**Legislative Summary**

**Ordinance 20-02**

**APPROVING A SPECIAL USE PERMIT FOR AUTOMOTIVE REPAIR (OIL CHANGE, TIRES, BRAKES, AUTO GLASS, OTHER MECHANICAL ITEMS ONLY) AT 6100 DEMPSTER STREET, MORTON GROVE, ILLINOIS**

**Introduction:**
January 13, 2020

**Purpose:**
Request for a Special Use Permit for automotive repair (oil change, tires, brakes, auto glass, other mechanical items only) in accordance with Section 12-4-3:D of the Unified Development Code

**Background:**
Applicant Matthew Schubert of MTS Investments, LLC, and Owner Kushner Management Co., Inc., filed a complete application for approval of a Special Use Permit for “automotive repair (oil change, tires, brakes, auto glass, other mechanical items only)” for the property commonly known as 6100 Dempster Street (PIN 10-17-316-054-0000) in accordance with Section 12-4-3:D of the Village of Morton Grove Unified Development Code. MTS Investments, LLC, is the contract purchaser of the subject property.

The Applicant is proposing operation of an automotive repair facility by the name of ProAuto, which will be operated by H & S Enterprises, LLC. The owners of MTS Investments, LLC, are joint owners of H & S Enterprises, LLC. ProAuto is a new business with no existing locations. The business will operate with 2 staff members initially, but plans to increase employment to 5 staff members over time. Under the Special Use Permit, ProAuto will be limited to mechanical repairs only, as automotive body repair is a prohibited use in the C1 District. Hours of operation will be from 8:00 AM to 5:30 PM, Monday through Friday, and Saturday by appointment only.

To ensure that adequate on-site parking is provided and exterior vehicle storage is minimized, the Traffic Safety Commission and Plan Commission recommended as a condition of approval that 19 of the 24 on-site parking spaces be reserved for use by customers, employees, and vehicles awaiting repair or pick-up and parked for less than a 24-hour period. The restriction is based on the parking requirement established by Section 12-7-3:B of the Unified Development Code for automotive repair and ancillary office uses. Additional conditions of approval included in the draft ordinance relate to restrictions on vehicle off-loading, outdoor storage, parking lot design, noise, and screening.

On December 5, 2019, the Traffic Safety Commission (TSC) unanimously recommended approval of case PC 19-10, with comments forwarded to the Plan Commission. Review by the Appearance Commission was not required as exterior modifications were not included in the Special Use Application. On December 16, 2019, the Applicant appeared before the Plan Commission to present the request for approval of the Special Use Permit. Based on the application, supporting documents, and testimony presented at the public hearing, the Plan Commission voted unanimously (5-0; Gabriel and Mohr absent) to recommend approval of the application with conditions.

**Programs, Departs or Groups Affected:**
Community and Economic Department

**Fiscal Impact:**
N/A

**Source of Funds:**
N/A

**Workload Impact:**
The Special Use Permit will be implemented by staff in the normal course of business.

**Admin Recommend:**
Approval as presented

**Second Reading:**
January 27, 2020

**Special Consider or Requirements:**
None

**Submitted by:**
Ralph Czerwinski, Village Administrator

**Reviewed by:**
Teresa Hoffman Liston, Corporation Counsel

**Prepared by:**
Zoe Heldorn, Land Use Planner/Coordinator
ORDINANCE 20-02

APPROVING A SPECIAL USE PERMIT FOR AUTOMOTIVE REPAIR (OIL CHANGE, TIRES, BRAKES, AUTO GLASS, OTHER MECHANICAL ITEMS ONLY) AT 6100 DEMPSTER STREET, 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, Matthew Schubert, MTS Investments, LLC, ("Applicant") filed a complete application to the Village’s Plan Commission under case number PC 19-10 (the "Application") requesting a Special Use Permit for automotive repair (oil change, tires, brakes, auto glass, other mechanical items only) for the property commonly known as 6100 Dempster Street ("Subject Property"), which is legally described in “Exhibit A,” attached to and made part of this Ordinance; and

WHEREAS, 6100 Dempster Street is located in the C1 General Commercial District and is improved with a 3,528-square-foot commercial building; and

WHEREAS, Section 12-4-3:D of the Village’s Unified Development Code requires a Special Use Permit for automotive repair (oil change, tires, brakes, auto glass, other mechanical items only) in the C1 District; and

WHEREAS, pursuant to the applicable provisions of the Municipal Code, notice of a public hearing on the Application to be held on December 16, 2019, was duly published in the Pioneer Press, a newspaper of general circulation in the Village of Morton Grove on November 28, 2019, written notification was sent to property owners within 250 feet of the subject property on November 27, 2019, and a sign was duly posted on the subject property on November 17, 2019; and

WHEREAS, the plans submitted by the Applicant propose that the existing commercial structure located on the subject property be used for the operation an automotive repair business by the name of ProAuto to be managed by H & S Enterprises, LLC; and

WHEREAS, the ALTA/NSPS Land Title Survey submitted by the Applicant indicates that twenty-four (24) parking stalls are provided on the site; and
WHEREAS, based on the Unified Development Code “Required Spaces By Use” (Section 12-7-3:I), a total of nineteen (19) parking spaces are required for the automobile repair and ancillary office uses; and

WHEREAS, per the Unified Development Code (Section 12-7-3:B), the proposed parking standards identified in the Code as “Required Spaces By Use” shall be advisory only for Special Use applications, and the final number of required parking spaces for Special Use Permits will be set by the Village Board based on the submitted traffic and parking report and any recommendations by the Traffic Safety and Plan Commissions and/or staff; and

WHEREAS, in accordance with Section 12-7-3:B of the Village Code, the Applicant submitted a traffic and parking study, “Traffic Study Report,” prepared by Quigg Engineering, LLC, dated September, 2019 (revised December, 2019), which includes an overview of the base parking requirement and traffic demand associated with the proposed use; and

WHEREAS, on December 5, 2019, the Traffic Safety Commission (TSC) reviewed the Application, including the plans and traffic and parking study, and recommended approval with comments; and

WHEREAS, Appearance Commission review was not required because no changes are proposed to the building facade; and

WHEREAS, at the December 16, 2019, 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 a Special Use Permit, subject to conditions, restrictions, and requirements contained in the report of the Plan Commission, which was presented to the Village Board on January 13, 2019, 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 proposed Special Use Permit for automotive repair
(oil change, tires, brakes, auto glass, other mechanical items only) 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 for Automotive Repair. The Corporate Authorities hereby approve and grant a Special Use Permit for automotive repair (oil change, tires, brakes, auto glass, other mechanical items only) for the property commonly known as 6100 Dempster Street in Morton Grove, Illinois, and legally described in Exhibit A, subject to the provisions, conditions and restrictions contained in this Ordinance, which shall be binding on all owners, lessees, occupants and users of the Property, and their successors and assigns.

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

A. The site, improvements, and building, including building footprint, shall be improved and operated consistent with the plans and supporting documents and modifications as finalized and specifically approved in writing by the Village Administrator or his designee, including:
   1. ALTA/NSPS Land Title Survey, prepared by Professionals Associated Survey, Inc., dated August 28, 2019;
   2. Sheet No. SP-1A (interior floor plan), undated; and

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. Of the twenty-four (24) on-site parking spaces, nineteen (19) spaces shall be reserved for use by customers, employees, and vehicles awaiting repair or pick-up and parked
for less than a twenty-four-hour (24) period. No more than five (5) spaces shall be used for the longer term storage of vehicles associated with the repair business.

C. No more than one (1) tow truck may be parked on the subject property at any given time. All vehicle off-loading activities shall occur within the subject property boundary and shall occur between the hours of 6:00 AM and 10:00 PM.

D. The outdoor storage of any vehicle with obvious signs of disrepair shall not exceed twenty-four (24) hours. No outdoor storage of materials, parts, or trailers is permitted.

E. A parking lot plan that complies with Illinois Accessibility Code and Village Code requirements shall be prepared for review by the Village Engineer and Land Use Planner, and the parking lot shall be improved in accordance with the approved plan prior to July 1, 2020.

F. Prior to July 1, 2020, the driveway along Meade Avenue shall be reduced in width in accordance with Village Standards, or a design vehicle and turning analysis must be submitted that adequately demonstrates the non-conforming width is needed to accommodate the proposed traffic.

G. All repair operations shall be performed inside the building and all overhead garage doors shall remain closed during repair operations.

H. A solid fence measuring no less than six feet (6’) in height shall be maintained along the north lot line.

I. All vehicle parking and storage shall occur within conforming and visibly striped parking stalls.

J. Use of the parking lot shall be limited to the parking and storage of vehicles accessory to the automotive repair business.

K. All parking and storage of vehicles relating to the principal use shall occur within the subject property boundary.

L. Prior to the issuance of a certificate of occupancy, the Applicant shall submit an updated traffic and parking study in accordance with Village requirements and standards, for review and approval by the Village Engineer, and have responded to all comments and complied with all recommendations suggested by the Village Engineer and Traffic Safety Commission in the Plan Review Comment Forms dated December 6, 2019.
M. The Applicant shall advise the Village Administrator or his designee of any proposed change in ownership or operation of the Subject Property or any part thereof. Such changes 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. The Special Use Permit is granted so long as the Applicant, Owner, occupant and users of Subject Property utilize the area for the purposes as herein designated. The Owner, Applicant, and any lessees, occupants, and users of the Property, their successors and assigns, shall allow employees and authorized agents of the Village access to the Property at all reasonable times for the purpose of inspecting the 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 and amended 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 27th day of January 2020.

Trustee Grear
Trustee Minx
Trustee Ramos
Trustee Travis
Trustee Thill
Trustee Witko

APPROVED by me this 27th day of January 2020.

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

APPROVED and FILED in my office this
28th day of January 2020.

_________________________
Eileen Scanlon Harford, Village Clerk
Village of Morton Grove
Cook County, Illinois
## LIST OF EXHIBITS

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Description</th>
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<tbody>
<tr>
<td>A</td>
<td>Legal Description</td>
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<td>B</td>
<td>Plan Commission Report, dated January 7, 2020</td>
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EXHIBIT A

6100 DEMPSTER STREET, MORTON GROVE, ILLINOIS 60053
LEGAL DESCRIPTION:

LOTS 221 TO 226 IN OLIVER SALINGER COMPANY’S SECOND DEMPSTER STREET SUBDIVISION IN THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 17, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK, COUNT, ILLINOIS.

ALSO BEING DESCRIBED IN METES AND BOUNDS AS FOLLOWS:

A PARCEL OF LAND DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF LOT 221 IN OLIVER SALINGER COMPANY’S SECOND DEMPSTER STREET SUBDIVISION, A SUBDIVISION OF THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 17, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE SOUTH 1 DEGREE 19 MINUTES 30 SECONDS WEST ALONG THE EAST LINE OF LOT 221 AFORESAID, 118.0 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 90 DEGREES WEST ALONG THE SOUTH LINE OF LOTS 221 TO 226 AFORESAID 156.32 FEET TO THE SOUTHWEST CORNER OF LOT 226 AFORESAID; THENCE NORTH 1 DEGREE 18 MINUTES 20 SECONDS EAST ALONG THE WEST LINE THEREOF 118.0 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 90 DEGREES EAST ALONG THE NORTH LINE OF LOTS 221 TO 226 AFORESAID 156.36 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PROPERTY INDEX NUMBERS:

10-17-316-054-0000
EXHIBIT B

PLAN COMMISSION REPORT FOR PC 19-10

Dated January 7, 2020
To: Village President and Board of Trustees

From: Steven Blonz, Chairperson, Plan Commission
Ralph Czerwinski, Village Administrator
Teresa Hoffman Liston, Corporation Counsel
Zoe Heidorn, Land Use Planner/Coordinator

Date: January 7, 2020

Re: Plan Commission Case PC 19-10 (6100 Dempster Street): Request for a Special Use Permit for “automotive repair (oil change, tires, brakes, auto glass, other mechanical items only)” in the C-1 General Commercial District in accordance with Section 12-4-3-D of the Village of Morton Grove Unified Development Code

Executive Summary
Matthew Schubert of MTS Investments, LLC, ("Applicant") and Kushner Management Co., Inc., ("Owner") filed a complete application for approval of a Special Use Permit for “automotive repair (oil change, tires, brakes, auto glass, other mechanical items only)” for the property commonly known as 6100 Dempster Street (PIN 10-17-316-054-0000) in accordance with Section 12-4-3-D of the Village of Morton Grove Unified Development Code. MTS Investments, LLC, is the contract purchaser of the subject property.

For the reasons set forth in this report, on December 16, 2019, the Plan Commission unanimously recommended that the Village Board approve the Special Use Permit, subject to conditions.

Subject Property Background
The subject property at 6100 Dempster Street is located on the northwest corner of Dempster Street and Meade Avenue, within the C1 General Commercial District. The property measures 18,436 square feet (0.423 acres) in land area and is improved with a single-story commercial structure measuring 3,528 square feet in floor area. The parking lot located east of the principal structure contains 24 parking stalls.

The subject property is the former location of a Merlin automotive repair facility, which vacated the property in 2018.

Application
On November 11, 2019, the Applicant submitted a complete application to the Department of Community and Economic Development for approval of Special Use Permit for “automotive repair (oil change, tires, brakes, auto glass, other mechanical items only)” at 6100 Dempster Street.

The Applicant is seeking a Special Use Permit to operate an automotive repair facility by the name of ProAuto, which will be operated by H & S Enterprises, LLC, and managed by partial owner Leroy Hardegree, a master mechanic. The owners of MTS Investments, LLC, are also joint owners of H & S Enterprises, LLC. ProAuto is a new business with no existing locations. However, Mr. Hardegree has over 20 years of experience in automotive repair in Evanston and Northbrook, according to a business overview provided by the Applicant. The proposed business will operate with 2 staff members initially, but plans to increase employment to 5 staff members over time.

With the exception of minor interior and exterior cosmetic improvements and new signage, no physical changes are proposed to the subject property. The existing building contains 5 automotive repair bays, a work storage area, and an office and waiting area with restrooms.

Per the Applicant, approximately 4 to 5 passenger vehicles will be serviced at any given time within the automotive bay area, and the overnight storage of vehicles under repair will be occur within the interior service bays. Under the Special Use Permit, ProAuto will be limited to mechanical repairs only, as automotive body repair is a prohibited use in the C1 District. Hours of operation will be from 8:00 AM to 5:30 PM, Monday through Friday, and Saturday by appointment only.

Per Section 12-7-3-B of the Unified Development Code, proposed parking standards identified in the code as “Required Spaces By Use” shall be advisory for Special Use applications, as required parking is to be reviewed
Permits is determined by the Village Board based on the submitted, independent traffic and parking study and any recommendations made by the Traffic Safety Commission, Plan Commission, and staff.

Upon review of the Applicant's original traffic and parking study, the Village Engineer found that the study did not include a parking analysis that could adequately determine a final number of required parking spaces. As such, staff proposed a condition of the Special Use Permit based on the Village's base parking requirement to ensure that adequate parking is provided for employees and customers, and to minimize the exterior storage of vehicles. This condition was made part of the Applicant's presentation to the Traffic Safety Commission and Plan Commission, which unanimously recommended approval of the case. The proposed condition, agreed to by the Applicant, is as follows: "Of the twenty-four (24) on-site parking spaces, nineteen (19) spaces shall be reserved for use by customers, employees, and vehicles awaiting repair or pick-up and parked for less than a twenty-four-hour (24) period. No more than five (5) spaces shall be used for the longer term storage of vehicles associated with the repair business."

The parking requirement of 19 off-street spaces was based on Section 12-7-3:1 of the Unified Development Code, which requires 1.0 space per 250 square feet of gross floor area for office uses and 1.0 space per employee, plus 2.0 spaces per service stall, for automobile repair uses. The Applicant's traffic engineer revised the traffic and parking study prior to the Plan Commission hearing to reflect the Village's base parking requirement for the mix of uses.

**Public Hearings**
Traffic Safety Commission: In accordance with Section 12-16-4 of the Unified Development Code, the applicant and engineering consultant to the Applicant, Quigg Engineering, Inc., appeared before the Traffic Safety Commission (TSC) at their December 5, 2019, meeting. The Applicant and traffic engineer took questions relating to parking and access on the site and responded to specific concerns raised in the Village Engineer's staff report. At the conclusion of the discussion, the TSC voted unanimously to support the request for a Special Use Permit and provided comments relating to the case to forward to the Plan Commission.

Appearance Commission: Review by the Appearance Commission was not required as exterior modifications are not included in the development proposal.

**Plan Commission:** The Village of Morton Grove provided public notice for the December 16, 2019, Plan Commission public hearing for PC 19-10 in accordance with the Unified Development Code. The Morton Grove Champion published a public notice on November 28, 2019. The Village mailed letters on November 27, 2019, notifying surrounding property owners and placed a public notice sign on the subject property on November 27, 2019.

**Plan Commission – December 16, 2019, Proceedings:** At the Plan Commission hearing for PC 19-10, Zoe Heidorn, Land Use Planner, provided a brief introduction to the application. The staff report, dated December 10, 2019, and attached hereto as "Attachment A," was entered into the public record.

Ms. Heidorn reviewed the application from MTS Investments, LLC requesting a Special Use Permit for mechanical automotive repair at 6100 Dempster Street, which was formerly occupied by a Merlin automotive repair shop. Ms. Heidorn explained that ProAuto is a new business with no existing locations and will be managed by H & S Enterprises, LLC. With the exception of minor interior and exterior cosmetic improvements and new signage, no physical changes are proposed to the property and, as such, no Appearance Commission review was required for the case. The Applicant submitted a traffic and parking study and the Traffic Safety Commission unanimously recommended approval of the case with conditions, which have been accepted by the Applicant. The commission's recommendation is to reserve 19 of the 24 parking spaces for use by customers, employees and vehicles waiting repair or pick-up and parked for less than 24 hours. The staff report includes a total of 12 recommended conditions of approval that Applicant has agreed to.

Chairperson Blonz asked for questions from the Commissioners.

Commissioner Kintner asked about chemical storage on the property. Ms. Heidorn stated that any chemical storage would have to comply with all applicable regulations, and that the business would be subject to Building
and Fire Department inspections and approvals. Mr. English confirmed that chemical storage regulations are established and enforced by ordinance.

Joan Berg, attorney to the Applicant, presented the request for a Special Use Permit, explaining that the use is for mechanical automotive repair and that no auto body work will be performed on the site. 5 existing service bays will be used for mechanical repairs, which will be performed during the business hours of 8:30 AM to 5:00 PM, Monday through Friday and on Saturday by appointment only. Business hours were established with respect to the residential neighborhood to the north of the subject property. Approximately 4 to 5 vehicles will be serviced at any given time and any vehicles waiting for service will be parked within the striped parking stalls. Ms. Berg explained that any vehicles remaining overnight will be parked within the service bays. If a vehicle is towed to the site outside of business hours, the drop-off will be subject to time restrictions and will not be left outside for more than 24 hours. She noted that one of the concerns raised by staff was the width of the curb cut along Meade Avenue. She stated that staff concerns have been addressed through the recommended conditions of approval.

Chairperson Blonz asked for questions from the Commissioners.

Commissioner Dorgan asked what “other mechanical items” means, as referenced in the Special Use Application. Ms. Berg explained that the servicing of mechanical items includes preventative maintenance and repair of parts within a vehicle. Leroy Hardegree was sworn in and stated that mechanical repairs include tires, alignment, suspension, and similar items. He added that as the business grows, he will hire additional staff.

Chairperson Blonz questioned the hours of operation. Mr. Hardegree stated the hours will be Monday through Friday, from 8:00 AM to 5:30 PM, and by appointment only on Saturday. The business will be closed on Sunday.

Chairperson Blonz referred to the page 14 of the traffic study, asking if the assessment of service level was based on the previous or new business. Ms. Heldom stated the Village Engineer reviewed the traffic study and determined that the new business would cause an insignificant impact on the existing level of service.

Chairperson Blonz asked if any hydraulic equipment will be used that generates high noise levels. Mr. Hardegree stated that air tools will be used on a regular basis, but that the electric tools they use are much quieter. The Applicant has agreed to keep all overhead doors closed during repair activity, even on hot summer days.

Commissioner Dorgan asked if there will be a drop-off service with a lock box for vehicles towed to the lot after business hours. Mr. Hardegree responded that there will be a lock box to collect the keys of vehicles that are dropped off outside of business hours.

Commissioner Khan asked if the increase of staff was considered with the parking availability. Mr. Hardegree stated that staffing could increase as business increases. Ideally, there will be 3 technicians, a service consultant and a receptionist within 3 years of operation. That would be the full capacity of 5 employees. There are 24 parking spaces, 19 of which would be reserved for use by customers, employees and vehicles awaiting repair or pick-up. No more than 5 spaces will be used for the longer term storage of vehicles associated with the repair business.

Chairperson Blonz asked if there was anyone present that wanted to be heard. There was no response.

Chairperson Blonz asked if the Applicant is aware of and agrees to the 12 conditions of approval recommended by staff. Ms. Berg stated that the Applicant is in full agreement.

Chairperson Blonz called for a motion to approve Case PC 19-10.

Plan Commission Motion and Approval
Commissioner Kintner moved to approve Case PC 19-10, a request for a Special Use Permit for “automotive repair (oil change, tires, brakes, auto glass, other mechanical items only)” in the C-1 General Commercial District in accordance with Section 12-4-3:3:D of the Village of Morton Grove Unified Development Code for the property.
commonly known as 6100 Dempster Street in Morton Grove, Illinois (10-17-316-054-0000), with the following conditions:

1. The site and building shall be developed and operated consistent with the plans and supporting documents in the application, identified in this report and/or presented at the public hearing, subject to any necessary modifications to accommodate conditions, Commission recommendations, or code compliance requirements, in accordance with reviews by the Plan Commission and Village staff.

2. Of the twenty-four (24) on-site parking spaces, nineteen (19) spaces shall be reserved for use by customers, employees, and vehicles awaiting repair or pick-up and parked for less than a twenty-four-hour (24) period. No more than five (5) spaces shall be used for the longer term storage of vehicles associated with the repair business.

3. No more than one (1) tow truck may be parked on the subject property at any given time. All vehicle off-loading activities shall occur within the subject property boundary and shall occur between the hours of 6:00 AM and 10:00 PM.

4. The outdoor storage of any vehicle with obvious signs of disrepair shall not exceed twenty-four (24) hours. No outdoor storage of materials, parts, or trailers is permitted.

5. A parking lot plan that complies with Illinois Accessibility Code and Village Code requirements shall be prepared for review by the Village Engineer and Land Use Planner, and the parking lot shall be improved in accordance with the approved plan prior to July 1, 2020.

6. Prior to July 1, 2020, the driveway along Meade Avenue shall be reduced in width in accordance with Village Standards, or a design vehicle and turning analysis must be submitted that adequately demonstrates the non-conforming width is needed to accommodate the proposed traffic.

7. All repair operations shall be performed inside the building and all overhead garage doors shall remain closed during repair operations.

8. A solid fence measuring no less than six feet (6') in height shall be maintained along the north lot line.

9. All vehicle parking and storage shall occur within conforming and visibly striped parking stalls.

10. Use of the parking lot shall be limited to the parking and storage of vehicles accessory to the automotive repair business.

11. All parking and storage of vehicles relating to the principal use shall occur within the subject property boundary.

12. Prior to the issuance of a certificate of occupancy, the Applicant shall submit an updated traffic and parking study in accordance with Village requirements and standards, for review and approval by the Village Engineer, and have responded to all comments and complied with all recommendations suggested by the Village Engineer and Traffic Safety Commission in the Plan Review Comment Forms dated December 6, 2019.

The motion was seconded by Commissioner Dorgan and approved unanimously pursuant to a roll call vote of 5-0.

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, prepared by Professionals Associated Survey, Inc., dated August 28, 2019;

2. Sheet No. SP-1A (interior floor plan), undated;

3. Traffic Study Report, prepared by Quigg Engineering, Inc., dated September, 2019 (REVISED: December, 2019); and

Attachment A

Staff Report for PC 19-10

Dated December 10, 2019
To: Chairperson Blonz and Members of the Plan Commission

From: Zoe Heidorn, Land Use Planner

Date: December 10, 2019

Re: Plan Commission Case PC 19-10: Matthew Schubert, MTS Investments, LLC, requesting approval of a Special Use Permit for “automotive repair (oil change, tires, brakes, auto glass, other mechanical items only)” in the C-1 General Commercial District in accordance with Section 12-4-3:D of the Village of Morton Grove Unified Development Code for the property commonly known as 6100 Dempster Street in Morton Grove, Illinois (10-17-316-054-0000)

STAFF REPORT

Public Notice

Background
The Subject Property
The subject property at 6100 Dempster Street is located on the northwest corner of Dempster Street and Meade Avenue, within the C1 General Commercial District. The property measures 18,436 square feet (0.423 acres) in area and is improved with a single-story commercial structure measuring 3,528 square feet in floor area. The parking lot located east of the principal structure contains 24 parking stalls.

The subject property is the former location of a Merlin automotive repair facility, which vacated the property in 2018.
The Surrounding Area
Directly north of the subject property, across a 16-foot improved public alley, are single family residences zoned in the R2 Single Family Residence District. To the east, across Meade Avenue, to the west, and to the south, across Dempster Street, are properties also located in the C1 General Commercial District. Commercial uses in the surrounding area include a financial institution with drive-through facilities, beauty parlors, a dental clinic, a restaurant, a grocery store, offices, and commercial service establishments.

Overview of the Application
Matthew Schubert of MTS Investments, LLC, ("Applicant") and Kushner Management Co., Inc., ("Owner") filed a complete application for approval of a Special Use Permit for “automotive repair (oil change, tires, brakes, auto glass, other mechanical items only)" for the subject property in accordance with Section 12-4-3:D of the Village of Morton Grove Unified Development Code. MTS Investments, LLC, is the contract purchaser of the 6100 Dempster Street property.

The Applicant is seeking a Special Use Permit to operate an automotive repair facility by the name of ProAuto, which will be managed by H & S Enterprises, LLC. The owners of MTS Investments, LLC, are also joint owners of H & S Enterprises, LLC. ProAuto is a new business with no existing locations. However, management has over 20 years of experience in automotive repair in Evanston and Northbrook, according to a business overview provided by the Applicant. The proposed business will operate with 2 staff members initially, but plans to increase employment to 5 staff members over time.

With the exception of minor interior and exterior cosmetic improvements and new signage, no physical changes are proposed to the subject property. The existing building contains 5 automotive repair bays, a work storage area, and an office and waiting area with restrooms.

Per the Applicant, approximately 4 to 5 passenger vehicles will be serviced at any given time within the automotive bay area, and the overnight storage of vehicles under repair will be occur within the interior service bays. Under the Special Use Permit, ProAuto will be limited to mechanical repairs only, as automotive body repair is a prohibited use in the C1 District. Hours of operation will be from 8:00 AM to 5:30 PM, Monday through Friday, and Saturday by appointment only.

Parking & Access
Per Section 12-7-3:B of the Unified Development Code, proposed parking standards identified in the code as “Required Spaces By Use” shall be advisory for Special Use applications, as required parking will be reviewed and established as part of the Special Use Permit. The final number of required parking spaces for Special Use Permits is determined by the Village Board based on the submitted, independent traffic and parking study and any recommendations made by the Traffic Safety Commission, Plan Commission, and staff.

Upon review of the Applicant’s submitted traffic and parking study, the Village Engineer found that the study did not include a parking analysis that could adequately determine a final number of required parking spaces. As such, staff and the Applicant are proposing a condition of the Special Use Permit based on the Village’s base parking requirement to ensure adequate parking is provided for employees and customers, and to minimize the exterior storage of vehicles. This condition was made part of the Applicant’s presentation to the Traffic Safety Commission, which unanimously recommended approval of the case. The proposed condition, agreed to by the Applicant, is as follows:

(1) Of the twenty-four (24) on-site parking spaces, nineteen (19) spaces shall be reserved for use by customers, employees, and vehicles awaiting repair or pick-up and parked for less than a twenty-four-hour (24) period. No more than five (5) spaces shall be used for the longer term storage of vehicles associated with the repair business.

The parking requirement of 19 off-street spaces was based on Section 12-7-3:I of the Unified Development Code:
I. Required Spaces by Use: Off street parking spaces accessory to designated uses shall be required as identified below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Off-Street Parking Requirement</th>
<th>Proposed Use</th>
<th>Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>1.0 space per 250 square feet of gross floor area</td>
<td>1052 square feet</td>
<td>4</td>
</tr>
<tr>
<td>Automobile Repair</td>
<td>1.0 space per employee plus 2.0 spaces per service stall</td>
<td>5 stalls + 5 employees</td>
<td>15</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>19</td>
</tr>
</tbody>
</table>

The Applicant’s traffic engineer is currently revising the traffic and parking study to provide a suitable analysis that demonstrates the site has sufficient parking to meet the peak demand of the proposed business. If approved, the Special Use Permit should also be conditioned on the receipt and approval of the revised traffic and parking study by the Village Engineer and Land Use Planner.

Other comments provided by the Village Engineer and Traffic Safety Commission in review of the application are summarized as follows:

- The Special Use Permit should include a condition on the type and extent of towing vehicles to and from the site.
- The Special Use Permit should include a condition on the type and extent of outdoor storage of vehicles.
- The existing accessible parking stall does not meet the Illinois Accessibility Code requirements. If the Special Use Permit is approved in early 2020, the parking stall should be updated by July 1, 2020.
- The business should verify that existing parking stall dimensions are compliant with the Village’s dimensional standards.
- The driveways along Dempster Street and Meade Avenue are excessively wide. The Illinois Department of Transportation (IDOT) recommends a 24-foot driveway width and the Village’s maximum width for a commercial driveway is 35 feet. At 30 feet in width, the Dempster Street driveway is acceptable. However, at approximately 60 feet in width, the Meade Avenue driveway must be reduced in accordance with Village standards, or a design vehicle and turning analysis must be submitted indicating that the non-conforming width is needed to accommodate the proposed traffic.

In response to the above comments, staff is also recommending the following conditions of Special Use Permit approval:

(2) No more than one (1) tow truck may be parked on the subject property at any given time. All vehicle off-loading activities shall occur within the subject property boundary and shall occur between the hours of 6:00 AM and 10:00 PM.

(3) The outdoor storage of any vehicle with obvious signs of disrepair shall not exceed twenty-four (24) hours. The outdoor storage of materials, parts, or trailers is prohibited.

(4) A parking lot plan that complies with Illinois Accessibility Code and Village Code requirements shall be prepared for review by the Village Engineer and Land Use Planner, and the parking lot shall be improved in accordance with the approved plan prior to July 1, 2020.
(5) Prior to July 1, 2020, the driveway along Meade Avenue shall be reduced in width in accordance with Village Standards, or a design vehicle and turning analysis must be submitted that adequately demonstrates the non-conforming width is needed to accommodate the proposed traffic.

Commission Review
Appearance Commission
Because no significant exterior modifications to the property or building are proposed by the Applicant, review by the Appearance Commission was not required.

Traffic Safety Commission
In accordance with Section 12-16-4 of the Unified Development Code, the Applicant and engineering consultant to the Applicant, Quigg Engineering Inc., appeared before the Traffic Safety Commission (TSC) at their December 5, 2019, meeting. The Applicant and traffic engineer took questions relating to parking and access on the site and responded to specific concerns raised in the Village Engineer’s staff report. At the conclusion of the discussion, the TSC voted unanimously to support the request for a Special Use Permit and provided the attached comments relating to the case to forward to the Plan Commission. The TSC’s comments are discussed and addressed in the previous section through recommended conditions of approval.

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

- **Fire**: No issues identified at this time.
- **Building**: No issues identified at this time.
- **Engineering**: Comments prepared by Village Engineer Chris Tomich are provided as an attachment in the Plan Commission’s hearing packet. The Village Engineer's comments are presented and addressed in the previous section through recommended conditions of approval.

Discussion
The proposed use of the subject property for “automotive repair (oil change, tires, brakes, auto glass, other mechanical items only)” is consistent with the property's existing improvements and former use.

The Village’s approval of the use through a Special Use Permit is an opportunity to mitigate issues common to automotive repair businesses, including the exterior storage of parts and vehicles in disrepair, noise, odor, and traffic congestion that might adversely affect public health, safety, or welfare. In order to ensure the proposed use does not impose any hazards or nuisance to adjacent or nearby properties, staff is also recommending the inclusion of the following conditions in the Special Use Permit:

(6) All repair operations shall be performed inside the building and all overhead garage doors shall remain closed during repair operations.

(7) A solid fence measuring no less than six feet (6') in height shall be maintained along the north lot line.

(8) All vehicle parking and storage shall occur within conforming and visibly striped parking stalls.

(9) Use of the parking lot shall be limited to the parking and storage of vehicles accessory to the automotive repair business.

(10) All parking and storage of vehicles relating to the principal use shall occur within the subject property boundary.
The applicant should be prepared to discuss planned property improvements, the acceptance of proposed conditions, and how the proposed use meets the Standards for Special Use.

**Standards for Special Use**
The following Standards for Special Use, established in Section 12-16-4:C.5 of the Unified Development Code, are provided to assist the Commission’s consideration of the request. The Applicant provided responses to the following standards in the attached application.

a. **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.

b. **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.

c. **Orderly Development** – The establishment of the Special Use will not impede the orderly development and improvement of the surrounding properties for uses permitted in the District.

d. **Adequate Facilities** – Adequate utilities, access roads, drainage and other necessary facilities are in existence or are being provided.

e. **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.

f. **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.

g. **Conformance to Other Regulations** – The special use shall, in all other respects, conform to applicable provisions of this title or amendments thereto.

**Recommendation**
Should the Plan Commission recommend approval of PC 19-10, staff suggests the following motion and conditions:

The Plan Commission recommends approval of PC 19-10, a request for a Special Use Permit for “automotive repair (oil change, tires, brakes, auto glass, other mechanical items only)” in the C-1 General Commercial District in accordance with Section 12-4-3:D of the Village of Morton Grove Unified Development Code for the property commonly known as 6100 Dempster Street in Morton Grove, Illinois (10-17-316-054-0000), with the following conditions:

1. The site and building shall be developed and operated consistent with the plans and supporting documents in the application, identified in this report and/or presented at the public hearing, subject to any necessary modifications to accommodate conditions, Commission recommendations, or code compliance requirements, in accordance with reviews by the Plan Commission and Village staff.

2. Of the twenty-four (24) on-site parking spaces, nineteen (19) spaces shall be reserved for use by customers, employees, and vehicles awaiting repair or pick-up and parked for less than a twenty-four-hour (24) period. No more than five (5) spaces shall be used for the longer term storage of vehicles associated with the repair business.

3. No more than one (1) tow truck may be parked on the subject property at any given time. All vehicle off-loading activities shall occur within the subject property boundary and shall occur between the hours of 6:00 AM and 10:00 PM.

4. The outdoor storage of any vehicle with obvious signs of disrepair shall not exceed twenty-four (24) hours. No outdoor storage of materials, parts, or trailers is permitted.
5. A parking lot plan that complies with Illinois Accessibility Code and Village Code requirements shall be prepared for review by the Village Engineer and Land Use Planner, and the parking lot shall be improved in accordance with the approved plan prior to July 1, 2020.

6. Prior to July 1, 2020, the driveway along Meade Avenue shall be reduced in width in accordance with Village Standards, or a design vehicle and turning analysis must be submitted that adequately demonstrates the non-conforming width is needed to accommodate the proposed traffic.

7. All repair operations shall be performed inside the building and all overhead garage doors shall remain closed during repair operations.

8. A solid fence measuring no less than six feet (6') in height shall be maintained along the north lot line.

9. All vehicle parking and storage shall occur within conforming and visibly striped parking stalls.

10. Use of the parking lot shall be limited to the parking and storage of vehicles accessory to the automotive repair business.

11. All parking and storage of vehicles relating to the principal use shall occur within the subject property boundary.

12. Prior to the issuance of a certificate of occupancy, the Applicant shall submit an updated traffic and parking study in accordance with Village requirements and standards, for review and approval by the Village Engineer, and have responded to all comments and complied with all recommendations suggested by the Village Engineer and Traffic Safety Commission in the Plan Review Comment Forms dated December 6, 2019.