



VILLAGE BOARD OF TRUSTEES REGULAR MEETING NOTICE/AGENDA

August 8, 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 – July 25, 2023
4. **Special Reports**
 - a. Legislative Update Report from Illinois State Senator Ram Villivalam
5. **Public Hearings** – None
6. **Plan Commission Reports** *(Presented by Zoe Heidorn, Community Development Administrator)*
 - a. **PC 23-12** – Request by Parkland Preparatory Academy South for approval of a Special Use Permit for a School, Nonboarding, and House of Worship on a lot less than 3.5 acres in an R-2 Single Family Residence District for the property commonly known as 7800 Lyons Street in Morton Grove, Illinois
 - b. **PC 23-13** – Request by Moody Nolan on behalf of Fifth Third Bank for approval of a Special Use Permit for a Drive-Through Facility associated with a Financial Institution in a C-1 General Commercial District with select waivers to Section 12-2-6:G, 12-5-5:B.1, 12-11-1:B.4, and 12-11-3:B.1 for the property commonly known as 6210 Dempster Street in Morton Grove, Illinois
 - c. **PC 23-14** – Request by Jianxin He, Foot Smile Spa, for approval of a Special Use Permit for a Massage Establishment - Full Body in a C-1 General Commercial District for the property commonly known as 9231-35 Waukegan Road in Morton Grove, Illinois

- d. **PC 23-15** - Request by Soar High Holdings LLC for approval of a Special Use Permit for an Assisted Living Facility in a C/R Commercial/Residential District for the property commonly known as 5520 Lincoln Avenue in Morton Grove, Illinois
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**
11. **Reports by Trustees**
 - a. **Trustee Khan** – *Finance Department, Appearance Commission, Capital Projects, French Market, Lehigh/Ferris TIF (Trustee Travis)*
 - b. **Trustee Minx** – *Fire Department, Fire Pension Board, Fire & Police Commission, Special Events Commission, RED Center, NIPSTA (Trustee Thill)*
 - c. **Trustee Shiba** – *Building Department, Environment & Natural Resources Commission, Legal Department, IT Department (Trustee Witko)*
 - d. **Trustee Thill** – *Public Works Department, SWANCC (Solid Waste Agency of Northern Cook County), MG-Niles Water Commission, Traffic Safety Commission (Trustee Minx)*
 - e. **Trustee Travis** – *Police Department, Police Pension Board, Fire & Police Commission, Community Relations Commission, (Trustee Khan)*
 - f. **Trustee Witko** – *Community & Economic Development Department, Economic Development Commission, Plan Commission/ Zoning Board (Trustee Shiba)*
 1. **Ordinance 23-17** (*Introduced August 8, 2023*) (*First reading*): Approving a Special Use Permit for a Nonboarding School and House of Worship on a Lot Less than 3.5 Acres in an R-2 District for the Property Commonly Known as 7800 Lyons Street in Morton Grove, Illinois
 2. **Ordinance 23-18** (*Introduced August 8, 2023*) (*First reading*): Approving a Special Use Permit for a Drive-Through Facility Associated with a Financial Institution in a C-1 General Commercial District with Select Waivers for the Property Commonly Known as 6210 Dempster Street in Morton Grove, Illinois.

3. **Ordinance 23-19** (*Introduced August 8, 2023*) (*First reading*): Approving a Special Use Permit for a Full Body Massage Establishment in a C-1 General Commercial District for the property commonly known as 9231-35 Waukegan Road in Morton Grove, Illinois.
4. **Ordinance 23-20** (*Introduced August 8, 2023*) (*First reading*): Approving a Special Use Permit for an Assisted Living Facility in a C/R District for the property commonly known as 5520 Lincoln Avenue in Morton Grove, Illinois.

12. Other Business

13. Presentation of Warrants: \$170,952.72

14. Residents' Comments

15. 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
JULY 25, 2023**

CALL TO ORDER

- I. Village President Dan DiMaria convened the Regular Meeting of the Village Board at 7:00 p.m. in the Council Chambers of Village Hall.
- II. Village Clerk Eileen Harford called the roll. Present were Trustees Saba Khan, Rita Minx, Ashur Shiba, John Thill, Connie Travis, and Janine Witko.

III. **APPROVAL OF MINUTES**

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

IV. **SPECIAL REPORTS**

NONE

V. **PUBLIC HEARINGS**

NONE

VI. **PLAN COMMISSION REPORTS**

NONE

VII. **RESIDENTS' COMMENTS (Agenda Items Only)**

NONE

VIII.

PRESIDENT'S REPORT

1. Mayor DiMaria presented **Resolution 23-29, Approving and Adopting the 2023 Village of Morton Grove Strategic Plan Update.**
 - a. Mayor DiMaria commented that the Village developed its very first Strategic Plan in 2015. At the time, the Board felt it was very important, and in fact, the Plan helped the Board focus in issues such as pension funding and community events that would bring people together. Now the 2023 Strategic Plan Update has been concluded. It was a labor of love by the Village Board, staff, community leaders, local businesses, and those residents who volunteered to be part of the Strategic Plan Advisory Commission.
 - b. Mayor DiMaria said he was looking for a motion to accept the Strategic Plan, but then he also wanted it tabled until the August 22nd Board Meeting. The Plan is currently on the front page of the Village website with instructions on how to offer comments. Mayor DiMaria said tabling this Resolution would allow sufficient time for residents to read the Plan and react to it.

Trustee Travis moved to accept Resolution 23-29, seconded by Trustee Witko.

Trustee Witko then moved to table Resolution 23-29 until the August 22nd Board Meeting, seconded by Trustee Travis.

Motion passed: 6 ayes, 0 nays.

Tr. Khan aye
Tr. Thill aye

Tr. Minx aye
Tr. Travis aye

Tr. Shiba aye
Tr. Witko aye

- c. Trustee Thill asked if many comments had been posted thus far, and if they were in favor of the Strategic Plan or not. Mr. Czerwinski responded that the Plan hasn't been posted for very long, and as of yet there are not many comments. He noted that Trustee Thill and Trustee Khan had posted comments and both were appreciated. He said the Strategic Plan has also been sent to the ad hoc committee for comments.
2. Mayor DiMaria reminded everyone that National Night Out is coming up on Tuesday, August 1, from 5:30pm to 8:30pm in the parking lot of the American Legion Memorial Civic Center. This free event, hosted by the Morton Grove Police Department, is meant to enhance the relationship between residents and law enforcement, while fostering a greater sense of community. The event will feature family-friendly activities, and entertainment and refreshments will be available.

IX.

CLERK'S REPORT

Clerk Harford had no formal report this evening.

X.

STAFF REPORTSA. Village Administrator:

1. Village Administrator Czerwinski presented **Resolution 29-30, Authorizing and Approving a Change Order to the Professional Service Agreement Between RM Swanson Architects and the Village of Morton Grove for Architectural Services for the Morton Grove Metra Station.**
 - a. Mr. Czerwinski said the Board had approved a Professional Service Agreement with RM Swanson Architects for architectural and related services for the reconstruction of the Metra Commuter Station located at 8501 Lehigh Avenue. The Village plans to reconstruct the Metra station to include ADA improvements and enhancements to the surrounding platform, landscaping, parking lot, bicycle parking, and pedestrian safety upgrades.
 - b. The new station will feature quality architecture, incorporate sustainable practices where feasible and serve as an attractive gateway to the Village. The original Agreement authorized the expenditure of \$82,800 for professional services and up to an additional 5%, or \$4,140, for reimbursable expenses, totaling \$86,940. The Village Administrator has determined that additional architectural services not contemplated by the original Agreement are necessary and/or are required by Metra, including photometric design for the parking lot and for Lehigh Avenue, reconfiguration for the drainage and grading of the parking lot, additional configuration and design work associated with the rail platform, parking lot, and new station for ADA compliance and to save construction cost, assistance preparing Metra documentation, and other related work and services. This Resolution will authorize the Village Administrator to negotiate and execute change orders for these additional services for a price not to exceed \$50,000.

Mr. Czerwinski concluded by telling the Board that staff appreciated their support.

Trustee Minx moved to approve Resolution 29-30, 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

B. Corporation Counsel:

Corporation Counsel Liston had no formal report this evening.

XI.

TRUSTEES' REPORTS

A. Trustee Khan:

Trustee Khan had no formal report this evening.

B. Trustee Minx:

Trustee Minx had no formal report this evening.

C. Trustee Shiba:

Trustee Shiba invited everyone to mark their calendar for the upcoming Morton Grove Sustainability Expo on Saturday, September 9, from 10am to 1pm at the Morton Grove Civic Center, 6140 Dempster Street. Enjoy family-friendly activities, kids' crafts, and connect with eco-friendly vendors! New this year will be a "Recycling Fest" at the Expo. This will be a convenient on-stop drop-off recycling event to bring various recyclable items. Visit the Expo web page on the Village's website for more information on acceptable items that you can bring that day.

D. Trustee Thill:

Trustee Thill had five (5) Resolutions to present this evening:

1. **Resolution 23-31, Authorizing a Contract with A Lamp Concrete Contractors, Inc. for the 2023 Arterial Street Improvement Program (MFT Section 22-00112-00-RS).**
 - a. The Public Works Department's Engineering Division developed a project to resurface Harlem Ave. from Dempster Street to Golf Road, and Shermer Road from Dempster Street to Harlem Avenue. The project will be funded with REBUILD Illinois and Motor Fuel Tax funds. The State of Illinois regulates spending motor fuel tax funds through its Department of Transportation. The regulation includes forms used state-wide for contract documents. The Illinois Department of Transportation (IDOT) has approved the documents for this contract.
 - b. Bids were solicited by the Village and IDOT for eleven business days. Twenty-one entities downloaded the contract documents. Seven bids were received and opened on July 6, 2023. A Lamp Concrete Contractors, Inc. submitted the lowest bid and is qualified to perform this work. This contract conforms to the purchasing requirements of the Village and the State. This contract must conform to the requirements of the Prevailing Wage Act. The fiscal impact of this Resolution is \$1,274,748.08.

Trustee Thill moved to approve Resolution 23-31, seconded by Trustee Travis.

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

D. Trustee Thill: (continued)

Motion passed: 6 ayes, 0 nays.

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

2. **Resolution 23-32, Authorizing the Execution of a Task Order with Ciorba Group, Inc. for Construction Engineering Services for the 2023 Arterial Street Improvement Program (MFT Section 22-00112-00-RS).**

- a. Resolution 22-01, approved in January of 2022, authorized execution of a task order contract with Ciorba Group, Inc. for professional engineering services. Resolution 23-31 authorizes execution of a contract with A Lamp Concrete Contractors, Inc. for 2023 Arterial Street Improvement Program. The construction engineering for this contract exceeds the capacity of the Public Works Department. Village staff has negotiated a scope of services with Ciorba Group, Inc. in the amount of \$91,679 to perform the construction engineering services for the contract.

Trustee Thill moved, seconded by Trustee Witko, to approve Resolution 23-32.

Motion passed: 6 ayes, 0 nays.

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

3. **Resolution 23-33, Appropriation of Motor Fuel Tax Funds for 2023 Arterial Street Improvement Program (MFT Section 22-00112-00-RS).**

- a. Resolution 23-31 authorized a contract to be executed with A Lamp Concrete Contractors, Inc. for construction services for the 2023 Arterial Street Improvement Program. Resolution 23-32 authorized a contract to be executed with Ciorba Group, Inc. for construction engineering services for the same project. Those contracts will be paid with Motor Fuel Tax Funds. The State of Illinois regulates spending motor fuel tax funds through its Department of Transportation and requires the appropriation of MFT funds using state-wide forms. This Resolution shall approve the appropriation of One Million Four Hundred Thousand and Zero cents (\$1,400,000) of Motor Fuel Tax Funds for the repair, milling, and resurfacing of Harlem Avenue from Dempster Street to Golf Road and Shermer Road from Dempster Street to Harlem Avenue.

Trustee Thill moved to approve Resolution 23-33, seconded by Trustee Minx.

Motion passed: 6 ayes, 0 nays.

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

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

D. **Trustee Thill:** (continued)

4. **Resolution 23-34, Authorizing a Contract With Superior Road Striping, Inc. for the 2023 Pavement Marking Program.**

- a. Pavement markings throughout the Village are maintained through an annual pavement marking program. The Public Works Department developed contract documents, and bids were solicited on the Village and IDOT's websites for eleven business days. Two bids were received and opened on July 13, 2023. Superior Road Striping, Inc. submitted the lowest bid and is qualified to perform this work. This contract conforms to the purchasing requirements of the Village and the state of Illinois. This work should be completed over approximately two weeks. This contract must conform to the requirements of the Prevailing Wage Act. The fiscal impact of this Resolution is \$50,000.

Trustee Thill moved, seconded by Trustee Travis, to approve Resolution 23-34.

Motion passed: 6 ayes, 0 nays.

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

5. **Resolution 23-35, Approving and Authorizing a Lease Agreement Between the Village of Morton Grove and New Cingular Wireless PCS, LLC, Concerning Real Property Owned by the Village of Morton Grove and Located at 8820 National Avenue, Morton Grove, IL.**

- a. The Village has leased space on its water tower located at 8820 National Avenue to AT&T or its designee since 1997 for the installation of nine (9) antennae and associated cabling and equipment for the provision of wireless communication services to persons and businesses in the Village. Village staff has negotiated a new lease with AT&T's designee, New Cingular Wireless PCS, LLC (the "Lessee"). The lease is for an initial five-year term with four 5-year optional extensions. The annual rent shall initially be \$37,250 per year, and shall increase each year thereafter during the initial term and any extension period at the rate of the greater of either three percent (3%) or the US Consumer Price Index (CPI) All Urban Chicago for the preceding year. The antennae and equipment are already installed on the Village property.
- b. The fiscal impact of this Resolution: the Village will realize \$37,250 per year in rent, increasing annually by the greater of 3% of the CPI for the previous year. It will also receive an initial payment of \$10,000 to compensate it for preparing the lease.

Trustee Thill moved to approve Resolution 23-35, seconded by Trustee Minx.

Motion passed: 6 ayes, 0 nays.

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

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

E. Trustee Travis:

1. Trustee Travis thanked everyone who participated in the Summer Adopt-a-Planter Program. She said the plants looks great, and thanked the Village staff making that happen. She reminded all planter adopters to periodically check on their planters and water the plants to keep them looking great.
2. Trustee Travis also reminded everyone that the Summer Photo Contest is underway. Please submit your photographs of people having fun in Morton Grove this summer to the Community Relations Commission via the link on the Village website. The photo contest ends on Labor Day.

F. Trustee Witko:

1. Trustee Witko presented **Ordinance 23-12, Approving a Preliminary and Final Plat of Subdivision and a Planned Unit Development Special Use Permit for an Eighty-Nine Unit Townhome Development on Property Commonly Known as 8350 Lehigh Avenue in Morton Grove, Illinois.**

This is the second reading of this Ordinance.

- a. Trustee Witko explained that Lexington Homes, LLC (the "Applicant") had submitted a complete Subdivision and Planned Unit Development (PUD) application requesting the entitlement of an 89-unit attached single-family (townhome) development with accessory parking, accessway, detention, and landscape areas for the 7.6 acre property commonly known as 8350 Lehigh Avenue ("Subject Property"). The Applicant is requesting the approval of plans to construct 89 townhomes within 16 buildings under the control of a PUD and a subdivision to allow for the future sale of the townhomes on individual lots, with common areas to be owned and maintained by a proposed homeowner's association (HOA). The Applicant is under contract to purchase the property from Morton Grove Pharmaceuticals/Wockhardt USA. A similar townhome development was approved by the Board of Trustee for the Subject Property in 2022.
- b. The proposed development meets the minimum requirements for density, setback, building height, and impermeable lot coverage set forth in Section 12-5-7 of the Unified Development Code. With 205 proposed parking spaces for resident and guest use, the development exceeds the minimum off-street parking requirement of 176 spaces set forth in Section 12-7-3:l, with a 10% parking reduction provided by Section 12-5-7:A.2.b for transit-oriented developments within a quarter mile of the Metra station. The Plan Commission has voted unanimously to recommend approval of the Application, with conditions relating to site development and operation.

Trustee Witko moved to adopt Ordinance 23-12, seconded by Trustee Travis.

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

F. Trustee Witko: (continued)

Motion passed: 6 ayes, 0 nays.

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

2. Next, Trustee Witko presented **Ordinance 23-16, Approving a Final Plat of Subdivision for a Minor Subdivision at 8833 Waukegan Road, 6900 Dempster Street, 8888 New England Avenue, and Property Vacated under Cook County Document #2310257013 in Morton Grove, Illinois.**

This is the second reading of this Ordinance.

- a. Trustee Witko explained that Steve Napleton Honda Automotive Group ("Applicant") and 100 West Golf LLC ("Owner") submitted a complete Subdivision Application requesting the approval of a consolidation of property at 8833 Waukegan Road, 6900 Dempster Street, and 8800 New England Avenue, and property vacated to 100 West Golf LLC under Cook County document number 2310257013 in Morton Grove, IL ("Subject Property"). The subject property is currently improved with three structures and is operated as a motor vehicle dealership by the Steve Napleton Automotive Group. The property was formerly owned and operated by Castle Honda but was sold to 100 West Golf LLC, the real estate entity for the Steve Napleton Automotive Group, in 2022.
- b. The Applicant is seeking the Village Board's approval of a minor subdivision as depicted in the submitted Final Plat of Subdivision, "Napleton Honda of Morton Grove Subdivision," to consolidate the subject property, which is currently under unified ownership, to simplify tax procedures and overall management. The Applicant plans to redevelop the property by constructing a new 40,000 square foot Honda dealership, along with accessory parking, outdoor vehicle storage, and landscaped areas. The Village does not require lot consolidation for this project and can approve the development as proposed, with minor modifications to comply with relevant code requirements.

Trustee Witko moved to adopt Ordinance 23-16, seconded by Trustee Minx.

Motion passed: 6 ayes, 0 nays.

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

XII. **OTHER BUSINESS**

Trustee Thill reminded all residents who've received new trees on their parkway to water them frequently.

XIII.

WARRANTS

Trustee Khan presented the Warrant Register for July 25, 2023 in the amount of \$1,225,258.32. She moved to approve the Warrant Register as presented, 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

XIV.

RESIDENTS' COMMENTS

Rudy Vilk said that he is not happy with the responses he's received (or not received) from the mayor, corporation counsel, or village administrator, and suggested they all should undergo lie detector tests.

Mayor DiMaria told Mr. Vilk that he (Mr. Vilk) is just repeating himself, and reminded him that he had been told if he did that, the Board would adjourn the meeting. Mayor DiMaria then asked for a motion to adjourn.

XVI.

ADJOURNMENT

There being no further business to be 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 7:24 p.m.

PASSED this 8th day of August, 2023.

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

APPROVED by me this 8th day of August, 2023.

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

APPROVED and FILED in my office this 9th day of August, 2023.

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

Minutes by Teresa Cousar

Legislative Summary

Ordinance 23-17

APPROVING A SPECIAL USE PERMIT FOR A NONBOARDING SCHOOL AND HOUSE OF WORSHIP ON A LOT LESS THAN 3.5 ACRES AT 7800 LYONS STREET IN MORTON GROVE, ILLINOIS

Introduction:	August 8, 2023
Purpose:	To approve a Special Use Permit authorizing the operation of a new nonboarding school alongside an existing house of worship on a lot less than 3.5 acres.
Background:	<p>Parkland Preparatory Academy South (“applicant”) submitted a complete application to the Department of Community and Economic Development under Case PC 23-12 requesting a Special Use Permit to operate a nonboarding school alongside an existing house of worship on a lot less than 3.5 acres at the property commonly known as 7800 Lyons Street in Morton Grove (“subject property”), which is zoned R-2 Single Family Residence. Ordinance 77-7-Z granted a Special Use Permit to the Northwest Suburban Jewish Congregation to operate a house of worship at the subject property in 1977. St. Mary’s Knanaya Catholic Church was authorized to operate under the Special Use Permit as a continuation of use when they purchased the property in 2010. Parkland Preparatory Academy is requesting a Special Use Permit because the school use is not accessory and incidental to the existing house of worship.</p> <p>According to the applicant, “Parkland Preparatory Academy is a private therapeutic day school providing a comprehensive education for students with special education eligibility and diagnostic needs.” The proposed school will operate in existing classrooms at the eastern end of the principal structure on the subject property. The school will have a maximum of 55 students and 30 staff members at capacity. Hours of operation will be Monday through Friday from 7:30 a.m. to 4:30 p.m., with students on-site only between the hours of 8:30 a.m. and 2:30 p.m. There will be no weekend or after-school activities, with the exception of a “parents’ night” in the evening twice per year. All parking, drop-offs, pick-ups, and queuing will occur in the parking lot to the rear of the building.</p> <p>Because the applicant is not proposing any exterior modifications to the property, Appearance Commission review was not required. On July 6, 2023, the Traffic Safety Commission Chairperson reviewed Case PC 23-12 and voted unanimously to recommend approval of the application. On July 18, 2023, the applicant appeared before the Plan Commission to present the request for approval of the application made under Case PC 23-12. Based on the application, staff report, and testimony presented at the public hearing, the Plan Commission voted unanimously (6-0, Commissioner Gabriel absent) to recommend approval of the Special Use Permit with conditions relating to a lease with ComEd for off-site parking and on-site queueing.</p>
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.
Admin Recommendation:	Approval as presented
Second Reading:	August 22, 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 23-17

APPROVING A SPECIAL USE PERMIT FOR A NONBOARDING SCHOOL AND HOUSE OF WORSHIP ON A LOT LESS THAN 3.5 ACRES AT 7800 LYONS 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, 7800 Lyons Street, legally described in “**Exhibit A**”, attached hereto and made a part of this Ordinance, is a 98,036-square-foot, (2.25-acre) property zoned R-2 Single Family Residence (“Subject Property”); and

WHEREAS, Ordinance 77-7-Z approved on April 11, 1977, granted a Special Use Permit to authorize a house of worship and uses accessory and incidental thereto within the existing principal structure at the Subject Property; and

WHEREAS, the Subject Property has operated continuously as a house of worship with accessory parochial educational services; and

WHEREAS, Parkland Preparatory Academy South (“Applicant”) submitted a Special Use Application to the Village’s Plan Commission under Case PC 23-12 (“Application”) requesting a Special Use Permit to authorize the operation of a nonboarding school at the Subject Property that is not accessory and incidental to the existing house of worship, and which will operate alongside the existing house of worship; and

WHEREAS, “schools, nonboarding - elementary, junior high and high on lots of 3.5 acres or less” are classified as a Special Use in the R-2 District pursuant to Section 12-4-2:C; 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 regular meeting of the Plan Commission on July 18, was published in the *Morton Grove Champion*, a newspaper of general circulation in the Village of Morton Grove, on June 29, 2023, written notification was sent to property owners within 250 feet of the Subject Property on June 22, 2023, and a sign was posted on the Subject Property on June 27, 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 July 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 July 18, 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 August 1, 2023, which was presented to the Village Board on August 8, 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 nonboarding school and house of worship at the Subject Property 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. ALTA/ACSM Land Title Survey, prepared by Gremley & Biedermann, a Division of PLCS Corporation, dated November 10, 2009;
 2. “Exhibit ‘A’” (Site Plan), prepared by applicant and Central Survey Co., Inc., dated June 13, 2023;
 3. “Exhibit ‘B’” (Floor Finish Plan), prepared by applicant, dated June 13, 2023;
 4. Memo to Village of Morton Grove Regarding Parkland Preparatory Academy South, prepared by Parkland Preparatory Academy, dated June 1, 2023; and
 5. Traffic Memo to David Russo, Parkland Preparatory Academy, prepared by Kim Lask, P.E., PTOE, CFM, Haeger Engineering, dated June 13, 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. Within ninety (90) days of the issuance of a Business Compliance Certificate for the school use, or as otherwise approved in writing by the Village Administrator or his/her designee, the current agreement between the property owner and ComEd authorizing the owner’s use of ComEd property for off-street parking shall be provided to the Department of Community and Economic Development. An active agreement shall be maintained on file with the Village for as long as the parking area is used by the Subject Property owner or Applicant for the house of worship or school.
- D. All parking and queueing associated with the nonboarding school use must occur in the parking lot to the rear of the principal structure. If any parking or queueing is observed by Village staff to occur outside the rear parking area, the Applicant shall prepare a

plan to mitigate all unauthorized parking and queueing, subject to staff approval, or request an amendment to the Special Use Permit.

- E. Access to and full use of the off-street parking facility currently located on ComEd property shall be a condition of the Special Use Permit. Loss of access to or use of said parking area shall deem the Special Use Permit null and void.
- F. The Morton Grove Fire Department's inspections and approvals shall be completed prior to the issuance of a business compliance certificate for the nonboarding school.
- G. Prior to the issuance of a business compliance certificate for the nonboarding school, the Applicant shall submit a security plan to the Morton Grove Police Department for review and approval by the Police Chief or his/her designee. The Applicant shall comply with the final approved security plan and shall notify the Morton Grove Police Department of any proposed modifications to the plan, which shall be subject to review and approval by the Police Chief or his/her designee. Failure to comply with the final approved security plan shall constitute a violation of the Special Use Permit.
- H. The Subject Property owner, Applicant, and any lessees, occupants, and users of the Subject Property, and their successors and assigns, shall provide the Community Development Administrator with advance written notice of any change in activities or intensity of use associated with the house of worship or school. Any such change may subject the applicant to the requirement for an amendment to the Special Use Permit.
- I. The Subject Property owner, Applicant, and any lessees, occupants, and users of the Subject Property, and 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 22nd day of August 2023.

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

Approved by me this 22nd day of August 2023.

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

Attested and Filed in my office this 23rd day of August 2023.

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

LIST OF EXHIBITS

EXHIBIT A	Legal Description, 7800 Lyons Street
EXHIBIT B	Plan Commission Report for PC 23-12, dated August 1, 2023

EXHIBIT A

7800 LYONS STREET, MORTON GROVE, ILLINOIS 60053 LEGAL DESCRIPTION:

THAT PART OF A PARCEL OF LAND DESCRIBED AS THE EAST 10 ACRES OF THE NORTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL, SAID CORNER BEING 661.95 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SOUTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ AND RUNNING THENCE NORTH ALONG THE EAST LINE OF SAID PARCEL A DISTANCE OF 60.78 FEET; THENCE NORTHWESTERLY A DISTANCE OF 681.59 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL WHICH IS 61.88 FEET SOUTH OF THE SOUTH $\frac{1}{4}$ OF SAID SECTION 13; THENCE SOUTH ALONG THE WEST LINE OF SAID PARCEL 269.25 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE EAST ALONG THE SOUTH LINE OF SAID PARCEL TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PROPERTY INDEX NUMBERS:

09-13-102-013-0000

EXHIBIT B

PLAN COMMISSION REPORT FOR PC 23-12

Dated August 1, 2023

To: Village President and Board of Trustees

From: Steven Blonz, Plan Commission Chairperson
Ralph Czerwinski, Village Administrator
Teresa Hoffman Liston, Corporation Counsel
Zoe Heidorn, Community Development Administrator

Date: August 1, 2023

Re: Plan Commission Case PC 23-12
Request for approval of a Special Use Permit for a School, Nonboarding, and House of Worship on a lot less than 3.5 acres in an R-2 Single Family Residence District for the property commonly known as 7800 Lyons Street (PIN 09-13-102-013-0000) in Morton Grove, Illinois. The applicant is Parkland Preparatory Academy South.

Executive Summary

Parkland Preparatory Academy South (“applicant”) submitted a complete application to the Department of Community and Economic Development under Case PC 23-12 requesting a Special Use Permit to operate a nonboarding school alongside an existing house of worship on a lot less than 3.5 acres at the property commonly known as 7800 Lyons Street in Morton Grove (“subject property”), which is zoned R-2 Single Family Residence. Per Section 12-4-2:C, “schools, nonboarding - elementary, junior high and high on lots of more than 3.5 acres” and “houses of worship and uses accessory and incidental thereto on lots 3.5 acres or less” are Special Uses in the R-2 District. The subject property measures 98,036 square feet (2.25 acres) in area.

The Special Use Application was considered by the Plan Commission at a meeting on July 18, 2023. For the reasons set forth in this report, on July 18, 2023, the Plan Commission unanimously recommended by a vote of 6-0 (Commissioner Gabriel absent) that the Village Board of Trustees should approve the Special Use Permit with various conditions.

Application

The proposed school will operate in existing classrooms at the eastern end of the principal structure on the subject property. Based on information submitted by the applicant, the school will have a maximum of 55 students and 30 staff members at capacity. Hours of operation will be Monday through Friday from 7:30 a.m. to 4:30 p.m., with students on-site only between the hours of 8:30 a.m. and 2:30 p.m. There will be no weekend or after-school activities, with the exception of a “parents’ night” in the evening twice per year.

According to the applicant’s website, “Parkland Preparatory Academy is a private therapeutic day school providing a comprehensive education for students with special education eligibility and diagnostic needs. Evidence-based academic curriculum and therapeutic interventions are utilized to meet the individual needs of our students. These services are provided for students ages 5-21.” The school currently has four locations in the Chicagoland area.

The applicant indicates that all parking, drop-offs, pick-ups, and queuing will occur in the parking lot to the rear of the building. Students will be dropped off by private companies in SUVs or small buses that will pull into the rear parking area. At most, there will be 15 to 30 transport vehicles queued in the rear parking area. With a maximum of 30 staff members, there will be no more than 30 passenger vehicles parked to the rear of the building.

The applicant submitted a traffic and parking impact study prepared by Haeger Engineering stating that “the proposed use will have sufficient parking available to accommodate the parking generated.” Additionally, “the development will generate minimal traffic and will not adversely affect the surrounding roadways.”

Departmental Review

- **Building Department:** No comments at this time.
- **Fire Department:** No comments at this time. Fire protection requirements will be addressed in the permit process.

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

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 July 6, 2023, the Traffic Safety Commission reviewed Case PC 23-12. The Commissioners discussed the applicant's proposed operations at the property and related traffic and parking impacts. After hearing all testimony and considering the application, the Commission voted unanimously (6-0, Commissioners Berkowsky and Dibra absent) to recommend approval of the application. No comments were forwarded to the Plan Commission.

Plan Commission

The Village provided Public Notice for the July 18, 2023, Plan Commission public hearing for PC 23-12, to be held at a regular meeting of the Plan Commission, in accordance with the Unified Development Code. The Morton Grove Champion published a public notice on June 29, 2023. The Village notified surrounding property owners via mail on June 22, 2023, and placed a public notice sign on the subject property on June 27, 2023.

Plan Commission – July 18, 2023, Proceedings: Six members of the Plan Commission were in attendance at the public hearing for Case PC 23-12 held on July 18, 2023. Commissioner Gabriel was absent.

Zoe Heidorn, Community Development Administrator, provided a brief introduction to the application. The staff report dated July 11, 2023, and attached hereto as "**Attachment A**," was entered into the public record.

Ms. Heidorn provided a brief introduction to the application. She explained that in the case of PC 23-12, the applicant is requesting a Special Use Permit to operate a private therapeutic school for students with special education eligibility and diagnostic needs between the ages of 5 and 21. The school will operate in existing classrooms alongside a house of worship that was authorized by Special Use Permit in 1977. The school will have a maximum of 55 students and 30 staff members on-site. Hours of operation will be Monday through Friday from 7:30 a.m. to 4:30 p.m., with students on-site only between the hours of 8:30 a.m. and 2:30 p.m. Parking and queueing will occur in the parking lot to the rear of the building. Staff has recommended conditions of approval relating to the use of ComEd property for parking and the location of parking and queueing. On July 6, the Traffic Safety Commission unanimously recommended approval of the application without comments or conditions.

Secretary Kirchner swore in the applicant, David Russo of Parkland Preparatory Academy South.

Mr. Russo is the managing partner of the school, which serves over 300 students across four existing locations. He reiterated that the students do not drive to school. Rather, they arrive on small buses and SUVs from surrounding public school districts.

Mr. Russo noted that the lease of the ComEd parking seems to be the most important part of the review. The parking lot on ComEd has existed since 1967 and was expanded in 2018. If the lease were terminated, it would not be problematic for the school because of the minimal need for parking. The lease was renewed in 2022. Unfortunately, the property owner, St. Mary's Knanaya Catholic Parish, lost their copy of the lease. Copies of the renewal form and checks cashed by ComEd have been provided to the Village. Mr. Russo asks that their business license not be held back due to the loss of the lease. He is working with ComEd to obtain a copy, but that could take a while.

Mr. Russo explained that in the very unlikely event that the parking lot is no longer available to the school, he will seek alternative off-site parking. The loss of parking would be a much larger problem for the church.

Commissioner Kintner asked if the Parkland school would be similar in size to the public district school that had operated at the same site. Mr. Russo said they are allowed to only have up to ten children in a classroom, so it would be similar or smaller.

Commissioner Kintner asked how much time they would need to provide the lease after the issuance of a business license, as this is a condition of approval. Mr. Russo suggested ninety days.

Chairman Blonz asked why they note that there will be no on-street parking. Mr. Russo said the statement was made to address any concerns of the neighborhood. There will be no after school or weekend activities and no off-site parking. Staff requires no more than 30 spaces, and there are around 240 spaces available. The school and church activities rarely overlap.

Chairman Blonz asked how the school is separated from the church. Mr. Russo responded that it is separated by entry doors and meets State fire regulations.

Chairman Blonz noted the submitted school floor plan is from 1993, and asked if there will be any remodeling. Mr. Russo stated that no remodeling will be done. The classrooms are in good condition.

Commissioner Liston asked if 90 days will be enough time to produce the lease. Mr. Russo stated that it should be, but any flexibility that could be included in the ordinance would be appreciated.

Rick Dobrowski, Fire Prevention Bureau Coordinator, said the Morton Grove Fire Department will be inspecting the fire suppression and detection systems.

Chairman Blonz noted there were no public comments.

Commissioner Dorgan made a motion to recommend approval of Case 23-12, a request for approval of a Special Use Permit for a School, Non-boarding, and House of Worship on a lot less than 3.5 acres in an R-2 Single Family Residence District for the property commonly known as 7800 Lyons Street, subject to the following conditions:

1. Within ninety days of the issuance of a Business Compliance Certificate for the school use, the current agreement between the property owner and ComEd authorizing the owner's use of ComEd property for off-street parking shall be provided to the Department of Community and Economic Development. An active agreement shall be maintained on file with the Village for as long as the parking area is used by the subject property owner or applicant for the house of worship or school.
2. All parking and queueing associated with the school use must occur in the parking lot to the rear of the building. If any parking or queueing is observed by Village staff to occur outside the rear parking area, the applicant must prepare a plan to mitigate all unauthorized parking and queueing, subject to staff approval, or request an amendment to the Special Use Permit.
3. Access to and full use of the off-street parking facility currently located on ComEd property shall be a condition of the Special Use Permit. Loss of access to or use of said parking area shall deem the Special Use Permit null and void.
4. The applicant and owner shall provide the Community Development Administrator with advance written notice of any change in activities or intensity of use associated with the house of worship or school. Any such change may subject the applicant to the requirement for an amendment to the Special Use Permit.
5. The Morton Grove Fire Department's inspection shall be complete prior to the issuance of a business license.

The motion was seconded by Commissioner Mohr.

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 B**":

1. ALTA/ACSM Land Title Survey, prepared by Gremley & Biedermann, a Division of PLCS Corporation, dated November 10, 2009
2. “Exhibit ‘A’” (Site Plan), prepared by applicant and Central Survey Co., Inc., dated June 13, 2023
3. “Exhibit ‘B’” (Floor Finish Plan), prepared by applicant, dated June 13, 2023
4. Memo to Village of Morton Grove Regarding Parkland Preparatory Academy South, prepared by Parkland Preparatory Academy, dated June 1, 2023
5. Traffic Memo to David Russo, Parkland Preparatory Academy, prepared by Kim Lask, P.E., PTOE, CFM, Haeger Engineering, dated June 13, 2023

Attachments

- **Attachment A** – Staff Report to the Plan Commission for PC 23-12, prepared by Zoe Heidorn, Community Development Administrator, dated July 11, 2023
- **Attachment B** – Final Plans and Supporting Documents for PC 23-12

Attachment A

Staff Report to the Plan Commission for PC 23-12
Prepared by Zoe Heidorn, Community Development Administrator
Dated July 11, 2023

To: Chairperson Blonz and Members of the Plan Commission

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

Date: July 11, 2023

Re: Plan Commission Case PC 23-12
Request for approval of a Special Use Permit for a School, Nonboarding, and House of Worship on a lot less than 3.5 acres in an R-2 Single Family Residence District for the property commonly known as 7800 Lyons Street (PIN 09-13-102-013-0000) in Morton Grove, Illinois. The applicant is Parkland Preparatory Academy South.

STAFF REPORT

Public Notice

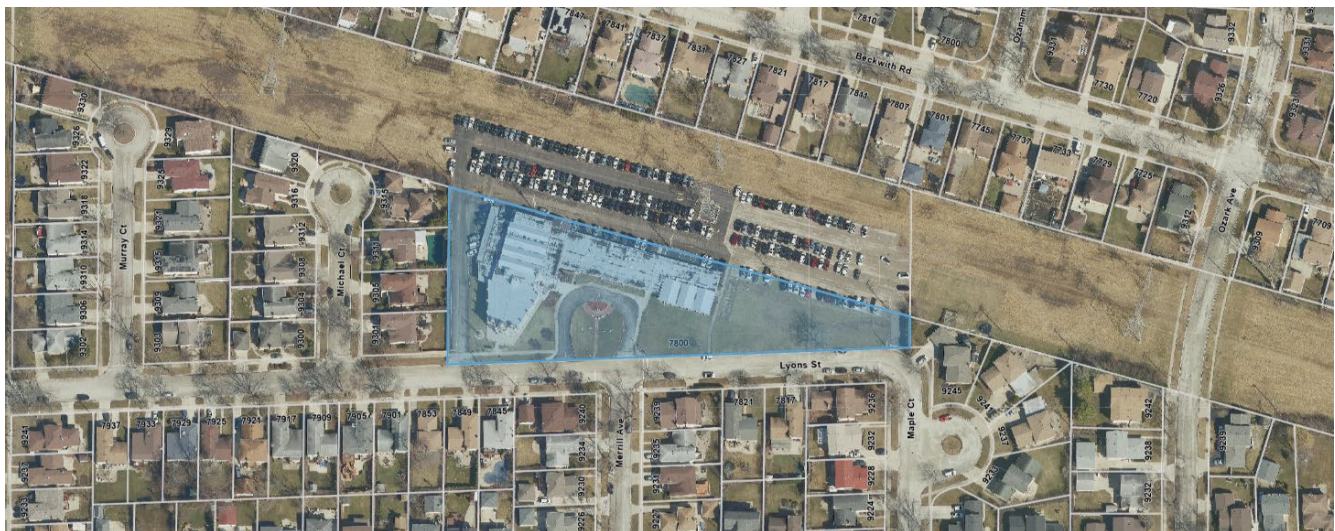
The Village provided Public Notice for the July 18, 2023, Plan Commission public hearing for PC 23-12, to be held at a regular meeting of the Plan Commission, in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on June 29, 2023. The Village notified surrounding property owners via mail on June 22, 2023, and placed a public notice sign on the subject property on June 27, 2023.

Application

Parkland Preparatory Academy South ("applicant") submitted a complete application to the Department of Community and Economic Development under Case PC 23-12 requesting a Special Use Permit to operate a nonboarding school alongside an existing house of worship on a lot more than 3.5 acres at the property commonly known as 7800 Lyons Street in Morton Grove ("subject property"), which is zoned R-2 Single Family Residence. Per Section 12-4-2:C, "schools, nonboarding - elementary, junior high and high on lots of more than 3.5 acres" and "houses of worship and uses accessory and incidental thereto on lots 3.5 acres or more" are Special Uses in the R-2 District. The subject property measures 98,036 square feet, or 2.25 acres, in land area.

Subject Property

The subject property is an interior lot located on the north side of Lyons Street. Maple Court terminates at the property's southeast corner. The property is zoned R-2 and is surrounded by properties also zoned R-2. To the east, west, and south of the subject property are detached single-family residences. To the north of the subject property is property owned by ComEd that is used for overhead power distribution and is improved with a parking lot used by the current house of worship use. Staff is



Subject Property Location Map

aware of an agreement between ComEd and the subject property owner, St. Mary's Knanaya Catholic Parish, for use of the parking area. A copy of the current agreement was requested but not provided to staff. Staff could find no record of the off-site parking area's original construction, but historic aerial imagery indicates it has been in existence since at least 1998. *Staff recommends as a condition of Special Use Permit approval that the agreement is provided to the Village and maintained for as long as the off-site parking area is in use.*

Background

Ordinance 77-7-Z granted a Special Use Permit to the Northwest Suburban Jewish Congregation to operate a house of worship at the subject property in 1977. St. Mary's Knanaya Catholic Church was authorized to operate under the same Special Use Permit as a continuation of an existing use when they purchased the property in 2010. Various school uses were allowed to operate throughout the years as accessory uses due to the parochial nature of their curriculums and the fact that they were being operated by the respective houses of worship.

From approximately 2010 to 2014, District 207 operated its Alternative Resource Center (ARC), a public non-parochial school for students with behavioral issues referred from other Maine Township High School District schools, at the subject property. Staff was unable to verify how the public school use was approved administratively, but presumes that it was authorized by staff because prior to 2016, public school districts in Illinois were exempt from local zoning requirements. Public Act 99-0890 amended the Illinois code to require compliance with local government zoning ordinances.

Because Parkland Preparatory Academy is a non-religious for-profit school that is unrelated to St. Mary's Knanaya Catholic Church, the Village is requiring a Special Use Permit to authorize the proposed use at the subject property.

Proposed Use

Per to the applicant's website, "Parkland Preparatory Academy is a private therapeutic day school providing a comprehensive education for students with special education eligibility and diagnostic needs. Evidence-based academic curriculum and therapeutic interventions are utilized to meet the individual needs of our students. These services are provided for students ages 5-21." The school currently has four locations in the area: Bartlett, Oak Lawn, Plainfield, and Lake in the Hills.

The proposed school will operate in existing classrooms at the eastern end of the principal structure, as depicted in the submitted floor plans. Based on information submitted by the applicant, the school will have a maximum of 55 students and 30 staff members at capacity. Hours of operation will be Monday through Friday from 7:30 a.m. to 4:30 p.m., with students on-site only between the hours of 8:30 a.m. and 2:30 p.m. There will be no weekend or after-school activities, with the exception of a "parents' night" in the evening twice per year.

According to the applicant, all parking, drop-offs, pick-ups, and queuing will occur in the parking lot to the rear of the building. Students will be dropped off by private companies in SUVs or small buses that will pull into the rear parking area as depicted in the submitted Drop-Off and Pick-Up Vehicle Movements Exhibit. At most, there will be 15 to 30 transport vehicles queued in the rear parking area. With a maximum of 30 staff members, there will be no more than 30 passenger vehicles parked to the rear of the building. *Staff recommends as a condition of approval that all parking and queuing must occur in the parking lot to the rear of the building. If any parking or queuing is observed to occur outside the rear parking area, the applicant must prepare a plan to mitigate all unauthorized parking and queuing, subject to staff approval, or request amendment of the Special Use Permit.*

Staff requested a schedule of attendance and vehicle parking for the existing house of worship, which is provided on the following page. During Parkland Preparatory Academy's proposed hours of operation, the church schedule indicates that only 30 to 40 people and 15 to 20 vehicles will be on-site at 8:15 a.m., Monday through Friday. All other regular church services and activities occur in the evenings and on weekends. With a total of 242 off-street parking spaces dedicated to the house of worship and proposed school use, staff believes there is sufficient parking capacity to support the additional staff parking demand of 30 spaces between 7:30 a.m. and 4:30 p.m. Monday through Friday. School pick-up and drop-off vehicles should queue in a manner that allows continued parking lot access. The installation of striping and signage should be considered by the school and church to ensure queuing does not interfere with parking access.

The applicant submitted a traffic and parking impact study prepared by Haeger Engineering stating that "the proposed use will have sufficient parking available to accommodate the parking generated." Additionally, "the development will generate minimal traffic and will not adversely affect the surrounding roadways." *Because the off-street parking area supporting the*

house of worship and proposed school is not under unified ownership and control, staff recommends including as a condition of approval that loss of access to or use of the ComEd-owned parking area shall deem the Special Use Permit null and void. In the event of permit revocation, the house of worship and school may request a new Special Use Permit with alternative off-street parking solutions.

St. Mary's Knanaya Catholic Church Schedule			
Day	Religious Service	Average Attendance	Average Vehicles On-Site
Monday	Morning Mass: 8:15 a.m.	30-40 people	15-20 cars
	Evening Mass: 7:00 p.m.	50-60 people	25-35 cars
Tuesday	Morning Mass: 8:15 a.m.	30-40 people	15-20 cars
	Evening Mass: 7:00 p.m.	50-60 people	25-35 cars
	Novenas: After 7:00 p.m. mass	30-40 people	15-20 cars
Wednesday	Morning Mass: 8:15 a.m.	30-40 people	15-20 cars
	Evening Mass: 7:00 p.m.	50-60 people	25-35 cars
	Novenas: After 7:00 p.m. mass (1 st Wednesday of month)	30-40 people	15-20 cars
Thursday	Morning Mass: 8:15 a.m.	30-40 people	15-20 cars
	Evening Mass: 7:00 p.m.	50-60 people	25-35 cars
	Novenas: After 7:00 p.m. mass	30-40 people	15-20 cars
	Night Vigil: After 7:00 p.m. mass (every 2 nd Tuesday)	40-50 people	15-25 cars
Friday	Morning Mass: 8:15 a.m.	30-40 people	15-20 cars
	English Mass: 6:00 p.m.	35-40 people	15-20 cars
Saturday	Mass: 10:00 a.m.	50-60 people	25-35 cars
	Novenas: After 10:00 a.m. mass	30-40 people	15-20 cars
Sunday	Holy Mass: 8:00 a.m.	100 people	50-75 cars
	Holy Mass: 10:00 a.m.	100 people	50-75 cars
	Religious Education: 10:00-11:30 a.m.	350 students + 60 teachers	Cars included in mass totals
	English Mass: 11:45 a.m.	125 people	60-80 cars
	Holy Mass: 5:30 p.m.	100 people	50-75 cars
Daily	Perpetual Adoration: 9:00 a.m. – 9:00 p.m.	15-20 people total	

The church holds an annual religious event, the Feast of the Assumption of the Blessed Virgin Mary, in mid-August. In 2023, it is estimated that 400 people will attend the event on Sunday, August 20, in 200 to 300 vehicles. The event is authorized by the Village through the Special Event Permit review and approval process.

Departmental Review

- **Building Department:** No comments at this time.
- **Fire Department:** No comments at this time. Fire protection requirements will be addressed in the permit process.
- **Public Works Department/Engineering:** No comments at this time.

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 July 6, 2023, the Traffic Safety Commission reviewed Case PC 23-12. The Commissioners discussed the applicant's proposed operations at the property and related traffic and parking impacts. After hearing all testimony and considering the application, the Commission voted unanimously (6-0, Commissioners Berkowsky and Dibra absent) 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 23-12, a request for approval of a Special Use Permit for a School, Nonboarding, and House of Worship on a lot less than 3.5 acres in an R-2 Single Family Residence District for the property commonly known as 7800 Lyons Street, subject to the following conditions:

1. *Prior to the issuance of a Business Compliance Certificate for the school use, the current agreement between the property owner and ComEd authorizing the owner's use of ComEd property for off-street parking shall be provided to the Department of Community and Economic Development. An active agreement shall be maintained on file with the Village for as long as the parking area is used by the subject property owner or applicant for the house of worship or school.*
2. *All parking and queueing associated with the school use must occur in the parking lot to the rear of the building. If any parking or queueing is observed by Village staff to occur outside the rear parking area, the applicant must prepare a plan to mitigate all unauthorized parking and queueing, subject to staff approval, or request an amendment to the Special Use Permit.*
3. *Access to and full use of the off-street parking facility currently located on ComEd property shall be a condition of the Special Use Permit. Loss of access to or use of said parking area shall deem the Special Use Permit null and void.*
4. *The applicant and owner shall provide the Community Development Administrator with advance written notice of any change in activities or intensity of use associated with the house of worship or school. Any such change may subject the applicant to the requirement for an amendment to the Special Use Permit.*

(Any other conditions recommended by the Plan Commission)

Attachment B

Final Plans and Supporting Documents for PC 23-12

1. ALTA/ACSM Land Title Survey, prepared by Gremley & Biedermann, a Division of PLCS Corporation, dated November 10, 2009
2. "Exhibit 'A'" (Site Plan), prepared by applicant and Central Survey Co., Inc., dated June 13, 2023
3. "Exhibit 'B'" (Floor Finish Plan), prepared by applicant, dated June 13, 2023
4. Memo to Village of Morton Grove Regarding Parkland Preparatory Academy South, prepared by Parkland Preparatory Academy, dated June 1, 2023
5. Traffic Memo to David Russo, Parkland Preparatory Academy, prepared by Kim Lask, P.E., PTOE, CFM, Haeger Engineering, dated June 13, 2023

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

Legislative Summary

Ordinance 23-18

APPROVING A SPECIAL USE PERMIT FOR A DRIVE-THROUGH FACILITY ASSOCIATED WITH A FINANCIAL INSTITUTION IN A C-1 GENERAL COMMERCIAL DISTRICT WITH SELECT WAIVERS FOR THE PROPERTY COMMONLY KNOWN AS 6210 DEMPSTER STREET IN MORTON GROVE, ILLINOIS

Introduction:	August 8, 2023
Purpose:	To approve a Special Use Permit authorizing the construction of a new 2,800-square-foot financial institution with a drive-through facility.
Background:	<p>On behalf of Fifth Third Bank, Moody Nolan (“applicant”) submitted a complete application requesting approval of a Special Use Permit under Case PC 23-13 to construct a new bank branch with a drive-through facility on the 0.51-acre property commonly known as 6210 Dempster Street in Morton Grove, Illinois (“subject property”). Per Section 12-5-5:B, drive-through facilities require a Special Use Permit when not located on large shopping center outlots. The subject property is zoned C-1 General Commercial and is partially vacant and partially improved with a parking lot owned and operated by the Morton Grove Park District. Fifth Third Bank is under contract to purchase the subject property.</p> <p>The applicant proposes to construct a 2,800-square-foot bank branch with two drive-through lanes and 16 on-site parking spaces, including one accessible space and one EV charging space. Through a shared parking agreement, the bank will also have access to ten off-site parking spaces abutting the subject property to the east on Village-owned property. Vehicular access to the subject property will be provided by two existing drives, one to the east through Village-owned property and one to the west through property owned by the Park District. Access easements on the abutting properties will be established to provide the development with permanent ingress and egress. The bank plans to operate between 9:00 a.m. and 5:00 p.m. Monday through Friday, and between 9:00 a.m. and 1:00 p.m. on Saturdays. A traffic and parking impact study prepared by Kimley-Horn reported that existing intersections can adequately accommodate the proposed development and that the proposed parking facilities will exceed the bank’s parking demand.</p> <p>On July 5, 2023, the Appearance Commission Chairperson reviewed Case PC 23-13 and voted unanimously to recommend approval of the application with conditions. On July 6, 2023, the Traffic Safety Commission reviewed Case PC 23-13 and voted unanimously to recommend approval of the application. On July 18, 2023, the applicant appeared before the Plan Commission to present the request for approval of the application made under Case PC 23-13. Based on the application, staff report, and testimony presented at the public hearing, the Plan Commission voted unanimously (5-0, Commissioner Liston recused, Commissioner Gabriel absent) to recommend approval of the Special Use Permit with conditions relating to landscaping and trees, bird-friendly windows, and illuminating features.</p>
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:	August 22, 2023
Special Requirements:	None

ORDINANCE 23-18

APPROVING A SPECIAL USE PERMIT FOR A DRIVE-THROUGH FACILITY ASSOCIATED WITH A FINANCIAL INSTITUTION IN A C-1 GENERAL COMMERCIAL DISTRICT WITH SELECT WAIVERS FOR THE PROPERTY COMMONLY KNOWN AS 6210 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, 6210 Dempster Street, legally described in “**Exhibit A**”, attached hereto, and made a part of this Ordinance, is a 22,166-square-foot (0.51-acre) property zoned C-1 General Commercial (“Subject Property”); and

WHEREAS, the Subject Property is partially vacant and partially improved with an asphalt parking lot operated by the Morton Grove Park District; 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, on behalf of Fifth Third Bank, Moody Nolan (“Applicant”) submitted a Special Use Application to the Village’s Plan Commission under Case PC 23-13 (“Application”) requesting a Special Use Permit to authorize the construction of a 2,800-square-foot financial institution, an accessory drive-through facility, sixteen (16) accessory parking spaces, landscape areas, and a trash enclosure to be operated by Fifth Third Bank; 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 regular meeting of the Plan Commission on July 18, was published in the *Morton Grove Champion*, a newspaper of general circulation in the Village of Morton Grove, on June 29, 2023, written notification was sent to property owners within 250 feet of the Subject Property on June 22, 2023, and a sign was posted on the Subject Property on June 27, 2023, as required by ordinance; and

WHEREAS, on July 5, 2023, 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 July 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 July 18, 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 August 1, 2023, which was presented to the Village Board on August 8, 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 financial institution 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. ALTA/NSPS Land Title Survey for 6210 Dempster Street (3 sheets), prepared by American National, dated May 11, 2023;
 2. Boundary and Topographic Survey for 6210 Dempster Street (3 sheets), prepared by American National, dated January 20, 2023;
 3. Site Demolition Plan (Sheet C1.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023;
 4. Site Dimension Plan (Sheet C2.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023;
 5. Site Grading Plan (Sheet C3.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023;
 6. Site Utility Plan (Sheet C4.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023;
 7. Site Details (Sheet C5.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023;
 8. Site Details (Sheet C5.1), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023;
 9. Tree Preservation Plan (Sheet L0.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023;
 10. Landscape Plan (Sheet L1.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023;
 11. Landscape Details (Sheet L2.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023;
 12. Floor Plan (Sheet A101), prepared by Moody Nolan, dated June 9, 2023;
 13. Exterior Elevations Analysis (Sheet A302), prepared by Moody Nolan, dated June 9, 2023;
 14. Exterior Elevations Analysis (Sheet A303), prepared by Moody Nolan, dated June 9, 2023;

15. Lighting Site Plan – Photometrics (Sheet E-203), prepared by Moody Nolan and Osborn Engineering, dated June 9, 2023;
16. Fire Truck Turning Exhibit (Sheet CEX-1), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023;
17. Trash Enclosure and Details (Sheet A533), prepared by Moody Nolan, dated June 9, 2023;
18. Fifth Third Bank Sign Package (18 pages), prepared by Valley City Sign, dated June 7, 2023; and
19. Fifth Third Bank Redevelopment Traffic Impact Study (120 pages), prepared by Bill Grieve, P.E., PTOE, Kimley-Horn and Associates, Inc., dated June 12, 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. Bird distraction film shall be installed along all significant window areas, subject to review and approval by the Community Development Administrator or his/her designee.
- D. Illuminated signage and other illuminating features on the Subject Property may not exceed 5,000K (degrees Kelvin).
- E. Prior to filing any Building Permit Application, the Applicant shall provide the Department of Community and Economic Development with a final landscape plan for review and approval by the Community Development Administrator and Chairperson of the Appearance Commission. If the final 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.

- F. Prior to filing any Building Permit Application, the Applicant shall provide the Department of Community and Economic Development with final elevations and material specifications for review and approval by the Community Development Administrator and Chairperson of the Appearance Commission. Final elevations and materials must be deemed consistent with the approved elevations and materials, as determined by the Community Development Administrator 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.
- G. The Applicant shall plant three (3) trees with a minimum diameter at breast height of 2.5 inches in addition to trees included in the Landscape Plan (Sheet L1.0) prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023. The three (3) additional trees shall be planted by the Village at a future date and paid for by the Applicant through funds placed in escrow with the Village or shall be planted by the Applicant at alternative locations on or near to the Subject Property, subject to review and approval by the Village Administrator or his/her designee.
- H. All Happy Returns Daylily plantings shall be removed from the Landscape Plan (Sheet L1.0) prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023, and replaced with a species with non-invasive tendencies, subject to review and approval by the Community Development Administrator.
- I. Prior to the issuance of a building permit, the Applicant shall submit all turning path diagrams requested by the Fire Prevention Bureau Coordinator, Community Development Administrator, and Village Engineer, subject to the review and approval of the Village Administrator or his/her designee.
- J. The Applicant and Subject Property owner shall provide the Community Development Administrator with advance written notice of any change in activities or intensity of use associated with the financial institution or drive-through facility. Any such change may subject the Applicant to the requirement for an amendment to the Special Use Permit.

- K. The Applicant shall comply with all comments issued by the Village Engineer in the departmental comment form dated July 6, 2023, by strict or alternative compliance, subject to the Village Engineer's final approval.
- L. 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 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 22nd day of August 2023.

Trustee Khan _____

Trustee Minx _____

Trustee Shiba _____

Trustee Thill _____

Trustee Travis _____

Trustee Witko _____

Approved by me this 22nd day of August 2023.

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

Attested and Filed in my office this 23rd day of August 2023.

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

LIST OF EXHIBITS

EXHIBIT A	Legal Description, 6210 Dempster Street
EXHIBIT B	Plan Commission Report for PC 23-13, dated August 1, 2023

EXHIBIT A

6210 DEMPSTER STREET, MORTON GROVE, ILLINOIS 60053 LEGAL DESCRIPTION:

PARCEL 1:

THE EAST 132 FEET (EXCEPT THE NORTH 442 FEET THEREOF) OF THE SOUTH 660 FEET OF THE WEST 1226.94 FEET OF LOT 4 IN ASSESSOR'S DIVISION OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

LOTS 1 TO 19 BOTH INCLUSIVE, ALSO THAT PART OF THE VACATED GEORGIANA AVENUE LYING BETWEEN THE SOUTH LINE OF LOT 4 EXTENDED WEST AND ALONG THE NORTH LINE OF LOT 19 EXTENDED WEST, LYING EAST OF LOTS 1 AND 3 AND THE EAST LINE OF SAID LOT 1 EXTENDED SOUTH TO THE NORTHEAST CORNER OF SAID LOT 3 AND WEST OF LOTS 4 TO 19, BOTH INCLUSIVE, AND THE WEST LINE OF SAID LOT 4 EXTENDED NORTH TO THE SOUTHWEST CORNER OF SAID LOT 11; ALSO THE VACATED ALLEY LYING BETWEEN THE EAST AND WEST LINES OF LOT 1 EXTENDED SOUTH AND LYING NORTH OF LOTS 4, 5, 6, 7 AND THAT PART OF LOT 8; ALSO, THE VACATED ALLEY BETWEEN THE EAST AND WEST LINES OF LOT 1 EXTENDED SOUTH AND LYING NORTH OF LOTS 2 AND 3, ALL IN THE SUBDIVISION OF THE SOUTH 3 ACRES OF PART OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 20, 1929 AS DOCUMENT NUMBER 10375688, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

THAT PART OF THE EAST-WEST ALLEY AND THE NORTH-SOUTH ALLEY IN THE SUBDIVISION OF THE SOUTH 3 ACRES OF PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO DOCUMENT NUMBER 1037588, RECORDED MAY 20, 1929, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 10 IN THE SUBDIVISION OF THE SOUTH 3 ACRES AFORESAID, THENCE NORTH ALONG THE EAST LINE OF SAID LOT 10 EXTENDED NORTHERLY TO THE SOUTH LINE OF LOT 20 IN THE SUBDIVISION OF THE SOUTH 3 ACRES AFORESAID, SAID SOUTH LINE ALSO BEING THE NORTH LINE OF SAID EAST-WEST ALLEY; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 20 TO THE WEST LINE OF SAID LOT 20, SAID WEST LINE ALSO BEING THE EAST LINE OF SAID NORTH-SOUTH ALLEY; THENCE NORTH ALONG SAID WEST LINE OF LOT 20, A DISTANCE OF 7.0 FEET; THENCE WESTERLY PARALLEL WITH THE SOUTH LINE OF SAID EAST-WEST ALLEY TO THE WEST LINE OF SAID NORTH-SOUTH ALLEY, SAID WEST LINE ALSO BEING THE EAST LINE OF LOT 11 IN THE SUBDIVISION OF THE SOUTH 3 ACRES AFORESAID; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID NORTH-SOUTH ALLEY TO THE SOUTH LINE OF SAID EAST-WEST ALLEY; SAID WEST LINE OF THE NORTH-SOUTH ALLEY BEING ADJACENT TO THE EAST LINE OF SAID LOT 11 AND ADJACENT TO THE VACATED EAST-WEST ALLEY PER DOCUMENT NUMBER 14439905; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID EAST-WEST ALLEY TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

THE SOUTH 7 FEET OF THE WEST 44.33 FEET OF LOT 20 IN THE SUBDIVISION OF THE SOUTH 3 ACRES OF PART OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 5:

THAT PART OF THE EAST 20 ACRES OF THE WEST 16.59 CHAINS OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH LIES SOUTH OF THE NORTH 10 CHAINS THEREOF, (EXCEPTING THE NORTH 653.75 FEET THEREOF) AND (ALSO EXCEPTING FROM SAID EAST 20 ACRES THAT PART LYING

NORTHWESTERLY OF A LINE DRAWN SOUTHWESTERLY FROM THE NORTHEAST CORNER THEREOF TO A POINT ON THE WEST LINE OF SAID EAST 20 ACRES WHICH IS 668 FEET SOUTH OF THE NORTHWEST CORNER THEREOF), AND ALSO THAT PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING 18.59 CHAINS EAST OF THE SOUTHWEST CORNER OF SAID SECTION 17, THENCE NORTH 10 CHAINS, THENCE WEST 2 CHAINS, THENCE NORTH 19.81-3/4 CHAINS TO A POINT 10 CHAINS SOUTH OF THE NORTH LINE OF SAID SOUTHWEST QUARTER, THENCE EAST 4.938 CHAINS, THENCE SOUTH 10.126 CHAINS, THENCE EAST 0.972 CHAINS, THENCE SOUTH 14.414 CHAINS, THENCE EAST 0.69 CHAINS, THENCE SOUTH TO THE SOUTH LINE OF THE SAID SECTION, THENCE WEST, 4.60 CHAINS TO THE PLACE OF BEGINNING (EXCEPTING THE SOUTH 3 ACRES THEREOF AND ALSO EXCEPTING THE NORTH 653.75 FEET THEREOF), ALL IN COOK COUNTY, ILLINOIS.

PARCEL 6:

THE NORTH 442 FEET AS MEASURED ALONG THE WEST AND EAST LINES OF THE FOLLOWING DESCRIBED TRACT OF LAND: THAT PART OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT IN THE SOUTH LINE OF SAID SECTION 1094.94 FEET EAST OF THE SOUTHWEST CORNER OF SAID SECTION, RUNNING THENCE NORTH ALONG A LINE FORMING AN ANGLE OF 91 DEGREES 09 MINUTES 30 SECONDS FROM WEST TO NORTH A DISTANCE OF 660 FEET; THENCE EAST PARALLEL WITH SAID SOUTH LINE OF SAID SECTION 132 FEET; THENCE SOUTH PARALLEL WITH FIRST DEFINED LINE 660 FEET TO THE SOUTH LINE OF SAID SECTION 17; THENCE WEST ALONG SAID SOUTH LINE 132 FEET TO THE PLACE OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PROPERTY INDEX NUMBER:

10-17-305-011-0000

EXHIBIT B

PLAN COMMISSION REPORT FOR PC 23-13

Dated August 1, 2023

To: Village President and Board of Trustees

From: Steven Blonz, Plan Commission Chairperson
Ralph Czerwinski, Village Administrator
Teresa Hoffman Liston, Corporation Counsel
Zoe Heidorn, Community Development Administrator

Date: August 1, 2023

Re: Plan Commission Case PC 23-13
Request for approval of a Special Use Permit for a Drive-Through Facility associated with a Financial Institution in a C-1 General Commercial District with select waivers to Section 12-2-6:G (minimum setback for open accessory parking spaces), Section 12-5-5:B.1 (minimum vehicle stacking length), and Chapter 12-11 (landscaping and trees) for the property commonly known as 6210 Dempster Street (PIN 10-17-314-003-0000) in Morton Grove, Illinois. The applicant is Moody Nolan on behalf of Fifth Third Bank.

Executive Summary

On behalf of Fifth Third Bank, Moody Nolan (“applicant”) submitted a complete application to the Department of Community and Economic Development requesting approval of a Special Use Permit under Case PC 23-13 to construct a new bank branch with a drive-through facility on the 22,166-square-foot (0.51-acre) property commonly known as 6210 Dempster Street in Morton Grove, Illinois (“subject property”). Per Section 12-5-5:B of the Morton Grove Unified Development Code, drive-through facilities require a Special Use Permit when not located on large shopping center outlots. The subject property is zoned C-1 General Commercial and is partially vacant and partially improved with a parking lot owned and operated by the Morton Grove Park District. Fifth Third Bank is under contract to purchase the subject property.

The Special Use Application was considered by the Plan Commission at a regular meeting on July 18, 2023. For the reasons set forth in this report, on July 18, 2023, the Plan Commission unanimously recommended by a vote of 5-0 (Commissioner Liston recused, Commissioner Gabriel absent) that the Village Board of Trustees should approve the Special Use Permit with various conditions.

Application

The applicant proposes to construct a 2,800-square-foot bank branch on the subject property with two drive-through lanes to the rear of the building and 16 on-site accessory parking spaces, including one accessible space and one electric vehicle charging space. Through a shared parking agreement, the bank will also have access to ten off-site parking spaces abutting the subject property to the east on property owned by the Village. Vehicular access to the subject property will be provided by two access drives, one to the east through Village-owned property and one to the west through property owned by the Morton Grove Park District. The eastern access drive leads to a two-way driveway along Dempster Street that aligns with Georgiana Avenue and the western access drive leads to a signalized intersection at Fernald Avenue and Dempster Street. Easements on the abutting properties owned by Village and Park District will be established in final site design and engineering to provide the development with permanent ingress and egress.

The proposed bank branch will offer two drive-through lanes, a full-service lane and an ATM lane. An after-hours drop-box will be located along the north wall of the building and covered by a small canopy. According to Fifth Third, the bank does not plan to provide safety deposit box service due to steadily decreasing demand. The bank’s interior is designed to provide a more casual customer experience while maintaining security and privacy. The bank is proposed to operate between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, and between 9:00 a.m. and 1 p.m. on Saturdays.

The applicant submitted a traffic and parking impact study prepared by Kimley-Horn. The study finds that “ the study intersections are projected to adequately accommodate the proposed development. As shown in the analysis of build conditions, the level of delay and queuing expected under build conditions is comparable to existing conditions... No improvements to study intersections are needed to accommodate site traffic and therefore, none are recommended.” Notably, the study found that there is no need for an exclusive right-turn lane on westbound Dempster Street at Fernald Avenue or Georgiana Avenue.

For financial institutions, Section 12-7-3:1 establishes a minimum off-street parking requirement of one space per 250 square feet of gross floor area, or 11 spaces for the 2,800-square-foot proposed development. With exclusive access to a total of 26 on-site and off-site parking spaces during hours of operation, the proposed use exceeds the Code's off-street parking requirement, which is advisory for Special Uses. The submitted traffic and parking impact study indicates that based on field observation "spot checks" at 6201 Dempster, no more than nine vehicles were observed parking during any peak hour. Staff believes the proposed off-street parking capacity will significantly exceed the bank's parking demand.

Departmental Review

- **Building Department:** No comments at this time.
- **Fire Department:** No comments at this time. Fire protection requirements will be addressed in the permit process.
- **Public Works Department/Engineering:** In review of the proposed project, the Village Engineer issued comments dated July 6, 2023, attached hereto as "**Attachment A**". Compliance with these comments, whether by strict or alternative compliance, is included as a recommended condition of Special Use Permit approval.

Public Hearings

Appearance Commission

On July 5, 2023, the Appearance Commission reviewed the submitted site, building, sign, and landscape plans and unanimously approved an Appearance Certificate under Case AC 23-06 for the proposed project and forwarded a recommendation of approval of case PC 23-13 to the Plan Commission with certain conditions. The staff report to the Appearance Commission, dated June 29, 2023, is attached hereto as "**Attachment B**".

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 July 6, 2023, meeting. The Commissioners discussed the applicant's proposed operations at the property and related traffic and parking impacts. After hearing all testimony and considering the application, the Commission voted unanimously (6-0, Commissioners Berkowsky and Dibra absent) 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 July 18, 2023, Plan Commission public hearing for PC 23-13, to be held at a regular meeting of the Plan Commission, in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on June 29, 2023. The Village notified surrounding property owners within 250 feet of the subject property via mail on June 26, 2023, and placed a public notice sign on the subject property on June 27, 2023.

Plan Commission – July 18, 2023, Proceedings: Six members of the Plan Commission were in attendance at the public hearing for Case PC 23-13 held on July 18, 2023. Commissioner Gabriel was absent.

Zoe Heidorn, Community Development Administrator, provided a brief introduction to the application. The staff report dated July 11, 2023, and attached hereto as "**Attachment C**," was entered into the public record.

Ms. Heidorn noted in the case of PC 23-13, the applicant is requesting a Special Use Permit to construct a 2,800-square-foot bank branch with two drive-through lanes and 16 on-site accessory parking spaces, including one accessible space and one electric vehicle charging space. Roadway access will be provided via existing driveways on abutting Park District and Village property. The bank is proposed to operate between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, and between 9:00 a.m. and 1 p.m. on Saturdays. The applicant is requesting variations to the minimum setback for accessory parking spaces and the minimum vehicle stacking length, which staff does not oppose. On July 5, the Appearance Commission recommended approval of the application with conditions and on July 6, the Traffic Safety Commission recommended approval of the application without comments or conditions.

Commissioner Liston recused himself from this case due to his position as a Park District Commissioner.

Dana Baker, Moody Nolan, and Justin Opitz, Kimley Horn, were sworn in by Secretary Kirchner.

Ms. Baker walked the Commission through the site plan and discussed use of the existing curb cuts on Dempster Street. She explained how banking has changed and the size of the bank reflects current trends. Banks are being designed more like cafes. She noted the average time in the drive through lanes is 1.5 to 2 minutes. Additional employee parking occur in 10 spaces located in the Village-owned Civic Center parking lot. Ms. Baker walked the Commissioners through a three-dimensional video presentation and further described the site, building design, and interior operations.

Commissioner Kintner asked Ms. Baker to confirm that 4 trees were being removed and 6 are being planted. She stated that this is correct and noted that 2 of the 4 trees to be removed are evergreen shrubs located on Village property. A total of 6 trees are being planted on-site per the site plan, but a proposed condition of Appearance Commission is the addition of 3 more trees to be planted on or near the site, for a total of 9 new trees associated with the development.

Chairman Blonz asked if the small diameter replacement trees were appropriate. Ms. Heidorn noted that her understanding was that a 2.5-inch caliper tree will actually outpace the growth of a larger caliper tree.

Commissioner Kintner asked if the traffic entering the site from Dempster Street using the east access drive and making a quick left into the site will back up into Dempster Street or block vehicles heading south through the Civic Center parking lot. Mr. Opitz from Kimley Horn said there may be queuing in the Civic Center lot, but only during very high-volume traffic events. If the Village observes this to be an issue, striping could be added to the Civic Center lot to help control traffic and mitigate conflicts.

Commissioner Kintner asked if there is an agreement between Harrer Park and the Civic Center for overflow parking. Ms. Heidorn responded that the Village does have a shared parking agreement with the Park District for shared use of the Village and Park District lots. He asked if the Park District agrees that enough parking is available with this new use added. Ms. Heidorn said 79 spaces are required for the Harrer Pool use per the Special Use Permit approved in 2020 and the submitted traffic and parking impact study. Ms. Heidorn stated that staff also had concerns with the parking reconfiguration and removal of Park District spaces, so they asked Kimley Horn to prepare a separate report that evaluates the parking demand versus capacity for the proposed parking configuration and mix of uses.

Mr. Opitz noted that the current shared parking lots between the Village and Park District have a total of 174 spaces, and 165 spaces will be provided after the bank is built. Peak demand for all uses requires 139 spaces, so the 165 spaces provided are more than adequate. Ms. Heidorn said that if issues are observed, Civic Center programming may be modified to ensure adequate parking is provided for the Park District needs. The shared parking agreement between the Village and Fifth Third and various easements on Park District and Village property are currently being developed.

Commissioner Kintner asked how stormwater retention will be placed and how it is measured. Ms. Baker responded that the Village code dictates the detention volume requirements and that it will be held in underground pipes and permeable paving on the site. She noted that the stormwater system design is subject to change, but they plan to comply with all Village requirements.

Commissioner Kintner asked for the location of the illuminated monument sign. Sign waivers were discussed, which were reviewed by the Appearance Commission at their meeting on July 5, 2023.

Commissioner Mohr complimented the banking concept and the openness of the building.

Chairman Blonz asked about the traffic report and the E and F scores. Mr. Opitz indicated that these scores relate to the smaller side streets and drives along Dempster Street. The turn lane on Dempster Street helps alleviate these scores. Mr. Opitz indicated that these types of scores are common and will not be exacerbated by the proposed project.

Chairman Blonz questioned having only one EV charging station. Ms. Baker responded that charging at the bank is not efficient, as the time spent in the bank is not lengthy enough for a charge. As technology improves, Fifth Third may consider adding additional EV parking stalls.

Chairman Blonz noted there were no public comments.

Commissioner Kintner made a motion to recommend approval of Case PC 23-13, a request for approval of a Special Use Permit for a Drive-Through Facility associated with a Financial Institution in a C-1 General Commercial District with select waivers to Section 12-2-6:G (minimum setback for open accessory parking spaces) and 12-5-5:B.1 (minimum vehicle stacking length) for the property commonly known as 6210 Dempster Street in Morton Grove, Illinois, subject to the following conditions:

1. Bird distraction film shall be installed along window areas, subject to review and approval by the Community Development Administrator.
2. Illuminated signage and other illuminating features on the property may not exceed 5,000K (degrees Kelvin).
3. Prior to filing any Building Permit Application, the applicant shall provide the Village with a final landscape plan for review and approval by the Community Development Administrator and 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.
4. 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 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.
5. Three additional trees shall be planted by the applicant at a location on the subject property or in proximity to the subject property, for a total of nine trees, subject to review and approval by the Community Development Administrator.
6. Happy Returns Daylily plantings shall be removed from the submitted landscape plan and replaced with a species with non-invasive tendencies, subject to review and approval by the Community Development Administrator.
7. Prior to the issuance of a building permit, the applicant shall submit all turning path diagrams requested by the Fire Prevention Bureau Coordinator, Community Development Administrator, and Village Engineer, subject to the review and approval of the Village Administrator.
8. The applicant and owner shall provide the Community Development Administrator with advance written notice of any change in activities or intensity of use associated with the financial institution or drive-through facility. Any such change may subject the applicant to the requirement for an amendment to the Special Use Permit.
9. The applicant shall comply with all comments issued by the Village Engineer in the departmental comment form dated July 6, 2023, by strict or alternative compliance, subject to the Village Engineer's final approval.

The motion was seconded by Commissioner Dorgan.

Motion passes 5-0 (Commissioner Liston recused).

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 D**":

1. ALTA/NSPS Land Title Survey for 6210 Dempster Street (3 sheets), prepared by American National, dated May 11, 2023
2. Boundary and Topographic Survey for 6210 Dempster Street (3 sheets), prepared by American National, dated January 20, 2023
3. Site Demolition Plan (Sheet C1.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023
4. Site Dimension Plan (Sheet C2.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023

5. Site Grading Plan (Sheet C3.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023
6. Site Utility Plan (Sheet C4.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023
7. Site Details (Sheet C5.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023
8. Site Details (Sheet C5.1), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023
9. Tree Preservation Plan (Sheet L0.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023
10. Landscape Plan (Sheet L1.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023
11. Landscape Details (Sheet L2.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023
12. Floor Plan (Sheet A101), prepared by Moody Nolan, dated June 9, 2023
13. Exterior Elevations Analysis (Sheet A302), prepared by Moody Nolan, dated June 9, 2023
14. Exterior Elevations Analysis (Sheet A303), prepared by Moody Nolan, dated June 9, 2023
15. Lighting Site Plan – Photometrics (Sheet E-203), prepared by Moody Nolan and Osborn Engineering, dated June 9, 2023
16. Fire Truck Turning Exhibit (Sheet CEX-1), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023
17. Trash Enclosure and Details (Sheet A533), prepared by Moody Nolan, dated June 9, 2023
18. Fifth Third Bank Sign Package (18 pages), prepared by Valley City Sign, dated June 7, 2023
19. Fifth Third Bank Redevelopment Traffic Impact Study (120 pages), prepared by Bill Grieve, P.E., PTOE, Kimley-Horn and Associates, Inc., dated June 12, 2023

Attachments

- **Attachment A** – Departmental Comment Form for Case PC 23-13, prepared by Chris Tomich, Village Engineer, dated July 6, 2023
- **Attachment B** – Staff Report to the Appearance Commission for Case AC 23-06, prepared by Zoe Heidorn, Community Development Administrator, dated June 29, 2023
- **Attachment C** – Staff Report to the Plan Commission for Case PC 23-13, prepared by Zoe Heidorn, Community Development Administrator, dated July 11, 2023
- **Attachment D** – Final Plans and Supporting Documents for Case PC 23-13

Attachment A

Departmental Comment Form for Case PC 23-13
Prepared by Chris Tomich, Village Engineer
Dated July 6, 2023

REVIEWING:

BUILDING FIRE

POLICE

PUBLIC WORKS/ENGINEERING

TSC

VILLAGE OF MORTON GROVE, ILLINOIS
PLAN REVIEW COMMENT FORM

DATE DISTRIBUTED: 6/19/2023

CASE NUMBER: PC 23-13

APPLICATION: Request for approval of a Special Use Permit for a Drive-Through Facility associated with a Financial Institution in a C-1 General Commercial District for the property commonly known as 6210 Dempster Street (PIN 10-17-314-003-0000) in Morton Grove, Illinois.

A Special Use Application has been submitted for Plan Commission action. Please return your review to the Department of Community and Economic Development by **Wednesday, July 5, 2023.**

Thank you,
Zoe Heidorn, Community Development Administrator

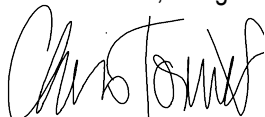
COMMENTS OR CONCERNS

-
1. Permits will be required from IEPA for sewer and water construction and from MWRD for sewer construction and development activities.
 2. A stormwater management report should be submitted in the permitting phase to document existing and proposed drainage patterns and proposed storm sewer system calculations.

These comments accurately represent existing Village regulations or policies.

Name (please print): Chris Tomich, Village Engineer

Signed:



Date: 07/06/2023

Attachment B

Staff Report to the Appearance Commission for Case AC 23-06
Prepared by Zoe Heidorn, Community Development Administrator
Dated June 29, 2023

To: Chairperson Pietron and Members of the Appearance Commission

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

Date: June 29, 2023

Re: Appearance Commission Case AC 23-06
Request by Moody Nolan (on behalf of Fifth Third Bank) for an Appearance Certificate and approval of site, landscape, signage, and building plans associated with PC 23-13, a request for approval of a Special Use Permit for a Drive-Through Facility associated with a Financial Institution in a C-1 General Commercial District for the property commonly known as 6210 Dempster Street (PIN 10-17-314-003-0000) in Morton Grove, Illinois.

Project Overview

Moody Nolan ("applicant") filed an application on behalf of Fifth Third Bank requesting approval of a Special Use Permit under Case PC 23-13 to construct a new bank with a drive-through facility on the 22,166-square-foot (0.51-acre) property commonly known as 6210 Dempster Street in Morton Grove, Illinois ("subject property"). Pursuant to Section 12-5-5:B, drive-through facilities require a Special Use Permit when not located on large shopping center outlots. The subject property is zoned C-1 General Commercial and is partially vacant and partially improved with a parking lot owned and operated by the Morton Grove Park District. Fifth Third Bank is under contract to purchase the subject property.

To the north and west of the subject property is property zoned R-1 Single Family Residence and operated by the Morton Grove Park District as Harrer Pool and Park, and the Morton Grove Historical Museum. To the east is Village-owned property zoned C-1 General Commercial and operated as the Morton Grove Civic Center. To the south of the subject property, across Dempster Street, is Fifth Third's current bank branch at 6201 Dempster Street, which is also zoned C-1 General Commercial. Fifth Third is under contract to sell 6201 Dempster Street and vacate after completing construction of the new bank branch on the subject property.



Subject Property Location Map

Fifth Third intends to construct a 2,800-square-foot bank branch on the subject property with two drive-through lanes and 16 on-site accessory parking spaces, including one accessible space and on electric vehicle charging space. The bank will also have dedicated access to ten off-site parking spaces abutting the subject property to the east on property owned

by the Village. Site access will be provided by two access drives, one to the east through Village-owned property and one to the west through Park District property. The eastern access drive will lead to a two-way driveway along Dempster Street that aligns with Georgian Avenue, and the western access drive will lead to a signalized intersection at Fernald Avenue and Dempster Street. Easements on the Village and Park District properties will be established in final site design and engineering to provide Fifth Third with permanent ingress and egress.

The proposed site plan complies with all dimensional requirements of Section 12-4-3:E, including minimum lot area (0 square feet), minimum lot width (0 feet), minimum front yard (0 feet), minimum side yards (0 to 5 feet), minimum rear yard (5 feet), maximum floor area ratio (2.0), and maximum building height (40 feet). The proposed bank building will have an overall height of 19.67 feet. The applicant is expected to discuss the visibility of any rooftop equipment at the Appearance Commission meeting.

Staff notes that the subject property was previously improved with a drive-through bank operated by MB Financial. Aerial imagery from 2006 is provided below.



Subject Property Aerial Imagery (2006)

Appearance Commission Responsibility

Section 12-16-4:A.2 of the Unified Development Code requires all Special Use Applications to be distributed to the Appearance Commission for review. Comments and suggested changes and conditions from the Appearance Commission will be forwarded to the Plan Commission as part of the staff report on the proposed project. The Plan Commission will hold a public hearing on the proposed Special Use Permit on Tuesday, July 18, 2023, and their recommendations will be forwarded to the Village Board for final action.

Further, per Section 12-16-2:C.2, the Appearance Commission is charged with reviewing the exterior elevations, sketches, materials, and exhibits as to whether they are appropriate to or compatible with the character of the immediate neighborhood and whether the submitted plans comply with the provisions of the regulations and standards set forth in Chapter 12, "Design Standards."

In accordance with Section 12-11-1:A.2, all landscaping and tree preservation plans are also to be reviewed by the Appearance Commission, and an Appearance Certificate and any necessary waivers to Chapter 12-11 are to be granted by the Commission prior to the issuance of a Building Permit. The Appearance Commission may also approve waivers to the requirements of Chapter 10-10 for proposed signage, based on the standards established in Section 10-10-3:E.

Review of the Appearance Certificate Items

In accordance with the above requirements, the applicant provided site, architectural, landscape, and signage plans for the Appearance Commission's review and approval. These plans are discussed in detail in the following sections.

Site Plan

The submitted site plan places the building footprint 2.5 feet from the front lot line. The property's front lot line is set back approximately 10 feet from the north line of the Dempster Street sidewalk, which abuts the Dempster Street curb line. Approximately 12.5 feet of green space are provided between the building and back of sidewalk. A generous public parkway north of the sidewalk provides the appearance of a generous front yard for a commercial building on Dempster Street. Accessory parking stalls will be located to the side and rear of the building, and the drive-through will be located to the rear of the property. Providing a minimal building setback and locating vehicular areas to the side and rear of the building lends to a visually appealing streetscape.

Staff finds the proposed building's scale and siting to be respectful to the Village and Park District campus. The drive-through facility is more compact and less visible from Dempster Street than the previous bank's facility. The site plan avoids additional curb cuts on Dempster Street and provides more generous landscape area than required by Code and provided by the previous bank's site plan.

Landscape Plan

The applicant submitted a landscape plan for the proposed development. The following table compares the proposed landscape plan with the Village's landscaping requirements, which are established in Chapter 12-11 of the Unified Development Code:

LANDSCAPING CONTROL	ORDINANCE REQUIREMENT	PROPOSED	WAIVERS REQUESTED
General Landscaping Requirements			
Landscaping Required (12-11-1:B.1.C)	5% of total site (1,108 sq. ft.)	5,106 sq. ft. (23%)	<i>Compliant</i>
Trees in Public Parkways (12-11-1:B.4)	Max. 40 ft. separation, min. 2.5 in. caliper (3 trees / 131.94 ft.)	0 trees	<i>Waiver of 3 trees requested</i>
Trees in Parking Lots (12-11-3:A.2)	No required quantity, min. 2.5 in. caliper	3 shade trees, 2.5 in. caliper	<i>Compliant</i>
Landscaping Adjacent to Public ROW, Sidewalks & Streets (12-11-3:B.1)	Landscape yard min. 5 ft. width containing a year-round dense opaque screen measuring min. 3 ft. in height	South parking area adjacent to Dempster: 5.8 ft. landscape yard planted with shrubs (Sea Green Juniper, 30 in. in height at planting)	<i>Compliant</i>
Landscaping Adjacent to Residential Zoned Property (12-11-3:B.1)	Landscape yard min. 5 ft. width containing landscape screening 5 to 6 ft. in height	North lot line: 5 ft. landscape yard planted with shrubs (Iroquois Beauty Chokeberry, 30 in. in height at planting)	<i>Waiver of 2 ft. in screening requested</i>
Trees Adjacent to Residential Zoned Property (12-11-3:B.1)	Min. 1 tree per 40 ft. lot line (3 trees / 131.94 ft.)	3 trees	<i>Compliant</i>
Screening Requirements			
Screening of Trash Areas (12-11-4)	Min. 5 ft. height, screening types restricted	Enclosure 5 to 6 ft. in height with gates	<i>Compliant</i>

The submitted landscape plan requires two waivers from the Appearance Commission if the plan is approved as presented:

- **Trees in Public Parkways (12-11-1:B.4):** The applicant is proposing zero trees in the Dempster Street public parkway, necessitating a waiver of three trees from the minimum requirement of three trees in an adjacent public parkway. The Fifth Third Bank corporate office maintains stringent requirements for new bank branch developments, including full visibility from public rights of way. Considering the established corporate standards, that the parkway abuts fully planted landscape areas on private property and is not a standalone green space,

that the development overall includes more trees than required by Code, and that the property is part of a tree-filled public campus, staff is supportive of the applicant's request for this waiver.

- **Landscaping Adjacent to Residential Zoned Property (12-11-3:B.1):** The applicant is proposing a screening height of three feet along the north lot line as opposed to the minimum of five feet required by Code for paved ground surfaces abutting residentially zoned properties. Staff recommended a screening height of three feet as opposed to five feet because the development should feel like it is a well-integrated part of a larger campus. To install a wall of screening between the bank and Morton Grove Historical Museum to the north would diminish views of the museum, segment the campus, and potentially create security issues. Staff suggested and is supportive of the applicant's request for this waiver.

Species included in the applicant's proposed plant schedule are as follows:

- | | |
|--|--|
| • Chicagoland Common Hackberry (shade tree) – Native | • Magnus Purple Coneflower (perennial) – Native |
| • Espresso Kentucky Coffeetree (shade tree) – Native | • Happy Returns Daylily (perennial) – Non-native |
| • Swamp White Oak (shade tree) – Native | • Walker's Low Catmint (perennial) – Non-native |
| • Iroquois Beauty Chokeberry (shrub) – Native | • Virginia Creeper (perennial) – Native |
| • Annabelle Hydrangea (shrub) – Native | • Black-Eyed Susan (perennial) – Native |
| • Sea Green Juniper (shrub) – Non-native | • October Skies Aster (perennial) – Native |
| • Gro-Low Fragrant Sumac (shrub) – Native | • Common Oak Sedge (grass) – Native |
| • Blue Muffin Arrowwood Viburnum (shrub) – Native | • Northwind Switch Grass (grass) – Native |
| • Purple Poppy Mallow (perennial) – Native | • Prairie Dropseed (grass) – Native |

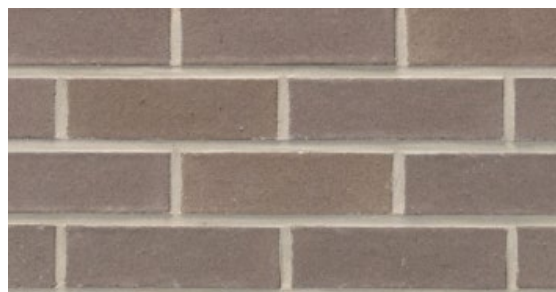
The majority of species listed above are native to Illinois. Based on information published by the Chicago Botanic Garden and Morton Arboretum, non-native species were not identified by staff to have invasive tendencies.

Building Design

Staff notes that the titles for the east and west elevations are swapped for the submitted exterior elevations (Sheets A302 and A303). The proposed main entrance is at the building's southeast corner and along the east elevation, facing the parking area to the east. A 15-foot-wide walkway connects the Dempster Street public sidewalk to the parking area and building entrance, providing convenient access for both pedestrians and drivers. The 2,800-square-foot building features heavy glazing, and both vertical and horizontal features that break up the structure's mass and provide visual interest. The building's lobby at the southeast corner is predominantly glass framed in aluminum. According to the project architect, the feature above the glass entrance is finished in EIFS due to the weight restrictions of the predominantly glass structure below. Two prominent vertical projections along the south and east elevations are finished in Fifth Third's corporate colors, providing brand identity and visual interest.

The applicant's proposed material palette includes the following:

- Standard Modular Brick Veneer – Slate Gray
- Standard Modular Brick Veneer and Soldier Course – Ridgemar
- Aluminum Composite Metal Panel – Custom Fifth Third Green, Custom Fifth Third Blue, Clear Anodized Metal
- Pre-finished Metal Coping
- Cast Concrete Sill
- Aluminum Curtain Wall & Storefront – Clear Anodized
- Glass – Clear Tempered



Standard Modular Brick Veneer – Ridgemar & Slate Gray

The applicant submitted a 3D rendered walkthrough of the building as part of the application, which will be presented at the Appearance Commission meeting. The following image is taken from the submitted video.



Rendering of Proposed Bank Building

As part of the application, the applicant provided an image of a similarly designed building (below) that includes a distraction film to deter birds from flying into the window areas. **Staff recommends that the requirement for distraction film is made a condition of Appearance Commission approval.**



Image of Similar Fifth Third Bank Building with Distraction Film

Signage

The applicant submitted a signage package prepared by Valley City Sign. The following table compares the proposed signage with the Village’s signage requirements, which are established in Chapter 10-10 of the Municipal Code:

SIGNAGE CONTROL	CODE REQUIREMENT	PROPOSED SIGN	WAIVER REQUESTED
Wall Sign Requirements			
Maximum Permitted Primary Sign Face Area (Dempster Street) (10-10-7:F.3)	Max. 1.5 sq. ft. per 1 ft. linear frontage, Max. 120 sq. ft. (Max. 90.75 sq. ft.)	65.17 sq. ft.	<i>Compliant</i>
Maximum Permitted Secondary Sign Face Area (East, West Elevations) (10-10-7:F.3)	Max. 32 sq. ft.	East elevation: 65.17 sq. ft. West elevation: 65.17 sq. ft.	Waiver of 33.12 square feet per sign requested
Ground Monument Sign Requirements			
Maximum Ground Monument signs (10-10-7:G.2)	Max. 1 sign per 150 ft. street frontage	1 monument sign	<i>Compliant</i>
Maximum Permitted Height (10-10-7:G.2)	Max. 25 ft.	6 ft.	<i>Compliant</i>
Monument Sign Area (10-10-7:G.2, 10-10-6:H.3)	50 sq. ft. of combined sign face area per sign, measured to include only the portion of signage visible from a single vantage point for multifaced signs	31.98 sq. ft.	<i>Compliant</i>
Monument Sign Structural Base (10-10-7:G.4)	Shall be constructed and finished with materials that are compatible with the appearance of the building, and shall be at least seventy five percent (75%) of the width of the sign's face.	Materials compatible 100% width of sign's face	<i>Compliant</i>
Monument Sign Location (10-10-7:G.6)	Min. 8 ft. from side or rear lot line, min. greater of ½ height or 4 ft. from public ROW (Min. 8 ft. from side lot line, min. 4 ft. from Dempster ROW)	5 ft. from side lot line 2 ft. from Dempster ROW	Waiver of 3 ft. requested Wavier of 2 ft. requested
Monument Sign Landscape Bed (10-10-7:G.5)	Min. 2 ft. radius from base of sign, min. 3 ft. height at planting	Landscape bed proposed	<i>Compliant</i>
Directional Signage (10-10-7:D)	One directional sign at each entrance and exit on properties with at least 150 ft. frontage	5 directional signs (2.67 ft. height x 1.25 ft. width) proposed, 4 off-premises	Waiver to allow 5 directional signs at alternative locations on a property with less than 150 ft. frontage
Off-Premises Signage (10-10-5:B)	Off premises signage (sign not related to a use on the premises) prohibited	4 off-premises signs proposed	Waiver to allow 4 off-premises signs

The submitted signage plan requires four waivers from the Appearance Commission if the plan is approved as presented:

- **East & West Elevation Wall Signs (10-10-7:F.3):** The applicant is requesting the installation of three identical wall signs along the west, south, and east elevations that measure, pursuant to Village Code Section 10-10-6:H, 65.17 square feet each. If the sign were to be measured as two separate elements, the logo and channel lettering, the signs would only measure 31.12 square feet in total. Staff notes that the applicant is entitled to up to 90.76 square feet of wall sign along the primary elevation but is proposing a significantly smaller sign. Staff does not have concerns relating to the request for variation.
- **Monument Sign Location (10-10-7:G.6):** The applicant is requesting a variation to the minimum setbacks for the ground monument sign. Where a minimum setback of four feet from the front lot line is required by Code, the applicant is requesting a setback of two feet. Considering the Dempster Street lot line is set back ten feet from the sidewalk, which will provide the monument sign with the appearance of a 12-foot setback from the sidewalk, staff supports the reduced setback to provide the sign with adequate visibility from Dempster Street. The sign will

also be located five feet from the west side lot line where a minimum of eight feet is required by Code. Because the property to the west is open space owned and operated by the Park District, and the bank is designed to be part of a larger campus, staff is not concerned with the reduced side setback.

- **Directional Signage (10-10-7:D):** The applicant is requesting a waiver to allow five directional signs on the subject property, which has less than 150 feet of Dempster Street frontage (131.94 feet), and on abutting properties to the east and west. Per Section 10-10-7:D, "One directional sign shall be allowed at each entrance and exit on properties with frontage of at least one hundred fifty feet (150') and where needed to avoid confusion as approved by the Village administrator. All directional and instructional signs shall be no larger than is necessary to accomplish their intended purpose. A company name, logo or service mark may cover up to twenty five percent (25%) of the face of the sign." Staff has no concerns relating to the directional signage considering the width of the properties' combined frontage and the campus-like setting.
- **Off-Premises Signage (10-10-5:B):** The applicant is requesting a waiver to allow four off-premises directional signs on properties to the east and west, which are owned by the Village and Morton Grove Park District, respectively. Easements on Village and Park District property will be established in final design and engineering to allow sign access and maintenance by Fifth Third. Staff has no concerns relating to the off-premises signage considering the campus-like nature of the development and surrounding properties. The signage will be helpful to both bank customers and patrons of the Harrer Park and Pool facilities, museum, and Civic Center.

All other proposed signage included in the submitted sign package is deemed to be compliant with Village regulations.

According to the International Dark Sky Association, "cooler white light often has a disproportionately high impact upon human dark adaptation, nocturnal wildlife, and ecosystem function." As such, **staff recommends that illuminated signage and other illuminating features on the property cannot exceed 5,000K (degrees Kelvin).**

Photometric Plan

The applicant submitted a photometric plan showing levels of illumination along all lot lines. Levels along the east lot line abutting the Village's Civic Center property measure up to 2.2 footcandles and levels along Dempster Street measure up to 1.6 footcandles. Per Section 12-4-3:B.5, lighting of parking and loading areas must be a minimum of one foot-candle on the surface. However, such lighting must be confined to the property boundary and reach as close to zero illumination at the property boundaries as possible. Glare may not be evident from surrounding properties or adjacent public rights of way. The developer may need to modify the lighting plan to achieve as close to zero illumination at the property lines, subject to review and approval by the Village Engineer. That the property's parking areas will abut off-site parking areas will need to be taken into consideration.

Section 12-12-3 of the Unified Development Code establishes lighting fixture standards. For off-street parking areas, lighting must be directed away from adjacent property, streets, and other public rights-of-way. All lighting units must be of the full cutoff type, meaning luminaires may not emit any light above the source's horizontal plane. The International Dark-Sky Association (IDA) recommends full cutoff fixtures, which minimize glare and light trespass. The fixtures proposed in the submitted lighting plan qualify as full cutoff fixtures. The applicant is expected to discuss the types of lighting fixtures proposed in the photometric plan.

Appearance Commission Review

In accordance with Section 12-16-2:C.2, the Appearance Commission is charged with reviewing the exterior elevations, sketches, landscape plans and materials and other exhibits as to whether they are appropriate to or compatible with the character of the immediate neighborhood and whether the submitted plans comply with the provisions of the regulations and standards set forth in chapter 11, "Landscaping And Trees", and chapter, 12 "Design Standards," of this title.

The Design Standards (Sec. 12-12-1:D.) established in the Code are as follows:

D. Criteria and Evaluation Elements: The following factors and characteristics relating to a unit or development and which affect appearance, will govern the appearance review commission's evaluation of a design submission:

1. Evaluation Standards:
 - a. Property Values: Where a substantial likelihood exists that a building will depreciate property values of adjacent properties or throughout the community, construction of that building should be barred.

- b. Inappropriateness: A building that is obviously incongruous with its surroundings or unsightly and grotesque can be inappropriate in light of the comprehensive plan goal of preserving the character of the municipality.
 - c. Similarity/Dissimilarity: A builder should avoid excessively similar or excessively dissimilar adjacent buildings.
 - d. Safety: A building whose design or color might, because of the building's location, be distracting to vehicular traffic may be deemed a safety hazard.
2. Design Criteria:
- a. Standards: Appearance standards as set forth in this chapter.
 - b. Logic Of Design: Generally accepted principles, parameters and criteria of validity in the solution of design problems.
 - c. Architectural Character: The composite or aggregate of the components of structure, form, materials and functions of a building or group of buildings and other architectural and site composing elements.
 - d. Attractiveness: The relationship of compositional qualities of commonly accepted design parameters such as scale, mass, volume, texture, color and line, which are pleasing and interesting to the reasonable observer.
 - e. Compatibility: The characteristics of different uses of activities that permit them to be located near each other in harmony and without conflict. Some elements affecting compatibility include intensity of occupancy as measured by dwelling units per acre; floor area ratio; pedestrian or vehicular traffic generated; parking required; volume of goods handled; and such environmental effects as noise, vibration, glare, air pollution, erosion, or radiation.
 - f. Harmony: A quality which produces an aesthetically pleasing whole as in an arrangement of varied architectural and landscape elements.
 - g. Material Selection: Material selection as it relates to the evaluation standards and ease and feasibility of future maintenance.
 - h. Landscaping: All requirements set forth in chapter 11, "Landscaping And Trees", of this title. (Ord. 07-07, 3-26-2007)

The Landscape Design Standards (Sec. 12-16-2:C.2) established in the Code are as follows:

C. Landscape Design Standards:

- 1. Landscape elements included in these criteria are all forms of planting and vegetation, ground forms, rock groupings, water patterns and all visible construction, except buildings and utilitarian structures.
- 2. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and enhanced. Modification to topography will be permitted where it contributes to good appearance and does not adversely affect adjacent properties.
- 3. Grades of walks, parking spaces, terraces and other paved areas shall provide an inviting and stable appearance for walking, and if seating is provided, for sitting.
- 4. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axis.
- 5. Unity of design shall be achieved by repetition of certain plant varieties and other materials, and by correlation with adjacent developments.
- 6. Plant material shall be selected for interest in its structure, texture, color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
- 7. In areas where general planting will not prosper, other materials such as fences, walls and pavings of wood, brick, stone, gravel and cobbles shall be used. Carefully selected plants as noted on the following lists shall be combined with such materials where possible.

The Sign Variance Standards (Sec. 10-10-3:E) established in the Code are as follows:

- 1. *In the opinion of the appearance commission the proposed sign displays a level of creativity which might not be achieved if strict adherence to the technical requirements of this chapter were imposed; or*

2. *There are special circumstances unique to the property that would create practical difficulties if the technical requirement of this chapter were imposed. By way of example, but not by way of limitation, such circumstances include the size, shape, topography, location or surroundings affecting the property; however,*
3. *Under no circumstances may a sign be approved if the proposed sign violates the standards set forth in subsection D2 or D3 of this section. (See below)*
4. *The appearance commission may approve and amend a sign plan for a building or development with multiple tenants. Upon such approval, the village administrator shall approve all signs for such building or developments which conform to said plan without further design review by the appearance commission.*

As referenced in Section 10-10-3:E, the standards established in subsections D2 and D3 are as follows:

- D. *Standards For Permit Approval: The village administrator shall approve an application if all of the following standards have been met or can be met with conditions as may be included in a conditional approval:*
 2. *The sign as proposed does not violate any other applicable code provisions and/or standards of the village of Morton Grove, state of Illinois, or federal government; and*
 3. *The sign will not:*
 - a. *Cause substantial injury to the value of other properties in the vicinity, or*
 - b. *Be detrimental to the public safety or welfare in the neighborhood where it is located, or*
 - c. *Unreasonably impair the visibility to adjacent property or public right of way, or*
 - d. *Be inconsistent with any approved plan for the building or the district or area where it is located, or*
 - e. *Be inconsistent with other signs on the property, or with the architectural character of the building, or*
 - f. *Alter the essential character of the neighborhood, or*
 - g. *Violate the purpose, spirit, or intent of this code.*

Recommendation

If the Appearance Commission approves an Appearance Certificate and site, landscape, signage, and building plans associated with PC 23-13, a request for approval of a Special Use Permit for a Drive-Through Facility associated with a Financial Institution in a C-1 General Commercial District for the property commonly known as 6210 Dempster Street, staff recommends the following conditions of approval:

- 1) Bird distraction film shall be installed along window areas, subject to review and approval by the Community Development Administrator.
- 2) Illuminated signage and other illuminating features on the property may not exceed 5,000K (degrees Kelvin).
- 3) Prior to filing any Building Permit Application, the applicant shall provide the Village with a final landscape plan for review and approval by the Community Development Administrator and 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.
- 4) 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 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.

Attachment C

Staff Report to the Plan Commission for Case PC 23-13
Prepared by Zoe Heidorn, Community Development Administrator
Dated July 11, 2023

To: Chairperson Blonz and Members of the Plan Commission

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

Date: July 11, 2023

Re: Plan Commission Case PC 23-13
Request for approval of a Special Use Permit for a Drive-Through Facility associated with a Financial Institution in a C-1 General Commercial District with select waivers to Section 12-2-6:G (minimum setback for open accessory parking spaces) and 12-5-5:B.1 (minimum vehicle stacking length) for the property commonly known as 6210 Dempster Street (PIN 10-17-314-003-0000) in Morton Grove, Illinois. The applicant is Moody Nolan on behalf of Fifth Third Bank.

STAFF REPORT

Public Notice

The Village provided Public Notice for the July 18, 2023, Plan Commission public hearing for PC 23-13, to be held at a regular meeting of the Plan Commission, in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on June 29, 2023. The Village notified surrounding property owners via mail on June 26, 2023, and placed a public notice sign on the subject property on June 27, 2023.

Application

On behalf of Fifth Third Bank, Moody Nolan ("applicant") submitted a complete application to the Department of Community and Economic Development requesting approval of a Special Use Permit under Case PC 23-13 to construct a new bank with a drive-through facility on the 22,166-square-foot (0.51-acre) property commonly known as 6210 Dempster Street in Morton Grove, Illinois ("subject property"). Pursuant to Section 12-5-5:B, drive-through facilities require a Special Use Permit when not located on large shopping center outlots. The subject property is zoned C-1 General Commercial and is partially vacant and partially improved with a parking lot owned and operated by the Morton Grove Park District. Fifth Third Bank is under contract to purchase the subject property.



Subject Property Location Map

Subject Property

The subject property is an interior lot located on the north side of Dempster Street. To the north and west of the subject property is property zoned R-1 Single Family Residence and operated by the Morton Grove Park District as Harrer Pool and Park and the Morton Grove Historical Museum. To the east is Village-owned property zoned C-1 General Commercial and operated as the Morton Grove Civic Center. To the south of the subject property, across Dempster Street, is Fifth Third's current bank branch at 6201 Dempster Street, which is also zoned C-1 General Commercial. Fifth Third is under contract to sell 6201 Dempster Street and vacate after completing construction of the new bank branch on the subject property.

Background

Fifth Third Bank currently owns and operates a banking facility at 6201 Dempster Street, a 1.67-acre property improved with a 26,000-square-foot building and drive-through, located just across Dempster Street from the subject property. The existing building at 6201 Dempster is larger than what is currently needed by Fifth Third Bank. After unsuccessfully trying to sell 6201 Dempster, the Bank approached the Village with a plan to demolish the existing bank building and rebuild a new smaller facility on the site. The Village inspected 6201 Dempster and determined that it could be improved and converted to a new police station and village hall campus in a cost-effective manner and proposed to purchase the property from Fifth Third Bank.



Subject Property Aerial Imagery (2006)

The Morton Grove Park District currently owns the subject property, the former site of an MB Financial drive-through bank facility that the Park District acquired in 2010. Aerial imagery from 2006 is provided above. Fifth Third Bank indicated that it would be willing to sell 6201 Dempster Street to the Village if it could purchase the subject property and construct a new 2,800-square-foot bank branch. On December 12, 2022, pursuant to Resolution 22-47 and Ordinance 22-26, the Village and the Morton Grove Park District agreed to exchange a 0.67-acre parcel of Village-owned vacant land located immediately north of the Morton Grove American Legion Civic Center Building and the Park District-owned subject property contingent on the Village and the Bank entering into agreements for the purchase of 6210 Dempster by Fifth Third Bank and the purchase of the 6201 Dempster by the Village. Ordinance 23-08 and Resolution 23-21 authorized the contracts for the respective sales and purchases by the Village and Fifth Third Bank. The parties are currently in due diligence, which includes Fifth Third Bank's request for a Special Use Permit for the proposed bank branch at the subject property.

Proposed Use

The applicant proposes to construct a 2,800-square-foot bank branch on the subject property with two drive-through lanes and 16 on-site accessory parking spaces, including one accessible space and one electric vehicle charging space. The bank will also have dedicated access to ten off-site parking spaces abutting the subject property to the east on property owned by the Village. Vehicular access to the subject property will be provided by two access drives, one to the east through Village-owned property and one to the west through Park District property. The eastern access drive will lead to a two-way driveway along Dempster Street that aligns with Georgiana Avenue, and the western access drive will lead to a signalized intersection at Fernald Avenue and Dempster Street. Easements on the Village and Park District properties will be established in final site design and engineering to provide the development with permanent ingress and egress.

The proposed bank branch will offer two drive-through lanes, a full-service lane and an ATM lane. An after-hours drop-box will be located along the north wall of the building and covered by a small canopy. According to Fifth Third, the bank does not plan to provide safety deposit box service due to steadily decreasing demand. The bank's interior is designed to provide a more casual customer experience while maintaining security and privacy. The bank is proposed to operate between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, and between 9:00 a.m. and 1 p.m. on Saturdays.

Zoning Review

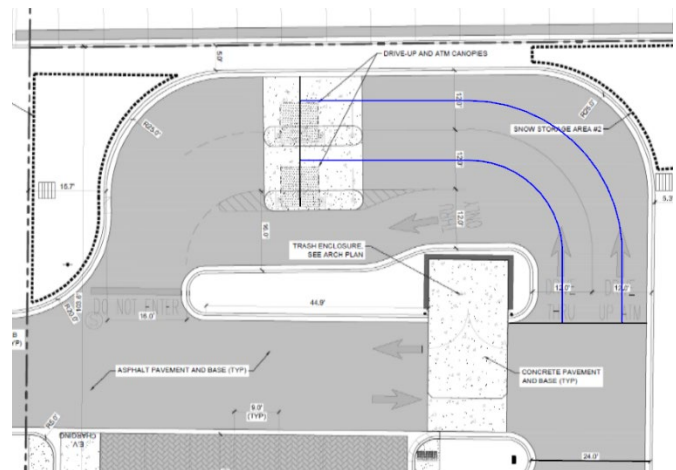
The proposed site plan complies with most dimensional requirements of the Unified Development Code. The following table provides a comparison of the proposed development on the commercial zoning lot against applicable dimensional controls:

DIMENSIONAL CONTROL	REQUIREMENT	PROPOSED	COMMENT
Minimum Front Yard (South Lot Line) (Sec. 12-4-3:E)	0 ft.	2.5 ft.	<i>Compliant</i>
Minimum Side Yard (West, East Lot Lines) (Sec. 12-4-3:E)	0 ft.; but if provided, it shall not be <5 ft.	17.0 ft., 55.3 ft.	<i>Compliant</i>
Minimum Rear Yard (North Lot Line) (Sec. 12-4-3:E)	5 ft.	103.6 ft.	<i>Compliant</i>
Maximum Building Height (Sec. 12-4-3:E)	40 ft.	19.67 ft.	<i>Compliant</i>
Maximum Floor Area Ratio (FAR) (Sec. 12-4-3:E)	2.0	0.13	<i>Compliant</i>
Minimum Setback for Open Accessory Parking Spaces (Sec. 12-2-6:G)	3 ft.	< 3 ft.	Waiver to allow a setback less than 3 ft. from the east lot line
Minimum Vehicle Stacking Length (Sec. 12-5-5:B.1)	100 ft.	77.5 – 96.4 ft. (measured at lane centerline)	Waiver to allow a vehicle stacking length less than 100 ft.

To authorize the proposed site plan as presented, the applicant is requesting two waivers:

- 12-2-6:G (Minimum Setback for Open Accessory Parking Spaces in a Required Side Yard):** The three off-street parking spaces proposed at the southeast corner of the property are located less than the minimum of three feet from the nearest lot line as required by Code. To authorize the open accessory parking spaces as an obstruction within the five-foot required side yard with a setback less than three feet, the applicant is requesting a waiver from Section 12-2-6:G. Due to the parking area's adjacency to landscape area to the east and the campus-like nature of the development site, staff does not have any concerns with the request for variation.

- 12-5-5:B.1 (Minimum Vehicle Stacking Length for Drive-Through Facilities):** Per Section 12-5-5:B.1, "a vehicle stacking area a minimum of one hundred feet (100') in length for customers waiting to order food and drink for delivery at the drive-up window must be provided on site and designed to not interfere with normal parking or with vehicular movement on the site." The proposed drive-through lanes, as measured by staff along the centerlines, are approximately 77.5 feet and 96.4 feet in length, less than the minimum length of 100 feet required by Code. The applicant intended to meet the minimum stacking length, but staff requested that the drive-through be designed in a manner that maintains the row of parking on Park District property abutting the subject property to the north and provides the required landscape buffer. This pushed the drive-through configuration south slightly and reduced the stacking lengths. Staff is not concerned with the slightly reduced lengths due to the following:



Drive-Through Lane Length Measurement

- The drive-through provides two lanes for customers, a combined 173.9 feet in stacking length.
- The drive-through lanes can accommodate up to 11 vehicles based on the conceptual site plan included in the submitted traffic and parking impact study.
- Based on the applicant's representation that drive-through transactions are an average of 90 seconds (July 5, 2023, Appearance Commission) and the peak trip generation projections provided in the submitted traffic and parking impact study, it is unlikely that 11 vehicles would queue in the drive-through lanes.
- Any overflow from the drive-through lanes would only impact internal circulation. It is extremely unlikely that

overflow would extend beyond the property's limits and it is more unlikely that it would extend into public rights of way.

Traffic & Parking Impacts

The applicant submitted a traffic and parking impact study prepared by Kimley-Horn. The study finds that “the study intersections are projected to adequately accommodate the proposed development. As shown in the analysis of build conditions, the level of delay and queuing expected under build conditions is comparable to existing conditions... No improvements to study intersections are needed to accommodate site traffic and therefore, none are recommended.” Notably, the study found that there is no need for an exclusive right-turn lane on westbound Dempster Street at Fernald Avenue or Georgiana Avenue.

The study indicates that traffic at the intersection of Dempster Street and Fernald Avenue, the west access drive, will experience a one-second increase in delay due to the proposed project, but will still operate at a good level of service. Northbound and southbound traffic at Dempster Street and Georgiana Avenue will continue to experience delays at certain times, but this is a common situation for similar side streets and will impact a limited number of motorists due to low traffic volumes. Drivers may elect to use the signalized intersection at Fernald Avenue and Dempster Street to avoid such delays.

The submitted site plan includes 16 on-site accessory parking spaces, including one accessible space and one electric vehicle charging space. Through a planned parking agreement, Fifth Third Bank will also be provided exclusive access to ten additional off-street spaces on abutting Village-owned property to the east during hours of operation. The submitted traffic and parking impact study indicates that two accessible spaces will be provided on-site. The site plan was later revised to include only one accessible space, which is compliant with the Illinois Accessibility Code. The study should be updated to reflect the revised number of accessible spaces.

For financial institutions, Section 12-7-3:1 establishes a minimum off-street parking requirement of 1 space per 250 square feet of gross floor area, or 11 spaces for the 2,800-square-foot proposed development. With exclusive access to a total of 26 on-site and off-site parking spaces during hours of operation, the proposed use significantly exceeds the Code's off-street parking requirement, which is advisory for Special Uses. The submitted traffic and parking impact study indicates that based on field observation “spot checks” at 6201 Dempster, no more than nine vehicles were observed parking during any peak hour. Staff believes the proposed off-street parking capacity will significantly exceed the bank's parking demand.

Staff notes that a circular bike rack is included near the Dempster Street building entrance, which will provide parking capacity for employees and customers traveling by bicycle. This is a key amenity due to the site's proximity to the North Branch Trail.

Stormwater Management

The applicant submitted preliminary stormwater management plans as part of the submitted site utility plan. The applicant proposes an underground oversized pipe detention system with a volume of 4,682 cubic feet below the future parking area and drive-through facility. The plan may be modified as the design team explores alternate storage methods in subsequent design phases. 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, Trash & Emergency Access

The submitted site and landscape plans depict two snow storage areas at the northwest and northeast corners of the subject property. These areas will be sodded lawn and capable of handling snow melt drainage. Snow removal for the ten off-site parking spaces to the east will be determined through the parking agreement between the Village and Fifth Third Bank.

A trash enclosure is proposed between the east-west drive aisle behind the building and the drive-through lanes. The enclosure will meet the screening requirements of Section 12-11-4, including a minimum height of five feet. The submitted enclosure detail indicates a height of 6.67 feet, plus a cast concrete cap. According to testimony provided by the applicant at the Traffic Safety and Appearance Commission meetings, Fifth Third Bank does not generate a large amount of trash.

The applicant submitted a Fire Truck Turning Exhibit demonstrating that a standard fire apparatus can maneuver through the site as proposed. *As a condition of approval, staff recommends that any additional diagrams requested by Fire Department or Engineering staff to verify that the site plan can accommodate vehicle maneuvering shall be provided.*

Public Hearings

Appearance Commission

On July 5, 2023, the Appearance Commission unanimously approved (4-0, Commissioner Block absent, Commissioners Minx and Pietron recusing themselves) an Appearance Certificate for the proposed project and forwarded a recommendation of approval of case PC 23-13 to the Plan Commission. The staff report to the Appearance is included in the hearing packet for Case PC 23-13. *The Appearance Commission made the following conditions of approval, which are incorporated into the proposed conditions of the Special Use Permit:*

- 1) *Bird distraction film shall be installed along window areas, subject to review and approval by the Community Development Administrator.*
- 2) *Illuminated signage and other illuminating features on the property may not exceed 5,000K (degrees Kelvin).*
- 3) *Prior to filing any Building Permit Application, the applicant shall provide the Village with a final landscape plan for review and approval by the Community Development Administrator and 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.*
- 4) *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 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.*
- 5) *Three additional trees shall be planted by the applicant at a location on the subject property or in proximity to the subject property, subject to review and approval by the Community Development Administrator.*
- 6) *Happy Returns Daylily plantings shall be removed from the submitted landscape plan and replaced with a species with non-invasive tendencies, subject to review and approval by the Community Development Administrator.*

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 July 6, 2023, meeting. The Commissioners discussed the applicant's proposed operations at the property and related traffic and parking impacts. After hearing all testimony and considering the application, the Commission voted unanimously (6-0, Commissioners Berkowsky and Dibra absent) to recommend approval of the application. No comments were forwarded to the Plan Commission for consideration.

Departmental Review

- **Building Department:** No comments at this time.
- **Fire Department:** No comments at this time. Fire protection requirements will be addressed in the permit process.
- **Public Works Department/Engineering:** In review of the proposed project, the Village Engineer issued comments dated July 6, 2023, which are included in the hearing packet for Case PC 23-13. *Compliance with these comments, whether by strict or alternative compliance, will be included as a recommended condition of Special Use Permit approval.*

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 23-13, a request for approval of a Special Use Permit for a Drive-Through Facility associated with a Financial Institution in a C-1 General Commercial District with select waivers to Section 12-2-6:G (minimum setback for open accessory parking spaces) and 12-5-5:B.1 (minimum vehicle stacking length) for the property commonly known as 6210 Dempster Street in Morton Grove, Illinois, subject to the following conditions:

1. *Bird distraction film shall be installed along window areas, subject to review and approval by the Community Development Administrator.*
2. *Illuminated signage and other illuminating features on the property may not exceed 5,000K (degrees Kelvin).*
3. *Prior to filing any Building Permit Application, the applicant shall provide the Village with a final landscape plan for review and approval by the Community Development Administrator and 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.*
4. *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 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.*
5. *Three additional trees shall be planted by the applicant at a location on the subject property or in proximity to the subject property, subject to review and approval by the Community Development Administrator.*
6. *Happy Returns Daylily plantings shall be removed from the submitted landscape plan and replaced with a species with non-invasive tendencies, subject to review and approval by the Community Development Administrator.*
7. *Prior to the issuance of a building permit, the applicant shall submit all turning path diagrams requested by the Fire Prevention Bureau Coordinator, Community Development Administrator, and Village Engineer, subject to the review and approval of the Village Administrator.*
8. *The applicant and owner shall provide the Community Development Administrator with advance written notice of any change in activities or intensity of use associated with the financial institution or drive-through facility. Any such change may subject the applicant to the requirement for an amendment to the Special Use Permit.*
9. *The applicant shall comply with all comments issued by the Village Engineer in the departmental comment form dated July 6, 2023, by strict or alternative compliance, subject to the Village Engineer's final approval.*

(Any other conditions recommended by the Plan Commission)

Attachment D

Final Plans and Supporting Documents for Case PC 23-13

1. ALTA/NSPS Land Title Survey for 6210 Dempster Street (3 sheets), prepared by American National, dated May 11, 2023
2. Boundary and Topographic Survey for 6210 Dempster Street (3 sheets), prepared by American National, dated January 20, 2023
3. Site Demolition Plan (Sheet C1.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023
4. Site Dimension Plan (Sheet C2.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023
5. Site Grading Plan (Sheet C3.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023
6. Site Utility Plan (Sheet C4.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023
7. Site Details (Sheet C5.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023
8. Site Details (Sheet C5.1), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023
9. Tree Preservation Plan (Sheet L0.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023
10. Landscape Plan (Sheet L1.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023
11. Landscape Details (Sheet L2.0), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023
12. Floor Plan (Sheet A101), prepared by Moody Nolan, dated June 9, 2023
13. Exterior Elevations Analysis (Sheet A302), prepared by Moody Nolan, dated June 9, 2023
14. Exterior Elevations Analysis (Sheet A303), prepared by Moody Nolan, dated June 9, 2023
15. Lighting Site Plan – Photometrics (Sheet E-203), prepared by Moody Nolan and Osborn Engineering, dated June 9, 2023
16. Fire Truck Turning Exhibit (Sheet CEX-1), prepared by Moody Nolan and Terra Engineering, Ltd., dated June 9, 2023
17. Trash Enclosure and Details (Sheet A533), prepared by Moody Nolan, dated June 9, 2023
18. Fifth Third Bank Sign Package (18 pages), prepared by Valley City Sign, dated June 7, 2023
19. Fifth Third Bank Redevelopment Traffic Impact Study (120 pages), prepared by Bill Grieve, P.E., PTOE, Kimley-Horn and Associates, Inc., dated June 12, 2023

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

Legislative Summary

Ordinance 23-19

APPROVING A SPECIAL USE PERMIT FOR A FULL BODY MASSAGE ESTABLISHMENT IN A C-1 GENERAL COMMERCIAL DISTRICT FOR THE PROPERTY COMMONLY KNOWN AS 9231-35 WAUKEGAN ROAD IN MORTON GROVE, ILLINOIS

Introduction:	August 8, 2023
Purpose:	To approve a Special Use Permit authorizing the operation of a full body massage establishment in an existing 2,200-square-foot commercial unit.
Background:	<p>Jianxin He of Foot Smile Spa (“applicant”) submitted a complete application to the Department of Community and Economic Development under Case PC 23-14 requesting a Special Use Permit to operate a “massage establishment – full body” at the property commonly known as 9231-35 Waukegan Road in Morton Grove (“subject property”). The subject property is a 2,200-square-foot commercial unit that is part of a one-story multi-tenant strip center in the C-1 General Commercial District. The applicant has operated a limited-service massage establishment at the subject property since August 2013. Limited-service massage establishments, which may provide hand, foot, head, and neck massages, are a Permitted Use in the C-1 District and may be approved administratively.</p> <p>The applicant’s current hours of operation are 10:30 a.m. to 8:00 p.m. The business operates with up to 4 full-time employees on-site and provides service to no more than four customers in any given hour. On average, two to three customers are on-site at any given time. Appointments range from 30 minutes to one hour. The applicant is proposing no changes to current operations. The submitted floor plan includes a lobby, three private massage rooms, a foot massage room, two restrooms, and two employee rooms. Per the submitted traffic and parking impact study, the 77 existing off-street parking spaces serving the strip center are sufficient to meet the shared parking requirement of 63 spaces for all uses at the site.</p> <p>Because the applicant is not proposing any exterior modifications to the property, Appearance Commission review was not required. On July 6, 2023, the Traffic Safety Commission Chairperson reviewed Case PC 23-14 and voted unanimously to recommend approval of the application with one condition relating to accessible parking. On July 18, 2023, the applicant appeared before the Plan Commission to present the request for approval of the application made under Case PC 23-14. Based on the application, staff report, and testimony presented at the public hearing, the Plan Commission voted unanimously (6-0, Commissioner Gabriel absent) to recommend approval of the Special Use Permit with conditions relating to maximum number of massage therapists and customers on-site, appointments, accessible parking, and general operations.</p>
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:	August 22, 2023
Special Requirements:	None

ORDINANCE 23-19

APPROVING A SPECIAL USE PERMIT FOR A FULL BODY MASSAGE ESTABLISHMENT IN A C-1 GENERAL COMMERCIAL DISTRICT FOR THE PROPERTY COMMONLY KNOWN AS 9231-35 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, 9231-9235 Waukegan Road (“Subject Property”) is a 2,200-square-foot commercial unit within the 1.04-acre Beckwith Center strip center at 9225-9255 Waukegan Road, legally described in “**Exhibit A**”, attached hereto, and made a part of this Ordinance, and zoned C-1 General Commercial; and

WHEREAS, the Subject Property is currently operated as a limited service establish massage establishment; and

WHEREAS full body massage establishments are classified as a Special Use in the C-1 District pursuant to Section 12-4-3:D; and

WHEREAS, Jianxin He of Foot Smile Spa (“Applicant”) submitted a Special Use Application to the Village’s Plan Commission under Case PC 23-14 (“Application”) requesting a Special Use Permit to authorize the operation of a full body massage establishment at the Subject Property; 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 regular meeting of the Plan Commission on July 18, was published in the *Morton Grove Champion*, a newspaper of general circulation in the Village of Morton Grove, on June 29, 2023, written notification was sent to property owners within 250 feet of the Subject Property on June 22, 2023, and a sign was posted on the Subject Property on June 27, 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 July 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 with one condition relating to accessible parking spaces; and

WHEREAS, at the July 18, 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 August 1, 2023, which was presented to the Village Board on August 8, 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 full body massage establishment at the Subject Property 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, ALTA/ACSM Land Title Survey for 9225-9255 Waukegan Road, prepared by Michael J. Emmert Surveys, Inc., dated May 29, 2015;
 2. He Family Foot Smile Spa, Schematic Layout, prepared by Bast Surfaces, undated; and
 3. Memorandum to Mr. Jianxin He Re: Foot Smile Spa, prepared by Justin Opitz, AICP, Bill Grieve, P.E., PTOE, Kimley-Horn, dated May 15, 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. The Applicant shall take all action necessary within reason to ensure that no more than four (4) employees and four (4) customers are on the premises at any time. Appointments and massage therapist service hours shall be scheduled accordingly.
- D. Massage services shall be provided by appointment only. Signage that is visible from the building's exterior shall be posted that indicates services are provided by appointment only.
- E. Failure to comply with any requirement of Article 4-6J or any other applicable requirement set forth in the Morton Grove Municipal Code shall constitute a violation of the Special Use Permit and shall subject the Applicant to Special Use Permit revocation procedures as provided in Section 12-16-4:C.7.
- F. Within sixty (60) days of the Board's approval of a Special Use Permit, the Applicant or Subject Property owner shall stripe the shared parking lot on the property to provide no less than four (4) accessible parking spaces in accordance with the Illinois Accessibility Code, subject to review and approval by the Village Engineer. The

Applicant or Subject Property owner shall obtain all necessary Village permits prior to striping.

- G. The Applicant and Subject Property owner shall provide the Community Development Administrator with advance written notice of any increase in activities or intensity of use associated with the massage establishment. Any such change may subject the applicant to the requirement for an amendment to the Special Use Permit.
- H. 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. ~~§ 04.01~~ 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. ~~§ 05.01~~ Failure to Comply with Conditions. Upon failure or refusal of the Applicant to comply with any or all 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. ~~§ 06.01~~ 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 22nd day of August 2023.

Trustee Khan _____

Trustee Minx _____

Trustee Shiba _____

Trustee Thill _____

Trustee Travis _____

Trustee Witko _____

Approved by me this 22nd day of August 2023.

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

Attested and Filed in my office this 23rd day of August 2023.

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

LIST OF EXHIBITS

EXHIBIT A	Legal Description, 9225-9255 Waukegan Road
EXHIBIT B	Plan Commission Report for PC 23-14, dated August 1, 2023

EXHIBIT A

9225-9255 WAUKEGAN ROAD, MORTON GROVE, ILLINOIS 60053
LEGAL DESCRIPTION:

LOTS 28 TO 41, BOTH INCLUSIVE, IN BLOCK 3 IN GOLF VIEW GARDENS IN THE WEST
½ OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL
MERIDIAN, IN COOK COUNTY, ILLINOIS.

PROPERTY INDEX NUMBER:

10-18-107-048-0000

EXHIBIT B

PLAN COMMISSION REPORT FOR PC 23-14

Dated August 1, 2023

To: Village President and Board of Trustees

From: Steven Blonz, Plan Commission Chairperson
Ralph Czerwinski, Village Administrator
Teresa Hoffman Liston, Corporation Counsel
Zoe Heidorn, Community Development Administrator

Date: August 1, 2023

Re: Plan Commission Case PC 23-14
Request for approval of a Special Use Permit for a Massage Establishment - Full Body in a C-1 General Commercial District for the property commonly known as 9231-35 Waukegan Road (PIN 10-18-107-048-0000) in Morton Grove, Illinois. The applicant is Jianxin He, Foot Smile Spa.

Executive Summary

Jianxin He of Foot Smile Spa ("applicant") submitted a complete application to the Department of Community and Economic Development under Case PC 23-14 requesting a Special Use Permit to operate a "massage establishment – full body" at the property commonly known as 9231-35 Waukegan Road in Morton Grove ("subject property"). The subject property is a commercial unit that is part of a one-story multi-tenant strip center in a C-1 General Commercial District. The applicant has operated a limited-service massage establishment at the subject property since August 2013. Limited-service massage establishments are a Permitted Use in the C-1 District and may provide hand, foot, head, and neck massages.

The Special Use Application was considered by the Plan Commission at a regular meeting on July 18, 2023. For the reasons set forth in this report, on July 18, 2023, the Plan Commission unanimously recommended by a vote of 6-0 (Commissioner Gabriel absent) that the Village Board of Trustees should approve the Special Use Permit with various conditions.

Application

The subject property is a 2,200-square-foot commercial unit within the 1.04-acre Beckwith Center strip center at the southeast corner of Waukegan and Beckwith Roads. The applicant currently operates a limited-service massage establishment at the subject property. The applicant is proposing no changes to current operations, except that full-body massages will be offered under the requested Special Use Permit. The current business hours of operation are 10:30 a.m. to 8:00 p.m. The applicant operates with up to 4 full-time employees on-site and provides service to no more than 4 customers in any given hour. On average, 2 to 3 customers are on-site at any given time. Appointments range from 30 minutes to 1 hour. The submitted floor plan includes a lobby, three private massage rooms, a foot massage room, 2 restrooms, and 2 employee rooms.

The applicant and all other commercial tenants operating at the site have access to 77 shared on-site parking spaces, 2 of which are accessible. Per the submitted traffic and parking impact study and based on the requirements of 12-7-3:1, the parking requirement for the entire multi-tenant property is 71 parking spaces. Applying the shared parking calculation, the total requirement is reduced to 63 spaces. With a total of 77 off-street parking spaces provided on the site, the site exceeds the minimum shared parking requirement by 14 spaces.

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 the following comment dated July 6, 2023:

"The front and rear parking lots include two accessible parking spaces. Illinois Accessibility Code requires four accessible parking spaces for parking lots with 76-100 parking spaces. This parking lot should be updated to current accessibility standards."

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 July 6, 2023, the Traffic Safety Commission reviewed Case PC 23-14. The Commissioners discussed the applicant's proposed operations at the property and related parking impacts. The Commissioners discussed the fact that the Illinois Accessibility Code requires a minimum of 4 accessible spaces for parking lots containing between 76 and 100 spaces in total, where only 2 are currently provided on the site. Peter Lemmon of Kimley-Horn indicated that 1 additional accessible space could be added to each side of the 2 existing accessible parking aisles, adding 2 accessible spaces but not reducing the overall parking count. After hearing all testimony and considering the application, the Commission voted unanimously (6-0, Commissioners Berkowsky and Dibra absent) to recommend approval of the application, subject to the following condition:

"The applicant or property owner shall stripe the lot to provide no less than 4 accessible parking spaces in accordance with the Illinois Accessibility Code."

Plan Commission

The Village provided Public Notice for the July 18, 2023, Plan Commission public hearing for PC 23-14, to be held at a regular meeting of the Plan Commission, in accordance with the Unified Development Code. The Morton Grove Champion published a public notice on June 29, 2023. The Village notified surrounding property owners via mail on June 22, 2023, and placed a public notice sign on the subject property on June 27, 2023.

Plan Commission – July 18, 2023, Proceedings: Six members of the Plan Commission were in attendance at the public hearing for Case PC 23-14 held on July 18, 2023. Commissioner Gabriel was absent.

Zoe Heidorn, Community Development Administrator, provided a brief introduction to the application. The staff report dated July 11, 2023, and attached hereto as "**Attachment A**," was entered into the public record.

Ms. Heidorn stated in the case of PC 23-14, the applicant is requesting a Special Use Permit to operate a full-body massage establishment in a 2,200-square-foot commercial unit within the Beckwith Center strip center at the southeast corner of Waukegan and Beckwith Roads. The applicant is currently authorized to operate a limited-service massage establishment. Hours of operation are 10:30 a.m. to 8:00 p.m., which will not change. Up to 4 full-time employees provide service to no more than 4 customers in any given hour. The applicant and all other tenants have access to 77 shared on-site parking spaces, 2 of which are accessible. On July 6, the Traffic Safety Commission unanimously recommended approval of the application with the condition that the applicant or property owner shall stripe the lot to provide no less than 4 accessible parking spaces in accordance with the Illinois Accessibility Code. This can be achieved without a reduction to the overall number of on-site parking stalls.

Yilun Hu, attorney representing the applicant, said the landlord supports the change in business and will stripe the parking lot to add two accessible spaces. The spa has been in operation since 2013 and wishes to expand their license to include full-body massage.

Commissioner Kintner notes that full-body massage was occurring without approval. He is concerned that Special Use conditions are not being followed and want assurance that any conditions imposed for this case be followed.

Mr. Hu said three of the therapists are licensed in Illinois, the fourth is seeking a license. Ms. Heidorn noted that limited-service massage is a permitted use in the C-1 District, so no Special Use Permit is required for limited-service massage services.

Commissioner Kintner notes there are two other massage businesses nearby. Mr. Hu said this business has been successful for 10 years and will appreciate the expansion of services.

Commissioner Stein asked if the space was remodeled in 2013, he notes that both washrooms are not accessible. Jim English, Manager of Building and Inspectional Service, noted that the space had not been remodeled, so accessibility is not required.

Chairman Blonz asked for comments from the public.

Susan Pellicano, 9327 National Avenue, said that three massage parlors on Waukegan Road is too many. She suspects illegal activities occur at these establishments.

Ms. Heidorn noted that all massage businesses are regularly visited by the Morton Grove Police Department to check on operations.

Commissioner Liston made a motion to recommend approval of Case PC 23-14, a request for approval of a Special Use Permit for a Massage Establishment - Full Body in a C-1 General Commercial District for the property commonly known as 9231-35 Waukegan Road in Morton Grove, Illinois, subject to the following conditions:

1. The applicant shall take all action necessary and within reason to ensure that no more than four employees and four customers are on the premises at any time. Appointments and masseuse service hours shall be scheduled accordingly.
2. Massage services shall be provided by appointment only. Signage that is visible from the building's exterior shall be posted that indicates services are provided by appointment only.
3. Failure to comply with any requirement of Article 4-6J or any other applicable requirement set forth in the Morton Grove Municipal Code shall constitute a violation of the Special Use Permit and shall subject the applicant to Special Use Permit revocation procedures as provided in Section 12-16-4:C.7.
4. Within sixty (60) days of the Board's approval of a Special Use Permit, the applicant or property owner shall stripe the shared parking lot on the property to provide no less than 4 accessible parking spaces in accordance with the Illinois Accessibility Code, subject to review and approval by the Village Engineer. The applicant or property owner shall obtain all necessary Village permits prior to striping.
5. The applicant and owner shall provide the Community Development Administrator with advance written notice of any increase in activities or intensity of use associated with the massage establishment. Any such change may subject the applicant to the requirement for an amendment to the Special Use Permit.
6. The applicant shall comply with all comments issued by the Village Engineer in the departmental comment form dated July 6, 2023, by strict or alternative compliance, subject to the Village Engineer's final approval.

The motion was seconded by Commissioner Stein.

Motion passes 6-0.

Final Plans and Supporting Documents

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

1. Plat of Survey, ALTA/ACSM Land Title Survey for 9225-9255 Waukegan Road, prepared by Michael J. Emmert Surveys, Inc., dated May 29, 2015
2. He Family Foot Smile Spa, Schematic Layout, prepared by Bast Surfaces, undated
3. Memorandum to Mr. Jianxin He Re: Foot Smile Spa, prepared by Justin Opitz, AICP, Bill Grieve, P.E., PTOE, Kimley-Horn, dated May 15, 2023

Attachments

- **Attachment A** – Staff Report to the Plan Commission for Case PC 23-14, prepared by Zoe Heidorn, Community Development Administrator, dated July 11, 2023
- **Attachment B** – Final Plans and Supporting Documents for Case PC 23-14

Attachment A

Staff Report to the Plan Commission for Case PC 23-14
Prepared by Zoe Heidorn, Community Development Administrator
Dated July 11, 2023

To: Chairperson Blonz and Members of the Plan Commission

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

Date: July 11, 2023

Re: Plan Commission Case PC 23-14
Request for approval of a Special Use Permit for a Massage Establishment - Full Body in a C-1 General Commercial District for the property commonly known as 9231-35 Waukegan Road (PIN 10-18-107-048-0000) in Morton Grove, Illinois. The applicant is Jianxin He, Foot Smile Spa.

STAFF REPORT

Public Notice

The Village provided Public Notice for the July 18, 2023, Plan Commission public hearing for PC 23-14, to be held at a regular meeting of the Plan Commission, in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on June 29, 2023. The Village notified surrounding property owners via mail on June 22, 2023, and placed a public notice sign on the subject property on June 27, 2023.

Application

Jianxin He of Foot Smile Spa (“applicant”) submitted a complete application to the Department of Community and Economic Development under Case PC 23-14 requesting a Special Use Permit to operate a “massage establishment – full body” at the property commonly known as 9231-35 Waukegan Road in Morton Grove (“subject property”). The subject property is a commercial unit that is part of a one-story multi-tenant strip center in a C-1 General Commercial District. The applicant has operated a limited-service massage establishment at the subject property since August 2013. Limited-service massage establishments are a Permitted Use in the C-1 District and may provide hand, foot, head, and neck massages.

Subject Property

The subject property is a 2,200-square-foot commercial unit within the Beckwith Center strip center at the southeast corner of Waukegan and Beckwith Roads. The entire property measures 45,279 square feet (1.04 acres) in land area and is zoned C-1 General Commercial. To the north, west, and south are properties zoned C-1 General Commercial and improved with commercial structures. To the east of the subject property, across an improved public alley, are properties zoned R-1 Single Family Residence and improved with single-family detached dwellings.



Subject Property Location Map

Proposed Use

In 2023, the Department of Community and Economic Development was notified by the Morton Grove Police Department that the applicant was providing full-body massages at the subject property without a Special Use Permit authorizing full-body massage services. The Village notified the applicant that a Special Use Permit would be required and that all full-body services were to cease until a Special Use Permit was approved by the Board. The applicant has maintained full cooperation with the Village and is seeking compliance.

The applicant is proposing no changes to current operations. The current business hours of operation are 10:30 a.m. to 8:00 p.m. The applicant operates with up to 4 full-time employees on-site and provides service to no more than 4 customers in any given hour. On average, 2 to 3 customers are on-site at any given time. Appointments range from 30 minutes to 1 hour. The submitted floor plan includes a lobby, three private massage rooms, a foot massage room, 2 restrooms, and 2 employee rooms. *As conditions of Special Use Permit approval, staff recommends that no more than 4 employees and 4 customers are on-site at any given time and that all services are provided by appointment only.*

The applicant and all other commercial tenants operating at the site have access to 77 shared on-site parking spaces, 2 of which are accessible. Parking spaces are located to the front of the building and to the rear. As required by Section 12-7-3:B, the applicant submitted a parking impact study prepared by Kimley-Horn. The advisory off-street parking requirement set forth in Section 12-7-3:I is 1 space per 250 square feet of gross floor area, or 9 parking spaces for the proposed use. Based on actual operations, the study indicates that only 6 to 8 spaces would be needed to meet the customer and employee parking demand. The study includes a parking requirement calculation for the entire multi-tenant property and a shared parking requirement calculation as provided in Section 12-7-3:H. The total requirement for all current uses at the multi-tenant property is 71 parking spaces. Applying the shared parking calculation, the total requirement is reduced to 63 spaces. With a total of 77 off-street parking spaces provided on the site, the site exceeds the minimum shared parking requirement by 14 spaces. Kimley-Horn verified parking availability on the site using spot checks. Based on observations, the peak occupancy within the multi-tenant strip center was 49 spaces, which occurred on a Saturday at midday.

Based on Village records, the only vacant unit within the multi-tenant property is 9229 Waukegan Road, which has 1,200 square feet of leasable area. Even if the vacant unit were to be occupied by a use with a high parking requirement such as a restaurant (1 space per 150 square feet of gross floor area), the property and mix of uses thereon would remain compliant with the minimum off-street parking requirements set forth by Village Code.

As a requirement of Municipal Code, all massage establishments must comply with the requirements of Article 4-6J, "Massage Establishments and Massage Therapists." Village regulations address therapist licensing, facilities, employment, and inspections. Per Section 4-6J-12, massage establishment facilities are required to comply with the following:

- Construction of rooms used for toilets, tubs, steam baths, and showers shall be made waterproof with approved waterproof materials and shall be installed in accordance with the codes of the Village, Cook County and/or state of Illinois, as may be applicable.
- All massage tables, bathtubs, shower stalls, steam or bath areas and floor shall have surfaces which may be readily disinfected and cleaned. They shall be covered with single-service towels when in use.
- Adequate bathing, dressing, and locker facilities shall be provided for the patrons to be served at any given time. In the event male and female patrons are to be served simultaneously, separate bathing, dressing, locker and massage room facilities shall be provided.
- The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use by each patron.
- Closed cabinets shall be provided and used for storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage area. Soiled linens and towels shall not be reused until they have been washed and sanitized.
- Toilet facilities specifically designated for massage establishment use only shall be provided in convenient locations within or immediately adjacent to the premises within the same structure in which the premises are located. When employees and patrons of different genders are on the premises at the same time, separate toilet facilities shall be provided for each gender. A single water closet for each gender shall be provided for each twenty (20) or more employees or patrons of that gender on the premises at any one time. Urinals may be substituted for water closets

- after one water closet has been provided. Toilets shall be designated as to the gender accommodated therein.
- Lavatories or wash basins provided with both hot and cold running water shall be installed in the toilet room(s). At least one lavatory shall be provided outside of the toilet facilities and conveniently located for the employees to wash their hands prior to treating a client. Lavatories or washbasins shall be provided with soap in a dispenser and a dispenser with sanitary towels.
- The premises shall be equipped with a service sink for custodial services.
- A stationary or portable professional massage table with appropriate headrest.
- A separate dressing room for each sex must be available on the premises with individual lockers for each employee and client. Doors to such dressing rooms shall open inward and shall be self-closing.
- The licensee, as a condition of issuance of the massage establishment license, consents to walk-through inspections by authorized Village employees, without notice, at any time during business hours.

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 the following comment dated July 6, 2023:

"The front and rear parking lots include two accessible parking spaces. Illinois Accessibility Code requires four accessible parking spaces for parking lots with 76-100 parking spaces. This parking lot should be updated to current accessibility standards."

The requirement to provide a total of 4 accessible parking spaces on the site is included as a 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 July 6, 2023, the Traffic Safety Commission reviewed Case PC 23-14. The Commissioners discussed the applicant's proposed operations at the property and related parking impacts. The Commissioners discussed the fact that the Illinois Accessibility Code requires a minimum of 4 accessible spaces for parking lots containing between 76 and 100 spaces in total, where only 2 are currently provided on the site. Peter Lemmon of Kimley-Horn indicated that 1 additional accessible space could be added to each side of the 2 existing accessible parking aisles, adding 2 accessible spaces but not reducing the overall parking count. After hearing all testimony and considering the application, the Commission voted unanimously (6-0, Commissioners Berkowsky and Dibra absent) to recommend approval of the application, subject to the following condition:

1. *The applicant or property owner shall stripe the lot to provide no less than 4 accessible parking spaces in accordance with the Illinois Accessibility Code.*

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 23-14, a request for approval of a Special Use Permit for a Massage Establishment - Full Body in a C-1 General Commercial District for the property commonly known as 9231-35 Waukegan Road in Morton Grove, Illinois, subject to the following conditions:

1. *The applicant shall take all action necessary and within reason to ensure that no more than 4 employees and 4 customers are on the premises at any time. Appointments and masseuse service hours shall be scheduled accordingly.*
2. *Massage services shall be provided by appointment only. Signage that is visible from the building's exterior shall be posted that indicates services are provided by appointment only.*
3. *Failure to comply with any requirement of Article 4-6J or any other applicable requirement set forth in the Morton Grove Municipal Code shall constitute a violation of the Special Use Permit and shall subject the applicant to Special Use Permit revocation procedures as provided in Section 12-16-4:C.7.*
4. *Within sixty (60) days of the Board's approval of a Special Use Permit, the applicant or property owner shall stripe the shared parking lot on the property to provide no less than 4 accessible parking spaces in accordance with the Illinois Accessibility Code, subject to review and approval by the Village Engineer. The applicant or property owner shall obtain all necessary Village permits prior to striping.*
5. *The applicant and owner shall provide the Community Development Administrator with advance written notice of any change in activities or intensity of use associated with the massage establishment. Any such change may subject the applicant to the requirement for an amendment to the Special Use Permit.*
6. *The applicant shall comply with all comments issued by the Village Engineer in the departmental comment form dated July 6, 2023, by strict or alternative compliance, subject to the Village Engineer's final approval.*

(Any other conditions recommended by the Plan Commission)

Attachment B

Final Plans and Supporting Documents for Case PC 23-14

1. Plat of Survey, ALTA/ACSM Land Title Survey for 9225-9255 Waukegan Road, prepared by Michael J. Emmert Surveys, Inc., dated May 29, 2015
2. He Family Foot Smile Spa, Schematic Layout, prepared by Bast Surfaces, undated
3. Memorandum to Mr. Jianxin He Re: Foot Smile Spa, prepared by Justin Opitz, AICP, Bill Grieve, P.E., PTOE, Kimley-Horn, dated May 15, 2023

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

Legislative Summary

Ordinance 23-20

APPROVING A SPECIAL USE PERMIT FOR AN ASSISTED LIVING FACILITY IN A C/R DISTRICT FOR THE PROPERTY COMMONLY KNOWN AS 5520 LINCOLN AVENUE IN MORTON GROVE, ILLINOIS

Introduction:	August 8, 2023
Purpose:	To approve a Special Use Permit authorizing the operation of an assisted living facility in an existing assisted living facility development at 5520 Lincoln Avenue.
Background:	<p>Soar High Holdings LLC (“applicant”) submitted a complete application to the Department of Community and Economic Development under Case PC 23-15 requesting a Special Use Permit to operate an existing assisted living facility at the property commonly known as 5520 Lincoln Avenue in Morton Grove (“subject property”), which is zoned C/R Commercial/Residential. Since authorized and constructed in 2009, an assisted living facility operated continuously at the subject property until 2019 under various operators. The applicant is under contract to purchase the subject property and is requesting a Special Use Permit to authorize reuse of the property as an assisted living facility.</p> <p>The applicant’s proposed assisted living facility, which will be operated by Bay Harbor Memory Care and Assisted Living, will include 112 beds in 84 existing units. The facility will employ approximately 80 full-time staff members. Employees will work in three shifts, with about 40 employees working during the day, about 35 working the second shift, and up to 16 working the overnight shift. Residents are expected to stay two to four years on average. The applicant submitted a traffic and parking impact study prepared by Kimley-Horn determining that, consistent with the original study, the number of parking spaces provided on-site will be adequate to support the peak parking demand. The applicant also submitted Bay Harbor’s internal policies and procedures for review by Village staff and for information for a forthcoming agreement between the Village and the applicant wherein the facility will reimburse the Village for services rendered above a certain threshold.</p> <p>Because the applicant is not proposing any exterior modifications to the property, Appearance Commission review was not required. On July 6, 2023, the Traffic Safety Commission reviewed Case PC 23-15 and voted unanimously to recommend approval of the application. On July 18, 2023, the applicant presented its application to the Plan Commission. Based on the application, staff report, and testimony presented at the public hearing, the Plan Commission voted unanimously (6-0, Commissioner Gabriel absent) to recommend approval of the Special Use Permit with conditions relating to a reimbursement agreement with the Village, facility policies and procedures, parking management, and a damaged fence on the subject property.</p>
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.
Recommendation	Approval as presented
Second Reading:	August 22, 2023
Special Requirements:	None

ORDINANCE 23-20

APPROVING A SPECIAL USE PERMIT FOR AN ASSISTED LIVING FACILITY IN A C/R DISTRICT FOR THE PROPERTY COMMONLY KNOWN AS 5520 LINCOLN AVENUE IN MORTON GROVE, ILLINOIS

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

WHEREAS, 5520 Lincoln Avenue, legally described in “Exhibit A”, attached hereto, and made a part of this Ordinance, is a 162,970-square-foot (3.7-acre) property zoned C/R Commercial/Residential (“Subject Property”); and

WHEREAS, the Subject Property is currently improved with a four-story structure designed for operation as an assisted living facility and 64 accessory off-street parking spaces; and

WHEREAS, assisted living facilities are classified as a Special Use in the C/R District pursuant to Section 12-4-3:D; and

WHEREAS, Soar High Holdings LLC (“Applicant”) submitted a Special Use Application to the Village’s Plan Commission under Case PC 23-15 (“Application”) requesting a Special Use Permit to authorize the operation of an assisted living facility at the Subject Property; 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 regular meeting of the Plan Commission on July 18, was published in the *Morton Grove Champion*, a newspaper of general circulation in the Village of Morton Grove, on June 29, 2023, written notification was sent to property owners within 250 feet of the Subject Property on June 22, 2023, and a sign was posted on the Subject Property on June 27, 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 July 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 July 18, 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 August 1, 2023, which was presented to the Village Board on August 8, 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 an assisted living facility at the Subject Property 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. ALTA/NSPS Land Title Survey for 5520 Lincoln Avenue, prepared by Andrew Spiewak Land Surveyor, Inc., dated May 30, 2023;
 - 2. Site Plan Review Submittal (Sheet 6.0, 6.1), prepared by Ganther Construction & Architecture, dated September 11, 2009;

3. “About Our Senior Living Communities,” prepared by the applicant, undated; and
4. Traffic Impact Study, 5520 Lincoln Avenue – Assisted Living Development Reopening, prepared by Kimley-Horn, dated June 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. The Applicant and any future operator shall enter into an agreement with the Village to provide reimbursement for emergency services provided above a certain agreed-upon threshold, subject to review and approval by the Fire Department Chief and Village Administrator or his/her designee. The agreement shall be executed prior to issuance of a business compliance certificate.
- D. The Applicant and any future operator shall refine their policies and procedures as they relate to Village services, subject to review and approval by the Fire Department Chief and Village Administrator or his/her designee. Operating the assisted living facility inconsistent with the final approved policies and procedures shall constitute a violation of the Special Use Permit.
- E. Failure to comply with any requirement of Section 12-5-9 or any other applicable requirement set forth in the Morton Grove Municipal Code shall constitute a violation of the Special Use Permit and shall subject the applicant to Special Use Permit revocation procedures as provided in Section 12-16-4:C.7.
- F. Upon observation of any parking issues or deficiencies by Village staff, the Applicant shall submit a parking management plan to the Village Administrator or his/her designee for review and approval. The Applicant and any future operator shall comply with the final approved parking management plan.
- G. The Applicant shall designate the horseshoe driveway within the Subject Property’s front yard as a fire lane and mark the lane with yellow curb paint, signage, and other

markings as required by the Morton Grove Fire Department, subject to review and approval by the Fire Prevention Bureau Coordinator.

- H. The Applicant and Subject Property owner shall provide the Community Development Administrator with advance written notice of any change in activities or intensity of use associated with the assisted living facility. Any such change may subject the applicant to the requirement for an amendment to the Special Use Permit.
- I. Prior to the issuance of a business compliance certificate, the Applicant shall repair or replace any portion of chain link fencing on the Subject Property that is damaged, subject to review and approval by the Community Development Administrator.
- J. The Applicant and Subject Property owner shall provide the Community Development Administrator with advance written notice of any increase in activities or intensity of use associated with the assisted living facility. Any such change may subject the applicant to the requirement for an amendment to the Special Use Permit.
- K. 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 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 22nd day of August 2023.

Trustee Khan _____

Trustee Minx _____

Trustee Shiba _____

Trustee Thill _____

Trustee Travis _____

Trustee Witko _____

Approved by me this 22nd day of August 2023.

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

Attested and Filed in my office this 23rd day of August 2023.

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

LIST OF EXHIBITS

EXHIBIT A	Legal Description, 5520 Lincoln Avenue
EXHIBIT B	Plan Commission Report for PC 23-15, dated August 1, 2023

EXHIBIT A

5520 LINCOLN AVENUE, MORTON GROVE, ILLINOIS 60053 LEGAL DESCRIPTION:

PARCEL 1: THE WEST 30 FEET OF LOT 6 AND THE SOUTH 7 FEET OF THE WEST 30 FEET OF LOT 5 IN SKOKIE MANOR HIGHLANDS FIRST ADDITION BEING A RESUBDIVISION OF PART OF THE EAST 5 ACRES OF LOT 2 IN THE SUBDIVISION OF LOTS 1, 5 AND 6 IN OWNER'S SUBDIVISION OF THE WEST HALF OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS.

PARCEL 2: THE WEST 18 FEET OF THE EAST 5 ACRES OF LOT 2 (EXCEPT THEREFROM THE NORTH 500 FEET THEREOF AND THE SOUTHEASTERLY 33 FEET THEREOF) IN THE SUBDIVISION OF LOTS 1, 5 AND 6 OF OWNER'S SUBDIVISION OF THE WEST HALF OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS.

PARCEL 3: THAT PART OF LOT 2 (EXCEPT THE EAST 5 ACRES THEREOF) AND (EXCEPT THAT PART TAKEN FOR EDENS EXPRESSWAY) AND (EXCEPT THAT PART TAKEN FOR LINCOLN AVENUE) IN THE SUBDIVISION OF LOTS 1, 5 AND 6 OF OWNER'S SUBDIVISION OF THE WEST HALF OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PROPERTY INDEX NUMBER:

10-21-119-066-0000
10-21-119-107-0000
10-21-119-001-0000

EXHIBIT B

PLAN COMMISSION REPORT FOR PC 23-15

Dated August 1, 2023

To: Village President and Board of Trustees

From: Steven Blonz, Plan Commission Chairperson
Ralph Czerwinski, Village Administrator
Teresa Hoffman Liston, Corporation Counsel
Zoe Heidorn, Community Development Administrator

Date: August 1, 2023

Re: Plan Commission Case PC 23-15
Request for approval of a Special Use Permit for an Assisted Living Facility in a C/R Commercial/Residential District for the property commonly known as 5520 Lincoln Avenue (PIN 10-21-119-001-0000, 10-21-119-066-0000, 10-21-119-107-0000) in Morton Grove, Illinois. The applicant is Soar High Holdings LLC.

Executive Summary

Soar High Holdings LLC ("applicant") submitted a complete application to the Department of Community and Economic Development under Case PC 23-15 requesting a Special Use Permit to operate an assisted living facility at the property commonly known as 5520 Lincoln Avenue in Morton Grove ("subject property"). The subject property is zoned C/R Commercial/Residential and is improved with a four-story structure designed to operate as an assisted living facility. The development was authorized in 2009 and an assisted living facility operated continuously at the subject property for a decade, though under various operators. Most recently, the facility operated as the Auberge at Orchard Park until the facility closed in 2019. The applicant is under contract to purchase the subject property and is seeking a Special Use Permit to authorize reuse of the property as an assisted living facility.

The Special Use Application was considered by the Plan Commission at a regular meeting on July 18, 2023. For the reasons set forth in this report, on July 18, 2023, the Plan Commission unanimously recommended by a vote of 6-0 (Commissioner Gabriel absent) that the Village Board of Trustees should approve the Special Use Permit with various conditions.

Application

The proposed assisted living facility will be operated by Bay Harbor Memory Care and Assisted Living, which has multiple locations in the Midwest. The applicant's proposed facility will include 112 beds in 84 existing units and will not be expanded. Any future expansion would require amendment to the Special Use Permit. According to the applicant, the facility will employ a total of approximately 80 full-time staff members. Employees will work in three shifts, with approximately 40 employees working during the day, approximately 35 employees working the second shift, and up to 16 employees working the overnight shift. Residents are expected to stay two to four years on average.

The applicant submitted a traffic and parking impact study prepared by Kimley-Horn that reviews the findings of the study submitted as part of the original Special Use Application in 2009 and provides an update based on current conditions. The study determines that, consistent with the original study, all intersections serving the proposed use at the subject property operate at acceptable levels of service. The submitted study also finds that the number of parking spaces provided on-site will be adequate to support the use's peak parking demand.

At staff's request, the applicant submitted Bay Harbor's internal policies and procedures so that Morton Grove Fire Department staff could review procedures to help inform an agreement between the Village and facility operator wherein the facility will reimburse the municipality for services rendered above a certain agreed-upon threshold. Per the Fire Chief, Bay Harbor's "falls policy" indicates that staff will attempt to lift an uninjured patient. If followed, this policy can mitigate unnecessary 911 calls.

Departmental Review

- **Building Department:** No comments at this time.
- **Fire Department:** In review of the proposed project, the Fire Prevention Bureau Coordinator issued the following comment on July 5, 2023:

"In addition to the [EMS reimbursement] requirements that you discussed with Chief Ensign, the Fire Department will require the entire front drive to be designated as a Fire Lane (marked with yellow curb paint and signage)."

- **Public Works Department/Engineering:** In review of the proposed project, the Village Engineer issued the following comment dated July 6, 2023:

"Public Works Department supports the Fire Department desire to prohibit parking from the access points along Lincoln Avenue and through the covered entrance in order to maintain unhindered access for emergency vehicles."

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 July 6, 2023, the Traffic Safety Commission reviewed Case PC 23-15. The Commissioners discussed the applicant's proposed operations at the property and related parking impacts. The Commissioners agreed that the front drive should be designated as a fire lane. Peter Lemmon of Kimley-Horn indicated that he worked on the original 2009 traffic and parking impact study. He is confident that the project will not negatively impact surrounding roadways and that the parking capacity is typical and adequate for this type of facility. After hearing all testimony and considering the application, the Commission voted unanimously (6-0, Commissioners Berkowsky and Dibra absent) to recommend approval of the application. The Traffic Safety Commission did not forward any comments to the Plan Commission.

Plan Commission

The Village provided Public Notice for the July 18, 2023, Plan Commission public hearing for PC 23-15, to be held at a regular meeting of the Plan Commission, in accordance with the Unified Development Code. The Morton Grove Champion published a public notice on June 29, 2023. The Village notified surrounding property owners via mail on June 22, 2023, and placed a public notice sign on the subject property on June 27, 2023.

Plan Commission – July 18, 2023, Proceedings: Six members of the Plan Commission were in attendance at the public hearing for Case PC 23-15 held on July 18, 2023. Commissioner Gabriel was absent.

Zoe Heidorn, Community Development Administrator, provided a brief introduction to the application. The staff report dated July 11, 2023, and attached hereto as "**Attachment A**," was entered into the public record.

Ms. Heidorn described the case of PC 23-15, wherein the applicant is requesting a Special Use Permit to operate an assisted living facility in an existing assisted living facility structure approved by Special Use Permit in 2009. The facility closed in 2019. The applicant's proposed facility will include 112 beds in 84 existing units, consistent with the previous facility, and will not be expanded. The facility will employ a total of approximately 80 full-time staff members working in three shifts. Staff has recommended conditions of approval relating to reimbursement for emergency services, policies and procedures, parking, and the installation of a fire lane within the property's front yard driveway. On July 6, the Traffic Safety Commission unanimously recommended approval of the application without comments or conditions.

Ms. Heidorn read the following emails as public comment:

[Email 1] I am a property owner of 5510 N. Lincoln Ave. Unit 310. I have received your letter addressed to me as a Morton Grove Property Owner of Edens Point Condominium Association next door to the previous Silverado and Auberge Assisted Living Facility. I am aware that there is a request for a special use permit for our next door neighbor/facility. I know that our Edens Board Members and Rosen Management have tried numerous times to contact the previous owners Silverado and Auberge to repair or replace the joint fencing between our properties (see attached photos). The fencing is either broken or in poor condition and apparently, we have been told that this fence belongs to their property. The fence has not been repaired or replaced and it has been at least 2 years now since the facility has been vacant or the previous owner has not been responsive to our requests.

*I am just sharing our request for the repair/replacement of the fencing since this has been an ongoing issue/case to make you and the future buyers/permit owners aware of this issue and need for our condominium association. Thank you so much.
Emily Oros of 5510 N. Lincoln Avenue, Unit 310.*

[Email 2] An email was sent a few weeks back to the Village about this concern. I found myself in the caravan of traffic on westbound Lincoln Avenue from Gross Point Road to Austin and my speedometer was showing 45 mph (in a 25 mph zone) and I was shocked. These are my concerns as someone who walks that area and who is a medical professional who would need to assist if there were an injury:

- *No crosswalk or flashing crosswalk to cross Lincoln Avenue at Linder or Central.*
- *Radar speed signs posted east and west bound put up- no change in the speeds of cars.*
- *Outer lanes continue to be used as a driving lane - although it is marked.*
- *Cars continue to pass stopped school buses- a lot of school aged children in the apartments.*
- *The west "hill" over the Edens has poor visibility and children use that northside grassy area for sledding.*

*Thank you for taking these into consideration when preparing for more traffic in and out of the corner building. Kind regards,
Julie M. Jacobs MSN, AGNP, FPA, 5514 Washington Street.*

Shane Nediakalayil, George Nediakalayil, and Chris Patel, representing the applicant, were sworn in.

Mr. Nediakalayil described the plan for opening the assisted living facility. He said they will make the necessary repairs to the fence and indicated that all other work is interior.

Commissioner Dorgan asked if there is adequate parking for overlapping shifts of employees.

Justin Opitz, Kimley-Horn, said the amount of parking is sufficient for the twenty employees per shift and a shift change. Traffic should not increase over time as the area does not have any significant amount of developable land.

Commissioner Kintner asked how many visitors are expected.

Mr. Nediakalayil indicated that visiting hours will be the same as the previous operation. They are working to obtain visiting hour information from the previous operator so that it can be consistent. They want to operate as similar to the previous operation so that there is no disruption to the neighborhood. Mr. Opitz noted that the original traffic study for the facility from 2009 showed enough parking for resident and guests.

The applicants explained that they are proud to reinstate an excellent level of care and service for senior residents and are excited make this an asset for the Morton Grove community.

Commissioner Kintner asked if guests have an outdoor area. Mr. Nediakalayil responded that this area is fenced and monitored. Only residents with visitors may use the area.

Chairman Blonz asked about the memory care area. There will be 19 memory care rooms on the first floor that will be monitored.

Chairman Blonz noted there were no further public comments.

Commissioner Liston made a motion to recommend approval of Case PC 23-15, a request for approval of a Special Use Permit for an Assisted Living Facility in a C/R Commercial/Residential District for the property commonly known as 5520 Lincoln Avenue in Morton Grove, Illinois, subject to the following conditions:

1. The applicant and any future operator shall enter into an agreement with the Village to provide reimbursement for emergency services provided above a certain agreed-upon threshold, subject to review

and approval by the Fire Department Chief and Village Administrator.

2. The applicant and any future operator shall refine their policies and procedures as they relate to Village services, subject to review and approval by the Fire Department Chief and Village Administrator. Operating the facility inconsistent with the final approved policies and procedures shall constitute a violation of the Special Use Permit.
3. Failure to comply with any requirement of Section 12-5-9 or any other applicable requirement set forth in the Morton Grove Municipal Code shall constitute a violation of the Special Use Permit and shall subject the applicant to Special Use Permit revocation procedures as provided in Section 12-16-4:C.7.
4. Upon observation of any parking issues or deficiencies by Village staff, the applicant shall submit a parking management plan to the Village Administrator for review and approval. The applicant shall comply with the final approved parking management plan.
5. The applicant shall designate the horseshoe driveway within the property's front yard as a fire lane and mark the lane with yellow curb paint, signage, and other markings as required by the Fire Department.
6. The applicant and owner shall provide the Community Development Administrator with advance written notice of any change in activities or intensity of use associated with the assisted living facility. Any such change may subject the applicant to the requirement for an amendment to the Special Use Permit.
7. The applicant shall repair or replace the property's chain link fence per zoning requirements.

The motion was seconded by Commissioner Liston.

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 B**":

1. ALTA/NSPS Land Title Survey for 5520 Lincoln Avenue, prepared by Andrew Spiewak Land Surveyor, Inc., dated May 30, 2023
2. Site Plan Review Submittal (Sheet 6.0, 6.1), prepared by Ganther Construction & Architecture, dated September 11, 2009
3. "About Our Senior Living Communities," prepared by the applicant, undated
4. Traffic Impact Study, 5520 Lincoln Avenue – Assisted Living Development Reopening, prepared by Kimley-Horn, dated June 2023

Attachments

- **Attachment A** – Staff Report to the Plan Commission for Case PC 23-15, prepared by Zoe Heidorn, Community Development Administrator, dated July 11, 2023
- **Attachment B** – Final Plans and Supporting Documents for Case PC 23-15

Attachment A

Staff Report to the Plan Commission for Case PC 23-15
Prepared by Zoe Heidorn, Community Development Administrator
Dated July 11, 2023

To: Chairperson Blonz and Members of the Plan Commission

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

Date: July 11, 2023

Re: Plan Commission Case PC 23-15
Request for approval of a Special Use Permit for an Assisted Living Facility in a C/R Commercial/Residential District for the property commonly known as 5520 Lincoln Avenue (PIN 10-21-119-001-0000, 10-21-119-066-0000, 10-21-119-107-0000) in Morton Grove, Illinois. The applicant is Soar High Holdings LLC.

STAFF REPORT

Public Notice

The Village provided Public Notice for the July 18, 2023, Plan Commission public hearing for PC 23-15, to be held at a regular meeting of the Plan Commission, in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on June 29, 2023. The Village notified surrounding property owners via mail on June 22, 2023, and placed a public notice sign on the subject property on June 29, 2023.

Application

Soar High Holdings LLC ("applicant") submitted a complete application to the Department of Community and Economic Development under Case PC 23-15 requesting a Special Use Permit to operate an assisted living facility at the property commonly known as 5520 Lincoln Avenue in Morton Grove ("subject property"). The subject property is zoned C/R Commercial/Residential.

Subject Property

The subject property is a 162,970-square-foot (3.7-acre) corner lot located at the northeast corner of Lincoln Avenue and Frontage Road. The property is improved with a four-story assisted living facility and 64 accessory parking spaces, including 4 accessible spaces. To the north and west of the subject property is Interstate 294. To the east are duplexes located in Skokie and a five-story condominium building located in Morton Grove. To the south of the subject property, across Lincoln Avenue, are a single-family residence, a duplex, and a five-story condominium building.



Subject Property Location Map

Background

Assisted living facilities, which provide more assistance and care than an independent living facility but less intensive care than a nursing home, were defined and listed as a Special Use in the R-3, C-1, C-2, and C/R Districts under Ordinance 09-35, approved in December 2009. At the same meeting, the Village Board approved Ordinance 09-36, which authorized the construction and operation of an assisted living facility at the subject property. Ordinance 11-30, granted in June 2011, approved an amendment to the Special Use Permit for a revised landscape plan for the assisted living facility approved at the location, known as North Grove Manor at the time.

Ordinance 09-36 approved a two-phase assisted living facility development. The first phase was to consist of 112 in 88 units and the second phase was to consist of 56 beds in 40 units. The ordinance approved a variation to the maximum building height, included a minimum off-street parking requirement of 0.5 spaces per bed, and limited each room to a maximum of 2 beds per room. The southwestern exit on Lincoln Avenue was required to be signed as “right-turn only” and the generator and trash containers were required to be screened. The first phase of the development was constructed but the second 56-bed phase was never pursued.

The assisted living facility authorized in 2009 operated continuously at the subject property for a decade, though under various operators. Most recently, the facility operated as the Auberge at Orchard Park until the facility closed in 2019. The applicant is under contract to purchase the subject property and is seeking a Special Use Permit to authorize reuse of the property as an assisted living facility.

Proposed Use

The applicant’s proposed facility will include 112 beds in 84 existing units and will not be expanded. Any future expansion would require amendment to the Special Use Permit. According to the applicant, the facility will employ a total of approximately 80 full-time staff members. Employees will work in 3 shifts, with approximately 40 employees working during the day, approximately 35 employees working the second shift, and up to 16 employees working the overnight shift. Residents are expected to stay 2 to 4 years on average.

The proposed assisted living facility will be operated by Bay Harbor Memory Care and Assisted Living, which has multiple locations in the Midwest. At the Plan Commission meeting, the applicant should describe the proportion of residents that will be in the facility’s memory care program and the measures taken to keep memory care residents safe and secure in the facility. The applicant should describe any activities that will occur outdoors.

Assisted living facilities, regardless of the quality of their management, can increase the demand on local emergency response services. Many municipalities have codified impact fees or enter into agreements with assisted living facility operators wherein the facilities reimburse the municipality for services rendered above a certain level. *To ensure that the facility does not cause a burden on Village emergency response services, staff recommends as a condition of Special Use Permit approval that the applicant must enter into an agreement with the Village to reimburse for emergency services provided above a certain agreed-upon threshold, subject to review and approval by the Fire Department Chief and Village Administrator.*

At staff’s request, the applicant submitted Bay Harbor’s internal policies and procedures so that Fire Department staff could review lift procedures to help inform the agreement. Per the Fire Chief, Bay Harbor’s “falls policy” indicates that staff will attempt to lift an uninjured patient. If followed, this policy can mitigate unnecessary 911 calls. *Staff recommends as a condition of approval, the applicant shall refine their policies and procedures as they relate to Village services, subject to review and approval by the Fire Department Chief and Village Administrator. Operating the facility inconsistent with the final approved policies and procedures will constitute a violation of the Special Use Permit.*

The applicant submitted a traffic and parking impact study prepared by Kimley-Horn that reviews the findings of the 2009 study and provides an update based on current conditions. The study determines that consistent with the original study, all intersections serving the proposed use at the subject property operate at acceptable levels of service.

The submitted study also finds that the number of parking spaces provided on-site will be adequate to support the use’s peak parking demand. Village Code Section 12-5-9:E establishes a minimum off-street parking requirement of 0.5 spaces per unit, or 56 spaces, for the proposed 112-unit assisted living facility. According to ITE data, the parking demand will range from an average of 44 spaces to 65 spaces to satisfy the 85th percentile rate. Because the 85th percentile parking demand of 65

spaces exceeds the parking capacity of 64 spaces, the study recommends monitoring parking operations as the facility reopens. *As a condition of Special Use Permit approval, staff recommends that upon observation of any parking issues or deficiencies by Village staff, the applicant shall submit a parking management plan to the Village Administrator for review and approval. The applicant shall comply with the final approved parking management plan.*

The Unified Development Code establishes specific requirements for assisted living facilities. Pursuant to Section 12-5-9, assisted living facilities are required to comply with the following:

- Each assisted living unit shall not exceed two (2) occupants per unit.
- All assisted living facilities shall be licensed by the Illinois department of public health and meet all the licensing requirements and operation requirements of the Illinois assisted living and shared housing establishment code.

The applicant is expected to comply with Section 12-5-9 and all other Municipal Code requirements.

Departmental Review

- **Building Department:** No comments at this time.
- **Fire Department:** In review of the proposed project, the Fire Prevention Bureau Coordinator issued the following comment on July 5, 2023:

"In addition to the [EMS reimbursement] requirements that you discussed with Chief Ensign, the Fire Department will require the entire front drive to be designated as a Fire Lane (marked with yellow curb paint and signage)."

The requirement to designate the horseshoe driveway within the property's front yard as a fire lane and mark the lane with yellow curb paint, signage, and other markings as required by the Fire Department will be included as a recommended condition of Special Use Permit approval.
- **Public Works Department/Engineering:** In review of the proposed project, the Village Engineer issued the following comment dated July 6, 2023:

"Public Works Department supports the Fire Department desire to prohibit parking from the access points along Lincoln Avenue and through the covered entrance in order to maintain unhindered access for emergency vehicles."

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 July 6, 2023, the Traffic Safety Commission reviewed Case PC 23-15. The Commissioners discussed the applicant's proposed operations at the property and related parking impacts. The Commissioners agreed that the front drive should be designated as a fire lane. Peter Lemmon of Kimley-Horn indicated that he worked on the original 2009 traffic and parking impact study. He is confident that the project will not negatively impact surrounding roadways and that the parking capacity is typical and adequate for this type of facility. After hearing all testimony and considering the application, the Commission voted unanimously (6-0, Commissioners Berkowsky and Dibra absent) to recommend approval of the application. The Traffic Safety Commission did not forward any comments to the Plan Commission.

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 23-15, a request for approval of a Special Use Permit for an Assisted Living Facility in a C/R Commercial/Residential District for the property commonly known as 5520 Lincoln Avenue in Morton Grove, Illinois, subject to the following conditions:

1. *The applicant and any future operator shall enter into an agreement with the Village to provide reimbursement for emergency services provided above a certain agreed-upon threshold, subject to review and approval by the Fire Department Chief and Village Administrator.*
2. *The applicant and any future operator shall refine their policies and procedures as they relate to Village services, subject to review and approval by the Fire Department Chief and Village Administrator. Operating the facility inconsistent with the final approved policies and procedures shall constitute a violation of the Special Use Permit.*
3. *Failure to comply with any requirement of Section 12-5-9 or any other applicable requirement set forth in the Morton Grove Municipal Code shall constitute a violation of the Special Use Permit and shall subject the applicant to Special Use Permit revocation procedures as provided in Section 12-16-4:C.7.*
4. *Upon observation of any parking issues or deficiencies by Village staff, the applicant shall submit a parking management plan to the Village Administrator for review and approval. The applicant shall comply with the final approved parking management plan.*
5. *The applicant shall designate the horseshoe driveway within the property's front yard as a fire lane and mark the lane with yellow curb paint, signage, and other markings as required by the Fire Department.*
6. *The applicant and owner shall provide the Community Development Administrator with advance written notice of any change in activities or intensity of use associated with the assisted living facility. Any such change may subject the applicant to the requirement for an amendment to the Special Use Permit.*

(Any other conditions recommended by the Plan Commission)

Attachment B

Final Plans and Supporting Documents for Case PC 23-15

1. ALTA/NSPS Land Title Survey for 5520 Lincoln Avenue, prepared by Andrew Spiewak Land Surveyor, Inc., dated May 30, 2023
2. Site Plan Review Submittal (Sheet 6.0, 6.1), prepared by Ganther Construction & Architecture, dated September 11, 2009
3. "About Our Senior Living Communities," prepared by the applicant, undated
4. Traffic Impact Study, 5520 Lincoln Avenue – Assisted Living Development Reopening, prepared by Kimley-Horn, dated June 2023

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