Authorities hereby grant a Special Use Permit to authorize the modification of a car wash, with the following conditions and restrictions, which shall be binding on the owners/lessees, occupants and users of this property, their successors and assigns.

SECTION 3. Conditions. The Special Use Permit shall be subject to the following conditions:

- A. The site and building shall be maintained and operated consistent with the plans and supporting documents, and modifications as finalized and specifically approved in writing by the Village Administrator or his/her designee, including:
 1. ALTA/NSPS Land title Survey of 9120 Waukegan Road, prepared by Haeger Engineering, dated November 22, 2022;

2. Proposed Site Plan, prepared by Haeger Engineering, dated January 26, 2023;
3. Proposed Site Plan (Required Detention Storage/Provided Detention Storage), prepared by Haeger Engineering, dated February 14, 2023;
4. Proposed Building Elevations (2 sheets), prepared by Everclean Car Wash, undated;
5. Pergola Side Elevation, prepared by Americana Building Products, dated November 22, 2019;
6. Sign Specifications (4 sheets), prepared by Divine Signs & Graphics, dated March 13, 2023;
7. Photometric Plan, prepared by Haeger Engineering, dated February 15, 2023; and
8. Traffic Circulation Review, prepared by Justin Opitz, AICP & Bill Grieve, P.E., PTOE, Kimley-Horn, dated February 23, 2023.

Any change to the site or building may subject the Applicant or subsequent owners, lessees, occupants, and users of the Subject Property to additional conditions and may serve as the basis for amendment to the Special Use Permit.

- B. The Subject Property shall be operated consistent with all representations, assertions, and testimony provided by the Applicant and their representatives at the public hearings before the Traffic Safety Commission and Plan Commission. Any inconsistencies in operation, as determined by the Village Administrator or his/her designee, may serve as the basis for amendment to or revocation of the Special Use Permit.
- C. This Ordinance shall supersede and take precedence over all previous Special Use ordinances heretofore passed concerning the Subject Property.
- D. The car wash shall be limited to operating between the hours of 7:00 a.m. and 7:00 p.m.
- E. The Applicant shall take all reasonable action, including the installation of signage, to ensure that no customer vehicle queues in the public right of way. If queueing occurs in the public right of way, the Applicant shall station an employee at the driveway entrance to flag customers away from the site. If queueing in the public right of way is observed on any regular basis by Village staff, the Applicant shall submit a traffic management plan to the Village Administrator or his/her designee for review and

- approval, and the Applicant shall comply with the final approved traffic management plan.
- F. The Applicant shall stripe the site in accordance with the “Conceptual Traffic Circulation Exhibit” prepared by Kimley-Horn in the submitted traffic and parking impact study and collapsible bollards shall be installed as an additional means of visual demarcation, or as otherwise approved by the Village Engineer.
- G. The Applicant shall submit a snow storage plan to the Village Engineer demonstrating that snow storage can be accommodated on the site without impacting site circulation and operations, or describing how snow will be removed from the site. The snow storage plan shall be subject to the Village Engineer’s final approval.
- H. The Applicant shall comply with all conditions of approval set forth by the Appearance Commission, including:
1. The Applicant shall modify all wall and monument signage to comply with the maximum permitted areas established by Chapter 10-10.
 2. The Applicant shall plant two (2) trees along the south lot line within the eastern half of the subject property of a species subject to the Community Development Administrator’s approval.
 3. The Applicant shall plant and maintain shrubs along the east lot line at a minimum height of three (3) feet to provide dense and opaque year-round screening. The shrub species shall be evergreen and subject to the Community Development Administrator’s approval.
 4. The trash enclosure shall be designed in accordance with all requirements of Section 12-11-4.
 5. The electronic messaging sign shall comply with all requirements of Section 10-10-7:C.
 6. A landscape bed measuring a minimum of two (2) feet from the ground monument sign base shall be installed with plants maintained at a height of no less than three (3) feet to the maximum extent permitted by the ground monument sign base location and the existing landscape bed area, subject to the Community Development Administrator’s approval.

7. Before any Building Permit is issued, the photometric plan must be revised to meet all lighting requirements of the Village of Morton Grove, subject to the Village Engineer's final approval.
8. Illuminated signage and other illuminating features on the property may not exceed 5,000K (degrees Kelvin).
9. The existing six-foot-tall fence located along the property's perimeter shall be maintained in a like-new condition, shall be safe, structurally sound, stable, and in good repair.
10. Prior to filing any Building Permit Application, the Applicant shall provide the Village with final elevations and material specifications for review and approval. Final elevations and materials must be deemed consistent with the approved elevations and materials, as determined by the Community Development Administrator and Appearance Commission Chairperson. If such designs are deemed to be inconsistent with the approved plans or if materials are deemed to be of a lower quality than the approved materials, then the Applicant will be required to file an application for an amendment to the Appearance Certificate.
- I. The Applicant shall comply with all comments issued by the Village Engineer in the departmental comment form dated April 13, 2023, by strict or alternative compliance, subject to the Village Engineer's final approval.
- J. The Subject Property owner, Applicant, and any lessees, occupants, and users of the Subject Property, their successors and assigns, shall allow employees and authorized agents of the Village access to the Subject Property at all reasonable times for the purpose of inspecting the Subject Property to verify all terms and conditions of this Ordinance have been met.

SECTION 4. Village Records. The Village Clerk is hereby authorized and directed to amend all pertinent records of the Village of Morton Grove to show and designate the Special Use Permit as granted hereunder.

SECTION 5. Failure to Comply with Conditions. Upon failure or refusal of the Applicant to comply with any or all of the conditions, restrictions or provisions of this Ordinance, the Corporate Authorities may initiate the revocation of the Special Use Permit granted in this

Ordinance, in accordance with process and procedures established in the Unified Development Code.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form according to law.

Passed this 23rd day of May 2023.

Trustee Khan	_____
Trustee Minx	_____
Trustee Shiba	_____
Trustee Thill	_____
Trustee Travis	_____
Trustee Witko	_____

Approved by me this 23rd day of May 2023.

Daniel DiMaria, Village President
Village of Morton Grove
Cook County, Illinois

Approved and Filed in my office this 24th day of May 2023.

Eileen Scanlon-Harford, Village Clerk
Village of Morton Grove
Cook County, Illinois

LIST OF EXHIBITS

EXHIBIT A	Legal Description, 9120 Waukegan Road
EXHIBIT B	Plan Commission Report for PC 23-05, dated May 2, 2023

EXHIBIT A

9120 WAUKEGAN ROAD, MORTON GROVE, ILLINOIS 60053 LEGAL DESCRIPTION:

PARCEL 1: THE NORTH 94 FEET OF LOT 7, MEASURED ON THE WEST LINE OF SAID LOT 7, OF DILG'S SUBDIVISION IN THE SOUTH HALF OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, IL EXCEPTING THEREFROM THAT PART WHEREOF WHICH LIES EAST OF A LINE 40 FEET WEST AND PARALLEL WITH THE CENTER LINE OF WAUKEGAN ROAD (CONVEYED TO THE VILLAGE OF MORTON GROVE BY DEED DATED OCTOBER 21, 1964 AS DOCUMENT NUMBER 10337188)

PARCEL 2: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING BETWEEN THE EAST LINE AND THE WEST LINE OF LOT 7 IN DILG'S SUBDIVISION, AFORESAID, EXTENDED NORTH LYING NORTH OF AND ADJOINING THE NORTH LINE OF SAID LOT 7 IN DILG'S SUBDIVISION AFORESAID, AND LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF GOLF VIEW GARDENS, A SUBDIVISION IN THE WEST HALF OF SAID SECTION 18, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS

PARCEL 3: LOTS 11 AND 12 IN BLOCK 13 IN GOLF VIEW GARDENS, A SUBDIVISION IN THE WEST HALF OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS

PROPERTY INDEX NUMBERS:

10-18-309-002-0000
10-18-309-039-0000
10-18-304-023-0000
10-18-304-022-0000

EXHIBIT B

PLAN COMMISSION REPORT FOR PC 23-05

Dated May 2, 2023

To: Village President and Board of Trustees

From: Chris Kintner, Plan Commission Vice Chairperson
Ralph Czerwinski, Village Administrator
Teresa Hoffman Liston, Corporation Counsel
Zoe Heidorn, Community Development Administrator

Date: May 2, 2023

Re: Plan Commission Case PC 23-05
Request for approval of a Special Use Permit for the modification of a car wash at the property commonly known as 9120 Waukegan Road in Morton Grove, Illinois (PIN 10-18-309-002-0000, 10-18-309-039-0000, 10-18-304-023-0000, 10-18-304-022-0000), all within a C-1 General Commercial District, pursuant to Section 12-4-3:D. The applicant is Everclean Car Wash.

Executive Summary

Everclean Car Wash ("applicant") submitted a complete application to the Department of Community and Economic Development requesting a Special Use Permit to modify an existing car wash at 9120 Waukegan Road ("subject property"), which is zoned C-1 General Commercial. The applicant is proposing physical alterations to property, including demolition of a portion of principal structure, the installation of new vacuum stalls, minor site modifications, and various cosmetic improvements. The existing car wash was considered by the Plan Commission on August 28, 1961, and has been operating continuously since around that time. Per Section 12-4-3:D of the Morton Grove Unified Development Code, car washes are classified as a Special Use in the C-1 District. Any physical alteration to an existing Special Use requires Plan Commission review and Board of Trustees approval.

The Special Use Application was considered by the Plan Commission at a Special Meeting on April 24, 2023. For the reasons set forth in this report, on April 24, 2023, the Plan Commission unanimously recommended by a vote of 6-0 (Chairperson Blonz absent) that the Village Board of Trustees should approve the Special Use Permit with various conditions.

Application

The subject property is a 45,252-square-foot (1.04-acre) interior lot located on the west side of Waukegan Road, south of Church Street and north of Greenwood Street. The subject property abuts properties zoned C-1 General Commercial to the west, south, and east, across Waukegan Road. To the north are properties zoned C-1 and single-family residences zoned R-2 Single Family Residence. Sayre Avenue, which serves residential lots to the north, dead ends at the subject property's north lot line. Uses to the north include single-family residences and the Morton Grove Animal Hospital.

The site is developed as a full-service car wash currently operated as Platinum Car Wash. The applicant plans to demolish the northern portion of the 7,600-square-foot building containing the detailing area, reducing the building footprint to 5,800 square feet. Proposed modifications to the site plan, building elevations, signage, and landscaping are intended to improve circulation, reduce bottlenecks, create covered outdoor vacuum stalls for customer convenience, and reflect the Everclean Car Wash brand. The applicant is not proposing any physical alterations that will result in a new or exacerbated zoning nonconformity. An existing nonconforming interior side setback along the south lot line is permitted to continue by Section 12-15-4. Stormwater management improvements will also be required due to the extent of site disturbance.

Everclean Car Wash proposes to operate between the hours of 7:00 a.m. and 7:00 p.m., seven days per week. Between two and three employees will work on-site on a daily basis, and no more than four employees on the busiest days. Vehicles will queue along the north lot line with customers waiting in their vehicles, pass one of three pay stations, then enter the automatic car wash tunnel. An emergency exit is proposed to allow customers to exit between the pay stations and the car wash tunnel. Customers may vacuum their vehicles using one of the twenty new vacuum parking stalls located under a covered canopy.

The proposed use meets the minimum parking requirement established by Section 12-7-3:I. According to the submitted traffic impact study prepared by Kimley-Horn, the business anticipates 500 to 800 customer vehicles on a busy day. By comparison, Platinum Car Wash is reported to have served between 1,200 and 1,700 customers on peak days. Based on data from existing Everclean Car Wash locations, 81% of customers are membership-based. Due to the membership-based model,

traffic volumes are reported to be steadier than a standard service car wash because customers are more likely to avoid typical busy periods. The study indicates that the membership-based model results in a more even distribution of traffic across days and weeks.

Departmental Review

- **Building Department:** No comments at this time.
- **Fire Department:** No comments at this time.
- **Public Works Department/Engineering:** The Village Engineer issued comments dated April 13, 2023, attached hereto as “**Attachment A**.” Compliance with comments issued by the Village Engineer, whether by strict or alternative compliance, has been included as a recommended condition of the Special Use Permit.

Public Hearings

Appearance Commission

On April 4, 2023, the Appearance Commission unanimously approved (7-0) an Appearance Certificate for the proposed project with select waivers and forwarded a recommendation of approval of case PC 23-05 to the Plan Commission. The staff report to the Appearance Commission and draft minutes of the Appearance Commission meeting are included in the hearing packet for Case PC 23-05. Notably, the applicant agreed to modify all wall and monument signage to comply with the maximum areas permitted by Chapter 10-10 and agreed to plant two trees along the south lot line. The Appearance Commission approved a waiver to allow a monument sign to be replaced using an existing foundation and permit a setback of zero feet from the front lot line.

Traffic Safety Commission

On April 6, 2023, the Traffic Safety Commission reviewed Case PC 23-05 and voted unanimously (8-0) to recommend approval of the application. No comments were forwarded to the Plan Commission for consideration.

Plan Commission

The Village provided Public Notice for the April 24, 2023, Plan Commission public hearing for PC 23-05, to be held at a Special Meeting of the Plan Commission, in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on March 30, 2023. The Village notified surrounding property owners via mail and placed a public notice sign on the subject property on March 30, 2023.

Plan Commission – April 24, 2023, Proceedings: Six members of the Plan Commission were in attendance at the public hearing for Case PC 23-05 held on April 24, 2023. Chairperson Blonz was absent.

Zoe Heidorn, Community Development Administrator, provided a brief introduction to the application. The staff report dated April 14, 2023, and attached hereto as “**Attachment B**,” was entered into the public record.

Zoe Heidorn, Community Development Administrator, provided a brief introduction to the application. Ms. Heidorn stated that the applicant is requesting a Special Use Permit to authorize modifications to an existing car wash at 9120 Waukegan Road, currently operated as Platinum Car Wash. The property has been operated as a car wash since around 1961. The applicant proposes to demolish the northern portion of the existing structure to install a bay of vacuum stalls to be covered by a steel canopy, install pay lane equipment, install new materials along all elevations, and install new wall and monument signage to reflect the Everclean Car Wash brand. On April 4, the Appearance Commission unanimously recommended approval of the application with the conditions that the applicant reduces all wall and monument signage to meet maximum area requirements and that two trees are planted along the south lot line. On April 6, the Traffic Safety Commission also unanimously recommended approval of the application.

Vice Chairperson Kintner asked if there have been any complaints by residential neighbors regarding noise generated by Platinum Car Wash operations. Ms. Heidorn said she is not aware of any complaints.

Anne Kirchner swore in the applicant, Jay Manguba of Everclean Car Wash. He thanked the Commission and explained that the business has seven locations and is a subscription-based express car wash operation. The whole property will be upgraded to improve operations and appearance.

Commissioner Stein asked about the traffic flow of the car wash and how the vacuum bays will be accessed.

Jay explained that Platinum Car Wash, at its peak, typically provided 1,200 to 1,700 washes per day. Everclean anticipates 500 to 800 per day. Because they are a subscription-based business, demand evens out as customers can have more frequent washes and avoid peak times. The vacuum area is open to customers as needed. Unlike Platinum Car Wash operations, not every wash will require a vacuum, causing less wait-time at the start of the wash. By not being a full-service wash, the clients stay in their car and can decide to vacuum before or after the wash, or not at all. There is an emergency lane for those desiring to leave the wash line.

Commissioner Stein asked if the pergola covers the entire vacuum area. Mr. Manguba responded that it does and will be structurally designed to hold snow loads.

Commissioner Dorgan asked if the south wall will be patched. The applicant responded that the entire building will be repaired and uniformly enhanced.

Vice Chairperson Kintner asked if Platinum Car Wash has a subscription service. Mr. Manguba noted they have a small program, unlike Everclean Car Wash.

Vice Chairperson Kintner asked if the 500 to 800 wash count is consistent with all of their locations. He noted that Waukegan Road is a high-traffic roadway. Mr. Manguba noted it is an average across all locations, which tend to be on high-traffic roadways.

Vice Chairperson Kintner asked if any of the new vacuums will be closer to the residential area. Mr. Manguba noted the entire vacuum area is new and will be a bit closer to the residential area to the north.

Vice Chairperson Kintner asked the applicant if they were aware of the conditions outlined in the recommendations. Mr. Manguba said they are aware of all the recommendations and will comply.

Discussion ensued regarding the three lanes for service and how they will be marked for the customers. Members and single wash lanes are marked and signed. Most paved areas will be repaved. To limit queueing that could cause back-ups on Waukegan Road, the Commissioners agreed that signage indicating that no obstruction of public right of way is permitted should be made a condition of the Special Use Permit.

Commissioner Gabriel stated that he welcomes the new service and site improvements.

Commissioner Liston made a motion to recommend approval of Case PC 23-05, a request for approval of a Special Use Permit for the modification of a car wash at the property commonly known as 9120 Waukegan Road in Morton Grove, Illinois, subject to the following conditions:

1. The applicant shall take all reasonable action, including the installation of signage, to ensure that no customer vehicle queues in the public right of way. If queueing occurs in the public right of way, the applicant shall station an employee at the driveway entrance to flag customers away from the site. If queueing in the public right of way is observed on any regular basis by Village staff, the applicant shall submit a traffic management plan to the Village Administrator for review and approval, and the applicant shall comply with the final approved traffic management plan.
2. The applicant shall stripe the site in accordance with the "Conceptual Traffic Circulation Exhibit" prepared by Kimley-Horn in the submitted traffic impact study and collapsible bollards shall be installed as an additional means of visual demarcation, or as otherwise approved by the Village Engineer.

3. The applicant shall submit a snow storage plan to the Village Engineer demonstrating that snow storage can be accommodated on the site without impacting site circulation and operations, or describing how snow will be removed from the site. The snow storage plan shall be subject to the Village Engineer's final approval.
4. The applicant shall comply with all conditions of approval set forth by the Appearance Commission, including:
 - a. The applicant shall modify all wall and monument signage to comply with the maximum permitted areas established by Chapter 10-10.
 - b. The applicant shall plant two (2) trees along the south lot line within the eastern half of the subject property of a species subject to the Community Development Administrator's approval.
 - c. The applicant shall plant and maintain shrubs along the east lot line at a minimum height of three (3) feet to provide dense and opaque year-round screening. The shrub species shall be evergreen and subject to the Community Development Administrator's approval.
 - d. The trash enclosure shall be designed in accordance with all requirements of Section 12-11-4.
 - e. The electronic messaging sign shall comply with all requirements of Section 10-10-7:C.
 - f. A landscape bed measuring a minimum of two (2) feet from the ground monument sign base shall be installed with plants maintained at a height of no less than three (3) feet to the maximum extent permitted by the ground monument sign base location and the existing landscape bed area, subject to the Community Development Administrator's approval.
 - g. Before any Building Permit is issued, the photometric plan must be revised to meet all lighting requirements of the Village of Morton Grove, subject to the Village Engineer's final approval.
 - h. Illuminated signage and other illuminating features on the property may not exceed 5,000K (degrees Kelvin).
 - i. The existing 6-foot-tall fence located along the property's perimeter shall be maintained in a like-new condition, shall be safe, structurally sound, stable, and in good repair.
 - j. Prior to filing any Building Permit Application, the owner/applicant shall provide the Village with final elevations and material specifications for review and approval. Final elevations and materials must be deemed consistent with the approved elevations and materials, as determined by the Community Development Administrator and Appearance Commission Chairperson. If such designs are deemed to be inconsistent with the approved plans or if materials are deemed to be of a lower quality than the approved materials, then the owner/applicant will be required to file an application for an amendment to the Appearance Certificate.
5. The applicant shall comply with all comments issued by the Village Engineer in the departmental comment form dated April 13, 2023, by strict or alternative compliance, subject to the Village Engineer's final approval.

The motion was seconded by Commissioner Gabriel.

Motion passes 6-0.

Final Plans and Supporting Documents

The application's final plans and supporting documents recommended for approval by the Plan Commission include the following and are attached hereto as "**Attachment C**":

1. ALTA/NSPS Land title Survey of 9120 Waukegan Road, prepared by Haeger Engineering, dated November 22, 2022
2. Proposed Site Plan, prepared by Haeger Engineering, dated January 26, 2023

3. Proposed Site Plan (Required Detention Storage/Provided Detention Storage), prepared by Haeger Engineering, dated February 14, 2023
4. Proposed Building Elevations (2 sheets), prepared by Everclean Car Wash, undated
5. Pergola Side Elevation, prepared by Americana Building Products, dated November 22, 2019
6. Sign Specifications (4 sheets), prepared by Divine Signs & Graphics, dated March 13, 2023
7. Photometric Plan, prepared by Haeger Engineering, dated February 15, 2023
8. Traffic Circulation Review, prepared by Justin Opitz, AICP & Bill Grieve, P.E., PTOE, Kimley-Horn, dated February 23, 2023

Attachments

- **Attachment A** – Plan Review Comment Form for PC 23-05, prepared by Chris Tomich, Village Engineer, dated April 13, 2023
- **Attachment B** – Staff Report to the Plan Commission for PC 23-05, prepared by Zoe Heidorn, Community Development Administrator, dated April 14, 2023
- **Attachment C** – Final Plans and Supporting Documents for PC 23-05

Attachment A

Plan Review Comment Form for PC 23-05
Prepared by Chris Tomich, Village Engineer
Dated April 13, 2023

REVIEWING:

BUILDING

FIRE

POLICE

PUBLIC WORKS/ENGINEERING

TSC

VILLAGE OF MORTON GROVE, ILLINOIS
PLAN REVIEW COMMENT FORM

DATE DISTRIBUTED: 3/16/2023

CASE NUMBER: PC 23-05

APPLICATION: Request for approval of a Special Use Permit for a Car Wash for the property commonly known as 9120 Waukegan Road (PIN 10-18-309-002-0000, 10-18-304-023-0000, 10-18-304-022-0000) in Morton Grove, Illinois, all within the C-1 General Commercial District.

A Special Use Application has been submitted for Plan Commission action. Please return your review to the Department of Community and Economic Development by **Friday, April 7, 2023**.

Thank you,
Zoe Heidorn, Community Development Administrator

COMMENTS OR CONCERNS

1. The existing facility includes a place for vehicles to exit after the pay station and before entering the car wash. It seems this configuration avoids inconveniences to other customers and less safe reversing maneuvers when a driver is unable or unwilling to enter the car wash. It is recommended the proposed facility include the same accommodation.
2. The Traffic Study does not review parking demand. There are 5 on-site parking spaces including an accessible space. There is no assessment of the existing or proposed number of employees. Village staff considers there to be no obvious shortage of parking spaces for the existing operation, but the situation is unexamined for the proposed operation.
3. The pavement condition on most of its extents is deteriorated.

These comments accurately represent existing Village regulations or policies.

Name (please print): Chris Tomich, Village Engineer

Signed:



Date: 04/13/2023

Attachment B

Staff Report to the Plan Commission for PC 23-05
Prepared by Zoe Heidorn, Community Development Administrator
Dated April 14, 2023

To: Vice Chairperson Kintner and Members of the Plan Commission

From: Zoe Heidorn, Community Development Administrator; Anne Ryder Kirchner, Assistant Land Use Planner

Date: April 14, 2023

Re: Plan Commission Case PC 23-05
Request for approval of a Special Use Permit for the modification of a car wash at the property commonly known as 9120 Waukegan Road in Morton Grove, Illinois (PIN 10-18-309-002-0000, 10-18-309-039-0000, 10-18-304-023-0000, 10-18-304-022-0000), all within a C-1 General Commercial District, pursuant to Section 12-4-3:D. The applicant is Everclean Car Wash.

STAFF REPORT

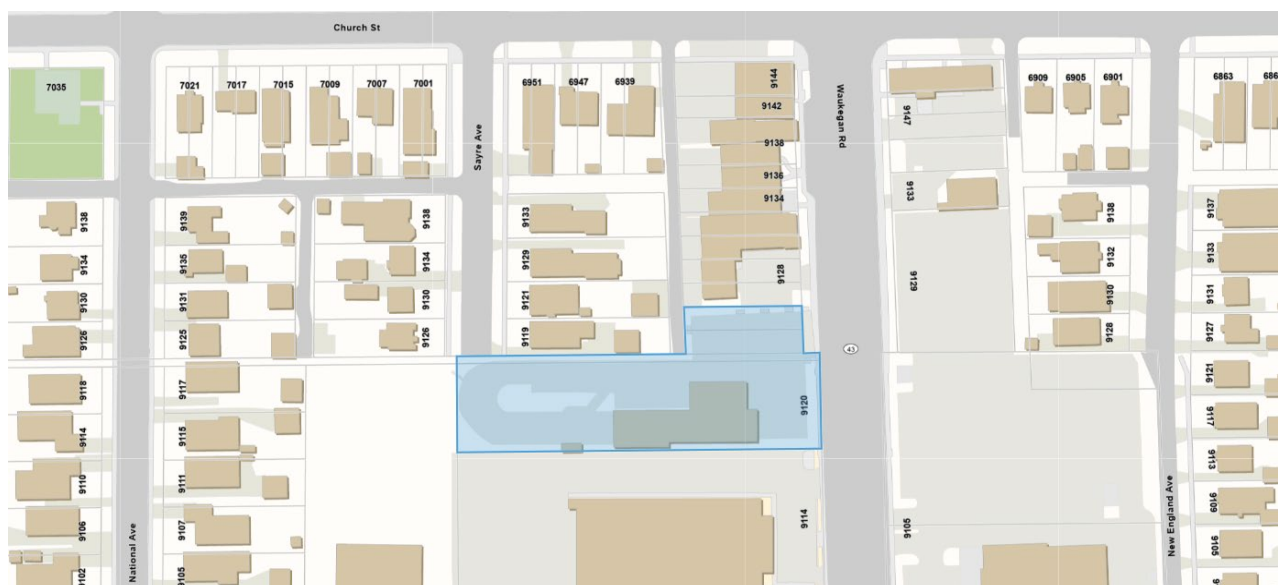
Public Notice

The Village provided Public Notice for the April 24, 2023, Plan Commission public hearing for PC 23-05, to be held at a Special Meeting of the Plan Commission, in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on March 30, 2023. The Village notified surrounding property owners via mail and placed a public notice sign on the subject property on March 30, 2023.

Application

Everclean Car Wash ("applicant") submitted a complete application to the Department of Community and Economic Development under Case PC 23-05 requesting a Special Use Permit to modify and continue operation of a car wash at 9120 Waukegan Road ("subject property"), which is zoned C-1 General Commercial. Car washes are classified as a Special Use in the C-1 District pursuant to Section 12-4-3:D. Village records indicate that the original car wash, or "automobile laundry," located on the subject property was reviewed by the Plan Commission on August 28, 1961, and has been operating continuously since around that time.

The subject property is a 45,252-square-foot (1.04-acre) interior lot located on the west side of Waukegan Road, south of Church Street and north of Greenwood Street. The property abuts commercially zoned properties to the west, south, and east, across Waukegan Road. To the north are properties zoned C-1 General Commercial and single-family residences zoned R-2 Single Family Residence. Sayre Avenue, which serves residential lots to the north, dead ends at the subject property's north lot line. Uses to the north include single-family residences and the Morton Grove Animal Hospital. To the west is a water system facility owned and operated by the Northwest Water Commission and to the south is the Morton Grove Post Office.



Subject Property Location Map

Operations

Everclean Car Wash proposes to operate between the hours of 7:00 a.m. and 7:00 p.m., seven days per week, which is consistent with the business's seven other locations. Per the applicant, there will be between two and three employees working on-site on a daily basis, and no more than four employees on the busiest days. Vehicles will queue along the north lot line with customers waiting in their vehicles, pass one of three pay stations, then enter the automatic car wash tunnel, which can accommodate between five and six vehicles at a time. An emergency exit is proposed in line with the vacuum stalls to allow customers to exit between the pay stations and the car wash tunnel. Customers will have the option to vacuum their own vehicles using one of the twenty new vacuum parking stalls located under a covered canopy before or after the car wash.

Everclean Car Wash's proposed configuration is intended to improve the existing Platinum Car Wash configuration, where customers pull into one of three vacuum lanes before entering the car wash. Employees provide a vacuum service for each vehicle, causing a bottleneck and contributing to lengthy queues.

Everclean Car Wash offers single car washes, but the majority of the business's customers are subscription members, which provides them with unlimited access to car washes on a monthly basis. Based on data from an Everclean Car Wash location in Lake of the Hills, 81% of customers are membership-based, whereas the other 19% are one-time customers. All members are provided with a radio frequency identification device (RFID) sticker to pass the pay station, which significantly reduces payment time associated with traditional credit card and cash machines. Two of the three pay stations will be for members only and the third pay station will be reserved for new or one-time customers.

Parking & Traffic Impact

The site is currently served by one driveway along Waukegan Road, and no changes to the existing vehicular access point are proposed. The proposed site plan includes five standard parking spaces, including one accessible space, along the north lot line and twenty self-service vacuum parking stalls along the north side of the principal structure. Per Section 12-7-3:1, car washes are required to provide a minimum of one parking space per 250 square feet of floor area. With 5,800 square feet of floor area, the proposed use is required to provide 23 on-site parking spaces. Because the vacuum stalls can be used for unrestricted vehicle parking, they may count toward the minimum off-street parking requirement. With 25 on-site parking stalls, the proposed use complies with the minimum requirement for off-street parking.

According to the submitted traffic impact study prepared by Kimley-Horn, the business anticipates 500 to 800 customer vehicles on a busy day. By comparison, Platinum Car Wash is reported to have served between 1,200 and 1,700 customers on peak days. Due to Everclean Car Wash's subscription-based model, wherein members have unlimited access to the car wash facility, traffic volumes are reported to be steadier than a standard service car wash because customers are more likely to avoid typical busy days and times. The study indicates that the subscription-based model results in a more even distribution of traffic across days and weeks.

The submitted study concludes that based on the results of a queueing model using peak traffic volumes, the 16 queueing spaces located between the car wash tunnel to where the wrap-around queueing lane ends will accommodate peak hour customer volumes. *As conditions of Special Use Permit approval, staff recommends that Everclean Car Wash may not allow any customer vehicle to queue in the public right of way, that an employee shall be stationed at the driveway entrance to flag customers away if queueing occurs in the public right of way, and that if queueing in the public right of way is observed on any regular basis by Village staff, that Everclean Car Wash shall submit a traffic management plan to the Village Administrator that addresses traffic queueing issues. The plan shall be subject to the Village Administrator's approval and the business shall operate in accordance with the final approved traffic management plan.*

Staff supports as a condition of approval the recommendation provided by Kimley-Horn that striping is installed to delineate between the two-way drive aisle serving the vacuum stalls and the one-way queueing lane along the north lot line. Staff also recommends that collapsible bollards are installed to reinforce the demarcation. The final striping plan will need to be fully dimensioned and will be subject to the Village Engineer's approval. A diagram showing the general striping configuration proposed by Kimley-Horn is on the following page:



Pavement & Stormwater Management

Because areas of the site will be disturbed and a portion of landscape area will be removed, the proposed improvements are required to provide stormwater detention. The applicant submitted a stormwater detention summary prepared by Haeger Engineering that determines required detention storage and describes the methods of providing on-site storage. Design of the stormwater improvements will be subject to the Village Engineer's final approval through the standard permitting process.

Staff notes that pavement throughout the site is in poor condition. The applicant is expected to discuss whether future resurfacing is planned. The site will be subject to the property maintenance requirements of Chapter 10-5.

Snow Storage

The applicant did not submit a snow storage plan but is expected to discuss proposed snow storage locations at the Plan Commission meeting. *As a condition of Special Use Permit approval, staff recommends requiring the submittal of a snow storage plan to the Village Engineer, subject to the Village Engineer's final approval.* The plan should describe the locations of snow storage and demonstrate that storage will not interfere with site circulation or operations, or the plan should describe the methods of snow removal from the site.

Noise

Three outdoor vacuum stations are currently located on the site, just west of the car wash tunnel. These stations will be removed, and twenty new vacuum stalls will be installed along the north side of the building. The applicant is expected to discuss their methods to mitigate sound pollution generated from the site, especially with respect to abutting residential lots to the north. The business will be subject to the Village's noise ordinance. Per Section 6-5-5:M: "There shall be a rebuttable presumption that a person who creates, causes to be created or permits sound which causes a fifteen (15) dBA increase in the sound level above the ambient sound level, as measured at an abutting property line has caused prohibited noise in violation of this chapter."

Departmental Review

- **Building Department:** No comments at this time.
- **Fire Department:** No comments at this time.
- **Public Works Department/Engineering:** In review of the proposed project, the Village Engineer issued comments dated April 13, 2023, which are included in the hearing packet for Case PC 23-05. *Compliance with these comments, whether by strict or alternative compliance, will be included as a recommended condition of Special Use Permit approval.*

Public Hearings

Appearance Commission

On April 4, 2023, the Appearance Commission unanimously approved (7-0) an Appearance Certificate for the proposed project with select waivers and forwarded a recommendation of approval of case PC 23-05 to the Plan Commission. The staff

report to the Appearance Commission and draft minutes of the Appearance Commission meeting are included in the hearing packet for Case PC 23-05. Notably, the applicant agreed to modify all wall and monument signage to comply with the maximum areas permitted by Chapter 10-10 and agreed to plant two trees along the south lot line. The Appearance Commission approved a waiver to allow a monument sign to be replaced using an existing foundation and permit a setback of zero feet from the front lot line.

Traffic Safety Commission

On April 6, 2023, the Traffic Safety Commission reviewed Case PC 23-05 and voted unanimously (8-0) to recommend approval of the application. No comments were forwarded to the Plan Commission for consideration.

Standards for Review

The Standards for Special Uses are established in Section 12-16-4:C.5 of the Unified Development Code:

Standards For Special Uses: The following standards for evaluating special uses shall be applied in a reasonable manner, taking into consideration the restrictions and/or limitations which exist for the site being considered for development:

1. Preservation Of Health, Safety, Morals, And Welfare: The establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, morals or general welfare.
2. Adjacent Properties: The special use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses permitted in the zoning district.
3. Orderly Development: The establishment of the special use will not impede normal and orderly development or impede the utilization of surrounding property for uses permitted in the zoning district.
4. Adequate Facilities: Adequate utilities, access roads, drainage and other necessary facilities are in existence or are being provided.
5. Traffic Control: Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the public streets. The proposed use of the subject site should not draw substantial amounts of traffic on local residential streets.
6. Adequate Buffering: Adequate fencing and/or screening shall be provided to ensure the right of enjoyment of surrounding properties to provide for the public safety or to screen parking areas and other visually incompatible uses.
7. Conformance To Other Regulations: The special use shall, in all other respects, conform to applicable provisions of this title or amendments thereto. Variation from provisions of this title as provided for in subsection 12-16-3A, "Variations", of this chapter, may be considered by the plan commission and the Village board of trustees as a part of the special use permit.

Recommendation

Should the Plan Commission recommend approval of this application, staff suggests the following motion and conditions:

Motion to recommend approval of Case PC 23-05, a request for approval of a Special Use Permit for the modification of a car wash at the property commonly known as 9120 Waukegan Road in Morton Grove, Illinois, subject to the following conditions:

1. *The applicant shall take all reasonable action to ensure that no customer vehicle queues in the public right of way. If queueing occurs in the public right of way, the applicant shall station an employee at the driveway entrance to flag customers away from the site. If queueing in the public right of way is observed on any regular basis by Village staff, the applicant shall submit a traffic management plan to the Village Administrator for review and approval, and the applicant shall comply with the final approved traffic management plan.*
2. *The applicant shall stripe the site in accordance with the "Conceptual Traffic Circulation Exhibit" prepared by Kimley-Horn in the submitted traffic impact study and collapsible bollards shall be installed as an additional means of visual demarcation, or as otherwise approved by the Village Engineer.*
3. *The applicant shall submit a snow storage plan to the Village Engineer demonstrating that snow storage can be accommodated on the site without impacting site circulation and operations, or describing how snow will be removed from the site. The snow storage plan shall be subject to the Village Engineer's final approval.*

4. *The applicant shall comply with all conditions of approval set forth by the Appearance Commission, including:*
 - a. *The applicant shall modify all wall and monument signage to comply with the maximum permitted areas established by Chapter 10-10.*
 - b. *The applicant shall plant two (2) trees along the south lot line within the eastern half of the subject property of a species subject to the Community Development Administrator's approval.*
 - c. *The applicant shall plant and maintain shrubs along the east lot line at a minimum height of three (3) feet to provide dense and opaque year-round screening. The shrub species shall be evergreen and subject to the Community Development Administrator's approval.*
 - d. *The trash enclosure shall be designed in accordance with all requirements of Section 12-11-4.*
 - e. *The electronic messaging sign shall comply with all requirements of Section 10-10-7:C.*
 - f. *A landscape bed measuring a minimum of two (2) feet from the ground monument sign base shall be installed with plants maintained at a height of no less than three (3) feet to the maximum extent permitted by the ground monument sign base location and the existing landscape bed area, subject to the Community Development Administrator's approval.*
 - g. *Before any Building Permit is issued, the photometric plan must be revised to meet all lighting requirements of the Village of Morton Grove, subject to the Village Engineer's final approval.*
 - h. *Illuminated signage and other illuminating features on the property may not exceed 5,000K (degrees Kelvin).*
 - i. *The existing 6-foot-tall fence located along the property's perimeter shall be maintained in a shall be maintained in a like-new condition, shall be safe, structurally sound, stable, and in good repair.*
 - j. *Prior to filing any Building Permit Application, the owner/applicant shall provide the Village with final elevations and material specifications for review and approval. Final elevations and materials must be deemed consistent with the approved elevations and materials, as determined by the Community Development Administrator and Appearance Commission Chairperson. If such designs are deemed to be inconsistent with the approved plans or if materials are deemed to be of a lower quality than the approved materials, then the owner/applicant will be required to file an application for an amendment to the Appearance Certificate.*
5. *The applicant shall comply with all comments issued by the Village Engineer in the departmental comment form dated April 13, 2023, by strict or alternative compliance, subject to the Village Engineer's final approval.*
(Any other conditions recommended by the Plan Commission)

Attachment C

Final Plans and Supporting Documents for PC 23-05

1. ALTA/NSPS Land title Survey of 9120 Waukegan Road, prepared by Haeger Engineering, dated November 22, 2022
2. Proposed Site Plan, prepared by Haeger Engineering, dated January 26, 2023
3. Proposed Site Plan (Required Detention Storage/Provided Detention Storage), prepared by Haeger Engineering, dated February 14, 2023
4. Proposed Building Elevations (2 sheets), prepared by Everclean Car Wash, undated
5. Pergola Side Elevation, prepared by Americana Building Products, dated November 22, 2019
6. Sign Specifications (4 sheets), prepared by Divine Signs & Graphics, dated March 13, 2023
7. Photometric Plan, prepared by Haeger Engineering, dated February 15, 2023
8. Traffic Circulation Review, prepared by Justin Opitz, AICP & Bill Grieve, P.E., PTOE, Kimley-Horn, dated February 23, 2023

Attachment C on file with the Department of Community and Economic Development

Legislative Summary

Ordinance 23-10

APPROVING A TEXT AMENDMENT TO MODIFY REGULATIONS RELATING TO NON-PROFIT EDUCATIONAL INSTITUTIONS IN MORTON GROVE, ILLINOIS

Introduction:	May 9, 2023
Purpose:	To approve a Text Amendment that defines “non-profit educational institutions” and classifies the use as a Special Use in the residential and commercial zoning districts.
Background:	<p>Imagine MG LLC (“applicant”) submitted a complete application requesting approval of a Text Amendment to the Unified Development Code to allow non-profit educational institutions in the R-1 Single Family Residence District. The applicant proposes to operate two non-profit organizations focused on early childhood and leadership education at the property commonly known as 9233 Shermer Road in conjunction with an existing daycare center and house of worship. The applicant is concurrently requesting a Special Use Permit to operate the mix of uses under Case PC 23-07. The Village Board’s approval of Case PC 23-07 will be contingent on approval of Case PC 23-06.</p> <p>As part of the application, staff recommended defining the use in a manner that accommodates education-related uses that operate on a not-for-profit basis but do not fit neatly with more traditional educational land use categories currently defined by Section 12-17-1. The use may involve on-site classes and training, office activities, events, and various educational programs. Because the definition is broad, to ensure future educational institutions are compatible with surrounding residential uses, and to mitigate any negative impacts associated with the use, staff is recommending that the use is listed as a Special Use in the Village’s residential and commercial zoning districts.</p> <p>Because the application is for a Text Amendment to Title 12 and not in relation to any specific property or development, review by the Appearance Commission and Traffic Safety Commission was not required. On April 24, 2023, the applicant appeared before the Plan Commission to present the request for approval of the application made under Case PC 23-06. Based on the application, supporting staff report, and testimony presented at the public hearing, the Plan Commission voted unanimously (6-0, Chairperson Blonz absent) to recommend approval of the Text Amendment with a minor revision.</p>
Programs, Dept’s, Groups Affected	Department of Community and Economic Development
Fiscal Impact:	N/A
Source of Funds:	N/A
Workload Impact:	The Text Amendment will be implemented and supervised by staff as part of their normal work activities.
Administrative Recommendation:	Approval as presented
Second Reading:	May 23, 2023
Special Considerations or Requirements:	None

ORDINANCE 23-10

APPROVING A TEXT AMENDMENT TO MODIFY REGULATIONS RELATING TO NON-PROFIT EDUCATIONAL INSTITUTIONS IN MORTON GROVE, ILLINOIS

WHEREAS, the Village of Morton Grove (the Village), located in Cook County, Illinois, is a home rule unit of government under the provisions of Article 7 of the 1970 Constitution of the State of Illinois, can exercise any power and perform any function pertaining to its government affairs, including but not limited to the power to tax and incur debt; and

WHEREAS, the Morton Grove Unified Development Code defines select education-related uses and classifies them as Permitted or Special Uses in the residential and commercial zoning districts, but said uses are limited and do not include certain non-profit educational institutions, which would therefore be prohibited pursuant to Section 12-4-1:E.4; and

WHEREAS, Imagine MG LLC (“Applicant”) filed a complete Text Amendment Application to the Village’s Plan Commission under Case PC 23-06 (“Application”) requesting approval of a Text Amendment to allow the use of non-profit educational institutions as a Special Use in the R-1 Single Family Residence District; and

WHEREAS, Village staff recommended that the Text Amendment include modifications to Sections 12-4-2:C, 12-4-3:D, and 12-17-1 to define the use of “non-profit educational institutions” and authorize the use as a Special Use in residential and commercial zoning districts, which were made part of the Application; and

WHEREAS, pursuant to the applicable provisions of the Municipal Code, notice of a public hearing for case PC 23-06 to be held at a Special Meeting of the Plan Commission on April 24, 2023, was duly published in the *Pioneer Press*, a newspaper of general circulation in the Village of Morton Grove, on March 30, 2023; and

WHEREAS, as required by ordinance, the Morton Grove Plan Commission held a public hearing relative to the above referenced case on April 24, 2023, and at said public hearing, all concerned parties were given the opportunity to be present and express their views for consideration by the Plan Commission; and

WHEREAS, as a result of said public hearing, the Plan Commission considered all the evidence and testimony presented to it, discussed the merits of the Application, and made certain recommendations through a report dated May 2, 2023, a copy of which is attached hereto and made a part hereof and marked as “**Exhibit A**”; and

WHEREAS, the Corporate Authorities have considered this matter at a Public Meeting and find the Text Amendment, when evaluated in the context of the whole Village, serves the public good; and

WHEREAS, the Village is desirous of assuring all policies are kept current and relevant.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The Corporate Authorities do hereby incorporate the foregoing WHEREAS clauses into this Ordinance, as though fully set forth herein, thereby making the findings as hereinabove set forth.

SECTION 2: Title 12, Chapter 4, Section 2, Subsection C, entitled “Uses,” is hereby amended to add the following use, to be inserted in alphabetical order:

12-4-2: RESIDENTIAL DISTRICTS:

C. Uses:

	Zoning Districts		
Categories of Use	R-1	R-2	R-3
<u>Non-profit educational institution</u>	<u>S</u>	<u>S</u>	<u>S</u>

SECTION 3: Title 12, Chapter 4, Section 3, Subsection D, entitled “Uses,” is hereby amended to add the following uses, to be inserted in alphabetical order:

12-4-3: COMMERCIAL DISTRICTS:

D. Uses:

	Zoning Districts		
Categories of Use	C-1	C-2	C/R
<u>Non-profit educational institution</u>	<u>S</u>	<u>S</u>	<u>S</u>

SECTION 4: Title 12, Chapter 17, Section 1, entitled “Terms Defined,” is hereby amended to add the following definitions, to be inserted in alphabetical order:

12-17-1: TERMS DEFINED:

NON-PROFIT EDUCATIONAL INSTITUTION: An establishment that provides education or education-related services to the public, groups, or individuals on a not-for-profit basis.

SECTION 5: The terms and conditions of this ordinance shall be severable and if any section, term, provision, or condition is found to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remaining sections, terms, provisions, and conditions shall remain in full force and effect.

SECTION 6: Except as to code amendments set forth in this ordinance, all chapters and sections of the Morton Grove Village Code shall remain in full force and effect.

SECTION 7: This ordinance shall be effective from and after its adoption, approval, and publication as provided by law.

Passed this 23rd day of May 2023.

Trustee Khan	_____
Trustee Minx	_____
Trustee Shiba	_____
Trustee Thill	_____
Trustee Travis	_____
Trustee Witko	_____

Approved by me this 23rd day of May 2023.

Daniel DiMaria, Village President
Village of Morton Grove
Cook County, Illinois

Attested and Filed in my office this 24th day of May 2023.

Eileen Scanlon-Harford, Village Clerk
Village of Morton Grove
Cook County, Illinois

EXHIBIT A

Plan Commission Report for PC 23-06

Dated May 2, 2023

To: Village President and Board of Trustees

From: Chris Kintner, Plan Commission Vice Chairperson
Ralph Czerwinski, Village Administrator
Teresa Hoffman Liston, Corporation Counsel
Zoe Heidorn, Community Development Administrator

Date: May 2, 2023

Re: Plan Commission Case PC 23-06
Request for approval of a Text Amendment to Sections 12-4-2:C, 12-4-3:D, and 12-17-1 to define “Educational Institution” and authorize the use as a Special Use in the residential and commercial zoning districts. The applicant is Imagine MG LLC.

Executive Summary

On March 14, 2023, Imagine MG LLC (“applicant”) submitted a complete application requesting approval of a Text Amendment to the Unified Development Code to allow the use of “educational institution” in the R-1 Single Family Residence District. The applicant proposes to operate a non-profit organization focused on education on the property commonly known as 9233 Shermer Road in conjunction with an existing daycare center and house of worship. The applicant is concurrently requesting a Special Use Permit to operate the mix of uses under Case PC 23-07. The Village Board’s approval of Case PC 23-07 will be contingent on approval of Case PC 23-06.

The Text Amendment Application was considered by the Plan Commission at a Special Meeting on April 24, 2023. For the reasons set forth in this report, on April 24, 2023, the Plan Commission unanimously recommended by a vote of 6-0 (Chairperson Blonz absent) that the Village Board of Trustees should approve the Text Amendment with a minor revision.

Application

The applicant submitted a Text Amendment Application requesting the legalization of “educational institutions” in the R-1 District so that they may operate two not-for-profit entities with shared missions of educating the public, providing services, training, and professional development focusing on early childhood and community development, administering grants, offering scholarships to low-income parents, and implementing various educational programs and projects. The proposed use does not fit any land use that is currently defined by Section 12-17-1 and the use is not accessory to the existing daycare center use. The use also does not fit with any education-related land uses currently defined by the Unified Development Code.

In the staff report to the Plan Commission for case PC 23-06, staff recommended that the proposed land use is defined as follows: “Educational Institution: An establishment that provides education or education-related services to the public, groups, or individuals on a not-for-profit basis.” The definition is designed to accommodate education-related uses that operate on a not-for-profit basis but do not fit neatly with more traditional educational land use categories currently defined by Section 12-17-1. The use may involve on-site classes and training, office activities, events, and various educational programs. Because the definition is broad, to ensure future educational institutions are compatible with surrounding residential uses, and to mitigate any negative impacts associated with the use, staff is recommending that the use is listed as a Special Use in the Village’s residential and commercial zoning districts.

Departmental Review

- **Building Department:** No comments at this time.
- **Fire Department:** No comments at this time.
- **Public Works Department/Engineering:** No comments at this time.

Public Hearings

Appearance & Traffic Safety Commission

Because the application is for an amendment to the Unified Development Code and not in relation to any specific property or project, review by the Appearance and Traffic Safety Commissions was not required.

Plan Commission

The Village provided Public Notice for the April 24, 2023, Plan Commission public hearing for PC 23-06, to be held at a Special Meeting of the Plan Commission, in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on March 30, 2023. Notice provided via mail and public signage was not required because the application is not in relation to any specific property or project.

Plan Commission – April 24, 2023, Proceedings: Six members of the Plan Commission were in attendance at the public hearing for Case PC 23-06 held on April 24, 2023. Chairperson Blonz was absent.

Zoe Heidorn, Community Development Administrator, provided a brief introduction to the application. The staff report dated April 14, 2023, and attached hereto as “**Attachment A**,” was entered into the public record.

Ms. Heidorn said the applicant is requesting a text amendment to authorize the use of educational institutions as a Special Use in the R-1 Single Family Residence District. The applicant’s proposed activities include on-site training and observation, courses and lectures, offices, a small exhibit space, and fundraising events. Based on some concern raised by individual Commission members that the proposed land use definition is overly broad, staff suggests allowing the use in residential districts only as an ancillary or adjacent use to another Permitted or Special Use allowed in the district.

Vice Chairperson Kintner asked if the term “Educational Institution” would be limited to non-profits. Ms. Heidorn said that was correct, but that the proposed use and definition could be modified by the Plan Commission’s recommendation.

Vice Chairperson Kintner stated that the code would read clearer if “non-profit” was added to the land use term. Staff agreed that the term could be modified to read “non-profit educational institution.”

Ms. Kirchner swore in the applicants, Azar Khoumani and Hamid Akbari. Ms. Khoumani thanked the Commissioners. She has operated Kids Academy at 9233 Shermer Road in Morton Grove since 1994 with the help of St. Luke’s Church, which operates alongside the daycare center. She described their many programs, including Head Start, working with DCFS, and their recognition and involvement throughout the community.

Mr. Akbari explained that he is a lifelong educator who is very proud of his wife’s work with the daycare center. Kids Academy recently purchased the church property because St. Luke’s could no longer maintain the property with a dwindling congregation. St. Luke’s and another church continue to operate on Sundays with limited congregations.

They are proposing to allow “educational institutions” in the residential district because they want to operate two non-profit organizations focused on early childcare education and leadership training. There will be some observation of daycare activities, but most activities will occur at hours when the daycare and church are not active on the site.

Vice Chairperson Kintner asked if the certification of early childhood teachers would be done on the site and if the training will be accredited. Mr. Akbari said their goal is to be accredited and that most of the training is done online. Some on-site observation and classes will occur, but attendance will be limited. Educational programs for future early childhood teachers are badly needed.

Discussion ensued regarding the separation of the daycare center, the educational institution area, and the church area. The applicants noted that the areas are separated and that their priority is the safety of the children. Background checks are required for any visitor that will visit on a regular basis. Any individual observing classrooms will have roots in early childhood education and have prior background checks. Certification classes will be evenings and Saturdays when daycare is not in session. The daycare center and the educational institution area are separate and have two separate entrances and exits.

Vice Chairperson Kintner asked for public comment. There was no public comment.

Commissioner Stein made a motion to recommend approval of Case PC 23-06, a request for approval of a Text Amendment to Sections 12-4-2:C, 12-4-3:D, and 12-17-1 to define “non-profit educational institution” as recommended in the staff report to the Plan Commission dated April 14, 2023, and authorize the use as a Special Use in the residential and commercial zoning districts.

The motion was seconded by Commissioner Liston.

Motion passes 6-0.

Final Proposed Text Amendment

The final text amendment recommended for approval by the Plan Commission is attached hereto as “**Attachment B**”:

Attachments

- **Attachment A** – Staff Report to the Plan Commission for PC 23-06, prepared by Zoe Heidorn, Community Development Administrator, dated April 14, 2023
- **Attachment B** – Final Text Amendment proposed for PC 23-06

Attachment A

Staff Report to the Plan Commission for PC 23-06
Prepared by Zoe Heidorn, Community Development Administrator
Dated April 14, 2023



Village of Morton Grove

Department of Community & Economic Development

To: Vice Chairperson Kintner and Members of the Plan Commission

From: Zoe Heidorn, Community Development Administrator; Anne Ryder Kirchner, Assistant Land Use Planner

Date: April 14, 2023

Re: Plan Commission Case PC 23-06
Request for approval of a Text Amendment to Sections 12-4-2:C, 12-4-3:D, and 12-17-1 to define “Educational Institution” and authorize the use as a Special Use in the residential and commercial zoning districts. The applicant is Imagine MG LLC.

STAFF REPORT

Public Notice

The Village provided Public Notice for the April 24, 2023, Plan Commission public hearing for PC 23-06, to be held at a Special Meeting of the Plan Commission, in accordance with the Unified Development Code. The Morton Grove Champion published a public notice on March 30, 2023. Letters to surrounding property owners and a public notice sign were not required due to the application being for a Text Amendment to the Unified Development Code (Title 12) and not in relation to any particular property.

Application

On March 14, 2023, Imagine MG LLC (“applicant”) submitted a complete application requesting approval of a Text Amendment to the Unified Development Code to allow the use of “educational institution” in the R-1 Single Family Residence District. The applicant proposes to operate a non-profit organization focused on education on the property commonly known as 9233 Shermer Road in conjunction with an existing daycare center and house of worship. The applicant is concurrently requesting a Special Use Permit to operate the mix of uses under Case PC 23-07. The Village Board’s approval of Case PC 23-07 will be contingent on approval of Case PC 23-06.

To ensure future educational institutions are compatible with surrounding residential uses and to mitigate any negative impacts associated with the use, staff is recommending that the use is listed as a Special Use in the Village’s residential and commercial zoning districts. The proposed amendment language is provided in the following section.

Proposed Text Amendment

The applicant is requesting the legalization of “educational institutions” in the R-1 District so that they may operate two not-for-profit entities with shared missions of educating the public, providing services, training, and professional development focusing on early childhood and community development, administering grants, offering scholarships to low-income parents, and implementing various educational programs and projects. The proposed use does not fit any land use that is currently defined by Section 12-17-1 and the use is not accessory to the existing daycare center use. The use also does not fit with any of the following defined education-related land uses:

COMMERCIAL TUTORING/LEARNING CENTER: A facility offering specific training, tutoring, instruction, or occupational therapy in subjects such as language arts, mathematics, sciences, fine and applied art, or general life skills, such as social and motor skills. Participants have regularly scheduled appointments or group sessions, which typically do not exceed more than 3 hours per session or fifteen hours per week. Such tutoring and learning center programs are supplemental to standard accredited educational programs or school. DAYCARE CENTERS: A building where care, protection, and supervision are provided on a regular schedule at least twice a week to at least eight (8) preschool or elementary school age children or both, including children of the adult provider, or persons with disabilities related to age who require supervision, for a period of care during part or all of a day between six o'clock

(6:00) A.M. and nine o'clock (9:00) P.M.

SCHOOL: An institution which offers instruction in any of the branches of learning which is required to be accredited under the Illinois school code or approved by the department of mental health, including a school for individuals with developmental disabilities, kindergarten, elementary schools, junior and senior high schools, colleges and universities, but excluding private nursery or prekindergarten, trade, business, or commercial schools.

SCHOOL - COLLEGE/UNIVERSITY: An institution of higher learning in arts and sciences, rather than vocational or trade school, and typically offer two- to four-year degree programs and may offer graduate and professional educational programs.

SCHOOL - VOCATIONAL/TRADE CENTERS: An institution that offers vocational and technical training to individuals 16 years and older in a variety of technical subjects and trades, with programs designed to lead to job-specific certifications other than the associate, baccalaureate, or graduate degree levels.

Staff is proposing that the following definition for “educational institution” is added to Section 12-17-1, “Terms Defined:”

Section 12-17-1: TERMS DEFINED:

Educational institution: An establishment that provides education or education-related services to the public, groups, or individuals on a not-for-profit basis.

The definition is designed to accommodate education-related uses that operate on a not-for-profit basis but do not fit neatly with more traditional educational land use categories currently defined by Section 12-17-1. The use may involve on-site classes and training, office activities, events, and various educational programs. Because the use is being proposed as a Special Use in the residential and commercial districts, the Plan Commission and Board of Trustees will have the opportunity to review each future educational institution on a case-by-case basis to ensure the use is appropriate and compatible with surrounding uses. Below is an overview of how existing education-related uses are classified in the residential and commercial zoning districts pursuant to Sections 12-4-2:C and 12-4-3:D, and how educational institutions are proposed to be classified.

Categories Of Use	Zoning District					
	R-1	R-2	R-3	C-1	C-2	C/R
Colleges and universities and uses accessory and incidental thereto, not for profit	S	S	S	X	X	X
Daycare centers	S	S	S	S	S	S
<u>Educational Institution</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
Schools - commercial (e.g., driving, martial arts, learning center, etc.) less than 1,000 square feet	X	X	X	P	X	P
Schools - commercial (e.g., driving, martial arts, learning center, etc.) greater than 1,000 square feet	X	X	X	P ⁹ /S	X	P ⁹ /S
Schools, nonboarding - elementary, junior high and high	S	S	S	X	X	X

⁹ A proposed use shall be a permitted use provided the building commissioner, the plan commission chairman, Village administrator, and corporation counsel unanimously find, after considering the factors set forth in Village Code 12-16-4:C.5 that the proposed use has sufficient parking to meet the needs of the proposed use at the proposed location and will not have a negative impact upon adjacent land use or the public. In the event they do not make such unanimous finding the proposed use will require a special use process for approval. The Applicant shall provide any information and supporting documentation requested by the Village Administrator about the operation and/or intensity of the use, including without limitation: an overview of use and projected peak number of occupants, including employees, peak hours of operation, parking demands and traffic volumes.

Because the parking demand generated by future educational institutions will vary based on the types of activities occurring on the site, staff does not recommend adding a specific off-street parking requirement to Section 12-7-3:1. By default, the parking requirement for Special Uses of one space per 250 square feet of gross floor area will serve as advisory. As in the case of all Special Uses, the actual off-street parking requirement will be determined by a traffic and parking impact study prepared by a licensed traffic engineer and submitted by the applicant, plus any recommendations made by the reviewing commission or Board of Trustees.

The proposed text amendment is viewed by staff to provide more flexibility to and be more accommodating to incoming education-related land uses. As the educational landscape becomes more diversified, educational land uses provide a growing variety of learning environments and learning spaces that may not fit neatly with the Village's current land use definitions. Establishing a more general land use that supports education-related activities will allow for more incoming non-profit organizations providing education or education-related services to avoid the text amendment process. The Special Use classification will ensure an appropriate level of review by the Village's reviewing commission, Board of Trustees, and residents for each future use.

Recommendation

Should the Plan Commission recommend approval of this application, staff suggests the following motion:

Motion to recommend the approval of Case PC 23-06, a request for approval of a Text Amendment to Sections 12-4-2:C, 12-4-3:D, and 12-17-1 to define "Educational Institution" and authorize the use as a Special Use in the residential and commercial zoning districts.

Attachment B
Final Text Amendment Proposed for PC 23-06

12-4-2: RESIDENTIAL DISTRICTS:

C. Uses:

	Zoning Districts		
Categories of Use	R-1	R-2	R-3
<u>Non-profit educational institution</u>	<u>S</u>	<u>S</u>	<u>S</u>

12-4-3: COMMERCIAL DISTRICTS:

D. Uses:

	Zoning Districts		
Categories of Use	C-1	C-2	C/R
<u>Non-profit educational institution</u>	<u>S</u>	<u>S</u>	<u>S</u>

12-17-1: TERMS DEFINED:

NON-PROFIT EDUCATIONAL INSTITUTION: An establishment that provides education or education-related services to the public, groups, or individuals on a not-for-profit basis.

Legislative Summary

Ordinance 23-11

APPROVING A SPECIAL USE PERMIT FOR A DAYCARE CENTER, NON-PROFIT EDUCATIONAL INSTITUTION, AND HOUSE OF WORSHIP AT 9233 SHERMER ROAD IN MORTON GROVE, ILLINOIS

Introduction:	May 9, 2023
Purpose:	To approve a Special Use Permit authorizing the operation of an existing daycare center and house of worship and a new non-profit educational institution at 9233 Shermer Road in Morton Grove.
Background:	<p>Imagine MG LLC (“applicant”) submitted a complete application to the Department of Community and Economic Development under Case PC 23-07 requesting a Special Use Permit to continue operation of an existing daycare center and house of worship and add an educational institution, which is currently not defined by the Unified Development Code or permitted in the R-1 District, at the property commonly known as 9233 Shermer Road. The applicant submitted a separate Text Amendment Application under Case PC 23-06 to request the legalization of “educational institutions” in the R-1 District as a Special Use. The Village Board’s approval of Case PC 23-07 will be contingent on their approval of Case PC 23-06.</p> <p>The applicant currently operates Kids Academy Early Learning Center in the northern portion of the 14,140-square-foot principal structure. The southern portion is operated as a house of worship by St. Luke’s United Church of Christ and Korean Ark Covenant Church. Based on Village records, the daycare center and house of worship both operate without a Special Use Permit as legal nonconforming uses. Since Kids Academy started operating at this location in 1994, the intensity of the daycare center use has increased incrementally and the intensity of the house of worship use has decreased significantly. In 2022, the applicant purchased the property from St. Luke’s Church. Because the applicant is proposing to add the operation of a non-profit educational institution, a use that is proposed to be classified as a Special Use in the R-1 District under Case PC 23-06, staff recommended the submittal of a Special Use Application to authorize the daycare center, house of worship, and non-profit educational institution use under one Special Use Permit.</p> <p>Appearance Commission review was not required because the applicant is not proposing any modifications to the building’s exterior. On April 6, 2023, the Traffic Safety Commission Chairperson reviewed Case PC 23-07 and voted unanimously to recommend approval of the application. On April 24, 2023, the applicant appeared before the Plan Commission to present the request for approval of the application made under Case PC 23-07. Based on the application, staff report, and testimony presented at the public hearing, the Plan Commission voted unanimously (6-0, Chairperson Blonz absent) to recommend approval of the Special Use Permit with conditions relating to site capacity, parking lot improvements, and the submitted traffic and parking impact study.</p>
Programs, Dept’s, Groups Affected	Department of Community and Economic Development
Fiscal Impact:	N/A
Source of Funds:	N/A
Workload Impact:	The Special Use Permit will be implemented and supervised by staff as part of their normal work activities.
Administrative Recommendation:	Approval as presented
Second Reading:	May 23, 2023
Special Considerations or Requirements:	None

Submitted by - Ralph Czerwinski, Village Administrator
Reviewed by - Teresa Hoffman Liston, Corporation Counsel
Prepared by - Zoe Heidorn, Community Development Administrator

ORDINANCE 23-11

APPROVING A SPECIAL USE PERMIT FOR A DAYCARE CENTER, NON-PROFIT EDUCATIONAL INSTITUTION, AND HOUSE OF WORSHIP AT 9233 SHERMER ROAD IN MORTON GROVE, ILLINOIS

WHEREAS, the Village of Morton Grove (“Village”), located in Cook County, Illinois, is a home rule unit of government under the provisions of Article 7 of the 1970 Constitution of the State of Illinois, and can exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and incur debt; and

WHEREAS, 9233 Shermer Road, legally described in “**Exhibit A**”, attached hereto and made a part of this Ordinance, is a 76,709-square-foot (1.76-acre) property zoned R-1 Single Family Residence (“Subject Property”); and

WHEREAS, the Subject Property is improved with a one-story structure containing approximately 14,140 square feet of floor area currently used for the operation of a daycare center and house of worship; and

WHEREAS, Imagine MG LLC (“Applicant”) submitted a Special Use Application to the Village’s Plan Commission under Case PC 23-07 (“Application”) requesting a Special Use Permit to authorize the operation of a daycare center, non-profit educational center, and house of worship at the Subject Property; and

WHEREAS, the Applicant concurrently submitted a Text Amendment Application to the Village’s Plan Commission under Case PC 23-06 requesting that non-profit educational institutions are classified as a Special Use in the R-1 District; and

WHEREAS, daycare centers and houses of worship are classified as a Special Use in the R-1 District pursuant to Section 12-4-2:C; and

WHEREAS, a daycare center and house of worship are currently operated at the Subject Property as legal nonconforming uses and have been permitted to continue pursuant to Section 12-15-2, “Nonconforming Uses,” and the Applicant is requesting authorization of changes in intensity of use for the daycare center and house of worship and the operation of a non-profit educational institution at the Subject Property under one Special Use Permit; and

WHEREAS, pursuant to the applicable provisions of the Municipal Code, public notice for a public hearing on the Application to be held at a Special Meeting of the Plan Commission on April 24, 2023, was published in the *Morton Grove Champion*, a newspaper of general circulation

in the Village of Morton Grove, on March 30, 2023, written notification was sent to property owners within 250 feet of the Subject Property on March 30, 2023, and a sign was posted on the Subject Property on March 30, 2023, as required by ordinance; and

WHEREAS, Appearance Commission review was not required because the Applicant is not proposing any exterior modifications to the Subject Property; and

WHEREAS, on April 6, 2023, the Traffic Safety Commission (TSC) reviewed the Application, including the plans and traffic and parking impact study, and recommended approval of the Application; and

WHEREAS, at the April 24, 2023, public hearing, the Village's Plan Commission heard the Applicant's presentation and reviewed the Application, at which time all concerned parties were given the opportunity to be present and express their views for the consideration by the Plan Commission; and

WHEREAS, the Village's Plan Commission considered all the evidence and testimony presented to it, discussed the merits of the Application in light of applicable law, including the Standards for Special Use established in Section 12-16-4:C.5 of the Unified Development Code, and voted to recommend approval of the Special Use Permit, subject to conditions, restrictions, and requirements contained in the report of the Plan Commission, dated May 2, 2023, which was presented to the Village Board on May 9, 2023, and a copy of that report is contained in "**Exhibit B**", attached to and made a part of this Ordinance; and

WHEREAS, pursuant to the provisions of the Village's Unified Development Code, the Corporate Authorities have determined that the Special Use Permit should be approved, subject to the provisions, conditions, and restrictions contained in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. Incorporation by Reference. The Corporate Authorities do hereby incorporate the foregoing WHEREAS clauses into this Ordinance by this reference, as though fully set forth herein, thereby making the findings as hereinabove set forth.

SECTION 2. Approval of Special Use Permit. The Corporate Authorities hereby grant a Special Use Permit to authorize the operation of a daycare center, non-profit educational institution, and house of worship with the following conditions and restrictions, which shall be

binding on the owners/lessees, occupants and users of this property, and their successors and assigns.

SECTION 3. Conditions. The Special Use Permit shall be subject to the following conditions:

- A. The site and building shall be maintained and operated consistent with the plans and supporting documents, and modifications as finalized and specifically approved in writing by the Village Administrator or his/her designee, including:
 - 1. Plat of Survey of 9233 Shermer Road, prepared by Jens K. Doe Survey Service, Inc., dated February 1, 1984;
 - 2. Site Plan, prepared by applicant, undated;
 - 3. Parking Plan, prepared by applicant, undated;
 - 4. Interior Floor Plan, prepared by applicant, undated; and
 - 5. Traffic Circulation and Parking Review, prepared by Justin Opitz, AICP & Bill Grieve, P.E., PTOE, Kimley-Horn, dated March 7, 2023.

Any change to the site or building may subject the Applicant or subsequent owners, lessees, occupants, and users of the Subject Property to additional conditions and may serve as the basis for amendment to the Special Use Permit.

- B. This Ordinance shall not take effect until the Village Board of Trustees has passed an ordinance approving the proposed Text Amendment allowing non-profit educational institutions as a Special Use within the R-1 Single Family Residence District, presented as Case PC 23-06. Should the Village Board of Trustees vote to deny the Text Amendment, this Ordinance shall be deemed null and void.
- C. The Subject Property shall be operated consistent with all representations, assertions, and testimony provided by the Applicant and their representatives at the public hearings before the Traffic Safety Commission and Plan Commission. Any inconsistencies in operation, as determined by the Village Administrator or his/her designee, may serve as the basis for amendment to or revocation of the Special Use Permit.
- D. No special event held by the daycare center, house of worship, or non-profit educational institution may exceed one hundred (100) persons on the Subject Property or may overlap with any other special event or activities associated with any other use on the Subject Property.

- E. The Applicant shall provide the Community Development Administrator with advance written notice of any change in activities or intensity of use associated with the daycare center, house of worship, or non-profit educational institution. Any such change may serve as the basis for amendment to or revocation of the Special Use Permit.
- F. Within sixty (60) days of approval of this Ordinance, the Applicant shall stripe the Subject Property in accordance with the “Conceptual Traffic Circulation Exhibit” prepared by Kimley-Horn in the submitted traffic impact study, or as otherwise approved by the Village Engineer. The Applicant shall obtain a parking lot improvement permit from the Village prior to completing required striping.
- G. The Applicant shall comply with all comments issued by the Village Engineer in the departmental comment form dated April 13, 2023, by strict or alternative compliance, subject to the Village Engineer’s final approval.
- H. Prior to the issuance of a Business Compliance Certificate for the non-profit educational institution use, the Applicant shall submit a revised traffic impact study addressing maximum occupancy at the site based on the approved mix of uses.
- I. The Subject Property owner, Applicant, and any lessees, occupants, and users of the Subject Property, their successors and assigns, shall allow employees and authorized agents of the Village access to the Subject Property at all reasonable times for the purpose of inspecting the Subject Property to verify all terms and conditions of this Ordinance have been met.

SECTION 4. Village Records. The Village Clerk is hereby authorized and directed to amend all pertinent records of the Village of Morton Grove to show and designate the Special Use Permit as granted hereunder.

SECTION 5. Failure to Comply with Conditions. Upon failure or refusal of the Applicant to comply with any or all of the conditions, restrictions or provisions of this Ordinance, the Corporate Authorities may initiate the revocation of the Special Use Permit granted in this Ordinance, in accordance with process and procedures established in the Unified Development Code.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form according to law.

Passed this 23rd day of May 2023.

Trustee Khan _____

Trustee Minx _____

Trustee Shiba _____

Trustee Thill _____

Trustee Travis _____

Trustee Witko _____

Approved by me this 23rd day of May 2023.

Daniel DiMaria, Village President
Village of Morton Grove
Cook County, Illinois

Attested and Filed in my office this 24th day of May 2023.

Eileen Scanlon-Harford, Village Clerk
Village of Morton Grove
Cook County, Illinois

LIST OF EXHIBITS

EXHIBIT A	Legal Description, 9233 Shermer Road
EXHIBIT B	Plan Commission Report for PC 23-07, dated May 2, 2023

EXHIBIT A

9233 SHERMER ROAD, MORTON GROVE, ILLINOIS 60053

LEGAL DESCRIPTION:

LOT 6 IN ST. LUKE'S SUBDIVISION, A SUBDIVISION IN THE SOUTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 41, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PROPERTY INDEX NUMBER:

09-13-226-007-0000

EXHIBIT B

PLAN COMMISSION REPORT FOR PC 23-07

Dated May 2, 2023

To: Village President and Board of Trustees

From: Chris Kintner, Plan Commission Vice Chairperson
Ralph Czerwinski, Village Administrator
Teresa Hoffman Liston, Corporation Counsel
Zoe Heidorn, Community Development Administrator

Date: May 2, 2023

Re: Plan Commission Case PC 23-07
Request for approval of a Special Use Permit for a daycare center, educational institution, and house of worship in an R-1 Single Family Residence District for the property commonly known as 9233 Shermer Road in Morton Grove, Illinois (PIN 09-13-226-007-0000). The applicant is Imagine MG LLC.

Executive Summary

Imagine MG LLC ("applicant") submitted a complete application to the Department of Community and Economic Development under Case PC 23-07 requesting a Special Use Permit to continue operation of an existing daycare center and house of worship and add an educational institution, which is currently not defined by the Unified Development Code or permitted in the R-1 District, at the property commonly known as 9233 Shermer Road. The applicant submitted a separate Text Amendment Application under Case PC 23-06 to request the legalization of "educational institutions" in the R-1 District as a Special Use. The Village Board's approval of Case PC 23-07 will be contingent on their approval of Case PC 23-06.

The Special Use Application was considered by the Plan Commission at a Special Meeting on April 24, 2023. For the reasons set forth in this report, on April 24, 2023, the Plan Commission unanimously recommended by a vote of 6-0 (Chairperson Blonz absent) that the Village Board of Trustees should approve the Special Use Permit with various conditions.

Application

The subject property is a 76,709-square-foot (1.76-acre) corner lot located at the north corner of the intersection of Harlem Avenue, Church Street, and Shermer Road. The property is zoned R-1 Single Family Residence and abuts residentially zoned properties to the north, south, east, and west. The subject property is improved with a one-story structure with approximately 14,140 square feet of floor area. The applicant is proposing no exterior changes to the property, except for reconfiguration of the pick-up and drop-off lane along the west side of the building. To the north of the principal structure is parking lot containing 48 parking stalls, which will be modified to increase parking capacity to 51 spaces.

The northern portion of the principal structure is currently operated by the applicant as Kids Academy Early Learning Center and the southern portion is operated as a house of worship by St. Luke's United Church of Christ and Korean Ark Covenant Church. Since Kids Academy started operating at this location in 1994, the intensity of the daycare center use has increased incrementally and the intensity of the house of worship use has decreased significantly. In 2022, the applicant purchased the property from St. Luke's Church and now leases the worship area back to St. Luke's. Because the applicant is proposing to add the operation of a non-profit educational institution to the site, a use that is likely to be classified as a Special Use in the R-1 District under Case PC 23-06, staff recommended the submittal of a Special Use Application to authorize the daycare center, house of worship, and educational institution use under one Special Use Permit. A summary of the mix of uses as proposed by the applicant is provided in the staff report to the Plan Commission for Case PC 23-07.

Kimley-Horn describes off-street parking requirements set forth by Section 12-7-3, but bases the parking ratio on current occupancy, not maximum occupant load. Staff recommends that the study is revised to incorporate a ratio based on maximum occupant load. Kimley-Horn also describes parking demand based on current operations as reported by the applicant. Conservatively assuming one person per vehicle, the house of worship uses have a peak demand of 12 vehicles and 30 vehicles. Any overlap in congregation parking would result in a peak demand of 42 vehicles around 11:00 a.m. on Sundays, which can be accommodated by the 51 parking spaces on the site. For the daycare use, Kimley-Horn determines that the parking demand is ten vehicles between Monday and Friday, from 7:30 a.m. to 5:30 p.m., which can also be accommodated by the on-site parking capacity.

Based on the traffic and parking impact study submitted by Kimley-Horn and considering the proposed growth of the daycare center to a maximum of 100 children and the addition of the educational institution, the parking demand is to be generated by the proposed mix of uses is deemed to be sufficient by staff provided any special event held by the house of worship or educational institution is limited to a maximum of 100 persons on-site and any such event cannot overlap with any other event or activities. The applicant is proposing to install striping to formalize a one-way northbound configuration with a dedicated drop-off lane for daycare parents and children closest to the building. The design is intended to improve and create predictable traffic circulation.

Departmental Review

- **Building Department:** No comments at this time.
- **Fire Department:** No comments at this time.
- **Public Works Department/Engineering:** The Village Engineer issued comments dated April 13, 2023, attached hereto as “**Attachment A**.” Compliance with comments issued by the Village Engineer, whether by strict or alternative compliance, has been included as a recommended condition of the Special Use Permit.

Public Hearings

Appearance Commission

Because the applicant is not proposing any modifications to the exterior of the existing structure, Appearance Commission review of the Special Use Permit Application was not required.

Traffic Safety Commission

On April 6, 2023, the Traffic Safety Commission reviewed Case PC 23-07 and voted unanimously (8-0) to recommend approval of the application. No comments were forwarded to the Plan Commission for consideration.

Plan Commission

The Village provided Public Notice for the April 24, 2023, Plan Commission public hearing for PC 23-07, to be held at a Special Meeting of the Plan Commission, in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on March 30, 2023. The Village notified surrounding property owners via mail and placed a public notice sign on the subject property on March 30, 2023.

Plan Commission – April 24, 2023, Proceedings: Six members of the Plan Commission were in attendance at the public hearing for Case PC 23-07 held on April 24, 2023. Chairperson Blonz was absent.

Zoe Heidorn, Community Development Administrator, provided a brief introduction to the application. The staff report dated April 14, 2023, and attached hereto as “**Attachment B**,” was entered into the public record.

Ms. Heidorn explained this is a request for a Special Use Permit for an existing daycare center, existing house of worship, and new proposed non-profit educational institution. Approval of the Special Use Permit will be contingent on approval of Case PC 23-06. The applicant is proposing no exterior changes to the property, except for reconfiguration of the pick-up and drop-off lane along the west side of the building. Based on recommendations provided by staff and Kimley-Horn, the applicant is proposing to install striping to formalize a one-way northbound configuration with a dedicated drop-off lane closest to the building. The design is intended to improve and create predictable traffic circulation. The applicant has already installed bollards along the proposed drop-off lane for pedestrian protection. To control the proposed mix of uses and ensure adequate parking is available to occupants, staff recommends limiting each use to a maximum of 100 persons on-site at any given time for special events and prohibiting any overlap in special events between other activities on the premises.

Vice Chairperson Kintner asked if the current traffic study considered maximum occupancy. Ms. Heidorn said it assessed current conditions.

The applicants were reminded that they were still under oath. Vice Chairperson Kintner asked if the recommendations for parking signage and lane striping were acceptable to the applicants. They indicated that they were accepting of all staff recommendations.

Vice Chairperson Kintner also noted that the traffic study would need to be updated to reflect maximum usage. The applicants agreed.

Vice Chairperson Kintner asked for public comment. No public comment was given.

Commissioner Mohr made a motion to recommend approval of Case PC 23-07 a request for approval of a Special Use Permit for a daycare center, non-profit educational institution, and house of worship in an R-1 Single Family Residence District for the property commonly known as 9233 Shermer Road in Morton Grove, Illinois, subject to the following conditions:

1. Approval of the Special Use Permit shall be contingent upon approval of Case PC 23-06, a request for a Text Amendment to authorize the use of “non-profit educational institutions” as a Special Use in the R-1 District
2. No special event held by the daycare center, house of worship, or non-profit educational institution may exceed 100 persons on the subject property or may overlap with any other special event or activities associated with any other use on the subject property.
3. The applicant shall provide the Community Development Administrator with advance written notice of any change in activities or intensity of use associated with the daycare center, house of worship, or non-profit educational institution. Any such change may subject the applicant to the requirement for an amendment to the Special Use Permit.
4. The applicant shall stripe the site in accordance with the “Conceptual Traffic Circulation Exhibit” prepared by Kimley-Horn in the submitted traffic impact study, or as otherwise approved by the Village Engineer.
5. The applicant shall comply with all comments issued by the Village Engineer in the departmental comment form dated April 13, 2023, by strict or alternative compliance, subject to the Village Engineer’s final approval.
6. Prior to the issuance of a Business Compliance Certificate for the non-profit educational institution use, the submitted traffic and parking impact study shall be updated to reflect maximum occupancy at the site based on the approved mix of uses.

The motion was seconded by Commissioner Dorgan.

Motion passes 6-0. Vice Chairperson Kintner thanked the applicant for their work.

Final Plans and Supporting Documents

The application’s final plans and supporting documents recommended for approval by the Plan Commission include the following and are attached hereto as “**Attachment C**”:

1. Plat of Survey of 9233 Shermer Road, prepared by Jens K. Doe Survey Service, Inc., dated February 1, 1984
2. Site Plan, prepared by applicant, undated
3. Parking Plan, prepared by applicant, undated
4. Interior Floor Plan, prepared by applicant, undated
5. Traffic Circulation and Parking Review, prepared by Justin Opitz, AICP & Bill Grieve, P.E., PTOE, Kimley-Horn, dated March 7, 2023

Attachments

- **Attachment A** – Plan Review Comment Form for PC 23-07, prepared by Chris Tomich, Village Engineer, dated April 13, 2023
- **Attachment B** – Staff Report to the Plan Commission for PC 23-07, prepared by Zoe Heidorn, Community Development Administrator, dated April 14, 2023
- **Attachment C** – Final Plans and Supporting Documents for PC 23-07

Attachment A

Plan Review Comment Form for PC 23-07
Prepared by Chris Tomich, Village Engineer
Dated April 13, 2023

REVIEWING:

BUILDING

FIRE

POLICE

PUBLIC WORKS/ENGINEERING

TSC

VILLAGE OF MORTON GROVE, ILLINOIS
PLAN REVIEW COMMENT FORM

DATE DISTRIBUTED: 3/16/2023

CASE NUMBER: PC 23-07

APPLICATION: Request for approval of a Special Use Permit for a Daycare Center, Educational Institution, and House of Worship for the property commonly known as 9233 Shermer Road (PIN 09-13-226-007-0000) in Morton Grove, Illinois, all within the R-1 Single Family Residence District.

A Special Use Application has been submitted for Plan Commission action. Please return your review to the Department of Community and Economic Development by **Friday, April 7, 2023**.

Thank you,
Zoe Heidorn, Community Development Administrator

COMMENTS OR CONCERNS

1. The Traffic Study exhibit titled, Conceptual Traffic Circulation shows the southern access on Shermer Road has an odd configuration at the narrow end of the site. The Traffic Study proposes formalizing the aisle to one-way operation with signage and striping modifications. That aisle, labeled "One-Way Northbound Drive Aisle", could be reconfigured to further improve driver guidance. Aisles (and street travel lanes) wider than 14 feet tend to be used by drivers as two lanes. Constricting that aisle to a width between 9 feet and 11 feet could be expected to improve the interactions between drivers and the young children walking to the building with their parents.
2. The Traffic Study includes a parking review and determines a parking demand based upon empirical data of the two, separate houses of worship; the daycare area; and the Village's required parking rates. It seems likely the reported number of occupants in Traffic Study Table 1 is for the number of people in the houses of worship at the same weekday hours the daycare is operating. The parking rate in the Municipal Code is likely based upon a peak-hour of a weekend worship service time. This rate would not be expected to have the same rate as a weekday worship service—there would likely be less people in each car needing a parking space.

These comments accurately represent existing Village regulations or policies.

Name (please print): Chris Tomich, Village Engineer

Signed:

Date: 04/13/2023



Attachment B

Staff Report to the Plan Commission for PC 23-07
Prepared by Zoe Heidorn, Community Development Administrator
Dated April 14, 2023

To: Vice Chairperson Kintner and Members of the Plan Commission

From: Zoe Heidorn, Community Development Administrator; Anne Ryder Kirchner, Assistant Land Use Planner

Date: April 14, 2023

Re: Plan Commission Case PC 23-07
Request for approval of a Special Use Permit for a daycare center, educational institution, and house of worship in an R-1 Single Family Residence District for the property commonly known as 9233 Shermer Road in Morton Grove, Illinois (PIN 09-13-226-007-0000). The applicant is Imagine MG LLC.

STAFF REPORT

Public Notice

The Village provided Public Notice for the April 24, 2023, Plan Commission public hearing for PC 23-07, to be held at a Special Meeting of the Plan Commission, in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on March 30, 2023. The Village notified surrounding property owners via mail and placed a public notice sign on the subject property on March 30, 2023.

Application

Imagine MG LLC ("applicant") submitted a complete application to the Department of Community and Economic Development under Case PC 23-07 requesting a Special Use Permit to continue operation of an existing daycare center and house of worship and add an educational institution, which is currently not defined by the Unified Development Code or permitted in the R-1 District, at the property commonly known as 9233 Shermer Road. The applicant submitted a separate Text Amendment Application under Case PC 23-06 to request the legalization of "educational institutions" in the R-1 District as a Special Use. The Village Board's approval of Case PC 23-07 will be contingent on their approval of Case PC 23-06.

The subject property is a 76,709-square-foot (1.76-acre) corner lot located at the north corner of the intersection of Harlem Avenue, Church Street, and Shermer Road. The property is zoned R-1 Single Family Residence and abuts residentially zoned properties to the north. Properties to the north, south, and west are zoned R-1 and properties to the east, across Harlem Avenue, are zoned R-2 Single Family Residence. Properties to the north, east, and west are improved with single-family residences. The property to the south, across Church Street, is unimproved open space.



Subject Property Location Map

The subject property is improved with a one-story structure with approximately 14,140 square feet of floor area. The applicant is proposing no exterior changes to the property, except for reconfiguration of the pick-up and drop-off lane along the west side of the building. The northern portion of the existing structure is currently operated by the applicant as Kids Academy Early Learning Center and the southern portion of the building is operated as a house of worship by both St. Luke's United Church of Christ and Korean Ark Covenant Church. To the north of the principal structure is parking lot containing 48 parking stalls. The lot is accessed by two drives, one along Shermer Road and one along Harlem Avenue.

The daycare center has operated by Kids Academy continuously at the property since 1994, when St. Luke's began leasing a small portion of church school space to the daycare operator. Over the years, the intensity of the daycare center use has increased incrementally and the intensity of the house of worship use has decreased significantly. In 2022, the applicant purchased the property from St. Luke's Church and now leases the worship area back to St. Luke's.

Daycare centers are classified as a Special Use in the R-1 District, but the daycare center was authorized by staff to operate in 1994 and has been operating without a Special Use Permit ever since. The incremental increase in the daycare center's intensity of use did not cause staff to request a Special Use Permit from the applicant. Because the applicant is now proposing to add a new educational institution use, staff recommended that the applicant apply for a Special Use Permit to authorize the daycare center, house of worship, and new educational institution use under one Special Use Permit.

Operations

The mix of uses proposed by the applicant are as follows:

- House of worship: The existing house of worship is shared and operated by two religious organizations, St. Luke's United Church of Christ and Korean Ark Covenant Church. St. Luke's Church has a congregation attendance of approximately 12 people on average and holds services on Sundays from 10:00 a.m. to 11:00 a.m. The Korean Ark Covenant Church has an attendance of 30 people on average and holds services on Sundays from 11:00 a.m. to 12:00 p.m., with church activities often continuing until 2:00 p.m. The churches have no more than two people on the premises between 9:00 a.m. and 5:00 p.m., Monday through Saturday. The churches have a handful of higher attendance special events throughout the year, such as weddings and funerals, but the applicant is willing to limit attendance to no more than 100 persons and commits to having no other events or activities by other uses on the property overlapping with house of worship special events.
- Daycare center: The existing daycare provides care for children between the ages of six months and five years. The center is licensed by the State of Illinois to provide care for up to 73 children during the day, plus 20 children before and after school. Currently, no before or after school programming is offered and only 58 children receive childcare at the location. The applicant is willing to limit childcare services on the premises to 100 children. According to the traffic and parking impact study submitted by the applicant and prepared by Kimley-Horn, a maximum of 14 staff members plus four parents are on-site during peak pick-up and drop-off periods, which are Monday through Friday between 8:00 a.m. and 8:30 a.m., and between 4:30 p.m. and 5:00 p.m.
- Educational institution: The proposed educational institution will be operated by two not-for-profit organizations, the Dehkhoda Educational Foundation and the SayYesToChildCare ECE Servant Leader Teachers Academy. The combined on-site activities will include office work, meetings with parents and education professionals, small exhibit space tours, observational training, lectures, and educational and fundraising special events. The applicant indicates that on-site training and observation of Kids Academy classrooms will be limited to approximately five individuals and occur between 7:30 a.m. and 5:30 p.m., Monday through Friday. On-site courses and lectures will be limited to weekday evenings and will not include more than 20 individuals. Exhibit tours will be limited to approximately 20 individuals and will occur in the evenings and on Saturdays. Occasional large-format lectures and fundraising events will include no more than 80 individuals and will be limited to evenings. The applicant commits to having no other events or activities by other uses on the property overlapping with educational institution special events.

To control the mix of uses and ensure adequate parking is available to occupants, staff recommends limiting each use to a maximum of 100 persons on-site at any given time for special events, prohibiting any overlap in special events between other activities on the premises, and requiring advance notice to the Community Development Administrator if any one use

increases in intensity beyond the intensity characterized in the Special Use Application. Any such changes may subject the applicant to amendment to the Special Use Permit.

Parking & Traffic Impact

The site is currently served by two driveways, one along Shermer Road and one along Harlem Avenue. No changes to the existing vehicular access points are proposed. The proposed site plan depicts 51 parking spaces, three of which are accessible. The applicant proposes to restripe a portion of the lot to remove accessible spaces and add standard stalls. Per the Americans with Disabilities Act (ADA), three accessible parking spaces are required for a parking lot of this size.

Kimley-Horn describes off-street parking requirements set forth by Section 12-7-3, but bases the parking ratio on current occupancy, not maximum occupant load. Staff recommends that the study is revised to incorporate a ratio based on maximum occupant load. Kimley-Horn also describes parking demand based on current operations as reported by the applicant. Conservatively assuming one person per vehicle, the house of worship uses have a peak demand of 12 vehicles and 30 vehicles. Any overlap in congregation parking would result in a peak demand of 42 vehicles around 11:00 a.m. on Sundays, which can be accommodated by the 51 parking spaces on the site. For the daycare use, Kimley-Horn determines that the parking demand is ten vehicles between Monday and Friday, from 7:30 a.m. to 5:30 p.m., which can also be accommodated by the on-site parking capacity.

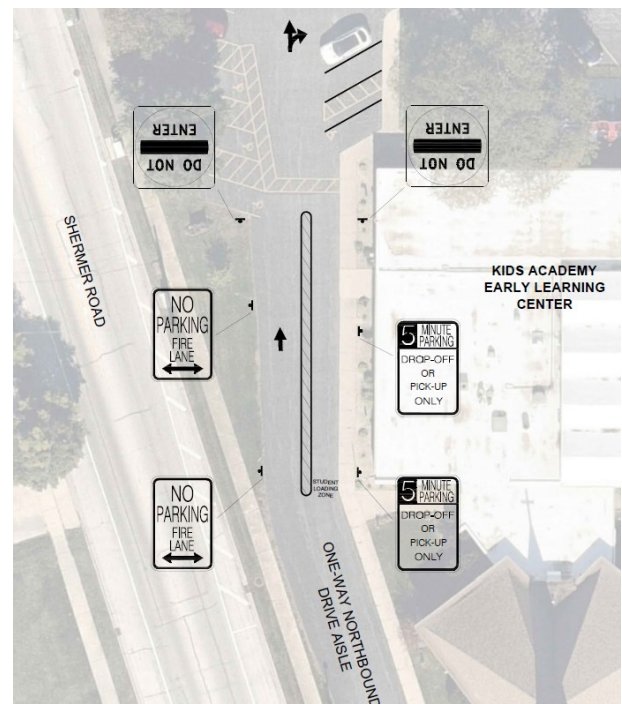
Adding in the proposed growth of the daycare center to a maximum of 100 children and the addition of the educational institution, the parking demand is expected to be slightly higher than Kimley-Horn describes in their report. The applicant submitted a table depicting the peak number of persons expected on-site for each use throughout the week and considering future growth, which is provided below:

Weekday	House of Worship	Daycare Center	Educational Institution	Total Persons On-Site
7:30 AM – 5:30 PM	2	22	7	31
5:30 PM – 9:00 PM	0	0	20	20
Weekend				
7:30 AM – 5:30 PM	42	0	0	42
5:30 PM – 9:00 PM	0*	0	0*	0*

** Additional persons may be on property during occasional special events, including religious events and lectures or fundraising events hosted by the Educational Institution*

In 1994, St. Luke's congregation attendance is reported to have been approximately 120 persons and was historically much higher. Provided any special event held by the house of worship or educational institution is limited to a maximum of 100 persons on-site and any such event cannot overlap with any other event or activities, staff is confident that the 51 parking spaces can accommodate future growth with limitations in place.

Based on recommendations provided by staff and Kimley-Horn, the applicant is proposing to install striping to formalize a one-way northbound configuration with a dedicated drop-off lane for daycare parents and children closest to the building. The design is intended to improve and create predictable traffic circulation. *Staff recommends requiring the striping plan depicted in the submitted traffic and parking impact study, subject to review and approval by the Village Engineer, to be implemented by the applicant as a condition of the Special Use Permit.* The applicant has already installed bollards along the proposed drop-off lane for pedestrian protection. The proposed site plan is provided to the right.



Departmental Review

- **Building Department:** No comments at this time.
- **Fire Department:** No comments at this time.
- **Public Works Department/Engineering:** In review of the proposed project, the Village Engineer issued comments dated April 13, 2023, which are included in the hearing packet for Case PC 23-07. *Compliance with these comments, whether by strict or alternative compliance, will be included as a recommended condition of Special Use Permit approval.*

Public Hearings

Appearance Commission

Because the applicant is not proposing any modifications to the exterior of the existing structure, Appearance Commission review of the Special Use Permit Application was not required.

Traffic Safety Commission

On April 6, 2023, the Traffic Safety Commission reviewed Case PC 23-05 and voted unanimously (8-0) to recommend approval of the application. No comments were forwarded to the Plan Commission for consideration.

Standards for Review

The Standards for Special Uses are established in Section 12-16-4:C.5 of the Unified Development Code:

Standards For Special Uses: The following standards for evaluating special uses shall be applied in a reasonable manner, taking into consideration the restrictions and/or limitations which exist for the site being considered for development:

1. **Preservation Of Health, Safety, Morals, And Welfare:** The establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, morals or general welfare.
2. **Adjacent Properties:** The special use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses permitted in the zoning district.
3. **Orderly Development:** The establishment of the special use will not impede normal and orderly development or impede the utilization of surrounding property for uses permitted in the zoning district.
4. **Adequate Facilities:** Adequate utilities, access roads, drainage and other necessary facilities are in existence or are being provided.
5. **Traffic Control:** Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the public streets. The proposed use of the subject site should not draw substantial amounts of traffic on local residential streets.
6. **Adequate Buffering:** Adequate fencing and/or screening shall be provided to ensure the right of enjoyment of surrounding properties to provide for the public safety or to screen parking areas and other visually incompatible uses.
7. **Conformance To Other Regulations:** The special use shall, in all other respects, conform to applicable provisions of this title or amendments thereto. Variation from provisions of this title as provided for in subsection 12-16-3A, "Variations", of this chapter, may be considered by the plan commission and the Village board of trustees as a part of the special use permit.

Recommendation

Should the Plan Commission recommend approval of this application, staff suggests the following motion and conditions:

Motion to recommend approval of Case PC 23-07, a request for approval of a Special Use Permit for a daycare center, educational institution, and house of worship in an R-1 Single Family Residence District for the property commonly known as 9233 Shermer Road in Morton Grove, Illinois, subject to the following conditions:

1. *Approval of the Special Use Permit shall be contingent upon approval of Case PC 23-06, a request for a Text Amendment to authorize the use of "educational institutions" as a Special Use in the R-1 District.*

2. *No special event held by the daycare center, house of worship, or educational institution may exceed 100 persons on the subject property or may overlap with any other special event or activities associated with any other use on the subject property.*
3. *The applicant shall provide the Community Development Administrator with advance written notice of any change in activities or intensity of use associated with the daycare center, house of worship, or educational institution. Any such change may subject the applicant to the requirement for an amendment to the Special Use Permit.*
4. *The applicant shall stripe the site in accordance with the "Conceptual Traffic Circulation Exhibit" prepared by Kimley-Horn in the submitted traffic impact study, or as otherwise approved by the Village Engineer.*
5. *The applicant shall comply with all comments issued by the Village Engineer in the departmental comment form dated April 13, 2023, by strict or alternative compliance, subject to the Village Engineer's final approval.*

(Any other conditions recommended by the Plan Commission)

Attachment C

Final Plans and Supporting Documents for PC 23-07

1. Plat of Survey of 9233 Shermer Road, prepared by Jens K. Doe Survey Service, Inc., dated February 1, 1984
2. Site Plan, prepared by applicant, undated
3. Parking Plan, prepared by applicant, undated
4. Interior Floor Plan, prepared by applicant, undated
5. Traffic Circulation and Parking Review, prepared by Justin Opitz, AICP & Bill Grieve, P.E., PTOE, Kimley-Horn, dated March 7, 2023

Attachment C on file with the Department of Community and Economic Development

Legislative Summary

Ordinance 23-12

APPROVING A PRELIMINARY AND FINAL PLAT OF SUBDIVISION AND A PLANNED UNIT DEVELOPMENT SPECIAL USE PERMIT FOR AN EIGHTY-NINE-UNIT TOWNHOME DEVELOPMENT ON PROPERTY COMMONLY KNOWN AS 8350 LEHIGH AVENUE IN MORTON GROVE, ILLINOIS

Introduction:	May 9, 2023
Purpose:	To approve a Preliminary Plat of Subdivision, Final Plat of Subdivision, and Planned Unit Development (PUD) Special Use Permit to authorize the construction of an 89-unit townhome development and a subdivision to allow the sale of said townhomes on individual lots.
Background:	<p>Lexington Homes, LLC (“Applicant”), submitted a complete Subdivision and Planned Unit Development (PUD) Applications (“Application”) requesting the entitlement of an 89-unit attached single-family (townhome) development with accessory parking, accessway, detention, and landscape areas for the 7.6-acre property commonly known as 8350 Lehigh Avenue (“Subject Property”). The Applicant is requesting the approval of plans to construct 89 townhomes within 16 buildings under the control of a PUD, and a subdivision to allow for the future sale of the townhomes on individual lots, with common areas to be owned and maintained by a proposed homeowner’s association (HOA). The Applicant is under contract to purchase the property from Morton Grove Pharmaceuticals/Wockhardt USA. A similar townhome development was approved by the Board of Trustees for the Subject Property in 2022.</p> <p>The proposed development meets the minimum requirements for density, setback, building height, impermeable lot coverage set forth in Section 12-5-7 the Unified Development Code. With 205 proposed parking spaces for resident and guest use, the development exceeds the minimum off-street parking requirement of 176 spaces set forth in Section 12-7-3:I, with a 10% parking reduction provided by Section 12-5-7:A.2.b for transit-oriented developments within a quarter mile of the Metra station.</p> <p>As permitted by Section 12-16-4:A.2, the Traffic Safety Commission Chairperson waived review of the application by the full Commission. On April 4, 2023, the Appearance Commission reviewed the Application and unanimously voted to issue an Appearance Certificate and recommend approval of the proposed development with conditions. On April 24, 2023, the Applicant appeared before the Plan Commission to present the request for approval of the Application made under Case PC 23-08. Based on the Application, staff report, and testimony presented at the public hearing, the Plan Commission voted unanimously (6-0, Chairperson Blonz absent) to recommend approval of the Application, with conditions relating to site development and operation.</p>
Programs, Dept’s, Groups Affected	Department of Community and Economic Development
Fiscal Impact:	N/A
Source of Funds:	N/A
Workload Impact:	The Preliminary Plat of Subdivision, Final Plat of Subdivision, and Planned Unit Development Special Use Permit will be implemented and supervised by staff as part of their normal work activities.
Administrative Recommendation:	Approval as presented
Second Reading:	May 23, 2023
Special Considerations or Requirements:	None

Submitted by - Ralph Czerwinski, Village Administrator
Reviewed by - Teresa Hoffman Liston, Corporation Counsel
Prepared by - Zoe Heidorn, Community Development Administrator

ORDINANCE 23-12

APPROVING A PRELIMINARY AND FINAL PLAT OF SUBDIVISION AND A PLANNED UNIT DEVELOPMENT SPECIAL USE PERMIT FOR AN EIGHTY-NINE-UNIT TOWNHOME DEVELOPMENT ON PROPERTY COMMONLY KNOWN AS 8350 LEHIGH AVENUE IN MORTON GROVE, ILLINOIS

WHEREAS, the Village of Morton Grove (“Village”), located in Cook County, Illinois, is a home rule unit of government under the provisions of Article 7 of the 1970 Constitution of the State of Illinois, and can exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and incur debt; and

WHEREAS, 8350 Lehigh Avenue, legally described in “**Exhibit A**”, is a 7.6-acre property (“Subject Property”) and is currently zoned C/R Commercial Residential; and

WHEREAS, the 7.6-acre Subject Property is improved with a 95,000-square-foot industrial structure that has remained vacant since 2016; and

WHEREAS, Lexington Homes, LLC (“Applicant”), filed a complete application to the Village’s Plan Commission under case PC 23-08 requesting approval of a Preliminary Plat of Subdivision, Final Plat of Subdivision, and Planned Unit Development (PUD) Special Use Permit to authorize the construction of an 89-unit townhome development with accessory parking spaces, accessways, detention facilities, and landscape areas on the Subject Property, and subdivide the property into 19 new lots to permit the future sale of the 89 townhomes on individual lots and dedicate accessory common areas located on three lots to a future homeowners association; and

WHEREAS, Section 12-6-3:D of the Village’s Unified Development Code allows planned unit developments in the C/R District on zoning lots greater than one acre in land area; and

WHEREAS, before subdividing or consolidating any tract of land, an owner shall submit a Preliminary Plat of Subdivision to the Plan Commission and Village Board of Trustees for review and approval pursuant to Chapter 12-8 of the Unified Development Code; and

WHEREAS, pursuant to Section 12-8-3:A.3, the Village Board of Trustees shall not approve a Final Plat of Subdivision without receiving a statement signed by the Village Engineer certifying that the improvements described in an applicant's plans and specifications, together with the supporting documents and agreements, meet the minimum requirements of the Village, county, state, and other authorities having jurisdiction and that improvements comply as herein provided; and

WHEREAS, 12-8-1:C of the Village’s Unified Development Code authorizes the Board of Trustees to approve variations to the requirements of Chapter 12-8 in specific cases which do not

adversely affect the official comprehensive plan, the best interest of the Village, or the intent of Title 12; and

WHEREAS, the Applicant submitted a Final Plat of Subdivision entitled, “Final Plat of Metro on Main Subdivision,” prepared by Haeger Engineering, dated April 28, 2023, and attached hereto as “**Exhibit B**”; and

WHEREAS, to authorize the Final Plat of Subdivision as presented, the Application includes a request for variation to Chapter 12-8 for subdivision standards; and

WHEREAS, pursuant to the applicable provisions of the Village’s Unified Development Code, notice of a public hearing on the Application to be held at a Special Meeting of the Plan Commission on April 24, 2023, was published in the *Morton Grove Champion*, a newspaper of general circulation in the Village of Morton Grove, on March 30, 2023, a public notice sign was posted on the Subject Property on March 30, 2023, and written notification was sent on March 30, 2023, to all property owners within 250 feet of the Subject Property; and

WHEREAS, due to the Traffic Safety Commission (TSC) having reviewed a similar Application on June 2, 2022, and subsequently having forwarded a recommendation of approval to the Plan Commission, the TSC Chairperson waived the requirement for review of the Application by the full Commission pursuant to Section 12-16-4:A.2; and

WHEREAS, on April 4, 2023, the Appearance Commission reviewed the Application, approved an Appearance Certificate for proposed improvements, and forwarded a recommendation of approval with conditions to the Plan Commission; and

WHEREAS, at the April 24, 2023, public hearing for Case PC 23-08, the Village’s Plan Commission heard the Applicant’s presentation and reviewed the Application, at which time all concerned parties were given the opportunity to be present and express their views for the consideration by the Plan Commission; and

WHEREAS, as a result of said public hearings, the Plan Commission considered all the evidence and testimony presented to it, discussed the merits of the Application in light of applicable law, including the Standards for Planned Unit Developments set forth in Section 12-6-4 and the Standards for Subdivisions set forth in Section 12-16-4:D.3 and voted to recommend approval of the Application and made other certain recommendations through a report dated May 2, 2023, a copy of which is attached hereto and made a part hereof and marked as “**Exhibit C**”; and

WHEREAS, pursuant to the provisions of the Village’s Unified Development Code, the Corporate Authorities have determined that the proposed Preliminary Plat of Subdivision, Final Plat

of Subdivision, and PUD Special Use Permit should be approved, subject to the provisions, conditions, and restrictions contained in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. Incorporation by Reference. The Corporate Authorities do hereby incorporate the foregoing WHEREAS clauses into this Ordinance by this reference, as though fully set forth herein, thereby making the findings as hereinabove set forth.

SECTION 2. Approval of Preliminary Plat of Subdivision, Final Plat of Subdivision, and Planned Unit Development Special Use Permit. The Corporate Authorities hereby approve a Preliminary Plat of Subdivision and Final Plat of Subdivision and grant a Planned Unit Development Special Use Permit to allow the construction of an 89-unit townhome development and authorize select variations to requirements of the Unified Development Code, with the following conditions and restrictions, which shall be binding on the owners/lessees, occupants and users of this property, their successors, and assigns. The Plat of Subdivision and Planned Unit Development Special Use Permit approval shall include the following waivers:

- A. Waiver to Sections 12-8 to authorize the approval of a Final Plat of Subdivision concurrent to a Preliminary Plat of Subdivision; and
- B. Waiver to Section 12-8-4:B.1 for lot standards.

SECTION 3. Conditions. The Preliminary Plat of Subdivision, Final Plat of Subdivision, and Planned Unit Development Special Use Permit shall be subject to the following conditions:

- A. The site, improvements, and buildings, including building footprints, shall be improved and operated consistent with the plans and supporting documents and modifications as finalized and specifically approved in writing by the Village Administrator or his/her designee, including:
 - 1. Plat of Survey of 8350 Lehigh Avenue, prepared by Haeger Engineering, dated March 10, 2023;
 - 2. Boundary and Topographic Survey, prepared by Haeger Engineering, dated March 10, 2023;
 - 3. Final Plat of Metro on Main Subdivision (3 sheets), prepared by Haeger Engineering, dated April 28, 2023;
 - 4. PUD Site Plan, prepared by Haeger Engineering, dated April 28, 2023;
 - 5. Fire Truck Turning Exhibit, prepared by Haeger Engineering, dated May 1, 2023;

6. Photometric Plan, prepared by Haeger Engineering, dated March 10, 2023;
7. Metro on Main Preliminary Engineering Plans (4 sheets), prepared by Haeger Engineering, dated March 10, 2023;
8. Metro on Main Residential Development Preliminary Stormwater Management Report, prepared by Phil Ceratto, PE, Haeger Engineering, dated March 10, 2023;
9. Preliminary Stormwater Narrative, prepared by Haeger Engineering, dated March 27, 2023;
10. Preliminary Landscape Plan (6 sheets), prepared by Gary R. Weber Associates, Inc., dated March 10, 2023;
11. Character Elevations: Color Palette A (2 sheets) prepared by BSB Design, dated March 13, 2023;
12. Exterior Materials: Color Palette A (1 sheet), prepared by BSB Design, dated March 13, 2023;
13. Character Elevations: Color Palette B (2 sheets) prepared by BSB Design, dated March 13, 2023;
14. Exterior Materials: Color Palette B (1 sheet), prepared by BSB Design, dated March 13, 2023;
15. Floorplans – Unit 540 (2 sheets), prepared by BSB Design, dated March 13, 2023;
16. Floorplans – Unit 550, prepared by BSB Design, dated March 13, 2023;
17. Floorplans – Unit 560 (2 sheets), prepared by BSB Design, dated March 13, 2023;

Any substantial change to the site or buildings, as determined by the Village Administrator or his/her designee, may subject the Applicant or subsequent owners, lessees, occupants, and users of the Subject Property to additional conditions and may serve as the basis for amendment to the Planned Unit Development Special Use Permit.

- B. The Subject Property shall be developed and operated consistent with all representations, assertions, and testimony provided by the Applicant and their representatives at the public hearings before the Appearance Commission and Plan Commission. Any inconsistencies in development or operation, as determined by the Village Administrator or his/her designee, may serve as the basis for amendment to or revocation of the Planned Unit Development Special Use Permit.
- C. All final site development plans must be approved in writing by the Village Administrator or his/her designee and shall be consistent with the site layout and building setbacks shown in the site plan entitled, “PUD Site Plan,” prepared by Haeger Engineering, dated April

28, 2023, and final recommendations from staff, the Appearance Commission, Plan Commission, and Village Board of Trustees.

- D. Prior to the issuance of a building permit, the Applicant shall submit final site and engineering plans for review and approval by the Community Development Administrator, Village Engineer, and Village Administrator or his/her designee, and shall comply with all comments and recommendations provided by the Village Engineer in the departmental comment form dated April 13, 2023, whether by strict or alternative compliance, subject to the review and approval of the Village Engineer.
- E. Prior to the issuance of a building permit, the Applicant shall submit all turning path diagrams requested by the Fire Prevention Bureau Coordinator, Community Development Administrator, and Village Engineer, subject to the review and approval of the Village Administrator.
- F. The final landscape and improvement plan for the abutting public rights of way shall be modified as necessary to meet the needs and requirements of the Village, subject to review and approval by the Village Administrator or his/her designee.
- G. The Applicant shall bury existing aboveground utilities within the development site as required by the Village, subject to review and approval by the Village Administrator or his/her designee.
- H. Operation of the site shall be consistent with the final stormwater management plan approved by the Metropolitan Water Reclamation District of Cook County.
- I. Prior to the issuance of a building permit, the Applicant shall submit a written mosquito abatement plan for review and approval by the Village Administrator or his/her designee. Operation of the site shall be consistent with the final approved abatement plan. If mosquito activity is observed to exceed thresholds for safety established by the North Shore Mosquito Abatement District, the applicant shall modify the abatement plan for review and approval by the Village Administrator or his/her designee and shall implement said modified plan. The Applicant shall continue to update the plan as necessary and required by the Village Administrator or his/her designee until mosquito activity is observed to not exceed established thresholds for safety.
- J. All utility connections, including but not limited to water, sewer, and sanitary, serving the townhome development shall comply with all applicable code requirements, subject to review and approval of the Village Administrator or his/her designee.

- K. Each townhome unit shall be fully protected by an automatic fire sprinkler system. Each building shall provide a common area with an outside entrance to each group of townhome units that houses the fire sprinkler water supply, double detector check, flow switch, and control valves. Such devices shall be monitored at the RED Center Dispatch Center. The final specifications of the fire protection system shall be subject to review and approval of the Village Administrator or his/her designee.
- L. The Applicant shall make part of the final recorded declaration a prohibition on the use of any type of open-flame cooking devices on any balcony located on the Subject Property unless a fire sprinkler is installed above each balcony, subject to review and approval of the Village Administrator or his/her designee.
- M. The Applicant shall not include any vinyl siding along any building elevation.
- N. Before the issuance of any certificate of occupancy, the Applicant shall submit a signage plan that includes accessway and parking area signage for review and approval by the Village Administrator or his/her designee and shall install and maintain signage in accordance with the approved signage plan.
- O. Prior to the commencement of any land development activities, the Applicant and Village staff shall conduct an inspection of the Subject Property to determine the final tree preservation and removal plan, subject to review and approval by the Village Administrator or his/her designee. Prior to the issuance of any certificate of occupancy, the Applicant and Village staff shall conduct an inspection of the Subject Property to determine compliance with the final approved tree preservation and removal plan. Any tree removed in conflict with said plan shall be valued by a licensed arborist selected by the Village Administrator or his/her designee. The Applicant shall pay to the Village an amount equal to the total value of erroneously removed trees as determined by the licensed arborist and said funds shall be designated for tree planting at locations selected by the Village, with preference given to locations near to the Subject Property.
- P. Twelve (12) trees required with the Lehigh Avenue public right of way shall be planted by the Applicant in accordance with Section 12-11-1:B.4, shall be planted by the Village at a future date and paid for by the Applicant through funds placed in escrow with the Village, or shall be planted by the Applicant at alternative locations on or near to the Subject Property, subject to review and approval by the Appearance Commission Chairperson and Community Development Administrator.

- Q. Prior to the issuance of a building permit, the Applicant shall submit a final landscape plan, elevations, and materials for review and approval by the Village Administrator or his/her designee. The final landscape plan, elevations, and materials must be deemed substantially consistent with the approved landscape plan, elevations, and materials and revised as necessary to comply with all comments and recommendations issued by the Appearance Commission at the public meeting held on April 4, 2023, as determined by the Community Development Administrator and Appearance Commission Chairperson. If such designs are deemed to be substantially inconsistent with the approved plans or if materials are deemed to be of a lower quality than the approved materials, then the applicant will be required to file an application for an amendment to the Appearance Certificate.
- R. Prior to filing any Building Permit Application, the Applicant shall provide the Village with a final photometric plan that meets the minimum requirements of Village Code for review and approval by the Village Engineer.
- S. The Applicant shall comply with the provisions of Section 12-5-12, "Affordable Housing."
- T. Within thirty (30) days of the adoption of this Ordinance, the Applicant shall submit to the Village a construction management plan for review and approval by the Village Administrator or his/her designee. The requirements of Section 12-8-1:E, "Permits Required," may be modified by the Village Administrator or his/her designee based on the final approved construction management plan.
- U. The Applicant shall comply with all applicable provisions of Chapter 12-8 regarding the content of the Final Plat of Subdivision and such Final Plat shall be consistent with the approved Preliminary Plat of Subdivision. If the Final Plat varies significantly from the Preliminary Plat, as determined by the Village Administrator or his/her designee, the Applicant shall be required to follow the procedures of Section 12-8-3.A.2.b for the filing of Final Plats with significant changes. The Applicant shall not record the Final Plat of Subdivision with the Cook County Clerk without first receiving a statement signed by the Village Engineer certifying that the improvements described in the Applicant's plans and specifications, together with the supporting documents and agreements, meet the minimum requirements of the Village, county, state, and other authorities having jurisdiction and that improvements comply as provided therein.

- V. The Applicant shall obtain all necessary signatures and file the Final Plat of Subdivision and all required easements with the Cook County Clerk and shall file three paper copies, one Mylar, and one electronic copy of the recorded plat and easements with the Building Commissioner for the Village of Morton Grove within 90 days of such recording.
- W. The Applicant shall advise the Department of Community and Economic Development of any proposed change in ownership or operation of the Subject Property or portion thereof prior to the completion of construction of the Planned Unit Development. Such changes may subject the Applicant, lessees, occupants, and users to additional conditions and may serve as the basis for amendment to the Planned Unit Development Special Use Permit. The Planned Unit Development Special Use Permit is granted so long as the Applicant, Owner, occupants, and users of the Subject Property utilize the area for the purposes as herein designated.
- X. The Applicant, Owner, and any lessees, occupants, and users of the Subject Property, their successors, and assigns, shall allow employees and authorized agents of the Village access to the Subject Property at all reasonable times for the purpose of inspecting the Subject Property to verify all terms and conditions of this Ordinance have been met.

SECTION 4. Village Records. The Village Clerk is hereby authorized and directed to amend all pertinent records of the Village of Morton Grove to show and designate the Preliminary Plat of Subdivision, Final Plat of Subdivision, and Planned Unit Development Special Use Permit as granted hereunder.

SECTION 5. Failure to Comply with Conditions. Upon failure or refusal of the Applicant to comply with any or all of the conditions, restrictions or provisions of this Ordinance, the Corporate Authorities may initiate the revocation of the Preliminary Plat of Subdivision, Final Plat of Subdivision, and Planned Unit Development Special Use Permit granted in this Ordinance, in accordance with the process and procedures established for Special Use Permits in Section 12-16-4:C.7, entitled "Revocation," of the Unified Development Code.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form according to law.

Passed this 23rd day of May 2023.

Trustee Khan

Trustee Minx

Trustee Shiba

Trustee Thill _____

Trustee Travis _____

Trustee Witko _____

Approved by me this 23rd day of May 2023.

Daniel DiMaria, Village President
Village of Morton Grove
Cook County, Illinois

Attested and Filed in my office this 24th day of May 2023.

Eileen Scanlon-Harford, Village Clerk
Village of Morton Grove
Cook County, Illinois

LIST OF EXHIBITS

- | | |
|-----------|--|
| EXHIBIT A | Legal Description for 8350 Lehigh Avenue, Morton Grove, Illinois |
| EXHIBIT B | Final Plat of Metro on Main Subdivision (3 sheets), prepared by Haeger Engineering, dated April 28, 2023 |
| EXHIBIT C | Plan Commission Report, dated May 2, 2023 |

EXHIBIT A

8350 LEHIGH AVENUE, MORTON GROVE, ILLINOIS 60053

LEGAL DESCRIPTION:

PARCEL 1:

LOTS 1 TO 12, BOTH INCLUSIVELY, AND THAT PART OF 33 FOOT VACATED NARRAGANSETT AVENUE LYING EAST OF AND ADJOINING LOTS 1 AND 12 IN BLOCK 4 IN MORTON GROVE, A SUBDIVISION OF THE EAST 4.63 CHAINS OF THE NORTHEAST 1/4, SOUTH OF GROSS POINT ROAD AND NORTH 3 ACRES OF THE EAST 10 ACRES OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTHWEST 1/4, SOUTH OF GROSS POINT ROAD AND WEST OF RAILROAD OF SECTION 20, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THAT PART OF LOT 34 (EXCEPT THE NORTH 33 FEET THEREOF) AND THE NORTH HALF OF LOT 27 IN THE COUNTY CLERK'S DIVISION IN THE WEST 1/2 OF SECTION 20, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY.

PROPERTY INDEX NUMBERS:

10-19-402-001-0000
10-19-402-002-0000
10-19-402-003-0000
10-19-402-004-0000
10-19-402-005-0000
10-19-402-006-0000
10-19-402-007-0000
10-19-402-008-0000
10-19-402-009-0000
10-19-402-010-0000
10-19-402-011-0000
10-19-402-012-0000
10-20-300-001-0000
10-20-300-002-0000

EXHIBIT B

FINAL PLAT OF METRO ON MAIN SUBDIVISION

Prepared by Haeger Engineering

Dated April 28, 2023

EXHIBIT C

PLAN COMMISSION REPORT FOR PC 23-08

Dated May 2, 2023

EXISTING PINS
10-19-402-001
10-19-402-002
10-19-402-003
10-19-402-004
10-19-402-005
10-19-402-006
10-19-402-007
10-19-402-008
10-19-402-009
10-19-402-010
10-19-402-011
10-19-402-012
10-20-300-001
10-20-300-002

PREPARED BY:
HAEGER ENGINEERING, LLC
CONSULTING ENGINEERS AND
LAND SURVEYORS
100 E. STATE PARKWAY
SCHAUMBURG, IL 60173
TEL: (847) 394-6600
FAX: (847) 94-6608
PROJECT NO. 19-202

PLAT PREPARED FOR,
SUBMITTED BY, AND SEND
NEW TAX BILL TO:
LEXINGTON HOMES
1731 N. MARCEY STREET,
SUITE 200
CHICAGO, IL 60614
TEL: (773) 360-0300
FAX: (773) 360-0301

MAIL PLAT TO:
VILLAGE OF MORTON GROVE
6101 CAPULINA AVENUE
MORTON GROVE, ILLINOIS 60053

FINAL PLAT

OF

METRO ON MAIN SUBDIVISION

BEING A SUBDIVISION OF PART OF THE EAST HALF OF SECTION 19 AND THE WEST HALF OF SECTION 20, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT OF WAY OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, IN COOK COUNTY, ILLINOIS.

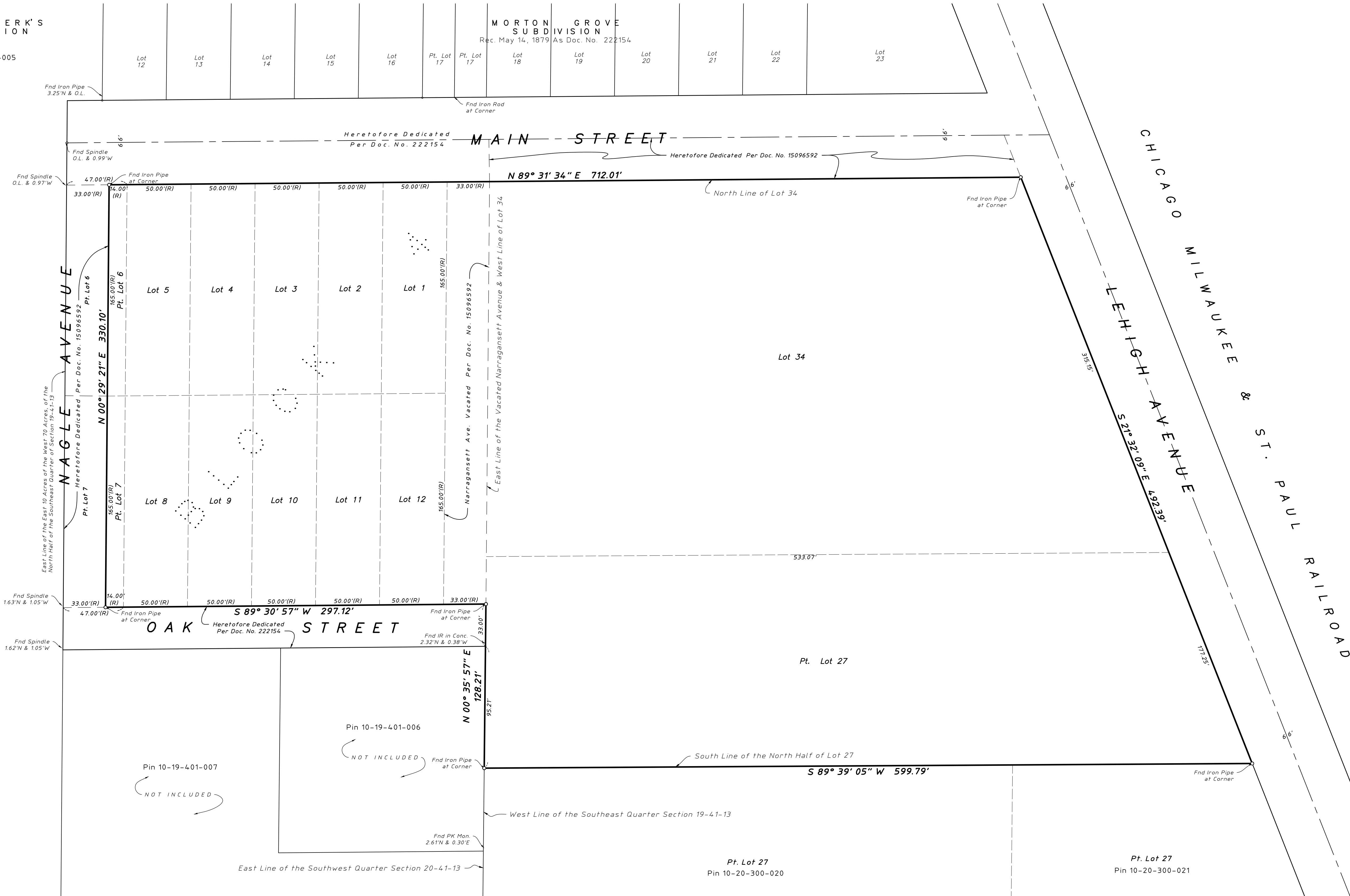
SHEET 1 OF 3



20 0 40
Scale: 1" = 40'

COUNTY CLERK'S
SUBDIVISION

Pin 10-19-201-005
Lot 47



Originally Prepared: 03/10/2023

Project No. 19-202

HAEGER ENGINEERING
consulting engineers • land surveyors

100 East State Parkway, Schaumburg, IL 60173
Tel: 847.394.6600 Fax: 847.394.6608
Illinois Professional Design Firm License No. 184-003152
www.haegerengineering.com

1 No. 4-28-2023 Per Village Review
Date Revision

EXISTING PINS
10-19-402-001
10-19-402-002
10-19-402-003
10-19-402-004
10-19-402-005
10-19-402-006
10-19-402-007
10-19-402-008
10-19-402-009
10-19-402-010
10-19-402-011
10-19-402-012
10-20-300-001
10-20-300-002



20 0 40
Scale: 1" = 40'

FINAL PLAT OF METRO ON MAIN SUBDIVISION

BEING A SUBDIVISION OF PART OF THE EAST HALF OF SECTION 19 AND THE WEST HALF OF SECTION 20, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT OF WAY OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, IN COOK COUNTY, ILLINOIS.

COUNTY CLERK'S
SUBDIVISION

Pin 10-19-201-005
Lot 47



Lot Area Summary

Townhome Lots		
Lot	Area (ac.)	Area (sf)
Lot 1	0.13866	6,040
Lot 2	0.13866	6,040
Lot 3	0.16380	7,135
Lot 4	0.16380	7,135
Lot 5	0.16380	7,135
Lot 6	0.16380	7,135
Lot 7	0.16380	7,135
Lot 8	0.13866	6,040
Lot 9	0.16380	7,135
Lot 10	0.16380	7,135
Lot 11	0.13866	6,040
Lot 12	0.16380	7,135
Lot 13	0.13866	6,040
Lot 14	0.13866	6,040
Lot 15	0.13866	6,040
Lot 16	0.16380	7,135
Subtotal: Lots 1 - 16	2.44489	106,500
Other Lots		
Lot 17	Common Area	3.21969 140,250
Lot 18	Stormwater Mgmt.	1.36299 59,372
Lot 19	Park	0.56537 24,628
Total		7.59294 330,749

Legend

- Concrete Monument
- Iron Pipe
- Record Dimension
- New Subdivision Lot Number
- Boundary Line
- New Lot Line
- Centerline
- Easement Line

EXISTING PINS
10-19-402-001
10-19-402-002
10-19-402-003
10-19-402-004
10-19-402-005
10-19-402-006
10-19-402-007
10-19-402-008
10-19-402-009
10-19-402-010
10-19-402-011
10-19-402-012
10-20-300-001
10-20-300-002

OWNER'S CERTIFICATE AND SCHOOL DISTRICT STATEMENT

STATE OF ILLINOIS }
} SS
COUNTY OF COOK }

_____, LLC, AN ILLINOIS LIMITED LIABILITY COMPANY DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE PROPERTY DESCRIBED HEREON AND THAT IT HAS CAUSED SAID PROPERTY TO BE SURVEYED AND RESUBDIVIDED AS SHOWN HEREON FOR THE USES AND PURPOSES THEREIN SET FORTH AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE HEREON SHOWN. IT FURTHER CERTIFIES TO THE BEST OF ITS KNOWLEDGE, THAT THE LAND INCLUDED HEREIN FALLS WITHIN GRADE SCHOOL DISTRICT 70, HIGH SCHOOL DISTRICT 219, AND JUNIOR COLLEGE DISTRICT 535.

SIGNED AT _____, ILLINOIS, THIS _____ DAY OF _____, A.D. 2023.

BY: _____

TITLE: _____

NOTARY CERTIFICATE

STATE OF ILLINOIS }
} SS
COUNTY OF COOK }

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY IN THE STATE AFORESAID DOES HEREBY CERTIFY THAT PERSONALLY KNOWN TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT HE SIGNED AND DELIVERED SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 2023.

PRINT NAME

NOTARY PUBLIC
COMMISSION EXPIRES: _____ (SEAL)

COOK COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS }
} SS
COUNTY OF COOK }

I DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THIS PLAT.

I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THIS PLAT.

GIVEN UNDER MAY HAND AND SEAL OF THE COUNTY CLERK, THIS _____ DAY OF _____, A.D. 2023.

SIGNED: _____
COUNTY CLERK

COOK COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS }
} SS
COUNTY OF COOK }

THIS INSTRUMENT _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS ON THE _____ DAY OF _____, A.D., 2023 AT _____ O'CLOCK __M, AND WAS RECORDED IN BOOK _____ OF PLATS ON PAGE _____.

SIGNED: _____
RECORDER OF DEEDS

DESIGN STANDARDS AND ZONING COMPLIANCE

STATE OF ILLINOIS }
} SS
COUNTY OF COOK }

I, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR FOR THE VILLAGE OF MORTON GROVE, HEREBY APPROVE THIS PLAT OF SUBDIVISION FOR COMPLIANCE WITH THE DESIGN STANDARDS ESTABLISHED IN THE SUBDIVISION REGULATIONS AND CONFIRM THAT THE LOTS MEET THE MINIMUM LOT AREA AND FRONTAGE REQUIREMENTS FOR THE UNDERLYING _____ ZONING DISTRICT.

DATED THIS _____ DAY OF _____, 2023.

SIGNED: _____

COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR

VILLAGE BOARD CERTIFICATE

STATE OF ILLINOIS }
} SS
COUNTY OF COOK }

IN ACCORDANCE WITH (RESOLUTION / ORDINANCE) # _____ THIS PLAT WAS HEREBY ACCEPTED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE, ILLINOIS, AT A MEETING HELD ON THE _____ DAY OF _____, A.D. 2023.

BY: _____
PRESIDENT

ATTEST: _____
CLERK

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS }
} SS
COUNTY OF COOK }

APPROVED BY THE VILLAGE OF MORTON GROVE PLAN COMMISSION AT A MEETING HELD THE _____ DAY OF _____, A.D. 2023.

BY: _____

CHAIRPERSON

ATTEST: _____
SECRETARY

VILLAGE DIRECTOR OF FINANCE CERTIFICATE

STATE OF ILLINOIS }
} SS
COUNTY OF COOK }

I, DIRECTOR OF FINANCE FOR THE VILLAGE OF MORTON GROVE, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE BEEN APPORTIONED AGAINST THIS TRACT OF LAND.

BY: _____
VILLAGE DIRECTOR OF FINANCE

DATE: _____

VILLAGE ENGINEER CERTIFICATE

STATE OF ILLINOIS }
} SS
COUNTY OF COOK }

APPROVED BY THE VILLAGE ENGINEER OF THE VILLAGE OF MORTON GROVE ON THIS _____ DAY OF _____, A.D. 2023.

BY: _____
VILLAGE ENGINEER

SURFACE WATER DRAINAGE CERTIFICATE

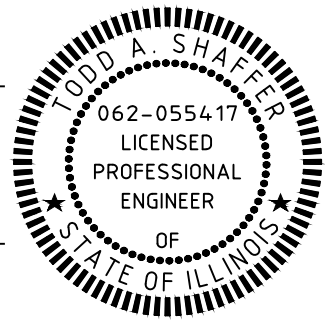
STATE OF ILLINOIS }
} SS
COUNTY OF COOK }

TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF SUCH SUBDIVISION OR ANY PART THEREOF. OR THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, ADEQUATE PROVISION HAS BEEN MADE FOR COLLECTION, DIVERSION, AND DISCHARGE OF SUCH WATERS INTO PUBLIC AREAS OR DRAINS WHICH THE SUBDIVIDER HAS THE RIGHT TO USE AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF SUBSTANTIVE DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

BY: _____ DATED _____
OWNER

BY: _____ DATED _____
IL PROFESSIONAL ENGINEER

NO. 062-055417



EXPIRES 11-30-2024

FINAL PLAT

OF

METRO ON MAIN SUBDIVISION

BEING A SUBDIVISION OF PART OF THE EAST HALF OF SECTION 19 AND THE WEST HALF OF SECTION 20, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT OF WAY OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, IN COOK COUNTY, ILLINOIS.

LOT 17 BLANKET EASEMENT PROVISIONS

A NON-EXCLUSIVE EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRICAL AND COMMUNICATIONS SERVICES, GAS, CABLE TELEVISION, STORM WATER DRAINAGE AND SANITARY SEWERS IS HEREBY RESERVED FOR AND GRANTED TO:

COMMONWEALTH EDISON COMPANY,
AND
AT&T TELEPHONE COMPANY,
AND
COMCAST CABLE COMMUNICATION, INC.,
AND
NORTHERN ILLINOIS GAS COMPANY, AN ILLINOIS CORPORATION,
DOING BUSINESS AS NICOR GAS COMPANY
AND
THE VILLAGE OF MORTON GROVE
COLLECTIVELY THE "GRANTEE",

THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY AND SEVERALLY, FOR THE PLACEMENT, INSTALLATION, USE, OPERATION, MAINTENANCE, REPAIR, RELOCATION, REPLACEMENT AND REMOVAL OF WATER MAINS, STORM SEWERS, SANITARY SEWERS, DRAINAGE DITCHES AND SWALES, RETENTION PONDS, GAS MAINS, ELECTRICAL LINES, TELEPHONE LINES, FACILITIES USED IN CONNECTION WITH UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND SOUNDS AND SIGNALS, INCLUDING BUT NOT LIMITED TO TELEVISION, DATA AND RADIO SIGNALS, TOGETHER WITH ALL BRACES, GUYS, ANCHORS, MANHOLES, VALVES AND ALL OTHER EQUIPMENT AND APPURTENANCES NECESSARY IN CONNECTION UPON AND UNDER THE SUBDIVISION IN, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE DOTTED LINES ON THE PLAT AND MARKED EASEMENT, AND THE PROPERTY DESIGNATED ON THE PLAT AS A COMMON AREA OR AREAS, AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHT TO INSTALL REQUIRED SERVICE CONNECTIONS OVER OR UNDER THE SURFACE OF EACH LOT AND COMMON AREA OR AREAS TO SERVE IMPROVEMENTS THEREON OR ON ADJACENT LOTS, COMMON AREA OR AREAS, THE RIGHT TO CUT, TRIM, OR REMOVE TREES, BUSHES AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER THE GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE DOTTED LINES MARKED EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEES, EXCEPT GARDEN, SHRUBS AND LANDSCAPING MAY BE PLACED OVER ANY SUB SURFACE FACILITIES THAT DO NOT UNREASONABLY INTERFERE WITH THE SAFETY, USEFULNESS OF UNREASONABLY RESTRICT TO, OR PREVENT THE PROMPT MAINTENANCE OF REPAIR OF ANY SUCH SUB SURFACE FACILITIES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

THE TERM "COMMON ELEMENTS" SHALL HAVE THE MEANING SET FORTH FOR SUCH TERM IN SECTION 2(E) OF "AN ACT IN RELATION TO CONDOMINIUMS" (ILLINOIS REVISED STATUTES, CH. 30, PAR. 302(E), AS AMENDED FROM TIME TO TIME.

THE TERM COMMON AREA OR AREAS IS DEFINED AS A LOT, PARCEL OR AREA OF REAL PROPERTY, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PLANNED DEVELOPMENT, EVEN THOUGH SUCH MAY BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS OUT LOTS, COMMON ELEMENTS, OPEN SPACE, OPEN AREA, COMMON GROUND, PARKING AND COMMON AREA. THE TERM COMMON AREA OR AREAS AND COMMON ELEMENTS INCLUDES REAL PROPERTY SURFACED WITH INTERIOR DRIVEWAYS AND WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING, SERVICE BUSINESS DISTRICT OR STRUCTURES SUCH AS A POOL OR RETENTION POND, OR MECHANICAL EQUIPMENT.

RELOCATION OF FACILITIES WILL BE DONE BY GRANTEES AT COST OF GRANTEE/LOT OWNER, UPON WRITTEN REQUEST.

MUNICIPAL AND UTILITY EASEMENT PROVISION CERTIFICATES:

PLAT AND EASEMENT PROVISIONS SHOWN ON THIS PLAT APPROVED BY:

COMMONWEALTH EDISON COMPANY

APPROVED BY: _____, THIS _____ DAY OF _____, 2023

PRINTED NAME: _____ TITLE: _____

AT&T, ILLINOIS BELL TELEPHONE CO. (AMERITECH),

APPROVED BY: _____, THIS _____ DAY OF _____, 2023

PRINTED NAME: _____ TITLE: _____

COMCAST CABLE COMMUNICATION, INC.

APPROVED BY: _____, THIS _____ DAY OF _____, 2023

PRINTED NAME: _____ TITLE: _____

NORTHERN ILLINOIS GAS COMPANY (NICOR)

APPROVED BY: _____, THIS _____ DAY OF _____, 2023

PRINTED NAME: _____ TITLE: _____

VILLAGE OF MORTON GROVE, ILLINOIS

APPROVED BY: _____, THIS _____ DAY OF _____, 2023

PRINTED NAME: _____ TITLE: _____

PROFESSIONAL AUTHORIZATION

STATE OF ILLINOIS }
} SS
COUNTY OF COOK }

I, JEFFREY W. GLUNT, A PROFESSIONAL LAND SURVEYOR OF THE STATE OF ILLINOIS, LICENSE NUMBER 35-3695, DO HEREBY AUTHORIZE THE VILLAGE OF MORTON GROVE, COOK COUNTY, ILLINOIS, ITS STAFF OR AUTHORIZED AGENT, OR LEXINGTON WALK LLC, OR ITS AUTHORIZED AGENT, TO PLACE THIS DOCUMENT OF RECORD IN THE COUNTY RECORDERS OFFICE IN MY NAME AND IN COMPLIANCE WITH THE ILLINOIS STATUTES CHAPTER 109 PARAGRAPH 2, AS AMENDED.

SCHAUMBURG, ILLINOIS _____

JEFFREY W. GLUNT

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-3695

MY LICENSE EXPIRES NOVEMBER 30, 2024 AND IS RENEWABLE

MORTGAGEE'S CERTIFICATE

STATE OF ILLINOIS }
} SS
COUNTY OF COOK }

_____, AS MORTGAGEE UNDER THE PROVISIONS OF A CERTAIN MORTGAGE DATED _____, A.D. 20 _____ AND RECORDED IN THE RECORDER'S OFFICE OF _____ COUNTY, ILLINOIS ON THE _____ DAY OF _____, A.D. 20 _____ AS DOCUMENT NO. _____ HEREBY CONSENTS TO AND APPROVES THE SUBDIVISION OF LAND AND THE GRANTING OF THE EASEMENT(S) DEPICTED HEREON.

BY: _____ ATTEST: _____

ITS: _____ ITS: _____

NOTARY CERTIFICATE

STATE OF ILLINOIS }
} SS
COUNTY OF COOK }

THE UNDERSIGNED, A NOTARY PUBLIC IN THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT _____ OF _____ AND _____ OF _____ WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, AS SUCH _____ AND _____, RESPECTIVELY, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SAID _____, AS MORTGAGEE, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, A.D. 20 _____

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS }
} SS
COUNTY OF COOK }

I, JEFFREY W. GLUNT, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND RESUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY:

PARCEL 1:
LOTS 1 TO 12, BOTH INCLUSIVELY, AND THAT PART OF 33 FOOT VACATED NARRAGANSETT AVENUE LYING EAST OF AND ADJOINING LOTS 1 AND 12 IN BLOCK 4 IN MORTON GROVE, A SUBDIVISION OF THE EAST 4.63 CHAINS OF THE NORTHEAST QUARTER, SOUTH OF GROSS POINT ROAD AND NORTH 3 ACRES OF THE EAST 10 ACRES OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTHWEST QUARTER, SOUTH OF GROSS POINT ROAD AND WEST OF RAILROAD OF SECTION 20, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PARCEL 2:
THAT PART OF LOT 34 (EXCEPT THE NORTH 33 FEET THEREOF) AND THE NORTH HALF OF LOT 27 IN THE COUNTY CLERK'S DIVISION IN THE WEST HALF OF SECTION 20, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY.

IN THE MANNER REPRESENTED ON THE PLAT HEREON DRAWN AND THAT SAID PLAT IS CORRECT REPRESENTATION OF SAID SURVEY AND RESUBDIVISION. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

I DO HEREBY FURTHER CERTIFY THAT UPON COMPLETION OF CONSTRUCTION, IRON PIPES AT ALL INTERIOR LOT CORNERS AND POINTS OF CHANGE IN ALIGNMENT WILL BE SET, AS REQUIRED BY THE PLAT ACT (765 ILCS 205/0.01 ET SEQ.). I FURTHER CERTIFY THAT ALL EXTERIOR CORNERS OF THE SUBDIVISION HAVE BEEN MONUMENTED PRIOR TO RECORDATION OF THE SUBDIVISION PLAT AND THAT CONCRETE MONUMENTS HAVE BEEN SET AS REQUIRED.

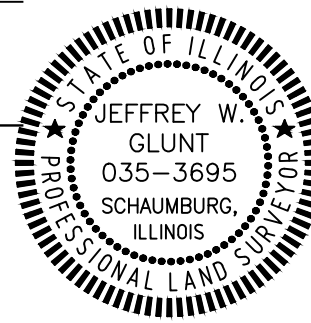
I FURTHER CERTIFY THAT THE ABOVE DESCRIBED PROPERTY IS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF MORTON GROVE, COOK COUNTY, ILLINOIS, WHICH HAS ADOPTED A COMPREHENSIVE CITY PLAN AND IS EXERCISING THE SPECIAL POWER AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE.

I FURTHER CERTIFY THAT BASED ON INFORMATION PROVIDED ON THE FLOOD INSURANCE RATE MAP COMMUNITY - PANEL NO. 17031C0241J DATED AUGUST 19, 2008 PRODUCED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR COOK COUNTY, ILLINOIS, THE PROPERTY SHOWN AND DESCRIBED HEREON IS LOCATED WITHIN ZONE X, WHICH IS DEFINED BY FEMA AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN".

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

SCHAUMBURG, ILLINOIS _____

BY: _____
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3695
HAEGER ENGINEERING LLC
ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-003152
CONSULTING ENGINEERS AND LAND SURVEYORS



EXPIRES 11-30-2024

PREPARED BY:
HAEGER ENGINEERING, LLC
CONSULTING ENGINEERS AND
LAND SURVEYORS
100 E. STATE PARKWAY
SCHAUMBURG, IL 60173
TEL: (847) 394-6600
FAX: (847) 94-6608
PROJECT NO. 19-202

PLAT PREPARED FOR,
SUBMITTED BY, AND SEND
NEW TAX BILL TO:
LEXINGTON HOMES
1731 N. MARCEY STREET,
SUITE 200
CHICAGO, IL 60614
TEL: (773) 360-0300
FAX: (773) 360-0301

MAIL PLAT TO:
VILLAGE OF MORTON GROVE
6101 CAPULINA AVENUE
MORTON GROVE, ILLINOIS 60053

Originally Prepared: 03/10/2023

Project No. 17-182

HAEGER ENGINEERING
consulting engineers • land surveyors

100 East State Parkway, Schaumburg, IL 60173
Tel: 847.394.6600 Fax: 847.394.6608
Illinois Professional Design Firm License No. 184-003152
www.haegerengineering.com

1
No. 4-28-2023
Date Per Village Review
Revision

To: Village President and Board of Trustees

From: Chris Kintner, Plan Commission Vice Chairperson
Ralph Czerwinski, Village Administrator
Teresa Hoffman Liston, Corporation Counsel
Zoe Heidorn, Community Development Administrator

Date: May 2, 2023

Re: Plan Commission Case PC 23-08
Request for approval of a Preliminary Plat of Subdivision and Final Plat of Subdivision with associated waivers in accordance with Chapter 12-8 of the Morton Grove Municipal Code, and a Planned Unit Development (PUD) Special Use Permit for 89 attached single-family dwellings in a C/R General Commercial/Residential District with waivers to accessway standards (12-9) for the property commonly known as 8350 Lehigh Avenue in Morton Grove, Illinois (10-19-402-001-0000, 10-19-402-002-0000, 10-19-402-003-0000, 10-19-402-004-0000, 10-19-402-005-0000, 10-19-402-006-0000, 10-19-402-007-0000, 10-19-402-008-0000, 10-19-402-009-0000, 10-19-402-010-0000, 10-19-402-011-0000, 10-19-402-012-0000, 10-20-300-001-0000, 10-20-300-002-0000). The applicant is Lexington Homes, LLC.

Executive Summary

Lexington Homes, LLC ("applicant"), submitted complete Planned Unit Development (PUD) Special Use Permit and Subdivision Applications to the Department of Community and Economic Development requesting the entitlement of an 89-unit attached single-family (townhome) development with accessory parking, accessway, detention, and landscape areas for the 7.6-acre property commonly known as 8350 Lehigh Avenue ("subject property"). The applicant is requesting the approval of plans to construct 89 townhomes within 16 buildings under the control of a PUD, and a subdivision to allow for the future sale of the townhomes on individual lots, with common areas to be owned and maintained by a proposed homeowner's association (HOA). The applicant is under contract to purchase the property from Morton Grove Pharmaceuticals/Wockhardt USA. The property was entitled in 2022 for a very similar 89-unit townhome development by M/I Homes, but the developer terminated the purchase agreement prior to closing.

The Planned Unit Development and Subdivision Applications were considered by the Plan Commission at a Special Meeting on April 24, 2023. For the reasons set forth in this report, on April 24, 2023, the Plan Commission unanimously recommended by a vote of 6-0 (Chairperson Blonz absent) that the Village Board of Trustees should approve the Special Use Permit with various conditions.

Application

The subject property was rezoned to C/R Commercial Residential in 2022 and is bound by Lehigh Avenue to the east, Main Street to the north, and Nagle Avenue to the west. Surrounding uses include light industrial businesses, municipal property, and rail right of way. The 95,000-square-foot industrial structure located on the subject property has been vacant since 2016. The applicant is proposing to demolish the structure and remediate the land for residential use as required by the Illinois Environmental Protection Agency (IEPA).

The applicant is proposing the construction of 89 townhomes within 16 buildings, internal accessways, and landscape and detention areas. The three-story units will be constructed slab-on-grade with a two-car attached garage located on the ground level. The attached garages serving each unit will provide 178 enclosed parking spaces for resident use. The driveways leading to the attached garages are dimensioned to provide an additional 178 parking spaces (two per unit), although these are not formally recognized by code. The originally submitted site plan also includes 42 guest parking spaces scattered throughout the site. The proposed project meets all of the applicable dimensional and off-street parking requirements for attached dwellings in the C/R Commercial/Residential District.

The original submitted site plan provides two public access points, one along Lehigh Avenue and one along Main Street, and two emergency access points, one along the southernmost lot line leading to Village-owned property at 8300 Lehigh and one along the Oak Street lot line, which will lead to Nagle Avenue. On-site detention is proposed to be provided in a naturalized landscaped basin along the south lot line.

The applicant submitted a Final Plat of Subdivision proposing the creation of 19 new lots. One lot is provided for each of the 16 townhome buildings, plus one lot each for common areas, the stormwater management area, and the park area at the property's northeast corner. The applicant plans to later establish tax lots through Cook County for each townhome unit, a method that was used successfully in both the Lexington Walk and Lexington Station projects in Morton Grove. The applicant is seeking approval of a preliminary plat and final plat of subdivision to avoid a second review of the plat by the Board after site improvements are constructed. No significant changes to the final recorded plat will be permitted and all other requirements with respect to the subdivision review and approval process will remain in place.

Departmental Review

- **Building Department:** No comments at this time.
- **Fire Department:** The Fire Department requires full protection by an automatic fire sprinkler system.
- **Public Works Department/Engineering:** The Village Engineer issued comments dated April 13, 2023, attached hereto as "**Attachment A**." Compliance with comments issued by the Village Engineer, whether by strict or alternative compliance, has been included as a recommended condition of the PUD Special Use Permit.

Public Hearings

Appearance Commission

On April 4, 2023, the Appearance Commission unanimously approved (7-0) an Appearance Certificate for the proposed project and forwarded a recommendation of approval of case PC 23-08 to the Plan Commission. At the meeting, the applicant agreed to remove all vinyl siding from the project and either (1) plant the 12 trees required in the Lehigh Avenue public right of way or (2) plant the required trees at alternative locations on the site, subject to staff's approval. The staff report to the Appearance Commission is included in the hearing packet for Case PC 23-08.

Traffic Safety Commission

Because the Traffic Safety Commission reviewed and recommended the approval of a nearly identical site plan on June 2, 2022, the Traffic Safety Commission Chairperson waived the requirement for review of this application by the full commission.

Plan Commission

The Village provided Public Notice for the April 24, 2023, Plan Commission public hearing for PC 23-08, to be held at a Special Meeting of the Plan Commission, in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on March 30, 2023. The Village notified surrounding property owners via mail and placed a public notice sign on the subject property on March 30, 2023.

Plan Commission – April 24, 2023, Proceedings: Six members of the Plan Commission were in attendance at the public hearing for Case PC 23-08 held on April 24, 2023. Chairperson Blonz was absent.

Zoe Heidorn, Community Development Administrator, provided a brief introduction to the application. The staff report dated April 14, 2023, and attached hereto as "**Attachment B**," was entered into the public record.

Ms. Heidorn stated that Lexington Homes is proposing an 89-unit townhome development with accessory parking, accessway, detention, and landscape areas at 8350 Lehigh Avenue, a 7.6-acre property currently improved with a vacant one-story industrial building. The 89 townhomes will be constructed within 16 buildings and common areas will be owned and maintained by a proposed homeowner's association. The site plan is nearly identical to a site plan submitted by M/I Homes and approved by the Village Board in 2022. However, Lexington is presenting modified elevations and unique touches specific to the developer. On April 4, the Appearance Commission unanimously recommended approval of the application with the conditions that the applicant removes all vinyl siding from the proposed elevations and plants twelve trees in the Lehigh Avenue public right of way or at alternative locations subject to staff approval. The Traffic Safety Commission Chairperson waived the requirement for review by the full commission.

Based on staff comments, Ms. Heidorn explained that the applicant has revised the site plan to incorporate additional pedestrian paths and connectivity throughout the site. Staff notes that the additional pedestrian connects have caused the

developer to reduce the number of dedicated guest parking spaces from 42 spaces to 23 spaces, which presents some concern. The Plan Commission may approve the revised plan with reduced parking as presented or approve the original plan and request enhanced pedestrian amenities that do not interfere with the guest parking provided, subject to staff's final approval.

Ms. Heidorn added that any public right of way improvements presented in the site plan may be modified in final engineering as needed to fit the needs of the Village, subject to final approval by the Village Engineer and Village Administrator.

Ms. Kirchner swore in the applicant. Nathan Wynsma, Vice President of Lexington Homes, said they are thrilled to be working in Morton Grove, presenting their third development in the Village. This development will retain the name as the development previously proposed in 2022, "Metro on Main." They are keeping nearly the same development site plan as previously approved, with some changes that will not require waivers. Townhomes will be slightly larger, and a parking waiver is not required. Their new design has more windows, larger balconies, and varying roof lines.

Mr. Wynsma explained that design of the site plan and naturalized storm water retention area will generally remain the same. A large open area at the northeast corner of the site is a gateway and will connect to a crosswalk across Lehigh Avenue to link to the train station. Gary Weber and Associates was retained as landscape architect.

Mr. Wynsma stated that modifications to emergency access have been made in the revised site plan. The new plan eliminates the southern access point to 8300 Lehigh and adds a second permanent access drive on Main Street. He explained that at the recommendation of staff, pedestrian access has been improved with more connections within the development, offsite linkages, and the Lehigh Avenue crosswalk. Some parking spaces had to be removed to accommodate the connections and add landscape buffers. Parking amounts remain above the Code requirement.

Mr. Wynsma stated that they are amenable to all conditions listed in the staff report to the Plan Commission and that they will comply with said conditions and any further conditions that the Commission or staff would like to see added.

Commissioner Stein praised inclusion of the cross walk across Lehigh Avenue.

Commissioner Gabriel questioned that if the retention area depth is 2.9 feet, the normal water level is anticipated to be very shallow. Todd Shaffer with Haeger Engineering said the site is challenging and they are working with the Village Engineer and MWRD on design of the stormwater basin. The intent of the plantings and drain is to have consistent vegetation.

Commissioner Dorgan said he is concerned with the use of outdoor grills on the balconies.

Mr. Wynsma said they are not regulating the use of grills in their current developments and are not proposing to regulate them in this development. The HOA would be responsible for enforcing any grill restrictions.

Mr. Dobrowski noted that any grill area must be fire-resistant, and an outdoor sprinkler may be required.

Vice Chairperson Kintner asked for the expected percentage of school age children in the development. Mr. Wynsma expects a small percentage with a worst-case scenario of 20 elementary students, 5 junior high, and 5 high school students. This is based on all units being constructed as 3-bedroom units.

Vice Chairperson Kintner noted that 19 parking spaces have been eliminated due to the site plan revisions. Mr. Wynsma showed the accessory guest parking spaces are scattered throughout the development. They are comfortable with the amount of visitor parking. He notes that there is now more area for snow storage and less paved area to plow. Mr. Shaffer said the elimination of six parking stalls along the south lot line helped with overland drainage concerns.

Discussion ensued regarding the amount of mature trees to be removed due to the site plan and contaminated soils. The majority of trees planned for preservation are along the south property line. The tree roots will stabilize the retention pond. Vice Chairperson Kintner would like to have the tree preservation monitored. A final walkthrough before the land development would be appropriate and should be added to the conditions of approval.

The Commission discussed the one-year PUD time allowance for obtaining permits and beginning construction. The applicant stated that there will be no issue with meeting this requirement.

Commissioner Dorgan stated that he appreciates the project meeting the dark sky requirements.

Commissioner Gabriel and Vice Chairperson Kintner noted the staff comment that a larger apparatus needs to be made part of a truck turning path diagram. Rick Dobrowski said that he is confident a larger truck can be accommodated by the site plan as presented and that the requirement for a revised diagram is included as a recommended condition of approval.

Vice Chairperson Kintner asked for public comment. No public comment was given.

Commissioner Liston made a motion to recommend approval of Case PC 23-08, a request for approval of a Preliminary Plat of Subdivision and Final Plat of Subdivision with associated waivers in accordance with Chapter 12-8 of the Morton Grove Municipal Code, and a Planned Unit Development (PUD) Special Use Permit for 89 attached single-family dwellings in a C/R General Commercial/Residential District with waivers to accessway standards (12-9) for the property commonly known as 8350 Lehigh Avenue in Morton Grove, Illinois, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final site and engineering plans for review and approval by the Community Development Administrator, Village Engineer, and Village Administrator, and shall comply with all comments and recommendations provided by the Village Engineer in the departmental comment form dated April 13, 2023, whether by strict or alternative compliance, subject to review and approval by the Village Engineer.
2. The applicant shall modify the site plan to incorporate additional pedestrian connections to create a more complete pedestrian network, subject to review and approval by the Village Engineer.
3. Prior to the issuance of a building permit, the applicant shall submit all turning path diagrams requested by the Fire Prevention Bureau Coordinator, Community Development Administrator, and Village Engineer, subject to the review and approval of the Village Administrator.
4. The final landscape and improvement plan for the abutting public rights of way shall be modified as necessary to meet the needs and requirements of the Village, subject to review and approval by the Village Administrator.
5. The applicant shall bury existing aboveground utilities within the development site as required by the Village, subject to review and approval by the Village Administrator.
6. The applicant shall submit a signage plan that includes accessway and parking area signage for review and approval by the Village Administrator and shall install and maintain signage in accordance with the approved signage plan.
7. The applicant shall submit a written mosquito abatement plan for review and approval by the Village Administrator. Operation of the site shall be consistent with the final approved abatement plan. If mosquito activity is observed to exceed thresholds for safety established by the North Shore Mosquito Abatement District, the applicant shall modify the abatement plan for review and approval by the Village Administrator and shall implement said modified plan. The applicant shall continue to update the plan as necessary and required by the Village Administrator until mosquito activity is observed to not exceed established thresholds for safety.
8. All utility connections, including but not limited to water, sewer, and sanitary, serving the townhome development shall comply with all applicable code requirements, subject to review and approval of the Village Administrator.
9. Each townhome unit shall be fully protected by an automatic fire sprinkler system. Each building shall provide a common area with an outside entrance to each group of townhome units that houses the fire sprinkler water supply, double detector check, flow switch, and control valves. Such devices shall be monitored at the RED Center Dispatch Center. The final specifications of the fire protection system shall be subject to review and approval of the Village Administrator.
10. The applicant shall comply with all conditions of approval set forth by the Appearance Commission, including:
 - a. The applicant shall remove all vinyl siding from the townhome building elevations.

- b. The applicant shall plant 12 trees in the Lehigh Avenue public right of way or shall plant 12 trees at alternative locations subject to review and approval by the Village Administrator.
 - c. Prior to filing any Building Permit Application, the owner/applicant shall provide the Village with a final landscape plan for review and approval by the Community Development Administrator and Appearance Commission Chairperson. If the landscape plan is deemed to be inconsistent with the approved plan, the owner/applicant will be required to file an application for an amendment to the Appearance Certificate.
 - d. Prior to filing any Building Permit Application, the owner/applicant shall provide the Village with a final photometric plan that meets the minimum requirements of Village Code for review and approval by the Community Development Administrator and Village Engineer.
 - e. Prior to filing any Building Permit Application, the owner/applicant shall provide the Village with final elevations and material specifications for review and approval. Final elevations and materials must be deemed consistent with the approved elevations and materials, as determined by the Community Development Administrator and Appearance Commission Chairperson. If such designs are deemed to be inconsistent with the approved plans or if materials are deemed to be of a lower quality than the approved materials, then the owner/applicant will be required to file an application for an amendment to the Appearance Certificate.
11. The applicant shall advise the Department of Community and Economic Development of any proposed change in ownership or operation of the subject property. Such changes may subject the owners, lessees, occupants, and users to additional conditions and may serve as the basis for amendment to the PUD Special Use Permit.
12. The use of any type of grill shall be prohibited on balconies.
13. The applicant and Village staff shall conduct a tree inspection before land development to determine a final preservation plan and verify which trees shall be preserved, and a tree inspection after land development to verify compliance with the final approved landscape plan.

The motion was seconded by Commissioner Stein.

Motion passes 6-0.

Final Plans and Supporting Documents

The application's final plans and supporting documents recommended for approval by the Plan Commission, or as submitted by the applicant following the Plan Commission meeting to reflect Plan Commission recommendations, include the following and are attached hereto as "**Attachment C**":

- 1. Plat of Survey of 8350 Lehigh Avenue, prepared by Haeger Engineering, dated March 10, 2023
- 2. Boundary and Topographic Survey, prepared by Haeger Engineering, dated March 10, 2023
- 3. Final Plat of Metro on Main Subdivision (3 sheets), prepared by Haeger Engineering, dated April 28, 2023
- 4. PUD Site Plan, prepared by Haeger Engineering, dated April 28, 2023
- 5. Fire Truck Turning Exhibit, prepared by Haeger Engineering, dated May 1, 2023
- 6. Photometric Plan, prepared by Haeger Engineering, dated March 10, 2023
- 7. Metro on Main Preliminary Engineering Plans (4 sheets), prepared by Haeger Engineering, dated March 10, 2023
- 8. Metro on Main Residential Development Preliminary Stormwater Management Report, prepared by Phil Ceratto, PE, Haeger Engineering, dated March 10, 2023
- 9. Preliminary Stormwater Narrative, prepared by Haeger Engineering, dated March 27, 2023
- 10. Preliminary Landscape Plan (6 sheets), prepared by Gary R. Weber Associates, Inc., dated March 10, 2023
- 11. Character Elevations: Color Palette A (2 sheets) prepared by BSB Design, dated March 13, 2023
- 12. Exterior Materials: Color Palette A (1 sheet), prepared by BSB Design, dated March 13, 2023
- 13. Character Elevations: Color Palette B (2 sheets) prepared by BSB Design, dated March 13, 2023
- 14. Exterior Materials: Color Palette B (1 sheet), prepared by BSB Design, dated March 13, 2023
- 15. Floorplans – Unit 540 (2 sheets), prepared by BSB Design, dated March 13, 2023
- 16. Floorplans – Unit 550, prepared by BSB Design, dated March 13, 2023
- 17. Floorplans – Unit 560 (2 sheets), prepared by BSB Design, dated March 13, 2023

Attachments

- **Attachment A** – Plan Review Comment Form for PC 23-08, prepared by Chris Tomich, Village Engineer, dated April 13, 2023
- **Attachment B** – Staff Report to the Plan Commission for PC 23-08, prepared by Zoe Heidorn, Community Development Administrator, dated April 14, 2023
- **Attachment C** – Final Plans and Supporting Documents for PC 23-08

Attachment A

Plan Review Comment Form for PC 23-08
Prepared by Chris Tomich, Village Engineer
Dated April 13, 2023

VILLAGE OF MORTON GROVE, ILLINOIS
PLAN REVIEW COMMENT FORM

DATE DISTRIBUTED: 3/16/2023

CASE NUMBER: PC 23-08

APPLICATION: Request for approval of a Plat of Subdivision with associated waivers to Section 12-8 and a Planned Unit Development (PUD) to authorize the construction of an 89-unit attached single-family dwelling (townhome) development for the property commonly known as 8350 Lehigh Avenue in Morton Grove, Illinois, all within a C/R Commercial/Residential District. The applicant is Lexington Homes, LLC.

Subdivision and PUD Applications have been submitted for Plan Commission action. Please return your review to the Department of Community and Economic Development by **Friday, April 7, 2023**.

Thank you,
Zoe Heidorn, Community Development Administrator

COMMENTS OR CONCERNS

1. PUD Site Plan – The pedestrian routes within the site could be improved to provide better pedestrian accommodation. The proposed pedestrian routes generally provide access between town homes and guest parking. Pedestrians walking from interior parts of the site to Main Street or Lehigh Avenue generally need to walk in a street. This is not expected to create a significant safety concern because the layout lends itself to slower vehicle speeds with good lines of sight. However, residents out for a recreational walk may perceive the facility was not design with their needs in mind. Adding crosswalks and short sidewalk segments could improve the access. The Applicant could consider adding a more path along the south property boundary that would provide a recreational route for residents wanting a short walk within their subdivision.
2. PUD Site Plan - The applicant could consider adding another access point at Main Street at the street with a proposed dead end instead of the emergency access proposed along the south property line to the abutting (Village-owned) private property. It may provide better access to the larger emergency apparatus than the emergency access point.
3. Final Plat of Subdivision – The plat description may be incomplete. The properties also lye within Section 19 and is not included in the plat description. The applicant should confirm the description is correct.
4. Final Plat of Subdivision – The signature block for Design Standards and Zoning Compliance may need to be modified with a correct title of the signatory.
5. Declarations – The declarations are required to provide that the owners' association shall be responsible for casualty and liability insurance, and the Village shall be named as an additional insured on all policies of liability insurance obtained by the owners' association. It would be preferred this term be added in Article Four.
6. Declarations – Article 14.02 includes reference to “Common Elements”, which should be a defined term. Add to Article One or modify the reference.
7. Declarations - The declarations are required to provide that the membership vote required to authorize an adjustment shall not be fixed at more than fifty one percent (51%) of the members voting on the issue. It would be preferred this term be added to Article Five.
8. Declaration - The declarations are required to provide for its amendment, modification, or termination at any time upon obtaining the prior consent of the Village to said amendment, modification, or termination. Article 10.03 should be modified to fully comply with this requirement.
9. Demolition Plan – The existing utility pole and overhead wires at the south property line need to be buried..

10. Preliminary Landscape Plan – An existing drainage route along the south property line will need to be maintained. Landscaping proposed along the south property line may need to be modified during the permitting phase to ensure the overland drainage pattern is maintained.
11. Preliminary Landscape Plan – It is preferred to have trees proposed to be planted along Lehigh Avenue in the park to be at least 15 feet from the property line to avoid future impacts to the sidewalk.
12. General – A typical pavement cross section and existing and proposed centerline profile was not provided in the plans as required. However, the PUD Site Plan provides sufficient dimensions to review the layout. The pavement structure will need meet the Village's requirements and match elevations of the drainage plan.
13. General – A draft form of performance guarantee will be required and must conform to Municipal Code Sections 12-8-3.C.7, 12-8-3.C.8 and 12-8-3.C.9.

These comments accurately represent existing Village regulations or policies.

Name (please print): Chris Tomich, Village Engineer

Signed: 

Date: 04/13/2023

Attachment B

Staff Report to the Plan Commission for PC 23-08
Prepared by Zoe Heidorn, Community Development Administrator
Dated April 14, 2023

To: Vice Chairperson Kintner and Members of the Plan Commission

From: Zoe Heidorn, Community Development Administrator; Anne Ryder Kirchner, Assistant Land Use Planner

Date: April 14, 2023

Re: **Plan Commission Case PC 23-08**
Request for approval of a Preliminary Plat of Subdivision and Final Plat of Subdivision with associated waivers in accordance with Chapter 12-8 of the Morton Grove Municipal Code, and a Planned Unit Development (PUD) Special Use Permit for 89 attached single-family dwellings in a C/R General Commercial/Residential District with waivers to accessway standards (12-9) for the property commonly known as 8350 Lehigh Avenue in Morton Grove, Illinois (10-19-402-001-0000, 10-19-402-002-0000, 10-19-402-003-0000, 10-19-402-004-0000, 10-19-402-005-0000, 10-19-402-006-0000, 10-19-402-007-0000, 10-19-402-008-0000, 10-19-402-009-0000, 10-19-402-010-0000, 10-19-402-011-0000, 10-19-402-012-0000, 10-20-300-001-0000, 10-20-300-002-0000). The applicant is Lexington Homes, LLC.

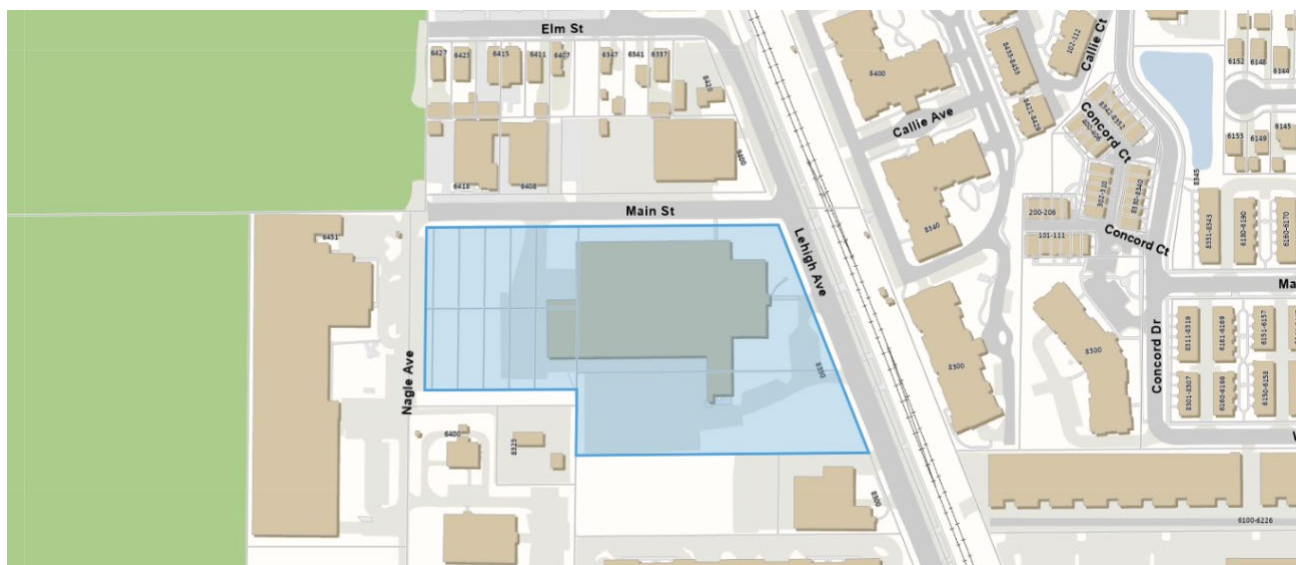
STAFF REPORT

Public Notice

The Village provided Public Notice for the April 24, 2023, Plan Commission public hearing for PC 23-08, to be held at a Special Meeting of the Plan Commission, in accordance with the Unified Development Code. The Morton Grove Champion published a public notice on March 30, 2023. The Village notified surrounding property owners via mail and placed a public notice sign on the subject property on March 30, 2023.

Application

Lexington Homes, LLC ("applicant"), submitted complete Planned Unit Development (PUD) Special Use Permit and Subdivision Applications to the Department of Community and Economic Development requesting the entitlement of an 89-unit attached single-family (townhome) development with accessory parking, accessway, detention, and landscape areas for the 7.6-acre property commonly known as 8350 Lehigh Avenue ("subject property"). The applicant is requesting the approval of plans to construct 89 townhomes within 16 buildings under the control of a PUD, and a subdivision to allow for the future sale of the townhomes on individual lots, with common areas to be owned and maintained by a proposed homeowner's association (HOA). The applicant is under contract to purchase the property from Morton Grove Pharmaceuticals/Wockhardt USA. The property was entitled in 2022 for a very similar 89-unit townhome development by M/I Homes, but the developer terminated the purchase agreement prior to closing.



Subject Property Location Map

Subject Property

The subject property was rezoned to C/R Commercial Residential in 2022 and is bound by Lehigh Avenue to the east, Main Street to the north, and Nagle Avenue to the west. To the south is Oak Street public right of way and property owned by the Village of Morton Grove (8300 Lehigh Avenue). The Morton Grove Metra station is located one block north along Lehigh Avenue. To the east of the subject property are rail lines and multi-family residential development, to the north are light industrial uses, to the west is a vacant industrial facility, and to the south is Village-owned property at 8300 Lehigh Avenue currently used for storage. The future use of 8300 Lehigh Avenue is likely to remain municipal.

The 95,000-square-foot industrial structure located on the subject property was built in the mid-1950s and has been vacant since 2016. The applicant is proposing to demolish the structure and remediate the land for residential use as required by the Illinois Environmental Protection Agency (IEPA). Due to the level of contamination on the site, as determined by a Phase II environmental site assessment submitted by the previous developer, staff is aware that an extensive amount of contaminated soil will need to be removed from the site.

Project Overview

The applicant is proposing the construction of 89 townhomes within 16 buildings, internal accessways, and landscape and detention areas. The proposed townhomes are clustered into five-unit and six-unit buildings. The three-story units will be constructed slab-on-grade with a two-car attached garage located on the ground level. Each unit's formal entrance will be located along the front elevation. The attached garages serving each unit will provide 178 enclosed parking spaces for resident use. The driveways leading to the attached garages are dimensioned to provide an additional 178 parking spaces (two per unit), although these are not formally recognized by code. The site plan also includes 42 guest parking spaces scattered throughout the site. The "rear-loading" townhomes will front on Lehigh Avenue, Main Street, and Nagle Avenue, with parking areas and driveways located to the rear. The units are available in three styles ranging from 1,780 square feet to 2,278 square feet.

Staff has recommended that the project is approved as a Planned Unit Development due to its scale, the interconnection between all elements of the proposed plan, and the benefit of additional controls provided by PUDs. In addition to providing a cleaner mechanism of development approval, a PUD provides the following benefits and protections to the Village:

- A PUD requires unified ownership until all aspects of the approved development are completed. In this case, construction of the townhomes and site improvements must be completed prior to the sale of the lots. The ownership of any lots associated with the PUD may not change without approval of the Village Board until the development has been completed.
- Construction of a development under a PUD permit must commence within twelve months from the date of Board approval. If no substantial development has started or progressed, then the PUD may lapse upon written notice to the applicant from the Board.
- Except as otherwise noted in the application, the PUD will be required to comply with all regulations and standards of site development. No variations may be approved for the residences without amendment to the PUD ordinance.

Preliminary & Final Plat of Subdivision

As in the case of the previous developer, the applicant is seeking the Board's approval of a preliminary plat and final plat of subdivision to avoid a second review of the plat by the Board after site improvements are constructed. No significant changes to the final recorded plat will be permitted and all other requirements with respect to the subdivision review and approval process will remain in place. Considering the developer's breadth of experience in successfully constructing developments of this scale, staff has no objection to the request.

The applicant submitted a Final Plat of Subdivision entitled "Final Plat of Metro on Main Subdivision," which proposes the creation of 19 new lots. One lot is provided for each of the 16 townhome buildings, plus one lot each for common areas, the stormwater management area, and the park area at the property's northeast corner. The applicant plans to later establish tax lots through Cook County for each townhome unit, a method that was used successfully in both the Lexington Walk and Lexington Station projects in Morton Grove. Staff has no objection to this approach.

Development Controls

The proposed project meets all of the applicable dimensional and off-street parking requirements for attached dwellings in the C/R Commercial/Residential District. Applicable requirements and the project's compliance are outlined in the following table:

C/R District Dimensional Controls	Requirement	Proposed	Compliance
Lot Area (12-5-7:C)	Max. 16 dwelling units per acre, 18 du/ac by Special Use	11.7 du/ac	Compliant
Lot Width (12-5-7:C)	Min. 60 feet	492.5 feet	Compliant
Front Setback (12-5-7:C)	Min. 15 feet	Lehigh Avenue: 15.0 feet Nagle Avenue: 25.0 feet	Compliant
Street Side Setback (12-5-7:C)	Min. 15 feet, 10 feet by Special Use Permit	Main Street: 15 feet	Compliant
Interior Side Setback (12-5-7:C)	Min. 5 feet	23.9 – 25.1 feet	Compliant
Rear Setback (12-5-7:C)	Min. 10 feet abutting a non-residential district	> 10 feet	Compliant
Building Height (12-5-7:C)	Max. 40 feet	< 40 feet	Compliant
Floor Area Ratio (12-5-7:C)	N/A	N/A	Compliant
Impermeable Lot Coverage (12-5-7:C)	Max. 65 percent	63.2%	Compliant
Location of Surface Parking (12-5-7:A.3.j)	Not in front of buildings facing a public street	Not front of buildings facing a public street	Compliant
Off-Street Parking (12-7-3:l, 12-5-7:A.2.b)	[2.0 spaces/du + 0.2 spaces/du guest parking] x 0.90 TOD parking reduction = 176 spaces	220 spaces	Compliant

Site Access

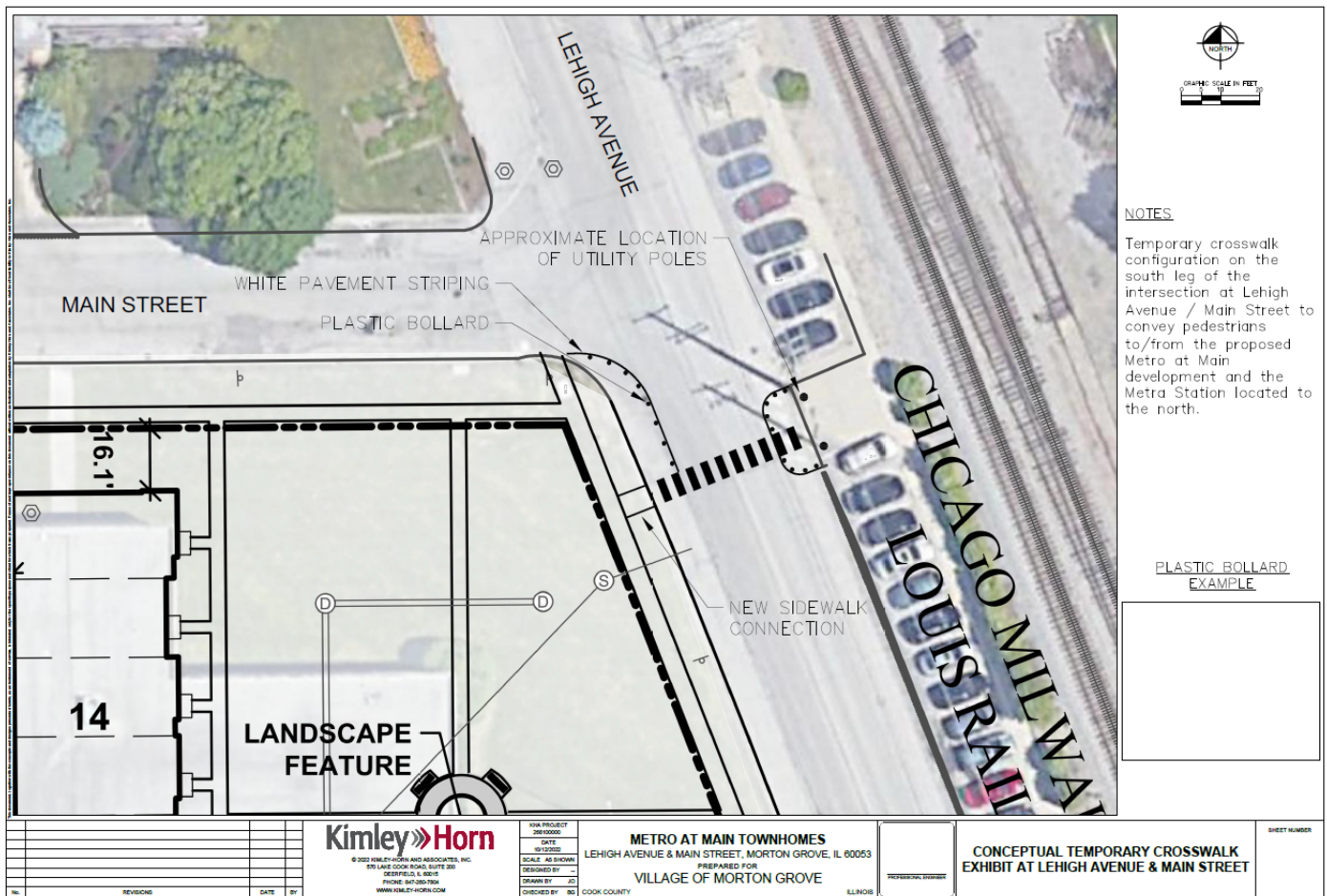
The site plan was designed to adhere to the guidelines of the C/R District and objectives of the Lehigh/Ferris Framework Plan. The C/R District standards and the Plan both promote walkability, a pedestrian-oriented public realm, and an environment with a vibrant mix of uses. Section 12-5-7:A.1 requires that pedestrian links must be provided to existing public sidewalks and Section 12-9-1:B.2 requires that “every lot shall have access to it that is sufficient to afford reasonable means of ingress and egress for emergency vehicles as well as for other vehicles which need access to the property for its intended use.” *While the site plan incorporates pedestrian walkways throughout the development, staff recommends as a condition of Special Use Permit approval that the applicant incorporate additional connections to create a more complete pedestrian network.* Pedestrian crosswalks should be visibly demarcated using a change in material or striping.

The submitted site plan provides two public access points, one along Lehigh Avenue and one along Main Street, and two emergency access points, one along the southernmost lot line leading to 8300 Lehigh and one along the Oak Street lot line, which will lead to Nagle Avenue. The emergency access drive through Oak Street, an unimproved public right of way, will be constructed by the applicant through a license agreement with the Village. Neither emergency access drive will be open for public use.

The applicant must demonstrate that the site design can accommodate full circulation through the redevelopment property by the largest sized emergency vehicle used locally. A turning path diagram based on a 43.11-foot-long fire truck was submitted and is included in the hearing packet. *As a condition of approval, staff recommends that any additional diagrams requested by Fire Department or Engineering staff to verify that the site plan can accommodate vehicle maneuvering shall be provided.*

Traffic & Parking Impact

Because a traffic and parking impact study was prepared by Kimley-Horn for a nearly identical site plan proposed by M/I Homes in 2022, staff did not require an additional study to be submitted as part of this application. The previously submitted study demonstrated that the proposed site plan has sufficient off-street parking to meet the demands of the development. Based on comments issued in response to the previous PUD application, Kimley-Horn updated the submitted traffic and parking impact study as required by ordinance to include a concept drawing for a new crosswalk to help convey pedestrians between the development and the Metra station to the north. The concept drawing is provided on the following page.



The above concept was supported by staff and has been incorporated into the applicant's proposed site plan. Final design and engineering of the proposed crosswalk, and the installation of any supporting signage, will be subject to the Village Engineer's final review and approval. The crosswalk will help pedestrians cross Lehigh Avenue safely and is especially important considering the lack of sidewalk along the west side of Lehigh Avenue, north of Main Street. Staff anticipates that the future redevelopment of sites along Lehigh Avenue and future improvement of the Lehigh Avenue public right of way by the Village will continue to enhance pedestrian infrastructure and connectivity in the coming years.

Building & Landscape Design

At the April 4, 2023, meeting of the Appearance Commission, the applicant presented site, building, landscape, and signage plans. The project was conditionally approved in accordance with the staff report to the Appearance Commission, dated March 28, 2023, and included in the hearing packet, with two additional conditions.

Stormwater & Utilities

Haeger Engineering submitted a Preliminary Stormwater Management Analysis that describes how the detention volume, volume control, and release rates for the stormwater improvements will be designed in accordance with Metropolitan Water Reclamation District (MWRD) and Village requirements. The on-site detention is proposed to be provided in a naturalized landscaped basin, which raised concerns with mosquito abatement at hearings for the M/I Home project held in 2022. *Due to these concerns, staff recommends as a condition of approval that the applicant submits a written mosquito abatement plan for review and approval by the Village Administrator. If mosquito activity is observed to exceed thresholds for safety established by the North Shore Mosquito Abatement District, the applicant shall modify the abatement plan for review and approval by the Village Administrator.*

The design of the sanitary sewer and water main will be coordinated with the Village. *Consistent with the approving ordinance for the M/I Homes project, staff recommends as a condition of approval that all utility connections, including but not limited to water, sewer, and sanitary, serving the townhome development shall comply with all applicable code requirements, subject to review and approval of the Village Administrator. Additionally, the Village requires that aboveground utilities are relocated underground as part of new development projects. Staff recommends as a condition of approval that the applicant shall bury existing*

aboveground utilities within the development site as required by the Village, subject to review and approval by the Village Administrator.

Snow Storage, Trash Removal, and Deliveries

At the Plan Commission meeting, the applicant is expected to discuss how snow storage will be accommodated on the site. Trash removal is expected to be provided by Groot under the Village-wide contract, consistent with other townhome developments in Morton Grove. The applicant should speak to how the site plan can accommodate garbage truck maneuvering and delivery vehicles.

Commission Review

- **Traffic Safety Commission:** Because the Traffic Safety Commission reviewed and recommended the approval of a nearly identical site plan on June 2, 2022, the Traffic Safety Commission Chairperson waived the requirement for review of this application by the full commission.
- **Appearance Commission:** On April 4, 2023, the Appearance Commission unanimously approved (7-0) an Appearance Certificate for the proposed project and forwarded a recommendation of approval of case PC 23-08 to the Plan Commission. At the meeting, the applicant agreed to remove all vinyl siding from the project and either (1) plant the 12 trees required in the Lehigh Avenue public right of way or (2) plant the required trees at alternative locations on the site, subject to staff's approval. The staff report to the Appearance Commission is included in the hearing packet for Case PC 23-08.

Departmental Review

- **Building Department:** No comments at this time.
- **Fire Department:** The Fire Department requires full protection by an automatic fire sprinkler system. *A recommended condition of approval is that each townhome unit shall be fully protected by an automatic fire sprinkler system. Each building shall provide a common area with an outside entrance to each group of townhome units that houses the fire sprinkler water supply, double detector check, flow switch, and control valves. Such devices shall be monitored at the RED Center Dispatch Center. The final specifications of the fire protection system shall subject to review and approval of the Village Administrator.*
- **Public Works Department/Engineering:** In review of the proposed project, the Village Engineer issued comments dated April 13, 2023, and included in the hearing packet for PC 23-08. *A recommended condition of PUD Special Use Permit approval is compliance with all comments and recommendations provided by the Village Engineer, whether by strict compliance or alternative compliance, subject to the Village Engineer's final approval.*

Standards for Review

The Standards for Subdivision are established in Section 12-16-4:D.3 of the Unified Development Code:

12-16-4:D.3. Standards for Subdivisions: The following standards for evaluating subdivisions shall be applied in a reasonable manner, taking into consideration the restrictions and/or limitations which exist for the site being considered for development:

1. **Orderly Development:** The proposed subdivision will encourage orderly and harmonious development within the Village.
2. **Coordination of Streets:** The streets within the proposed subdivision will coordinate with other existing and planned streets within the Village.
3. **Coordination of Utilities:** The utilities within the proposed subdivision will coordinate with existing and planned utilities, and create a uniform system of utilities within the Village.
4. **Consistency with Comprehensive Plan:** The proposed subdivision will be evaluated based on its consistency with the overall land use policies of the Village as may be expressed in the Village's comprehensive plan.

Section 12-6-4 establishes the following standards for evaluating PUD Applications:

- a. **Comprehensive Plan:** The planned unit development shall be consistent with the general policies of the Village as may be expressed in the comprehensive plan.
- b. **Public Welfare:** The planned unit development should be so located, designed, operated and maintained in a manner that will not only protect, but promote the public health, safety, and welfare of the Village.

- c. Impact On Adjoining Properties: The proposed planned unit development will not be injurious to the use and enjoyment of adjoining property and that the exceptions to the underlying district regulations are for the purpose of promoting development which is beneficial to the residents or occupants of the surrounding properties with and adjoining the proposed development.
- d. Drives, Parking and Circulation: Principal vehicular access to the planned unit development shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Adequate provision should be made to provide ingress and egress in a manner that minimizes traffic congestion in the public streets.
- e. Impact On Public Facilities: The planned unit development shall be so designed that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it, and not negatively impact the existing public infrastructure. Surface water in all paved access areas shall be collected in a manner that will not obstruct the flow of vehicular and pedestrian traffic.
- f. Adequate Buffering and Landscaping: Adequate fencing, screening, and landscaping shall be provided to protect the enjoyment of surrounding properties, or provide for public safety, or to screen parking areas or other visually incompatible uses. The existing landscape should be preserved in its natural state, to the extent as practicable, minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of the neighboring developed area.
- g. Integrated Design: The planned unit development shall be laid out and developed as a unit in accordance with an integrated overall design. This design shall provide for safe, efficient, convenient and harmonious groupings of structures, uses, and facilities, including common open space and storm water detention areas, and for appropriate relationship of space between buildings and site. Any common open space shall be integrated into the design in a manner which has a direct or visual relationship to the main building(s) and not be of an isolated or leftover character.
- h. Appearance: The design of all buildings, structures, and facilities on the site of the planned unit development shall be subject to the approval of the appearance review commission, and shall be of quality as good, if not better, than the surrounding neighborhood. Higher or denser buildings shall be located in such a way as to dissipate any adverse impact on adjoining lower buildings within the development or on surrounding properties.
- i. Relationship to Adjoining Land and Neighborhood: All planned unit developments shall encourage designs that emphasize accessibility, open views and connections to the larger community as a whole, discouraging new development which may divide neighborhoods and restrict access to adjacent property. In order to achieve this objective, the design of lots, streets, sidewalks, and accessways within the planned unit development, the continuation of such existing or proposed features to adjoining areas shall be encouraged. When a proposed planned unit development adjoins land susceptible of being subdivided, re-subdivided, or redeveloped, new streets, sidewalks, and accessways may be carried to the boundaries of the proposed planned unit development.

Recommendation

Should the Plan Commission recommend approval of this application, staff suggests the following motion and conditions:

Motion to recommend approval of Case PC 23-08, a request for approval of a Preliminary Plat of Subdivision and Final Plat of Subdivision with associated waivers in accordance with Chapter 12-8 of the Morton Grove Municipal Code, and a Planned Unit Development (PUD) Special Use Permit for 89 attached single-family dwellings in a C/R General Commercial/Residential District with waivers to accessway standards (12-9) for the property commonly known as 8350 Lehigh Avenue in Morton Grove, Illinois, subject to the following conditions:

1. *Prior to the issuance of a building permit, the applicant shall submit final site and engineering plans for review and approval by the Community Development Administrator, Village Engineer, and Village Administrator, and shall comply with all comments and recommendations provided by the Village Engineer in the departmental comment form dated April 13, 2023, whether by strict or alternative compliance, subject to review and approval by the Village Engineer.*
2. *The applicant shall modify the site plan to incorporate additional pedestrian connections to create a more complete pedestrian network, subject to review and approval by the Village Engineer.*
3. *Prior to the issuance of a building permit, the applicant shall submit all turning path diagrams requested by the Fire Prevention Bureau Coordinator, Community Development Administrator, and Village Engineer, subject to the review and approval of the Village Administrator.*

4. *The final landscape and improvement plan for the abutting public rights of way shall be modified as necessary to meet the needs and requirements of the Village, subject to review and approval by the Village Administrator.*
5. *The applicant shall bury existing aboveground utilities within the development site as required by the Village, subject to review and approval by the Village Administrator.*
6. *The applicant shall submit a signage plan that includes accessway and parking area signage for review and approval by the Village Administrator and shall install and maintain signage in accordance with the approved signage plan.*
7. *The applicant shall submit a written mosquito abatement plan for review and approval by the Village Administrator. Operation of the site shall be consistent with the final approved abatement plan. If mosquito activity is observed to exceed thresholds for safety established by the North Shore Mosquito Abatement District, the applicant shall modify the abatement plan for review and approval by the Village Administrator and shall implement said modified plan. The applicant shall continue to update the plan as necessary and required by the Village Administrator until mosquito activity is observed to not exceed established thresholds for safety.*
8. *All utility connections, including but not limited to water, sewer, and sanitary, serving the townhome development shall comply with all applicable code requirements, subject to review and approval of the Village Administrator.*
9. *Each townhome unit shall be fully protected by an automatic fire sprinkler system. Each building shall provide a common area with an outside entrance to each group of townhome units that houses the fire sprinkler water supply, double detector check, flow switch, and control valves. Such devices shall be monitored at the RED Center Dispatch Center. The final specifications of the fire protection system shall subject to review and approval of the Village Administrator.*
10. *The applicant shall comply with all conditions of approval set forth by the Appearance Commission, including:*
 - a. *The applicant shall remove all vinyl siding from the townhome building elevations.*
 - b. *The applicant shall plant 12 trees in the Lehigh Avenue public right of way or shall plant 12 trees at alternative locations subject to review and approval by the Village Administrator.*
 - c. *Prior to filing any Building Permit Application, the owner/applicant shall provide the Village with a final landscape plan for review and approval by the Community Development Administrator and Appearance Commission Chairperson. If the landscape plan is deemed to be inconsistent with the approved plan, the owner/applicant will be required to file an application for an amendment to the Appearance Certificate.*
 - d. *Prior to filing any Building Permit Application, the owner/applicant shall provide the Village with a final photometric plan that meets the minimum requirements of Village Code for review and approval by the Community Development Administrator and Village Engineer.*
 - e. *Prior to filing any Building Permit Application, the owner/applicant shall provide the Village with final elevations and material specifications for review and approval. Final elevations and materials must be deemed consistent with the approved elevations and materials, as determined by the Community Development Administrator and Appearance Commission Chairperson. If such designs are deemed to be inconsistent with the approved plans or if materials are deemed to be of a lower quality than the approved materials, then the owner/applicant will be required to file an application for an amendment to the Appearance Certificate.*
11. *The applicant shall advise the Department of Community and Economic Development of any proposed change in ownership or operation of the subject property. Such changes may subject the owners, lessees, occupants, and users to additional conditions and may serve as the basis for amendment to the PUD Special Use Permit.*
12. *(Any other conditions recommended by the Plan Commission)*

Attachment C

Final Plans and Supporting Documents for PC 23-08

18. Plat of Survey of 8350 Lehigh Avenue, prepared by Haeger Engineering, dated March 10, 2023
19. Boundary and Topographic Survey, prepared by Haeger Engineering, dated March 10, 2023
20. Final Plat of Metro on Main Subdivision (3 sheets), prepared by Haeger Engineering, dated April 28, 2023
21. PUD Site Plan, prepared by Haeger Engineering, dated April 28, 2023
22. Fire Truck Turning Exhibit, prepared by Haeger Engineering, dated May 1, 2023
23. Photometric Plan, prepared by Haeger Engineering, dated March 10, 2023
24. Metro on Main Preliminary Engineering Plans (4 sheets), prepared by Haeger Engineering, dated March 10, 2023
25. Metro on Main Residential Development Preliminary Stormwater Management Report, prepared by Phil Ceratto, PE, Haeger Engineering, dated March 10, 2023
26. Preliminary Stormwater Narrative, prepared by Haeger Engineering, dated March 27, 2023
27. Preliminary Landscape Plan (6 sheets), prepared by Gary R. Weber Associates, Inc., dated March 10, 2023
28. Character Elevations: Color Palette A (2 sheets) prepared by BSB Design, dated March 13, 2023
29. Exterior Materials: Color Palette A (1 sheet), prepared by BSB Design, dated March 13, 2023
30. Character Elevations: Color Palette B (2 sheets) prepared by BSB Design, dated March 13, 2023
31. Exterior Materials: Color Palette B (1 sheet), prepared by BSB Design, dated March 13, 2023
32. Floorplans – Unit 540 (2 sheets), prepared by BSB Design, dated March 13, 2023
33. Floorplans – Unit 550, prepared by BSB Design, dated March 13, 2023
34. Floorplans – Unit 560 (2 sheets), prepared by BSB Design, dated March 13, 2023

Attachment C on file with the Department of Community and Economic Development

Legislative Summary

Ordinance 23-13

APPROVING A SPECIAL USE PERMIT FOR A RESTAURANT WITH A DRIVE-THROUGH FACILITY AT 5843 DEMPSTER STREET IN MORTON GROVE, ILLINOIS

Introduction:	May 9, 2023
Purpose:	To approve a Special Use Permit authorizing the construction of a new 1,562-square-foot Dunkin' restaurant with a drive-through facility.
Background:	<p>Jamar Group, Inc. ("applicant"), submitted a complete application to the Department of Community and Economic Development under Case PC 23-09 requesting a Special Use Permit to construct a 1,562-square-foot restaurant with a drive-through facility at 5843 Dempster Street ("subject property") to be operated as a Dunkin' restaurant. The subject property will be fully redeveloped, with the existing structure occupied by Dunkin' and Subway to be demolished. The applicant is the operator of the existing Dunkin' business located on the subject property and is under contract to purchase the Subject Property.</p> <p>The proposed Dunkin' restaurant will be located along the Dempster Street front lot line with a parking area containing nine stalls, one of which is accessible, and a drive-through facility to the rear of the principal structure. Customers will enter a 24-foot-wide driveway along Marmora Avenue and either continue to the parking lot or drive-through lane, which wraps around the site's perimeter and exits at a right-only exit along Dempster Street. No indoor seating will be provided. The submitted traffic and parking impact study establishes a peak parking demand of eight spaces. With nine proposed spaces, the parking demand can be accommodated by the off-street parking area to be provided. Business hours for the proposed restaurant will be between 4 a.m. and 10 p.m., Monday through Friday, and between 5 a.m. and 10 p.m. on Saturday and Sunday. The applicant anticipates that 70% of transactions will be conducted through the drive-through.</p> <p>On April 4, 2023, the Appearance Commission Chairperson reviewed Case PC 23-09 and voted unanimously to recommend approval of the application. On April 6, 2023, the Traffic Safety Commission Chairperson reviewed Case PC 23-09 and voted unanimously to recommend approval of the application. On April 24, 2023, the applicant appeared before the Plan Commission to present the request for approval of the application made under Case PC 23-09. Based on the application, staff report, and testimony presented at the public hearing, the Plan Commission voted unanimously (6-0, Chairperson Blonz absent) to recommend approval of the Special Use Permit with conditions relating to site improvements, deliveries, noise, and general operations.</p>
Programs, Dept's, Groups Affected	Department of Community and Economic Development
Fiscal Impact:	N/A
Source of Funds:	N/A
Workload Impact:	The Special Use Permit will be implemented and supervised by staff as part of their normal work activities.
Administrative Recommendation:	Approval as presented
Second Reading:	May 23, 2023
Special Considerations or Requirements:	None

ORDINANCE 23-13

APPROVING A SPECIAL USE PERMIT FOR A RESTAURANT WITH A DRIVE-THROUGH FACILITY AT 5843 DEMPSTER STREET IN MORTON GROVE, ILLINOIS

WHEREAS, the Village of Morton Grove (“Village”), located in Cook County, Illinois, is a home rule unit of government under the provisions of Article 7 of the 1970 Constitution of the State of Illinois, and can exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and incur debt; and

WHEREAS, 5843 Dempster Street, legally described in “**Exhibit A**”, attached hereto and made a part of this Ordinance, is an 8,988-square-foot (0.2-acre) property zoned C-1 General Commercial (“Subject Property”); and

WHEREAS, the Subject Property is improved with a one-story car commercial structure currently operated by Dunkin’ and Subway restaurants; and

WHEREAS, drive-through facilities are classified as a Special Use in the C-1 District pursuant to Section 12-4-3:D; and

WHEREAS, Jamar Group, Inc. (“Applicant”) submitted a Special Use Application to the Village’s Plan Commission under Case PC 23-09 (“Application”) requesting a Special Use Permit to authorize the construction of a 1,562-square-foot restaurant to be operated as a Dunkin’ restaurant, a drive-through facility, nine accessory parking spaces, landscape areas, and a trash enclosure; and

WHEREAS, pursuant to the applicable provisions of the Municipal Code, public notice for a public hearing on the Application to be held at a Special Meeting of the Plan Commission on April 24, 2023, was published in the *Morton Grove Champion*, a newspaper of general circulation in the Village of Morton Grove, on March 30, 2023, written notification was sent to property owners within 250 feet of the Subject Property on March 30, 2023, and a sign was posted on the Subject Property on March 30, 2023, as required by ordinance; and

WHEREAS, on April 4, the Appearance Commission reviewed the Application, including the site plan, building elevations, signage plan, and landscape plan, issued an Appearance Certificate with select variations, and recommended approval of the Application with conditions; and

WHEREAS, on April 6, 2023, the Traffic Safety Commission (TSC) reviewed the Application, including the plans and traffic and parking impact study, and recommended approval of the Application; and

WHEREAS, at the April 24, 2023, public hearing, the Village's Plan Commission heard the Applicant's presentation and reviewed the Application, at which time all concerned parties were given the opportunity to be present and express their views for the consideration by the Plan Commission; and

WHEREAS, the Village's Plan Commission considered all the evidence and testimony presented to it, discussed the merits of the Application in light of applicable law, including the Standards for Special Use established in Section 12-16-4:C.5 of the Unified Development Code, and voted to recommend approval of the Special Use Permit, subject to conditions, restrictions, and requirements contained in the report of the Plan Commission, dated May 2, 2023, which was presented to the Village Board on May 9, 2023, and a copy of that report is contained in "**Exhibit B**", attached to and made a part of this Ordinance; and

WHEREAS, pursuant to the provisions of the Village's Unified Development Code, the Corporate Authorities have determined that the Special Use Permit should be approved, subject to the provisions, conditions, and restrictions contained in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. Incorporation by Reference. The Corporate Authorities do hereby incorporate the foregoing WHEREAS clauses into this Ordinance by this reference, as though fully set forth herein, thereby making the findings as hereinabove set forth.

SECTION 2. Approval of Special Use Permit. The Corporate Authorities hereby grant a Special Use Permit to authorize the construction of a restaurant with a drive-through facility with the following conditions and restrictions, which shall be binding on the owners/lessees, occupants and users of this property, and their successors and assigns.

SECTION 3. Conditions. The Special Use Permit shall be subject to the following conditions:

- A. The site and building shall be constructed, maintained, and operated consistent with the plans and supporting documents, and modifications as finalized and specifically approved in writing by the Village Administrator or his/her designee, including:
1. New Dunkin Donuts Site Development Plan (5 sheets), prepared by BCI Bono Consulting Civil Engineers, dated February 28, 2023;
 2. Proposed Site Plan (Sheet SP-1), prepared by Atul Karkhanis Architects, Ltd, dated March 8, 2023;
 3. Proposed Floor Plan (Sheet A-1), prepared by Atul Karkhanis Architects, Ltd., dated March 5, 2023;
 4. Proposed Exterior Elevations, Exterior Finish Schedule, Signage Calcs (Sheet A-2.1), prepared by Atul Karkhanis Architects, Ltd, dated March 8, 2023;
 5. Proposed Exterior Elevations (Sheet A-2), prepared by Atul Karkhanis Architects, Ltd, dated March 8, 2023;
 6. DD Building & Site Signage (10 sheets), prepared by Dunkin' Brands Inc. Construction Services, dated January 25, 2022;
 7. Exterior Lighting Specifications (28 sheets), prepared by Villa Lighting Supply, dated various;
 8. Landscape Plans (Sheet L1), prepared by G Studio Landscape Architecture, dated March 7, 2023;
 9. Photometric Plan (2 sheets), prepared by Villa Lighting, dated March 7, 2023; and
 10. Traffic Impact Study, prepared by Bill Grieve, P.E., PTOE, Kimley-Horn, dated February 16, 2023.

Any change to the site or building may subject the Applicant or subsequent owners, lessees, occupants, and users of the Subject Property to additional conditions and may serve as the basis for amendment to the Special Use Permit.

- B. The Subject Property shall be operated consistent with all representations, assertions, and testimony provided by the Applicant and their representatives at the public hearings before the Appearance Commission, Traffic Safety Commission, and Plan Commission. Any inconsistencies in operation, as determined by the Village Administrator or his/her designee, may serve as the basis for amendment to or revocation of the Special Use Permit.

- C. The Applicant shall submit a snow storage plan to the Village Engineer demonstrating that snow storage can be accommodated on the site without impacting site circulation, parking, and operations, or describing how snow will be removed from the site. The snow storage plan shall be subject to the Village Engineer's final approval.
- D. The public entrance to the building shall be relocated from the north elevation to the west elevation, facing Marmora Avenue.
- E. A minimum of one (1) bicycle rack shall be installed on the site or at an alternative location subject to the Village Engineer's review and approval.
- F. The sight distances between the right-out access and Dempster Street eastbound traffic shall be subject to the approval of the Village Engineer and Illinois Department of Transportation (IDOT).
- G. The Applicant shall engineer a physical barrier to ensure that no portion of a vehicle in the parking area may overhang into the drive-through lane, subject to the Village Engineer's approval.
- H. The parking lot shall be striped and signed to indicate that drive-through queueing may not interfere with parking lot access, subject to the Village Engineer's approval.
- I. Pedestrian crossing signage and striping shall be installed at the drive-through exit onto Dempster Street, subject to the Village Engineer's approval.
- J. The Applicant shall install signage and traffic controls as recommended by the Traffic Impact Study, prepared by Bill Grieve, P.E., PTOE, Kimley-Horn, dated February 16, 2023, subject to the Village Engineer's approval.
- K. The Applicant shall comply with all comments issued by the Village Engineer in the departmental comment form dated April 13, 2023, by strict or alternative compliance, subject to the Village Engineer's final approval.
- L. The Applicant shall comply with all conditions of approval set forth by the Appearance Commission, including:
 - 1. Illuminated signage and other illuminating features on the property may not exceed 5,000K (degrees kelvin).
 - 2. Prior to filing any Building Permit Application, the Applicant shall provide the Village with a final landscape plan for review and approval by the Land Use Planner and the Chairperson of the Appearance Commission. If the landscape plan

is deemed to be inconsistent with the approved plan, the Applicant will be required to file an application for an amendment to the Appearance Certificate.

3. Prior to filing any Building Permit Application, the Applicant shall provide the Village with final elevations and material specifications for review and approval. Final elevations and materials must be deemed consistent with the approved elevations and materials, as determined by the Land Use Planner and Chairperson of the Appearance Commission. If such designs are deemed to be inconsistent with the approved plans or if materials are deemed to be of a lower quality than the approved materials, then the Applicant will be required to file an application for an amendment to the Appearance Certificate.
- M. Employees shall be instructed to park on the property in spaces furthest from the entrance unless use of an accessible space is warranted.
- N. The Applicant shall take all reasonable action, including the installation of signage, to ensure that no customer vehicle queues in the public right of way. If queueing occurs in the public right of way, the Applicant shall station an employee at the driveway entrance to flag customers away from the site. If queueing in the public right of way is observed on any regular basis by Village staff, the Applicant shall submit a traffic management plan to the Village Administrator or his/her designee for review and approval, and the Applicant shall comply with the final approved traffic management plan.
- O. Prior to issuance of a Business Compliance Certificate, the Applicant shall submit a delivery plan which, at the Community Development Administrator's discretion, may be required to include the following, and which shall be subject to the Community Development Administrator's final approval:
 1. Schedule of deliveries;
 2. Delivery truck dimensions/specifications, including those of the largest truck making deliveries;
 3. A turning path diagram showing successful maneuvering paths of the largest truck making deliveries and supporting the requirement that all deliveries must occur on the property; and

4. Measures to ensure that adjacent residential uses are not disturbed by deliveries, including noise mitigation measures.

All deliveries must occur on the Subject Property or as otherwise authorized in the approved delivery plan.

- P. The use must comply with the Village's noise ordinance.
- Q. Hours of operation shall be limited to between 4:00 AM and 10:00 PM Monday through Friday, and between 5:00 AM and 10:00 PM Saturday and Sunday.
- R. The Subject Property owner, Applicant, and any lessees, occupants, and users of the Subject Property, their successors and assigns, shall allow employees and authorized agents of the Village access to the Subject Property at all reasonable times for the purpose of inspecting the Subject Property to verify all terms and conditions of this Ordinance have been met.

SECTION 4. Village Records. The Village Clerk is hereby authorized and directed to amend all pertinent records of the Village of Morton Grove to show and designate the Special Use Permit as granted hereunder.

SECTION 5. Failure to Comply with Conditions. Upon failure or refusal of the Applicant to comply with any or all of the conditions, restrictions or provisions of this Ordinance, the Corporate Authorities may initiate the revocation of the Special Use Permit granted in this Ordinance, in accordance with process and procedures established in the Unified Development Code.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form according to law.

Passed this 23rd day of May 2023.

Trustee Khan _____

Trustee Minx _____

Trustee Shiba _____

Trustee Thill _____

Trustee Travis _____

Trustee Witko _____

Approved by me this 23rd day of May 2023.

Daniel DiMaria, Village President
Village of Morton Grove
Cook County, Illinois

Attested and Filed in my office this 24th day of May 2023.

Eileen Scanlon-Harford, Village Clerk
Village of Morton Grove
Cook County, Illinois

LIST OF EXHIBITS

EXHIBIT A	Legal Description, 5843 Dempster Street
EXHIBIT B	Plan Commission Report for PC 23-09, dated May 2, 2023

EXHIBIT A

5843 DEMPSTER STREET, MORTON GROVE, ILLINOIS 60053 LEGAL DESCRIPTION:

LOTS 22 AND 23 AND THE WEST 5.0 FEET OF LOT 21 IN THE NORTHWESTERN EXTENSION REALTY COMPANY'S DEMPSTER-TERMINAL SUBDIVISION, BEING A SUBDIVISION OF THE WEST HALF OF THE NORTHEAST CORNER OF SECTION 20, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PROPERTY INDEX NUMBERS:

10-20-201-049-0000

EXHIBIT B

PLAN COMMISSION REPORT FOR PC 23-09

Dated May 2, 2023

To: Village President and Board of Trustees

From: Chris Kintner, Plan Commission Vice Chairperson
Ralph Czerwinski, Village Administrator
Teresa Hoffman Liston, Corporation Counsel
Zoe Heidorn, Community Development Administrator

Date: May 2, 2023

Re: Plan Commission Case PC 23-09
Request for approval of a Special Use Permit for a Drive-Through Facility in a C-1 General Commercial District for the property commonly known as 5843 Dempster Street in Morton Grove, Illinois (PIN 10-20-201-049-0000). The applicant is Jamar Group Inc.

Executive Summary

Jamar Group, Inc. ("applicant"), submitted a complete application to the Department of Community and Economic Development under Case PC 23-09 requesting a Special Use Permit to construct a 1,562-square-foot restaurant with a drive-through facility at 5843 Dempster Street ("subject property") to be operated as a Dunkin' restaurant. The subject property will be fully redeveloped, with the existing structuring occupied by Dunkin' and Subway to be demolished. The applicant is the operator of the existing Dunkin' business located on the subject property.

The Special Use Application was considered by the Plan Commission at a Special Meeting on April 24, 2023. For the reasons set forth in this report, on April 24, 2023, the Plan Commission unanimously recommended by a vote of 6-0 (Chairperson Blonz absent) that the Village Board of Trustees should approve the Special Use Permit with various conditions.

Application

The subject property measures 8,988 square feet (0.2 acres) in area, is located at the southeast corner of Dempster Street and Marmora Avenue, and is zoned C-1 General Commercial. To the east, north, and west are properties also zoned C-1 General Commercial. Single-family residences are located south of the property, across an improved 16-foot public alley, in an R-2 Single Family Residence District.

The applicant is proposing to demolish the existing one-story commercial structure on the subject property and construct a new Dunkin' restaurant along the Dempster Street lot line with a parking area containing nine stalls, one of which is accessible, and a drive-through facility to the rear of the principal structure. Customers will enter a 24-foot-wide driveway along Marmora Avenue and either continue to the parking lot or drive through lane, which wraps around the site's perimeter and exits at a right-only exit along Dempster Street. Based on submitted floor plans, no indoor seating will be provided. Pedestrian access to the entrance at the northwest corner of the building is provided on public sidewalks along Marmora Avenue and Dempster Street. The submitted traffic and parking impact study establishes a peak parking demand of eight spaces based on observations of a Dunkin' located at 3900 Dempster Street in Skokie. With nine proposed spaces, the parking demand can be accommodated by the off-street parking area to be provided.

The proposed project meets all applicable dimensional requirements for development in the C-1 District. Staff notes that a metal canopy is proposed to encroach into the public right of way along Dempster Street, projecting approximately 3.5 feet from the face of the building and effectively 2.52 feet into the right of way. The encroachment will be subject to approval by the Village and possibly, the Illinois Department of Transportation, which has jurisdiction over Dempster Street. If an encroachment is supported by both government entities, a license agreement will be required by the Village. If no agreement is made between the parties, the canopy will need to be set back to the front lot line.

Business hours for the proposed restaurant will be between 4 a.m. and 10 p.m., Monday through Friday, and between 5 a.m. and 10 p.m. on Saturday and Sunday. The applicant anticipates that 70% of transactions will be conducted through the drive-through and the remaining 30% will be made up of walk-in and online orders. According to Dunkin' standards, the maximum time it may take a drive-through customer to order food at the menu board and pick it up at the window is 90 seconds.

Departmental Review

- **Building Department:** No comments at this time.
- **Fire Department:** No comments at this time.
- **Public Works Department/Engineering:** The Village Engineer issued comments dated April 13, 2023, attached hereto as “**Attachment A**.” Compliance with comments issued by the Village Engineer, whether by strict or alternative compliance, has been included as a recommended condition of the Special Use Permit.

Public Hearings

Appearance Commission

On April 4, 2023, the Appearance Commission unanimously approved (7-0) an Appearance Certificate for the proposed project and forwarded a recommendation of approval of case PC 23-09 to the Plan Commission. The staff report to the Appearance is included in the hearing packet for Case PC 23-09. The Appearance Commission noted that the proposed canopy encroaching into the Dempster Street public right of way should be reconsidered.

Traffic Safety Commission

On April 6, 2023, the Traffic Safety Commission (TSC) reviewed Case PC 23-09. At the conclusion of the discussion, the TSC voted unanimously (8-0) to recommend approval of the project and issued one comments relating to the case to forward to the Plan Commission, which is recommended to be included as a condition of Special Use Permit approval: *The sight distances between the right-out access and Dempster Street eastbound traffic should be subject to the approval of the Village Engineer and Illinois Department of Transportation (IDOT).* At the meeting, the applicant’s consultants indicated that by moving the building south 10 inches, they could achieve the sight distance requirements established by IDOT.

Plan Commission

The Village provided Public Notice for the April 24, 2023, Plan Commission public hearing for PC 23-09, to be held at a Special Meeting of the Plan Commission, in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on March 30, 2023. The Village notified surrounding property owners via mail and placed a public notice sign on the subject property on March 30, 2023.

Plan Commission – April 24, 2023, Proceedings: Six members of the Plan Commission were in attendance at the public hearing for Case PC 23-09 held on April 24, 2023. Chairperson Blonz was absent.

Zoe Heidorn, Community Development Administrator, provided a brief introduction to the application. The staff report dated April 14, 2023, and attached hereto as “**Attachment B**,” was entered into the public record.

Ms. Heidorn said the applicant and current operator of a Dunkin’ restaurant on the subject property is proposing a new 1,500-square-foot restaurant with a drive-through to be operated by Dunkin’. The building will have an approximate zero-foot setback from the Dempster Street front lot line, with parking and the drive-through facility located to the rear. The proposed site plan complies with all dimensional requirements of the Unified Development Code. However, if the canopy projecting from the north elevation is proposed to encroach into Dempster Street public right of way, authorization of the encroachment will be at the discretion of the Village and IDOT, and the applicant will be required to enter into a license agreement with the Village and obtain authorization from IDOT.

Commissioner Gabriel asked if the drive-through exit meets pedestrian safety standards. Ms. Heidorn said IDOT’s approval of the site plan will be required. The applicant will be required to comply with site line requirements set forth by IDOT, and any additional requirements set forth by the Village.

Ms. Kirchner swore in the applicant’s representative and consultants. Alicja Grabiec introduced herself as representing Amyn Ali of Jamar Group Inc., who is out of the country. The applicant’s architect, Ani Tipnis, the traffic engineer, Justin Optiz, and Abhi Veer of Bono Engineering were also introduced.

Commissioner Stein asked for clarification of the entrance location. The current entrance is on Dempster Street. The Commission and applicant discussed the location of the canopy and possibly moving the entrance to Marmora Avenue.

Vice Chairperson Kintner asked for the number of employees working on the site. There will be a maximum of six employees on-site, but the majority of employees take the bus and do not park on the property.

Vice Chairperson Kintner asked about vehicle queueing. He noted that there is one car length from the pick-up window to the exit on Dempster Street. The traffic engineer said the outlet rate is typically 15 seconds. The model shows no back-up due to the 90-second time of service by comparison with the outlet rate. Vehicles will be able to exit onto Dempster faster than they are moved through the drive-through window. Typical stacking is six to seven cars, with the most being ten cars.

The Commissioners discussed issues with blocking the parking area and abutting street. They agreed that striping the lot with signage stating “do not block” may be helpful to the potential queueing issue.

Commissioner Mohr explained his concerns with the location of the drive-through speaker and its proximity to the residential properties. The applicant responded that the speaker is almost 40 feet from the residential lot line and the volume is adjustable. The Village’s noise ordinance is also applicable.

Vice Chairperson Kintner asked for a snow storage plan. The applicant responded that a plan will be provided, and that the removal will likely be performed by a company.

The Commissioners discussed “do not enter” and pedestrian crossing signage on Dempster Street, which should be made part of the final site plan.

Commissioner Dorgan noted that no more than three employees on site is listed in the application.

Ms. Heidorn noted that the testimony provided at the Traffic Safety Commission indicated three employees, but that the application indicated six. This needs clarification.

Vice Chairperson Kintner asked for public comment.

Aurimas Palaitis of 5901 Carol Avenue said noise pollution is a big concern. Delivery trucks will make beeping noises when backing up into the property. He is worried about added traffic on Carol Avenue through to Austin Avenue. His last concern is the busy entrance on Dempster Street.

Vice Chairperson Kintner asked for the current hours of operation. He noted that noise pollution is also one of his concerns.

Ms. Grabiec said current hours are from 5:00 a.m. to 10:00 p.m., but they would like to open at 4:00 a.m., Monday through Friday. She also noted that the speaker can be modified to comply with Village ordinance.

Vice Chairperson Kintner asked for delivery times and what type of delivery truck is used. Deliveries are once a week during off-hours. Mr. Ali had indicated to his consultants that the trucks park on Dempster Street. A new plan will be submitted showing how a truck will maneuver in and out of the lot. It will be important to know what type of truck due to noise concerns. The Commissioners agreed that the plan for deliveries needed to be refined.

Commissioner Gabriel asked if donut deliveries were every day. The consultants responded that only supplies are delivered once a week. Donuts are every morning and delivered by box trucks.

Commissioner Stein asked if backing out of the two east parking spaces would encroach on the drive-through lane. The consultants responded that there is a curb and enough room to accommodate the turns.

Vice Chairperson Kintner asked if the 90-second fulfillment is a standard. Ms. Grabiec responded that Dunkin’ monitors the time of transactions, with 90 seconds being the goal.

Jennifer Mitchell of 5905 Carol Avenue is concerned with safety and noise. There is a school bus stop at the corner of Marmora and Carol. She notes that the current delivery truck is larger than a box truck and parks in the parking lot.

John Koperny, current owner, said the Subway currently at the subject property is served by the larger truck. The Dunkin' is served by a box truck or van.

Discussion ensued regarding deliveries and methods to mitigate their impact on surrounding properties.

Commissioner Gabriel made a motion to recommend approval of Case PC 23-09, a request for approval of a Special Use Permit for a drive-through restaurant at the property commonly known as 5843 Dempster Street in Morton Grove, Illinois, and PIN 10-20-201-049-0000, subject to the following conditions:

1. The applicant shall submit a snow storage plan to the Village Engineer demonstrating that snow storage can be accommodated on the site without impacting site circulation and operations, or describing how snow will be removed from the site. The snow storage plan shall be subject to the Village Engineer's final approval.
2. Employees shall be instructed to park on the property in spaces furthest from the entrance unless use of an accessible space is warranted.
3. A minimum of one (1) bicycle rack shall be installed on the site or at an alternative location subject to the Village Engineer's review and approval.
4. The sight distances between the right-out access and Dempster Street eastbound traffic shall be subject to the approval of the Village Engineer and Illinois Department of Transportation (IDOT).
5. The applicant shall comply with all conditions of approval set forth by the Appearance Commission, including:
 - a) Illuminated signage and other illuminating features on the property may not exceed 5,000K (degrees kelvin).
 - b) Prior to filing any Building Permit Application, the applicant shall provide the Village with a final landscape plan for review and approval by the Land Use Planner and the Chairperson of the Appearance Commission. If the landscape plan is deemed to be inconsistent with the approved plan, the owner/applicant will be required to file an application for an amendment to the Appearance Certificate.
 - c) Prior to filing any Building Permit Application, the applicant shall provide the Village with final elevations and material specifications for review and approval. Final elevations and materials must be deemed consistent with the approved elevations and materials, as determined by the Land Use Planner and Chairperson of the Appearance Commission. If such designs are deemed to be inconsistent with the approved plans or if materials are deemed to be of a lower quality than the approved materials, then the owner/applicant will be required to file an application for an amendment to the Appearance Certificate.
6. The applicant shall comply with all comments issued by the Village Engineer in the departmental comment form dated April 13, 2023, by strict or alternative compliance, subject to the Village Engineer's final approval.
7. Pedestrian crossing signage must be installed at the drive-through exit.
8. The main door must be relocated to face Marmora Avenue.
9. The drive-through speaker must comply with the Village's noise ordinance.
10. Hours of operation shall be limited from 4:00 a.m. to 10:00 p.m., Monday through Friday, and 5:00 a.m. to 10:00 p.m., Saturday and Sunday.
11. The parking lot entrance shall be striped with "Do Not Block" to maintain parking lot ingress and egress.

The motion was seconded by Commissioner Dorgan.

Motion passes 6-0.

Final Plans and Supporting Documents

The application's final plans and supporting documents recommended for approval by the Plan Commission include the following and are attached hereto as "**Attachment C**":

1. New Dunkin Donuts Site Development Plan (5 sheets), prepared by BCI Bono Consulting Civil Engineers, dated February 28, 2023
2. Proposed Site Plan (Sheet SP-1), prepared by Atul Karkhanis Architects, Ltd, dated March 8, 2023
3. Proposed Floor Plan (Sheet A-1), prepared by Atul Karkhanis Architects, Ltd., dated March 5, 2023
4. Proposed Exterior Elevations, Exterior Finish Schedule, Signage Calcs (Sheet A-2.1), prepared by Atul Karkhanis Architects, Ltd, dated March 8, 2023
5. Proposed Exterior Elevations (Sheet A-2), prepared by Atul Karkhanis Architects, Ltd, dated March 8, 2023
6. DD Building & Site Signage (10 sheets), prepared by Dunkin' Brands Inc. Construction Services, dated January 25, 2022
7. Exterior Lighting Specifications (28 sheets), prepared by Villa Lighting Supply, dated various
8. Landscape Plans (Sheet L1), prepared by G Studio Landscape Architecture, dated March 7, 2023
9. Photometric Plan (2 sheets), prepared by Villa Lighting, dated March 7, 2023
10. Traffic Impact Study, prepared by Bill Grieve, P.E., PTOE, Kimley-Horn, dated February 16, 2023

Attachments

- **Attachment A** – Plan Review Comment Form for PC 23-09, prepared by Chris Tomich, Village Engineer, dated April 13, 2023
- **Attachment B** – Staff Report to the Plan Commission for PC 23-09, prepared by Zoe Heidorn, Community Development Administrator, dated April 14, 2023
- **Attachment C** – Final Plans and Supporting Documents for PC 23-09

Attachment A

Plan Review Comment Form for PC 23-09
Prepared by Chris Tomich, Village Engineer
Dated April 13, 2023

REVIEWING:

BUILDING

FIRE

POLICE

PUBLIC WORKS/ENGINEERING

TSC

VILLAGE OF MORTON GROVE, ILLINOIS
PLAN REVIEW COMMENT FORM

DATE DISTRIBUTED: 3/16/2023

CASE NUMBER: PC 23-09

APPLICATION: Request for approval of a Special Use Permit for a Drive-Through Facility for the property commonly known as 5843 Dempster Street (PIN 10-20-201-049-0000) Waukegan Road in Morton Grove, Illinois, all within the C-1 General Commercial District.

A Special Use Application has been submitted for Plan Commission action. Please return your review to the Department of Community and Economic Development by **Friday, April 7, 2023**.

Thank you,
Zoe Heidorn, Community Development Administrator

COMMENTS OR CONCERNS

1. A permit from the Illinois Department of Transportation will be required to reconfigure access points. The Illinois Department of Transportation may have design requirements that are more restrictive than the Village's requirement and this may change some aspects of the site design.
2. The Traffic Study includes several "Discussion Point" and "Key Finding" statements. Village staff finds each observation and assertion in those statements to be supportable and likely to be accurate.
3. Village staff agrees with the conclusions in the Traffic Study.
4. The proposed building restricts the line of sight between traffic exiting the site onto Dempster Street and eastbound Dempster Street vehicles as well as pedestrians on the sidewalk. Note that the proposed right-out only restriction reduces the need to assess the sight distance to eastbound vehicle traffic. The Traffic Study did not analyze the sight distances so it has not been determined whether that sight distance is adequate.

These comments accurately represent existing Village regulations or policies.

Name (please print): Chris Tomich, Village Engineer

Signed:

Date: 04/13/2023



Attachment B

Staff Report to the Plan Commission for PC 23-09
Prepared by Zoe Heidorn, Community Development Administrator
Dated April 14, 2023

To: Vice Chairperson Kintner and Members of the Plan Commission

From: Zoe Heidorn, Community Development Administrator, Anne Ryder Kirchner, Assistant Land Use Planner

Date: April 14, 2023

Re: Plan Commission Case PC 23-09
Request for approval of a Special Use Permit for a Drive-Through Facility in a C-1 General Commercial District for the property commonly known as 5843 Dempster Street in Morton Grove, Illinois (PIN 10-20-201-049-0000). The applicant is Jamar Group Inc.

STAFF REPORT

Public Notice

The Village provided Public Notice for the April 24, 2023, Plan Commission public hearing for PC 23-09, to be held at a Special Meeting of the Plan Commission, in accordance with the Unified Development Code. The Morton Grove Champion published a public notice on March 30, 2023. The Village notified surrounding property owners via mail and placed a public notice sign on the subject property on March 30, 2023.

Application

Jamar Group, Inc. ("applicant"), submitted a complete application to the Department of Community and Economic Development under Case PC 23-09 requesting a Special Use Permit to construct a 1,562-square-foot restaurant with a drive-through facility at 5843 Dempster Street ("subject property") to be operated as a Dunkin' restaurant. The subject property will be fully redeveloped, with the existing structuring occupied by Dunkin' and Subway to be demolished. The applicant is the operator of the existing Dunkin' business located on the subject property.



Subject Property Location Map

The subject property measures 8,988 square feet (0.2 acres) in area, is located at the southeast corner of Dempster Street and Marmora Avenue, and is zoned C-1 General Commercial. To the east, north, and west are properties also zoned C-1 General Commercial. Single-family residences are located south of the property, across an improved 16-foot public alley, in an R-2 Single Family Residence District. To the east of the subject property is a commercial property currently operated as a hair salon but recently authorized to become a medical and dental clinic under a Special Use Permit. To the west, across Marmora Avenue, is a multi-tenant office structure and to the north, across Dempster Street,

is a multi-tenant commercial building containing a variety of commercial uses. The subject property is currently accessed by three points of entry along Dempster Street, Marmora Avenue, and the public alley.

Zoning Review

The following table provides a comparison of the proposed development on the commercial zoning lot against applicable dimensional controls:

DIMENSIONAL CONTROL	REQUIREMENT	PROPOSED	COMMENT
Minimum Front Yard (North & West Lot Lines) (Sec. 12-4-3:E)	0 ft.	<u>Marmora Avenue:</u> 0.96 ft. <u>Dempster Street:</u> 0.98 ft.	<i>Compliant</i>
Minimum Side Yard (East Lot Line) (Sec. 12-4-3:E)	0 ft.; but if provided, it shall not be <5 ft.	19.0 ft	<i>Compliant</i>
Minimum Rear Yard (South Lot Line) (Sec. 12-4-3:E)	5 ft.	86.16 ft	<i>Compliant</i>
Maximum Building Height (Sec. 12-4-3:E)	40 ft.	22. ft.	<i>Compliant</i>
Maximum Floor Area Ratio (FAR) (Sec. 12-4-3:E)	2.0	0.17	<i>Compliant</i>

Staff notes that a metal canopy is proposed to encroach into the public right of way along Dempster Street, projecting approximately 3.5 feet from the face of the building and effectively 2.52 feet into the right of way. Because a zero-foot setback is permitted by Section 12-4-3, the canopy may extend into the right of way without Plan Commission or Board approval. However, the encroachment will be subject to approval by the Village and possibly, the Illinois Department of Transportation, which has jurisdiction over Dempster Street. If an encroachment is supported by both government entities, a license agreement will be required by the Village. If no agreement is made between the parties, the canopy will need to be set back to the lot line.

Operations

The applicant is proposing to demolish the existing one-story commercial structure on the subject property and construct a new Dunkin' restaurant along the Dempster Street lot line with a parking area containing nine stalls and a drive-through facility to the rear of the principal structure. Customers will enter along a 24-foot-wide driveway along Marmora Avenue and either enter the parking lot or the drive through lane, which wraps around the sites perimeter and exits at a right-only exit along Dempster Street. Based on floor plans submitted by the applicant, little to no indoor seating will be provided for customers. Pedestrian access to the entrance at the northwest corner of the building is provided on public sidewalks along Marmora Avenue and Dempster Street.

Business hours for the proposed Dunkin' restaurant will be between 4 a.m. and 10 p.m., Monday through Friday, and between 5 a.m. and 10 p.m. on Saturday and Sunday. The written summary indicates that the applicant expects to have no more than six employees working on the site at any given time, but testimony provided at the Traffic Safety Commission meeting on April 6, 2023, indicates that no more than three employees will be present on-site at any given time. The applicant is expected to clarify on-site employment levels at the Plan Commission meeting.

The applicant anticipates that 70% of business transactions will be conducted through the drive-through facility and the remaining 30% will be made up of walk-in and online customer orders. According to Dunkin' standards, the maximum time it may take a drive-through customer to order food at the menu board and pick it up at the window is 90 seconds.

Parking and Traffic Impact

Per Section 12-7-3:B of the Unified Development Code, off-street parking requirements established in the code are advisory for Special Use applications, as required parking will be reviewed and established as part of the Special Use Permit. The final number of required parking spaces for Special Use Permits is determined by the Village Board based on the submitted,

independent traffic and parking study and any recommendations made by the Traffic Safety Commission, Plan Commissions, and staff.

The proposed site plan includes nine off-street parking spaces, one of which is accessible. The traffic and parking impact study prepared by Kimley-Horn establishes a peak parking demand for the proposed use of eight spaces based on parking observations of a Dunkin' located at 3900 Dempster Street in Skokie. With nine proposed spaces, the parking demand can be accommodated by the off-street parking area as presented. *As conditions of approval, staff recommends including Kimley-Horn's suggestion that employees should be encouraged to parking the spaces furthest from the entrance and that a bicycle rack should be installed.*

The following is an overview of the proposed parking and drive-through facilities based on the requirements established in Chapter 12-7 and Section 12-5-5:

PARKING STANDARD	REQUIREMENT	PROPOSED	COMMENT
Minimum Off-Street Parking Requirement (Sec. 12-7-3:B)	Based on submitted study (8 spaces)	9 spaces provided	<i>Compliant</i>
Minimum Accessible Parking Spaces (IAC 208.2)	1 accessible space	1 accessible space	<i>Compliant</i>
Drive-Through Minimum Stacking Length (Sec. 12-5-5:B.)	100 ft.	Approx. 150 ft.	<i>Compliant</i>
Loading Berths (Sec. 12-7-4.I)	None required for commercial uses less than 10,000 sq. ft.	None	<i>Compliant</i>

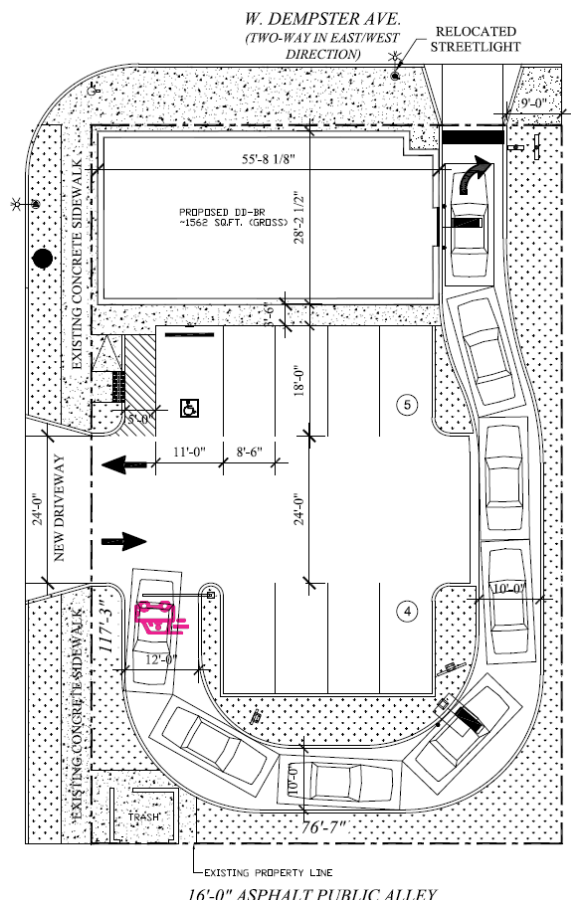
The submitted study includes a diagram (Exhibit D) demonstrating that eight vehicles can queue in the drive-through lane without interfering with circulation in the parking area. The diagram is provided to the right. The study also concludes that the traffic projected to be generated by the proposed Dunkin' restaurant can be accommodated into the existing roadway network and will cause limited impacts to adjacent intersections. Staff acknowledges that the reduction in access points and length of overall driveway serving the development site will improve traffic predictability and pedestrian safety.

Stormwater Management

The applicant submitted preliminary stormwater management plans as part of the submitted civil plan set. The applicant proposes an underground stormwater vault located beneath the parking lot's drive aisle. The plan will be refined in final engineering and subject to review and approval by the Village Engineer through the standard permit review process.

Snow Storage

The applicant did not submit a snow storage plan but is expected to discuss proposed snow storage locations at the Plan Commission meeting. *As a condition of Special Use Permit approval, staff recommends requiring the submittal of a snow storage plan to the Village Engineer, subject to the Village Engineer's final approval.* The plan should describe the locations of snow storage and demonstrate



that storage will not interfere with site circulation or operations, or the plan should describe the methods of snow removal from the site.

Departmental Review

The application and all supporting materials were distributed to staff within the Village's Fire, Building, and Public Works (Engineering) Departments for their review. The comments received by staff are as follows:

- **Fire:** No issues identified at this time.
- **Building:** No issues identified at this time.
- **Engineering:** In review of the proposed project, the Village Engineer issued comments dated April 13, 2023, which are included in the hearing packet for Case PC 23-09. *Compliance with these comments, whether by strict or alternative compliance, will be included as a recommended condition of Special Use Permit approval.*

Public Hearings

Appearance Commission

On April 4, 2023, the Appearance Commission unanimously approved (7-0) an Appearance Certificate for the proposed project and forwarded a recommendation of approval of case PC 23-09 to the Plan Commission. The staff report to the Appearance is included in the hearing packet for Case PC 23-09. The Appearance Commission noted that the proposed canopy encroaching into the Dempster Street public right of way should be reconsidered.

Traffic Safety Commission

In accordance with Section 12-16-4 of the Unified Development Code, the applicant appeared before the Traffic Safety Commission (TSC) at their April 6, 2023, meeting. At the conclusion of the discussion, the TSC voted unanimously (8-0) to recommend approval of the project and issued one comments relating to the case to forward to the Plan Commission, which is recommended to be included as a condition of Special Use Permit approval: *The sight distances between the right-out access and Dempster Street eastbound traffic should be subject to the approval of the Village Engineer and Illinois Department of Transportation (IDOT).* At the meeting, the applicant's consultants indicated that by moving the building south 10 inches, they could achieve the sight distance requirements established by IDOT.

Standards for Review

The Standards for Special Uses are established in Section 12-16-4:C.5 of the Unified Development Code:

Standards For Special Uses: The following standards for evaluating special uses shall be applied in a reasonable manner, taking into consideration the restrictions and/or limitations which exist for the site being considered for development:

1. **Preservation of Health, Safety, Morals, And Welfare:** The establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, morals or general welfare.
2. **Adjacent Properties:** The special use should not be injurious to the use and enjoyment of other property in the immediate vicinity for the uses permitted in the zoning district.
3. **Orderly Development:** The establishment of the special use will not impede normal and orderly development or impede the utilization of surrounding property for uses permitted in the zoning district.
4. **Adequate Facilities:** Adequate utilities, access roads, drainage and other necessary facilities are in existence or are being provided.
5. **Traffic Control:** Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion on the public streets. The proposed use of the subject site should not draw substantial amounts of traffic on local residential streets.
6. **Adequate Buffering:** Adequate fencing and/or screening shall be provided to ensure the right of enjoyment of surrounding properties to provide for the public safety or to screen parking areas and other visually incompatible uses.
7. **Conformance To Other Regulations:** The special use shall, in all other respects, conform to applicable provisions of this title or amendments thereto. Variation from provisions of this title as provided for in subsection 12-16-3A, "Variations", of this chapter, may be considered by the plan commission and the

Village board of trustees as a part of the special use permit.

Recommendation

Should the Commission recommend approval of this application, staff suggests the following initial motion and conditions:

Motion to recommend approval of Case PC 23-09, a request for approval of a Special Use Permit for a drive-through restaurant at the property commonly known as 5843 Dempster Street in Morton Grove, Illinois and PIN 10-20-201-049-0000, subject to the following conditions:

1. *The applicant shall submit a snow storage plan to the Village Engineer demonstrating that snow storage can be accommodated on the site without impacting site circulation and operations, or describing how snow will be removed from the site. The snow storage plan shall be subject to the Village Engineer's final approval.*
2. *Employees shall be instructed to park in spaces furthest from the entrance unless use of an accessible space is warranted.*
3. *A minimum of one bicycle rack shall be installed on the site or at an alternative location subject to the Village Engineer's review and approvals.*
4. *The sight distances between the right-out access and Dempster Street eastbound traffic shall be subject to the approval of the Village Engineer and Illinois Department of Transportation (IDOT).*
5. *The applicant shall comply with all conditions of approval set forth by the Appearance Commission, including:*
 - a) *Illuminated signage and other illuminating features on the property may not exceed 5,000K (degrees kelvin).*
 - b) *Prior to filing any Building Permit Application, the applicant shall provide the Village with a final landscape plan for review and approval by the Land Use Planner and the Chairperson of the Appearance Commission. If the landscape plan is deemed to be inconsistent with the approved plan, the Owner/Applicant will be required to file an application for an amendment to the Appearance Certificate.*
 - c) *Prior to filing any Building Permit Application, the applicant shall provide the Village with final elevations and material specifications for review and approval. Final elevations and materials must be deemed consistent with the approved elevations and materials, as determined by the Land Use Planner and Chairperson of the Appearance Commission. If such designs are deemed to be inconsistent with the approved plans or if materials are deemed to be of a lower quality than the approved materials, then the Owner/Applicant will be required to file an application for an amendment to the Appearance Certificate.*
6. *The applicant shall comply with all comment issued by the Village Engineer in the departmental comment form dated April 13, 2023, by strict or alternative compliance, subject to the Village Engineer's final approval.*

(Any other conditions recommended by the Plan Commission)

Attachment C

Final Plans and Supporting Documents for PC 23-09

1. New Dunkin Donuts Site Development Plan (5 sheets), prepared by BCI Bono Consulting Civil Engineers, dated February 28, 2023
2. Proposed Site Plan (Sheet SP-1), prepared by Atul Karkhanis Architects, Ltd, dated March 8, 2023
3. Proposed Floor Plan (Sheet A-1), prepared by Atul Karkhanis Architects, Ltd., dated March 5, 2023
4. Proposed Exterior Elevations, Exterior Finish Schedule, Signage Calcs (Sheet A-2.1), prepared by Atul Karkhanis Architects, Ltd, dated March 8, 2023
5. Proposed Exterior Elevations (Sheet A-2), prepared by Atul Karkhanis Architects, Ltd, dated March 8, 2023
6. DD Building & Site Signage (10 sheets), prepared by Dunkin' Brands Inc. Construction Services, dated January 25, 2022
7. Exterior Lighting Specifications (28 sheets), prepared by Villa Lighting Supply, dated various
8. Landscape Plans (Sheet L1), prepared by G Studio Landscape Architecture, dated March 7, 2023
9. Photometric Plan (2 sheets), prepared by Villa Lighting, dated March 7, 2023
10. Traffic Impact Study, prepared by Bill Grieve, P.E., PTOE, Kimley-Horn, dated February 16, 2023

Attachment C on file with the Department of Community and Economic Development