

**MINUTES OF THE FEBRUARY 15, 2016
MEETING OF THE PLAN COMMISSION
VILLAGE HALL 6101 CAPULINA, MORTON GROVE, IL 60053**

Pursuant to proper notice in accordance with the Open Meetings Act, the regular meeting of the Plan Commission was called to order at 8:10 pm. by Chairperson Farkas. Secretary Sheehan called the roll.

Members of the Commission Present: Farkas, Gabriel, Gillespie, Khan

Members of the Commission Absent: Blonz, Dorgan, Shimanski

Village Staff Present: Nancy Radzevich, Community and Economic Development Director, Dominick Argumedo, Zoning Administrator/Land Use Planner, John Komorowski, Building Official,

Trustees Present: Rita Minx

Chairperson Farkas described the procedures for the meeting. Anyone from the audience will be allowed to speak after the commission asks questions of the applicant. After residents comments, discussion and voting will take place.

Chairperson Farkas proceeded to seek approval of the January 18, 2016 minutes. Commissioner Gillespie motioned for the minutes to be approved, Commissioner Gabriel seconded the motion.

Chairperson Farkas called for the vote.

Commissioner Khan voting	aye
Commissioner Gillespie voting	aye
Commissioner Gabriel voting	aye
Chairperson Farkas voting	aye

CASE PC 16-02

APPLICANT: Village of Moton Grove
6101 Capulina Ave
Morton Grove, IL 60053

PROPERTY LOCATION 6101 Capulina Ave
Morton Grove, IL 60053

PETITION: Application for a Text Amendment to Chapter 16 of Title 12 of the Village of Morton Grove Municipal Code (Ord. #07-07) to Modify the Definition for Restaurant; Restaurant, Carryout; and Restaurant, Sit Down.

Dominick Argumedo, Zoning Administrator/Land-Use Planner summarized the case. He advised the Plan Commission that staff reviewed the definitions of “Restaurant” from the surrounding communities of Evanston, Park Ridge, Niles, Des Plaines, Skokie, Glenview and Lincolnwood as well as some other communities around Chicago and other areas of the country. Many municipalities’ definitions, however, were similar to the Village’s existing definition or were excessively cumbersome. Most notably absent from these definitions is the failure to note that the principal business of a restaurant is the sale of food.

Mr. Argumedo also stated that some communities included up to 5 or 6 variations of restaurants that again seemed needless cumbersome and/or used rigid definitions for restaurants, which included requirements for non-disposable plates or included conditions on when a customer paid for their meal and how the food was delivered (self-service versus wait-staff). As the restaurant industry is ever changing, those characteristics and other operational factors are not as vital to categorizing a restaurant. In order to cover the key aspects of a “restaurant,” without overly complicating the definition, staff reviewed numerous definitions to extract the best concepts for the proposed definitions included in this amendment.

Mr. Argumedo explained the proposed general definition for a Restaurant aims to clarify the use and distinguish restaurants from bars or taverns that also serve food. First, it defines that a restaurant’s principal business is the sale of food for ready consumption not merely the preparation and service of food. This definition also brings the restaurant definition into line with the Village’s definition of a “Bar” which in part states that a Bar’s “primary function is the sale of alcoholic beverages to be consumed on the premises....”

Mr. Argumedo stated the proposed Restaurant, Carry-Out definition would be modified to include a specific limit on the number of seats to further clarify that their primary business is the sale of food for consumption off premises. Staff noted in researching definitions, many other municipalities set a limit on the number of seats for carryout restaurants at either 5 or 8. When considering the practical application of this definition, staff looked at two primary aspects. The first was to ensure that these types of carryout places can be located in smaller tenant spaces, by right, as their parking demands are typically not as intense as a traditional sit-down restaurant. Secondly, staff wanted to ensure the zoning definition was consistent with other building and plumbing code requirements for these types of uses. The Illinois Plumbing Code requires eating establishments with a combined number of employees and seats greater than 10 to provide separate bathroom facilities for patrons – this not only adds to the build-out costs, but is also adds to the required amount of ancillary space needed for facilities. In

staff's experience, true carry-out type restaurants typically have a small number of employees (typically a maximum of 1-2 employees, onsite, at any given time). In limiting the number of seats to no more than eight (8), these types of restaurants can locate in smaller tenant spaces with lower build-out costs and provides a greater degree of consistency between the other codes.

Mr. Argumedo explained the proposed Restaurant, Drive-In definition would be modified to also include Drive-Through uses. A specific Restaurant, Drive Through use is not currently in the zoning definitions, even though it is referenced in the generic Drive-Through Facility definition. This modified definition combines the two auto-related restaurant uses into a single definition. Currently Drive-Through Facilities require a special use – this proposed change in definition would not change that requirement.

Finally, in the interest of clarity, staff proposes to eliminate the Restaurant, Sit Down definition. The main distinction between restaurant types is between those that cater to customers who consume food on premises and those that cater to customers who consume food off premises. That distinction has been made through the updated definition of Restaurant, Carry Out.

Public Hearing—Public Comment

Chairperson Farkas asked if anyone was present that wanted to be heard on this case. No one asked to speak.

Public Hearing—Board Discussion and Vote

Chairperson Farkas asked for confirmation that this would not impact existing businesses but be applied for new businesses applying for permits. Mr. Argumedo stated this is correct. Chairperson Farkas also inquired how the regulation that a restaurant that generates more than 50% of food and drink sales from alcoholic beverages would be applied, particularly if the business were to change focus over time. Mr. Argumedo noted that is part of the intent of the legislation - it is to protect the Village. If a business were to present itself, and be approved, as a restaurant with the principal business being the sale of food, and through the examination of tax receipts be found that it meets the definition of a bar, with sales of alcoholic beverages being more than 50% of its receipts, the establishment would be reclassified as a Bar and need to be reapproved based on the zoning and parking requirements for a Bar.

Chairperson Farkas also inquired about the addition of Drive Through to the Restaurant, Drive-In definition. Mr. Argumedo noted that a Drive-Through Facility does exist and would continue to exist for such uses such as the Drive-Through CVS at the corner of Dempster Street and Austin Avenue. By adding the Drive-Through definition to the previous auto-centric Restaurant, Drive-In definition, the Village's zoning code is improved through clarity and consolidating definitions.

Commissioner Gabriel complimented staff on the being proactive in changing the

definition, he noted the new definitions are clear and easy to understand and he looks forward to more modifications to the zoning code.

Commissioner Gabriel made a motion to recommend approval of PC 16-01 for a Text Amendment to the Section 12-17-1 of the Unified Development Code (Ordinance #07-07) to modify the existing definitions for Restaurant; Restaurant, Carryout; and Restaurant Drive-In and to eliminate the term and definition for Restaurant, Sit-Down as presented.

Commissioner Khan seconded the motion.

Chairperson Farkas called for the vote. The motion passed unanimously (4-0-3; Blonz, Dorgan, and Shimanski absent).

Chairperson Farkas asked for any other business or discussion. Hearing none, Commissioner Gabriel moved to adjourn the meeting. The motion was seconded by Commissioner Blonz and approved unanimously pursuant to a voice vote at 8:35 pm.

Minutes by: Janet Sheehan