



VILLAGE BOARD OF TRUSTEES REGULAR MEETING NOTICE/AGENDA

May 23, 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.mortongroveil.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 – May 9, 2023
4. **Special Reports**
 - a. Outstanding Neighbor Recognition: Bill, James and Max Gold
Presented by Community Relations Commissioner Kristey Chalabi
5. **Public Hearings** – None
6. **Plan Commission Reports** – None
7. **Residents' Comments (agenda items only)**
8. **President's Report** – Administration, Comprehensive Plan, Council of Mayors, Northwest Municipal Conference, Strategic Plan Committee
9. **Clerk's Report** – Condominium Association, Strategic Plan Committee
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)*
 - 1. **Resolution 23-24:** Authorizing a Contract with Schroeder and Schroeder, Inc. for the 2023 Concrete Replacement Program
 - 2. **Resolution 23-25:** Authorizing a Contract with LRS Cleansweep for Supplemental Street Sweeping
- 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) (Second 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) (Second 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) (Second 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. Note: The Applicant has requested this ordinance be tabled to June 13, 2023) (Second 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) (Second 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**

12. **Presentation of Warrants - \$589,396.45**

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
MAY 9, 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 25, 2023 Village Board Meeting as presented. Trustee Khan seconded the motion. **Motion passed unanimously via voice vote.**

V. **SPECIAL REPORTS**

NONE

VI. **PUBLIC HEARINGS**

NONE

VII. **PLAN COMMISSION REPORTS**

Mayor DiMaria introduced Community Development Administrator Zoe Heidorn to present four (4) zoning cases. *Note: At the request of the Applicant, Lexington Homes, Case PC23-08 shown on this evening's Agenda has been postponed until the Board Meeting on May 23, 2023.*

1. Plan Commission Case 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.
 - a. Ms. Heidorn said the Special Use Permit being request will authorize modifications to an existing car wash, currently operating as Platinum Car Wash. The Applicant plans to make various building and site improvements. On April 4, the Appearance Commission recommended approval of the application with conditions, and on April 6, the Traffic Safety Commission also recommended approval of the application.

VII. **PLAN COMMISSION REPORTS** (continued)

2. Plan Commission Case 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 to Authorize that Use as a Special Use in the Residential Zoning Districts.
3. Plan Commission Case 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 Residential District for the property commonly known as 9233 Shermer Road.
- 2a. Ms. Heidorn said the text amendment being requested in PC 23-06 defines “non-profit educational institutions.” Because the definition is broad, and to ensure future educational institutions are compatible with surrounding residential use as well as 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.
- 3a. Regarding PC 23-07, Ms. Heidorn said the Special Use Permit would authorize a non-profit educational institution/daycare center/house of worship at 9233 Shermer Road. The existing Kids Academy and Daycare Center and church are jointly operated by St. Luke’s United Church of Christ and the Korean Ark Covenant Church are currently operating without a special use permit. The intensity, in particular, of the daycare center has increased incrementally since it began in 1994, while the intensity of the house of worship use has decreased quite a bit. No significant changes to those uses are proposed. This new non-profit educational institution will provide on-site and off-site early childhood education and programs.
4. Plan Commission Case 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.
- a. Ms. Heidorn said the Special Use Permit would authorize the construction of a 1,500-sq.ft. restaurant with a drive-through to be operated as a Dunkin’ restaurant. The proposed site plan complies with all dimensional requirements of the Unified Development Code. On April 4, the Appearance Commission recommended approval of the application with conditions, and on April 6, the Traffic Safety Commission also recommended approval of the application.
- b. Ms. Heidorn noted that all four of these cases were unanimously recommended for approval by the Plan Commission at a Special Meeting on Monday, April 24, with various conditions contained in the draft ordinances to be presented this evening by Trustee Witko.

Ms. Heidorn said she’d be happy to answer any of the Board’s questions. There were none.

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

NONE

IX.

PRESIDENT'S REPORT

1. Mayor DiMaria sought concurrence from the Board for his appointment of Michael Lukich as the Director of Public Works for the Village of Morton Grove. Trustee Minx so moved, seconded by Trustee Thill. Trustee Thill commented on how impressed he was by Mr. Lukich's resume.

Motion passed: 6 ayes, 0 nays.

Tr. Khan aye
Tr. Thill aye

Tr. Minx aye
Tr. Travis aye

Tr. Shiba aye
Tr. Witko aye

- a. Mayor DiMaria asked Mr. Lukich to say a few words. Mr. Lukich thanked the Board for their vote of confidence and for the opportunity to be a part of a team that provides such a high level of service to the residents. He said he looked forward to getting to work.
 - b. Mayor DiMaria also thanked Kevin Lochner for filling in as interim Public Works Director while the search for a permanent director was being conducted. He asked Kevin to take Mike under his wing and show him how Morton Grove does things.
2. Next, Mayor DiMaria proclaimed the week of May 20–26, 2023 as “National Safe Boating Week.” He noted that, on average, 650 people die each year in boating-related accidents in the U.S., with 75% of those being fatalities caused by drowning. The vast majority of these accidents are caused by human error or poor judgment, not by boat, equipment, or environmental factors. A significant number of boaters who lose their lives by drowning each year would be alive today, had they worn their life jackets. The mayor urged everyone to practice safe boating habits and to wear a life jacket at all times while boating.
- a. Mayor DiMaria introduced Bill Luksha and thanked him for first bringing this to his attention. He invited Mr. Luksha to speak further about this.
 - b. Mr. Luksha is a 22-year resident of Morton Grove, he's been a Boy Scout leader for 15 year and his wife recently taught at Golf School. He said Lake Michigan is the most dangerous of the Great Lakes, but for that matter, any body of water of water can be dangerous. Mr. Luksha said he's on Boat Crew out of Wilmette Harbor, and they always wear their life jackets. Recently the Wilmette Fire Department has gotten involved with doing patrols and being ready. Anecdotally, Mr. Luksha said that, 40 years ago, he fell off his sailboat. The sailboat sailed away. Luckily he was wearing his life jacket—luckily, because it was Memorial Day and the water was still very cold— and a fellow sailor picked him up. Twenty years ago, he was out with friends on his 35-foot sailboat. They had gone out of Belmont Harbor and were a few miles out on the lake when they came upon a young man floundering in a smaller sailboat. They rescued him but he had been out there for an hour and had hypothermia. Fortunately they had a doctor on board who gave the 27-year old man oxygen for 30 minutes as they got back to Belmont and called an ambulance.

Mr. Luksha concluded by urging fellow boaters to be safe and always wear a life jacket.

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

3. Mayor DiMaria congratulated the Lady Crescents 7th and 8th grade girls' volleyball teams at the MCC Academy as they celebrate history-making regional final wins. This is the first time in the State of Illinois, and in the U.S., for a Muslim school to have two different grade levels go to the sectionals and state. The school recently joined the Illinois Elementary School Association and the Illinois High School Association to compete in sports. Unfortunately, the two teams lost at sectionals, but they realize that going this far is already a huge win. Again, congratulations to the MCC Academy and especially to the coaches, staff, and athletes.
4. Mayor DiMaria thanked MG Park District Commissioners Paul Minx and Keith White for being here this evening, and former Trustees Bill Grear and Steve Blonz for attending as well.
5. Mayor DiMaria reminded the assemblage and those viewing at home of the following events:
 - **Electronic Recycling & Document Destruction Event:** Saturday, May 13, from 9:00am to noon at Public Works, 7840 Nagle.
 - **Neighborhood Outreach:** Thursday, May 18, 6:00pm at Edison School
 - **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. Visit the Village website to sign up to participate.

X. **CLERK'S REPORT**

1. Clerk Harford presented **Resolution 23-23, Accepting the Canvass Results and Proclamation for the April 4, 2023 Consolidated Election.**
 - a. Clerk Harford stated that this resolution will formally accept, confirm, announce, and record the results of the April 4, 2023 Consolidated Election.
 - b. Three candidates ran for three offices of Village Trustee for four-year terms. One candidate ran for one office of Village Trustee for a two-year term. Two candidates ran for two offices of Library Trustee for six-year terms. One candidate ran for one office of Library Trustee for a four-year term, and one candidate ran for one office of Library Trustee for a two-year term.
 - c. Clerk Harford noted that total ballots cast in this election were 1,707. The following canvassing results have been certified by the Board of Election Commissioners:

| d. Village Trustee: Three (3) four-year terms | | Village Trustee: One (1) two-year term | |
|--|-------|---|-------|
| Rita Minx | 1,088 | Ashur E. Shiba | 1,180 |
| John C. Thill | 1,050 | | |
| Janine Witko | 1,096 | | |

X. **CLERK'S REPORT** (continued)e. **Library Trustee: Two (2) six-year terms**

Joanne Pelletier 1,070
Emily Macejak 1,124

Library Trustee: One (1) four-year term

Mark Anthony Flores 1,166

f. **Library Trustee: One (1) Two-Year Term**

Mohammed Azam Hussain 1,084

g. This Resolution confirms and accepts the certification by the Board of Election Commissioners and proclaims the newly election officials as follows:

- h. **Rita Minx, John C. Thill, and Janine Witko** as Village Trustees of Morton Grove, each for 4 years
Ashur Shiba as Village Trustee of Morton Grove for a 2-year term
Joanne Pelletier and Emily Macejak as Library Trustees of Morton Grove, each for a 6-year term
Mark Anthony Flores as a Library Trustee of Morton Grove for a 4-year term
Mohammed Azam Hussain as a Library Trustee of Morton Grove for a 2-year term

Clerk Harford asked for a motion to approve this resolution. Trustee Travis moved to approve Resolution 23-23, 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

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' REPORTS**A. Trustee Khan:

Trustee Khan had no formal report this evening.

XII. **TRUSTEES' REPORTS** (continued)

B. **Trustee Minx:**

Trustee Minx had no formal report this evening.

C. **Trustee Shiba:**

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

- **Morton Grove 2023 Tree Walk:** Saturday, June 10 at 10:00am, starting at Village Hall
- **2023 Crayon & Marker Recycling Program:** Collection points will be at Village Hall and the Library from April 1 to June 30, 2023. Remember to dispose of crayons and markers appropriately as the school year ends.

D. **Trustee Thill:**

Trustee Thill had no formal report this evening.

E. **Trustee Travis:**

1. Trustee Travis noted that details regarding these upcoming community events are on the Village website:
 - a.
 - **Summer Adopt-a-Planter Program:** program registration is open and 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:**

Trustee Witko presented several ordinances this evening, each pursuant to Community Development Administrator Zoe Heidorn's presentation earlier this evening. As each of these ordinances is a first reading, no action on any of them will be taken tonight.

1. **Ordinance 23-09, Approving a Special Use Permit For a Car Wash at 9120 Waukegan Road, Morton Grove, Illinois.**

This is pursuant to Plan Commission Case PC 23-05.

XII. **TRUSTEES' REPORTS** (continued)

F. **Trustee Witko:** (continued)

2. **Ordinance 23-10, Approving a Text Amendment to Modify Regulations Relating to Non-Profit Educational Institutions in Morton Grove, Illinois.**

This is pursuant to Plan Commission Case PC 23-06.

3. **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.**

This is pursuant to Plan Commission Case PC 23-07.

4. **Ordinance 23-13, Approving a Special Use Permit for a Restaurant With a Drive-Through Facility at 5843 Dempster Street in Morton Grove, Illinois.**

This is pursuant to Plan Commission Case PC 23-09.

XIII. **OTHER BUSINESS**

1. Mayor DiMaria performed the swearing-in ceremony for Trustees Ashur Shiba, Rita Minx, John Thill, and Janine Witko. Mayor DiMaria thanked everyone who participated in the elections, both the winners and the losers, noting that it takes a lot for a person to step up to serve his/her community, especially in the crazy times in which we live. He said he admired all those who threw their hat in the ring—it's not a "real fun" spot to be sometimes, especially in these days. He assured the assemblage that this Board, the people elected by the residents of Morton Grove, whether unopposed or not, will keep this community moving in the right direction. Mayor DiMaria said he's humbled and blessed to work with this group, adding, "It's great to have a team, and we have a great team assembled here."

He then invited each of the newly elected/re-elected trustees to speak.

2. **Trustee Minx** thanked her family for supporting her decision to run again for Village Trustee, her fellow Board members for all the good work and collaboration they've put into the collective decision-making process, Village staff for answering questions and providing the Board with the details and knowledge needed to make strong, sound decisions to move the Village forward, and finally, she thanked the residents for turning out for this municipal election and for supporting the party striving to make Morton Grove the best town on the North Shore.
3. **Trustee Thill** said, when he and his wife were younger, they lived in Rogers Park, and the man he worked for lived in Morton Grove, so for five years, all he heard was "Morton Grove this" and "Morton Grove that." When it came time for them to move, he said, "Let's move anywhere but Morton Grove!"

XIII.

OTHER BUSINESS (continued)

- a. Trustee Thill said he has been lucky to live in Morton Grove because it's a great community. It's a great community because so many people step up and volunteer for the Village's various boards and commissions. Village staff is outstanding, as is the Police Department, Fire Department, Public Works Department, and its leadership. Trustee Thill thanked his colleagues on the board as well, stating "None of us, as individuals, would be here without the others; none of us would be making decisions without the others."
4. **Trustee Shiba** thanked his wife, who, unfortunately, was home with their children and couldn't be here tonight. He said he was honored to be a part of this team. He's been welcomed with open arms and humbled by the support he's been given. He thanked Village staff as well and said this Village is wonderful; he's happy to live in Morton Grove and be accepted here. Trustee Shiba noted that he had grown up in Chicago and had lived in Skokie for a while, and now he can call Morton Grove. He said he was very lucky to be part of this community.
5. **Trustee Witko** said she couldn't say it better than any of her colleagues, adding that she is extremely proud to represent the Village and its residents. She said she is grateful for Village staff for every day making the trustees' jobs easier. She said she is thankful to the Board and to Mayor DiMaria for always putting personal wants, needs, and egos aside and putting the Village first, at every step, and taking the Village where it needs to go.

XIV.

WARRANTS

Trustee Khan presented the Warrant Register for May 9, 2023 in the amount of \$187,814.10. She moved to approve the Warrant Register as presented, seconded by Trustee Witko.

Motion passed: 6 ayes, 0 nays.

Tr. Khan aye
Tr. Thill aye

Tr. Minx aye
Tr. Travis aye

Tr. Shiba aye
Tr. Witko aye

XV.

RESIDENTS' COMMENTS

1. **Rudy Vilk.** As Mr. Vilk approached the podium, Mayor DiMaria cautioned him that if he starts talking about matters that have already been discussed, his time will be cut short. Mr. Vilk still claims he's never received answers to his questions. He is very unhappy with Corporation Counsel Liston and Village Administrator Czerwinski, and with Mayor DiMaria.
2. **Robert Erickson and Ted Begley**, representing the Boy Scouts' Pathway to Adventure. Mr. Erickson said the Boy Scouts are holding a Scouting Showcase on May 25 from 6:30 to 8:30pm at Rivers Casino. Only adults age 21 or older will be admitted. Tickets are \$100 per person and for the first 100 people, they will include 2 drinks. The Showcase will demonstrate to people what scouting is currently about—they're coeducational now!

XV.

RESIDENTS' COMMENTS (continued)

- a. Mr. Erickson said the Scouts are reaching out to business and community leaders, adding he'd love to see the Village Board members attend for this good cause. There will even be a Pinewood Derby for adults! More information can be found at www.tinyurl.com/scoutingshowcase2023. Mr. Erickson had some fliers with him and noted that there's a QR code on the flier that will take you to the site. He thanked the Board for their time this evening.
- b. Mayor DiMaria said it's nice to go back to your roots and get the kids out from under their video games!

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 7:33 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

Legislative Summary

Resolution 23-24

AUTHORIZING A CONTRACT WITH SCHROEDER AND SCHROEDER, INC. FOR THE 2023 CONCRETE REPLACEMENT PROGRAM

| | |
|---|--|
| Introduced: | May 23, 2023 |
| Purpose: | To authorize the Village Administrator to execute a contract with Schroeder and Schroeder, Inc. for 2023 Concrete Replacement and to execute change orders to utilize the full amount of the budgeted funds. |
| Background: | Concrete curbs, pavements, and sidewalks are repaired through an annual concrete replacement program. The work is performed mostly by a contractor hired by the Village. This contract was bid through a public process in accordance with the Village Code. The bid tabulation is attached as Exhibit "A." Schroeder and Schroeder, Inc. submitted the only bid with a bid amount of \$281,800. The bid amount exceeds the budgeted amount of \$170,000.00. Since this is a unit price contract, the scope of the work will be scaled back so that the total contract price does not exceed the budgeted amount. This contract must conform to the requirements of the Prevailing Wage Act. |
| Programs, Departments or Groups Affected | Public Works Department |
| Fiscal Impact: | Not to exceed \$170,000. Since this is a unit price contract, the final contract amount will be based on the actual quantity of work performed. |
| Source of Funds: | 2023 General Fund Account Number 02-50-17-55-2290 and Enterprise Funds Account Number 40-50-33-55-2290 |
| Workload Impact: | The Public Works Department will manage and implement the project as part of its normal work activities. |
| Administrator Recommendation: | Approval as presented. |
| Second Reading: | Not Required |
| Special Considerations or Requirements: | None |

Submitted by: Ralph E. Czerwinski, Village Administrator
Reviewed by: Teresa Hoffman Liston, Corporation Counsel
Prepared by: Chris Tomich, Village Engineer

RESOLUTION 23-24

AUTHORIZING A CONTRACT WITH SCHROEDER AND SCHROEDER, INC. FOR THE 2023 CONCRETE REPLACEMENT PROGRAM

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, can exercise any power and perform any function pertaining to its government affairs, including but not limited to the power to tax, purchase, and incur debt; and

WHEREAS the Public Works Department repairs concrete curb, pavements, and sidewalks through an annual concrete replacement program; and

WHEREAS the Public Works Department advertised on the Village's website beginning April 24, 2023, inviting bids on the "2023 Concrete Replacement Program"; and

WHEREAS nine entities, contractors or suppliers obtained the bidding materials; and

WHEREAS one bid was received, publicly opened and read at the Public Works Facility at 10:00 a.m. on May 9, 2023, with the bid tabulation included in Exhibit "A"; and

WHEREAS, Schroeder and Schroeder, Inc. submitted the only bid with a bid amount of \$281,800; and

WHEREAS, the bid of Schroeder and Schroeder, Inc. is \$104,750.00 more than the Engineer's Estimate of Cost; and

WHEREAS this contract must conform to the requirements of the Prevailing Wage Act; and

WHEREAS funding for the above work in the amount of \$170,000 is available in the Village of Morton Grove 2023 Adopted Budget Account Numbers 02-50-17-55-2290 and 40-50-33-55-2290; and

WHEREAS the contract documents reserve the right of the Village to delete parts of work included in the bid before award; and

WHEREAS the amount of work to be performed to an amount not to exceed \$170,000.

NOW, THEREFORE, BE IT RESOLVED 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 Corporate Authorities accept the bid of Schroeder and Schroeder, Inc. of Skokie, Illinois in the amount of \$281,800.00.

SECTION 3: The Village Administrator is hereby authorized to execute a contract with Schroeder and Schroeder, Inc. for the 2023 Concrete Replacement Program of \$170,000.00.

SECTION 4: The Village Administrator and Director of Public Works or their designees are authorized to take all steps necessary to implement the contract with Schroeder and Schroeder, Inc.

SECTION 5: This Resolution shall be in full force and effect upon its passage and approval.

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 P. 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"

Village of Morton Grove, Cook County, Illinois
2023 Concrete Replacement Program

Bid Tabulation

Bid Opening: May 9, 2023 10:00am

| | | | | Engineer's Estimate | | SCHROEDER & SCHROEDER, INC 7306 N CENTRAL PARK SKOKIE, IL 60176 | | BIDDER #2 ADDRESS CITY,STATE,ZIP | |
|---------------------------------|---|-------|----------|---------------------|-------------|---|--------------|--|-----------|
| PAY ITEM | PAY ITEM DESCRIPTION | UNIT | QUANTITY | UNIT COST | ITEM COST | UNIT COST | ITEM COST | UNIT COST | ITEM COST |
| 1 | CONCRETE DRIVEWAY APRON REMOVAL & REPLACE | SQ YD | 400 | \$76.00 | \$30,400.00 | \$125.00 | \$50,000.00 | | \$0.00 |
| 2 | PORTLAND CEMENT CONCRETE SIDEWALK 5-INCH | SQ FT | 500 | \$10.00 | \$5,000.00 | \$17.50 | \$8,750.00 | | \$0.00 |
| 3 | DETECTABLE WARNING TILES | SQ FT | 200 | \$20.00 | \$4,000.00 | \$52.00 | \$10,400.00 | | \$0.00 |
| 4 | CONCRETE SIDEWALK REMOVAL & REPLACEMENT | SQ FT | 9000 | \$9.00 | \$81,000.00 | \$14.50 | \$130,500.00 | | \$0.00 |
| 5 | COMBINATION CONCRETE CURB & GUTTER REMOVA | FOOT | 650 | \$32.00 | \$20,800.00 | \$47.00 | \$30,550.00 | | \$0.00 |
| 6 | SIDEWALK REMOVAL WITH RESTORATION | SQ FT | 400 | \$5.00 | \$2,000.00 | \$6.50 | \$2,600.00 | | \$0.00 |
| 7 | HMA DRIVEWAY PAVEMENT REMOVAL AND REPLAC | SQ YD | 50 | \$46.00 | \$2,300.00 | \$85.00 | \$4,250.00 | | \$0.00 |
| 8 | CLASS B PATCHES, 8" | SQ YD | 250 | \$81.00 | \$20,250.00 | \$125.00 | \$31,250.00 | | \$0.00 |
| 9 | CLASS D PATCHES, 4" | SQ YD | 150 | \$76.00 | \$11,400.00 | \$90.00 | \$13,500.00 | | \$0.00 |
| CORRECTED TOTAL PROPOSAL AMOUNT | | | | \$177,150.00 | | \$281,800.00 | | \$0.00 | |
| AS-READ PROPOSAL AMOUNT | | | | | | \$281,800.00 | | | |

Apparent Low Bidder: SCHROEDER & SCHROEDER, INC
Apparent Low Bid Amount: \$281,800.00
Engineer's Estimate of Cost: \$177,150.00
Difference: \$104,650.00

EXHIBIT "A"

[illegible]

EXHIBIT "A"

| | | | | |
|------------------------------------|--|-----------|---|-----------|
| BIDDER #8 ADDRESS ,STATE,ZIP | BIDDER #9 ADDRESS CITY,STATE,ZIP | | BIDDER #10 ADDRESS CITY,STATE,ZIP | |
| ITEM COST | UNIT COST | ITEM COST | UNIT COST | ITEM COST |
| \$0.00 | | \$0.00 | | \$0.00 |
| \$0.00 | | \$0.00 | | \$0.00 |
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Legislative Summary

Resolution 23-25

AUTHORIZING A CONTRACT WITH LRS CLEANSWEEP FOR SUPPLEMENTAL STREET SWEEPING

| | |
|--|---|
| Introduced: | May 23, 2023 |
| Purpose: | To authorize the Village Administrator to execute a contract with LRS Cleansweep for Supplemental Street Sweeping |
| Background: | The Village provides street sweeping services for its residents. While most street sweeping services are provided by the Public Works staff, the Village has found it necessary and cost efficient to use outside contractors for street sweeping work during the spring and fall seasons. The Village of Morton Grove issued a request for bids for these services on April 17, 2023. The bidding process conformed to the competitive purchasing requirements of Municipal Code Title 1 Chapter 9. Five (5) contractors requested the bidding documents from the Village website. LRS Cleansweep of Rosemont Illinois was the only contractor to submit a bid. The bid tabulation is attached as (Exhibit "A"). LRS Cleansweep has performed this work satisfactorily for the Village in the past and is qualified for this project. This Resolution authorizes a contract with LRS Cleansweep in an amount not to exceed \$50,000.00. The Village Administrator is authorized to extend this contract for additional terms in 2024 and 2025. |
| Departments Affected | Public Works |
| Fiscal Impact: | Not to exceed \$50,000.00 |
| Source of Funds: | Account Number 43-50-19-55-7110 |
| Workload Impact: | The Public Works Department, as part of their normal work activities, will perform the management and implementation of the contract. |
| Administrator Recommendation: | Approval as presented. |
| Second Reading: | Not Required |
| Special Considerations or Requirements: | None |

Submitted by: Ralph E. Czerwinski, Village Administrator
Reviewed by: Teresa Hoffman Liston, Corporation Counsel
Prepared by: Bill Burns, Superintendent

RESOLUTION 23-25

AUTHORIZING A CONTRACT WITH LRS CLEANSWEEP FOR SUPPLEMENTAL STREET SWEEPING

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, can exercise any power and perform any function pertaining to its government affairs, including but not limited to the power to tax, purchase, and incur debt; and

WHEREAS The Village provides street sweeping services to its residents; and

WHEREAS while most street sweeping services are provided by the Public Works staff, the Village has found it necessary and cost efficient to use outside contractors for street sweeping work during the spring and fall seasons; and

WHEREAS, On April 17, 2023, the Public Works Department advertised a bid packet on the Village's website for Supplemental Street Sweeping; and

WHEREAS the bidding process conformed to the competitive purchasing requirements of Municipal Code Title 1 Chapter 9; and

WHEREAS five (5) contractors obtained the bidding materials; and

WHEREAS one bid was received and publicly opened and read at the Morton Grove Village Hall at 10:00 AM on May 2, 2023, with bid results shown in Exhibit "A"; and

WHEREAS the base bid of LRS Cleansweep located at 5500 Pearl Street, Rosemont, IL 60018 is a responsible bidder and has satisfactorily performed this work for the Village in 2021 and 2022; and

WHEREAS funding for the above work is available in the Village of Morton Grove 2023 Adopted Budget in Account 43-50-19-55-7110 in the amount not to exceed \$50,000.00

NOW, THEREFORE, BE IT RESOLVED 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 Corporate Authorities accept the bid of LRS Cleansweep of 5500 Pearl Street, Rosemont, IL 60018.

SECTION 3: The Village Administrator is hereby authorized to execute a contract with LRS Cleansweep for Supplemental Street Sweeping in the amount not to exceed \$50,000.00.

SECTION 4: The Village Administrator is further authorized to extend this contract for 2024 and 2025 if, in the opinion of the Village Administrator, existing circumstances warrant an extension.

SECTION 5: The Village Administrator and Director of Public Works or their designees are authorized to take all steps necessary to implement the contract with LRS Cleansweep.

SECTION 5: This Resolution shall be in full force and effect upon its passage and approval.

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 P. 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"

Village of Morton Grove, Cook County, Illinois
Supplemental Street Sweeping
Bid Tabulation
Bid Opening: May 2, 2023 at 10:00 AM

| | | | | Engineer's Estimate | | LRS Cleansweep 5500 Pearl Street Rosemont, IL 60018 | |
|---------------------------------|--|------|-----------|---------------------|-----------|---|-----------|
| PAY ITEM | PAY ITEM DESCRIPTION | UNIT | QUANTITY | UNIT COST | ITEM COST | UNIT COST | ITEM COST |
| Base Bid A | Spring Supplemental Street Sweeping May 22, 2023 to June 16, 2023; Mondyay through Thursday | Hour | As Needed | \$180.00 | \$180.00 | \$175.00 | \$175.00 |
| Base Bid B | Fall Supplemental Street Sweeping: October 16, 2023 to December 8, 2023; Monday through Thursday | Hour | As Needed | \$180.00 | \$180.00 | \$205.00 | \$205.00 |
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| CORRECTED TOTAL PROPOSAL AMOUNT | | | | \$360.00 | | \$380.00 | |
| AS-READ PROPOSAL AMOUNT | | | | | | | |

Apparent Low Bidder: LRS Cleansweep
Apparent Low Bid Amount: \$380.00
Engineer's Estimate of Cost: \$360.00
Difference: \$20.00

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

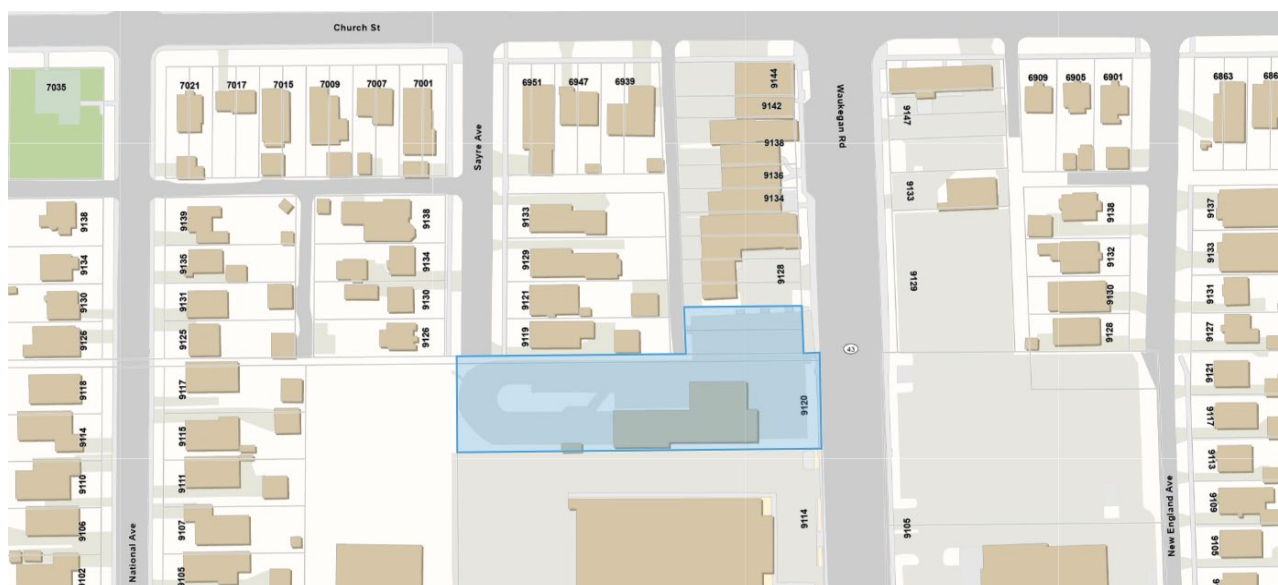
Public Notice

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.

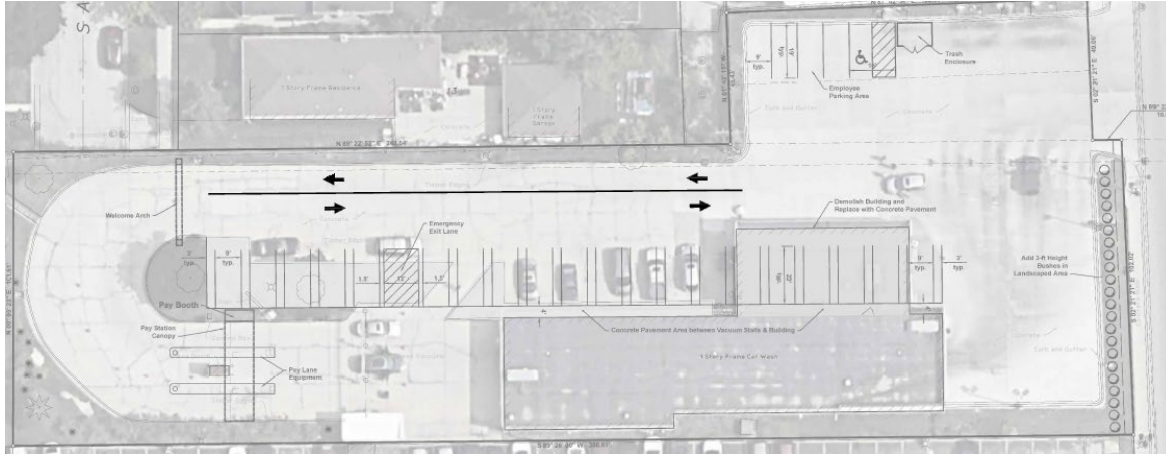
Parking & Traffic Impact

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
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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.

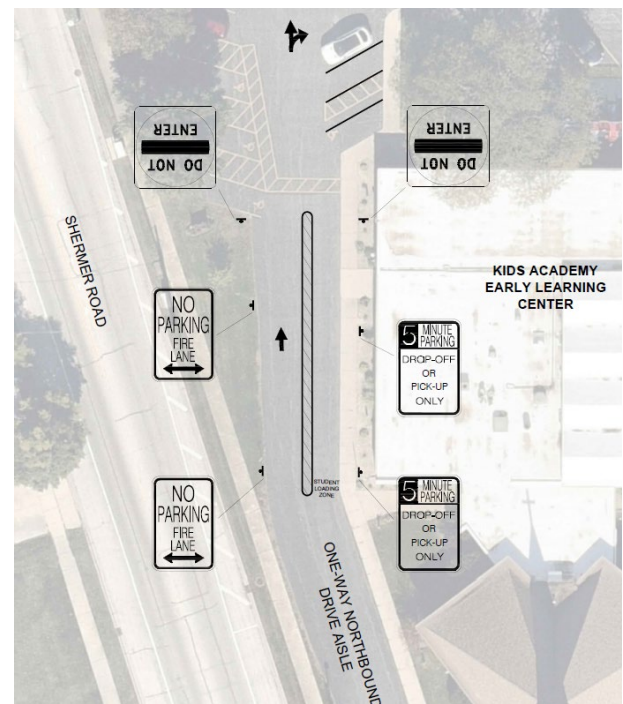
Adding in the proposed growth of the daycare center to a maximum of 100 children and the addition of the educational institution, the parking demand is expected to be slightly higher than Kimley-Horn describes in their report. The applicant submitted a table depicting the peak number of persons expected 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 23-13

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 Amy 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> |

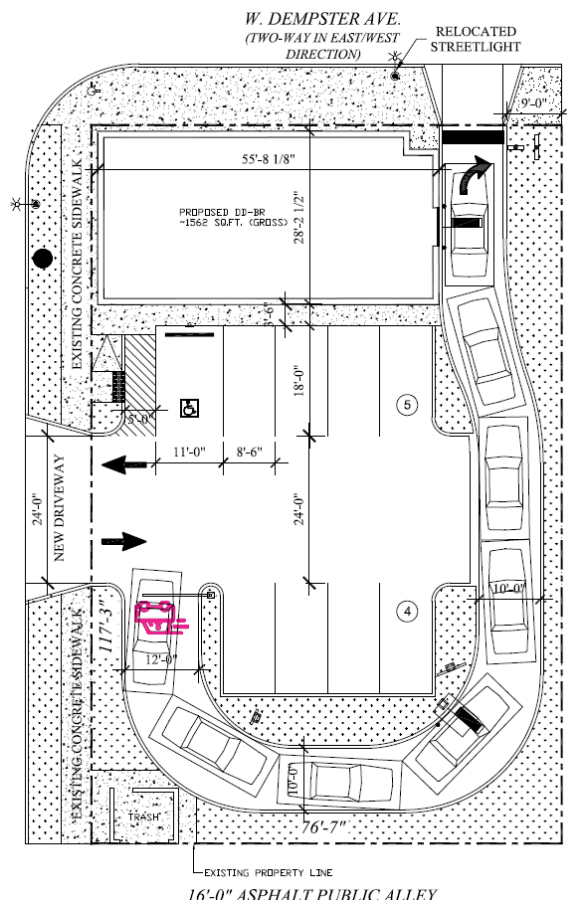
The submitted study includes a diagram (Exhibit D) demonstrating that eight vehicles can queue in the drive-through lane without interfering with circulation in the parking area. The diagram is provided to the right. The study also concludes that the traffic projected to be generated by the proposed 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