MONDAY, APRIL 15, 2019 – 8:00 P.M.

1. Pledge of Allegiance led by Village Clerk Pramod Shah.

2. Call meeting to order and roll call.

3. Approve Consent Agenda.

* 4. Approve, as submitted, minutes of regular meeting held Monday, April 1, 2019.


* 6. Proclamations and Resolutions.
   A. Proclamations
   1. Arbor Day – April 26, 2019
   2. Collective Day of Remembrance – May 5, 2019
   3. Earth Day – April 22, 2019

7. Recognition, Awards and Honorary Presentations.
   A. Awards Presentation
   Skokie Fine Arts Commission’s Recognition of the 2018 Skokie through the Lens Community Photo Exhibit Participants

8. Appointments, Reappointments and Resignations.
   A. Swearing in of the following personnel by Commissioner Helene Levine of the Board of Fire and Police Commissioners:

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<tr>
<th>Name</th>
<th>Old Position</th>
<th>New Position</th>
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<tr>
<td>Steven Semerau</td>
<td>Firefighter</td>
<td>Fire Lieutenant</td>
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<tr>
<td>Eric Hadnott</td>
<td>New Hire</td>
<td>Police Officer</td>
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<tr>
<td>Joel Eric</td>
<td>New Hire</td>
<td>Police Officer</td>
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9. Presentations and Reports.

   A. One Hundred Day Challenge to Reduce the Use of Plastic Bags.
   B. Commercial Corridor Storefront Enhancement Program: 3301 Main Street.
   D. Request for Executive Session.


CONSENT

* A. An ordinance amending Chapter 82, Section 82-18, of the Skokie Village Code pertaining to electronic message centers. This item is on the consent agenda for second reading and adoption.

* B. An ordinance amending Chapter 118, Article IV, Section 118-218, of the Skokie Village Code pertaining to parking for religious assembly (2018-46P). This item is on the consent agenda for second reading and adoption.

* C. An ordinance amending Chapter 118, Articles III through XIV, and Appendix A Use Table, of the Skokie Village Code pertaining to general provisions (2018-47P). This item is on the consent agenda for second reading and adoption.

FIRST READING

D. A resolution approving a plat of subdivision for the property located at 9444 Avers Avenue, Skokie, Illinois, in an R1 Single-Family district. This item is on the agenda for first reading and approval.
E. An ordinance amending Chapter 14, Article III, of the Skokie Village Code pertaining to electronic sweepstakes machines. This item is on the agenda for first reading and will be on the May 6, 2019 agenda for second reading and adoption.


   A. Plan Commission Case 2019-02P – Zoning Map Amendment: 3720 Touhy Avenue and 7227 Hamlin Avenue
   B. Plan Commission Case 2019-03P – Subdivision: 3720 Touhy Avenue, 7227 Hamlin Avenue and 3721 Chase Avenue
   C. Plan Commission Case 2019-04P – Site Plan Approval: Touhy-Hamlin Commercial Development
   D. Plan Commission Case 2019-05P – Special Use Permit: 3754 Touhy Avenue – Limited Service Restaurant with Drive-Through
   E. Plan Commission Case 2019-06P – Special Use Permit: 3754 Touhy Avenue – Outdoor Dining

15. Citizen Comments.

MINUTES of a regular meeting of the Mayor and the Board of Trustees of the Village of Skokie, Cook County, Illinois held in the Council Chambers at 5127 Oakton Street at 8 p.m. on Monday April 1, 2019

Pledge of Allegiance led by Cub Scout Pack #85 from Middleton School

The Mayor called the meeting to order.

The Clerk called the Roll. Those present were Roberts, Sutker, Ulrich, Bromberg, Klein, Gray-Keeler and Mayor Van Dusen.

Motion to approve the Consent Agenda.

Moved: Trustee Klein
Seconded: Trustee Gray-Keeler

Ayes: Roberts, Sutker, Ulrich, Bromberg, Klein Gray-Keeler and Mayor Van Dusen
Nays: None
Absent: None
MOTION CARRIED

* Approve, as submitted, minutes of regular meeting held Monday, March 18, 2019.
Omnibus vote.

* Approve Voucher List #22-FY19 of April 1, 2019.
Omnibus vote.

Proclamations

Year of Oakton Community College in Skokie – June 25, 2019 through June 25, 2020

Mayor Van Dusen read a Proclamation recognizing the tremendous influence Oakton Community College has had on Skokie. Through its ease of access to the residents of Skokie, it has provided each of us an opportunity to enjoy continuing education and training, thus improving our quality of life.

He presented the Proclamation to Dr. Joanne Smith, President of Oakton College.

* 2. “Fair Housing is not an Option. It’s the Law” Month – April 2019
Omnibus vote.

* 3. 2020 Census – Complete Count Committee – April 1, 2019
Mayor George Van Dusen proclaims full support and participation in the overwhelming success of the 2020 Census through the formulation of a COMPLETE COUNT COMMITTEE.
Omnibus vote.

Recognition, Awards and Honorary Presentations.

A. Awards Presentation

Ninth Annual Public Health Partners of Excellence Awards presented by Dr. A. Michael Drachler and Dr. Catherine Counard

The “Public Health Partners in Excellence Awards” went to Chicago Exotics Animal Hospital who provided shelter and care for 118 exotic pets and wildlife in need during 2018.

And also to the Skokie Chamber of Commerce urging the Illinois Chamber of Commerce and other municipal Chambers to adopt “Tobacco 21” which is critical to controlling the surge of youth becoming addicted to nicotine through vaping.

* Appointments, Reappointments and Resignations.

A. Reappointments

Human Relations Commission: Deborah Arnold, Jeffrey Butler, Alexander Chaparro, Michael Delaiois, David Donegan, Krishna Goyal, Anwar Haq, Marcos Levy, Rabbi Amy Memis-Foler, Swarupa Pahan, Michelle Reitman, Pearl Rubenzik, Jeremy Segall, Karen Sherman, James Specker, Victoria Yan and Yesoe Yoon as Commissioners and Maria Monastero Bueno as Chair.
Omnibus vote.

Report of the Village Manager.

Motion to award a contract to Marsh/Allied World Assurance Company for excess liability coverage for Fiscal Year 2020.
Omnibus vote.
* B. Request to Sell Surplus Vehicles and Equipment.
   Motion to sell surplus vehicles and equipment.
   **Omnibus vote.**

**Report of the Corporation Counsel.**

**CONSENT**

* A. Ordinance 19-4-C-4448
Motion to adopt an ordinance amending Chapters 22 and 46 of the Skokie Village Code pertaining to mounted telecom and/or cell phone antennae. This item is on the consent agenda for second reading and adoption.
   **Omnibus vote.**

**FIRST READING**
B. An ordinance amending Chapter 82, Section 82-18, of the Skokie Village Code pertaining to electronic message centers. This item is on the agenda for first reading and will be on the April 15, 2019 agenda for second reading and adoption.

**Plan Commission.**
A. **Plan Commission Case 2019-01P – Site Plan Approval: 4000 and 4012 Church Street and 9220 Crawford Avenue**
   Motion to concur with the Plan Commission that the petitioner’s request for site plan approval for a 2-lot planned development at 4000 & 4012 Church street and 9220 Crawford in a TX Transit Mixed-use and R1 single-family zoning district be approved subject to all conditions.
   Mr. Raffi Arzoumanian, architect answered questions from the Board.
   **Moved: Trustee Sutker**  **Seconded: Trustee Ulrich**
   Ayes: Roberts, Sutker, Ulrich Bromberg, Klein, Gray-Keeler and Mayor Van Dusen
   Nays: None.
   Absent: None
   **MOTION CARRIED**

**Citizen comments** None

**Adjournment.**
Motion to adjourn at 8:51 p.m.
   **Moved: Trustee Bromberg**  **Seconded: Trustee Roberts**
   Ayes: Roberts, Sutker, Ulrich Bromberg, Klein, Gray-Keeler and Mayor Van Dusen
   Nays: None.
   Absent: None
   **MOTION CARRIED**

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Pramod Shah, Village Clerk

Approved:

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Mayor George Van Dusen
## Village of Skokie
### Voucher Report # 23
#### April 15, 2019

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**ALL FUNDS TOTAL**

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### VILLAGE OF SKOKIE
### VOUCHER REPORT # 23
### APRIL 15, 2019

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Total: $2,952,919.39
Proclamation

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource, giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our Village increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, the Village of Skokie has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways.

NOW, THEREFORE, I, GEORGE VAN DUSEN, Mayor of the Village of Skokie, do hereby proclaim April 26, 2019, as

"ARBOR DAY"

in the Village of Skokie, and I urge all citizens to support efforts to protect our trees and woodlands and to support our Village's urban forestry program; and

FURTHER, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

Passed this 15th day of April 2019

Geórges Van Dusen
Mayor

Pramod C. Shah
Village Clerk
WHEREAS, Jewish communities throughout the world have proclaimed April 15th as a collective day of remembrance of the martyrdom of six million Jews who perished in the Nazi Holocaust; and

WHEREAS, we remember and honor the 74th anniversary of the liberation of survivors from the death camps and in honor of the 76th anniversary of the valor displayed during the Warsaw Ghetto Uprising; and

WHEREAS, the people of Skokie remember the events of the Holocaust and remain vigilant against bigotry and tyranny; and

WHEREAS, it is our obligation to the free world to perpetuate and keep alive the memory of the victims of the Holocaust; and

WHEREAS, we pay tribute to the heroic stand of the fighters of the ghettos who rose and kindled the flame of freedom in honor of the Jewish people and mankind; and

WHEREAS, the Collective Day of Remembrance, May 5, 2019, has been set aside for the people of the Village of Skokie to remember the inhumanity of those who perpetrated the Holocaust as well as to reflect upon our own humanity and the need for respect of all peoples.

NOW, THEREFORE, I, GEORGE VAN DUSEN, Mayor of the Village of Skokie, do hereby proclaim May 5, 2019 as

"COLLECTIVE DAY OF REMEMBRANCE"

Dated this 15th day of April 2019

George Van Dusen
Mayor

Pramod C. Shah
Village Clerk
Proclamation

WHEREAS, first celebrated in 1970, Earth Day has become an annual event that is celebrated on April 22, where communities support and commit to building a sustainable and green economy; and

WHEREAS, humankind is currently facing tremendous global challenges, such as global health issues, food and water shortages, and economic struggles; and

WHEREAS, all people, regardless of race, gender, income, or geography, have a moral right to a healthy, sustainable, and green environment; and

WHEREAS, a green economy can be achieved on an individual level through educational efforts, public policy, and consumer activism campaigns; and

WHEREAS, the Village Board and the Sustainable Environmental Advisory Commission are leading the efforts to reduce overall plastic waste, placing emphasis on the three R’s, “Reduce, Reuse and Recycle”, and as part of this campaign promoting reusable bag giveaway days at local participating stores to incentivize and promote the use of reusable bags as an environmentally conscious alternative to plastic; and

WHEREAS, the Village’s Sustainable Environmental Advisory Commission developed THE SKOKIE ENVIRONMENTAL SUSTAINABILITY PLAN which serves as a five-year plan to engage with, educate, and provide leadership for our community, as well as to inspire our residents and businesses to action; and

WHEREAS, making purchases at shopping malls is far healthier for the environment than online ordering, statistics show the increase of returns is greater with online orders than those purchased at shopping centers. Corrugated boxes and other forms of packaging required to get online orders shipped makes a greater adverse impact on the planet than making returns directly at a store; and

WHEREAS, Earth Day is an annual reminder of the need for environmental activism, and stewardship from all business owners, retailers, shoppers and local communities to work together toward the common goal of protecting our environment.

NOW, THEREFORE, I, GEORGE VAN DUSEN, Mayor of the Village of Skokie, do hereby proclaim April 22, 2019 as

“EARTH DAY”

in the Village of Skokie and encourage all to make a conscious effort to promote and engage in sustainable green economic initiatives.

Passed this 15th day of April 2019

George Van Dusen,
Mayor

Pramod C. Shah,
Village Clerk
Memorandum
Manager's Office

TO: The Honorable Mayor and
   Board of Trustees
   Village Clerk
   Corporation Counsel

FROM: [Signature]
   John T. Lockerby, Village Manager

DATE: April 11, 2019

SUBJECT: MANAGER’S REPORT
   BOARD MEETING OF MONDAY, APRIL 15, 2019

A. One Hundred Day Challenge to Reduce the Use of Plastic Bags.
   This is an initiative of the Sustainable Environmental Advisory Commission. Jenny Grossman, Chair and staff liaison George Issakoo, will provide a presentation.

   In an effort to promote reduction in the use of plastics, which pollute our oceans and environment at a rate of 18 billion pounds per year, the Sustainable Environmental Advisory Commission has issued a 100 Day Challenge whereby the use of reusable bags or no bag at all will be encouraged for shopping whether groceries, general merchandise or pharmaceuticals. The challenge will begin on Earth Day, April 22 and end on July 31.

B. Commercial Corridor Storefront Enhancement Program: 3301 Main Street.
   Nick Theodosis, a representative of the owners of Dengeo’s, has applied for funding under the Commercial Corridor Storefront Enhancement Program (SEP). The owners of Dengeo’s would like to renovate the 3301 Main Street site to implement aesthetic and functional improvements to the exterior and interior of the building. Exterior improvements would include the repair and replacement of existing awnings on the east side and the installation of new illuminated dimensional aluminum signage. Planned improvements to the interior include installation of a new high efficiency HVAC system. Proposed design and architectural fees are included in the proposed application request.

   Estimates for the interior work total approximately $26,000. Of that amount, $10,400 is deemed eligible for reimbursement. Exterior renovation costs are anticipated at $27,108 and $10,843 is deemed eligible for reimbursement, along with maximum architectural fees of $3,000. The total Village SEP grant will not exceed $24,243, which would be transferred to the owner following the completion of all the work, final inspections and submittal of all required documentation.

   Mayor and Board approval of a grant in an amount not to exceed $24,243 is respectfully requested for Dengeo’s Restaurant, located at 3301 Main Street.
* C. **2019 Non-Arterial Street Resurfacing Program – Builders Paving, LLC, Hillside, Illinois - $3,619,808.**
This project provides for the resurfacing of approximately 6.4 miles of residential streets, which will include 34 streets and 2 oiled alleys within the Village. Motor Fuel Tax, Local Fuel Tax and General Funds will be used to fund the cost of the project. It is recommended that a contract be awarded to Builders Paving, LLC, the lowest responsive and responsible bidder, in the amount of $3,619,808. This firm is pre-qualified by the Illinois Department of Transportation and has worked with the Village on a number of resurfacing projects with satisfactory results. I concur with staff’s recommendation and respectfully request Mayor and Board approval.

D. **Request for Executive Session.**
Pursuant to Section 2, Paragraph C.2 of the State of Illinois Open Meetings Act, a closed session is requested and to adjourn therefrom.
Memorandum
Community Development Department, Economic Development Division

TO: John T. Lockerby, Village Manager

FROM: Leslie G. Murphy, Economic Development Specialist

DATE: April 5, 2019

SUBJECT: AGENDA ITEM: APRIL 15, 2019 BOARD OF TRUSTEES MEETING - COMMERCIAL CORRIDOR STOREFRONT ENHANCEMENT PROGRAM: 3301 MAIN STREET

The Village of Skokie seeks to enhance the overall marketability and stability of primary and neighborhood commercial areas within Skokie. To that end, the Village created the Commercial Corridor Storefront Enhancement Program (SEP) in 2016 which is paid out of the Economic Development Fund. Similar to the Village’s successful Tax Increment Finance (TIF) funded interior renovation and exterior façade grants, this program is designed to spur redevelopment and enhance properties along the primary commercial corridors not currently included within the boundaries of the Village’s two existing TIF districts. This grant rebate program is being offered on a competitive (first come, first served) basis and limited to ground floor commercial space within areas zoned B1, B2, B3, NX, TX or CX.

Eligible property owners or tenants may apply for exterior storefront improvement grant rebates from the Village using a 60% (applicant)/40% (Village) cost-sharing basis for approved construction costs up to a maximum of $25,000. Priority is extended to retail and restaurant uses. Interior renovation assistance is also available for retail or restaurant uses only. Interior assistance applicants are eligible for grant rebates from the Village of up to $25,000 on the same 60/40 cost-sharing basis or, if combined with an exterior storefront improvement grant (as per above), the maximum level of combined assistance is $40,000. Architectural/design fees of up to $3,000 are eligible for reimbursement in excess of the interior and/or exterior grant totals.

Nick Theodosis, representing the family that owns Dengeo’s, located at 3301 Main Street, has applied for funding under the program. This would be the ninth SEP project implemented since the program’s inception. Mr. Theodosis and his family are longtime Skokie business owners and Dengeo’s recently celebrated its 46th anniversary here in Skokie with another restaurant located in Buffalo Grove. Mr. Theodosis’ renovation plans include implementing aesthetic and functional improvements to the exterior of the building, including the repair and replacement of existing awnings on the east side and replacing the current signage with new illuminated dimensional aluminum signage (see attached elevation which has been approved by Village staff).
The planned improvements to the interior of the building which are eligible for a grant reimbursement include the replacement of existing and installation of a new high efficiency HVAC system. Proposed schematic designs and architectural fees are also included in the proposed application request.

The owner has received two bids for the major components of the interior/exterior work. The lowest estimate for the interior work to be done totaled approximately $26,000 and, of that, the program maximum amount of $10,400 is deemed eligible for reimbursement. Exterior costs are anticipated at $27,108, of which $10,843 is deemed eligible for reimbursement and the maximum architectural fees to be reimbursed totals $3,000. The total Village SEP grant will not exceed $24,243, including architectural design fees. Funding will only be transferred to the owner following completion of all work, final inspections, and submittal of all required documentation. The applicant is aware that he will need to provide copies of all bids, contracts, contractor invoices, paid receipts, cancelled checks and waiver-of-liens as proof of payment prior to reimbursement by the Village.

I respectfully request Board approval of a Commercial Corridor SEP rehabilitation grant of a maximum of $24,243 to be issued to Dengeo’s Restaurant. Mr. Theodosis along with Leslie Murphy will be present at the April 15th meeting to respond to any questions. Thank you.

C: Leonard Becker, Economic Development Manager  
   Peter Peyer, Community Development Director  
   Nathan Kriska, Supervisor, Building and Zoning Division  
   Julian Prendi, Finance Director
MEMORANDUM
Purchasing Division
Engineering Division

TO: John T. Lockerby, Village Manager
FROM: Michael Aleksic, Purchasing Agent
Max Slankard, Director of Public Works
Erik Cook, P.E., Director of Engineering

DATE: April 5, 2019

SUBJECT: AGENDA ITEM — April 15, 2019 Village Board Meeting
2019 Non-Arterial Street Resurfacing Program
Skokie Project SR19.2

Bids for the above captioned item were advertised and publicly opened on April 4, 2019. As a result of the solicitation, eight (8) bids were received.

<table>
<thead>
<tr>
<th>Budget Amount &amp; Account Number</th>
<th>Amount</th>
<th>Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2020 Budget</td>
<td>$ 700,000.00</td>
<td>MFT</td>
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<tr>
<td></td>
<td>$1,100,000.00</td>
<td>LFT</td>
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<td>$2,400,000.00</td>
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<td></td>
<td>$4,200,000.00</td>
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</tbody>
</table>

TABULATION OF BIDS
Builders Paving, LLC, Hillside, IL       $3,619,808.00
Arrow Road Construction, Mount Prospect, IL $3,658,777.00
J.A. Johnson Paving, Arlington Heights, IL $3,785,896.54
 Schroeder Asphalt Services, Inc., Huntley, IL $3,893,484.06
 Schroeder and Schroeder, Inc., Skokie, IL $3,911,611.65
 A Lamp Concrete, Schaumburg, IL           $3,993,538.05
 Peter Baker & Son, Lake Bluff, IL         $4,030,031.94
 Plote Construction, Inc., Elgin, IL       $4,122,040.59

RECOMMENDATION
It is recommended that a contract in the amount of $3,619,808.00 be awarded to Builders Paving, LLC of Hillside, IL, the lowest responsive and responsible bidder. The attached MFT resolution also requires approval by the board. The purpose of this contract is to provide for the bituminous re-surfacing and of 34 streets and two (2) oiled alleys throughout the Village (total length of approximately 6.4 miles), and includes pavement milling and patching, replacement of deteriorated sidewalk and curbs, drainage structure adjustments, sod replacement, paving alleys and related work.
This project is funded by the Motor Fuel Tax, Local Fuel Tax, and General Funds. This project was designed by Village staff. The Engineering Division will provide the construction phase supervision and will closely monitor the project and take advantage of opportunities to minimize project costs.

**COMMENTS**
The streets for this project are listed below and are depicted on the attached map. The project will start in April and will be completed by September.

<table>
<thead>
<tr>
<th>Street</th>
<th>Starting Point</th>
<th>Ending Point</th>
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<tbody>
<tr>
<td>Resurfacing</td>
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<tr>
<td>Culver Street</td>
<td>West end to Lavergne Ave.</td>
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<tr>
<td>Lavergne Avenue</td>
<td>Old Orchard Road to Central Street</td>
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<td>Bronx Avenue</td>
<td>Old Orchard Road to Central Street</td>
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<td>Lamon Avenue</td>
<td>Old Orchard Road to Central Street</td>
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<td>LaCrosse Avenue</td>
<td>Old Orchard Road to Central Street</td>
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<td>Central Street</td>
<td>Lavergne Ave. to LaCrosse Ave.</td>
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<tr>
<td>Lowell Avenue</td>
<td>Golf Road to Gross Point Road</td>
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<tr>
<td>Harding Avenue</td>
<td>Foster Street to Golf Road</td>
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<tr>
<td>Kedvale Avenue</td>
<td>Grove St. to Emerson St.</td>
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<tr>
<td>Ridgeway Avenue</td>
<td>Davis Street to Golf Road</td>
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<tr>
<td>Dr. Korczak Terrace</td>
<td>Arcadia Street to Church Street</td>
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<td>Arcadia Street</td>
<td>Ridgeway Ave. to Dr. Korczak Terr.</td>
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<tr>
<td>Central Park Avenue</td>
<td>Davis St. to Church St.</td>
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<tr>
<td>Grove Street</td>
<td>Ridgeway Ave. to Lincolnwood Dr.</td>
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<tr>
<td>Central Park Ave.</td>
<td>Dempster St. to Lake St.</td>
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<tr>
<td>Kenneth Terrace</td>
<td>Dempster St. to Greenwood St.</td>
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<td>Kostner Terrace</td>
<td>Dempster St. to Greenwood St.</td>
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<td>Lowell Terrace</td>
<td>Dempster St. to Greenwood St.</td>
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<td>Greenwood Street</td>
<td>Komar Ave. to E. of Lowell Terr.</td>
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<tr>
<td>Enfield Street</td>
<td>Lowell Terr. to 200 feet east</td>
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<td>Greenleaf Street</td>
<td>LeClaire Ave. to Terminal Ave.</td>
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<td>Laramie Avenue</td>
<td>Oakton St. to Lincoln Ave.</td>
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<td>Lorel Avenue</td>
<td>Galitz St. to Oakton St.</td>
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<td>Galitz Street</td>
<td>Long Ave. to Park Ave.</td>
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<td>Park Avenue</td>
<td>Mulford St. to Oakton St.</td>
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<td>George Street</td>
<td>Long Ave. to Park Ave.</td>
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<tr>
<td>Mulford Street</td>
<td>Kenton Ave. to Karlov Ave.</td>
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<td>Brummel Street</td>
<td>Karlov Ave. to Crawford Ave.</td>
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<td>Dobson Street</td>
<td>Karlov Ave. to Crawford Ave.</td>
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<td>Kenton Avenue</td>
<td>Jarvis Ave. to Howard St.</td>
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<tr>
<td>Birchwood Street</td>
<td>West end to Kolmar Ave.</td>
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<td>Fargo Avenue</td>
<td>West end to Kenton Ave.</td>
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<tr>
<td>Farwell Avenue</td>
<td>Lockwood Ave. to Lamon Ave.</td>
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<tr>
<td>Morse Avenue</td>
<td>Laramie Ave. to Lamon Ave.</td>
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</table>
Alleys
9510 Kolmar Ave. Alley
South of Church and East of Central Park Ave.

Also included in this project will be concrete work in preparation of the High-Priority Street Patching Program which will begin later in the year.

Builders Paving is pre-qualified by the Illinois Department of Transportation for this type of work. This firm was the general contractor for the Non-Arterial Street Resurfacing Program in 2018.

Attachments

cc: Max Slankard, Director of Public Works
    Nick Wyatt, Assistant Village Manager
    Michael Lorge, Corporation Counsel
    George Issakoo, Assistant to the Director of Public Works
    Steve Lesniewicz, Streets and Alleys Supervisor
    Jean Scher, Water and Sewer Superintendent
    Russ Rietveld, Senior Engineer
    Paul Ryan, Civil Engineer
Resolution for Improvement by Municipality Under the Illinois Highway Code

BE IT RESOLVED, by the Board of Trustees of the Village of Skokie, Illinois, that the following described street(s) be improved under the Illinois Highway Code:

<table>
<thead>
<tr>
<th>Name of Thoroughfare</th>
<th>Route</th>
<th>From</th>
<th>To</th>
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<tbody>
<tr>
<td>Culver Street</td>
<td>West End</td>
<td>Lavernge Avenue</td>
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<tr>
<td>Lavernge Street</td>
<td>Old Orchard Road</td>
<td>Central Street</td>
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<td>Bronx Avenue</td>
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<td>Ridgeway Avenue</td>
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<td>Church Street</td>
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<td>Grove Street</td>
<td>Ridgeway Avenue</td>
<td>Lincolnwood Drive</td>
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<td>Dempster Street</td>
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<td>Greenwood Street</td>
<td>Kolmar Avenue</td>
<td>Sta. 12+35</td>
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<td>Enfield Street</td>
<td>Lowell Terrace</td>
<td>Sta. 22+26</td>
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<td>Greenleaf Street</td>
<td>LeClaire Avenue</td>
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<td>Morse Avenue</td>
<td>Laramie Avenue</td>
<td>Lamon Avenue</td>
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<tr>
<td>9510 Kolmar Alley</td>
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<tr>
<td>Alley South of Church Street</td>
<td>Central Park Avenue</td>
<td>Lincolnwood Drive</td>
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</table>

BE IT FURTHER RESOLVED:
1. That the proposed improvement shall consist of Hot-Mix Asphalt Resurfacing of existing street sections, including curb & gutter replacement, drainage structure adjustments, pavement milling, sidewalks, sodding, and other miscellaneous work. and shall be constructed (varies) wide

2. That there is hereby appropriated the (additional □ Yes ☒ No) sum of

Seven hundred thousand and $00/100 Dollars ( $700,000.00 ) for the

#550952, Resolution, 2019 MIFT Non-Arterial Street Resurfacing
I, Pramod C. Shah, Clerk in and for the Village of Skokie, City, Town or Village, County of Cook, hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the Mayor and Board of Trustees at a meeting on April 15, 2019, for the IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 15th day of April, 2019. (SEAL)

City, Town, or Village Clerk
Memorandum  
Corporation Counsel's Office  

TO: The Honorable Mayor and Board of Trustees  
FROM: Barbara A. Mangler, Assistant Corporation Counsel  
DATE: April 10, 2019  
SUBJECT: April 15, 2019 Corporation Counsel’s Report  

*A. Ordinance, Code Amendment, Chapter 82, Electronic Message Centers*  
Item A is on the consent agenda for second reading and adoption. The first reading was on April 1, 2019.  

This ordinance will approve an amendment to Chapter 82 of the Skokie Village Code pertaining to electronic message centers. Due to several recent court cases, most notably, *Reed v. Town of Gilbert*, decided by the United States Supreme Court, Village staff from the Corporation Counsel’s Office and Community Development Department, with input from the Appearance Commission, have been in the process of an ongoing intensive review of the Village’s Sign Code. Additionally, the growing development, use and reduced cost of outdoor electronic displays and LED panels used on signage has created greater interest by commercial and retail businesses, as well as organizations, schools and other governmental entities, and has necessitated clearer regulations. Without more precise regulatory constraints and enforcement, outdoor electronic displays and LED panels could potentially create distractions for drivers by emitting disturbing levels and intensities of light especially at night.  

*B. Ordinance, 2018-46P, Code Amendment, Chapter 118, Parking for Religious Assembly*  
Item B is on the consent agenda for second reading and adoption. The first reading was on March 18, 2019.  

This ordinance will amend Chapter 118 of the Skokie Village Code pertaining to parking for religious assembly. At the request of the Village Manager, the Skokie Plan Commission undertook a review of Chapter 118 pertaining to parking requirements for all religious assembly uses. The current parking requirement of one space for four seats or for each 80 lineal inches of seating area is no longer appropriate to accommodate the current and future diverse population of the Village. Subsequent to the review, staff concluded that all religious assembly uses should be examined by the Plan Commission and a parking determination be made on a case-by-case basis following a parking study that analyzes the real parking demand for each use.  

*C. Ordinance, 2018-47P, Code Amendment, Chapter 118, General Provisions*  
Item C is on the consent agenda for second reading and adoption. The first reading was on March 18, 2019.  

This ordinance will amend Chapter 118 of the Skokie Village Code with various revisions and changes in order to reorganize, modernize and clarify existing provisions; thus making
the Chapter easier to navigate. Over the years, as new sections were added or existing sections were modified, the organization of the Chapter has become difficult to navigate.

D. **Resolution, Plat of Subdivision, 9444 Avers Avenue**

Item D is on the agenda for first reading and approval.

This resolution will approve a plat of subdivision for the property located at 9444 Avers Avenue, in an R1 Single-Family district, for the purpose of consolidating two lots into one lot.

E. **Ordinance, Code Amendment, Chapter 14, Electronic Sweepstakes Machines**

Item E is on the agenda for first reading and will be on the May 6, 2019 agenda for second reading and adoption.

This ordinance will amend Chapter 14, Article III, by defining Electronic Sweepstakes Machines and prohibiting the use thereof. Due to the proliferation of these Sweepstakes Machines which has been seen throughout the State of Illinois, clarification was necessary in the Village Code to address them. Several other municipalities, such as, Oak Park, Mundelein and Flossmoor, have also amended their municipal codes to specifically prohibit the use of these machines.

cc: Pramod Shah
    John Lockerby
AN ORDINANCE AMENDING CHAPTER 82, SECTION 82-18, OF THE SKOKIE VILLAGE CODE PERTAINING TO ELECTRONIC MESSAGE CENTERS

WHEREAS, Chapter 82, Section 82-18, of the Skokie Village Code provides for the regulation of electronic signs; and

WHEREAS, pursuant to several recent court cases, most notably, Reed v. Town of Gilbert, 576 U.S. 135 S. Ct. 2218 (2015), Village staff from the Corporation Counsel’s Office and Community Development Department with input from the Appearance Commission, have been in the process of an ongoing intensive review of the Village’s Sign Code; and

WHEREAS, also, the growing development and use and the reduced cost of outdoor electronic displays and LED panels used on signage has created greater interest by commercial and retail businesses, as well as organizations, schools and other governmental entities, has necessitated clearer regulations; and

WHEREAS, outdoor electronic displays and LED panels have the ability to convey changing information in clear detail and in an aesthetically pleasing manner; and

WHEREAS, without more precise regulatory constraints and enforcement, outdoor electronic displays and LED panels could potentially create distractions for drivers and emit disturbing levels and intensities of light especially at night; and

WHEREAS, the Corporation Counsel recommended to the Mayor and Board of Trustees that Chapter 82, Section 82-18 of the Skokie Village Code be amended accordingly; and

WHEREAS, the Mayor and Board of Trustees at a public meeting duly held on April 1, 2019, concurred in the aforesaid recommendation of the Corporation Counsel; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Trustees of the Village of Skokie, Cook County, Illinois;

Section 1: That Chapter 82, Section 82-18, of the Skokie Village Code be and the same is hereby amended in the manner hereinafter indicated. The material to be deleted is highlighted and stricken through and the new material is highlighted in bold.

Chapter 82 – SIGNS

…
Sec. 82-18. Non-conforming flashing changeable signs.

(a) Existing electronically controlled changeable signs in conflict with Section 82-11(7), that were installed pursuant to the language in place in this Section 82-18 prior to September 16, 2005, shall be considered non-conforming and shall not be altered, rebuilt, enlarged, extended or relocated. Preventative maintenance of such signs may not be deemed to be alteration.

(b) All existing signs which are deemed non-conforming pursuant to Section 82-18(a) of this Section, shall be removed or come into compliance within one (1) year of the date that written notice from the Village Manager or designee is delivered to the business owner and/or property owner.

(c) An existing sign deemed non-conforming pursuant to this Section 82-18(a) will not be permitted to remain for the use by a new business or change in ownership of existing business and must be removed prior to the issuance of a certificate of occupancy.

Sec. 82-18. Electronic Message Centers (EMC) regulations.

(a) An Electronic Message Center (hereinafter referred to in this Article as “EMC”) is any sign or portion of a sign that displays electronics or electronically generated images, graphics, videos or pictures, with or without text, generated by a matrix of elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs, pixelated screens or other illumination devices within the display panels(s).

(b) An EMC shall comply with the following regulations:

1) It shall be designed and located so that the entire message is legible to the traveling public;
2) It shall be constructed from non-reflective materials and illuminated in a manner that does not create a glare;
3) It shall be located and mounted in compliance with requirements for the type of sign (ground, wall, window, etc.) in this chapter; and

(c) The message format shall conform to the following requirements:

1) The message shall not consist of flashing, chasing or animated lights, or include animated pictorial graphics;
2) Text shall be uniform in color, appearance, and font;
3) The message, including single and multiple lines of text, shall not change more frequently than once every twenty (20) seconds;
4) Relief to allow a sign facing residential property shall only be allowed after the following factors are reviewed and determined not to be detrimental to the residential property: time the sign is illuminated, duration of display, and brightness of the display.

(d) EMC signs must not exceed a maximum illumination of five thousand (5,000) nits (candelas per square meter) during daylight hours and a maximum illumination of five hundred (500) nits (candelas per square meter) between
dusk to dawn and/or on cloudy days as measured from the sign's face at maximum brightness. All signs shall have an ambient light monitor that will automatically adjust the brightness levels based on ambient light conditions. Prior to the issuance of a permit, the applicant shall submit photos of the proposed EMC, as it would appear during daytime and evening hours.

(e) All EMC signs must be equipped with a default mechanism that will stop the messaging, freeze the image in one position, or turn off the sign when a malfunction in electronic programming occurs.

Section 2: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

ADOPTED this day of April, 2019.

Ayes: 
Nays: 
Absent: 

Attested and filed in my office this day of April, 2019; and published in pamphlet form according to law from April , 2019 to April , 2019.

Mayor, Village of Skokie

Village Clerk

Village Clerk

Approved by me this day of April, 2019.
AN ORDINANCE AMENDING CHAPTER 118, ARTICLE IV, SECTION 118-218, OF THE SKOKIE VILLAGE CODE PERTAINING TO PARKING FOR RELIGIOUS ASSEMBLY

WHEREAS, Chapter 118, Article IV, Section 118-218 of the Skokie Village Code provides for the required number of off-street motor vehicle parking spaces; and

WHEREAS, there have been several Plan Commission cases recently for religious assembly that have gone through either the public hearing or permit processes that had vastly different parking demands, consequently the Village Manager requested a review of parking requirements for all religious assembly uses; and

WHEREAS, the current parking requirement of 1 space for 4 seats or for each 80 lineal inches of seating area is no longer appropriate to accommodate the current and future diverse population of the Village; and

WHEREAS, pursuant to a thorough review, Staff concluded that all religious assembly uses should be examined by the Plan Commission and a parking determination be made on a case-by-case basis following a parking study that analyzes the real parking demand for each use, similar to many other uses listed in Chapter 118, Zoning; and

WHEREAS, the purpose of having a professional parking study is to assess the real parking demand for all the activities that occur in a religious assembly building, not just religious services, including banquet and other gathering rooms, education facilities, and social services that may be provided; and

WHEREAS, when parking relief is being requested, parking studies have regularly been used by religious entities to justify reductions from the existing parking requirements that would otherwise be required; and

WHEREAS, on numerous occasions, the Plan Commission has recommended, and the Village Board has approved, requests to deviate from the existing parking standards based on the parking requirement on other factors for religious assembly. A required parking study would provide concrete, professional determinations concerning the actual parking demand as a basis for Plan Commission parking determinations; and

WHEREAS, at a public meeting of the Skokie Plan Commission, duly held on December 6, 2018, for which proper legal notice had been achieved, two interested parties who were both representatives from an orthodox synagogue spoke regarding the restrictions placed on their synagogue and that each parking determination case should be examined separately; and
WHEREAS, Staff concluded that all religious assembly uses should be examined by the Plan Commission and a parking determination be made on a case-by-case basis following a parking study that analyzes the real parking demand for each use; and

WHEREAS, after hearing all testimony and discussion, the Skokie Plan Commission (a) made the appropriate findings of fact as required under Section 118-32 of the Skokie Village Code and (b) voted to concur with the recommendation of staff to amend Chapter 118, Article IV, Section 118-218, with a review of the proposed language outlined in the staff report dated December 6, 2018, by the Corporation Counsel; and

WHEREAS, subsequent to the Plan Commission meeting, the Community Development Director met with the Corporation Counsel and reviewed the proposed language, and approved the amendment with a non-substantive language change; and

WHEREAS, therefore, the Skokie Plan Commission recommended to the Mayor and Board of Trustees that Chapter 118, Article IV, Section 118-218, be amended accordingly; and

WHEREAS, the Mayor and Board of Trustees at a public meeting duly held on March 18, 2019, concurred in the aforesaid recommendation of the Skokie Plan Commission; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Trustees of the Village of Skokie, Cook County, Illinois;

Section 1: That Chapter 118, Article IV, Section 118-218, of the Skokie Village Code be and the same is hereby amended in the manner hereinafter indicated. The new material is highlighted in bold and the material to be deleted is highlighted and stricken through.

Chapter 118 – Zoning

…

ARTICLE IV. - OFF-STREET PARKING AND LOADING

…

Sec. 118-218. – Required number of motor vehicle parking spaces.

…

(2) Schools, places of worship, institutions, auditoriums and other places of assembly.

Assembly uses (except religious assembly), auditoriums, gymnasiums, stadiums, grandstands, meeting halls and institutional establishments: 1 parking space for each 4 seats or for each 80 lineal inches of seating space in the main auditorium or assembly.

Religious assembly: Off-street parking requirements shall be determined by the Plan Commission.

…
Section 2: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

ADOPTED this day of April, 2019.

Ayes:  
Nays:  
Absent:  

Attested and filed in my office this day of April, 2019; and published in pamphlet form according to law from April , 2019 to April , 2019.

Village Clerk

Approved by me this day of April, 2019.

Mayor, Village of Skokie

Village Clerk
AN ORDINANCE AMENDING CHAPTER 118, ARTICLES III THROUGH XIV, AND APPENDIX A USE TABLE, OF THE SKOKIE VILLAGE CODE PERTAINING TO GENERAL PROVISIONS

WHEREAS, Chapter 118 of the Skokie Village Code provides for zoning regulations; and

WHEREAS, from time to time staff will review Chapter 118 (hereinafter “Chapter”) and make revisions to reorganize, modernize and clarify existing provisions; thus making the Chapter easier to navigate; and

WHEREAS, over the years, as new sections were added or existing sections were modified, the organization of the Chapter has become difficult to navigate. The following amendments and modifications will make it easier find information:

1. Reorganizing Division 1.1 so that all of the sections that apply throughout the Village (except landscaping and parking) are in one article and all of the sections that regulate specific uses are in a separate article;
2. Moving sections that only apply to a single subgroup of zoning districts into that appropriate article, like impermeable surface requirements for residential districts;
3. Separating all other divisions in Article III into their own articles to make each article shorter, with less scrolling on the computer or page turning to find what you need;
4. Cleaning up grammar, punctuation, formatting, and references to uses that no longer exist;
5. Eliminating a loophole for window wells that affected side yard drainage in residential districts;
6. Reorganizing the Antennas section to group regulations that apply to all antennas, ground mounted antennas, and accessory antennas;
7. Updating and modernizing the Stormwater Control section to be consistent with MWRD regulations and granting the Village the authority to provide credits for green roofs, permeable pavers, and permeable pavements;
8. Modifying the Adult Use section to be consistent with federal case law and the International Zoning Code and specifically prohibiting adult uses as a home occupation;
9. Simplifying the calculation of the irregular front yard setbacks in residential zoning districts;
10. Correcting the definition of site distance triangle so that it does not apply to the interception of driveways and alleys;
11. Modifying other Article and Section numbering as needed;
12. Making room for future needs as this reorganization process continues; and

WHEREAS, at a public meeting of the Skokie Plan Commission, duly held on February 7, 2019, for which proper legal notice had been achieved and no interested parties testified, the Skokie Plan Commission (a) made the appropriate findings of fact as required under Section 118-32 of the Skokie Village Code and (b) voted to concur with the recommendation of staff by amending Chapter 118 pursuant to the Plan Commission Report dated March 18, 2019; and

WHEREAS, the Mayor and Board of Trustees at a public meeting duly held on March 18, 2019, concurred in the aforesaid recommendation of the Skokie Plan Commission; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Trustees of the Village of Skokie, Cook County, Illinois;

Section 1: That Chapter 118, Articles III through XIV, and Appendix A Use Table, of the Skokie Village Code be and the same is hereby amended in the manner hereinafter indicated. The new material is highlighted in bold and the material to be deleted is highlighted and stricken through.

Chapter 118 – Zoning

... ARTICLE II. DEFINITIONS

... Sight distance triangle means a volume with a triangular base established at the intersection of two rights-of-way or a street right-of-way and a driveway where obstructions are limited in height or width so as to not obstruct the sight of pedestrians or motorists. The measured distance is the length of the legs of the triangle at grade from the point where the two rights-of-way intersect or where a right-of-way and driveway intersect.

... Article III. DISTRICT REGULATIONS USE DISTRICTS

DIVISION 1. USE DISTRICTS

... DIVISION 1.1 ARTICLE IV. – GENERAL PROVISIONS

... Sec. 118-55.- Required lot consolidation. Reduction of lot area.

No building or set of buildings shall be on a separate lot from any other part of a building, any associated required on-site improvements, or any other land used by or necessary to such buildings or improvements, with the following exceptions: the separate lot is an undeveloped side yard that is a buildable lot in a residential district.
the lot line runs through a building containing townhouses, the site is divided by a public right-of-way, or the site is consistent with a subdivision associated with a planned development. No lot shall be reduced in area so that the yards or lot area become less than required by this chapter.

Sec. 118-56. Accessory buildings, structures, and uses

(a) Accessory classifications in districts.

(1) Accessory structures shall be allowed in all districts, except those structures specifically prohibited.

(2) Accessory buildings and uses are allowed only in residential zoning districts.

(b) Maximum height. An accessory building cannot exceed 1 story or 15’ in height. The distance from grade to the top of eave or to the top of the highest point on a flat roofed building cannot exceed 10’ above grade, except that an open roofed railing cannot exceed 15’ above grade.

(c) Area. The ground floor area of all accessory buildings must not exceed the ground floor area of the principal building.

(d) Rear yard coverage. The total area of all accessory buildings shall not occupy more than 30% of the rear yard.

(e) Use of accessory buildings in residential districts. In residential districts a motor vehicle garage or other accessory building shall not be used as a residence, temporary residence, or in conjunction with a commercial or business activity, except that commercial vehicles may be parked or stored in the garage.

(f) Setbacks. Except for legal fences or as otherwise provided, an accessory building or structure erected, altered, enlarged, or moved must conform to the following:

(1) International Residential Code, as amended in Chapter 22, as if all accessory buildings are garages.

(2) An accessory building less than 50 ft² in area and of noncombustible construction is permitted to abut the principal building.

(3) An accessory building or structure is prohibited in a required front or side yard or within 60’ from a front lot line.

(4) An accessory building or structure in a rear yard shall be at least 3’ from a lot line except that the setback required shall be at least:

   a. The distance required for a side yard abutting a street on corner lots.

   b. The distance required for a front yard on through lots.

   c. 5’ from the lot line abutting the alley.
(g) **Colocation.** Accessory buildings shall occupy the same lot as the principal use or building.

**Sec. 118-56. Front lot line on through-lots.**

Either of the lot lines abutting a street right-of-way line in a given block may be established as the front lot line. However, when the front lot line of a lot in a block containing multiple through-lots has been established by an existing building, such front lot line shall be the front lot line for the remaining lots in the block.

**Sec. 118-57. Fences.**

(a) A building permit shall be required for the construction, installation, or replacement of any fence.

(b) All fence posts and other supporting members must face to the owner’s side or be enclosed on two sides by fencing.

(c) **Fence location.**

(1) No fence or portion of a fence shall be allowed on any part of a front yard or corner side yard except at schools, public parks, governmental uses, and public utilities, required for the protection of the public in residential zoning districts. Decorative fences in the front yard of a nonresidence use in a residential zoning district may be allowed with site plan approval.

(2) A temporary fence required as a condition of a Village permit or license at a construction or work site shall be allowed in all required yards.

(3) Fences shall be allowed in accordance with section 118-75. Permitted obstructions in required yards.

(d) **Height.** A fence in a required yard may be erected to a height not exceeding 6’ from ground level, except as otherwise provided below:

(1) Not exceeding 5’ from ground level in a residential zoning district when abutting another lot in a residential zoning district if the fence is either along a side lot line or in a required side yard.

(2) Not exceeding 8’ from ground level in an industrial zoning district or where a side or rear lot line of a property in a residential zoning district abuts either an industrial district or an alley abutting an industrial district.

(3) Not exceeding 30” from ground level within a sight distance triangle.

(e) The following types of fences and fence attachments are prohibited unless otherwise stated:

(1) Electrically charged.

(2) Barbed wire, razor wire or any guard or barricade intended to cause injury. Barbed wire shall only be allowed at industrially-zoned property, located at least 6’ above ground level, and extended inward towards the property enclosed.
Sec. 118-57. Required lot consolidation.

No building or set of buildings shall be on a separate lot from any other part of a building, any associated required on-site improvements, or any other land used by or necessary to such buildings or improvements, with the following exceptions: the separate lot is an undeveloped side yard that is a buildable lot in a residential district, the lot line runs through a building containing townhouses, the site is divided by a public right-of-way, or the site is consistent with a subdivision associated with a planned development.

Sec. 118-59. Permitted obstructions in required yards.

(a) General. Any obstruction permitted in this section may be further restricted in compliance with another Village code, ordinance, and rule or regulation.

(b) All yards.

(1) Basketball backboards with standards, bicycle parking spaces and racks (except in front yards of detached, 2-unit multifamily, and townhouse residences), flagpoles, landscaping, ornamental light standards, signs and nameplates as regulated by the Signs chapter, steps and ramps necessary for access to permitted buildings or for access to lots from streets, required exterior fire escapes, and temporary construction fences required as a condition of a Village permit or license.

(2) Chimneys, window wells, sills, belt courses, cornices or other ornamental features projecting not more than 1.5' into the required yard.

(c) Front yards.

(1) Individual window or through-the-wall installed air conditioning units and fences at schools, public parks, governmental uses, and public utilities that are required for the protection of the public.

(2) Decorative fences with site plan approval at nonresidence uses in residential districts.

(3) Awnings, canopies, or one-story bay windows that are not ground-supported projecting not more than 3' into the required front yard, except that the total width of the bay windows must be less than 50% of the width of the building wall containing the bay windows.

(4) Terraces or porches that do not have permanent roofs not more than 4' above the average level of the abutting ground and not projecting over 10' into the required front yard.

(5) Overhanging eaves and gutters projecting not more than 15% into the depth of the required yard.

(d) Rear yards.

(1) Air conditioning condensers in compliance with §118-66, individual window or through-the-wall installed room air conditioning units, arbors, trellises,
balconies, open porches, barbecues, clotheslines, accessory structures in compliance with §118-60, fences in compliance with §118-61, recreational and playground equipment, swimming pools and tennis courts.

(2) Awnings and canopies that are not ground-supported and not projecting more than 5' into the required rear yard.

(3) Dog runs, subject to Building Division and Health Department approval, except that dog runs in residentially zoned and used properties must be at least 3' from any property line.

(4) Overhanging eaves and gutters, provided that eaves and gutters of accessory buildings are at least 2' from any lot line of principal buildings are not projecting more than 15% into the depth of the required rear yard.

(5) Terraces or porches that do not have permanent roofs not more than 4' above the average level of the abutting ground and not projecting over 10' into the required rear yard.

(e) Side yards.

(1) Fences in compliance with §118-61, individual window or through-the-wall installed room air conditioning units with a capacity not exceeding 12,000 Btu's, and air conditioning condensers in compliance with §118-66.

(2) Awnings and canopies that are not ground-supported and are at least 2' away from the lot line.

(3) Overhanging eaves and gutters projecting not more than 3' into the required side yard and at least 2' away from the lot line.

Sec. 118-60. Accessory building, structures and uses.

(a) Accessory classifications in districts.

(1) Accessory structures shall be allowed in all districts, except those structures specifically prohibited.

(2) Accessory buildings and uses are allowed only in residential zoning districts.

(b) Maximum height. An accessory building cannot exceed 1 story or 15' in height. The distance from grade to the top of eave or to the top of the highest point on a flat roofed building cannot exceed 10' above grade, except that an open roof deck railing cannot exceed 15' above grade.

(c) Area. The ground floor area of all accessory buildings must not exceed the ground floor area of the principal grade.

(d) Rear yard coverage. The total area of all accessory buildings shall not occupy more than 30% of the rear yard.

(e) Use of accessory buildings in residential districts. In residential districts a motor vehicle garage or other accessory building shall not be used as a residence, temporary residence, or in conjunction with a commercial or business activity, except that commercial vehicles may be parked or stored in the garage.
(f) **Setbacks.** Except for legal fences or as otherwise provided, an accessory building or structure erected, altered, enlarged, or moved must conform to the following:

1. International Residential Code, as amended in Chapter 22, as if all accessory buildings are garages.

2. An accessory building less than 50 ft.² in area and of noncombustible construction is permitted to abut the principal building.

3. An accessory building or structure is prohibited in a required front or side yard or within 60’ from a front lot line.

4. An accessory building or structure in a rear yard shall be at least 3’ from a lot line except that the setback required shall be at least:
   - (a) The distance required for a side yard abutting a street on corner lots.
   - (b) The distance required for a front yard on through lots.
   - (c) 5’ from the lot line abutting the alley.

(g) **Colocation.** Accessory buildings shall occupy the same lot as the principal use or building.

Sec. 118-61. Fences.

(a) A building permit shall be required for the construction, installation, or replacement of any fence.

(b) All fence posts and other supporting members must face to the owner’s side or be enclosed on two sides by fencing.

(c) **Fence location.**

1. No fence or portion of a fence shall be allowed on any part of a front yard or corner side yard except at schools, public parks, governmental uses, and public utilities, required for the protection of the public in residential zoning districts. Decorative fences in the front yard of a nonresidence use in a residential zoning district may be allowed with site plan approval.

2. A temporary fence required as a condition of a Village permit or license at a construction or work site shall be allowed in all required yards.

(d) **Height.** A fence in a required yard may be erected to a height not exceeding 6’ from ground level, except as otherwise provided below:

1. Not exceeding 5’ from ground level in a residential zoning district when abutting another lot in a residential zoning district if the fence is either along a side lot line or in a required side yard.

2. Not exceeding 8’ from ground level in an industrial zoning district or where a side or rear lot line of a property in a residential zoning district abuts either an industrial district or an alley abutting an industrial district.

3. Not exceeding 30” from ground level within a sight distance triangle.
(e) The following types of fences and fence attachments are prohibited unless otherwise stated:

(1) Electrically charged.

(2) Barbed wire, razor wire or any guard or barricade intended to cause injury.
   Barbed wire shall only be allowed at industrially zoned property, located at least 6’ above ground level, and extended inwards towards the property enclosed.

Sec. 118-62. Outdoor storage, parking, or standing of recreational vehicles, boats, boat trailers, and commercial trailers

(a) General conditions. The following general conditions shall apply to recreational vehicles, boats, boat trailers, or commercial trailers:

(1) State license plates and Village vehicle license stickers, if applicable, shall be current and properly displayed.

(2) Such vehicles shall not be used as living quarters or an accessory building, for storage, or in conjunction with any business enterprise.

(3) Such vehicles shall not be parked, stored or stand with flammable liquids aboard other than in State Department of Transportation approved containers.

(4) Such vehicles shall not be parked, stored, or be permitted to stand in such a manner as to create a dangerous or unsafe condition on the property.

(5) Other than in a self-service storage facility, the owner of such vehicles shall also be the legal or beneficial owner of lessee of the real estate upon which such vehicles are stored, standing or parked. Upon request by an authorized Village official, proof of vehicle ownership shall be provided.

(6) The prohibitions set forth in this section shall not apply to van-type recreational vehicles provided that they bear “RV” or passenger license plates and are standard stock models as produced by the original vehicle manufacturers. No modifications affecting overall length, width, or height of standard production models shall be permitted to such van-type vehicles. Customizing, such as, but not limited to, special painting, “mag” wheels, and plastic dome vents shall not be considered a modification.

(b) Residential districts. Parking commercial trailers outdoors is prohibited in residential districts. A recreational vehicle, boat, or boat trailer may be stored, parked, or permitted to stand out of doors in any residential district subject to the following conditions and restrictions:

(1) A recreational vehicle or boat trailer shall be maintained in mobile condition.

(2) No major constructions or major repair shall be permitted.

(3) Such vehicles shall not exceed the following dimensions:

<table>
<thead>
<tr>
<th>Dimension</th>
<th>RV/Boat/Boat Trailer</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Length, excluding hitches and bumpers (feet)</th>
<th>14</th>
</tr>
</thead>
<tbody>
<tr>
<td>Width (feet)</td>
<td>8</td>
</tr>
<tr>
<td>Height, excluding antenna (feet)</td>
<td>11</td>
</tr>
</tbody>
</table>

(4) Such vehicle shall not cover more than 3% of the area of the lot on which it is located.

(5) Such vehicles shall not be parked or stored within 3’ of any lot line or within any front yard, side yard, or front driveway unless otherwise specifically permitted.

(c) **Business and industrial districts.** A recreational vehicle, boat, boat trailer, or commercial trailer may be stored, parked, or permitted to stand out of doors in any business or industrial district subject to the following conditions and restrictions:

(1) Recreational vehicle, boat, or boat trailer – at a motor vehicle or boat sales facility or operated with self-service storage only.

(2) Commercial trailer – operated with a permitted or special use in that district.

(3) Such vehicles shall not block access to any off-street parking space.

**Sec. 118-63. Antennas.**

(a) Antennas shall be allowable accessory structures in all districts. Antennas shall also be allowable principal uses in districts designated in Appendix A.

(b) **Generally.**

(1) Permitted use antenna structures may be up to 25’ in height above the district height regulations.

(2) All antennas located in residential districts shall be for the personal use and benefit of the resident occupants of the subject property unless the antenna is operated by a public utility company or is a small cell antenna as defined in Chapter 103 and is co-located on an existing utility pole or Village or governmentally owned structure as defined in Chapter 103. The term “public utility” shall be defined in the same manner as in the Illinois Compiled Statutes, as amended now or in the future.

(3) Ground-mounted antennas located in mixed-use and business districts shall be exclusively used for the operation of the principal use of the subject property, unless operated by a public utility company.

(4) A Village permit shall be secured for all antenna ancillary equipment utilizing standard line voltage electrical current or whose installation requires any structural modifications. A Village permit shall also be required for any small cell antenna located in a public right-of-way.
(5) Prior to the issuance of a Village permit for a principal use antenna, a copy of 
the FCC license for an individual antenna or the license for the Chicago Major 
Trading Area shall be submitted to the Village. A copy of this license shall be 
submitted to the Village upon its renewal.

(6) Antennas located in residential districts whose width exceeds 3’ shall be 
constructed in such a manner as to be at least 50% transparent by light and 
air.

(7) All antennas exceeding 3’ in width located in the R1, R2, and R3 zoning 
districts shall be mounted at a location closest to the ground, except when a 
higher or different location is needed for signal reception. In addition, all 
antennas shall meet all other location and height requirements.

(8) An antenna shall not be located less than 60’ from the front lot line, except 
when attached to the side of an existing steeple, church belfries, chimneys, 
elevator bulkheads and building equipment penthouses.

(9) Antennas and their related facilities shall be removed upon abandonment. An 
antenna will be considered abandoned when it is deactivated or out of service, 
its FCC license has lapsed or has not been renewed, or the antenna is not 
used for its intended and authorized purpose for a period of 90 days. The 
owner(s) of an antenna shall inform the Village of their intent to abandon an 
antenna. An antenna will not be considered abandoned if it is temporarily out 
of service during performance of repairs or if the facility is being replaced.

(10) All antenna support structures and antennas shall comply with the 
International Building Code, the National Electrical Code, and FAA and FCC 
requirements.

(11) The fabrication and testing of antennas shall be governed by the allowable 
land use classifications as stated in the industrial district sections of this 
chapter.

(c) **Ground mounted.**

(1) The base of a ground-mounted antenna shall be screened to a height of 6’ to 
shield its view from neighboring property and the street fronting the property. 
Screening shall consist of landscaping. Screening shall not be located so as 
to interfere with the reception of the antenna.

(2) Principal use antennas shall be located a minimum of 100’, or a distance equal 
to the height of the antenna structure, whichever is greater, from residentially 
zoned property.

(3) The owners of principal use antenna support structures in industrial districts 
are encouraged to design such structures to allow the co-location of other 
communication providers’ equipment so as to minimize the proliferation of 
antenna support structures throughout the community.
(4) The owner of principal use antenna support structures shall allow the collocation of other communication providers’ equipment, where technically feasible, on a commercially reasonable basis.

(5) Antennas which alter the approved site plan of a special use site shall be subject to the abbreviated special use process for review and approval. The following siting requirements shall be met:

(a) The antenna shall not be mounted in a required yard.

(b) The antenna shall not be mounted in any required off-street parking spaces or affect traffic circulation.

(c) Where possible, the base and back of the antenna support structure and antenna shall be screened with landscaping to a height of 6’.

(d) The antenna support structure shall not interfere with or reduce on-site water detention.

(d) Accessory. Accessory antenna structures may be up to 12’ in height above the district height regulations except small cell antennas co-located on a utility pole or Village structure. Such antennas shall not exceed a height of 7’ above the pole height and shall be mounted with non-metallic materials of a neutral color approved by the Village as is further defined in Chapter 103.

Sec. 118-64. Stormwater Control.

(a) Purpose. The purpose of this section is to promote the public health, safety, and welfare, by controlling stormwater runoff resulting from the urbanization of the Village. Because the Village is located in a Combined Sewer Area, is committed to reduce combined sewer overflows occurrences, and is encouraging the use of Green Infrastructure on private development projects.

(b) Applicability of the WMO. The Metropolitan Water Reclamation District’s (MWRD) Watershed Management Ordinance (WMO) applies to all development within the Village boundaries. Components that are regulated under the WMO include qualified sewer construction, drainage and detention, volume control, floodplain management, isolated wetland protection, riparian environment protection, and soil erosion, and sediment control. As such:

(1) The Village requires that all development obtain a permit letter of determination from MWRD’s Engineering Department.

(2) As developments within the Village may not be required to meet certain site stormwater management requirements under the WMO, the Village maintains its rights to enforce the Village’s stormwater requirements as applicable under this section.

(3) The Village requires that an Earthwork/Foundation permit consistent with WMO requirements be obtained from MWRD if site disturbance is to commence prior to the issuance of the MWRD permit. The purpose of this
limited scope permit is to allow the issuance of an advanced ‘Foundation’ permit from the Village.

(4) Credit shall be given to Village required stormwater detention volumes for any volume control, as expressly required by WMO, or as installed by the developer.

(c) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Allowable release rate means the rate at which stormwater runoff is allowed to flow from the site into the Village sewer system.

Control structure means a structure having an outlet designed to control the stormwater runoff release rate.

Developed state means the condition of the site after development that is represented by a composite runoff coefficient based upon an imperious runoff coefficient of 0.95 and a pervious runoff coefficient of 0.25.

Excess stormwater runoff means the portion of the stormwater runoff that exceeds the allowable release rate.

100-year frequency rainfall shall be as defined by the Illinois State Water Survey.

On-site stormwater detention means the utilization of an on-site stormwater storage facility that is designed and maintained to temporarily contain stormwater only when excess stormwater runoff occurs.

On-site stormwater retention means the utilization of an on-site stormwater storage facility that is designed and maintained to temporarily contain stormwater when excess stormwater runoff occurs and to permanently hold an additional volume of water at a level which is at or below the level of the discharge point for such a storage facility.

Peak runoff rate means the rate of stormwater runoff that occurs when the duration of the rainfall is equal to or greater than the time of concentration.

Rainfall intensity means the amount of precipitation that occurs within a given period, expressed in inches of rainfall per hour.

Rational Method means the empirical method that relates stormwater runoff to rainfall intensity by the formula “Q = CiA” where “Q” is the peak runoff rate in cubic feet per second, “i” is the average rainfall intensity in inches per hour, and “A” is the area of the site in acres.

Runoff coefficient means the percentage of precipitation that appears as stormwater runoff.

Stormwater runoff means the portion of the precipitation from a rainfall event remaining after interception and evaporation losses which flows from the site into the Village sewer system.
**Time of concentration** means the time required for the stormwater runoff to become established and flow from the most remote part of the site to the point under consideration into the Village sewer system.

**Two-year frequency rainfall** shall be defined by the Illinois State Water Survey.

**Undeveloped state** means the natural condition of the site prior to development that is represented by a runoff coefficient of 0.15.

**(d) Stormwater control requirements and exemptions.**

(1) All developments resulting from the construction of any building, parking lot or other improvement on any part or combination of parcels of land located within the Village shall control the stormwater runoff release rate and provide storage of the excess stormwater runoff in accordance with the following requirements:

   a. Stormwater control calculations shall be performed in accordance with the Rational Method and in the format required by the Village;

   b. The allowable release rate shall not exceed the peak runoff from the site in its undeveloped state for a 2-year frequency rainfall; and

   c. The excess stormwater runoff, as determined to be the difference between the stormwater runoff from the site in its developed state for a 100-year frequency rainfall less the allowable release rate, shall be temporarily contained on the site by means of on-site stormwater retention and/or detention facilities.

(2) The following developments are exempt from the stormwater control requirements of this section:

   a. All developments existing prior to February 17, 1987, shall be exempt.

   b. A parcel or parcels of land used for detached, or 2-unit multifamily residences shall be exempt.

   c. An individual undeveloped lot of record and subdivisions and resubdivisions with only 1 or 2 undeveloped lots shall be exempt from the stormwater control requirements.

   d. Any parking space with direct access from a public alley is exempt from drainage requirements of this section, provided that surface drainage is made to a fully improved (paved) public alley. Direct access from a public alley shall be defined as a parking space utilizing the public alley as an access aisle without any intervening access aisle.

(3) The exemptions in subsection (d)(2) of this section shall not apply to the following and a determination of site impermeable surface shall be required:

   a. Deficient existing off-street parking facilities which have site drainage but which are deficient in on-site stormwater detention, which facilities shall make provision for maximum feasible detention as set forth in subsection (d)(5) of this section.
b. Existing developments that are damaged by any cause to the extent of 50% of its value immediately prior to the event as determined by the Zoning Official, in which case such developments shall be restored and/or reconstructed in full accordance with the stormwater control requirement; and

c. Existing developments which are altered, rehabilitated or reconstructed such that the alterations, repairs, or reconstruction are in excess of 50% of its value immediately prior to the event as determined by the Zoning Official, or such that the alteration, repairs or reconstruction represent a substantial change in use, as determined by the Zoning Official, in which case such development shall be altered, rehabilitated or reconstructed in full accordance with the stormwater control requirement.

d. Subdivisions and resubdivisions. Subdivisions and resubdivisions with 3 or more undeveloped or redeveloped lots shall meet the following applicable requirements:

1. Subdivisions served by existing streets and/or combined sewer systems shall be required to provide stormwater control for that portion of the subdivision behind the proposed front yard to ensure that the runoff from the majority of unimproved property and all roof water will be controlled, in accordance with Village standards, and minimize the stormwater impact of the subdivision on the surrounding area.

2. Subdivisions where existing street and sewer improvements do not exist shall provide stormwater control for all property, including dedicated public streets, in compliance with the Village stormwater control requirement.

(4) All new and unimproved existing off-street parking areas, either open or enclosed, shall make provision for adequate site drainage and detention of stormwater runoff, subject to the approval of the Village Manager or designee. The on-site stormwater detention requirement shall be based upon detention storage of the runoff from the developed site for a 100-year frequency rainfall less an allowable release rate based upon the runoff from the undeveloped site for a 2-year frequency rainfall. The 2-year and 100-year frequency rainfalls shall be those defined by the Illinois State Water Survey. The undeveloped site shall be defined as having a composite runoff coefficient based upon an impervious runoff coefficient of 0.95 and a previous coefficient of 0.25. The maximum allowable depth of detention storage shall be 12”.

(5) Deficient existing parking lots which are deficient in drainage shall not be required to provide site drainage and detention of stormwater runoff. Deficient existing lots which have site drainage but which are deficient in detention of stormwater runoff shall make provision for maximum feasible detention of stormwater runoff, subject to the approval of the Village Manager.
or designee. The maximum feasible on-site stormwater detention requirement shall be based upon detention storage of the runoff from existing developed site for 100-year rainfall less an allowable release rate based upon the runoff from the existing developed site for a 2-year frequency rainfall, except that this detention storage requirement shall not exceed the maximum detention storage that can be safely contained on the site without creating associated drainage hazards to the general public or adversely affecting the normal use of the site. The 2-year and 100-year frequency rainfalls shall be those defined by the Illinois State Water Survey. The existing developed site shall be defined as having a composite coefficient of 0.95 and a previous runoff coefficient of 0.25. The maximum allowable depth of detention storage shall be 12”.

(e) On-site stormwater retention-detention facilities.

(1) The temporary storage of excess stormwater runoff shall be provided by means of on-site stormwater retention and/or detention facilities that are located wholly within the development, as determined by the Village Manager or designee.

(2) The design and construction of on-site stormwater retention and/or detention facilities shall be performed in accordance with the following requirements:

a. The permanent water surface area of an on-site stormwater retention facility shall not exceed 10% of the tributary drainage area contained in the development, provided that an individual retention facility shall have a permanent water surface area of at least ½ acre.

b. The minimum normal water depth of an on-site stormwater retention facility shall be 4’, except that a minimum of 25% of the permanent water surface area shall have a minimum depth of 10’ when the facility is stocked with fish.

c. On-site stormwater retention facilities shall include suitable shoreline protection methods to prevent erosion from wave action. These facilities shall be provided with adequate aeration and/or circulation facilities to prevent stagnation, and shall be subject to periodic inspection to ensure proper operation and compliance with local health standards.

d. Landscaped on-site stormwater retention and detention facilities shall have a minimum side slope of 100:1, and a maximum side slope of 3:1. The side slopes shall be kept as close to the natural land contours as practicable. Facilities proposing side slopes in excess of 3:1 in order to meet storage requirements shall be allowed only as those cases specifically approved by the Village Manager or designee.

e. Landscaped areas utilized as on-site stormwater detention facilities shall be designed to serve a secondary purpose for recreation, open space, or other types of uses that will not be adversely affected by periodic storage of excess stormwater runoff.
f. Paved areas utilized as on-site stormwater detention facilities shall have a minimum grade of 0.5% and a maximum slope established by the Village Manager or designee based on the use. Maximum storage depth shall not exceed 6”.

g. Roof areas as on-site stormwater detention facilities shall use permanent outlet control structures and parapet walls to contain excess stormwater runoff on the rooftop. An emergency overflow shall be provided to ensure that the weight of water stored will not exceed the structural capacity of the roof. Volume controls provided on green roofs shall be credited to any Village required stormwater detention.

h. On-site stormwater detention facilities shall be provided with a positive gravity outlet to a storm sewer which is designed in such a manner as to require minimum maintenance for proper operation. On-site stormwater retention facilities should be provided with a positive gravity outlet, if at all possible, to allow the ambient water level to be lowered for cleaning and shoreline maintenance.

i. On-site stormwater retention and detention facilities shall be provided with a method of emergency overflow in the event that the outlet control structure becomes nonfunctional due to failure, clogging or other reason, or in the event that a rainfall event in excess of the 100-year frequency rainfall occurs.

j. At no time during the construction of the development shall the stormwater runoff release rate exceed the runoff from the site in its undeveloped state for a 2-year frequency rainfall.

k. During the construction of the development, suitable facilities shall be provided and methods employed to prevent erosion and siltation of abutting areas.

l. Plans, specifications and all calculations prepared in conjunction with the stormwater control requirement shall be submitted to the Village Manager or designee for review and approval prior to the issuance of any permit otherwise required for construction or substantial reconstruction of the development.

(f) Design and construction standards. The Village Manager or designee shall prepare or cause to be prepared such minimum specifications for materials, designs, construction methods and erosion control as may be necessary to implement the provisions, requirements and regulations set forth in this chapter. The design and construction of storm drainage and stormwater control systems shall be performed in accordance with these specifications established by the Director of Public Works.

(g) Maintenance. All on-site stormwater retention and detention facilities shall be maintained in a fully operational condition.
Amusement devices that are not part of an arcade establishment are permitted with allowable uses in mixed-use and business districts, provided that such devices are clearly incidental and secondary to the principal use and are limited to a maximum of 3 devices.

Sec. 118-66. Air Conditioning Condenser.

(a) A permit shall be required for the installation or replacement of an air conditioning condenser.

(b) Air conditioning condensers cannot be located in a required front yard or side yard facing a street.

(c) Residential regulations. The following conditions shall apply to air conditioning condensers that are located on a lot with a detached or 2-unit multifamily residence:

(1) Air conditioning condensers must be located at grade level.

(2) Air conditioning condensers must be located at least 6’ from a lot line.

Sec. 118-67. Fire safety zone.

For all yards abutting a street, a building setback shall be required such that the height of the building shall not exceed 3 times the furthest distance an emergency vehicle may park on that street in order to provide emergency services to that building. The furthest distance shall be measured from the face of the building on any given story to the inside edge of the furthest driving lane from the building, regardless of the direction of the traffic flow of that lane.

Sec. 118-68. Wind energy systems.

(a) Standard conditions for all wind energy systems are as follows:

(1) A Village permit is required for the installation of a wind energy system on any property (the "Subject Property").

(2) Wind energy systems shall comply with the International Building Code, National Electrical Code, Federal Aviation Administration (FAA) requirements, and all federal and state statutes, laws, rules, and regulations and all Village codes.

(3) The maximum noise level shall not exceed 60 decibels as measured from the Subject Property.

(4) A wind energy system shall be for the use and benefit of the occupants of the property on which it is located, except for reverse metering as allowed by the appropriate state or federal agency.

(5) All abandoned or unused wind energy systems shall be deemed a nuisance 12 months after the cessation of operations, unless an extension is approved. If an extension is not approved by the Village Manager or designee, the Village may act to abate such nuisance and require its removal.
at the property owner’s expense. After the wind energy system is removed, the owner of the Subject Property shall restore the Subject Property to a condition consistent with the property’s condition prior to the installation of the system.

(6) One wind energy system is allowed per Subject Property. Additional wind energy systems may be allowed with site plan approval.

(b) Rooftop wind energy systems.

(1) All permit applications will be reviewed and approved, or denied, by the Village Manager or designee.

(2) Rooftop wind energy systems shall be allowed as accessory structures in all zoning districts.

(3) The height of a wind energy system shall be no more than 15’ above the highest point of a building’s roof or 15’ above the existing allowable building height in the district, whichever is lower in height.

(4) In all zoning districts, no portion of any rooftop wind energy system shall be in any required yard. In residential, mixed-use, and business districts, rooftop wind energy systems shall be at least 20’ from the front yard line, or in the case of corner lots, at least 10’ from the corner side yard line. A rooftop wind energy system that is mounted on the side of a structure may encroach, by no more than 1.5’, into a required yard.

(c) Small wind energy systems.

(1) Small wind energy systems shall only be allowed as accessory structures subject to site plan approval in the M1, M2, and M3 districts.

(2) The height of a small wind energy system shall not exceed 70’.

(3) The nameplate capacity of a small wind energy system shall not exceed 100 kilowatts.

(4) The blade tip of any rotor of a small wind energy system shall, at its lowest point, have ground clearance of no less than 15’ or 1/3 of the tower height, whichever is greater, above ground.

(d) Large wind energy systems.

(1) Large wind energy systems shall be allowable accessory structures with site plan approval an M3 district.

(2) The total height of a large wind energy system shall not exceed 120’.

(3) The blade tip of any rotor of a large wind energy system shall, at its lowest point, have ground clearance of no less than 25’ or 1/3 of the tower height, whichever is greater, above ground.

(e) Installation requirements for small and large wind energy systems.
(1) The system must include a wind turbine tower and not be mounted on a building.

(2) Security fencing not less than 6’ high equipped with an appropriate anti-climbing device shall be required.

(3) The permittee shall promptly replace or repair all fences or gates removed or damaged during all phases of the wind energy system’s life.

(4) An automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding is required.

(5) Wind energy systems shall have lightning protection.

(6) If guy wires are used to support the tower, these wires shall be clearly visible to a height of at least 6’ above the guy wire anchors.

(7) All access doors to wind turbine towers and electrical equipment shall be lockable.

(8) A bird-friendly design to be approved by the Community Development Department is required in order to reduce the number of resting places near the turbine’s rotors.

(9) The minimum distance between a wind energy system and any property line or public utility pole shall be a distance equivalent to 1.1 times the total height.

(10) All on-site electrical transmission lines connecting a wind energy system to a building or the public utility electricity distribution system shall be located underground.

(11) Appropriate warning signage shall be placed on wind turbine towers and all electrical equipment.

Sec. 118-69. Automatic teller machines (ATMs).

(a) Principal use. If the primary purpose of a building is to house an ATM, the use is considered a bank, and the building is subject to all building codes and requirements of this chapter.

(b) Indoor ATMs. An ATM that is accessed within a completely enclosed principal building is permitted in all districts with a use that is allowed in that district.

(c) Requirements for outdoor ATMs. An ATM that is accessed outside a completely enclosed principal building is allowed only under the following conditions:

1) Use. An ATM is allowed with a special use permit, but only in districts where a bank is a permitted or special use. An ATM may be part of a drive-through facility that has a special use permit.

2) Appearance Commission. An ATM and any associated structures and signage are subject to the review and approval of the Appearance Commission.
(3) **Customer standing area.** Each ATM shall have a minimum of a 3' by 3' customer standing area, centered in front of the face of the ATM.

(4) **Obstructions.** An ATM, customer standing area, and any structure surrounding the ATM shall be interpreted as an obstruction with respect to sight distance triangles, required parking spaces, effective walkway widths, vehicle overhangs, or other requirements of this chapter.

(5) **Use of public right-of-way.** No ATM or structure housing an ATM may be in a public right-of-way. The customer standing area may be in a public right-of-way with a permit from the Village.

(d) **Parking.** An ATM is exempt from off-street parking requirements.

Sec. 118-70. Electric vehicle charging stations.

(a) **Station location.** In residential districts, an electric vehicle charging station is permitted in any area where a vehicle may be parked. In all other districts, the station is permitted for use with any legal parking space that is not in a required vehicle parking space, except when that parking space is dedicated to a specific residence.

(b) **Equipment location.** The charging station equipment must not impede pedestrian, bicycle, or vehicular traffic or be located within the required area of the legal parking space, vehicle overhang, or associated circulation aisles as required by this chapter.

(c) **Requirements for public use.** When the station is intended to be used by the public:

   (1) **Equipment protection.** Adequate protection of charging station equipment from vehicles must be provided, such as curbing, bollards, or wheel stops.

   (2) **Signage.** Any charging station that is intended to be used for multiple users must have signage indicating that parking is for electric vehicle charging only, a phone number or other contact information to report when the equipment is not functioning properly, and any time limits on use, tow away, or fine provisions.

   (3) **Parking space identification.** The parking space must be identified per the Electric Vehicle Charging Station Guidelines.

   (4) **Principal use.** If the primary purpose of the lot is the charging of vehicles, the use is considered an automotive fuel station for zoning purposes.

Sec. 118-74. – Reduction of lot area; front yards.

(a) No lot shall be reduced in area so that the yards or lot area become less than required by this chapter.

(b) Along public rights-of-way, the requirements for a front yard shall be as follows:
(1) The required front yard is as set forth for the zoning district in which the lot is located.

(2) If 40 percent or more of the lots fronting 1 side of a street within a block have established building setbacks of a depth other than required for a front yard in the zoning district in which the lot is located, the front yard depth for each remaining lot, except for corner lots, shall be as follows:

a. Extend a line from the closest front corner of the nearest principal building adjacent to 1 side of the lot to the closest front corner of the nearest principal building adjacent to the other side of the lot.

b. Extend a line, at a point equidistant between the side lot lines, the shortest distance between the front lot line to a point where such line intersects the line mentioned in subsection (b)(2)a of this section.

c. Extend a line at such point of intersection to the side lot lines, parallel to the front lot line. This line is the required setback line.

d. If no principal building exists on 1 side of the lot to the end of the block, then extend the line described in subsection (b)(2)a of this section to the point of intersection of the closest side lot line and front yard lot line of the corner lot on such street frontage.

(c) On a through lot, either of the lot lines abutting a street right-of-way line in a given block may be established as the front lot line. However, when the front lot line of a lot in a block containing through lots has been established by an existing building, such front lot line shall be the front lot line for the remaining lots in the block.

Sec. 118-75. Permitted obstructions in required yards.

The following improvements are permitted within required yards, subject to compliance with all applicable Village codes, ordinances, and rules and regulations:

(1) All yards.

a. Basketball backboards with standards.

b. Chimneys projecting not more than 1.5 feet into the required yard.

c. Flagpoles.

d. Landscaping.

e. Sills, belt courses, cornices, or other ornamental features projecting not more than 1.5 feet into the required yard.

f. Ornamental light standards.

g. Steps and ramps necessary for access to permitted buildings or for access to lots from streets and required exterior fire escapes.

h. Signs and nameplates.
i. Bicycle parking spaces and racks, except in front yards of detached, 2-unit multifamily, and townhouse residences.

j. Construction fences required as a condition of a Village permit or license to temporarily protect a construction or work site.

k. Window wells not more than 4 inches above grade but at least 1 foot away from a lot line.

l. Outdoor parking, loading spaces, and motor vehicle parking lots, subject to Section 118-217.

(2) Front yards.

a. Awnings and canopies that are not ground-supported and not projecting more than 3 feet into the required yard.

b. Fences at schools, public parks, governmental uses, and public utilities that are required for the protection of the public are permitted only in residential districts. Decorative fences may be allowed by site plan approval at nonresidence uses in residential districts.

c. One-story bay windows that are not ground-supported and not projecting more than 3 feet into the required yard. The total width of the bay windows shall not exceed 50% of the building wall width containing the bay windows.

d. Open terraces not more than 4 feet above the average level of the abutting ground and not projecting over 10 feet into the required yard, but not including permanently roofed-over terraces or porches.

e. Overhanging eaves and gutters projecting not more than 15% into the depth of the required yard.

f. Individual window or through the wall installed air conditioning units.

(3) Rear yards.

a. Air conditioning condensers in compliance with Section 118-91.

b. Individual window or through the wall installed room air conditioning units.

c. Arbors and trellises.

d. Awnings and canopies that are not ground-supported and not projecting more than 5 feet into the required yard.

e. Balconies and open porches.

f. Barbecues.

g. Clotheslines.

h. Accessory structures, in accordance with Section 118-73.

i. Dog runs, subject to Building Division and Health Department approval. Dog runs in residentially zoned and used properties shall be at least 3 feet from any property line.
j. Overhanging eaves and gutters, provided that eaves and gutters of accessory buildings are at least 2 feet from any lot line and of principal buildings are not projecting more than 15% into the depth of the required yard.

k. Fences.

l. Open terraces not more than 4 feet above the average level of the abutting ground and not projecting over 10 feet into the required yard, but not including permanently roofed-over terraces or porches.

m. Recreational and playground equipment.

n. Swimming pools.

e. Tennis courts.

(4) Side yards.

a. Awnings and canopies that are not ground-supported but at least 2 feet away from the lot line.

b. Fences.

c. Overhanging eaves and gutters projecting not more than 3 feet into the required yard but at least 2 feet away from the lot line.

d. Individual window or through the wall installed room air conditioning units with a capacity not exceeding 12,000 Btu's.

e. Air conditioning condensers in compliance with Section 118-91.

Sec. 118-76. Outdoor storage, parking, or standing of recreational vehicles, boats, boat trailers, and commercial trailers.

(a) General conditions. The following general conditions shall apply to recreational vehicles, boats, boat trailers, or commercial trailers:

(1) State license plates and Village vehicle license stickers, if applicable, shall be current and properly displayed.

(2) Such vehicles shall not be used as living quarters or an accessory building, for storage, or in conjunction with any business enterprise.

(3) Such vehicles shall not be parked, stored, or stand with flammable liquids aboard other than in State Department of Transportation approved containers.

(4) Such vehicles shall not be parked, stored, or be permitted to stand in such a manner as to create a dangerous or unsafe condition on the property.

(5) Other than in a motor vehicle storage facility or self-service storage facility, the owner of such vehicles shall also be the legal or beneficial owner or lessee of the real estate upon which such vehicles are stored, standing or parked. Upon request by an authorized Village official, proof of ownership shall be provided.

(6) The prohibitions set forth in this section shall not apply to van-type recreational vehicles provided that they bear "RV" or passenger license plates and are standard
stock models as produced by the original vehicle manufacturers. No modifications affecting the overall length, width, or height of standard production models shall be permitted to such van-type vehicles. Customizing, such as, but not limited to, special painting, "mag" wheels, and plastic dome vents shall not be considered a modification.

(b) **Residential districts.** Parking commercial trailers outdoors is prohibited in residential districts. A recreational vehicle, boat, or boat trailer may be stored, parked, or permitted to stand out of doors in any residential district subject to the following conditions and restrictions:

(1) A recreational vehicle or boat trailer shall be maintained in mobile condition.

(2) No major construction or major repair shall be permitted.

(3) Such vehicle shall not be stored, be parked, or stand in any lot having less than 40-foot frontage.

(4) Such vehicles shall not exceed the following dimensions:

<table>
<thead>
<tr>
<th>Dimension</th>
<th>RV/Boat/Boat Trailer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length, excluding hitches and bumpers (feet)</td>
<td>14</td>
</tr>
<tr>
<td>Width (feet)</td>
<td>8</td>
</tr>
<tr>
<td>Height, excluding antenna (feet)</td>
<td>11</td>
</tr>
</tbody>
</table>

(5) Such vehicle shall not exceed 3 percent of the square footage of the lot or parcel on which it is located.

(6) Such vehicles shall not be parked or stored within 3 feet of any lot line or within any front yard, side yard, or front driveway unless otherwise specifically permitted.

(c) **Business and industrial districts.** A recreational vehicle, boat, boat trailer, or commercial trailer may be stored, parked, or permitted to stand out of doors in any business or industrial district subject to the following conditions and restrictions:

(1) Recreational vehicle, boat, or boat trailer—at a motor vehicle or boat sales facility or operated with self-service storage only.

(2) Commercial trailer—operated with a permitted or special use in that district.

(3) Such vehicles shall not block access to any off-street parking space.

Sec. 118-78. **Impermeable surface requirements.**
The total permissible area of impermeable surfaces shall be limited as provided in this section. For the purpose of this section, coverage shall be the combination of all buildings and impermeable surfaces.

(a) A permit shall be required for the construction, installation, or replacement of any impermeable surface in any district.

(b) Impermeable surfaces on lots with certain uses shall have a maximum area as indicated in the following chart:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Use</th>
<th>Required front-yard</th>
<th>Total lot-area</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1</td>
<td>all</td>
<td>40%</td>
<td>50%</td>
</tr>
<tr>
<td>R2</td>
<td>all</td>
<td>55%</td>
<td>50%</td>
</tr>
<tr>
<td>R3</td>
<td>all</td>
<td>55%</td>
<td>65%</td>
</tr>
<tr>
<td>R4</td>
<td>detached residences</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td></td>
<td>2-unit multifamily, and townhouse residences</td>
<td>55%</td>
<td>65%</td>
</tr>
<tr>
<td></td>
<td>multifamily residences with 3 or more units</td>
<td>35% *a</td>
<td>b</td>
</tr>
<tr>
<td></td>
<td>all other uses</td>
<td>b</td>
<td>b</td>
</tr>
</tbody>
</table>

*Improvements utilizing a circular drive may increase impermeable areas to a maximum of 50%.

b No maximum.

Sec. 118-79. Home occupations.

(a) General. A home occupation is permitted in all residences provided the home occupation is clearly and obviously subordinate to the residence use. A home occupation must be conducted wholly within the principal building on the premises.

(b) Conditions.

(1) Other than resident occupants in the residence, no more than one person may be employed or working in the home occupation.

(2) The home occupation does not exceed 15% of the floor area of the principal building.

(3) The home occupation does not change the fire rating of the building.
(4) The home occupation does not alter, amend, or modify the residential character of the building nor does the delivery or receipt of merchandise, goods, or materials interfere with the residential character of the neighborhood.

(5) There shall be no exterior display or storage of commercial goods on said premises.

(6) Inventory and supplies shall not occupy more than 50% of the area permitted to be used as a home occupation.

(7) Sales and services to patrons shall be arranged by appointment and scheduled so that not more than 1 patron vehicle is on the premises at the same time.

(8) The home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical magnetic interference (EMI) and radio frequency interference (RFI), fire hazard, or any other hazard or nuisance greater than that usually experienced in a residential district.

Sec. 118-81. Stormwater control.

(a) Purpose. The purpose of this section is to promote the public health, safety, and welfare, by controlling stormwater runoff resulting from the urbanization of the Village.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Allowable release rate means the rate at which stormwater runoff is allowed to flow from the site into the Village sewer system.

Control structure means a structure having an outlet designed to control the stormwater runoff release rate.

Developed state means the condition of the site after development that is represented by a composite runoff coefficient based upon an impervious runoff coefficient of 0.95 and a pervious runoff coefficient of 0.25.

Excess stormwater runoff means the portion of the stormwater runoff that exceeds the allowable release rate.

100-year frequency rainfall shall be as defined by the Illinois State Water Survey.

On-site stormwater detention means the utilization of an on-site stormwater storage facility that is designed and maintained to temporarily contain stormwater only when excess stormwater runoff occurs.

On-site stormwater retention means the utilization of an on-site stormwater storage facility that is designed and maintained to temporarily contain stormwater when excess stormwater.
runoff occurs and to permanently hold an additional volume of water at a level which is at or below the level of the discharge point for such a storage facility.

Peak runoff rate means the rate of stormwater runoff that occurs when the duration of the rainfall is equal to or greater than the time of concentration.

Rainfall intensity means the amount of precipitation that occurs within a given period, expressed in inches of rainfall per hour.

Rational Method means the empirical method that relates stormwater runoff to rainfall intensity by the formula \( Q = CiA \) where \( Q \) is the peak runoff rate in cubic feet per second, \( "i" \) is the average rainfall intensity in inches per hour, and \( "A" \) is the area of the site in acres.

Runoff coefficient means the percentage of precipitation that appears as stormwater runoff.

Stormwater runoff means the portion of the precipitation from a rainfall event remaining after interception and evaporation losses which flows from the site into the Village sewer system.

Stormwater runoff release means the rate at which stormwater runoff is released from the site to the Village sewer system.

Time of concentration means the time required for the stormwater runoff to become established and flow from the most remote part of the site to the point under consideration into the Village sewer system.

Two-year frequency rainfall shall be as defined by the Illinois State Water Survey.

Undeveloped state means the natural condition of the site prior to development that is represented by a runoff coefficient of 0.15.

(c) Stormwater control requirements and exemptions.

(1) All developments resulting from the construction of any building, parking lot or other improvement on any parcel or combination of parcels of land located within the Village shall control the stormwater runoff release rate and provide storage of the excess stormwater runoff in accordance with the following requirements:

a. Stormwater control calculations shall be performed in accordance with the Rational Method and in the format required by the Village;

b. The allowable release rate shall not exceed the peak runoff from the site in its undeveloped state for a 2-year frequency rainfall; and

c. The excess stormwater runoff, as determined to be the difference between the stormwater runoff from the site in its developed state for a 100-year frequency rainfall less the allowable release rate, shall be temporarily contained on the site by means of on-site stormwater retention and/or detention facilities.
(2) The following developments are exempt from the stormwater control requirements of this section:

a. All developments existing prior to February 17, 1987, shall be exempt.

b. A parcel or parcels of land used for detached, or 2-unit multifamily residences shall be exempt.

c. An individual undeveloped lot of record and subdivisions and resubdivisions with only 1 or 2 undeveloped lots shall be exempt from the stormwater control requirements.

d. Any parking space with direct access from a public alley is exempt from the drainage requirements of this section, provided that surface drainage is made to a fully improved (paved) public alley. Direct access from a public alley shall be defined as a parking space utilizing the public alley as an access aisle without any intervening access aisle.

(3) The exemptions in subsection (c)(2) of this section shall not apply to the following and a determination of site impermeable surface shall be required:

a. Deficient existing off-street parking facilities which have site drainage but which are deficient in on-site stormwater detention, which facilities shall make provision for maximum feasible detention as set forth in subsection (c)(5) of this section;

b. Existing developments which are destroyed or damaged by fire or other casualty to the extent that the damages are in excess of 50 percent of the physical value of the structure(s) before the damages were incurred, as determined by the Village Manager or designee, in which case such developments shall be restored and/or reconstructed in full accordance with the stormwater control requirement; and

c. Existing developments which are altered, rehabilitated or reconstructed such that the alterations, repairs or reconstruction are in excess of 50 percent of the physical value of the existing structure(s), or such that the alteration, repairs or reconstruction represent a substantial change in use, as determined by the Village Manager or designee, in which case such development shall be altered, rehabilitated or reconstructed in full accordance with the stormwater control requirement.

d. Subdivisions and resubdivisions. Subdivisions and resubdivisions with 3 or more undeveloped lots shall meet the following applicable requirements:

1. Subdivisions served by existing streets and/or combined sewer systems shall be required to provide stormwater control for that portion of the subdivision behind the proposed front yard to ensure that the runoff from the majority of unimproved property and all roof water will be controlled, in accordance with Village standards, and minimize the stormwater impact of the subdivision on the surrounding area.
2. Subdivisions where existing street and sewer improvements do not exist shall provide stormwater control for all property, including dedicated public streets, in compliance with the Village stormwater control requirement.

(4) All new and unimproved existing off-street parking areas, either open or enclosed, shall make provision for adequate site drainage and detention of stormwater runoff, subject to the approval of the Village Manager or designee. The on-site stormwater detention requirement shall be based upon detention storage of the runoff from the developed site for a 100-year frequency rainfall less an allowable release rate based upon the runoff from the undeveloped site for a 2-year frequency rainfall. The 2-year and 100-year frequency rainfalls shall be those defined by the Illinois State Water Survey. The undeveloped site shall be defined as having a runoff coefficient of 0.15; the developed site shall be defined as having a composite runoff coefficient based upon an impervious runoff coefficient of 0.95 and a previous coefficient of 0.25. The maximum allowable depth of detention storage shall be 12 inches.

(5) Deficient existing parking lots which are deficient in drainage shall not be required to provide site drainage and detention of stormwater runoff. Deficient existing lots which have site drainage but which are deficient in detention of stormwater runoff shall make provision for maximum feasible detention of stormwater runoff, subject to the approval of the Village Manager or designee. The maximum feasible on-site stormwater detention requirement shall be based upon detention storage of the runoff from the existing developed site for 100-year rainfall less an allowable release rate based upon the runoff from the existing developed site for a 2-year frequency rainfall, except that this detention storage requirement shall not exceed the maximum detention storage that can be safely contained on the site without creating associated drainage hazards to the general public or adversely affecting the normal use of the site. The 2-year and 100-year frequency rainfalls shall be those defined by the Illinois State Water Survey. The existing developed site shall be defined as having a composite runoff coefficient of 0.95 and a previous runoff coefficient of 0.25. The maximum allowable depth of detention storage shall be 12 inches.

(d) On-site stormwater retention-detention facilities.

(1) The temporary storage of excess stormwater runoff shall be provided by means of on-site stormwater retention and/or detention facilities that are located wholly within the development, as determined by the Village Manager or designee.

(2) The design and construction of on-site stormwater retention and/or detention facilities shall be performed in accordance with the following requirements:

a. The permanent water surface area of an on-site stormwater retention facility shall not exceed 10 percent of the tributary drainage area contained in the development, provided that an individual retention facility shall have a permanent water surface area of at least ½ acre.

b. The minimum normal water depth of an on-site stormwater retention facility shall be 4 feet, except that a minimum of 25 percent of the permanent water
surface area shall have a minimum depth of 10 feet when the facility is stocked with fish.

e. On-site stormwater retention facilities shall include suitable shoreline protection methods to prevent erosion from wave action. These facilities shall be provided with adequate aeration and/or circulation facilities to prevent stagnation, and shall be subject to periodic inspection to ensure proper operation and compliance with local health standards.

d. Landscaped on-site stormwater retention and detention facilities shall have a minimum side slope of 100:1, and a maximum side slope of 3:1. The side slopes shall be kept as close to the natural land contours as practicable. Facilities proposing side slopes in excess of 3:1 in order to meet storage requirements shall be allowed only as those cases specifically approved by the Village Manager or designee.

e. Landscaped areas utilized as on-site stormwater detention facilities shall be designed to serve a secondary purpose for recreation, open space or other types of uses that will not be adversely affected by periodic storage of excess stormwater runoff.

f. Paved areas utilized as on-site stormwater detention facilities shall have a minimum grade of 0.5 percent, and a maximum slope established by the Village Manager or designee based on the use, and shall be restricted to a maximum storage depth of 1 foot.

g. Roof areas utilized as on-site stormwater detention facilities shall use permanent outlet control structures and parapet walls to contain excess stormwater runoff on the rooftop. An emergency overflow shall be provided to ensure that the weight of water stored will not exceed the structural capacity of the roof, as determined by the Village Manager or designee.

h. On-site stormwater detention facilities shall be provided with a positive gravity outlet to a storm sewer which is designed in such a manner as to require minimum maintenance for proper operation. On-site stormwater retention facilities should be provided with a positive gravity outlet, if at all possible, to allow the ambient water level to be lowered for cleaning and shoreline maintenance.

i. On-site stormwater retention and detention facilities shall be provided with a method of emergency overflow in the event that the outlet control structure becomes nonfunctional due to failure, clogging or other reason, or in the event that a rainfall event in excess of the 100-year frequency rainfall occurs.

j. At no time during the construction of the development shall the stormwater runoff release rate exceed the runoff from the site in its undeveloped state for a 2-year frequency rainfall.

k. During the construction of the development, suitable facilities shall be provided and methods employed to prevent erosion and siltation of abutting areas.
Plans, specifications and all calculations prepared in conjunction with the stormwater control requirement shall be submitted to the Village Manager or designee for review and approval prior to the issuance of any permit otherwise required for construction or substantial reconstruction of the development.

(e) **Design and construction standards.** The Village Manager or designee shall prepare or cause to be prepared such minimum specifications for materials, designs, construction methods and erosion control as may be necessary to implement the provisions, requirements and regulations set forth in this chapter. The design and construction of storm drainage and stormwater control systems shall be performed in accordance with these specifications established by the Director of Public Works.

(f) **Maintenance.** All on-site stormwater retention and detention facilities shall be maintained in a fully operational condition.

Sec. 118-82. – Automobile sales or service establishments and automobile rental.

(a) **All uses.** The following regulations apply to all automobile sales and service uses and automobile rental listed in Appendix A:

(1) When the subject property abuts or is across the alley from a residential district:
   a. Visual screening at least 6 feet high must be provided along the abutting lot line.
   b. There shall be no automobile repair work or washing of vehicles from 10:00 p.m. to 7:00 a.m.

(2) All repair work must be performed within a building at all times except inspecting vehicles; adding fluids; and changing tires, batteries, windshield wipers, or light bulbs.

(3) Outside storage and display of items for sale or lease, tools, equipment, vehicles, parts, or supplies is prohibited, except vehicles and propane for sale or lease. Those vehicles that are for sale or lease must never occupy a required off-street vehicle parking space.

(4) Vehicles and boats are prohibited to be sold, advertised for sale, or, other than operational licensed vehicles owned by the establishment, remain outdoors on the property for more than 10 days, except at vehicle dealers.

(b) **Additional requirements for automotive fuel stations.**

(1) At least 1 employee must be at the fuel control console at all times that self-serve fuel is being dispensed. At least 2 employees shall be on the premises from 7:00 a.m. to 9:00 p.m. when a convenience store or any other use over 1,000 ft² is collocated with the automotive fuel station.

(2) The attendant must always have a clear view of the fuel dispensing area.

(3) A system that allows communication between persons at each dispensing area and the employee at the fuel control console must be provided.
(4) During the hours of operation, air and use of equipment for tire inflation, use of a tire pressure gauge, fluid and equipment for washing vehicle windows, water and use of a water container for filling radiators, and rest room facilities must be provided free of charge. Charging a fee for these services is prohibited.

(5) A canopy must be provided over all fuel dispensing areas.

(6) The pump islands and fuel tanks shall be removed upon closing of the automotive fuel station in accordance with the requirements of the State Fire Marshal.

(7) A minimum lot size of 30,000 ft\(^2\) is required when a car wash or hand car wash is collocated with the automotive fuel station.

(c) Additional requirements for car washes and hand car washes.

(1) The Plan Commission will determine the appropriate number and location of drying spaces.

(2) A traffic study must be included with the special use permit petition indicating needed vehicle stacking and site circulation that does not constitute a traffic hazard or create on- or off-site congestion.

(3) Openings to a wash bay must not face any residentially zoned property unless the opening is located more than 50 feet from such property.

(4) The operation of the use must minimize excessive water from collecting outside the building openings to a wash bay.

(d) Additional requirements for automotive repair facilities.

(1) All automotive repair facilities require a special use permit.

(2) Any vehicle outdoors in need of body repair must be parked in a legal parking space and generally screened from view from any public street in rights-of-way abutting the lot or an abutting residential zoning district. Such vehicle is prohibited from being parked outdoors for more than 10 days.

(3) Servicing of any vehicle over 8,000 pounds gross weight is limited to M2 and M3 districts, except that any automotive repair facility in a B2 Commercial or B3 Business district operating with a special use permit as of January 1, 2012, may repair vehicles over 8,000 pounds gross weight, provided that the facility obtains an amended special use permit, prior to February 28, 2015, to allow such repairs, subject to all requirements of this Section other than subparagraph (d)(4).

(4) In mixed-use and business districts, repair shall be limited to brakes, mufflers, upholstery work, tire repair and change, lubrication, tune-ups, and minor engine, mechanical, or electrical repair.

Sec. 118-83. Antennas.

Standard conditions for antennas are as follows:

(1) Antennas shall be allowable accessory structures in all districts. Antennas shall also be allowable principal uses in districts designated in Appendix A.
a. All antennas located in residential districts shall be for the personal use and benefit of the resident occupants of the subject property unless the antenna is operated by a public utility company or is a small cell antenna as defined in Chapter 103 and is co-located on an existing utility pole or Village or governmentally owned structure as defined in Chapter 103. The term "public utility" shall be defined in the same manner as in the Illinois Compiled Statutes, as amended now or in the future.

b. Ground-mounted antennas located in mixed-use and business districts shall be exclusively used for the operation of the principal use of the subject property, unless operated by a public utility company.

(2) A Village permit shall be secured for all antenna ancillary equipment utilizing standard line voltage electrical current or whose installation requires any structural modifications. A Village permit shall also be required for any small cell antenna located in a public right-of-way.

(3) Prior to the issuance of a Village permit for a principal use antenna, a copy of the FCC license for an individual antenna or the license for the Chicago Major Trading Area shall be submitted to the Village. A copy of this license shall be submitted to the Village upon its renewal.

(4) Antennas which alter the approved site plan of a special use site shall be subject to the abbreviated special use process for review and approval. The following siting requirements shall be met:

a. The antenna shall not be mounted in a required yard.

b. The antenna shall not be mounted in any required off-street parking spaces or affect traffic circulation.

e. Where possible, the base and back of the antenna support structure and antenna shall be screened with landscaping to a height of 6 feet.

d. The antenna support structure shall not interfere with or reduce on-site water detention.

(5) Antennas located in residential districts whose width exceeds 3 feet shall be constructed in such a manner as to be at least 50 percent transparent by light and air.

(6) All antennas exceeding 3 feet in width located in the R1, R2, and R3 residential districts shall be mounted at a location closest to the ground, except when a higher or different location is needed for signal reception. In addition, all antennas shall meet all other location and height requirements.

(7) Accessory antenna structures shall not exceed a height of 12 feet above the district height regulations except small cell antennas co-located on a utility pole or Village structure. Such antennas shall not exceed a height of 7 ft. above the pole height and shall be mounted with non-metallic materials of a neutral color approved by the Village as is further defined in Chapter 103. Permitted use antenna structures shall not exceed a height of 25 feet above the district height regulations.
(8) The base of a ground-mounted antenna shall be screened to a height of 6 feet to shield its view from neighboring property and the street fronting the property. Screening shall consist of landscaping. Screening shall not be located so as to interfere with the reception of the antenna.

(9) An antenna shall not be located less than 60 feet from the front lot line, except when attached to the side of an existing steeple, church belfries, chimneys, elevator bulkheads and building equipment penthouses.

(10) Principal use antennas shall be located a minimum of 100 feet, or a distance equal to the height of the antenna structure, whichever is greater, from residentially zoned property.

(11) The owners of principal use antenna support structures in industrial districts are encouraged to design such structures to allow the co-location of other communication providers' equipment so as to minimize the proliferation of antenna support structures throughout the community.

(12) The owner(s) of principal use antenna support structures shall allow the collocation of other communication providers' equipment, where technically feasible, on a commercially reasonable basis.

(13) Antennas and their related facilities shall be removed upon abandonment. An antenna will be considered abandoned when it is deactivated or out of service, its FCC license has lapsed or has not been renewed, or the antenna is not used for its intended and authorized purpose for a period of 90 days. The owner(s) of an antenna shall inform the Village of their intent to abandon an antenna. An antenna will not be considered abandoned if it is temporarily out of service during performance of repairs or if the facility is being replaced.

(14) All antenna support structures and antennas shall comply with the International Building Code, the National Electrical Code, and FAA and FCC requirements.

(15) The fabrication and testing of antennas shall be governed by the allowable land use classifications as stated in the industrial district sections of this chapter.

Sec. 118-84. Amusement devices.

Amusement devices that are not part of an arcade establishment are permitted with allowable uses in mixed-use and business districts, provided that such devices are clearly incidental and secondary to the principal use and are limited to a maximum of 3 devices.

Sec. 118-85. Food establishments and food services requirements.

(a) A screened garbage corral with an impermeable surface shall be provided to contain all dumpsters.

(b) No tables or eating counters shall be allowed at food establishments. The addition of tables or eating counters shall constitute the addition of a food service use at that location, and all additional regulations for that food service use shall apply.
(c) At least once during every 4 hours of operation and before opening and closing of the
business, employees shall patrol the property and clear it of litter.

(d) The sale of open alcoholic beverages at carryout restaurants is prohibited.

(e) Outdoor dining.

(1) Standard conditions. The following shall apply to all outdoor dining areas:

a. Barriers, fencing, landscaping, and other features shall be utilized to define the
outdoor dining area.

b. Use of the area shall be limited to between 8:00 AM and 10:00 PM, but not
longer than the posted operational hours of the associated food service facility.

c. Dates of operation shall be limited to between April 1 and October 31 in a
calendar year.

d. Outdoor dining areas shall be exempt from parking regulations if used or set
up less than 7 months in a calendar year.

e. All food preparation must take place inside the associated food service
establishment.

f. Adequate litter and refuse disposal shall exist as determined by the Health
Department.

g. Advertising or promotional features shall be limited to umbrellas or canopies.

h. A drive-through facility shall have at least one litter/refuse disposal container at
its exit at a location determined by the Health Department.

i. All applicable Village and State health requirements shall be met.

j. Dining areas will be reviewed each year during the annual restaurant
inspection. The outdoor dining permit may be revoked by the Village Manager
at any time on 14 days’ notice for failure to comply with the regulations set forth
in this subsection.

k. The outdoor dining area shall not be enclosed on more than two sides with
walls if roofed over.

l. The outdoor dining area must be located on a surface approved by the Village
Manager or designee.

m. The outdoor dining area shall not be located in a required parking space or
block a private or public sidewalk.

(2) Outdoor dining on private property shall be a permitted use with an outdoor dining
permit from the Village Manager or designee in TX, CX, B3, B4, and H1 districts
subject to the following conditions:

a. All conditions in subsection (e)(1) are met.

b. The outdoor dining shall be on the same lot as or within a development that
received site plan approval as its associated food service establishment.
c. An outdoor dining area shall not be located within a 15-foot sight distance triangle or within 3 feet from any public alley.

(3) Outdoor dining shall be permitted on private property between November 1 and March 31, of the next calendar year, with an administrative permit from the Village Manager or designee, subject to the following conditions:
   a. An outdoor dining permit or a special use permit for outdoor dining has been issued for the site.
   b. The outdoor dining area must be in the same location as the approved outdoor dining permit or special use permit.
   c. The outdoor dining area cannot be used more than 4 periods during this time.
   d. The outdoor dining area cannot be used or set up for more than a period of 3 consecutive days.
   e. A site and floor plan must be approved by the Village Manager or designee.
   f. Administrative permit fee must be paid to the Village of Skokie prior to using the outdoor dining area.

(4) Outdoor dining on private property shall be a special use in NX, B1, B2, B6, and M1 districts or if relief is needed from any condition in subsections (e)(1), (e)(2), or (e)(3) in NX, TX, CX, B1, B2, B3, B4, B6, H1 and M1 districts.

(5) Outdoor dining on a public right-of-way shall be a permitted use with an outdoor dining permit from the Village Manager or designee in TX and CX districts subject to the following conditions:
   a. All conditions in subsection (e)(1) are met.
   b. The use of public right-of-way for outdoor furniture and appurtenances shall only be permitted incidental to the operation of a restaurant on private abutting property, and the outdoor dining area shall not extend laterally beyond the frontage of the permittee’s establishment.
   c. All public sidewalks and parkways shall be maintained in accordance with Sections 90-43 and 118-188.
   d. A Use of Public Way for Outdoor Dining Agreement between the Village and both the operator of the food service and the abutting land owner shall be approved by the Village.

(6) Outdoor dining on public right-of-way shall be a special use:
   a. In NX, B1, B2, B3, B4, B6, and M1 districts in conjunction with an approved Use of Public Way for Outdoor Dining Agreement between the Village and the operator of the food service.
   b. In TX and CX districts if relief from any condition in subsection (e)(5) is needed.

(f) Existing limited-service restaurants are allowed with a special use permit in the M3 district and may rebuild, modernize, and/or add outdoor dining if the Plan Commission
deems that the restaurant is operated and maintained in a manner consistent with the
purpose of the district. All new restaurants are prohibited in this district except in retail
planned developments.

(g) Drive-through facilities are prohibited at carryout and full-service restaurants.

Sec. 118-86. — Child day care.

(a) In residence uses. Child day care in residences listed as restricted uses in Appendix A
shall be subject to the following regulations:

1. Child care in residences shall comply with Chapter 54, Article VII, Day Care
Homes, of the Village Code.

2. No more than 2 day care homes may be located within the same block or closer
than 100 feet to another such facility along the face of a street as measured from
the closest property line of each lot.

3. A driveway or on-street parking adjacent to the lot must exist. If a driveway exists,
it shall be available for the dropoff and pickup of children. If no driveway exists, an
18-inch-wide carriage walk connected to the sidewalk shall be present along the street
adjacent to the lot and the dropoff and pickup of children shall only occur on
the same side of the street as the day care home. No dropoff and pickup of children
shall occur on an arterial street.

4. Subject to subsections (1) through (3) above, a special use permit must be
obtained, except in detached and townhouse residences in which the use is a
permitted use.

(b) Not in residence uses.

1. Restricted uses in residential districts.

a. Child day care collocated in the same building as a use requiring a special use
in the district must also obtain a special use permit.

b. Child day care collocated in the same building as a use permitted in the district
is a permitted use.

c. Child day care in its own building is a permitted use.

2. Not in residential districts. Child day care uses shall be permitted or special uses as
indicated in Appendix A.

Sec. 118-87. — Electric vehicle charging stations.

(a) Station location. In residential districts, an electric vehicle charging station is permitted in
any area where a vehicle may be parked. In all other districts, the station is permitted
for use with any legal parking space that is not in a required vehicle parking space,
except when that parking space is dedicated to a specific residence.
(b) **Equipment location.** The charging station equipment must not impede pedestrian, bicycle, or vehicular traffic or be located within the required area of the legal parking space, vehicle overhang, or associated circulation aisles as required by this chapter.

(c) **Requirements for public use.** When the station is intended to be used by the public:

1. **Equipment protection.** Adequate protection of charging station equipment from vehicles must be provided, such as curbing, bollards, or wheel stops.

2. **Signage.** Any charging station that is intended to be used for multiple users must have signage indicating that parking is for electric vehicle charging only, a phone number or other contact information to report when the equipment is not functioning properly, and any time limits on use, tow away, or fine provisions.

3. **Parking space color.** The pavement of the parking space must be painted solid green.

(d) **Principal use.** If the primary purpose of the lot is the charging of vehicles, the use is considered an automotive fuel station for zoning purposes.

Sec. 118-88. — Congregate living facilities:

(a) Congregate living facilities may only be in a residence type otherwise identified as permitted or special uses in a district.

(b) No residential unit shall be permitted on the first floor in business or mixed-use districts.

(c) The facility shall be a permitted use if the sponsoring agency is eligible for and obtains State licensing or certification to operate the proposed use and the use is a permanent residence facility. If the sponsoring agency does not meet this criterion because there is no State licensing or certification required for the use or the facility is a temporary residence facility, a special use permit must be obtained in accordance with Article II of this chapter, and reasonable proof of ability to operate a reputable congregate living facility must be shown.

(d) The facility shall be designated a permanent residence facility if all the residents intend to live at the facility for 1 year or more. The facility shall be designated a temporary residence facility if any of the residents intend to live at the facility for less than 1 year.

(e) Any facility with more than 4 bedrooms in a residential unit, 2 or more residential units in a building, or 2 or more buildings on a lot or abutting lots operated by the sponsoring agency must receive site plan approval in accordance with Article II of this chapter.

(f) The sponsoring agency must obtain an administrative occupancy permit prior to establishing a congregate living facility. The following criteria will be used in issuing a permit:

1. The facility must be located in an area reasonably accessible to public transportation and, if needed, employment, vocational, medical, psychiatric, recreational, and other community resources that might be utilized by the facility's residents. If this provision cannot be met, the sponsoring agency must ensure that the facility's residents have access to these services when needed.
(2) Except as allowed in (e) of this section, the facility shall not be located within the same block as another such facility nor closer than 800 feet to another facility as measured from the property line of the lot.

(g) Proof of agency ownership, option to own or signed lease for the facility to be occupied shall be provided to the Village prior to occupancy. Ownership or lease of the facility by residents of the facility shall be permitted provided agency ownership and leasing requirements, set forth by the Illinois Department of Human Services Division of Mental Health and Division of Developmental Disabilities and delineated in Section 115.300 - Environmental Management of Living Arrangements, paragraphs b) and c), are complied with. The sponsoring agency shall be responsible for compliance of facilities owned or rented by residents.

Sec. 118-89. - Assisted-living facilities.

In compliance with the State of Illinois Assisted Living and Shared Housing Act, 210 ILCS 9/1 et seq., and the adopted rules in Chapter 1, Subchapter c of Part 295 of Title 77, as may be amended from time to time, an assisted-living facility shall provide:

(1) Community-based residential care for persons who need assistance with the activities of daily living, including personal, supportive, and intermittent health-related services available 24 hours a day, if needed, to meet the scheduled or unscheduled needs of a resident.

(2) Mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or resident's representative.

(3) A physical environment that is a homelike setting that includes the following and other such elements as established by the State:

a. Individual living units, each of which shall accommodate small kitchen appliances and contain private bathing, washing, and toilet facilities, or private washing and toilet facilities with a common bathing room ready and accessible to each resident.

b. Units shall be maintained for single occupancy except in cases in which 2 residents choose to share a unit.

c. Sufficient common space shall exist to permit individual and group activities.

Sec. 118-90. - Adult uses.

Adult uses shall be subject to the following regulations, in addition to any other requirements stated in this chapter, as may be imposed under the special use provisions of this chapter, and all other codes and ordinances:

(1) Location restrictions:

a. No adult use may be located across a right-of-way from or abutting any vacant or improved property that is residentially zoned or residentially used.
b. No adult use may be located within 200 feet of any of the following uses: religious assembly, any school with students primarily under the age of 18 including the school's open space and parking areas, day care centers for children, parks, public recreation facilities, and libraries and archives.

c. No more than 1 adult use may be in a single block except that, if the frontage along any block exceeds 600 feet, an adult use may be located no closer than 200 feet to another such adult use. Such distance shall be measured from the nearest point along the lot line of the site or location to the nearest point along the other lot line or site location.

(2) General restrictions.

a. Advertisements, displays, or other promotion of adult materials or products shall not be visible to the public from pedestrian sidewalks, walkways, or other public or semipublic areas, including any interior areas of the adult use which may be open to minors.

b. All building openings, entries, windows, etc., shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semipublic area.

(3) Waivers of provisions.

a. Any motion picture theater may apply for a waiver of the provisions of this section for any business license year upon written request if, during the preceding business license year, it exhibited X-rated films during less than 50 percent of its paid attendance days, and will, during the next business license year, exhibit X-rated films for less than 50 percent of its paid attendance days. Each application for a waiver must be approved by the Mayor and Board of Trustees, which shall consider only the number, sequence and duration of showing X-rated movies and not the content of a specific movie or movies.

b. The appeal for waiver of provisions shall not be available to a motion picture theater that, during the preceding business license year, has shown X-rated movies for 50 percent more of its paid attendance days. In such cases, the owner shall be subject to the full regulations of the special use provisions of this chapter.

ARTICLE V. – SPECIFIC USE REGULATIONS

Sec. 118-90. Adult uses.

(a) No adult use may be located within 200' of any of the following uses: religious assembly, schools with students primarily under the age of 18 including the school's open space and parking areas, day care centers for children, parks, public recreation facilities, and libraries and archives.

(b) An adult use may not be located closer than 500' to another adult use as from outside walls of the use.
(c) Such distances shall be measured from the nearest point along the lot line of the site or location to the nearest point along the other lot line or site location, in a straight line without regard to intervening structures, topography, and zoning.

(d) An adult-use is prohibited from being a home occupation.

(e) Advertisements, displays, or other promotion of adult materials or products must not be visible to the public from pedestrian sidewalks, walkways, or other public or semipublic areas, including any interior areas of the adult use which may be open to minors.

(f) All building openings, entries, windows, etc., shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semipublic area.

Sec. 118-91. Air conditioning condensers.

(a) A permit shall be required for the installation or replacement of an air conditioning condenser.

(b) Air conditioning condensers cannot be located in a required front yard or side yard facing a street.

(c) Residential regulations. The following conditions shall apply to air conditioning condensers that are located on a lot with a detached or 2-unit multifamily residence:

1. Air conditioning condensers must be located at grade level.

2. Air conditioning condensers must be located at least 6 feet from a lot line.

Sec. 118-91. Home occupations.

(a) General. A home occupation is permitted in all residences provided the home occupation is clearly and obviously subordinate to the residence use. A home occupation must be conducted wholly within the principal building on the premises.

(b) Conditions.

1. Other than resident occupants in the residence, no more than one person may be employed or working in the home occupation.

2. The home occupation does not exceed 15% of the floor area of the principal building.

3. The home occupation does not change the fire rating of the building.

4. The home occupation does not alter, amend, or modify the residential character of the building nor does the delivery or receipt of merchandise, goods, or materials interfere with the residential character of the neighborhood.

5. There shall be no exterior display or storage of commercial goods on said premises.
(6) Inventory and supplies shall not occupy more than 50% of the area permitted to be used as a home occupation.

(7) Sales and services to patrons shall be arranged by appointment and scheduled so that not more than 1 patron vehicle is on the premises at the same time.

(8) The home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical magnetic interference (EMI) and radio frequency interference (RFI), fire hazard, or any other hazard or nuisance greater than that usually experienced in a residential district.

Sec. 118-92. – Fire safety zone.

For all yards abutting a street, a building setback shall be required such that the height of the building shall not exceed 3 times the furthest distance an emergency vehicle may park on that street in order to provide emergency services to that building. The furthest distance shall be measured from the face of the building on any given story to the inside edge of the furthest driving lane from the building, regardless of the direction of the traffic flow of that lane.

Sec. 118-92. Automobile sales or service establishments and automobile rental.

(a) All uses. The following regulations apply to all automobile sales and service uses and automobile rental listed in Appendix A:

(1) When the subject property abuts or is across the alley from a residential district:

a. Visual screening at least 6’ high must be provided along the abutting lot line.

b. There shall be no automobile repair work or washing of vehicles from 10:00 p.m. to 7:00 a.m.

(2) All repair work must be performed within a building at all times except inspecting vehicles; adding fluids; and changing tires, batteries, windshield wipers, or light bulbs.

(3) Outside storage and display of items for sale or lease, tools, equipment, vehicles, parts, or supplies is prohibited, except vehicles and propane for sale or lease. Those vehicles that are for sale or lease must never occupy a required off-street vehicle parking space.

(4) Vehicles and boats are prohibited to be sold, advertised for sale, or, other than operational licensed vehicles owned by the establishment, remain outdoors on the property for more than 10 days, except at vehicle dealers.

(b) Additional requirements for automotive fuel stations.

(1) At least 1 employee must be at the fuel control console at all times that self-serve fuel is being dispensed. At least 2 employees shall be on the premises
1 from 7:00 a.m. to 9:00 p.m. when a convenience store or any other use over 1,000 ft\(^2\) is collocated with the automotive fuel station.

2 (2) The attendant must always have a clear view of the fuel dispensing area.

3 (3) A system that allows communication between persons at each dispensing area and the employee at the fuel control console must be provided.

4 (4) During the hours of operation, air and use of equipment for tire inflation, use of a tire pressure gauge, fluid and equipment for washing vehicle windows, water and use of a water container for filling radiators, and rest room facilities must be provided free of charge. Charging a fee for these services is prohibited.

5 (5) A canopy must be provided over all fuel dispensing areas.

6 (6) The pump islands and fuel tanks shall be removed upon closing of the automotive fuel station in accordance with the requirements of the State Fire Marshal.

7 (7) A minimum lot size of 30,000 ft\(^2\) is required when a car wash or hand car wash is collocated with the automotive fuel station.

(c) **Additional requirements for car washes and hand car washes.**

1 (1) The Plan Commission will determine the appropriate number and location of drying spaces.

2 (2) A traffic study must be included with the special use permit petition indicating needed vehicle stacking and site circulation that does not constitute a traffic hazard or create on- or off-site congestion.

3 (3) Openings to a wash bay must not face any residentially zoned property unless the opening is located more than 50' from such property.

4 (4) The operation of the use must minimize excessive water from collecting outside the building openings to a wash bay.

(d) **Additional requirements for automotive repair facilities.**

1 (1) All automotive repair facilities require a special use permit.

2 (2) Any vehicle outdoors in need of body repair must be parked in a legal parking space and screened from view from any public street in rights-of-way abutting the lot or an abutting residential zoning district. Such vehicle is prohibited from being parked outdoors for more than 10 days.

3 (3) Servicing of any vehicle over 8,000 pounds gross weight is limited to M2 and M3 districts.

4 (4) In mixed-use and business districts, repair shall be limited to brakes, mufflers, upholstery work, tire repair and change, lubrication, tune-ups, and minor engine, mechanical, or electrical repair.

Sec. 118-93 - Wind energy systems.
(a) Standard conditions for all wind energy systems are as follows:

(1) A Village permit is required for the installation of a wind energy system on any property (the "Subject Property").

(2) Wind energy systems shall comply with the International Building Code, National Electrical Code, Federal Aviation Administration (FAA) requirements, and all federal and state statutes, laws, rules, and regulations and all Village codes.

(3) The maximum noise level shall not exceed 60 decibels as measured from the Subject Property.

(4) A wind energy system shall be for the use and benefit of the occupants of the property on which it is located, except for reverse metering as allowed by the appropriate state or federal agency.

(5) All abandoned or unused wind energy systems shall be deemed a nuisance 12 months after the cessation of operations, unless an extension is approved. If an extension is not approved by the Village Manager or designee, the Village may act to abate such nuisance and require its removal at the property owner's expense. After the wind energy system is removed, the owner of the Subject Property shall restore the Subject Property to a condition consistent with the property's condition prior to the installation of the system.

(6) One wind energy system is allowed per Subject Property. Additional wind energy systems may be allowed with site plan approval.

(b) Rooftop wind energy systems.

(1) All permit applications will be reviewed and approved, or denied, by the Village Manager or designee.

(2) Rooftop wind energy systems shall be allowed as accessory structures in all zoning districts.

(3) The height of a wind energy system shall be no more than 15 feet above the highest point of a building's roof or 15 feet above the existing allowable building height in the district, whichever is lower in height.

(4) In all zoning districts, no portion of any rooftop wind energy system shall be in any required yard. In residential, mixed-use, and business districts, rooftop wind energy systems shall be at least 20 feet from the front yard line, or in the case of corner lots, at least 10 feet from the corner side yard line. A rooftop wind energy system that is mounted on the side of a structure may encroach, by no more than 1.5 feet, into a required yard.

(c) Small wind energy systems.

(1) Small wind energy systems shall only be allowed as accessory structures subject to site plan approval in the M1 Office Assembly Industry, M2 Light Industry, and M3 Industry districts.

(2) The height of a small wind energy system shall not exceed 70 feet.
(3) The nameplate capacity of a small wind energy system shall not exceed 100 kilowatts. (4) The blade tip of any rotor of a small wind energy system shall, at its lowest point, have ground clearance of no less than 15 feet or 1/3 of the tower height, whichever is greater, above ground.

(d) Large wind energy systems.

(1) Large wind energy systems shall be allowable accessory structures with site plan approval in the M3 Industry district.

(2) The total height of a large wind energy system shall not exceed 120 feet.

(3) The blade tip of any rotor of a large wind energy system shall, at its lowest point, have ground clearance of no less than 25 feet or 1/3 of the tower height, whichever is greater, above ground.

(e) Installation requirements for small and large wind energy systems.

(1) The system must include a wind turbine tower and not be mounted on a building.

(2) Security fencing not less than 6 feet high equipped with an appropriate anti-climbing device shall be required.

(3) The permittee shall promptly replace or repair all fences or gates removed or damaged during all phases of the wind energy system's life.

(4) An automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding is required.

(5) Wind energy systems shall have lightning protection.

(6) If guy wires are used to support the tower, these wires shall be clearly visible to a height of at least six feet above the guy wire anchors.

(7) All access doors to wind turbine towers and electrical equipment shall be lockable.

(8) A bird-friendly design to be approved by the Community Development Department is required in order to reduce the number of resting places near the turbine's rotors.

(9) The minimum distance between a wind energy system and any property line or public utility pole shall be a distance equivalent to 1.1 times the total height.

(10) All on-site electrical transmission lines connecting a wind energy system to a building or the public utility electricity distribution system shall be located underground.

(11) Appropriate warning signage shall be placed on wind turbine towers and all electrical equipment.

Sec. 118-93. Food establishments and food service requirements.
(a) A screened garbage corral with an impermeable surface shall be provided to contain all dumpsters.

(b) No tables or eating counters shall be allowed at food establishments. The addition of tables or eating counters shall constitute the addition of a food service use at that location, and all additional regulations for that food service use shall apply.

(c) At least once during every 4 hours of operation and before opening and closing of the business, employees shall patrol the property and clear it of litter.

(d) The sale of open alcoholic beverages at carryout restaurants is prohibited.

(e) Outdoor dining.

(1) Standard conditions. The following shall apply to all outdoor dining areas:
   a. Barriers, fencing, landscaping, and other features shall be utilized to define the outdoor dining area.
   b. Use of the area shall be limited to between 8:00 AM and 10:00 PM, but not longer than the posted operational hours of the associated food service facility.
   c. Dates of operation shall be limited to between April 1 and October 31 in a calendar year.
   d. Outdoor dining areas shall be exempt from parking regulations if used or set up less than 7 months in a calendar year.
   e. All food preparation must take place inside the associated food service establishment.
   f. Adequate litter and refuse disposal shall exist as determined by the Health Department.
   g. Advertising or promotional features shall be limited to umbrellas or canopies.
   h. A drive-through facility shall have at least one litter/refuse disposal container at its exit at a location determined by the Health Department.
   i. All applicable Village and State health requirements shall be met.
   j. Dining areas will be reviewed each year during the annual restaurant inspection. The outdoor dining permit may be revoked by the Village Manager at any time on 14 days' notice for failure to comply with the regulations set forth in this subsection.
   k. The outdoor dining area shall not be enclosed on more than two sides with walls if roofed over.
   l. The outdoor dining area must be located on a surface approved by the Village Manager or designee.
m. The outdoor dining area shall not be located in a required parking space or block a private or public sidewalk.

(2) Outdoor dining on private property shall be a permitted use with an outdoor dining permit from the Village Manager or designee in TX, CX, B3, B4, and H1 districts subject to the following conditions:
   a. All conditions in subsection (e)(1) are met.
   b. The outdoor dining shall be on the same lot as or within a development that received site plan approval as its associated food service establishment.
   c. An outdoor dining area shall not be located within a 15’ sight distance triangle or within 3’ from any public alley.

(3) Outdoor dining shall be permitted on private property between November 1 and March 31, of the next calendar year, with an administrative permit from the Village Manager or designee, subject to the following conditions:
   a. An outdoor dining permit or a special use permit for outdoor dining has been issued for the site.
   b. The outdoor dining area must be in the same location as the approved outdoor dining permit or special use permit.
   c. The outdoor dining area cannot be used more than 4 periods during this time.
   d. The outdoor dining area cannot be used or set up for more than a period of 3 consecutive days.
   e. A site and floor plan must be approved by the Village Manager or designee.
   f. Administrative permit fee must be paid to the Village of Skokie prior to using the outdoor dining area.

(4) Outdoor dining on private property shall be a special use in NX, B1, B2, B6, and M1 districts or if relief is needed from any condition in subsections (e)(1), (e)(2), or (e)(3) in NX, TX, CX, B1, B2, B3, B4, B6, H1 and M1 districts.

(5) Outdoor dining on a public right-of-way shall be a permitted use with an outdoor dining permit from the Village Manager or designee in TX and CX districts subject to the following conditions:
   a. All conditions in subsection (e)(1) are met.
   b. The use of public right-of-way for outdoor furniture and appurtenances shall only be permitted incidental to the operation of a restaurant on private abutting property, and the outdoor dining area shall not extend laterally beyond the frontage of the permittee's establishment.
   c. All public sidewalks and parkways shall be maintained in accordance with §90-43 and §118-188.
d. A Use of Public Way for Outdoor Dining Agreement between the Village and both the operator of the food service and the abutting land owner shall be approved by the Village.

(6) Outdoor dining on public right-of-way shall be a special use:

a. In NX, B1, B2, B3, B4, B6, and M1 districts in conjunction with an approved Use of Public Way for Outdoor Dining Agreement between the Village and the operator of the food service.

b. In TX and CX districts if relief from any condition in subsection (e)(5) is needed.

(f) Existing limited-service restaurants are allowed with a special use permit in the M3 district and may rebuild, modernize, and/or add outdoor dining if the Plan Commission deems that the restaurant is operated and maintained in a manner consistent with the purpose of the district. All new restaurants are prohibited in this district except in retail planned developments.

(g) Drive-through facilities are prohibited at carryout and full-service restaurants.

Sec. 118-94. - Automatic teller machines (ATMs).

(a) Principal use. If the primary purpose of a building is to house an ATM, the use is considered a bank, and the building is subject to all building codes and requirements of this chapter.

(b) Indoor ATMs. An ATM that is accessed within a completely enclosed principal building is permitted in all districts with a use that is allowed in that district.

(c) Requirements for outdoor ATMs. An ATM that is accessed outside a completely enclosed principal building is allowed only under the following conditions:

(1) Use. An ATM is allowed with a special use permit, but only in districts where a bank is a permitted or special use. An ATM may be part of a drive-through facility that has a special-use permit.

(2) Appearance Commission. An ATM and any associated structures and signage are subject to the review and approval of the Appearance Commission.

(3) Customer standing area. Each ATM shall have a minimum of a 3-foot by 3-foot customer standing area, centered in front of the face of the ATM.

(4) Obstructions. An ATM, customer standing area, and any structure surrounding the ATM shall be interpreted as an obstruction with respect to sight distance triangles, required parking spaces, effective walkway widths, vehicle overhangs, or other requirements of this chapter.

(5) Use of public right-of-way. No ATM or structure housing an ATM may be in a public right-of-way. The customer standing area may be in a public right-of-way with a permit from the Village.

(d) Parking. An ATM is exempt from off-street parking requirements.
Sec. 118-94. Child day care.

(a) In residence uses. Child day care in residences listed as restricted uses in Appendix A shall be subject to the following regulations:

(1) Child care in residences shall comply with Chapter 54, Article VII, Day Care Homes, of the Village Code.

(2) No more than 2 day care homes may be located within the same block or closer than 100’ to another such facility along the face of a street as measured from the closest property line of each lot.

(3) A driveway or on-street parking adjacent to the lot must exist. If a driveway exists, it shall be available for the dropoff and pickup of children. If no driveway exists, an 18” wide carriage walk connected to the sidewalk shall be present along the street adjacent to the lot and the dropoff and pickup of children shall only occur on the same side of the street as the day care home. No dropoff and pickup of children shall occur on an arterial street.

(4) Subject to subsections (1) through (3) above, a special use permit must be obtained, except in detached and townhouse residences in which the use is a permitted use.

(b) Not in residence uses.

(1) Restricted uses in residential districts.

a. Child day care collocated in the same building as a use requiring a special use in the district must also obtain a special use permit.

b. Child day care collocated in the same building as a use permitted in the district is a permitted use.

c. Child day care in its own building is a permitted use.

(2) Not in residential districts. Child day care uses shall be permitted or special uses as indicated in Appendix A.

Sec. 118-95. Congregate living facilities.

(a) Congregate living facilities may only be in a residence type otherwise identified as permitted or special uses in a district.

(b) No residential unit shall be permitted on the first floor in business or mixed-use districts.

(c) The facility shall be a permitted use if the sponsoring agency is eligible for and obtains State licensing or certification to operate the proposed use and the use is a permanent residence facility. If the sponsoring agency does not meet this criterion because there is no State licensing or certification required for the use or the facility is a temporary residence facility, a special use permit must be obtained in accordance with Article II of this chapter, and reasonable proof of ability to operate a reputable congregate living facility must be shown.
(d) The facility shall be designated a permanent residence facility if all the residents intend to live at the facility for 1 year or more. The facility shall be designated a temporary residence facility if any of the residents intend to live at the facility for less than 1 year.

(e) Any facility with more than 4 bedrooms in a residential unit, 2 or more residential units in a building, or 2 or more buildings on a lot or abutting lots operated by the sponsoring agency must receive site plan approval in accordance with Article II of this chapter.

(f) The sponsoring agency must obtain an administrative occupancy permit prior to establishing a congregate living facility. The following criteria will be used in issuing a permit:

1. The facility must be located in an area reasonably accessible to public transportation and, if needed, employment, vocational, medical, psychiatric, recreational, and other community resources that might be utilized by the facility's residents. If this provision cannot be met, the sponsoring agency must ensure that the facility's residents have access to these services when needed.

2. Except as allowed in (e) of this section, the facility shall not be located within the same block as another such facility nor closer than 800' to another facility as measured from the property line of the lot.

(g) Proof of agency ownership, option to own or signed lease for the facility to be occupied shall be provided to the Village prior to occupancy. Ownership or lease of the facility by residents of the facility shall be permitted provided agency ownership and leasing requirements, set forth by the Illinois Department of Human Services Division of Mental Health and Division of Developmental Disabilities and delineated in Section 115.300 - Environmental Management of Living Arrangements, paragraphs b) and c), are complied with. The sponsoring agency shall be responsible for compliance of facilities owned or rented by residents.

Sec. 118-96. Assisted-living facilities.

In compliance with the State of Illinois Assisted Living and Shared Housing Act, 210 ILCS 9/1 et seq., and the adopted rules in Chapter 1, Subchapter c of Part 295 of Title 77, as may be amended from time to time, an assisted-living facility shall provide:

1. Community-based residential care for persons who need assistance with the activities of daily living, including personal, supportive, and intermittent health-related services available 24-hours a day, if needed, to meet the scheduled or unscheduled needs of a resident.

2. Mandatory services, whether provided directly by the establishment or by another entity arranged for by the establishment, with the consent of the resident or resident's representative.
(3) A physical environment that is a homelike setting that includes the following and other such elements as established by the State:

a. Individual living units, each of which shall accommodate small kitchen appliances and contain private bathing, washing, and toilet facilities, or private washing and toilet facilities with a common bathing room ready and accessible to each resident.

b. Units shall be maintained for single occupancy except in cases in which 2 residents choose to share a unit.

c. Sufficient common space shall exist to permit individual and group activities.

Sec. 118-9597. Animal shelters.

…

Sec. 118-9698. Brew pubs and tap rooms.

…

ARTICLE VI. RESIDENTIAL ZONING DISTRICTS

DIVISION 2. RESIDENTIAL DISTRICTS

Sec. 118-121. Reserved.

Sec. 118-122. Impermeable surface requirements.

(a) Scope. The total permissible area of impermeable surfaces shall be limited as provided in this section. For the purpose of this section, coverage shall be the combination of all buildings and impermeable surfaces.

(b) A permit shall be required for the construction, installation, or replacement of any impermeable surface in any district.

(c) Impermeable surfaces on lots with certain uses shall have a maximum area as indicated in the following chart:

<table>
<thead>
<tr>
<th>Zone</th>
<th>Use</th>
<th>Required front yard</th>
<th>Total lot area</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1</td>
<td>all</td>
<td>40%</td>
<td>50%</td>
</tr>
<tr>
<td>R2</td>
<td>all</td>
<td>55%</td>
<td>50%</td>
</tr>
<tr>
<td>R3</td>
<td>all</td>
<td>55%</td>
<td>65%</td>
</tr>
<tr>
<td>R4</td>
<td>detached residences</td>
<td>50%</td>
<td>50%</td>
</tr>
</tbody>
</table>
2-unit multifamily, and townhouse residences  |  55%  |  65%
multifamily residences with 3 or more units | 35%  |  b |
all other uses  |  b  |  b

a Improvements utilizing a circular drive may increase impermeable areas to a maximum of 50%
b No maximum

(d) Permeable surface installations will be permitted if the surface-volume from a 10-minute, 100-year storm is being stored within the permeable pavement base; such areas will be included in the lot's permeable surface calculation at no less than 50% of the permeable surface area. Sample installations include permeable pavers and permeable pavements.

(e) Residential building permits which include any excavation work may require a grading plan. No grades within the Village shall be disturbed or otherwise altered except as allowed pursuant to a grading permit issued by the Director of Engineering.

Sec. 118-123. Calculation of required front yard in residential zoning districts.

(a) The required front yard is set forth in the zoning district in which the lot is located, except in (b) of this section.

(b) If 60% or more of the interior lots fronting 1 side of a street within a block have an established building setback of a depth other than required for a front yard in the zoning district of that lot, the front yard depth for each remaining lot is the average of the of the building setbacks of the nearest principal structure on both sides of the lot. If no principal building exists on 1 side of the lot to the end of the block, then the required front setback for that zoning district is used for that adjacent lot.

Sec. 118-11124. R1 Single-Family residential district.
The following requirements apply to the R1 Single-Family district:

...  
(9) Maximum land coverage of impermeable surface. Maximum land coverage by impermeable surface shall be in accordance with applicable provisions contained in Division 1 of this article.

(109) Floor area ratio. The floor area ratio for all buildings and structures on a lot shall not exceed 0.6.

(11) Off-street parking and loading. Off-street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.
(12) Siting of development. Siting of development shall be in accordance with the provisions contained in Division 1 of this article.

Sec. 118-112125. R2 Single-Family residential district.

The following requirements apply to the R2 Single-Family district:

... 

(9) Maximum land coverage of impermeable surface. Maximum land coverage by impermeable surface shall be in accordance with applicable provisions contained in Division 1 of this article.

(10) Floor area ratio. The floor area ratio for all buildings and structures on a lot shall not exceed 0.6.

(11) Off-street parking and loading. Off-street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.

(12) Siting of development. Siting of development shall be in accordance with the provisions contained in Division 1 of this article.

... 

Sec. 118-113126. R3 Combined Housing district.

The following requirements apply to the R3 Combined Housing district:

... 

(9) Maximum land coverage of impermeable surface. Maximum land coverage by impermeable surface shall be in accordance with applicable provisions contained in Division 1 of this article.

(10) Off-street parking and loading. Off-street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.

(11) Siting of development. Siting of development shall be in accordance with the provisions contained in Division 1 of this article.

... 

Sec. 118-114127. R4 Multifamily Housing district.

The following requirements apply to the R4 Multifamily Housing district:

... 

(9) Maximum land coverage of impermeable surface. Maximum land coverage by impermeable surface shall be in accordance with applicable provisions contained in Division 1 of this article.

(10) Stormwater control. Stormwater control requirements shall be in accordance with the stormwater control provisions contained in Division 1 of this article.
(11) Off-street parking and loading. Off-street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.

(429) Visual screening.

... 

c. The height and location of the required screening shall be in accordance with Division 1 of this article.

dc. All screening shall be adequately protected from vehicular maneuvers, including parking and continual traffic flow. Such protection shall be subject to the approval of the Director of Engineering.

ed. The screening shall be required to encompass the parking facilities and driveway.

ef. When the required screening would be located in a utility easement or an alley boundary which is used by 1 or more of the utility companies for its service, the requirement must be reviewed by the Director of Engineering. The Director of Engineering shall determine, after a review of written statements from the public utility companies, whether each utility company is now using the easement or plans to in the future, and the characteristics of such use, and the type of utility line, its horizontal and vertical placement, and its relationship to other utilities and the access needed for installation and maintenance. When the utility easement is or will be in use, the Director of Engineering shall determine when the required screening on a lot would interfere with the utility companies’ use of the easement and shall then determine a suitable location for such screening. If screening cannot be so placed to avoid interference with the utilities, alternate screening and location shall be determined by the Director of Engineering and the Director of Community Development.

gf. When none of the foregoing is possible, then the waiver of this requirement may be sought from the Plan Commission as part of the site plan review.

(13) Siting of development. Siting of development shall be in accordance with the provisions contained in Division 1 of this article.

... 

Sec. 118-115128. R5 Elderly and Disabled Housing residential district.

... 

(4) Off-street parking and loading. Off-street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.

(54) Covenant regarding occupancy restrictions. The owner shall execute a covenant running with the land ensuring continuous occupancy by the persons eligible for the housing. The Village shall be a party to such covenant and such covenant shall not be released without the consent of the Village.
Annual certification. Annual certification shall be submitted to the Department of Community Development to verify:

a. The age of all occupants and the nature of any disabled occupants.

b. That all required equipment and facilities provided for convenience and/or safety of the occupants are maintained in place and in good working order.

ARTICLE VII. BUSINESS ZONING DISTRICTS
DIVISION 3. BUSINESS DISTRICTS

Sec. 118-142. - B1 Service Commercial district.

(4) Off street parking and loading. Off street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.

Sec. 118-143. - B2 Commercial district.

(4) Off street parking and loading. Off street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.

Sec. 118-144. - B3 Business district.

(4) Off street parking and loading. Off street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.

Sec. 118-145. - B4 Regional Shopping district.

(3) Off street parking and loading. Off street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.

Sec. 118-147. - B6 Downtown Science and Technology.

(6) Off street parking and loading. Off street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.

Sec. 118-148. - H1 Hospital district.

...
Off street parking and loading. Off street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.

ARTICLE VIII. INDUSTRIAL ZONING DISTRICTS
DIVISION 4. INDUSTRIAL DISTRICTS

Sec. 118-175. – OR Office Research district.

Off street parking and loading requirements shall be in accordance with the provisions contained in Article IV of this chapter.

ARTICLE IX. MIXED-USE ZONING DISTRICTS
DIVISION 5. MIXED USE DISTRICTS

Sec. 118-186. – Outside uses.

All business, servicing, storing, or processing shall be conducted within completely enclosed principal buildings, except as otherwise provided by this chapter, other applicable Village codes, or as follows:

(1) Outdoor dining on private property or public right-of-way, subject to Sec. 118-8593.

Sec. 118-187. – Public sidewalks and parkways.

To promote a pedestrian scale environment, the following design standards shall apply:

(1) Sidewalks must have a minimum paved width of 5' feet and have a common alignment within a block.

(2) The effective walkway width of a sidewalk shall at all times be at least 5' feet wide. The effective walkway width is the shortest hard-surfaced distance between obstructions, hazards, or buildings along a walkway.

(3) All efforts shall be made to promote and preserve street trees.

(4) All sidewalk and parkway improvements shall be consistent with Village streetscaping plans.

ARTICLE X. [RESERVED]

ARTICLE XI. OFF-STREET PARKING AND LOADING FACILITIES
Sec. 118-201. - Scope of regulations.

The off-street parking and loading provisions of this article shall apply as follows:

(1) Off-street parking and loading shall be provided as required by the regulations of this article for all buildings and structures erected and all uses of land established in each district after the effective date of the ordinance from which this article is derived.

(2) When the intensity of use of any building, structure, or premises shall be increased through the addition of residential units, gross floor area, seating capacity, bedrooms, or other specified units of measurement, additional parking and loading shall be provided as required by this article. Any additional parking or loading may require additional water detention as required in §118-64 Article III, Division 1 of this chapter.

... 

Sec. 118-208. - Outdoor storage lots.

(a) Lots for outdoor storage of vehicles shall not be used for customer or employee parking or vehicle preparation activities and may be used for sale or rental of motor vehicles and boats in conjunction with a motor vehicle and boat sales facility.

(b) Except for lots used for sale or rental of motor vehicles and boats in conjunction with a motor vehicle and boat sales facility, a storage lot shall not be required to meet the design requirements of this article, provided that it is surfaced with gravel and drained subject to the approval of the Engineering Division. If such a lot is to be paved, it shall comply with the drainage and surfacing requirements in §118-64 as stated in Article III, Division 1 of this chapter.

... 

Sec. 118-212. Motor vehicle parking facility design standards.

... 

(g) Drainage. Drainage shall be provided in accordance with §118-64 Article III, Division 1 of this chapter.

... 

Sec. 118-217. - Motor vehicle parking in yards.

... 

(c) Residential districts.

(1) Permitted vehicles.

a. Generally. Only the following motor vehicles shall be allowed to be parked in the open on a lot in a residential district:
1. Motorcycles.

2. Recreational vehicles, boats, and boat trailers, as regulated by Section 118-76 in accordance with §118-62 and elsewhere in this chapter.

... Sec. 118-220. Off-street loading.

Off-street loading spaces shall be provided as follows:

... (3) Surfacing. All open off-street loading spaces shall be improved with pavement and stormwater drainage facilities in accordance with such standards set forth in this article and §118-64 in Article III, Division 1 of this chapter.

... ARTICLE XII. LANDSCAPING

... ARTICLE XIII. NONCONFORMING STRUCTURES, LOTS AND USES

... ARTICLE XIV. PLANNED DEVELOPMENTS

...
## APPENDIX A. USE TABLE

<table>
<thead>
<tr>
<th>USE</th>
<th>R1</th>
<th>R2</th>
<th>R3</th>
<th>R4</th>
<th>R5</th>
<th>NX</th>
<th>TX</th>
<th>CX</th>
<th>retail street</th>
<th>B1</th>
<th>B2</th>
<th>B3</th>
<th>B4</th>
<th>B6</th>
<th>H1</th>
<th>M1</th>
<th>M2</th>
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<tr>
<td><strong>RESIDENCE AND ACCOMMODATION</strong></td>
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<td>Housing Services of the Elderly or Disabled</td>
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### EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, & OTHER INSTITUTIONS

...  

**Health and Human Services**

...  

Social assistance, welfare, and charitable services: 

...  

| Child day care in a residence, subject to § 118-8694 | R | R | R | R | R | R | R | R | R | R |
| Child day care not in a residence, subject to § 118-8694 | R | R | R | S | S | S | S | S | P | P | P | S | S | R |
Section 2: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

ADOPTED this day of April, 2019.

Ayes: 
Nays: 
Absent: 

Attested and filed in my office this day of April, 2019; and published in pamphlet form according to law from April 1, 2019 to April 30, 2019.

______________________
Village Clerk

______________________
Approved by me this day of April, 2019.

______________________
Mayor, Village of Skokie

______________________
Village Clerk
A RESOLUTION APPROVING A PLAT OF SUBDIVISION FOR
THE PROPERTY LOCATED AT 9444 AVERS AVENUE, SKOKIE,
ILLINOIS, IN AN R1 SINGLE-FAMILY DISTRICT

WHEREAS, the owners of the following described real property:

PARCEL 1:
LOT 39 (EXCEPT THE NORTH 11.53 FEET) IN THE HIGHLANDS EVANSTON
LINCOLNWOOD 3RD ADDITION BEING A SUBDIVISION OF THE NORTH 12 CHAINS
OF THE EAST ½ OF THE WEST ½ OF THE NORTHWEST ¼ OF SECTION 14
TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN
COOK COUNTY, ILLINOIS.

PARCEL 2:
LOTS 23, 24, AND 25 (EXCEPT THE SOUTH 8.47 FEET OF SAID LOT 25) IN
LINCOLNWOOD MANOR A SUBDIVISION OF NORTH 4.99 ACRES OF THE SOUTH
6.49 ACRES OF LOT 3 IN ASSESSORS DIVISION OF THE NORTHWEST ¼ OF
SECTION 14, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL
MERIDIAN, PLAT DOCUMENT RECORDED MAY 23, 1928 AS DOCUMENT NUMBER
10033171.

PARCEL 3:
The EAST ½ OF VACATED ALLEY LYING IMMEDIATELY WEST OF AND ADJOINING
AFORESAID PROPERTY ALL IN COOK COUNTY, ILLINOIS.

PINS: 10-14-110-030-0000, 10-14-110-034-0000

more commonly known as 9444 Avers Avenue, Skokie, Illinois (hereinafter “Subject
Property”) in an R1 Single-Family district, petitioned the Village of Skokie for a subdivision
of the Subject Property for the purpose of consolidating two (2) lots within two different
subdivisions into one (1) lot, as shown on the “Catron Resubdivision” plat, dated March 22,
2019, a copy of which is marked as Exhibit “1” and attached hereto; and

WHEREAS, the Subject Property currently contains a single-family house and the subdivision is being required as a condition of a building permit; and

WHEREAS, subsequent to the subdivision of the Subject Property, the legal description of the Subject Property will be as follows:

LOT 1 IN CATRON RESUBDIVISION IN THE WEST ½ OF THE NORTHWEST ¼ OF
SECTION 14, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL
MERIDIAN, IN COOK COUNTY, ILLINOIS,

more commonly known as 9444 Avers Avenue, Skokie, Illinois; and
WHEREAS, the Community Development Department Director reviewed the request for the subdivision and recommended to the Mayor and Board of Trustees that the requested subdivision be approved subject to the conditions stated in his memorandum dated March 25, 2019; and

WHEREAS, the Mayor and Board of Trustees, at a public meeting duly held on April 15, 2019, concurred in the aforesaid recommendation of the Community Development Department Director;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Trustees of the Village of Skokie, Cook County, Illinois:

Section 1: That the requested subdivision of the Subject Property, legally described above and commonly known as 9444 Avers Avenue, Skokie, Illinois, in an R1 Single-Family district, be and the same is hereby approved subject to the following conditions:

1. The property must be subdivided pursuant to the Catron Resubdivision, dated March 22, 2019, and as may be further revised with the approval of the Village Manager, or designee, and Corporation Counsel;

2. Upon the passage of the ordinance by the Board of Trustees, the mylar of the Catron Resubdivision must be submitted to the Village with all signatures other than Village staff or elected officials;

3. The Catron Resubdivision shall be effective upon its recording by the Village in the Office of the Recorder of Deeds of Cook County, Illinois;

4. All monuments must be set no later than 1 year after the date of the recording of the plat;

5. If work is to be performed on public property or if public property is utilized or impacted during construction and or development, the owner must provide, or must cause the developer and/or contractor to provide, the Village of Skokie with a certificate of insurance naming the Village of Skokie as additionally insured for any and all claims related to any and all work. The owner shall hold, and shall cause the developer and/or contractor to hold, the Village of Skokie harmless and indemnify the Village for any and all claims for property damage or personal injury related to work on or use of public property; and

6. The petitioner must comply with all Federal and State statutes, laws, rules and regulations and all Village codes, ordinances, rules, and regulations.

Section 2: That the “Catron Resubdivision” plat, dated March 22, 2019, attached hereto and marked as Exhibit “1” be and the same is hereby accepted and shall be recorded at the Petitioner’s expense with the Cook County Recorder of Deeds Office.

Section 3: That a notice of the enactment of this Resolution incorporating the conditions contained herein shall be approved by the owner of the property in writing and duly recorded with the Cook County Recorder of Deeds Office at the owner’s expense.
Section 4: That this Resolution shall be in full force and effect from and after its passage, approval and recordation as provided by law.

PASSED this day of April, 2019.

Ayes: 
Nays: 
Absent: 

Village Clerk
Approved by me this day of April, 2019.

Attest:

Village Clerk

Mayor, Village of Skokie
AN ORDINANCE AMENDING CHAPTER 14, ARTICLE III, OF THE SKOKIE VILLAGE CODE PERTAINING TO ELECTRONIC SWEEPSTAKES MACHINES

WHEREAS, Chapter 14, Article III, of the Skokie Village Code provides for rules and regulations pertaining to amusement machines; and

WHEREAS, the Village of Skokie (hereinafter “Village”) as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit, the Village’s powers shall be construed liberally as held by the Illinois Supreme Court in the case of Scadron v. City of Des Plaines, 153 Ill.2d 164 (1992); and

WHEREAS, Section 11-42-1 of the Illinois Municipal Code, 65 ILCS 5/11-42-1, provides Illinois municipalities with the authority to regulate “amusements”; and

WHEREAS, Illinois has seen a proliferation of so-called “sweepstakes” machines; and

WHEREAS, it is in the best interests of the Village for health, safety and public welfare to prohibit the operation of these machines; and

WHEREAS, the Corporation Counsel recommended to the Mayor and Board of Trustees that Chapter 14, Article III, Division 1, of the Skokie Village Code be amended accordingly; and

WHEREAS, the Mayor and Board of Trustees at a public meeting duly held on April 15, 2019, concurred in the aforesaid recommendation of the Corporation Counsel; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Trustees of the Village of Skokie, Cook County, Illinois;

Section 1: That Chapter 14, Article III, Division 1, of the Skokie Village Code be and the same is hereby amended in the manner hereinafter indicated. The new material is highlighted in bold and the material to be deleted is highlighted and stricken through.

Chapter 14 – AMUSEMENTS AND ENTERTAINMENTS

…

ARTICLE III. – AMUSEMENT MACHINES
DIVISION 1. - GENERALLY

Sec. 14-61. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Automatic amusement machine* means any mechanical or electronic amusement machine or device, including but not limited to pool and billiard tables, the operation of which is governed or controlled by the deposit of currency, money, credit, electronic currency, tokens or a similar equivalent or other item of value, not including jukeboxes.

*Electronic machine or device* means a mechanically, electrically or electronically operated machine or device, that is owned, leased or otherwise possessed by a sweepstakes sponsor or promoter, or any of the sweepstakes sponsor's or promoter's partners, affiliates, subsidiaries or contractors, that is intended to be used by a sweepstakes entrant, that uses energy, and that is capable of displaying information on a screen or other mechanism.

*Enter or entry* means the act or process by which a person becomes eligible to receive any prize offered in a sweepstakes.

*Entertainment display* means visual information capable of being seen by a sweepstakes entrant that takes the form of actual game play or simulated game play of games, including, but not limited to, a poker game or any other kind of playing card game; a bingo game; a craps game; a keno game; a lotto game; an eight-liner game; a pot-of-gold game; a game based on or involving the random or chance matching of different pictures, words, numbers or symbols not dependent on the skill or dexterity of the player; a casino or gambling game; and any other video game the outcome of which is not in whole or in part dependent on the skill or dexterity of the player that is played in the course of revealing a prize as a result of an entry into a sweepstakes.

*Prize* means any gift, award, gratuity, goods, service, credit or anything else of value, which may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.

*Sweepstakes* means any game, advertising scheme or plan, or other promotion, which, with or without payment of any consideration, a person may enter to win or become eligible to receive any prize, the determination of which is based upon an element of chance.

…

Sec. 14-70. - It shall be unlawful for any person to operate, or place into operation, an electronic machine or device for the following purposes:

(a) To conduct a sweepstakes through the use of an entertainment display, including the entry process or the reveal of a prize; or

(b) To promote a sweepstakes that is conducted through the use of an entertainment display, including the entry process or the reveal of a prize.
Section 2: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

ADOPTED this day of May, 2019.

Ayes: 
Nays: 
Absent:

Attested and filed in my office this day of May, 2019; and published in pamphlet form according to law from May 1, 2019 to May 1, 2019.

Village Clerk

Approved by me this day of May, 2019.

Mayor, Village of Skokie

Village Clerk
To: Mayor and Board of Trustees
From: Paul Luke, Chairman
Case: **2019-02P: Zoning Map Amendment**
3720 Touhy Avenue and 7227 Hamlin Avenue

Related Cases – 2019-03P: Subdivision
2019-04P: Site Plan Approval
2019-05P: Special Use Permit
2019-06P: Special Use Permit

**PLAN COMMISSION ANALYSIS**

At its March 21, 2019 meeting, the Plan Commission heard the request of Skokie Development, LLC, on behalf of 3720 Property Owner, LLC, and 7227 Property Owner, LLC, to amend the zoning map to change the zoning district for 3720 Touhy Avenue and 7227 Hamlin Avenue from M3 Industry to B2 Commercial. The petitioners desire to rezone the subject site, which presently contains a vacant lot at 3720 Touhy and a vacant industrial building at 7227 Hamlin Avenue to B2 Commercial in order to redevelop both properties into a shopping center containing a limited service restaurant with 2 drive-through lanes and outdoor dining (cases 2019-05P and 2019-06P) and a commercial building. The property at 3721 Chase Avenue, which has already been rezoned from M3 to B2 to allow for the existing CrossFit Factorial business to occupy the building (case 2016-32P) will also be included under the planned development (case 2019-04P). The building on that site will be remodeled into a medical clinic.

The Plan Commission concurred with Staff’s recommendation to grant the zoning map amendment. Based on existing land uses and development trends within the immediate area, the proposed B2 zoning is more suitable for the subject site and is consistent with the trend of zoning changes and commercial development along the north and south sides of Touhy Avenue from Hamlin Avenue to Kedzie Avenue over the past 30 years. The subject site is one of only a few properties that have not been rezoned for commercial uses along the Skokie side of Touhy during that time period.

**INTERESTED PARTIES**

Legal notice was properly posted, advertised, and delivered to all property owners in the area of the subject site as prescribed by the Zoning Chapter. No interested parties spoke regarding this case.
PLAN COMMISSION RECOMMENDATIONS AND VOTING

The Plan Commission recommends by a vote of 8 ayes and 0 nays, with 1 member absent, that the petitioners’ request to change the zoning district for 3720 Touhy Avenue and 7227 Hamlin Avenue from M3 Industry to B2 Commercial be APPROVED, subject to the attached Proposed Positive Findings of Fact.

ATTENDANCE

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<tr>
<th></th>
<th>AYES</th>
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<td>Mitchell</td>
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<td>Berman (Second)</td>
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<td>Mathee</td>
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<td>Luke</td>
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ATTACHMENTS

1. Plan Commission Positive Findings of Fact for 2019-02P
2. Staff Report, dated March 21, 2019
3. Plan Commission Meeting Minutes for March 21, 2019
4. Land Use and Zoning Map
## Plan Commission
### Positive Findings of Fact 2019-02P: Zoning Map Amendment

**Plan Commission**  
**Council Chambers, 8:00 PM, April 15, 2019**

<table>
<thead>
<tr>
<th>Consideration</th>
<th>Finding</th>
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<tr>
<td>The map amendment is consistent with the Comprehensive Plan or development trends in the area that have taken place since the affected property was placed in the present zoning district.</td>
<td>The proposed zoning map amendment is not consistent with the land use designation in the Comprehensive Plan; however, it is consistent with the trend of zoning changes and commercial development along the north and south sides of Touhy Avenue from Hamlin Avenue to Kedzie Avenue over the past 30 years. The subject site is one of only a few properties that have not been rezoned for commercial uses along the Skokie side of Touhy during that time period.</td>
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<td>After identifying the existing uses and zoning districts in the area, the property in question is more suitable for the uses allowed under proposed zoning district than the existing zoning district.</td>
<td>Under the current M3 Industry zoning, limited service restaurants (with or without drive-throughs) are not a permitted use. B2 Commercial is an appropriate zone for the subject site. The subject site is one of only a few properties that have not been rezoned for commercial uses along the Skokie side of this section of Touhy Avenue over the past 10 years. Most of the properties that have been redeveloped within this area have been rezoned to B2. The B2 zoning provides for those establishments whose general characteristics are compatible with adjacent residential districts, but whose service area may extend outside the immediate neighborhood of the facility.</td>
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STAFF REPORT 2019-02P: Zoning Map Amendment

Community Development Department
Council Chambers, 7:30 PM, March 21, 2019

To: Paul Luke, Chairman, Skokie Plan Commission
From: Mike Voitik, Associate Planner
Re: 2019-02P: Zoning Map Amendment
3720 Touhy Avenue and 7227 Hamlin Avenue

Related Cases – 2019-03P: Subdivision
2019-04P: Site Plan Approval
2019-05P: Special Use Permit
2019-06P: Special Use Permit

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<th>General Information</th>
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<tr>
<td><strong>Location</strong></td>
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<td><strong>Purpose</strong></td>
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<td><strong>Petitioner</strong></td>
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<td><strong>Size of Site</strong></td>
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<td><strong>Existing Zoning &amp; Land Use</strong></td>
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| Adjacent Zoning & Land Use | North | M3 Industry – emergency response, office and administrative service, sports and recreation education, vacant commercial space |
| | South | M3 Industry – automotive fuel station, car wash MB Manufacturing and Business (Village of Lincolnwood) – electronics and appliances repair or service, clinic, vacant industrial building |
| | East | B2 Commercial – department store, limited service restaurant with drive-through |
| | West | R3 Residential (Village of Lincolnwood) – detached residences |

Comprehensive Plan
The site is designated as manufacturing/service employment.
PETITIONER’S SUBMITTAL

The petitioners are requesting to change the zoning district for 3720 Touhy Avenue and 7227 Hamlin Avenue from M3 Industry to B2 Commercial. The petitioners desire to rezone the subject site, which presently contains a vacant lot at 3720 Touhy and a vacant industrial building at 7227 Hamlin Avenue to B2 Commercial in order to redevelop both properties into a shopping center containing a limited service restaurant with 2 drive-through lanes and outdoor dining (cases 2019-05P and 2019-06P) and a commercial building. The property at 3721 Chase Avenue, which has already been rezoned from M3 to B2 to allow for the existing CrossFit Factorial business to occupy the building (case 2016-32P) will also be included under the planned development (case 2019-04P). The building on that site will be remodeled into a medical clinic.

STAFF ANALYSIS

Comments

All pertinent departments and divisions were offered an opportunity to comment on this case. Other than the Planning Division comments below, all others did not respond or approved the request without comment.

Planning Division

The Planning Division has reviewed the submitted material and supports the proposed zoning map amendment to allow for the proposed site plan approval for the planned development. Although the proposed zoning map amendment is not consistent with the land use designation in the Comprehensive Plan, it is consistent with the trend of zoning changes and commercial development along the north and south sides of Touhy Avenue from Hamlin Avenue to Kedzie Avenue over the past 30 years. The subject site is one of only a few properties that have not been rezoned for commercial uses along the Skokie side of Touhy during that time period.

The subject site was initially zoned C Single Family in 1946. At some point between 1952 and 1955, the subject site was rezoned to M3 Industry.

The 3720 Touhy Avenue property was undeveloped until 1968, when an industrial building was constructed at the site. The building was expanded in 1974 and torn down in 2018. A single-family residence was constructed at the west end of the 7227 Hamlin Avenue property sometime between 1938 and 1951. The initial portion of the existing industrial building at that site was constructed to the east of the house in 1955. In 1981-1982, the house was demolished and the building was expanded to its current configuration. The building has been vacant since 2016, awaiting redevelopment.

Current surrounding uses include an ambulance company, an office and administrative service, a sports and recreation education business, vacant commercial space, an automotive fuel station, a car wash, a cell phone store, a
clinic, a vacant industrial building, a department store, a limited service restaurant with drive-through, and detached residences. The trend in development in the general area over the past 25 years has been toward commercial uses along the north and south sides of Touhy Avenue from Hamlin Avenue to Kedzie Avenue, industrial uses to the north of the subject site, and residential uses to the west of the subject site.

STAFF RECOMMENDATIONS

Staff recommends that the petitioners’ request to amend the zoning map to change the zoning district for 3720 Touhy Avenue and 7227 Hamlin Avenue from M3 Industry to B2 Commercial be **GRANTED**, subject to the attached Proposed Positive Findings of Fact.

ATTACHMENTS

1. Proposed Positive Findings of Fact for 2019-02P
2. Land Use and Zoning Map
Plan Commission Meeting Minutes
Date:  March 21, 2019

A motion was made by Commissioner S. Berman and seconded by Commissioner J. Burman to approve the minutes of the February 21, 2019 meeting.

Case Description

2019-02P - Zoning Map Amendment: 3720 Touhy Avenue and 7227 Hamlin Avenue
Skokie Development, LLC, on behalf of 3720 Property Owner, LLC, and 7227 Property Owner, LLC, requests to amend the zoning map to change the zoning district for 3720 Touhy Avenue and 7227 Hamlin Avenue from M3 Industry to B2 Commercial

2019-03P - Subdivision: 3720 Touhy Avenue, 7227 Hamlin Avenue, and 3721 Chase Avenue
Skokie Development, LLC, on behalf of 3720 Property Owner, LLC, 7227 Property Owner, LLC, and 3721 Property Owner, LLC, requests a resubdivision of 5 lots into 4 lots in a B2 Commercial district with a 17.00 foot-wide dedication along Touhy Avenue and a 12.00 foot-wide dedication along Chase Avenue, and any relief that may be discovered during the review of this case.

2019-04P - Site Plan Approval: 3720 Touhy Avenue, 7227 Hamlin Avenue, and 3721 Chase Avenue
Skokie Development, LLC, on behalf of 3720 Property Owner, LLC, 7227 Property Owner, LLC, and 3721 Property Owner, LLC, requests a site plan approval for a 4-lot planned development in a B2 Commercial zoning district that includes a multi-tenant commercial building, a limited service restaurant with 2 drive-through lanes, a repurposed industrial building that will contain a clinic and outpatient care center, surface parking, and storm water detention at 3720 Touhy Avenue, 7227 Hamlin Avenue, and 3721 Chase Avenue, relief from §82-28(b)(1) to allow wall signs facing a parking lot even though the buildings have street frontage, and any other relief that may be discovered during the review of this case.

2019-05P - Special Use Permit: 3754 Touhy Avenue
Skokie Development, LLC, on behalf of 3720 Property Owner, LLC, 7227 Property Owner, LLC, and 3721 Property Owner, LLC, requests a special use permit for a limited service restaurant with a 2-lane drive-through in a B2 Commercial zoning district, relief from §82-22(b)(1) to allow sign lettering to project above the physical dimensions of a canopy, and any relief that may be discovered during the review of this case.

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Skokie Development, LLC, on behalf of 3720 Property Owner, LLC, 7227 Property Owner, LLC, and 3721 Property Owner, LLC, requests a special use permit for outdoor dining associated with a limited service restaurant with a 2-lane drive through in a B2 Commercial zoning district, and any relief that may be discovered during the review of this case.
Discussion and Interested Parties

Legal notice was advertised, posted, and delivered to property owners in the area as prescribed by the Zoning Chapter. After confirming that 3 addresses which were left off the notarized affidavit were in fact mailed out by March 6, 2019, it was determined by Corporation Counsel that notice was proper and correct.

As all 5 cases pertain to the same site, they were discussed together but voted on separately.

Mr. Tim Hague of Keystone Ventures on behalf of Skokie Development, LLC presented the cases. Mr. Michael Werthmann, senior staff member of KLOA spoke about the traffic circulation patterns.

Based on the trend towards commercial developments in this area, the subject site is one of a few properties that have not been rezoned for commercial uses. They propose to re-zone the properties at 3720 Touhy Avenue and 7227 Hamlin from M1 Industry to B2 Commercial and redevelop a 4¼ acre site west of Touhy Marketplace into a shopping center containing a limited service restaurant with a 2-lane drive-through facility and an outdoor dining component (Building B), a multi-tenant commercial building (Building A) facing Touhy Avenue and a building at 3721 Chase Avenue to be renovated for a single-tenant medical facility, which has already gone through the re-zoning process a couple of years ago.

The subdivision will allow the 5 lots to become a 4-lot planned development with lot 1 being a Buona Restaurant with a drive-through, lot 2 for common parking and underground stormwater detention, lot 3 is the north building for the medical facility with parking and cross access to the Walmart site, and lot 4 will be for the multi-tenant building. Land dedications will also be included to widen Touhy and Chase Avenues as required by Village Code. The widened Touhy Avenue will also increase the width of the parkway and allow for the extension of the multi-use path. The Chase Avenue land dedication will allow the sidewalk to become aligned with the existing sidewalk and add a parkway with trees and grass.

Mr. Hague displayed building elevations and renderings for each. Building “A” along Touhy Avenue has no known tenants yet but could contain retail and restaurant uses. Building “C” will utilize the existing shell for the medical facility but they are still working through the design elements.

A commissioner noted that the entrance for the building facing Touhy will be on the north side and faux frosted windows will appear fronting Touhy Avenue. Mr. Hague mentioned that all elevations will be treated as fronts. A secondary entrance on the south side will be suggested and encouraged but stated that most occupants have security concerns with dual entrances.
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Mr. Werthmann talked about the traffic movement, access points, and cross-easements with the Walmart development. Touhy Avenue is under the jurisdiction of IDOT; therefore, plans have been additionally submitted to them for approval for the expansion of the Touhy Avenue ROW. Discussions with Lincolnwood are underway as well.

A commissioner commented that he sees a potential back-up of traffic at Hamlin Avenue because of the point of cross easement and the area is loaded with illegally parked semi-trucks. Mr. Werthmann does not see the internal circulation as an issue.

Another commissioner added his concern as well. The Walmart lot is dangerous to navigate and impossible to make a left turn to get out; especially on weekends. Mr. Werthmann stated that it was deliberate not to have direct access from the Walmart lot as a means to calm traffic in the lot. Staff agreed and disclosed that they designed the Walmart parking lot to prevent everyone from rushing to the traffic light for the same reason.

At the June 13, 2018 and March 13, 2019 Appearance Commission meetings, the proposal was approved with relief needed for the number of signs, the lettering mounted above the canopy, and for wall signs facing the parking lot as well as the street.

Mr. Hague gave a brief history of the Buona restaurant chain serving fast casual food in a family environment since 1980. They will not open before 10:30 or 11:00 AM with lunch time on Monday–Friday as their peak time. The north side drive-through has enough stacking space for 17 vehicles with 2 order boards. Each order is hand made at the time of ordering. There are 3 waiting stations north of the drive-through aisle for orders that are not ready by the time the vehicle reaches the end of the lane.

The Buona outdoor dining area located on the south side, with space for 20 patrons, is east of the entrance. It can only be accessed from inside the restaurant. They will comply with regulations for their hours and open seasons.

Staff requested that the reports be entered into the record as presented with the additional condition to the site plan approval that tenant choices on the part of the developer do not constitute hardship for the purpose of zoning variances or relief. The tenant choices affect the parking requirement.

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minute addition and all they know is that the entrance will be at the center of the western elevation.

A commissioner commented that a lot is being crammed onto the site and asked staff if they were OK with the 20 handicap parking spaces all in the center aisle of the medical facility parking lot which will push people to the Buona parking area. As the number of employees is not known yet, he suggested as part of the cross-easement agreement, perhaps this developer can have their employees' park at the western edge of the adjacent Walmart lot since it has parking beyond what they need. Mr. Hague has asked but Walmart was not agreeable to that arrangement.

The Community Development director stated that parking is determined by square footage and not by number of employees. Staff added that the employees should be parking where the stormwater detention area is located.

Another commissioner questioned whether requiring trash receptacles and policing the area for trash at the restaurant site was included in the staff report. He also inquired about sound provisions and lights at the drive-through. Staff answered that all are listed as conditions of the special use. Lights are covered under the overall development.

A commissioner asked if enforcement measures can be taken so that there will be no long term parking of semi-trucks in the easement on the Walmart site. Staff answered that the issue is off this site but inspection and enforcement by the Property Standards Division of the Walmart site would remind them that the access easement needs to remain open.

**Recommendations and Voting**

**Case 2019-02P**
A motion was made to approve, as presented, the re-zoning request to change the zoning district for 3720 Touhy Avenue and 7227 Hamlin Avenue from M3 Industry to B2 Commercial.

**Motion:** J. Burman  
**Second:** S. Berman  
**Absent:** G. Mitchell

Ayes: 8  
Nays: 0

**Case 2019-03P**
A motion was made to approve, as presented, a request for a resubdivision of 5 lots into 4 lots in a B2 Commercial district with a 17-foot wide dedication along Touhy Avenue and a 12-foot wide dedication along Chase Avenue.

**Motion:** D. Laxpati  
**Second:** S. Berman  
**Absent:** G. Mitchell

Ayes: 8  
Nays: 0

**Case 2019-04P**
A motion was made to approve the request for site plan approval for a 4-lot planned development in a B2 Commercial zoning district that includes a multi-tenant commercial building, a limited service restaurant with 2 drive-through lanes, a repurposed industrial building that will contain a clinic and outpatient care center, surface parking, and storm water detention at 3720 Touhy Avenue, 7227 Hamlin Avenue, and 3721 Chase Avenue, and relief to allow wall signs facing a parking lot even though the buildings have street frontage. An additional condition was added which states that tenant choices on the part of the developer do not constitute a hardship for the purpose of zoning variances or relief.

Motion: C. Franklin  Second: R. Mathee  Absent: G. Mitchell

Ayes: 8  
Nays: 0

Case 2019-05P
A motion was made to approve the request, as presented, for a special use permit for a limited service restaurant with a 2-lane drive-through in a B2 Commercial zoning district and relief to allow sign lettering to project above a canopy.

Motion: D. Laxpati  Second: S. Berman  Absent: G. Mitchell

Ayes: 8  
Nays: 0

Case 2019-06P
A motion was made to approve the request, as presented, for a special use permit for outdoor dining associated with a limited service restaurant with a 2-lane drive-through in a B2 Commercial zoning district.

Motion: J. Burman  Second: S. Berman  Absent: G. Mitchell

Ayes: 8  
Nays: 0
PLAN COMMISSION REPORT 2019-03P: Subdivision

To: Mayor and Board of Trustees
From: Paul Luke, Chairman
Case: 2019-03P: Subdivision
3720 Touhy Avenue, 7227 Hamlin Avenue, and 3721 Chase Avenue

Related Cases –
2019-02P: Zoning Map Amendment
2019-04P: Site Plan Approval
2019-05P: Special Use Permit
2019-06P: Special Use Permit

PLAN COMMISSION ANALYSIS

At its March 21, 2019, meeting, the Plan Commission heard the request of Skokie Development, LLC, on behalf of 3720 Property Owner, LLC, 7227 Property Owner, LLC, and 3721 Property Owner, LLC, to resubdivide 5 lots into 4 lots in a B2 Commercial district. Lot 1 will contain a Buona Beef limited service restaurant with 2 drive-through lanes and outdoor dining (cases 2019-05P and 2019-06P). Lot 2 will contain a portion of the common parking spaces and driveways for the entire planned development (case 2019-04P). Lot 3 will contain a medical clinic. Lot 4 will contain a commercial building.

The subdivision will include 2 dedications. A 17.00 foot-wide right-of-way dedication is requested along Touhy Avenue in order to widen the Village’s side of Touhy to a width of 50 feet, as required by Village Code. This dedication will also increase the width of the parkway, allowing for the westward extension of the existing multiuse path that terminates just east of the subject site. A 12.00 foot-wide dedication along Chase Avenue is requested in order to widen the south half of Chase to 33 feet as required by Village Code. The existing public sidewalk running along the south side of Chase will be shifted further to the south, placing it in alignment with the existing sidewalk to the east. A parkway will be added between the relocated sidewalk and the street and will contain grass and trees.

The Plan Commission concurred with Staff’s recommendation to grant the subdivision approval subject to conditions.

INTERESTED PARTIES

Legal notice was properly posted, advertised, and delivered to all property owners in the area of the subject site as prescribed by the Zoning Chapter. No interested parties spoke regarding the case.
PLAN COMMISSION RECOMMENDATIONS AND VOTING

The Plan Commission recommends by a vote of 8 ayes and 0 nays, with 1 member absent, that the petitioners’ request to 5 lots into 4 lots with a 17.00 foot-wide dedication along Touhy Avenue and a 12.00 foot-wide dedication along Chase Avenue in a B2 Commercial district be APPROVED, subject to the attached recommended conditions.

ATTENDANCE

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<th>AYES</th>
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<th>ABSENT</th>
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<tr>
<td>Mitchell</td>
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<td>Mathee</td>
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<td>Luke</td>
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ATTACHMENTS

1. Plan Commission Recommended Conditions, dated April 15, 2019
2. Staff Report, dated March 21, 2019
3. Plan Commission Meeting Minutes for March 21, 2019
4. Buona Skokie Subdivision, dated March 14, 2019
5. ALTA/ACSM Land Title Survey for 3720 Touhy Avenue, dated September 21, 2016
6. ALTA/NSPS Land Title Survey for 7227 Hamlin Avenue, dated October 13, 2017
7. ALTA/NSPS Land Title Survey for 3721 Chase Avenue, dated April 16, 2016
8. Land Use and Zoning Map
1. The property must be subdivided pursuant to the Buona Skokie Subdivision, dated March 14, 2019, and as may be further revised with the approval of the Village Manager, or designee, and Corporation Counsel.

2. Upon the passage of the ordinance by the Board of Trustees, the Mylar of the Buona Skokie Subdivision must be submitted to the Village with all signatures other than Village staff or elected officials.

3. The Buona Skokie Subdivision shall be effective upon its recording by the Village in the Office of the Recorder of Deeds of Cook County, Illinois.

4. All monuments must be set no later than 1 year after the date of the recording of the plat.

5. If work is to be performed on public property or if public property is utilized or impacted during construction and or development, the owners must provide, or must cause the developer and/or contractor to provide, the Village of Skokie with a certificate of insurance naming the Village of Skokie as additionally insured for any and all claims related to any and all work. The owners shall hold, and shall cause the developer and/or contractor to hold, the Village of Skokie harmless and indemnify the Village for any and all claims for property damage or personal injury related to work on or use of public property.

6. The petitioner must comply with all Federal and State statutes, laws, rules and regulations and all Village codes, ordinances, rules, and regulations.
STAFF REPORT  
2019-03P: Subdivision

To: Paul Luke, Chairman, Skokie Plan Commission
From: Mike Voitik, Associate Planner
Re: **2019-03P: Subdivision**
3720 Touhy Avenue, 7227 Hamlin Avenue, and 3721 Chase Avenue

Related Cases –
- 2019-02P: Zoning Map Amendment
- 2019-04P: Site Plan Approval
- 2019-05P: Special Use Permit
- 2019-06P: Special Use Permit

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<th><strong>General Information</strong></th>
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<td><strong>Location</strong></td>
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<td><strong>Purpose</strong></td>
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<td><strong>Petitioner</strong></td>
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<td><strong>Size of Site</strong></td>
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<td><strong>Existing Zoning &amp; Land Use</strong></td>
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<td><strong>Adjacent Zoning &amp; Land Use</strong></td>
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<td><strong>Comprehensive Plan</strong></td>
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SITE INFORMATION

- Public sidewalks run along Touhy Avenue, Hamlin Avenue, and Chase Avenue.
- Driveways provide access to the subject site from Touhy Avenue, Hamlin Avenue, and Chase Avenue.
- Overhead utilities run within the south side of and within and adjacent to the west side of the 7227 Hamlin Avenue property. Overhead utilities also run along a portion of the east side of the 3721 Chase Avenue property.
- The site is directly served by the Pace 290 Touhy Avenue bus.

PETITIONER’S SUBMITTAL

The petitioners are requesting to resubdivide 5 lots into 4 lots in a B2 Commercial district. Lot 1 will contain a Buona Beef limited service restaurant with 2 drive-through lanes and outdoor dining (cases 2019-05P and 2019-06P). Lot 2 will contain a portion of the common parking spaces and driveways for the entire planned development (case 2019-04P). Lot 3 will contain a medical clinic. Lot 4 will contain a commercial building.

The subdivision will include 2 dedications. A 17.00 foot-wide right-of-way dedication is requested along Touhy Avenue in order to widen the Village’s side of Touhy to a width of 50 feet, as required by Village Code. This dedication will also increase the width of the parkway, allowing for the westward extension of the existing multiuse path that terminates just east of the subject site. A 12.00 foot-wide dedication along Chase Avenue is requested in order to widen the south half of Chase to 33 feet as required by Village Code. The existing public sidewalk running along the south side of Chase will be shifted further to the south, placing it in alignment with the existing sidewalk to the east. A parkway will be added between the relocated sidewalk and the street and will contain grass and trees.

STAFF ANALYSIS

Comments

All pertinent departments and divisions were offered an opportunity to comment on this case. Other than the Planning Division comments below, all others did not respond or approved the request without comment.

Planning Division

The Planning Division supports the proposed subdivision. The subdivision is required to be heard by the Plan Commission because the subject site is 4 acres or greater in size. The dedication of Touhy Avenue will be directed to the Illinois Department of Transportation because it has jurisdiction over the Touhy right-of-way within this area.
STAFF RECOMMENDATIONS

Staff recommends that the petitioners’ request to resubdivide 5 lots into 4 lots in a B2 Commercial district be APPROVED subject to the conditions listed below.

RECOMMENDED SUBDIVISION CONDITIONS

1. Upon the passage of the ordinance by the Board of Trustees, the Mylar of the Buona Skokie Subdivision must be submitted to the Village with all signatures other than Village staff or elected officials.

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PINs: 10-26-318-016-0000, 10-26-318-024-0000, 10-26-318-026-0000, 10-26-318-027-0000, and 10-26-318-028-0000

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The Community Development director stated that parking is determined by square footage and not by number of employees. Staff added that the employees should be parking where the stormwater detention area is located.

Another commissioner questioned whether requiring trash receptacles and policing the area for trash at the restaurant site was included in the staff report. He also inquired about sound provisions and lights at the drive-through. Staff answered that all are listed as conditions of the special use. Lights are covered under the overall development.

A commissioner asked if enforcement measures can be taken so that there will be no long term parking of semi-trucks in the easement on the Walmart site. Staff answered that the issue is off this site but inspection and enforcement by the Property Standards Division of the Walmart site would remind them that the access easement needs to remain open.

Recommendations and Voting

Case 2019-02P
A motion was made to approve, as presented, the re-zoning request to change the zoning district for 3720 Touhy Avenue and 7227 Hamlin Avenue from M3 Industry to B2 Commercial.

Motion:  J. Burman        Second:  S. Berman        Absent:  G. Mitchell

Ayes: 8
Nays: 0

Case 2019-03P
A motion was made to approve, as presented, a request for a resubdivision of 5 lots into 4 lots in a B2 Commercial district with a 17-foot wide dedication along Touhy Avenue and a 12-foot wide dedication along Chase Avenue.

Motion:  D. Laxpati   Second:  S. Berman      Absent:  G. Mitchell

Ayes: 8
Nays: 0

Case 2019-04P
A motion was made to approve the request for site plan approval for a 4-lot planned development in a B2 Commercial zoning district that includes a multi-tenant commercial building, a limited service restaurant with 2 drive-through lanes, a repurposed industrial building that will contain a clinic and outpatient care center, surface parking, and storm water detention at 3720 Touhy Avenue, 7227 Hamlin Avenue, and 3721 Chase Avenue, and relief to allow wall signs facing a parking lot even though the buildings have street frontage. An additional condition was added which states that tenant choices on the part of the developer do not constitute a hardship for the purpose of zoning variances or relief.

Motion:  C. Franklin  Second:  R. Mathee   Absent:  G. Mitchell
Ayes: 8
Nays: 0

Case 2019-05P
A motion was made to approve the request, as presented, for a special use permit for a limited service restaurant with a 2-lane drive-through in a B2 Commercial zoning district and relief to allow sign lettering to project above a canopy.

Motion:  D. Laxpati  Second:  S. Berman   Absent:  G. Mitchell
Ayes: 8
Nays: 0

Case 2019-06P
A motion was made to approve the request, as presented, for a special use permit for outdoor dining associated with a limited service restaurant with a 2-lane drive-through in a B2 Commercial zoning district.

Motion:  J. Burman  Second:  S. Berman   Absent:  G. Mitchell
Ayes: 8
Nays: 0
To: Mayor and Board of Trustees
From: Paul Luke, Plan Commission Chairperson
Re: 2019-04P: Site Plan Approval
Touhy-Hamlin Commercial Development

Related Case – 2019-02P: Zoning Map Amendment
2019-03P: Subdivision
2019-05P: Special Use Permit
2019-06P: Special Use Permit

PLAN COMMISSION ANALYSIS

During its March 21 2019, meeting, the Plan Commission heard a request for site plan approval for a 4-lot planned development in a B2 Commercial zoning district that includes a 10,500 ft² multi-tenant commercial building, a 4,700 ft² Buona limited service restaurant with 2 drive-through lanes, a 31,860 ft² repurposed industrial building that will contain a clinic and outpatient care center, surface parking, and storm water detention, relief from §82-28(b)(1) to allow wall signs facing a parking lot even though the buildings have street frontage, and any other relief that may be discovered during the review of this case.

It is the petitioner’s intent to redevelop the site west of Touhy Marketplace into a 3-building shopping center. The northern portion of the reused building will be removed and be used for additional surface parking. The parking layout may be adjusted to reflect possible additional ADA parking spaces; this is still subject to review by the State and Village. A driveway connection to the Touhy Marketplace shopping center to the east will provide access to the traffic light at Touhy and Lawndale. The multiuse path on the north side of Touhy will be extended, and the sidewalk will be realigned with a parkway added to the Touhy Marketplace sidewalk south side of Chase. A significant number of jobs will be added to this continually revitalized portion of the Village.

There are 252 proposed off-street parking spaces on the site plan, but further adjustments may be necessary after determining the number and design of the ADA spaces needed for the outpatient care center.

Discussion from the commissioners included the use and treatment of the portions of the building fronting Touhy, traffic circulation from Touhy marketplace site and on Hamlin Avenue, overnight tuck parking on the Walmart property, the location of handicapped spaces, and the likely location of employee parking.

The Appearance Commission endorsed the relief for the number of signs, the lettering mounted above the canopy, and for wall signs facing the parking lot as well as the street.
The Board is encouraged to read the meeting minutes for the full discussion at the hearing.

INTERESTED PARTIES

Legal notice was advertised, posted, and delivered to property owners in the area as prescribed by the Zoning Chapter. It was determined by Corporation Counsel, after confirming that notices for 3 addresses which were left off the notarized affidavit were in fact mailed out by March 6, 2019, to be proper and correct. No interested parties spoke at the meeting.

APPEARANCE COMMISSION

At its June 13, 2018, and March 13, 2019, meetings, the Appearance Commission approved the proposed development as presented, and subject to a few conditions (cases 2018-016A, 2018-017A, and 2018-019A). The conditions have been addressed and are included in the development exhibits.

PLAN COMMISSION RECOMMENDATIONS AND VOTING

The Plan Commission recommended, by a vote of 8 ayes, 0 nays, and 1 absent, that the petitioner’s request for a 4-lot planned development in a B2 Commercial zoning district that includes a multi-tenant commercial building, a limited service restaurant with 2 drive-through lanes, a repurposed industrial building that will contain a clinic and outpatient care center, surface parking, and storm water detention at 3720 Touhy Avenue, 7227 Hamlin Avenue, and 3721 Chase Avenue be APPROVED as presented by Staff, with an additional condition that tenant choices on the part of the developer do not constitute a hardship for the purpose of zoning variances or relief, based upon the Plan Commission Positive Findings of Fact and subject to the recommended site plan approval conditions below.

The Plan Commission further recommended that relief be granted from the following sections of the Village Code:

- §82-22(b)(1) to allow sign lettering to project above the physical dimensions of a canopy;
- §82-28(b)(1)b. to allow wall signs facing a parking lot in addition to the wall signs allowed to face a street, respectively;
- §118-212(i)(1) to allow surface parking lot continuous curbing on the north side of the site to range from <to be determined by the final site plan> to 6’ rather than a minimum of 6’ as depicted on the approved site plan.
<table>
<thead>
<tr>
<th>ATTENDANCE</th>
<th>AYES</th>
<th>NAYS</th>
<th>ABSENT</th>
<th>ABSTAIN</th>
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<tbody>
<tr>
<td>Mathee (second)</td>
<td>X</td>
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<tr>
<td>J. Burman</td>
<td>X</td>
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<tr>
<td>Laxpati</td>
<td>X</td>
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<td>Franklin (moved)</td>
<td>X</td>
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<tr>
<td>Villegas</td>
<td>X</td>
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<tr>
<td>S. Berman</td>
<td>X</td>
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<td>Quane</td>
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<td>Mitchell</td>
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<td>X</td>
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<tr>
<td>Luke</td>
<td>X</td>
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**ATTACHMENTS**

1. Plan Commission Recommended Conditions for 2019-04P dated April 15, 2019
4. Minutes of Plan Commission Meeting, dated March 21, 2019
5. Staff parking analysis, dated March 14, 2019
6. Full Site Plan, dated February 11, 2019
7. Site Plan, dated April 5, 2019
8. Annotated Proposed Tree Protection Plan, dated February 28, 2019
9. Annotated Conceptual Landscape Plan, dated February 28, 2019
10. Signage Criteria for Retail Development – NEC Touhy & Hamlin, dated July 3, 2018
11. Proposed Conceptual Geometric Plan (Draft), dated October 5, 2018
12. Zoning and Land Use Map
1. Prior to the passage of an ordinance by the Board of Trustees, the petitioners must revise the site plan to:
   a. Adjust the north parking module southward another 6” and provide the dimensions from the property line to the back of the curb indicating the curb setback from the narrowest to the widest portion of the parking lot.
   b. Show the locations of all wayfinding signs
   c. Show proposed changes to Touhy Avenue re-striping and any curb or radius changes on Hamlin Avenue. Note that the west curb line on Hamlin Avenue is the limit of the Village of Skokie jurisdiction.
   d. Modify the site plan to include all required ADA accessible off-street parking spaces and indicate R7-8 and R7-I101 signs in front of each accessible parking space at least 2’ from the curb face. Note that the plan does not show the location of the main entrance door for the medical facility; this may impact removal of parking spaces and location of ADA spaces.
   e. Adjust the bicycle parking as follows: **Buona:** Space racks 4’ apart on center and center east-west between curbs. Length of rack needs to be minimum 3’ from face curbs. **Retail A:** Space racks 4’ apart on center and rotate 90 degrees to provide required 5’ access aisle to 6’-deep space. Length of rack needs to be minimum 5’ from face of loading space curb. **Medical (north):** space racks 4’ apart on center and center north-south between curbs. Length of rack needs to be minimum 3’ from face curbs. **Medical (south):** Consider making racks parallel, rather than in a line. Length of rack needs to be minimum 3’ from face of curb to the north and spaces must be clear of 5’ walks.

2. Prior to the passage of ordinance by the Board of Trustees, the petitioners must add the four existing trees in the proposed north parking lot to the removals list (subject to site plan modifications in Condition 1a) and save and protect tree #8 on the survey on the Proposed Tree Removal Plan.

3. Prior to the passage of ordinance by the Board of Trustees, the petitioners must revise the landscape plan to show the respacing of parkway trees and provide landscape parking lot screening per Forestry Division comments.

4. The petitioner shall develop the Subject Property in substantial conformance with the final Village approved site plans dated <insert date of final approved plan>, engineering plans dated <insert date of final approved plan>, landscape plans dated <insert date of final approved plan>, sign plans dated
5. The petitioner acknowledges that shortages in parking caused by choices in the mix of tenants on the site are a self-imposed hardship and shall not constitute justification for future parking relief or variation.

6. Prior to the issuance of building permits, the petitioner shall submit for approval a lighting photometrics plan, fully developed civil engineering plans that comply with the county WMO requirements and Village’s stormwater control provisions, and redevelopment engineering plans to address all aspects of private and public utility services. Any reconfigurations within state ROW will require an IDOT highway/utility permit. (Standard)

7. New parking lot and exterior lighting shall meet Illuminating Engineering Society of North America (IES) standards, be full cut-off design, and be directed away from adjacent properties, subject to the approval of the Engineering Division. (Standard)

8. All existing damaged public sidewalks or public sidewalks damaged due to the implementation of this plan shall be replaced (Standard)

9. No objects are allowed within a 10’ sight distance triangle in R1, R2, R3, and R4 districts, or within a 15’ sight distance triangle in all other districts, between 30" and 84" in height from grade except traffic control devices listed in the Manual on Uniform Traffic Control Devices. (Standard)

10. Prior to the issuance of building permits, the petitioner shall submit a temporary pedestrian, bicycle, and transit circulation plan, including routing, signage, and barriers, to be in place prior to the commencement of construction, subject to the approval of the Engineering Division. (Standard)

11. All fencing, walls, sidewalks, driveways, curbs, wheel stops, parking areas, signage, landscaping, structures, and any other facilities or infrastructure on the Subject Property shall be maintained in a good state of repair, and when needed, be repaired or replaced in a timely manner. (Standard)

12. All private and public sidewalks shall be maintained free of snow, ice, sleet, or other objects that may impede travel. (Standard)

13. Trash shall only be allowed within a designated trash enclosure and shall be screened from public view in an enclosure approved by the Appearance Commission. All trash shall be contained in such a way as to remain out of sight at all times, except for waste receptacles referenced in Condition Number XX below. (Standard)

14. Waste receptacles shall be placed on the Subject Property for the use of customers, and that the Health Department shall determine the size, type, and location of these units. (Standard)

15. All off-street parking spaces shall be legibly striped and maintained. (Standard)

16. Any plan to modify parking lot striping must be approved by the Director of Engineering. (Standard)
17. The proposed development shall have a minimum of X off-street vehicle parking spaces including X handicapped parking spaces, as indicated on the Subject Property plan dated XXX. (Standard)

18. The handicapped parking spaces shall be installed and maintained in compliance with State of Illinois Accessibility Standards and the Skokie Village Code, including required signage. (Standard)

19. Vehicles shall not be allowed to be parked in or otherwise block common driveways, sidewalks, aisles, or other points of access at any time, shall only be parked in designated parking spaces, and shall not overlap the striped lines of designated parking spaces. (Standard)

20. The owner of the Subject Property and its tenants shall ensure that employees park on the Subject Property. (Standard)

21. No required parking space on the site may be for the exclusive use of any tenant. (Standard)

22. Prior to issuance of building permits, the petitioner shall submit evidence of issuance of permits for the construction and operation of the water main and associated equipment by the Illinois Environmental Protection Agency (IEPA) or provide a determination by IEPA that such permits are not required. Water mains that feed multiple building structures and/or create a "looped" system that require an IEPA permit will also require an easement and custodial agreement with the Village. (Standard)

23. All overhead utilities on the Subject Property or in adjacent right-of-way shall be placed or relocated underground. The petitioner shall bear the full cost of any utility relocation and/or conflicts. (Standard)

24. The petitioner shall sign an "Agreement for Installation and Maintenance of Landscaping" to assure that the Subject Property and parkway landscaping is completed and maintained, including trimming, watering, and replacing of dead plant materials in a timely manner in accordance with the final approved landscape plan. A copy of said Agreement is attached hereto, marked Exhibit "A" and hereby made part of this Ordinance. This "Agreement for Installation and Maintenance of Landscaping" shall be recorded at the petitioner's expense. (Standard)

25. All new construction, alterations, and remodeling shall meet current International Building and NFPA Life Safety Codes as amended. (Standard)

26. The petitioner shall obtain all required permits and approvals for improvements to County, State, or Federal rights-of-way from the governing jurisdiction. (Standard)

27. The Subject Property must conform to the Village's storm water control requirements as contained in the Skokie Village Code, including the disconnection of any downspouts. (Standard)

28. All signage shall conform to the Skokie Village Code, except as provided in this ordinance. Any sign on the Subject Property that is in violation of that Code must be removed or modified to conform with the Village Code prior to the issuance of an
occupancy permit. (Standard)

29. All modifications to building elevations, signage, and landscaping shall be subject to the review and approval of the Skokie Appearance Commission. (Standard)

30. The petitioner shall submit to the Planning Division electronic files of the site plan and landscape plan in their approved and finalized form. (Standard)

31. Prior to the issuance of building permits, the petitioner shall submit to the Planning Division of the Community Development Department the name, property address, email address, and telephone number of the company and contact person responsible for site maintenance in compliance with this site plan approval. (Standard)

32. If work is to be performed on public property or if public property is utilized or impacted during construction and/or development, the owner shall provide, or shall cause the developer and/or contractor to provide, the Village of Skokie with a certificate of insurance naming the Village of Skokie as additionally insured for any and all claims related to any and all work. The owner shall hold, and shall cause the developer and/or contractor to hold, the Village of Skokie harmless and indemnify the Village for any and all claims for property damage or personal injury related to work on or use of public property. (Standard)

33. The petitioner shall comply with all Federal and State statutes, laws, rules and regulations and all Village codes, ordinances, rules, and regulations. (Standard)

34. Failure to abide by any and all terms of this Ordinance shall be cause for the Village to initiate hearings to determine whether the subject Ordinance, as well as any applicable business licenses, should be revised or revoked. The petitioner shall pay all costs related to any hearings conducted as a result of non-compliance with any of the provisions of the enabling ordinance. The costs shall include but not be limited to court reporter fees, attorney fees, and staff time required researching and conducting said hearing. (Standard)
### Consideration vs. Finding

<table>
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<tr>
<th>Consideration</th>
<th>Finding</th>
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<tbody>
<tr>
<td>The request is harmonious with and does not adversely affect adjacent properties.</td>
<td>The formerly industrial neighborhood is now almost exclusively commercial. As long as proposed improvements to the Touhy Avenue and Hamlin rights-of-way are made, adverse impacts should be minimal.</td>
</tr>
<tr>
<td>The request can demonstrate that adequate public facilities, including roads, drainage, utilities, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.</td>
<td>Adequate public facilities exist to serve the requested use as long as proposed improvements to the Touhy Avenue and Hamlin rights-of-way are made, and new stormwater control is provided.</td>
</tr>
<tr>
<td>The request demonstrates adequate provision for maintenance of the associated structures.</td>
<td>No problems are anticipated with respect to the maintenance of the associated structures.</td>
</tr>
<tr>
<td>The request has considered and, to the degree possible, addressed the adverse effects on the natural environment.</td>
<td>New stormwater detention will mitigate the effects of local flooding.</td>
</tr>
<tr>
<td>The request will not create undue traffic congestion.</td>
<td>Traffic congestion accommodated as long as proposed improvements to the Touhy Avenue and Hamlin rights-of-way are made.</td>
</tr>
<tr>
<td>The request will not adversely affect public health, safety, and welfare.</td>
<td>The request will not adversely affect public health, safety, and welfare.</td>
</tr>
<tr>
<td>The request conforms to all applicable provisions of this code, except where relief is granted with the request.</td>
<td>All applicable provisions of this code are conformed to, except where relief is granted with the request.</td>
</tr>
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</table>
To: Paul Luke, Chairman, Skokie Plan Commission
From: Steve Marciani, Planning Supervisor
Re: **2019-04P: Site Plan Approval**
   Touhy-Hamlin Commercial Development

**Related Case** –
- 2019-02P: Zoning Map Amendment
- 2019-03P: Subdivision
- 2019-05P: Special Use Permit
- 2019-06P: Special Use Permit

### General Information

<table>
<thead>
<tr>
<th><strong>Location</strong></th>
<th>3720 Touhy Avenue, 7227 Hamlin Avenue, and 3721 Chase Avenue</th>
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<tbody>
<tr>
<td><strong>Purpose</strong></td>
<td>A request for site plan approval for a 4-lot planned development in a B2 Commercial zoning district that includes a multi-tenant commercial building, a limited service restaurant with 2 drive-through lanes, a repurposed industrial building that will contain a clinic and outpatient care center, surface parking, and storm water detention, relief from §82-28(b)(1) to allow wall signs facing a parking lot even though the buildings have street frontage, and any other relief that may be discovered during the review of this case.</td>
</tr>
<tr>
<td><strong>Petitioner</strong></td>
<td>Skokie Development, LLC, on behalf of 3720 Property Owner, LLC, 7227 Property Owner, LLC, and 3721 Property Owner, LLC</td>
</tr>
<tr>
<td><strong>Size of Site</strong></td>
<td>179,965 square feet (4.13 acres) with frontage on Touhy Avenue, Hamlin Avenue, and Chase Avenue</td>
</tr>
<tr>
<td><strong>Existing Zoning &amp; Land Use</strong></td>
<td>B2 Commercial – vacant lot, vacant industrial building, sports and recreation education, vacant commercial space</td>
</tr>
<tr>
<td><strong>Adjacent Zoning &amp; Land Use</strong></td>
<td>North – M3 Industry – truck and freight transportation service, wholesale trade establishment, janitorial service</td>
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<td>South – M3 Industry – automotive fuel station, car wash</td>
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<td></td>
<td>MB Manufacturing and Business (Village of Lincolnwood) – electronics and appliances repair or service, clinic, vacant industrial building</td>
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<td>East – B2 Commercial – department store, limited service restaurant with drive-through</td>
</tr>
<tr>
<td></td>
<td>West – R3 Residential (Village of Lincolnwood) – detached residences</td>
</tr>
<tr>
<td><strong>Comprehensive Plan</strong></td>
<td>The site is designated as retail/service employment and single family detached residential.</td>
</tr>
</tbody>
</table>
SITE INFORMATION

- Public sidewalks run along Touhy Avenue, Hamlin Avenue, and Chase Avenue.
- Driveways provide access to the subject site from Touhy Avenue, Hamlin Avenue, and Chase Avenue.
- Overhead utilities run within the south side of and within and adjacent to the west side of the 7227 Hamlin Avenue property. Overhead utilities also run along a portion of the east side of the 3721 Chase Avenue property.
- The site is directly served by the Pace 290 Touhy Avenue bus.

Complete Streets

- A private property sidewalk connection should be made between the subject site and the sidewalk stub at the northeast corner of Wendy’s to the east.
- Existing sidewalks are available on Touhy, Hamlin, and Chase Avenues. The existing Touhy sidewalk is to be relocated and widened to 8’ to become a multi-use path, aligning with the existing path to the east.
- The existing Chase sidewalk is to be relocated, aligning with the existing sidewalk to the east. ADA ramps and tactile pads will need to be installed at the northeast corner, and possibly other corners, of the Touhy/Hamlin intersection, depending on the intersection improvements needed to facilitate the redevelopment of the subject site.
- Nearby formal bicycle accommodations are the multi-use path in front of Wendy’s and the Touhy Marketplace development to the east, the East Prairie Road bike route to the west, and the Howard Street bike lane/path to the north. In addition, the Skokie Northshore Sculpture Park trail is ½-mile east of the subject site.
- The subject site is served by Pace Bus Route 290 on Touhy. Pace Bus Route 215 is currently 0.5-mile to the north; however, this route may be realigned.
- Subject property is within walking distance of residential neighborhoods, services, shopping, and schools.
- Emergency and business delivery access is available from Touhy, Hamlin, and Chase Avenues.

PETITIONER’S SUBMITTAL

The petitioners are requesting site plan approval for a 4-lot planned development in a B2 Commercial zoning district that includes a multi-tenant commercial building, a Buona limited service restaurant with 2 drive-through lanes, an industrial building that will be a Lurie Children’s Hospital outpatient care center, surface parking, and storm water detention, relief from §82-28(b)(1) to allow wall signs facing a parking lot even though the buildings have street frontage, and any other relief that may be discovered during the review of this case.

In the applicant’s Statement of Effects, the petitioner contends the followings:
**Propose Use:** Skokie Development, LLC is proposing to redevelop three (3) contiguous properties located at 3720 Touhy Avenue, 7227 Hamlin Avenue and 3721 Chase Avenue. All existing improvements at 3720 Touhy and 7227 Hamlin will be demolished. The existing building at 3721 Chase will be renovated. The proposed redevelopment will include three (3) building structures: a new 4,700 square foot restaurant building with a drive-through for Buona Restaurants; a new 10,500 square foot building multi-tenant retail/restaurant building; and the renovated 31,860 square foot 3721 Chase Avenue building. The proposed development will be served with street access from Touhy Avenue, Hamlin Avenue and Chase Avenue, and include cross-access with the adjacent Walmart/Touhy Marketplace development to the east. The proposed development will include on-site parking for 261 parking spaces.

**Proposed Use upon the Character of the Neighborhood:** Recently several properties located between Touhy Avenue and Chase Avenue have been redeveloped from industrial uses to new retail/service employment uses. These projects include adjacent Walmart/Touhy Marketplace development, XSport Fitness, and the Mariano’s shopping center development. Skokie Development, LLC is proposing to redevelop older industrial properties with new retail, restaurant, medical, and service uses, similar to the trend and referenced development projects.

**Surrounding Property Values:** As the older industrial properties located between Touhy Avenue and Chase Avenue have continued to be redeveloped to their highest and best use with new retail, restaurants, and service uses, these properties have experienced increased property values. The proposed redevelopment will continue this trend, and the new retail, restaurant and service uses introduced will provide new goods and services to the neighborhood, having a positive effect upon surrounding property values.

**Traffic Conditions:** The development site is located in the northeast quadrant of the intersection of Touhy Avenue and Hamlin Avenue. It is bounded by Chase Avenue on the north, the Walmart/Touhy Marketplace shopping center on the east, Touhy Avenue on the south, and Hamlin Avenue on the west. Touhy Avenue is an east-west minor arterial roadway with two through lanes in each direction in the vicinity of the site. Touhy Avenue is under the jurisdiction of Illinois Department of Transportation (IDOT) and carries an annual average daily traffic volume (AADT) of 25,800 vehicles as reported by IDOT in 2014, and has posted speed limit of 35 miles per hour. A parking lane is provided on the north and south side of Touhy Avenue, west of Hamlin Avenue. Parking is not permitted on either side of Touhy Avenue east of Hamlin Avenue. Hamlin Avenue is a north-south collector road with one lane in each direction. Hamlin Avenue is under the jurisdiction of the Village of Skokie to the north of Touhy Avenue and the Village of Lincolnwood to the south of Touhy Avenue. North of Touhy Avenue, Hamlin Avenue is classified as a minor collector road by IDOT, and carries an AADT of 1,800 vehicles. Parking on Hamlin Avenue is prohibited on the west side of the road and permitted on the east side, except on weekdays between 7 AM and 6 PM, to the north of Touhy Avenue. Chase Avenue is an east-west local roadway, under the jurisdiction of the Village of Skokie. Parking is permitted on the north side of Chase Avenue but prohibited on the south side.

Access to the development will continue to be provided from the existing full-movement driveways on Touhy Avenue, Hamlin Avenue and Chase Avenue. On Touhy Avenue, the driveway is opposite Ridgeway Avenue. On Hamlin Avenue, the two former Bosworth Company driveways will be consolidated into a single driveway. On Chase Avenue, the driveway serving the existing commercial at the north end of the site will remain. Further, a cross-access connection will be provided between the proposed development and the existing Walmart/Touhy Marketplace development to the east.

Kenig, Lindgren, O’Hara, Aboona, Inc. (KLOA) prepared a Traffic Impact Study of the proposed redevelopment project. KLOA has suggested the following recommendations:
• Hamlin Avenue be widened at its approach to Touhy Avenue to provide a shared through/right-turn lane and a left-turn lane. A high-visibility crosswalk should be provided across the north and south legs of the intersection.

• Further improvements should be considered to the intersection of Hamlin Avenue and Touhy Avenue, including:
  o Via restriping of existing pavement and removal of on-street parking on Touhy Avenue, provide a westbound left-turn [lane] and an eastbound left-turn lane at Hamlin Avenue.
  o Widen the southbound approach on Hamlin Avenue to provide a southbound left-turn lane and a shared through/right-turn lane.

• The full access on Touhy Avenue opposite Ridgeway will be narrowed to provide one lane inbound and one lane outbound with the outbound lane to be under stop sign control. Consideration should be given to restriping Touhy Avenue to provide an eastbound left-turn lane to separate left-turning traffic from the eastbound through traffic flow on Touhy Avenue.

• The recommended improvements to providing turn lanes on Touhy Avenue at its intersections with Hamlin Avenue and with Ridgeway/Proposed Access will result in the total loss of approximately 18 to [20] on-street parking spaces on both sides of Touhy Avenue.

Public Utilities: The existing public utilities are adequately sized to service the proposed development project. The utility services provided to the new construction buildings will be entirely constructed to be located underground. The removal of the existing overhead utilities which extend east from Hamlin Avenue, will require providing a new electrical service feed to the existing BP gas station located to the south and west of the subject site.

Storm Water Detention: As part of a comprehensive redevelopment of the site, the new site improvements will include a storm water detention system design to code, which includes a storm water detention vault to be located under the parking lot, with restricted outflow to the existing Village of Skokie sewer main located under Chase Avenue.

Other Matters Pertaining to the Public Health, Safety, Morals and General Welfare of the Community: Skokie Development, LLC has designed the proposed redevelopment project to be an upscale shopping center development. The proposed project will not endanger public health, safety, morals or general welfare of the community. The new businesses will contribute to the municipal tax base, provide new employment opportunities for the surrounding area, and provide new goods and services to the community.

STAFF ANALYSIS

All pertinent departments and divisions were offered an opportunity to comment on this case. The Forestry, Engineering, Fire Prevention, and Planning Divisions provided comments on the subject case.

Forestry Division

The tree protection plan looks good; however, please add the four existing trees in the proposed north parking lot to the removals list. A tree removal permit is required prior to the start of any part of construction for this project. The bond payment for this project is $10,800. Credits for new trees planted will be returned at the completion of the project. Also, with root pruning & Cambistat treatment ahead of time, tree #8 on the survey must
be saved. This is a healthy honeylocust on the neighboring property and is behind the sidewalk already. Please see notes on the attached Proposed Tree Protection Plan.

Forestry would also like to note that a row of landscaping screening is required along the north side of the north parking lot between the curb and the sidewalk and the parkway trees on Hamlin and on Touhy need to be spaced out farther. See comments on attached Conceptual Landscape Plan.

Engineering Division

The proposed plan indicates that 260 total vehicle parking spaces are provided. Based on the square footages of the proposed uses, approximately 260 would be required. See attached parking analysis for further breakdown. However, it is likely that the parking requirements are not met because the State requires that outpatient medical facilities must provide 10% of total number of parking provided dedicated to ADA Accessible Parking Spaces. Currently, 8 ADA accessible parking spaces are proposed for the entire site. Staff was able to get clarification from the State that a doctor or dentist office would not be considered a hospital outpatient facility, but if it is deemed that the Lurie Children’s Hospital outpatient care center is subject to the higher ADA requirements, many of the standard parking spaces would need to be converted to much larger sized ADA accessible spaces, reducing the total number of parking spaces on the site and restricting the future tenant mix of the southern building. Village Code requires that accessible parking spaces should be 8’ wide with an 8’ access aisle. However, recent changes to State law now allow sharing of access aisles. Provide R7-8 and R7-I101 signs in front of the accessible parking spaces. Also affecting the total number of parking spaces provided is that per § 118-220, a loading space is required for both the medical facility and another for the multitenant retail building. Each loading space must be 10’ by 25’, exclusive of aisle and maneuvering space and spaces shall have a vertical clearance of not less than 12’; this is likely to further reduce the number of off-street parking spaces. Staff’s parking analysis is subject to change based on tenant choice selection and size of each use in the southern retail building and clarification of the ADA requirements.

Engineering would like to note that all surface parking lots shall have continuous curbing located a minimum of 6’ from, and parallel to, any property line which is adjacent to a street frontage, a lighting plan is required in accordance with IES and § 118-212(k), the names of intersecting streets such as Ridgeway and Lawndale must be shown on the site plan, and all existing parking lots must be resurfaced and striped according to overall site plan approval. Additional site plan modifications are listed in the Recommended Conditions.

The Commission should note that the traffic impact study is under IDOT review, as a majority of the impacts are under IDOT jurisdiction. The following are recommendations of the traffic impact study on which Staff has comments:

- A cross-access drive aisle will be provided between this development and the Touhy Marketplace (Walmart) shopping center to the east, which has a signalized access on Touhy Avenue opposite Lawndale Avenue. The signalized access will be beneficial for the development-generated traffic that desires to travel eastbound on Touhy Avenue. Staff agrees.
- Hamlin Avenue should be widened at its approach to Touhy Avenue to provide a shared through/right-turn lane and a left turn lane. While this is under IDOT review, proposed plans provide no further information or detail on proposed changes. Staff will need to review proposed radius and curb changes. The petitioner should be
aware that Village right-of-way ends at the west curb line of Hamlin. West of the curb line is private property in the Village of Lincolnwood.

- Widen the southbound approach on Hamlin Avenue to provide a south-bound left-turn lane and a shared through/right-turn lane. The west curb line is the Village of Skokie limit. If the west curb line is proposed to be shifted further west, that will require approval by the Village of Lincolnwood and IDOT. Further, there are no indications of proposed modifications on the site plan. Staff recommends all proposed changes and configurations be shown on the plans for site plan approval.

- The recommended improvements to provide left turn lanes on Touhy Avenue at its intersections with Hamlin Avenue and with Ridgeway/proposed access will result in the total loss of approximately 18-20 on-street parking spaces on both sides of Touhy Avenue. This is to be reviewed and approved by IDOT and Village of Lincolnwood prior to being issued any Village permits.

- The plan proposes to maintain the full access curb cut on Touhy Avenue (opposite Ridgeway) with no restriction. This is currently under preliminary review with IDOT.

In addition, Engineering would like to make the petitioner aware that IDOT plans to resurface Touhy Avenue adjacent to the proposed development and that a water main project is proposed for Hamlin Avenue. The owner/developer must be prepared to coordinate with IDOT and Village of Skokie on project timelines.

**Fire Prevention Bureau**

The Fire Prevention Bureau would like to make the petitioner aware that the following will be required of this development:

**All Buildings**

1) Must have a fire alarm system per NFPA 1972 (2010 or newer) and adhere to IL ADA 1997

2) Must have a direct connect/ monitoring of alarm to Skokie Dispatch

3) Must have an addressable annunciator at the main entrance

4) Must have a Knox Box at the main entrance

5) Any building with a square footage 5,000 ft², must have a fire sprinkler system per NFPA 13 (2010) for that building with accessible controls to the sprinkler system shutoffs

6) Must have strobes in the restrooms

7) Must have illuminated exits and emergency lighting per IFC Chapter 10

8) Must have proper portable fire extinguishers mounted per NFPA 10

9) A weather proof strobe indicator will be mounted on the exterior of the building at the main entrance

10) A fire engineer will need to calculate demand and fire flow to determine if the building will require a fire pump for each building

11) A Fire Department connection must be within 100’ of a Village fire hydrant at the main entrance
Restaurants

1) If grease laden vapors will be created through cooking, a Class 1 hood and duct system will be required with a kitchen suppression system tied into the fire alarm system.

2) CO₂ monitoring will be required if CO₂ tanks are utilized in the business.

Medical Facility

Additional items may be required based on specific uses in the facility.

Planning Division

The proposed plan is the culmination of many years of plan reviews and iterations of build types, uses, and layouts. The plan presented still has a few items that need to be resolved due to the recent modification and announcement that Lurie Children’s Hospital would like to be the tenant in the north building. The most significant of which is that IDOT, which controls Touhy Avenue, is still in the process of reviewing the proposed roadway improvements. Staff and the developer have been in contact with the Village of Lincolnwood regarding the proposed Touhy Avenue improvements.

The site plan shows a driveway connection to the Touhy Marketplace center to the east to provide access to the traffic light at Touhy and Lawndale, will extend the multiuse path on the north side of Touhy, provide the last segment of dedicated land on Chase to realign the sidewalk with the Touhy Marketplace sidewalk and improve the parkway on the south side of Chase Avenue, and provide a significant number of jobs to this continually revitalized portion of the Village.

The geometrics of the parking lot north of the Chase Avenue building will need to be adjusted once the parking lot dimensions are verified to allow for landscaping screening. Some additional relief may be needed at this location in case the curbs are not able to be located a minimum of 6’ from the property line after the dedication.

The sidewalk on the south side of the medical facility also needs to connect to the sidewalk system within Touhy Marketplace. Some additional off-site improvements need to be made to accomplish this.

The landscape plan must be modified to ensure plants do not block the exit doors from Building A.

Sign Package

The Signage Criteria for Retail Development – NEC Touhy & Hamlin describes sign principles to ensure a uniform sign package is provided that is compatible and harmonious with the architectural scheme of the development, and a mutual benefit to all tenants on the site. The signage criteria will comply with Skokie’s Sign Code, subject to some items of relief. Although many of the criteria come from Section 82-27 (which pertains to smaller developments), Section 82-28 will provide the primary regulations pertaining to sign sizes, quantities, etc., since the overall development is greater than 1 acre in area.
The ground sign design complements the proposed development. The sign shall be located outside of the 15’ x 15’ sight distance triangle.

The wall signable areas are to be centered within structural bays, or groups of windows where the windows are not centered within their respective bays. Buona’s only street frontage faces residential properties, so a wall sign is allowed on the west elevation.

If lease lines do not align with the structural bays, the tenant signs must be centered within the bay in which the entrance to the business is located, which may result in some signs overlapping a small portion of a neighboring tenant.

Wall signs for the entire center to be internally illuminated letters or logos, or backlit letters.

Directional signs will not exceed 30” in height or 4 square feet in area.

Points of clarification for the signage criteria:

- Logos and lettering are allowed on wall signs or awning signs, but not both.
- Blade signs are not allowed in the B2 Commercial district.
- Banners require sign permits from the Village.
- Window graphics cannot exceed 25% of any window pane.
- Tenants must not block windows with signage, window film, or a wall constructed just inside the glass, etc.
- Most notably for Building A, consider locating the “back of house” for each tenant adjacent to a party wall and not an exterior wall.
- Most notably for Building C, the signable areas should be located below the glass block windows and above tenant entrances only, and be broken between bays. The signable areas on the north and south elevations should be no higher above grade than those on the west elevation. Alternately, signage could be provided on the awnings.

Items of relief from the Sign Code:

- Relief from the Sign Code will be required for the sign package as shown, including number of signs per façade and lettering mounted on top of a canopy.
- Relief from §82-22(b)(1) to allow sign lettering to project above the physical dimensions of a canopy.
- Relief from §82-28(b)(1)b. to allow wall signs facing a parking lot in addition to the wall signs allowed for occupancies with street frontage.

**APPEARANCE COMMISSION**

At its June 13, 2018, and March 13, 2019, meetings, the Appearance Commission approved the proposed development as presented, and subject to a few conditions (cases 2018-016A, 2018-
017A, and 2018-019A). The conditions have been addressed and are included in the development exhibits.

Building A – Restaurant/Retail

1. South elevation with more glass at the east and west corners (including east and west elevations).
2. Leasing may choose to close the west (or north) storefront entrance, but the storefront windows must be retained.
3. Materials as presented.
4. Comments of the staff report be maintained.

Building B – Buona

Add a masonry tower on the east elevation to add more interest, with a wall sign on the tower. [Note: Relief cannot be granted for signs painted directly on building surfaces, as they are specifically prohibited by the Sign Code; therefore, the “Salads, Sandwiches, Pizza” Signs 7 & 8 are not allowed.]

Building C – Medical (March 13, 2019)

As presented.

STAFF RECOMMENDATIONS

Staff recommends that the petitioner’s request for site plan approval for a 4-lot planned development in a B2 Commercial zoning district that includes a multi-tenant commercial building, a limited service restaurant with 2 drive-through lanes, a repurposed industrial building that will contain a clinic and outpatient care center, surface parking, and storm water detention, be APPROVED based upon the Proposed Positive Findings of Fact and subject to the recommended site plan approval conditions listed below.

Staff further recommends that relief be granted from §82-22(b)(1) of the Village Code to allow sign lettering to project above the physical dimensions of a canopy, and from §82-28(b)(1)b. of the Village Code to allow wall signs facing a parking lot in addition to the wall signs allowed to face a street, respectively.

In addition, prior to the hearing of the Board of Trustees, Staff will determine if additional relief will be needed on from the curbing setback of 6’ on the north side of the north parking lot along Chase Avenue.

RECOMMENDED SITE PLAN APPROVAL CONDITIONS

1. Prior to the hearing of the subject case before the Board of Trustees, the petitioners must revise the site plan to show:

   a. Adjust the north parking lot such that the raised 6”-high sidewalk along the building is 7’ wide, with the stall depth perpendicular to the face of that sidewalk 17’, an aisle width of 13’, the stall depth of the next row of parking north of the drive aisle the perpendicular to the 6” curb north of those space 17’, and the remained as landscaping screening to the property line.
b. Connect the sidewalk on the south side of the medical facility to the sidewalk system within Touhy Marketplace.

c. Provide 1 loading space for the medical facility and 1 loading space for the multitenant retail building. Each loading space must be 10' by 25', exclusive of aisle and maneuvering space and spaces shall have a vertical clearance of not less than 12’

d. Show the locations of all wayfinding signs

e. The drive through exit should be under stop control. "Do not enter" signs should also be provided at drive through exit to deter vehicles from driving with opposing traffic.

f. Show names of intersecting streets such as Ridgeway and Lawndale.

gh. Show proposed changes to Touhy Avenue re-striping and any curb or radius changes on Hamlin Avenue. Note that the west curb line on Hamlin Avenue is the limit of the Village of Skokie jurisdiction.

h. Modify the site plan to include all required ADA accessible off-street parking spaces and indicate R7-8 and R7-1101 signs in front of each accessible parking space at least 2’ from the curb face. Note that the plan does not show where the location of the main entrance door for the medical facility; this may impact removal of parking spaces and location of ADA spaces.

i. Adjust the sight distance triangles on Touhy Avenue to the new right-of-way line and adjust monument sign accordingly.

j. The 13 required bicycle parking spaces should be distributed within 40’ of building entrances with at least 2 (1 rack) serving Buona, 3 (2 racks) serving Building A, and 8 (4 racks) serving Lurie Children’s Hospital, designed in accordance with § 118-221.

k. Indicate the installation by the petitioner the 8’-wide multi-use path in the Touhy Avenue right-of-way immediately east of the subject site to the driveway serving Touhy Marketplace (approximately 10’) and the removal of the remnant north-south sidewalk in that right-of-way due to the sidewalk realignment.

2. Prior to the hearing of the subject case before the Board of Trustees, the petitioners must add the four existing trees in the proposed north parking lot to the removals list (subject to site plan modifications in Condition 1a) and save and protect tree #8 on the survey on the Proposed Tree Removal Plan.

3. Prior to the hearing of the subject case before the Board of Trustees, the petitioners must revise the landscape plan to show the respacing of parkway trees and provide landscape parking lot screening per Forestry Division comments.

4. The petitioner shall develop the Subject Property in substantial conformance with the final Village approved site plans dated <insert date of final approved plan>, engineering plans dated <insert date of final approved plan>, landscape plans dated <insert date of final approved plan>, sign plans dated <insert date of final approved plan>, and building elevations dated <insert date of final approved plan>. (Standard)

5. Prior to the issuance of building permits, the petitioner shall submit for approval a lighting photometrics plan, fully developed civil engineering plans that comply with the county WMO
requirements and Village’s stormwater control provisions, and redevelopment engineering plans to address all aspects of private and public utility services. Any reconfigurations within state ROW will require an IDOT highway/utility permit. (Standard)

6. New parking lot and exterior lighting shall meet Illuminating Engineering Society of North America (IES) standards, be full cut-off design, and be directed away from adjacent properties, subject to the approval of the Engineering Division. (Standard)

7. All existing damaged public sidewalks or public sidewalks damaged due to the implementation of this plan shall be replaced (Standard)

8. No objects are allowed within a 10' sight distance triangle in R1, R2, R3, and R4 districts, or within a 15' sight distance triangle in all other districts, between 30" and 84" in height from grade except traffic control devices listed in the Manual on Uniform Traffic Control Devices. (Standard)

9. Prior to the issuance of building permits, the petitioner shall submit a temporary pedestrian, bicycle, and transit circulation plan, including routing, signage, and barriers, to be in place prior to the commencement of construction, subject to the approval of the Engineering Division. (Standard)

10. All fencing, walls, sidewalks, driveways, curbs, wheel stops, parking areas, signage, landscaping, structures, and any other facilities or infrastructure on the Subject Property shall be maintained in a good state of repair, and when needed, be repaired or replaced in a timely manner. (Standard)

11. All private and public sidewalks shall be maintained free of snow, ice, sleet, or other objects that may impede travel. (Standard)

12. Trash shall only be allowed within a designated trash enclosure and shall be screened from public view in an enclosure approved by the Appearance Commission. All trash shall be contained in such a way as to remain out of sight at all times, except for waste receptacles referenced in Condition Number XX below. (Standard)

13. Waste receptacles shall be placed on the Subject Property for the use of customers, and that the Health Department shall determine the size, type, and location of these units. (Standard)

14. All off-street parking spaces shall be legibly striped and maintained. (Standard)

15. Any plan to modify parking lot striping must be approved by the Director of Engineering. (Standard)

16. The proposed development shall have a minimum of X off-street vehicle parking spaces including X handicapped parking spaces, as indicated on the Subject Property plan dated XXX. (Standard)

17. The handicapped parking spaces shall be installed and maintained in compliance with State of Illinois Accessibility Standards and the Skokie Village Code, including required signage. (Standard)

18. Vehicles shall not be allowed to be parked in or otherwise block common driveways, sidewalks, aisles, or other points of access at any time, shall only be parked in designated parking spaces, and shall not overlap the striped lines of designated parking spaces. (Standard)

19. The owner of the Subject Property and its tenants shall ensure that employees park on the Subject Property. (Standard)

20. No required parking space on the site may be for the exclusive use of any tenant. (Standard)
21. Prior to issuance of building permits, the petitioner shall submit evidence of issuance of permits for the construction and operation of the water main and associated equipment by the Illinois Environmental Protection Agency (IEPA) or provide a determination by IEPA that such permits are not required. Water mains that feed multiple building structures and/or create a "looped" system that require an IEPA permit will also require an easement and custodial agreement with the Village. (Standard)

22. All overhead utilities on the Subject Property or in adjacent right-of-way shall be placed or relocated underground. The petitioner shall bear the full cost of any utility relocation and/or conflicts. (Standard)

23. The petitioner shall sign an "Agreement for Installation and Maintenance of Landscaping" to assure that the Subject Property and parkway landscaping is completed and maintained, including trimming, watering, and replacing of dead plant materials in a timely manner in accordance with the final approved landscape plan. A copy of said Agreement is attached hereto, marked Exhibit "A" and hereby made part of this Ordinance. This "Agreement for Installation and Maintenance of Landscaping" shall be recorded at the petitioner's expense. (Standard)

24. All new construction, alterations, and remodeling shall meet current International Building and NFPA Life Safety Codes as amended. (Standard)

25. The petitioner shall obtain all required permits and approvals for improvements to County, State, or Federal rights-of-way from the governing jurisdiction. (Standard)

26. The Subject Property must conform to the Village's storm water control requirements as contained in the Skokie Village Code, including the disconnection of any downspouts. (Standard)

27. All signage shall conform to the Skokie Village Code, except as provided in this ordinance. Any sign on the Subject Property that is in violation of that Code must be removed or modified to conform with the Village Code prior to the issuance of an occupancy permit. (Standard)

28. All modifications to building elevations, signage, and landscaping shall be subject to the review and approval of the Skokie Appearance Commission. (Standard)

29. The petitioner shall submit to the Planning Division electronic files of the site plan and landscape plan in their approved and finalized form. (Standard)

30. Prior to the issuance of building permits, the petitioner shall submit to the Planning Division of the Community Development Department the name, property address, email address, and telephone number of the company and contact person responsible for site maintenance in compliance with this site plan approval. (Standard)

31. If work is to be performed on public property or if public property is utilized or impacted during construction and/or development, the owner shall provide, or shall cause the developer and/or contractor to provide, the Village of Skokie with a certificate of insurance naming the Village of Skokie as additionally insured for any and all claims related to any and all work. The owner shall hold, and shall cause the developer and/or contractor to hold, the Village of Skokie harmless and indemnify the Village for any and all claims for property damage or personal injury related to work on or use of public property. (Standard)

32. The petitioner shall comply with all Federal and State statutes, laws, rules and regulations and all Village codes, ordinances, rules, and regulations. (Standard)

33. Failure to abide by any and all terms of this Ordinance shall be cause for the Village to
initiate hearings to determine whether the subject Ordinance, as well as any applicable business licenses, should be revised or revoked. The petitioner shall pay all costs related to any hearings conducted as a result of non-compliance with any of the provisions of the enabling ordinance. The costs shall include but not be limited to court reporter fees, attorney fees, and staff time required researching and conducting said hearing. (Standard)

ATTACHMENTS

1. Proposed Positive Findings of Fact for 2019-04P
2. Staff parking analysis, dated March 14, 2019
3. Full Site Plan, dated February 11, 2019
4. Site Plan, dated February 12, 2019
5. Annotated Proposed Tree Protection Plan, dated February 28, 2019
6. Annotated Conceptual Landscape Plan, dated February 28, 2019
7. Signage Criteria for Retail Development – NEC Touhy & Hamlin, dated July 3, 2018
8. Land Use and Zoning Map
Plan Commission Meeting Minutes  
Date: March 21, 2019

A motion was made by Commissioner S. Berman and seconded by Commissioner J. Burman to approve the minutes of the February 21, 2019 meeting.

Case Description

2019-02P - Zoning Map Amendment: 3720 Touhy Avenue and 7227 Hamlin Avenue
Skokie Development, LLC, on behalf of 3720 Property Owner, LLC, and 7227 Property Owner, LLC, requests to amend the zoning map to change the zoning district for 3720 Touhy Avenue and 7227 Hamlin Avenue from M3 Industry to B2 Commercial.

2019-03P - Subdivision: 3720 Touhy Avenue, 7227 Hamlin Avenue, and 3721 Chase Avenue
Skokie Development, LLC, on behalf of 3720 Property Owner, LLC, 7227 Property Owner, LLC, and 3721 Property Owner, LLC, requests a resubdivision of 5 lots into 4 lots in a B2 Commercial district with a 17.00 foot-wide dedication along Touhy Avenue and a 12.00 foot-wide dedication along Chase Avenue, and any relief that may be discovered during the review of this case.

2019-04P - Site Plan Approval: 3720 Touhy Avenue, 7227 Hamlin Avenue, and 3721 Chase Avenue
Skokie Development, LLC, on behalf of 3720 Property Owner, LLC, 7227 Property Owner, LLC, and 3721 Property Owner, LLC, requests a site plan approval for a 4-lot planned development in a B2 Commercial zoning district that includes a multi-tenant commercial building, a limited service restaurant with 2 drive-through lanes, a repurposed industrial building that will contain a clinic and outpatient care center, surface parking, and storm water detention at 3720 Touhy Avenue, 7227 Hamlin Avenue, and 3721 Chase Avenue, relief from §82-28(b)(1) to allow wall signs facing a parking lot even though the buildings have street frontage, and any other relief that may be discovered during the review of this case.

2019-05P - Special Use Permit: 3754 Touhy Avenue
Skokie Development, LLC, on behalf of 3720 Property Owner, LLC, 7227 Property Owner, LLC, and 3721 Property Owner, LLC, requests a special use permit for a limited service restaurant with a 2-lane drive-through in a B2 Commercial zoning district, relief from §82-22(b)(1) to allow sign lettering to project above the physical dimensions of a canopy, and any relief that may be discovered during the review of this case.

2019-06P - Special Use Permit: 3754 Touhy Avenue
Skokie Development, LLC, on behalf of 3720 Property Owner, LLC, 7227 Property Owner, LLC, and 3721 Property Owner, LLC, requests a special use permit for outdoor dining associated with
a limited service restaurant with a 2-lane drive through in a B2 Commercial zoning district, and any relief that may be discovered during the review of this case.

PINs: 10-26-318-016-0000, 10-26-318-024-0000, 10-26-318-026-0000, 10-26-318-027-0000, and 10-26-318-028-0000

**Discussion and Interested Parties**

Legal notice was advertised, posted, and delivered to property owners in the area as prescribed by the Zoning Chapter. After confirming that notices for 3 addresses which were left off the notarized affidavit were in fact mailed out by March 6, 2019, it was determined by Corporation Counsel that notice was proper and correct.

As all 5 cases pertain to the same site, they were discussed together but voted on separately.

Mr. Tim Hague of Keystone Ventures on behalf of Skokie Development, LLC presented the cases. Mr. Michael Werthmann, senior staff member of KLOA spoke about the traffic circulation patterns.

Based on the trend towards commercial developments in this area, the subject site is one of a few properties that have not been rezoned for commercial uses. They propose to re-zone the properties at 3720 Touhy Avenue and 7227 Hamlin from M1 Industry to B2 Commercial and redevelop a 4½ acre site west of Touhy Marketplace into a shopping center containing a limited service restaurant with a 2-lane drive-through facility and an outdoor dining component (Building B), a multi-tenant commercial building (Building A) facing Touhy Avenue and a building at 3721 Chase Avenue to be renovated for a single-tenant medical facility, which has already gone through the re-zoning process a couple of years ago.

The subdivision will allow the 5 lots to become a 4-lot planned development with lot 1 being a Buona Restaurant with a drive-through, lot 2 for common parking and underground stormwater detention, lot 3 is the north building for the medical facility with parking and cross access to the Walmart site, and lot 4 will be for the multi-tenant building. Land dedications will also be included to widen Touhy and Chase Avenues as required by Village Code. The widened Touhy Avenue will also increase the width of the parkway and allow for the extension of the multi-use path. The Chase Avenue land dedication will allow the sidewalk to become aligned with the existing sidewalk and add a parkway with trees and grass.

Mr. Hague displayed building elevations and renderings for each. Building “A” along Touhy Avenue has no known tenants yet but could contain retail and restaurant uses. Building “C” will utilize the existing shell for the medical facility but they are still working through the design elements.

A commissioner noted that the entrance for the building facing Touhy will be on the north side and faux frosted windows will appear fronting Touhy Avenue. Mr. Hague mentioned that all elevations will be treated as fronts. A secondary entrance on the south side will be suggested and encouraged but stated that most occupants have security concerns with dual entrances.
The 260 proposed parking spaces will need to be adjusted after meeting with staff. It was determined that, per state and Village requirements, 10% of the spaces need to be ADA spaces and therefore, 8 spaces will be lost. Additionally, the loading areas for Buildings C & A located at the northeast corner of Building A will take 1 or 2 more spaces away. They also will be requesting relief for the 6-ft landscape buffer.

Mr. Werthmann talked about the traffic movement, access points, and cross-easements with the Walmart development. Touhy Avenue is under the jurisdiction of IDOT; therefore, plans have been additionally submitted to them for approval for the expansion of the Touhy Avenue ROW. Discussions with Lincolnwood are underway as well.

A commissioner commented that he sees a potential back-up of traffic at Hamlin Avenue because of the point of cross easement and the area is loaded with illegally parked semi-trucks. Mr. Werthmann does not see the internal circulation as an issue.

Another commissioner added his concern as well. The Walmart lot is dangerous to navigate and impossible to make a left turn to get out; especially on weekends. Mr. Werthmann stated that it was deliberate not to have direct access from the Walmart lot as a means to calm traffic in the lot. Staff agreed and disclosed that they designed the Walmart parking lot to prevent everyone from rushing to the traffic light for the same reason.

At the June 13, 2018 and March 13, 2019 Appearance Commission meetings, the proposal was approved with relief needed for the number of signs, the lettering mounted above the canopy, and for wall signs facing the parking lot as well as the street.

Mr. Hague gave a brief history of the Buona restaurant chain serving fast casual food in a family environment since 1980. They will not open before 10:30 or 11:00 AM with lunch time on Monday–Friday as their peak time. The north side drive-through has enough stacking space for 17 vehicles with 2 order boards. Each order is hand made at the time of ordering. There are 3 waiting stations north of the drive-through aisle for orders that are not ready by the time the vehicle reaches the end of the lane.

The Buona outdoor dining area located on the south side, with space for 20 patrons, is east of the entrance. It can only be accessed from inside the restaurant. They will comply with regulations for their hours and open seasons.

Staff requested that the reports be entered into the record as presented with the additional condition to the site plan approval that tenant choices on the part of the developer do not constitute hardship for the purpose of zoning variances or relief. The tenant choices affect the parking requirement.

The Community Development Director questioned whether the elevations for the medical facility were the same as what was submitted for approval at the Appearance Commission meeting. Mr. Hague stated that it was at 2 separate meetings- the west and south elevations were approved initially and after the medical facility showed interest in the site, they went back to the Appearance Commission and were approved at the last meeting, on March 13th. Staff reiterated that the medical building was a last minute addition and all they know is that the entrance will be at the center of the western elevation.
A commissioner commented that a lot is being crammed onto the site and asked staff if they were OK with the 20 handicap parking spaces all in the center aisle of the medical facility parking lot which will push people to the Buona parking area. As the number of employees is not known yet, he suggested as part of the cross-easement agreement, perhaps this developer can have their employees’ park at the western edge of the adjacent Walmart lot since it has parking beyond what they need. Mr. Hague has asked but Walmart was not agreeable to that arrangement.

The Community Development director stated that parking is determined by square footage and not by number of employees. Staff added that the employees should be parking where the stormwater detention area is located.

Another commissioner questioned whether requiring trash receptacles and policing the area for trash at the restaurant site was included in the staff report. He also inquired about sound provisions and lights at the drive-through. Staff answered that all are listed as conditions of the special use. Lights are covered under the overall development.

A commissioner asked if enforcement measures can be taken so that there will be no long term parking of semi-trucks in the easement on the Walmart site. Staff answered that the issue is off this site but inspection and enforcement by the Property Standards Division of the Walmart site would remind them that the access easement needs to remain open and clear.

**Recommendations and Voting**

**Case 2019-02P**
A motion was made to approve, as presented, the re-zoning request to change the zoning district for 3720 Touhy Avenue and 7227 Hamlin Avenue from M3 Industry to B2 Commercial.

**Motion:** J. Burman  
**Second:** S. Berman  
**Absent:** G. Mitchell

**Ayes:** 8  
**Nays:** 0

**Case 2019-03P**
A motion was made to approve, as presented, a request for a resubdivision of 5 lots into 4 lots in a B2 Commercial district with a 17-foot wide dedication along Touhy Avenue and a 12-foot wide dedication along Chase Avenue.

**Motion:** D. Laxpati  
**Second:** S. Berman  
**Absent:** G. Mitchell

**Ayes:** 8  
**Nays:** 0

**Case 2019-04P**
A motion was made to approve the request for site plan approval for a 4-lot planned development in a B2 Commercial zoning district that includes a multi-tenant commercial building, a limited service restaurant with 2 drive-through lanes, a repurposed industrial building that will contain a clinic and outpatient care center, surface parking, and storm water detention.
at 3720 Touhy Avenue, 7227 Hamlin Avenue, and 3721 Chase Avenue, and relief to allow wall
signs facing a parking lot even though the buildings have street frontage. An additional
condition was added which states that tenant choices on the part of the developer do not
constitute a hardship for the purpose of zoning variances or relief.

**Motion:** C. Franklin  Second: R. Mathee  Absent: G. Mitchell

Ayes: 8  
Nays: 0

**Case 2019-05P**
A motion was made to approve the request, as presented, for a special use permit for a limited
service restaurant with a 2-lane drive-through in a B2 Commercial zoning district and relief to
allow sign lettering to project above a canopy.

**Motion:** D. Laxpati  Second: S. Berman  Absent: G. Mitchell

Ayes: 8  
Nays: 0

**Case 2019-06P**
A motion was made to approve the request, as presented, for a special use permit for outdoor
dining associated with a limited service restaurant with a 2-lane drive-through in a B2
Commercial zoning district.

**Motion:** J. Burman  Second: S. Berman  Absent: G. Mitchell

Ayes: 8  
Nays: 0
# PARKING ANALYSIS WORKSHEET

**Touhy & Hamlin**

**3/14/2019**

## Zone: B2

### Commercial

<table>
<thead>
<tr>
<th>Tenant / Business</th>
<th>Address / Suite</th>
<th>Use</th>
<th>Gross Area (SF)</th>
<th>Deductions (SF)</th>
<th>*Net Area (SF)</th>
<th>RATIO</th>
<th>Parking Required</th>
<th>Parking Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bouna Beef</td>
<td>Touhy &amp; Hamlin</td>
<td>Restaurant</td>
<td>4,700</td>
<td>474</td>
<td>4,226</td>
<td>1/100</td>
<td>42.3</td>
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</tr>
<tr>
<td>2 Building A</td>
<td>Touhy &amp; Hamlin</td>
<td>Retail</td>
<td>10,500</td>
<td></td>
<td>7,000</td>
<td>1/300</td>
<td>23.3</td>
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</tr>
<tr>
<td>3 Building A</td>
<td>Touhy &amp; Hamlin</td>
<td>Restaurant</td>
<td>3,500</td>
<td></td>
<td>3,500</td>
<td>1/100</td>
<td>35.0</td>
<td></td>
</tr>
<tr>
<td>4 Medical Facility</td>
<td>Touhy &amp; Hamlin</td>
<td>Clinic/Outpatient Care Center</td>
<td>31,860</td>
<td>NA</td>
<td>31,860</td>
<td>1/200</td>
<td>159.3</td>
<td></td>
</tr>
</tbody>
</table>

| Total                |                  |                    | 47,060          | 260             | 260            |       |                  |                  |

* Floor area, net, when prescribed as the basis of measurement for off-street parking and loading spaces for any use, shall be the sum of the gross horizontal area of the basement, and all other floors, excluding hallways, stairways, elevator shafts, boiler and air conditioning equipment rooms, or areas used for off-street parking facilities. All horizontal dimensions shall be taken from the exterior faces of the exterior walls, or from the centerlines of walls separating 2 buildings.

**NOTE:**

Provide Req. Minimum Nr. of Accessible Spaces = 7 (8 ADA provided)
Provide Required Bicycle Parking Spaces = 13 (5% office, retail, etc.; 10% recreational; 10% students)
Required Loading Spaces = 2

Comments: Per STATE requirement, outpatient medical facilities must provide 10% of total number of parking, provided dedicated to ADA Accessible Parking Spaces. This parking analysis is subject to change based on tenant choice selection in retail spaces and clarification on type of medical facility proposed.
PROPOSED TREE PROTECTION PLAN

There are four trees existing currently in the area that must be added to the list.

TREE REMOVALS:

<table>
<thead>
<tr>
<th>Tag number</th>
<th>Cal. size</th>
<th>Species</th>
<th>Condition Form</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10&quot;</td>
<td>fair</td>
<td>fair/poor</td>
<td>Grown into side of building</td>
</tr>
<tr>
<td>2</td>
<td>10&quot;</td>
<td>fair</td>
<td>fair/poor</td>
<td>Grown into side of building</td>
</tr>
<tr>
<td>3</td>
<td>18&quot;</td>
<td>fair</td>
<td>fair/poor</td>
<td>Grown into side of building</td>
</tr>
<tr>
<td>4</td>
<td>15&quot;</td>
<td>pruned</td>
<td>good</td>
<td>Grown into overhead power line</td>
</tr>
<tr>
<td>5</td>
<td>24&quot;</td>
<td>pruned</td>
<td>good</td>
<td>Grown into overhead power line</td>
</tr>
</tbody>
</table>

TREE PROTECTION NOTES:

1. Before any excavation on the site, call to locate any existing utilities on the site. The contractor shall familiarize himself with the locations of all buried utilities in the areas of work before starting operations. The contractor shall be liable for the cost of repairing or replacing any damaged utilities, cables or piping damaged during the installation of this work.

2. Four foot high snow fencing or other fixed material is to be erected around the displese of all trees to be saved.

3. A tree removal permit must be obtained prior to all tree removal activity involving trees 12" in diameter or more.

4. Protect structures, sidewalks, pavements and utilities to remain from damage caused by settlement, lateral movement, undermining, washouts and other hazards caused by site improvement operations.

5. Carefully maintain present grade at base of all, existing trees to remain. Prevent any disturbance of existing trees including root zones. Keep tree protection barricades where indicated. Protect existing trees to remain against unnecessary cutting, breaking or shelling of roots, brushing of bark or sawing of limbs. Tree damage resulting from excavation or other construction activities to remain is strictly prohibited.

6. The contractor shall keep the premises on which work is being done, clear of rubbish and debris. All pavement and debris removed from the site shall be disposed of legally.

7. All work and operations shall comply with all applicable federal, state and local codes and ordinances.

Tree Protection Detail

Save tree. You can work around this tree and give Cambistrad + Root pruning.

Cathy Stevens, 2/28/19
Signage Criteria for
Retail Development – NEC Touhy & Hamlin

These criteria have been established for the purpose of assuring a uniform sign package compatible and harmonious with the architectural scheme of the retail development, to enhance the development’s visual impact to the public, for the mutual benefit of all Tenants, and one which complies with the signage regulations of the Village Code of Skokie. Conformity will be strictly enforced and any installed non-conforming or unapproved signs must be brought into conformance at the sole expense of the Tenant. Any request for deviation from the Building Signage Criteria below must be approved by the landlord and the Village of Skokie.

Permitted Signage Text:
The Tenant’s sign(s) shall be limited to the Tenant’s corporate or official trade name as stated in the Lease. The use of a corporate logo or other established corporate insignia is permitted only if specifically approved in writing by the landlord and the Village of Skokie. Taglines or identification of specific products or services are not permitted.

Permitted Signage Quantities:

Wall Signs - Retail A and C Tenants:
One (1) wall sign is permitted per each tenant in each Signable Area. Signable Areas may be established for facades with street frontage, facades facing the parking lot, facades where there is public access or display windows.
- Signable Areas shall be no greater than 1/3 of the commercial portion of the façade.
- No wall sign shall have a gross surface area in excess of 1/3 of the Signable Area. No letter or logo shall be larger than 36 inches in height. No wall sign shall be located closer than 10 percent of the distance to the top or to the bottom of any fascia or structural surface to which it is attached. No wall sign shall be wider than 80 percent of the width of an occupant's space with a minimum width of 2 feet from each side of the tenant's space.
- Wall signs shall be displayed only within the Signable Area of a building.
- No wall sign shall extend over the top of the facade of any building to which it is attached.
- See enclosed signage elevation package for specific wall sign information.

Ground Monument Sign:
- There shall only be 1 ground sign at any single- or multiple-use site, excluding ground signs used for directional purposes. Where there are adjoining uses sharing party walls, there shall only be 1 ground sign to be used jointly by all the adjoining uses. Each use shall have its proportionate share of the sign area based on its proportion of the linear footage of building frontage.
- When more than 1 occupant is listed (multi-tenant), the square footage allowed may be increased to 50 square feet per face with a maximum gross surface area of 100 square feet per sign.
- No ground sign (other than directional signs such as entrance/exit signs) shall be located closer than its height, measured horizontally, to any interior lot line, rear lot line, or adjacent ground sign, subject to the approval of the Director of Engineering.
- The signs will be internally illuminated, stencil routed with push through forms.
- Ground sign shall not exceed a height of 18 feet.
Canopy or Awning Signs:
- Each use shall be allowed only 1 awning, canopy or marquee sign facing any street, mall, parking lot, or public access area where there is a business entrance or display window. The top of the awning, canopy or marquee shall be at least 12 inches below the top of the building parapet or 10 percent of the facade above the first floor window line whichever is less.
- The surface area of any sign affixed to an awning, canopy or marquee shall not exceed 50 percent of the face to which it is attached or 100 square feet, whichever is less. Letters or signs affixed to any awning, canopy or marquee shall be subject to the following conditions:
  1. Letters, lettering, or logos shall not project above the physical dimensions of the awning, canopy or marquee.
  2. No letters shall exceed 18 inches in height, nor shall any logo exceed 20 inches in height. The address shall not exceed 12 inches in height.
  3. The lettering or logo shall not exceed one-third the area of the face parallel to the building.
  4. Letters or lettering shall only identify the name or use of the business conducted therein, the address number, and street name.
  5. Lettering or logos are allowed only on the canopy face that is parallel to the building wall.

General Notes

Signage General Requirements:
All signage is to be of the highest quality construction and must be manufactured using Village approved non-combustible materials. Shop fabrication and painting is required. All sign must be of new construction. Reused, renovated and remodeled signs will not be permitted. All attachments, labels, fasteners, mounting brackets, wiring, clips, transformers, disconnects, lamps and other mechanisms required for the signage will be concealed from view. Light leaks are not permitted. Weep holes are permitted only on exterior signs.

All wall signs must be composed of individually illuminated or backlit letters, with the exception of logos – which shall be internally-illuminated logo cabinets. Letter face to be colored translucent Plexiglas or equal. Letter return and trim shall be of a contrasting color from the letter face. Returns and trim are to be prefinished aluminum or shop painted aluminum. The following are acceptable sign types: cut metal letterforms, pin-mounted metal or glass logotypes, porcelain enamel sign faces, stencil cut metal, metal channel letters, and screen printed text on awnings. The Landlord will review and approve the use of banners, blade signs, window graphics, and awning signage per Tenant as supplemental to the wall signage described above. No acrylic or plastic box signs will be allowed. Exterior signs shall be watertight and comply with all governing electrical code and Village of Skokie requirements regarding wiring and appropriate illumination equipment. Neither the sign manufacturer's name nor logo is permitted to be displayed on or near the sign.

All signs shall bear the U. L. label and their installation shall comply with all governing building and electrical codes, the criteria set forth in this Exhibit, and the signage regulations of the Village of Skokie.

No exposed crossovers or conduit will be permitted.

All conductors, transformers, disconnects and other equipment shall be concealed, except as required for disconnect by the Village of Skokie (which in that case, is to be painted to match the façade).

Electrical service to all signs shall be on Tenant's meter.
Sign illumination shall be controlled by a seven-day/24-hour time clock located in the rear of the Premises. Tenant shall set time clock to coincide with hours determined by the landlord.

Mounting:
All signs must be mounted on raceways furnished and installed by the Tenant’s Sign Company. Raceways shall match the adjacent building material color.

Signs not permitted:
Exposed neon signs.
Moving signs.
Blinking or flashing signs.
Signs that emit smells or sounds.
Box signs.
Changeable copy signs.

Ancillary Signage

Credit Card Logos:
Credit card logos are not permitted to be applied to either the storefront or the building facades.

Affiliations
Signage indicating tenant affiliations – such as Better Business Bureau or FDIC Insured – are not permitted to be applied to either the storefront or the building facades.

Store Hour Signage:
The overall store hour signage may be a maximum of 14 inches high and 10 inches wide. Letters and numbers shall be a maximum of 1 inch high. The use of advertising logos other than the tenant's name shall not be permitted. Letters shall be vinyl applied or professionally painted to the inside face of the storefront glass. Store hour signage shall consist of one color only.

Rear Door Identification:
At Tenant's rear service door, Tenant shall provide a sign, approved by the landlord, at the Tenant's expense and in accordance with local codes. Such sign shall be Helvetica medium, 2” height maximum centered on door at 6'-0” height in Tenant’s name only. Tenant shall not permit anyone to place or otherwise create any additional signage at, on, or around the rear service door. Any violation of this prohibition, corrective measures and/or fines shall be Tenant's sole responsibility and expense.

Address:
House number address shall be white vinyl in Arabic numerals four (4) inches high with a one (1) inch stroke, applied to the exterior face of the glass. Address shall be centered directly above Tenant door. The outline perimeter of all numbers shall be defined by the shape of the number; no background field is permitted.

Interior Signage:
Floor signs, interior hanging signs, etc., visible from outside the Tenant's space, but within the Tenant’s lease line in its storefront, are prohibited unless approved in writing by the landlord and the Village of Skokie. Signs advertising the sale of alcohol shall be set back a minimum of 5'-0" from the storefront wall.

Advertising/Temporary Signage:
Except as provided herein, no advertising placards, banners, pennants, “Grand Opening”, “Now Open”, names, insignias, trademarks or other descriptive materials shall be affixed or maintained upon the glass panes and supports of the show windows and doors, or upon the exterior walls of building or storefront unless approved in writing by the landlord and the Village of Skokie. If such signage requires attachment
to exterior walls or roof construction, then the means of attachment must also be approved in writing by the landlord.

**Procedure/Administration**

**Approval**
Approval of the Tenant sign shop drawing and its design by the Landlord does not constitute approval by the Village of Skokie. Tenant’s Sign Company is responsible for obtaining the signage permit per the signage regulations of the Village of Skokie. The landlord is not responsible for providing the Tenant or the sign company with the sign regulations of the Village of Skokie or any applicable forms required for permit. Tenant shall submit one set of reproducible drawings and three sets of bond drawings of the sign shop drawings for review and approval by the Landlord. Fabrication or installation of the Tenant’s signage shall not commence before the Landlord’s approval of the sign shop drawings. The Tenant is responsible to obtain sign and electrical permits as may be required by the Village of Skokie. The sign criteria are not meant as a substitute for the signage regulations of the Village of Skokie. The signage regulations of the Village of Skokie shall take precedence.

**Sign Shop Drawings:**
Prior to submitting to the Village of Skokie, the Tenant shall submit for landlord’s approval plans and specifications indicating the signs, including all lettering and/or graphics. Prior to sign fabrication, Tenant shall submit to Landlord drawings, specifications, materials and color, for the proposed sign work. Sign shop drawings shall clearly indicate 1) the location and size of all signs on the façade (minimum scale 1/8" = 1'-0" size); 2) provide a section or sections through the sign; 3) identify the materials and construction; 4) provide complete information on installation; 5) the location and size of all penetrations for conduit sleeves and supports and shall indicate all construction and attachments.
End of Section

July 03, 2018

Sign criteria created by OKW Architects, Inc. for R^2

G:\2017\17081-Skokie Retail - Touhy & Hamlin\01-ADMIN\PROGRAM\Signage Criteria\2018-05-31 Signage Criteria - Skokie Touhy & Hamlin.docx
2019-04P - Site Plan Approval: 3720 Touhy Avenue, 7227 Hamlin Avenue, and 3721 Chase Avenue
To: Mayor and Board of Trustees  
From: Paul Luke, Plan Commission Chairperson  
Case: **2019-05P: Special Use Permit**  
3754 Touhy Avenue

**Related Cases** -  
2019-02P: Zoning Map Amendment  
2019-03P: Subdivision  
2019-04P: Site Plan Approval  
*2019-05P: Special Use Permit - limited service restaurant with drive-through*  
2019-06P: Special Use Permit - outdoor dining

**PLAN COMMISSION ANALYSIS**

The case was heard at the March 21, 2019, Plan Commission meeting, and involves a request for a special use permit for a limited service restaurant with a 2-lane drive-through in a B2 Commercial zoning district, relief from §82-22(b)(1) to allow sign lettering to project above the physical dimensions of a canopy, and any relief that may be discovered during the review of this case.

A limited service restaurant with a drive-through facility is allowed with a special use permit in the B2 Commercial district.

All related cases were discussed together but voted on separately.

Based on the trend towards commercial developments in this area, the subject site west of Touhy Marketplace is proposed to be redeveloped into a shopping center containing a limited service restaurant with a 2-lane drive-through facility and an outdoor dining component (Building B), a multi-tenant commercial building facing Touhy Avenue (Building A), and a building at 3721 Chase Avenue to be renovated for a single-tenant medical facility (Building C).

The Buona restaurant chain has been serving fast casual food in a family environment since 1980. The restaurant will not open before 10:30 or 11:00 a.m., with lunch Monday–Friday as the peak hours of operation. The drive-through has enough stacking space for at least 17 vehicles with 2 order boards. Each order is handmade at the time of ordering. There are 3 waiting spaces west of the building for orders that are not ready by the time the vehicle reaches the drive-through pick-up window.

The Community Development Director stated that parking is determined by square footage and not by number of employees. Employees should be parking near the center of the overall development site, enabling customers and patients to park closer to the building entrances.

Traffic circulation, access points, and cross-easements with the Walmart development were also discussed. Plans have been submitted to IDOT and Lincolnwood for their...
respective reviews and approvals. The traffic engineer did not see any issues with the internal circulation and its impact on the potential for traffic congestion at Hamlin Avenue.

INTERESTED PARTIES
Legal notice was advertised, posted, and delivered to property owners in the area as prescribed by the Zoning Chapter. It was determined by Corporation Counsel that notice was proper and correct. There were no interested parties that spoke regarding this case.

APPEARANCE COMMISSION
At its June 13, 2018, meeting, the Appearance Commission approved the Buona proposal as presented, subject to conditions (case 2018-016A). The condition of adding a masonry tower on the east elevation to add more interest, with a wall sign on the tower, has been addressed and is included in the development exhibits.

Buona’s only street frontage faces residential properties, so a wall sign is allowed on the west elevation. Wall signs for the entire center are to be internally illuminated letters or logos, or backlit letters. Directional signs will not exceed 30” in height or 4 square feet in area. Blade signs are not allowed, banners require sign permits from the Village, and window graphics cannot exceed 25% of any window pane.

The condition of relief for the canopy and additional wall signage are included in this report and in case 2019-04P.

PLAN COMMISSION RECOMMENDATIONS AND VOTING
The Plan Commission recommended, by a vote of 8 ayes, 0 nays, and 1 absent that the petitioner’s request for a special use permit for a limited service restaurant with a 2-lane drive-through, and relief from §82-22(b)(1) of the Village Code to allow sign lettering to project above a canopy, at 3754 Touhy Avenue in a B2 Commercial zoning district be APPROVED, based upon the Proposed Positive Findings of Fact and the conditions below.
<table>
<thead>
<tr>
<th>ATTENDANCE</th>
<th>AYES</th>
<th>NAYS</th>
<th>ABSENT</th>
<th>VACANT</th>
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<tbody>
<tr>
<td>Mathee</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Burman</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laxpati (moved)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Franklin</td>
<td>X</td>
<td></td>
<td></td>
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<tr>
<td>Villegas</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. Berman (second)</td>
<td>X</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Quane</td>
<td>X</td>
<td></td>
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<tr>
<td>Mitchell</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Luke</td>
<td>X</td>
<td></td>
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</tr>
</tbody>
</table>

**ATTACHMENTS**

1. Plan Commission Recommended Conditions, dated April 15, 2019
2. Plan Commission Positive Findings of Fact, dated April 15, 2019
4. Minutes of Plan Commission Meeting, dated March 21, 2019
5. Proposed Site Plan, dated April 5, 2019
6. Buona Renderings, Elevations (including signs), Materials & Fixtures, Floor Plan & Interior Images, and Site Plan, dated February 11, 2019
7. Land Use and Zoning Map
In addition to the conditions of cases 2019-02P, 2019-03P, and 2019-04P, the following conditions shall apply to a limited service restaurant with a drive-through:

**Site and Use**

1. The petitioner shall develop the Subject Property in substantial conformance with the final Village approved site plans dated <insert date of final approved plan>, engineering plans dated <insert date of final approved plan>, landscape plans dated <insert date of final approved plan>, sign plans dated <insert date of final approved plan>, and building elevations dated <insert date of final approved plan>. (Standard)

2. Any outdoor sound systems shall at all times maintain audio levels that are compliant with the Skokie Village Code. (Standard)

3. No objects are allowed within a 15' sight distance triangle between 30" and 84" in height from grade except traffic control devices listed in the Manual on Uniform Traffic Control Devices. (Standard)

4. Provide a “Stop” sign for users exiting the drive-through, and “Do Not Enter” signs at the drive-through exit to deter drivers from entering the exit.

5. Provide on-site wayfinding signs to guide drivers to the drive-through entrance.

**Maintenance**

6. Trash shall only be allowed within a designated trash enclosure and shall be screened from public view in an enclosure approved by the Appearance Commission. All trash shall be contained in such a way as to remain out of sight at all times, except for waste receptacles referenced in Condition Number <insert condition number> below. (Standard)

7. Waste receptacles shall be placed on the Subject Property for the use of customers, and that the Health Department shall determine the size, type, and location of these units, including 1 waste receptacle near the drive-through exit and 1 waste receptacle at the restaurant entrance.

8. At least once during every 4 hours of operation and before opening and closing of the business, employees shall patrol the Subject Property and clear it of debris. (Standard)

**Governance**

9. All signage shall conform to the Skokie Village Code, except as provided in this ordinance. Any sign on the Subject Property that is in violation of that Code must be removed or modified to conform with the Village Code prior to the issuance of an occupancy permit. (Standard)
10. All modifications to building elevations, signage, and landscaping shall be subject to the review and approval of the Skokie Appearance Commission. (Standard)

11. The petitioner shall comply with all Federal and State statutes, laws, rules and regulations and all Village codes, ordinances, rules, and regulations. (Standard)

12. Failure to abide by any and all terms of this Ordinance shall be cause for the Village to initiate hearings to determine whether the subject Ordinance, as well as any applicable business licenses, should be revised or revoked. The petitioner shall pay all costs related to any hearings conducted as a result of non-compliance with any of the provisions of the enabling ordinance. The costs shall include but not be limited to court reporter fees, attorney fees, and staff time required researching and conducting said hearing. (Standard)

**Drive-through**

13. The petitioner shall implement any necessary operational improvements to ensure that stacking of vehicles within the drive-through lane will be contained on-site and not impede or obstruct pedestrian or vehicular movements. (Standard)

14. A drive-through facility shall have at least one litter/refuse disposal container at its exit at a location determined by the Health Department. (Standard)
**PLAN COMMISSION**

**POSITIVE FINDINGS OF FACT**

2019-05P: Special Use Permit

<table>
<thead>
<tr>
<th>Consideration</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>The request is consistent with the intent of the Comprehensive Plan.</td>
<td>The proposed use is not consistent with the <em>manufacturing/service employment</em> land use designation in the Comprehensive Plan; however, it is consistent with the trend of zoning changes and commercial developments along Touhy Avenue between Hamlin and Kedzie Avenues over the past 30 years.</td>
</tr>
<tr>
<td>The request will not adversely affect adjacent properties.</td>
<td>The request is not expected to adversely affect adjacent properties, as it is part of a larger overall development.</td>
</tr>
<tr>
<td>The request is compatible with the existing or allowable uses of adjacent properties.</td>
<td>The request is compatible with the existing or allowable uses of adjacent properties.</td>
</tr>
<tr>
<td>The request demonstrates that adequate public facilities, including roads, drainage, utilities, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.</td>
<td>Adequate public facilities, including roads, drainage, utilities, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.</td>
</tr>
<tr>
<td>The request demonstrates adequate provision for maintenance and use of the associated structures.</td>
<td>The request demonstrates adequate provision for maintenance and use of the associated structures.</td>
</tr>
<tr>
<td>The request has considered and, to the degree possible, addressed the adverse effects on the natural environment.</td>
<td>The request has considered and is expected to address any adverse effects on the natural environment.</td>
</tr>
<tr>
<td>The request will not create undue traffic congestion.</td>
<td>Per the traffic impact analysis, the use is not expected to create undue traffic congestion, including the availability of ample drive-through queuing on-site.</td>
</tr>
<tr>
<td>The request will not adversely affect public health, safety, and welfare.</td>
<td>The request will not adversely affect public health, safety, and welfare.</td>
</tr>
<tr>
<td>The request conforms to all applicable provisions of this code, except where relief is granted with the request.</td>
<td>The request conforms to all applicable provisions of this code, except where relief is granted with the request.</td>
</tr>
</tbody>
</table>
### General Information

<table>
<thead>
<tr>
<th><strong>Location</strong></th>
<th>3754 Touhy Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Purpose</strong></td>
<td>To request a special use permit for a limited service restaurant with a 2-lane drive-through in a B2 Commercial zoning district, relief from §82-22(b)(1) to allow sign lettering to project above the physical dimensions of a canopy, and any relief that may be discovered during the review of this case.</td>
</tr>
<tr>
<td><strong>PINs:</strong></td>
<td>10-26-318-016-0000, 10-26-318-024-0000, 10-26-318-026-0000, 10-26-318-027-0000, and 10-26-318-028-0000</td>
</tr>
<tr>
<td><strong>Petitioner</strong></td>
<td>Skokie Development, LLC, on behalf of 3720 Property Owner, LLC, 7227 Property Owner, LLC, and 3721 Property Owner, LLC</td>
</tr>
<tr>
<td><strong>Size of Site</strong></td>
<td>33,358 square feet (0.766 acres) with frontage on Hamlin Avenue</td>
</tr>
<tr>
<td><strong>Existing Zoning &amp; Land Use</strong></td>
<td>B2 Commercial – vacant industrial building</td>
</tr>
<tr>
<td><strong>Adjacent Zoning &amp; Land Use</strong></td>
<td><strong>North</strong> M3 Industry – office and administrative service, emergency response</td>
</tr>
<tr>
<td></td>
<td><strong>South</strong> M3 Industry – automotive fuel station, car wash</td>
</tr>
<tr>
<td></td>
<td><strong>East</strong> B2 Commercial – vacant lot, sports and recreation education, vacant commercial space</td>
</tr>
<tr>
<td></td>
<td><strong>West</strong> R3 Residential (Village of Lincolnwood) – detached residences</td>
</tr>
</tbody>
</table>

**Comprehensive Plan**
The site is designated as manufacturing/service employment.
SITE INFORMATION

See case 2019-04P for site and Complete Streets information.

PETITIONER’S SUBMITTAL

Propose Use: Skokie Development, LLC is proposing to redevelop three (3) contiguous properties located at 3720 Touhy Avenue, 7227 Hamlin Avenue and 3721 Chase Avenue. All existing improvements at 3720 Touhy and 7227 Hamlin will be demolished. The existing building at 3721 Chase will be renovated. The proposed redevelopment will include three (3) building structures: a new 4,700 square foot restaurant building with a drive-through for Buona Restaurants; a new 10,500 square foot multi-tenant retail/restaurant building; and the renovated 31,860 square foot 3721 Chase Avenue building. The proposed development will be served with street access from Touhy Avenue, Hamlin Avenue and Chase Avenue, and include cross-access with the adjacent Walmart/Touhy Marketplace development to the east. The proposed development will include on-site parking for 261 parking spaces.

The proposed Buona Restaurant incorporates a drive-through with a one-way counter-clockwise circulation. Wayfinding signage will direct drive-through customers to the entrance to the drive-through system. Vehicles will enter the drive-through queue from the main north-south drive aisle to the east of the building, stack and order along the north side of the building, pick up the order from the north side of the building, and exit into the main east-west drive aisle at Hamlin Avenue. The drive aisle on the west side of the building will provide two lanes so that vehicles can bypass the pick-up window, if needed. This layout provides maximum drive-through storage without impeding internal site circulation. The drive-through layout provides stacking for approximately 22 vehicles in the drive-through system. Based upon Buona Restaurants’ operating history, the proposed drive-through stacking will be adequate.

Proposed Use upon the Character of the Neighborhood: Recently several properties located between Touhy Avenue and Chase Avenue have been redeveloped from industrial uses to new retail/service employment uses. These projects include adjacent Walmart/Touhy Marketplace development, XSport Fitness, and the Mariano’s shopping center development. Skokie Development, LLC is proposing to redevelop older industrial properties with new retail, restaurant and service uses, similar to the trend and referenced development projects.

Surrounding Property Values: As the older industrial properties located between Touhy Avenue and Chase Avenue have continued to be redeveloped to their highest and best use with new retail, restaurants, and service uses, these properties have experienced increased property values. The proposed redevelopment will continue this trend, and the new retail, restaurant and service uses introduced will provide new goods and services to the neighborhood, having a positive effect upon surrounding property values.

Traffic Conditions: The development site is located in the northeast quadrant of the intersection of Touhy Avenue and Hamlin Avenue. It is bounded by Chase Avenue on the north, the Walmart/Touhy Marketplace shopping center on the east, Touhy Avenue on the south, and Hamlin Avenue on the west. Touhy Avenue is an east-west minor arterial roadway with two through lanes in each direction in the vicinity of the site. Touhy Avenue is under the jurisdiction of Illinois Department of Transportation (IDOT) and carries an annual average daily traffic volume (AADT) of 25,800 vehicles as reported by IDOT in 2014, and has posted speed limit of 35 miles per hour. A parking lane is provided on the north and south side of Touhy Avenue, west of Hamlin Avenue. Parking is not permitted on either side of Touhy Avenue east of Hamlin Avenue. Hamlin Avenue is a north-south collector road with one lane in each direction. Hamlin Avenue is under the jurisdiction of the Village of Skokie to the north of Touhy Avenue and the Village of Lincolnwood to the south of Touhy Avenue.
North of Touhy Avenue, Hamlin Avenue is classified as a minor collector road by IDOT, and carries an AADT of 1,800 vehicles. Parking on Hamlin Avenue is prohibited on the west side of the road and permitted on the east side, except on weekdays between 7 AM and 6 PM, to the north of Touhy Avenue. Chase Avenue is an east-west local roadway, under the jurisdiction of the Village of Skokie. Parking is permitted on the north side of Chase Avenue [but] prohibited on the south side.

Access to the development will continue to be provided from the existing full-movement driveways on Touhy Avenue, Hamlin Avenue and Chase Avenue. On Touhy Avenue, the driveway is opposite Ridgeway Avenue. On Hamlin Avenue, the two former Bosworth Company driveways will be consolidated into a single driveway. On Chase Avenue, the driveway serving the existing commercial at the north end of the site will remain. Further, a cross-access connection will be provided between the proposed development and the existing Walmart/Touhy Marketplace development to the east.

Kenig, Lindgren, O’Hara, Aboona, Inc. (KLOA) prepared a Traffic Impact Study of the proposed redevelopment project. KLOA has suggested the following recommendations:

- Hamlin Avenue be widened at its approach to Touhy Avenue to provide a shared through/right-turn lane and a left-turn lane. A high-visibility crosswalk should be provided across the north and south legs of the intersection.
- Further improvements should be considered to the intersection of Hamlin Avenue and Touhy Avenue, including:
  - Via restriping of existing pavement and removal of on-street parking on Touhy Avenue, provide a westbound left-turn [lane] and an eastbound left-turn lane at Hamlin Avenue.
  - Widen the southbound approach on Hamlin Avenue to provide a southbound left-turn lane and a shared through/right-turn lane.
- The full access on Touhy Avenue opposite Ridgeway will be narrowed to provide one lane inbound and one lane outbound with the outbound lane to be under stop sign control. Consideration should be given to restriping Touhy Avenue to provide an eastbound left-turn lane to separate left-turning traffic from the eastbound through traffic flow on Touhy Avenue.
- The recommended improvements to providing turn lanes on Touhy Avenue at its intersections with Hamlin Avenue and with Ridgeway/Proposed Access will result in the total loss of approximately 18 to [20] on-street parking spaces on both sides of Touhy Avenue.

**Public Utilities:** The existing public utilities are adequately sized to service the proposed development project. The utility services provided to the new construction buildings will be entirely constructed to be located underground. The removal of the existing overhead utilities which extend east from Hamlin Avenue, will require providing a new electrical service feed to the existing BP gas station located to the south and west of the subject site.

**Storm Water Detention:** As part of a comprehensive redevelopment of the site, the new site improvements will include a storm water detention system design to code, which includes a storm water detention vault to be located under the parking lot, with restricted outflow to the existing Village of Skokie sewer main located under Chase Avenue.

**Other Matters Pertaining to the Public Health, Safety, Morals and General Welfare of the Community:** Skokie Development, LLC has designed the proposed redevelopment project to be an upscale shopping center development. The proposed project will not endanger public health, safety, morals or general welfare of the community. The new businesses will contribute to the municipal tax base, provide new employment opportunities for the surrounding area, and provide new goods and services to the community.
STAFF ANALYSIS

Staff Comment and Review requests were sent to all pertinent departments and were received from Environmental Health, Traffic Engineering, and Planning. All other departments returned the requests with no comments regarding the subject case, and/or comments were provided in related cases. Comments related to the overall development are included in site plan approval case 2019-04P, and comments that specifically impact this special use permit case include:

Environmental Health
A drive-through facility shall have at least one litter/refuse disposal container at its exit location.

Traffic Engineering
Drive through exit should be under stop sign control. "Do not enter" signs should also be provided at drive-through exit to deter vehicles from driving with opposing traffic.
Wayfinding signs should be provided on-site to help drivers get to the drive-through.

Planning
A limited service restaurant with a drive-through is allowed with a special use permit in the B2 Commercial district. Site plan approval-related items were addressed in case 2019-04P.
The Buona restaurant property is across the street from residentially-zoned, single-family properties in Lincolnwood.
Staff appreciates the inclusion of pedestrians and bicyclists in the Traffic Impact Study. Per the site plan and the study, the drive-through queue has the capacity to accommodate 18-20 vehicles, which is deemed adequate based on KLOA's experience with fast casual restaurants. It is anticipated that this design will not have the drive-through queue impede into internal on-site circulation.
The landscape plan must be modified to ensure plants do not block the exit doors from Building A.

Sign Package
The Signage Criteria for Retail Development - NEC Touhy & Hamlin describes sign principles to ensure a uniform sign package is provided that is compatible and harmonious with the architectural scheme of the development, and a mutual benefit to all tenants on the site. The signage criteria will comply with Skokie's Sign Code, subject to some items of relief. Although many of the criteria come from §82-27 (which pertains to smaller developments), §82-28 will provide the
primary regulations pertaining to sign sizes, quantities, etc., since the overall development is greater than 1 acre in area:

- Buona's only street frontage faces residential properties, so a wall sign is allowed on the west elevation.
- Wall signs for the entire center to be internally illuminated letters or logos, or backlit letters.
- Directional signs will not exceed 30” in height or 4 square feet in area. If the signs are to be oversized, Appearance Commission, Plan Commission, and Village Board review and approval will be required.
- Points of clarification for the development's signage criteria as they may potentially affect Buona:
  - Blade signs are not allowed in the B2 Commercial district without relief from the Village Code.
  - Banners require sign permits from the Village.
  - Window graphics cannot exceed 25% of any window pane.
- Items of relief from the Sign Code:
  - Relief from §82-22(b)(1) to allow sign lettering to project above the physical dimensions of a canopy.
  - Relief from §82-28(b)(1)b. to allow wall signs facing a parking lot in addition to the wall signs allowed for occupancies with street frontage.

**APPEARANCE COMMISSION**

At its June 13, 2018, meeting, the Appearance Commission approved the proposed development as presented, subject to conditions (case 2018-016A). The condition of adding a masonry tower on the east elevation to add more interest, with a wall sign on the tower, has been addressed and is included in the development exhibits.

**STAFF RECOMMENDATIONS**

Staff recommends that the petitioner’s request for a special use permit for a limited service restaurant with a drive-through at 3754 Touhy Avenue in a B2 Commercial district be **APPROVED**, based upon the Proposed Positive Findings of Fact and subject to the recommended conditions in subdivision case 2019-03P, site plan approval case 2019-04P, and the conditions below.

Staff further recommends that relief be granted from §82-22(b)(1) of the Village Code to allow sign lettering to project above the physical dimensions of a canopy, and from §82-28(b)(1)b. of the Village Code to allow wall signs facing a parking lot in addition to the wall signs allowed to face a street, respectively.
RECOMMENDED SPECIAL USE PERMIT CONDITIONS

In addition to the conditions of cases 2019-02P, 2019-03P, and 2019-04P, the following conditions shall apply to a limited service restaurant with a drive-through:

Site and Use

1. The petitioner shall develop the Subject Property in substantial conformance with the final Village approved site plans dated <insert date of final approved plan>, engineering plans dated <insert date of final approved plan>, landscape plans dated <insert date of final approved plan>, sign plans dated <insert date of final approved plan>, and building elevations dated <insert date of final approved plan>. (Standard)

2. Any outdoor sound systems shall at all times maintain audio levels that are compliant with the Skokie Village Code. (Standard)

3. No objects are allowed within a 15' sight distance triangle between 30" and 84" in height from grade except traffic control devices listed in the Manual on Uniform Traffic Control Devices. (Standard)

4. Provide a “Stop” sign for users exiting the drive-through, and “Do Not Enter” signs at the drive-through exit to deter drivers from entering the exit.

5. Provide on-site wayfinding signs to guide drivers to the drive-through entrance.

Maintenance

6. Trash shall only be allowed within a designated trash enclosure and shall be screened from public view in an enclosure approved by the Appearance Commission. All trash shall be contained in such a way as to remain out of sight at all times, except for waste receptacles referenced in Condition Number <insert condition number> below. (Standard)

7. Waste receptacles shall be placed on the Subject Property for the use of customers, and that the Health Department shall determine the size, type, and location of these units, including 1 waste receptacle near the drive-through exit and 1 waste receptacle at the restaurant entrance.

8. At least once during every 4 hours of operation and before opening and closing of the business, employees shall patrol the Subject Property and clear it of debris. (Standard)

Governance

9. All signage shall conform to the Skokie Village Code, except as provided in this ordinance. Any sign on the Subject Property that is in violation of that Code must be removed or modified to conform with the Village Code prior to the issuance of an occupancy permit. (Standard)

10. All modifications to building elevations, signage, and landscaping shall be subject to the review and approval of the Skokie Appearance Commission. (Standard)
11. The petitioner shall comply with all Federal and State statutes, laws, rules and regulations and all Village codes, ordinances, rules, and regulations. (Standard)

12. Failure to abide by any and all terms of this Ordinance shall be cause for the Village to initiate hearings to determine whether the subject Ordinance, as well as any applicable business licenses, should be revised or revoked. The petitioner shall pay all costs related to any hearings conducted as a result of non-compliance with any of the provisions of the enabling ordinance. The costs shall include but not be limited to court reporter fees, attorney fees, and staff time required researching and conducting said hearing. (Standard)

**Drive-through**

13. The petitioner shall implement any necessary operational improvements to ensure that stacking of vehicles within the drive-through lane will be contained on-site and not impede or obstruct pedestrian or vehicular movements. (Standard)

14. A drive-through facility shall have at least one litter/refuse disposal container at its exit at a location determined by the Health Department. (Standard)

**ATTACHMENTS**

1. Proposed Positive Findings of Fact
2. Retail Development Site Plan, dated February 12, 2019
3. Renderings, Elevations (including signs), Materials & Fixtures, Floor Plan & Interior Images, and Site Plan, dated February 11, 2019
4. Land Use and Zoning Map
**Proposed Positive Findings of Fact**  
*2019-05P: Special Use Permit*

<table>
<thead>
<tr>
<th>Consideration</th>
<th>Finding</th>
</tr>
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<tbody>
<tr>
<td>The request is consistent with the intent of the Comprehensive Plan.</td>
<td>The proposed use is not consistent with the <em>manufacturing/service employment</em> land use designation in the Comprehensive Plan; however, it is consistent with the trend of zoning changes and commercial developments along Touhy Avenue between Hamlin and Kedzie Avenues over the past 30 years.</td>
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<tr>
<td>The request will not adversely affect adjacent properties.</td>
<td>The request is not expected to adversely affect adjacent properties, as it is part of a larger overall development.</td>
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<tr>
<td>The request is compatible with the existing or allowable uses of adjacent properties.</td>
<td>The request is compatible with the existing or allowable uses of adjacent properties.</td>
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<td>The request demonstrates that adequate public facilities, including roads, drainage, utilities, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.</td>
<td>Adequate public facilities, including roads, drainage, utilities, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.</td>
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<td>The request demonstrates adequate provision for maintenance and use of the associated structures.</td>
<td>The request demonstrates adequate provision for maintenance and use of the associated structures.</td>
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<td>The request has considered and, to the degree possible, addressed the adverse effects on the natural environment.</td>
<td>The request has considered and is expected to address any adverse effects on the natural environment.</td>
</tr>
<tr>
<td>The request will not create undue traffic congestion.</td>
<td>Per the traffic impact analysis, the use is not expected to create undue traffic congestion, including the availability of ample drive-through queuing on-site.</td>
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<tr>
<td>The request will not adversely affect public health, safety, and welfare.</td>
<td>The request will not adversely affect public health, safety, and welfare.</td>
</tr>
<tr>
<td>The request conforms to all applicable provisions of this code, except where relief is granted with the request.</td>
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Case Description

2019-05P - Special Use Permit: 3754 Touhy Avenue

Skokie Development, LLC, on behalf of 3720 Property Owner, LLC, 7227 Property Owner, LLC, and 3721 Property Owner, LLC, requests a special use permit for a limited service restaurant with a 2-lane drive-through in a B2 Commercial zoning district, relief from §82-22(b)(1) to allow sign lettering to project above the physical dimensions of a canopy, and any relief that may be discovered during the review of this case.

PINs: 10-26-318-016-0000, 10-26-318-024-0000, 10-26-318-026-0000, 10-26-318-027-0000, and 10-26-318-028-0000

Discussion and Interested Parties

Legal notice was advertised, posted, and delivered to property owners in the area as prescribed by the Zoning Chapter. After confirming that notices for 3 addresses which were left off the notarized affidavit were in fact mailed out by March 6, 2019, it was determined by Corporation Counsel that notice was proper and correct.

As all 5 cases pertain to the same site, they were discussed together but voted on separately.

Mr. Tim Hague of Keystone Ventures on behalf of Skokie Development, LLC presented the cases. Mr. Michael Werthmann, senior staff member of KLOA spoke about the traffic circulation patterns.

Based on the trend towards commercial developments in this area, the subject site is one of a few properties that have not been rezoned for commercial uses. They propose to re-zone the properties at 3720 Touhy Avenue and 7227 Hamlin from M1 Industry to B2 Commercial and redevelop a 4¼ acre site west of Touhy Marketplace into a shopping center containing a limited service restaurant with a 2-lane drive-through facility and an outdoor dining component (Building B), a multi-tenant commercial building (Building A) facing Touhy Avenue and a building at 3721 Chase Avenue to be renovated for a single-tenant medical facility, which has already gone through the re-zoning process a couple of years ago.

The subdivision will allow the 5 lots to become a 4-lot planned development with lot 1 being a Buona Restaurant with a drive-through, lot 2 for common parking and underground stormwater detention, lot 3 is the north building for the medical facility with parking and cross access to the Walmart site, and lot 4 will be for the multi-tenant building. Land dedications will also be included to widen Touhy and Chase Avenues as required by Village Code. The widened Touhy Avenue will also increase the width of the parkway and allow for the extension of the multi-use path. The Chase Avenue land dedication will allow the sidewalk to become aligned with the existing sidewalk and add a parkway with trees and grass.
Mr. Hague displayed building elevations and renderings for each. Building “A” along Touhy Avenue has no known tenants yet but could contain retail and restaurant uses. Building “C” will utilize the existing shell for the medical facility but they are still working through the design elements.

A commissioner noted that the entrance for the building facing Touhy will be on the north side and faux frosted windows will appear fronting Touhy Avenue. Mr. Hague mentioned that all elevations will be treated as fronts. A secondary entrance on the south side will be suggested and encouraged but stated that most occupants have security concerns with dual entrances.

The 260 proposed parking spaces will need to be adjusted after meeting with staff. It was determined that, per state and Village requirements, 10% of the spaces need to be ADA spaces and therefore, 8 spaces will be lost. Additionally, the loading areas for Buildings C & A located at the northeast corner of Building A will take 1 or 2 more spaces away. They also will be requesting relief for the 6-ft landscape buffer.

Mr. Werthmann talked about the traffic movement, access points, and cross-easements with the Walmart development. Touhy Avenue is under the jurisdiction of IDOT; therefore, plans have been additionally submitted to them for approval for the expansion of the Touhy Avenue ROW. Discussions with Lincolnwood are underway as well.

A commissioner commented that he sees a potential back-up of traffic at Hamlin Avenue because of the point of cross easement and the area is loaded with illegally parked semi-trucks. Mr. Werthmann does not see the internal circulation as an issue.

Another commissioner added his concern as well. The Walmart lot is dangerous to navigate and impossible to make a left turn to get out; especially on weekends. Mr. Werthmann stated that it was deliberate not to have direct access from the Walmart lot as a means to calm traffic in the lot. Staff agreed and disclosed that they designed the Walmart parking lot to prevent everyone from rushing to the traffic light for the same reason.

At the June 13, 2018 and March 13, 2019 Appearance Commission meetings, the proposal was approved with relief needed for the number of signs, the lettering mounted above the canopy, and for wall signs facing the parking lot as well as the street.

Mr. Hague gave a brief history of the Buona restaurant chain serving fast casual food in a family environment since 1980. They will not open before 10:30 or 11:00 AM with lunch time on Monday–Friday as their peak time. The north side drive-through has enough stacking space for 17 vehicles with 2 order boards. Each order is hand made at the time of ordering. There are 3 waiting stations north of the drive-through aisle for orders that are not ready by the time the vehicle reaches the end of the lane.

The Buona outdoor dining area located on the south side, with space for 20 patrons, is east of the entrance. It can only be accessed from inside the restaurant. They will comply with regulations for their hours and open seasons.
Staff requested that the reports be entered into the record as presented with the additional condition to the site plan approval that tenant choices on the part of the developer do not constitute hardship for the purpose of zoning variances or relief. The tenant choices affect the parking requirement.

The Community Development Director questioned whether the elevations for the medical facility were the same as what was submitted for approval at the Appearance Commission meeting. Mr. Hague stated that it was at 2 separate meetings - the west and south elevations were approved initially and after the medical facility showed interest for the site, they went back to the Appearance Commission and were approved at the last meeting, on March 13th. Staff reiterated that the medical building was a last minute addition and all they know is that the entrance will be at the center of the western elevation.

A commissioner commented that a lot is being crammed onto the site and asked staff if they were OK with the 20 handicap parking spaces all in the center aisle of the medical facility parking lot which will push people to the Buona parking area. As the number of employees is not known yet, he suggested as part of the cross-easement agreement, perhaps this developer can have their employees park at the western edge of the adjacent Walmart lot since it has parking beyond what they need. Mr. Hague has asked but Walmart was not agreeable to that arrangement.

The Community Development director stated that parking is determined by square footage and not by number of employees. Staff added that the employees should be parking where the stormwater detention area is located.

Another commissioner questioned whether requiring trash receptacles and policing the area for trash at the restaurant site was included in the staff report. He also inquired about sound provisions and lights at the drive-through. Staff answered that all are listed as conditions of the special use. Lights are covered under the overall development.

A commissioner asked if enforcement measures can be taken so that there will be no long term parking of semi-trucks in the easement on the Walmart site. Staff answered that the issue is off this site but inspection and enforcement by the Property Standards Division of the Walmart site would remind them that the access easement needs to remain open.

**Recommendations and Voting**

**Case 2019-05P**

A motion was made to approve the request, as presented, for a special use permit for a limited service restaurant with a 2-lane drive-through in a B2 Commercial zoning district and relief to allow sign lettering to project above a canopy.

**Motion:** D. Laxpati  
**Second:** S. Berman  
**Absent:** G. Mitchell

**Ayes:** 8  
**Nays:** 0
BUONA RESTAURANT

NEW CONSTRUCTION - 4,080 SF RESTAURANT
NEC TOUHY AVENUE & HAMLIN AVENUE
SKOKIE, IL

REVISED - FEBRUARY 11, 2019

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A-005  FLOOR PLAN & INTERIOR IMAGES
A-006  SITE PLAN
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SIGN TO BE COORDINATED W/ SIGN COMPANY
BRICK COURSE - SEE SECTION FOR ADDITIONAL INFORMATION
HOSE BIB AT 24"
ALUMINUM FRAME STOREFRONT: AFS-1
LINE OF FOUNDATION
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LIGHT FIXTURE PER PLAN
TOWER BEYOND
BRICK SOLDIER AND STACKED COURSE BRICK DETAILS AS INDICATED, BK-1
ALUMINUM TRIM @ TOP OF WALL
BRICK EXPANSION JOINT
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COWS TONGUE - OVERFLOW
POLISHED BRONZE
EL: 24'-4"
T/ WALL
EL: 10'-0"
T/ STOREFRONT
EL: 0'-0"
FIN. FLOOR
EL: -4'-0"
B/ FOUNDATION
STEEL CHANNEL - PNT-8
PROVIDE LIGHT FIXTURE PER PLAN
STEEL C-CHANNEL CANOPY W/ ORNAMENTAL 1 1/2" STL BOLT HEADS SUPPORT BRACKETS, ROD, TURNBUCKLES - COLOR: PNT-8
60305
HAGUE ARCHITECTURE
RIVER FOREST, ILLINOIS
708.771.3900
420 CLINTON PLACE
SKOKIE, ILLINOIS
NEC Touhy Avenue & Hamlin Avenue
BUONA - SKOKIE
BUONA - THE ORIGINAL ITALIAN BEEF
ELEVATIONS
ELEVATION C
SCALE 1/8" = 1'-0"
BUONA - SKOKIE
BUONA - THE ORIGINAL ITALIAN BEE
ELEVATIONS
ELEVATION D
SCALE 1/8" = 1'-0"
**BUONA - SKOKIE**

**NEC TOUHY AVENUE & HAMLIN AVENUE**

**SKOKIE, ILLINOIS**

**BRICK:**
- BORAL BRICK - ALAMO
- MODULAR - RUNNING BOND

**METAL CORNICE:**
- PAC CLAD
- WEATHERED ZINC

**STOREFRONT:**
- VISTAWALL OR EQUAL CLEAR ALUMINUM

**BUILDING SCONCE:**
- SLV ENOLA UP DOWN

**PARKING LOT LIGHTING:**
- MCGRAW EDISON GLEON

**EXTERIOR WOOD PANEL:**
- PARKLEX OR NEWTECHWOOD
- GREY OAK - GRAPHITE / MARBAU
  - ALT - SAVAGED WOOD SIDING

**BRICK:**
- BORAL BRICK - ALAMO
- MODULAR - RUNNING BOND

**METAL CORNICE:**
- PAC CLAD
- WEATHERED ZINC

**STOREFRONT:**
- VISTAWALL OR EQUAL CLEAR ALUMINUM

**BUILDING SCONCE:**
- SLV ENOLA UP DOWN

**PARKING LOT LIGHTING:**
- MCGRAW EDISON GLEON

**BUONA - SKOKIE**

**NEC TOUHY AVENUE & HAMLIN AVENUE**

**SKOKIE, ILLINOIS**

**BRICK:**
- BORAL BRICK - ALAMO
- MODULAR - RUNNING BOND

**METAL CORNICE:**
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**BUILDING SCONCE:**
- SLV ENOLA UP DOWN

**PARKING LOT LIGHTING:**
- MCGRAW EDISON GLEON
BUONA RESTAURANT
4,700 SF

109 PARKING SPACES
2019-05P - Special Use Permit: 3754 Touhy Avenue
To: Mayor and Board of Trustees  
From: Paul Luke, Plan Commission Chairperson  
Case: 2019-06P: Special Use Permit  
3754 Touhy Avenue

Related Cases - 2019-02P: Zoning Map Amendment  
2019-03P: Subdivision  
2019-04P: Site Plan Approval  
2019-05P: Special Use Permit - limited service restaurant with drive-through  
2019-06P: Special Use Permit - outdoor dining

PLAN COMMISSION ANALYSIS

The case was heard at the March 21, 2019, Plan Commission meeting, and involves a request for a special use permit for outdoor dining associated with a limited service restaurant with a 2-lane drive through in a B2 Commercial zoning district, and any relief that may be discovered during the review of this case.

Outdoor dining on private property for a limited service restaurant with a drive-through facility is allowed with a special use permit in the B2 Commercial district.

All related cases were discussed together but voted on separately.

Based on the trend towards commercial developments in this area, the subject site west of Touhy Marketplace is proposed to be redeveloped into a shopping center containing a limited service restaurant with a 2-lane drive-through facility and an outdoor dining component (Building B), a multi-tenant commercial building facing Touhy Avenue (Building A), and a building at 3721 Chase Avenue to be renovated for a single-tenant medical facility (Building C).

The Buona restaurant chain has been serving fast casual food in a family environment since 1980. The restaurant will not open before 10:30 or 11:00 a.m., with lunch Monday–Friday as the peak hours of operation. The allowable outdoor dining hours are not beyond the posted hours of operation for the restaurant, and must close by 10 p.m. Outdoor dining is limited to between April 1 and October 31 each year.

The Buona restaurant property is east of and across the street from residentially-zoned, single-family properties in Lincolnwood.

The Buona outdoor dining area located on the south side of the building and east of the building entrance, with space for 20 patrons. It can only be accessed from inside the restaurant. Buona will comply with Village regulations for allowable outdoor dining hours and seasons. At least 1 litter/refuse disposal container must be provided.
Commissioner inquiries included trash receptacles, policing the area for trash, and sound and lighting levels. Provisions for these issues are included in conditions for this special use case and/or the site plan approval case.

INTERESTED PARTIES
Legal notice was advertised, posted, and delivered to property owners in the area as prescribed by the Zoning Chapter. It was determined by Corporation Counsel that notice was proper and correct. There were no interested parties that spoke regarding this case.

APPEARANCE COMMISSION
See case 2019-05P for Buona-related Appearance Commission information.

PLAN COMMISSION RECOMMENDATIONS AND VOTING
The Plan Commission recommended, by a vote of 8 ayes, 0 nays, and 1 absent that the petitioner’s request for a special use permit for outdoor dining associated with a limited service restaurant with a 2-lane drive-through at 3754 Touhy Avenue in a B2 Commercial district be APPROVED, based upon the Proposed Positive Findings of Fact and subject to the recommended conditions in subdivision case 2019-03P, site plan approval case 2019-04P, special use permit case 2019-05P, and the conditions below.

<table>
<thead>
<tr>
<th>ATTENDANCE</th>
<th>AYES</th>
<th>NAYS</th>
<th>ABSENT</th>
<th>VACANT</th>
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<tbody>
<tr>
<td>Mathee</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Burman (moved)</td>
<td>X</td>
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<tr>
<td>Laxpati</td>
<td>X</td>
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<tr>
<td>Franklin</td>
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<td>Villegas</td>
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<td>S. Berman (second)</td>
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<td>Luke</td>
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ATTACHMENTS

1. Plan Commission Recommended Conditions, dated April 15, 2019
2. Plan Commission Positive Findings of Fact, dated April 15, 2019
3. Staff Report for 2019-06P, dated March 21, 2019
4. Minutes of Plan Commission Meeting, dated March 21, 2019
5. Buona Floor Plan and Site Plan, dated February 11, 2019
6. Land Use and Zoning Map
In addition to the conditions of cases 2019-02P, 2019-03P, 2019-04P, and 2019-05P, the following conditions shall apply to outdoor dining for a limited service restaurant with a drive-through facility:

Site and Use
1. The petitioner shall develop the Subject Property in substantial conformance with the final Village approved site plans dated <insert date of final approved plan>, engineering plans dated <insert date of final approved plan>, landscape plans dated <insert date of final approved plan>, sign plans dated <insert date of final approved plan>, and building elevations dated <insert date of final approved plan>. (Standard)
2. Any outdoor sound systems shall at all times maintain audio levels that are compliant with the Skokie Village Code. (Standard)
3. No objects are allowed within a 15' sight distance triangle between 30" and 84" in height from grade except traffic control devices listed in the Manual on Uniform Traffic Control Devices. (Standard)

Maintenance
4. Trash shall only be allowed within a designated trash enclosure and shall be screened from public view in an enclosure approved by the Appearance Commission. All trash shall be contained in such a way as to remain out of sight at all times, except for waste receptacles referenced in Condition Number <insert condition number> below. (Standard)
5. Waste receptacles shall be placed on the Subject Property for the use of customers, and that the Health Department shall determine the size, type, and location of these units, including 1 waste receptacle in the outdoor dining area and 1 waste receptacle at the restaurant entrance. (Standard)
6. At least once during every 4 hours of operation and before opening and closing of the business, employees shall patrol the Subject Property and clear it of debris.

Governance
7. The petitioner shall comply with all Federal and State statutes, laws, rules and regulations and all Village codes, ordinances, rules, and regulations. (Standard)
8. Failure to abide by any and all terms of this Ordinance shall be cause for the Village to initiate hearings to determine whether the subject Ordinance, as well as any applicable business licenses, should be revised or revoked. The petitioner shall pay all costs related to any hearings conducted as a result of non-compliance with any of the provisions of the enabling ordinance. The costs shall include but not be limited
to court reporter fees, attorney fees, and staff time required researching and conducting said hearing. (Standard)

Outdoor Dining 118-85(e)

9. Barriers, fencing, landscaping, and other features shall be utilized to define the outdoor dining area.

10. Hours of operation for the outdoor dining shall be limited to between 8:00 AM and 10:00 PM, but not longer than the posted operational hours of the associated food service facility, if the facility opens later and/or closes earlier than these hours.

11. Dates of operation shall be limited to between April 1 and October 31 in a calendar year.

12. The outdoor dining area shall be exempt from the parking regulations if used or set up less than 7 months in a calendar year.

13. All food preparation must take place inside the associated food service establishment.

14. Adequate refuse disposal shall exist as determined by the Health Department.

15. Advertising or promotional features shall be limited to umbrellas or canopies.

16. All applicable village and state health requirements shall be met.

17. Dining areas will be reviewed each year during the annual restaurant inspection. The outdoor dining permit may be revoked by the Village Manager at any time on 14 days' notice for failure to comply with the regulations set forth in this subsection.

18. The outdoor dining area shall not be enclosed on more than two sides with walls if roofed over.

19. The outdoor dining area must be located on a surface approved by the Village Manager or designee.

20. The outdoor dining area shall not be located in a required parking space or block a public sidewalk.

Additional Requirements for Outdoor Dining on Private Property 118-85(e)(2)

21. The outdoor dining shall be on the same lot or within a development that received site plan approval as its associated food service establishment.

22. An outdoor dining area shall not be located within a 15' sight distance triangle.
## Positive Findings of Fact

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STAFF REPORT 2019-06P: Special Use Permit
Community Development Department
Council Chambers, 7:30 PM, March 21, 2019

To: Paul Luke, Plan Commission Chairperson
From: Carrie Haberstich, AICP, Planner/CDBG Administrator
Re: 2019-06P: Special Use Permit
3754 Touhy Avenue

Related Cases – 2019-02P: Zoning Map Amendment
2019-03P: Subdivision
2019-04P: Site Plan Approval
2019-05P: Special Use Permit – limited service restaurant with drive-through
2019-06P: Special Use Permit – outdoor dining

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<td><strong>Comprehensive Plan</strong></td>
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SITE INFORMATION

See case 2019-04P for site and Complete Streets information.

PETITIONER’S SUBMITTAL

**Propose Use:** Skokie Development, LLC is proposing to redevelop three (3) contiguous properties located at 3720 Touhy Avenue, 72[27] Hamlin Avenue and 3721 Chase Avenue. All existing improvements at 3720 Touhy and 7227 Hamlin will be demolished. The existing building at 3721 Chase will be renovated. The proposed redevelopment will include three (3) building structures: a new 4,700 square foot restaurant building with a drive-through for Buona Restaurants; a new 10,500 square foot multi-tenant retail/restaurant building; and the renovated 31,860 square foot 3721 Chase Avenue building. The proposed development will be served with street access from Touhy Avenue, Hamlin Avenue and Chase Avenue, and include cross-access with the adjacent Walmart/Touhy Marketplace development to the east. The proposed development will include on-site parking for 261 parking spaces.

The proposed Buona Restaurant incorporates an outdoor dining area for the utilization of its customers during weather permitting seasons. The proposed Buona outdoor dining area is located along the south building elevation, and will be bordered by a decorative iron fence 42 inches tall with some integrated landscaped planting boxes. The outdoor dining area is access through the restaurants main dining area.

**Proposed Use upon the Character of the Neighborhood:** Recently several properties located between Touhy Avenue and Chase Avenue have been redeveloped from industrial uses to new retail/service employment uses. These projects include adjacent Walmart/Touhy Marketplace development, XSport Fitness, and the Mariano’s shopping center development. Skokie Development, LLC is proposing to redevelop older industrial properties with new retail, restaurant and service uses, similar to the trend and referenced development projects.

**Surrounding Property Values:** As the older industrial properties located between Touhy Avenue and Chase Avenue have continued to be redeveloped to their highest and best use with new retail, restaurants, and service uses, these properties have experienced increased property values. The proposed redevelopment will continue this trend, and the new retail, restaurant and service uses introduced will provide new goods and services to the neighborhood, having a positive effect upon surrounding property values.

**Traffic Conditions:** The development site is located in the northeast quadrant of the intersection of Touhy Avenue and Hamlin Avenue. It is bounded by Chase Avenue on the north, the Walmart/Touhy Marketplace shopping center on the east, Touhy Avenue on the south, and Hamlin Avenue on the west. Touhy Avenue is an east-west minor arterial roadway with two through lanes in each direction in the vicinity of the site. Touhy Avenue is under the jurisdiction of Illinois Department of Transportation (IDOT) and carries an annual average daily traffic volume (AADT) of 25,800 vehicles as reported by IDOT in 2014, and has posted speed limit of 35 miles per hour. A parking lane is provided on the north and south side of Touhy Avenue, west of Hamlin Avenue. Parking is not permitted on either side of Touhy Avenue east of Hamlin Avenue. Hamlin Avenue is a north-south collector road with one lane in each direction. Hamlin Avenue is under the jurisdiction of the Village of Skokie to the north of Touhy Avenue and the Village of Lincolnwood to the south of Touhy Avenue. North of Touhy Avenue, Hamlin Avenue is classified as a minor collector road by IDOT, and carries an AADT of 1,800 vehicles. Parking on Hamlin Avenue is prohibited on the west side of the road and permitted on the east side, except on weekdays between 7 AM and 6 PM, to the north of Touhy Avenue. Chase Avenue is an east-west local roadway, under the
jurisdiction of the Village of Skokie. Parking is permitted on the north side of Chase Avenue [but] prohibited on the south side.

Access to the development will continue to be provided from the existing full-movement driveways on Touhy Avenue, Hamlin Avenue and Chase Avenue. On Touhy Avenue, the driveway is opposite Ridgeway Avenue. On Hamlin Avenue, the two former Bosworth Company driveways will be consolidated into a single driveway. On Chase Avenue, the driveway serving the existing commercial at the north end of the site will remain. Further, a cross-access connection will be provided between the proposed development and the existing Walmart/Touhy Marketplace development to the east.

Kenig, Lindgren, O’Hara, Aboona, Inc. (KLOA) prepared a Traffic Impact Study of the proposed redevelopment project. KLOA has suggested the following recommendations:

- Hamlin Avenue be widened at its approach to Touhy Avenue to provide a shared through/right-turn lane and a left-turn lane. A high-visibility crosswalk should be provided across the north and south legs of the intersection.

- Further improvements should be considered to the intersection of Hamlin Avenue and Touhy Avenue, including:
  - Via restriping of existing pavement and removal of on-street parking on Touhy Avenue, provide a westbound left-turn [lane] and an eastbound left-turn lane at Hamlin Avenue.
  - Widen the southbound approach on Hamlin Avenue to provide a southbound left-turn lane and a shared through/right-turn lane.

- The full access on Touhy Avenue opposite Ridgeway will be narrowed to provide one lane inbound and one lane outbound with the outbound lane to be under stop sign control. Consideration should be given to restriping Touhy Avenue to provide an eastbound left-turn lane to separate left-turning traffic from the eastbound through traffic flow on Touhy Avenue.

- The recommended improvements to providing turn lanes on Touhy Avenue at its intersections with Hamlin Avenue and with Ridgeway/Proposed Access will result in the total loss of approximately 18 to [20] on-street parking spaces on both sides of Touhy Avenue.

**Public Utilities:** The existing public utilities are adequately sized to service the proposed development project. The utility services provided to the new construction buildings will be entirely constructed to be located underground. The removal of the existing overhead utilities which extend east from Hamlin Avenue, will require providing a new electrical service feed to the existing BP gas station located to the south and west of the subject site.

**Storm Water Detention:** As part of a comprehensive redevelopment of the site, the new site improvements will include a storm water detention system design to code, which includes a storm water detention vault to be located under the parking lot, with restricted outflow to the existing Village of Skokie sewer main located under Chase Avenue.

**Other Matters Pertaining to the Public Health, Safety, Morals and General Welfare of the Community:** Skokie Development, LLC has designed the proposed redevelopment project to be an upscale shopping center development. The proposed project will not endanger public health, safety, morals or general welfare of the community. The new businesses will contribute to the municipal tax base, provide new employment opportunities for the surrounding area, and provide new goods and services to the community.
STAFF ANALYSIS

Staff Comment and Review requests were sent to all pertinent departments and were received from Environmental Health and Planning. Civil Engineering comments are duplicates of those provided for case 2019-04P: Site Plan Approval, and therefore are not included in this report. All other departments returned the requests with no comments regarding the subject case. Comments that specifically impact this special use permit case include:

Environmental Health
An outdoor dining area shall have at least one litter/refuse disposal container.

Planning
Outdoor dining on private property for a limited service restaurant with a drive-through is allowed with a special use permit in the B2 Commercial district. Site plan approval-related items were addressed in case 2019-04P, and drive-through-related items were addressed in case 2019-05P.

Buona is proposing an outdoor dining area on the south side of the building with a 20-seat capacity.

Allowable outdoor dining hours are from 8 a.m. to 10 p.m., but not beyond the posted hours of operation for the restaurant. Outdoor dining is limited to between April 1 and October 31 each year.

APPEARANCE COMMISSION

See case 2019-05P for Buona-related Appearance Commission information.

STAFF RECOMMENDATIONS

Staff recommends that the petitioner’s request for outdoor dining associated with a limited service restaurant with a 2-lane drive-through at 3754 Touhy Avenue in a B2 Commercial district be APPROVED, based upon the Proposed Positive Findings of Fact and subject to the recommended conditions in subdivision case 2019-03P, site plan approval case 2019-04P, special use permit case 2019-05P, and the conditions below.

RECOMMENDED SPECIAL USE PERMIT CONDITIONS

In addition to the conditions of cases 2019-02P, 2019-03P, 2019-04P, and 2019-05P the following conditions shall apply to outdoor dining for a limited service restaurant with a drive-through:

VOSDOCS-#550196-v2-Staff_Report_-_2019-06P_-_Special_Use_Permit_-_3754_Touhy_-_Outdoor_Dining
Site and Use

1. The petitioner shall develop the Subject Property in substantial conformance with the final Village approved site plans dated <insert date of final approved plan>, engineering plans dated <insert date of final approved plan>, landscape plans dated <insert date of final approved plan>, sign plans dated <insert date of final approved plan>, and building elevations dated <insert date of final approved plan>. (Standard)

2. Any outdoor sound systems shall at all times maintain audio levels that are compliant with the Skokie Village Code. (Standard)

3. No objects are allowed within a 15' sight distance triangle between 30" and 84" in height from grade except traffic control devices listed in the Manual on Uniform Traffic Control Devices. (Standard)

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6. At least once during every 4 hours of operation and before opening and closing of the business, employees shall patrol the Subject Property and clear it of debris.

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7. The petitioner shall comply with all Federal and State statutes, laws, rules and regulations and all Village codes, ordinances, rules, and regulations. (Standard)

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Outdoor Dining 118-85(e)

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Additional Requirements for Outdoor Dining on Private Property 118-85(e)(2)

21. The outdoor dining shall be on the same lot or within a development that received site plan approval as its associated food service establishment.

22. An outdoor dining area shall not be located within a 15' sight distance triangle.

ATTACHMENTS

1. Proposed Positive Findings of Fact
2. Floor Plan and Site Plan, dated February 11, 2019
3. Land Use and Zoning Map
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A motion was made by Commissioner S. Berman and seconded by Commissioner J. Burman to approve the minutes of the February 21, 2019 meeting.

Case Description

2019-06P- Special Use Permit: 3754 Touhy Avenue
Skokie Development, LLC, on behalf of 3720 Property Owner, LLC, 7227 Property Owner, LLC, and 3721 Property Owner, LLC, requests a special use permit for outdoor dining associated with a limited service restaurant with a 2-lane drive through in a B2 Commercial zoning district, and any relief that may be discovered during the review of this case.

PINs: 10-26-318-016-0000, 10-26-318-024-0000, 10-26-318-026-0000, 10-26-318-027-0000, and 10-26-318-028-0000

Discussion and Interested Parties

Legal notice was advertised, posted, and delivered to property owners in the area as prescribed by the Zoning Chapter. After confirming that notices for 3 addresses which were left off the notarized affidavit were in fact mailed out by March 6, 2019, it was determined by Corporation Counsel that notice was proper and correct.

As all 5 cases pertain to the same site, they were discussed together but voted on separately.

Mr. Tim Hague of Keystone Ventures on behalf of Skokie Development, LLC presented the cases. Mr. Michael Werthmann, senior staff member of KLOA spoke about the traffic circulation patterns.

Based on the trend towards commercial developments in this area, the subject site is one of a few properties that have not been rezoned for commercial uses. They propose to re-zone the properties at 3720 Touhy Avenue and 7227 Hamlin from M1 Industry to B2 Commercial and redevelop a 4¼ acre site west of Touhy Marketplace into a shopping center containing a limited service restaurant with a 2-lane drive-through facility and an outdoor dining component (Building B), a multi-tenant commercial building (Building A) facing Touhy Avenue and a building at 3721 Chase Avenue to be renovated for a single-tenant medical facility, which has already gone through the re-zoning process a couple of years ago.

The subdivision will allow the 5 lots to become a 4-lot planned development with lot 1 being a Buona Restaurant with a drive-through, lot 2 for common parking and underground stormwater detention, lot 3 is the north building for the medical facility with parking and cross access to the Walmart site, and lot 4 will be for the multi-tenant building. Land dedications will also be included to widen Touhy and Chase Avenues as required by Village Code. The widened Touhy Avenue will also increase the width of the parkway and allow for the extension of the multi-use path. The Chase Avenue land
dedication will allow the sidewalk to become aligned with the existing sidewalk and add a parkway with trees and grass.

Mr. Hague displayed building elevations and renderings for each. Building “A” along Touhy Avenue has no known tenants yet but could contain retail and restaurant uses. Building “C” will utilize the existing shell for the medical facility but they are still working through the design elements.

A commissioner noted that the entrance for the building facing Touhy will be on the north side and faux frosted windows will appear fronting Touhy Avenue. Mr. Hague mentioned that all elevations will be treated as fronts. A secondary entrance on the south side will be suggested and encouraged but stated that most occupants have security concerns with dual entrances.

The 260 proposed parking spaces will need to be adjusted after meeting with staff. It was determined that, per state and Village requirements, 10% of the spaces need to be ADA spaces and therefore, 8 spaces will be lost. Additionally, the loading areas for Buildings C & A located at the northeast corner of Building A will take 1 or 2 more spaces away. They also will be requesting relief for the 6-ft landscape buffer.

Mr. Werthmann talked about the traffic movement, access points, and cross-easements with the Walmart development. Touhy Avenue is under the jurisdiction of IDOT; therefore, plans have been additionally submitted to them for approval for the expansion of the Touhy Avenue ROW. Discussions with Lincolnwood are underway as well.

A commissioner commented that he sees a potential back-up of traffic at Hamlin Avenue because of the point of cross easement and the area is loaded with illegally parked semi-trucks. Mr. Werthmann does not see the internal circulation as an issue.

Another commissioner added his concern as well. The Walmart lot is dangerous to navigate and impossible to make a left turn to get out; especially on weekends. Mr. Werthmann stated that it was deliberate not to have direct access from the Walmart lot as a means to calm traffic in the lot. Staff agreed and disclosed that they designed the Walmart parking lot to prevent everyone from rushing to the traffic light for the same reason.

At the June 13, 2018 and March 13, 2019 Appearance Commission meetings, the proposal was approved with relief needed for the number of signs, the lettering mounted above the canopy, and for wall signs facing the parking lot as well as the street.

Mr. Hague gave a brief history of the Buona restaurant chain serving fast casual food in a family environment since 1980. They will not open before 10:30 or 11:00 AM with lunch time on Monday–Friday as their peak time. The north side drive-through has enough stacking space for 17 vehicles with 2 order boards. Each order is hand made at the time of ordering. There are 3 waiting stations north of the drive-through aisle for orders that are not ready by the time the vehicle reaches the end of the lane.
The Buona outdoor dining area located on the south side, with space for 20 patrons, is east of the entrance. It can only be accessed from inside the restaurant. They will comply with regulations for their hours and open seasons.

Staff requested that the reports be entered into the record as presented with the additional condition to the site plan approval that tenant choices on the part of the developer do not constitute hardship for the purpose of zoning variances or relief. The tenant choices affect the parking requirement.

The Community Development Director questioned whether the elevations for the medical facility were the same as what was submitted for approval at the Appearance Commission meeting. Mr. Hague stated that it was at 2 separate meetings- the west and south elevations were approved initially and after the medical facility showed interest in the site, they went back to the Appearance Commission and were approved at the last meeting, on March 13th. Staff reiterated that the medical building was a last minute addition and all they know is that the entrance will be at the center of the western elevation.

A commissioner commented that a lot is being crammed onto the site and asked staff if they were OK with the 20 handicap parking spaces all in the center aisle of the medical facility parking lot which will push people to the Buona parking area. As the number of employees is not known yet, he suggested as part of the cross-easement agreement, perhaps this developer can have their employees’ park at the western edge of the adjacent Walmart lot since it has parking beyond what they need. Mr. Hague has asked but Walmart was not agreeable to that arrangement.

The Community Development director stated that parking is determined by square footage and not by number of employees. Staff added that the employees should be parking where the stormwater detention area is located.

Another commissioner questioned whether requiring trash receptacles and policing the area for trash at the restaurant site was included in the staff report. He also inquired about sound provisions and lights at the drive-through. Staff answered that all are listed as conditions of the special use. Lights are covered under the overall development.

A commissioner asked if enforcement measures can be taken so that there will be no long term parking of semi-trucks in the easement on the Walmart site. Staff answered that the issue is off this site but inspection and enforcement by the Property Standards Division of the Walmart site would remind them that the access easement needs to remain open and clear.

**Recommendations and Voting**

**Case 2019-06P**

A motion was made to approve the request, as presented, for a special use permit for outdoor dining associated with a limited service restaurant with a 2-lane drive-through in a B2 Commercial zoning district.

**Motion:** J. Burman  
**Second:** S. Berman  
**Absent:** G. Mitchell

**Ayes:** 8  
**Nays:** 0
2019-06P - Special Use Permit: 3754 Touhy Avenue