

**AGENDA**  
**REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, ILLINOIS**  
**7:00 P.M.**  
**MONDAY, NOVEMBER 1, 2021**  
**FREEDOM HALL, 349 W. BIRCHWOOD, MORTON, ILLINOIS**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE TO THE FLAG**
- IV. PUBLIC HEARING**
- V. PRESENTATIONS AND SPECIAL REPORTS**
- VI. PUBLIC COMMENT**
  - A. Public Comments
  - B. Requests for Removal of Items from the Consent Agenda
- VII. CONSENT AGENDA**
  - A. Approval of Minutes
    - 1. Regular Meeting – October 18, 2021
  - B. Approval of Bills
- VIII. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**
- IX. VILLAGE PRESIDENT**
- X. VILLAGE CLERK**
- XI. VILLAGE ADMINISTRATOR**
  - A. Renewal of Property, Liability, & Workers Compensation Insurance for December 1, 2021 – December 1, 2022.
- XII. CHIEF OF POLICE**
- XIII. CORPORATION COUNSEL**
- XIV. DIRECTOR OF FIRE AND EMERGENCY SERVICES**
- XV. DIRECTOR OF PUBLIC WORKS**
  - A. A Resolution authorizing joint PPUATS funding agreement for 2022 fiscal year.
  - B. A resolution accepting grant funds and committing local funds for the Illinois Department of Transportation Highway Safety Improvement Program for replacing guard rails.
  - C. Resolution adopting Stop and Yield Sign Policy
- XVI. ZONING AND CODE ENFORCEMENT OFFICER**
  - A. Petition # 21-04 SP
  - B. An Ordinance making amendments clarifying the definition of drive-in to include drive-through restaurants to Title 10 of the Morton Municipal Code.
- XVII. VILLAGE TRUSTEES**
  - A. Trustee Blunier
  - B. Trustee Hilliard
    - a. An ordinance authorizing amendment to commercial real estate purchase agreement and commercial lease agreement with Morton Rentals, LLC for 445 E. Birchwood, Morton IL.
  - C. Trustee Leitch
    - a. A Resolution authorizing purchase of mobile and portable radios for Morton Fire Department.
  - D. Trustee Menold
  - E. Trustee Newman
  - F. Trustee Parrott
- XVIII. CLOSED SESSIONS**
- XIX. CONSIDERATION OF MATTERS ARISING FROM CLOSED SESSIONS**
- XXIII. ADJOURNMENT**



**VILLAGE BOARD OF TRUSTEES  
REGULAR MEETING  
7:00 P.M., October 18, 2021**

After calling the meeting to order, President Kaufman led the Pledge of Allegiance. The Clerk called the roll, with the following members present: Hilliard, Leitch, Menold, Newman, Parrott - 5.

**PUBLIC HEARING** – Case No. 21-02: Miller Group USA, LLC sought a variance for the property located at 139 E. Ashland St. (PIN 06-06-17-201-008). The petitioner sought a variance from Ordinance #94-31 relative to the Interstate Corridor requirements. The variance would allow a reduction in minimum lot size requirement of one (1) acre to be reduced to .925 acre. This would provide a variance of .075 acre. Also, a variance was requested for the required minimum frontage width of 175’ to be reduced to 160’. This would provide a variance of 15’. Heide McPherson and Greg Snodgrass of Miller Group and Dan Evans of Millennia Professional Services were in attendance to address the board and support their case. McPherson was sworn in by the court reporter and then provided in-depth explanations regarding the case for the Board of Trustees. There were some questions that were answered and then Trustee Menold moved to approve the variance. This motion was seconded by Trustee Parrott and approved with the following roll call vote:

Yes: Hilliard, Leitch, Menold, Newman, Parrott - 5.  
No: None - 0.  
Absent: Blunier - 1.

**PRESENTATIONS** – Newly hired Police Officer, Konnor Petefish, was sworn in before the Board of Trustees.

**PUBLIC COMMENT** – Leigh Ann Brown of the Morton Chamber of Commerce and Economic Development Council made some announcements regarding National Pumpkin Day, the Pumpkin Festival, Trick-or-Treat Mainstreet, Business Afterhours, and new Historical Plaques for Village Hall and Roth Grain. She also thanked Morton Police and Fire for their work at the Pumpkin Festival.

**CONSENT AGENDA**

- A. Approval of Minutes.
  - 1. Regular Meeting – October 4, 2021
- B. Approval of Bills

Trustee Newman moved to approve the Consent Agenda. Motion was seconded by Trustee Parrott and approved with the following roll call vote:

Yes: Hilliard, Leitch, Menold, Newman, Parrott - 5.  
No: None - 0.  
Absent: Blunier - 1.

**VILLAGE PRESIDENT** – None.

**VILLAGE CLERK** – Clerk Evans announced that the Junior Football League of Central Illinois would be hosting their League Championships for all age levels in Morton, IL on October 24<sup>th</sup> at



the High School and JFL Fields. He invited everyone to attend the event and take part in the highest level of youth football in Central Illinois.

**VILLAGE ADMINISTRATOR** – Administrator Smick presented a recommendation from the Business District for a Building Improvement Grant for Hub and Spoke, which is a temporary office facility across from Village Hall at 117 N. Main St., who will be renovating the exterior of their building at a total project cost of \$41,545.00. The maximum grant of \$10,000.00 was recommended by the Business District. Trustee Leitch motioned to approve the grant and it was seconded by Trustee Parrott. The grant was approved with the following roll call vote:

Yes: Hilliard, Leitch, Menold, Newman, Parrott - 5.

No: None - 0.

Absent: Blunier - 1.

Administrator Smick then presented an update on Village sales tax received in the first 6 months of the fiscal year which was just over \$2,690,000.00. She explained this number, how it compared to the previous year, and her forecast for the future.

**CHIEF OF POLICE** – Chief Miller presented police payroll expenses for the Pumpkin Festival and requested that \$7,510.46 be transferred from the Tourism Tax Fund to the General Fund to cover these expenses. Trustee Hilliard moved to approve this transfer and it was seconded by Trustee Newman. The transfer of funds was approved by the following roll call vote:

Yes: Hilliard, Leitch, Menold, Newman, Parrott - 5.

No: None - 0.

Absent: Blunier - 1.

**CORPORATION COUNSEL** – None.

**DIRECTOR OF FIRE AND EMERGENCY SERVICES** – None.

**DIRECTOR OF PUBLIC WORKS** – DPW Loudermilk presented an IDOT Resolution for maintenance under the Illinois Highway Code to purchase \$215,000.00 of salt using MFT funds for the 2022 calendar year. Trustee Leitch asked if fuel could be included and Administrator Smick noted that it could not. Trustee Leitch moved to approve the Resolution and it was seconded by Trustee Parrott. The resolution was adopted by the following roll call vote:

Yes: Hilliard, Leitch, Menold, Newman, Parrott - 5.

No: None - 0.

Absent: Blunier - 1.

DPW Loudermilk then gave an update on the Water Treatment Plant Upgrade. Trustee Leitch questioned the changeover process and DPW Loudermilk announced that it was a very quick turnaround to turn on the new plant and shut down the old one.

Lastly, DPW Loudermilk gave an update on the increasing natural gas prices and his best explanation as to why they are increasing and the factors causing it. Trustee Menold thanked DPW Loudermilk for his transparency and attempt to outguess a commodity so the Village stays informed.



**ZONING AND CODE ENFORCEMENT OFFICER** – ZCO Marks presented a permit summary report for the fiscal year and explained the numbers.

**VILLAGE TRUSTEES**

Trustee Blunier – None.  
Trustee Hilliard – None.  
Trustee Leitch – Presented the possibility of allowing a final round of DCEO ES Business Grants and finishing a discussion from last meeting. There was some new discussion and the Board of Trustees decided to continue allowing applications with an end date of October 31<sup>st</sup>.  
Trustee Menold – None.  
Trustee Newman – None.  
Trustee Parrott – None.

**CLOSED SESSIONS** – None.

**CONSIDERATION OF MATTERS ARISING FROM CLOSED SESSIONS** – None.

**ADJOURNMENT**

With no further business to come before the Board, Trustee Leitch moved to adjourn. The motion was seconded by Trustee Hilliard and followed by a unanimous voice vote of all present board members.

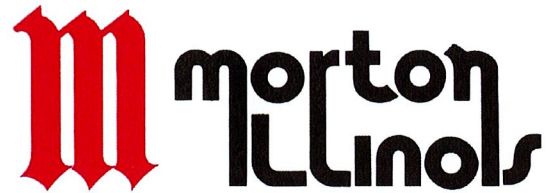
ATTEST:

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
VILLAGE CLERK







# Memo

**To:** President and Board of Trustees  
**From:** Julie Smick  
**Date:** October 27, 2021  
**Re:** Renewal of Property, Liability and Workers Comp Package

Attached is a spreadsheet which outlines our coverage renewal for property, liability, and workers comp insurance for 12/1/21-12/1/22. This coverage is provided by the Illinois Counties Risk Management Trust (ICRMT), which we have had for a few years.

On the bottom line you will see that our total premium for the insurance year increased only \$173 from last year, or .04%. This is in spite of the fact that the value of our insured property increased 28% based on an appraisal done by our insurer along with other property and liability increases. Our workers comp insurance decreased due to a decrease in estimated payroll.

I am very pleased with our renewal premium, and I would appreciate your approval of this quote.

If you have any questions, please feel free to call me.



## Village Of Morton

### 12/01/2021 - 12/01/2022 Renewal Proposal/Comparison

Line of Business	2020-21 Expiring		2021-22 Ren	
	Exposure	Premium	Exposure	Premium
<b>Package</b>		<b>\$263,862</b>		
<b>Property Coverage</b>				
Building	\$50,712,151		\$65,761,913	Total Insured V
Personal Property - Blanket	\$3,135,502		\$3,271,747	Due to apprais
Business Income/Extra Expense	\$1,000,000		\$1,000,000	
Equipment Breakdown	\$53,847,653		\$69,033,660	
<i>Deductible</i>	\$5,000		\$5,000	
Earthquake (incl Mine Subsidence)	\$5,000,000 Ea		\$5,000,000 Ea	
<i>Deductible</i> (2% if greater)	\$250,000,000 Agg		\$2,500,000 Agg	
<i>Deductible</i>	\$50,000		\$50,000	
Flood	\$5,000,000 Ea		\$5,000,000 Ea	
<i>Deductible</i>	\$250,000,000 Agg		\$250,000,000 Agg	
<i>Deductible</i>	\$50,000			
<b>Inland Marine</b>				
Mobile Equipment >\$10,000	\$2,161,092		\$2,143,462	
Mobile Equipment <\$10,000	\$546,834		\$562,707	
Cameras, Radios & Communication	\$362,500		\$360,500	
EDP Equipment/Media	\$154,000		\$172,500	
Animal -Mortality	\$10,000		\$10,000	
<i>Deductible</i>	\$1,000		\$1,000	
<b>General Liability</b>				
Limit of Insurance	\$1,000,000 Occ		\$1,000,000 Occ	
<i>Deductible</i>	\$3,000,000 Agg		\$3,000,000 Agg	
Property Damage Deductible:	\$1,000		\$1,000	
<b>Sexual Abuse Liability</b>				
Limit of Insurance -claims made	\$1,000,000 Ea		\$1,000,000 Occ	
<i>Deductible</i>	\$1,000,000 Agg		\$1,000,000 Agg	
<i>Deductible</i>	\$5,000		\$5,000	
<i>Retro Date</i>	12/31/2013		12/31/2013	
<b>Violent Event Response Coverage</b>				
Limit of Insurance	\$500,000 Event		\$500,000 Event	
<i>Deductible</i>	\$500,000 Agg		\$500,000 Agg	
<i>Deductible</i>	\$1,000		\$1,000	
<b>Law Enforcement Liability</b>				
Limit of Insurance	\$1,000,000 Occ		\$1,000,000 Occ	
<i>Deductible</i>	\$3,000,000 Agg		\$3,000,000 Agg	
<i>Deductible</i>	\$5,000		\$5,000	
<b>Public Officials Liability</b>				
Limit of Insurance	\$1,000,000 Occ		\$1,000,000 Occ	
<i>Deductible</i>	\$1,000,000 Agg		\$1,000,000 Agg	
Employment Practices Liability	Included		Included	
Employee Benefits Liability	Included		Included	
<i>Deductible</i>	\$5,000		\$5,000	
<i>Retro Date</i>	12/31/2013		12/31/2013	
<b>Cyber Liability</b>				
Limit of Insurance	\$1,000,000 Ea		\$1,000,000 Ea	
<i>Deductible</i>	\$1,000,000 Agg		\$1,000,000 Agg	
<i>Deductible</i>	\$2,500		\$5,000	
<i>Retro Date</i>	12/1/2010		12/1/2010	
<b>Crime Coverage</b>				
Employee Theft - Blanket	\$500,000		\$500,000	
Money & Securities-Inside	\$500,000		\$500,000	
Money & Securities-Outside	\$500,000		\$500,000	
Forgery or Alteration	\$500,000		\$500,000	
Money Orders & Counterfiet Currency	\$500,000		\$500,000	
Funds Transfer Fraud	\$500,000		\$500,000	
Computer Fraud	\$500,000		\$500,000	
Social Engineering/False Pretenses	\$50,000		\$50,000	
<i>Deductible</i>	\$1,000		\$1,000	



**RESOLUTION NO. 11-22**

**RESOLUTION AUTHORIZING JOINT PPUATS FUNDING  
AGREEMENT FOR 2022 FISCAL YEAR**

**WHEREAS**, Village of Morton has in prior years participated in the metropolitan planning organization of the Peoria-Pekin Urbanized Area (PPUATS)

**WHEREAS**, the Director of Public Works has recommended the Village continue its participation in PPUATS, and enter into the Joint PPUATS Funding Agreement – Unified Work Program FY 2022.

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON**, as follows:

1. The Joint PPUATS Funding Agreement – Unified Work Program FY 2022, substantially in the form set forth on Exhibit A attached hereto is hereby approved.
2. The President of the Board of Trustees is authorized to execute the Joint PPUATS Funding Agreement for the fiscal year 2022
3. The Village of Morton g that the President of the Board of Trustees is authorized to execute the Joint PPUATS Funding Agreement – Unified Work Program FY 2022 and the Village to make a contribution of \$6,289.00.
4. The fiscal year contribution of \$6,289.00 to PPUATS is hereby approved and authorized.

**BE IT FURTHER RESOLVED** that this resolution shall be in full force and effect upon its passage and approval.

**PASSED AND APPROVED** at a regular meeting of the President and Board of Trustees of the Village of Morton, Tazewell County, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2021; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
**President**

**ATTEST:**

\_\_\_\_\_  
**Village Clerk**

**RESOLUTION 21-12  
 JOINT PPUATS FUNDING AGREEMENT – UNIFIED WORK PROGRAM FY 2022**

This agreement is hereby entered into by the members of the participating agencies of the metropolitan planning organization (MPO) of the Peoria-Pekin Urbanized Area, recognized under Section 134 of the *Fixing America's Surface Transportation Act (FAST Act)*. It is intended to set forth the procedures and methods agreed upon to ensure sufficient local matching funds enabling the Peoria-Pekin Urbanized Area to receive **\$681,421** in Federal Highway Administration and Federal Transit Administration planning funds. The funding requires a 20% local match, requiring a total local match of **\$170,355** for Fiscal Year 2022. It is further agreed that the Greater Peoria Mass Transit District provides **\$3,800** as a pass-through membership fee for participation in the planning process.

The Federal Planning funds, FTA funds, and local dollars will be utilized for the work and services performed in accordance with the Unified Planning Work Program (UPWP) for Fiscal Year 2022. The work and services and their associated costs as contained in the UPWP were adopted by both the PPUATS Policy Committee and the Tri-County Regional Planning Commission. If state funds can be utilized to offset local match for FY22, local dollars will be programmed by the MPO and Tri-County Regional Planning Commission in a separate work program.

Each participating agency identified herein hereby agrees to pay its entire share to the MPO not later than November 1, 2021. The MPO is hereby designated to deposit local funds into a special bank account. Withdrawals from this account shall be for reimbursement for work accomplished on the appropriate designated work tasks. The MPO shall make a monthly report to the MPO Policy Committee accounting for the expenses incurred on the work tasks identified in the UPWP. Federal and State funds shall be requested by and dispersed directly to the MPO in accordance with agreements of the State of Illinois and the Greater Peoria Mass Transit District.

The local money for FY 2022 shall be provided by each of the participating agencies noted herein by the contributing percentage of MFT funds each such agency received in Calendar Year 2020.

<b>Community</b>	<b>2020 MFT Allotment</b>	<b>2020 MFT %</b>	<b>FY2022 Contribution</b>
Peoria County	\$2,184,374	21.67%	\$36,090
Tazewell County	\$1,744,308	17.30%	\$28,820
Woodford County	\$591,836	5.87%	\$9,778
City of Peoria	\$2,691,272	26.70%	\$44,465
City of Pekin	\$797,832	7.91%	\$13,182
City of East Peoria	\$547,629	5.43%	\$9,048
City of Washington	\$387,660	3.85%	\$6,405
Village of Bartonville	\$151,427	1.50%	\$2,502
Village of West Peoria	\$109,025	1.08%	\$1,801
Village of Morton	\$380,663	3.78%	\$6,289
Village of Peoria Heights	\$144,056	1.43%	\$2,380
Village of Creve Coeur	\$127,558	1.27%	\$2,108
City of Chillicothe	\$142,676	1.42%	\$2,357
Village of Germantown Hills	\$80,452	0.80%	\$1,329
CityLink	N/A	N/A	\$3,800
<b>TOTAL</b>			<b>\$170,355</b>





**RESOLUTION NO. 12-22**

**RESOLUTION ACCEPTING GRANT FUNDS AND  
COMMITTING LOCAL FUNDS FOR THE ILLINOIS  
DEPARTMENT OF TRANSPORTATION HIGHWAY SAFETY  
IMPROVEMENT PROGRAM FOR REPLACING GUARD RAILS**

**WHEREAS**, Village of Morton participated in the Tri-County Regional Planning Commission, hereafter referred to as the Commission, regional Highway Safety Improvement Program grant application through the Illinois Department of Transportation, hereafter referred to as IDOT;

**WHEREAS**, IDOT has awarded the Commission a not-to-exceed \$3,000,000 grant for upgrading and replacing guardrails in the region;

**WHEREAS**, Village of Morton's portion of the Commission's Highway Safety Improvement Program grant is \$165,317.25;

**WHEREAS**, criteria of the Highway Safety Improvement Program grant are such that financial participation by participating jurisdictions is required in conjunction with the federal funds;

**WHEREAS**, Village of Morton's estimated local match requirement is \$16,531.73;

**WHEREAS**, Village of Morton will set aside monies allocated for the above-referenced project;

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON**, Tazewell County, Illinois, that the Village of Morton hereby accepts their portion of the grant award of \$165,317.25 from the IDOT Highway Safety Improvement Program and commits their portion of the local match for use in conjunction with the federal funds.

**BE IT FURTHER RESOLVED** that this resolution shall be in full force and effect upon its passage and approval.

**PASSED AND APPROVED** at a regular meeting of the President and Board of Trustees of the Village of Morton, Tazewell County, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2021; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
**President**

**ATTEST:**

\_\_\_\_\_  
**Village Clerk**

**RESOLUTION NO. 13-22**

**RESOLUTION ADOPTING STOP AND YIELD SIGN POLICY**

**WHEREAS**, the Village of Morton has from time to time received request from citizens for stop or yield signs to be installed at certain intersections; and

**WHEREAS**, the Director of Public Works has recommended the Village adopt a standard policy for how requests of this nature shall be treated by the Village of Morton.

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON**, Tazewell County, Illinois, as follows:

1. That the Village of Morton Stop and Yield Sign Policy, attached hereto as Exhibit A, is hereby approved and adopted as an administrative policy of the Village of Morton.

2. That the aforesaid policy may from time to time be supplemented, amended, modified, or terminated by resolution of the Corporate Authorities of the Village of Morton.

**BE IT FURTHER RESOLVED** that this resolution shall be in full force and effect upon its passage and approval.

**PASSED AND APPROVED** at a regular meeting of the President and Board of Trustees of the Village of Morton, Tazewell County, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2021; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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**President**

**ATTEST:**

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**Village Clerk**

## EXHIBIT A

### **Village of Morton Stop and Yield Sign Policy**

The Village of Morton Stop and Yield Sign Policy describes the process, procedure, and criteria to be used when determining where to install, or remove, stop and yield signs. The Village policies are based on the Federal and State of Illinois Manual for Uniform Traffic Control Devices (MUTCD) guidelines for regulatory traffic control signs.

Morton residents interested in adding or removing a stop or yield sign shall request the sign by filling out the form at the end of this guide. Completing the stop or yield sign application does NOT guarantee that a stop or yield sign will be placed or removed according to the request. If an application is approved, an engineering study shall be conducted to finalize the placement of the requested traffic control device.

All new stop and yield signs within the Village shall follow the MUTCD standards on appearance and placement.

The following items describe the purpose and appropriate use of stop and yield signs:

- Stop signs are meant to control traffic conflicts at intersections and improve safety of all roadway users. Therefore, stop signs should only be installed at intersections where drivers cannot safely apply the right-of-way rule.
  
- Unnecessary use of stop and yield signs should be avoided:
  - o Stop and yield signs should be used in moderation. Excessive placement of regulatory and warning signs causes them to lose their effectiveness.
  - o Installing unwarranted stop or yield signs may cause an increased crash risk.
  
- Stop and yield signs should not be used in the following conditions:
  - o Stop signs should not be used as a tool to control traffic speed.
  - o Stop or yield signs should not be used at an intersection that is controlled by a traffic signal, except for at turn lanes which are channelized by a corner island.
  - o Stop signs should not be placed at a conflicting approach controlled by a yield sign.

Stop and yield signs should be installed so that the least number of vehicles stop. Typically, the minor street, which holds the lowest vehicle volume, should be stopped. To place a stop sign on a major street, a traffic engineering study is required. On streets with similar volumes and lane configurations, the placement of a stop or yield sign should be based on the following considerations.

- The road which conflicts most with pedestrian crossings or school walking routes should be stopped.
  
- The road with the most limited sight distance should be stopped. The road with the longest uninterrupted flow prior to entering the intersection should be stopped.

### **Stop and Yield Sign Application**

Residents desiring a stop sign in their neighborhood should fill out and file with the Village Clerk the application attached. Required information on the application includes:

- 1) A contact name with a phone number and an e-mail address.
- 2) A written description (or map) of the location of concern for the stop or yield sign.
- 3) The reason for placement of the traffic control device. Please fill out the check sheets found on the following pages. The reason for the sign cannot be for speed control purposes.
- 4) Signature, printed name and phone number from 10 different address households (signature must be from a resident of the household of at least 18 years of age) in the subdivision or area.
- 5) The contact person shall be available to meet in person, after filling out a complete application, with the Director of Public Works and/or Chief of Police, or their designees, to express concerns and answer questions if necessary. Following this meeting, the request shall be referred to the Engineering Department to collect data and to write up its recommendations.

Applicants should use <https://www.gettingaroundillinois.com/Traffic%20Counts/index.html> to obtain average daily traffic volumes (ADTs) necessary for filling out the forms below.

The IDOT public GIS database can be used to acquire crash data needed for the application. After following the link below, applicants can go to the safety section to find the most up to date crash occurrence maps. <https://gis-idot.opendata.arcgis.com/>

Please note that the application is not for highway/railroad at-grade crossings.

**Two-Way Stop**

A two-way stop sign may be considered for an intersection that meets one of the following criteria.

	Yes	No
Does the number of vehicles on the through street exceed 6,000 vehicles per day?	<input type="checkbox"/>	<input type="checkbox"/>
Because of a restricted view, is one direction of road users required to stop to adequately observe conflicting traffic?	<input type="checkbox"/>	<input type="checkbox"/>
Has there been 3 or more crashes reported within a 12-month period or 5 or more crashes reported within a 2-year period?	<input type="checkbox"/>	<input type="checkbox"/>

**Multi-Way Stop**

A multi-way stop control can be considered where the volume of traffic on the intersecting roads is approximately equal and at least one of the following conditions is met. Multi-way stops are useful to alleviate safety concerns which involve pedestrians, bicyclists, and all road users expecting other road users to stop.

	Yes	No
Has there been 5 or more crashes reported in a 12-month period?	<input type="checkbox"/>	<input type="checkbox"/>
Because of a restricted view, are two conflicting directions of road users required to stop to adequately observe conflicting traffic?	<input type="checkbox"/>	<input type="checkbox"/>
Is the number of vehicles entering the intersection from the major street (total of both approaches) at least 5000 vehicles for an average day; and the number of vehicles entering the intersection from the minor street (total of both approaches) at least 3500 vehicles for an average day?	<input type="checkbox"/>	<input type="checkbox"/>

**Yield Sign**

A yield sign is useful when assigning the right-of-way to traffic on certain approaches to an intersection, but not requiring the vehicles to always stop. A yield sign indicates to vehicles that they must slow down to a speed that is reasonable for the existing conditions or stop when necessary to avoid interfering with conflicting traffic.

A yield sign may be considered where at least one of the following criteria is met.

	Yes	No
Is a full stop not always required on the approach to the through street or highway in question?	<input type="checkbox"/>	<input type="checkbox"/>
Is there a turn lane separated from the adjacent travel lanes by an island (even if the adjacent lanes at the intersection are controlled by a traffic signal or by a STOP sign)?	<input type="checkbox"/>	<input type="checkbox"/>
Is there a conflicting marked crosswalk or frequent school walking route?	<input type="checkbox"/>	<input type="checkbox"/>
Do intersection views create occurrences of users unexpectedly entering the intersection?	<input type="checkbox"/>	<input type="checkbox"/>

Please describe in words why you believe a stop or yield sign is necessary at this location.

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**MEMORANDUM**

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TO: Craig Loudermilk, P.E.  
Village of Morton

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FROM: Nada Naffakh, E.I  
Kurt Bialobreski, P.E., PTOE  
Hanson Professional Services

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DATE: September 15, 2021

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SUBJECT: Oklahoma Intersections Stop Warrant Analysis

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Three intersections along Oklahoma Avenue in Morton, Illinois were reviewed for stop sign warrants. The analysis found that none of the three intersections met warrants for a two-way or all-way stop application. Please note that if two-way stop application warrants are not met, then all-way stop warrants would also not be met. The following memo describes the results of the analysis.

**Background**

Oklahoma Avenue is a local residential road in Morton, Illinois. Based on requests from Morton residents, three intersections along Oklahoma Avenue are being reviewed for stop sign application.

- Oklahoma Avenue and Pocono Avenue
- Oklahoma Avenue and Shiloh Street
- Oklahoma Avenue and Jefferson Street

Oklahoma Avenue at Pocono Avenue and Shiloh Street are both uncontrolled intersections and Oklahoma Avenue at Jefferson Street is a two-way stop-controlled intersection. All three intersections are being analyzed for two-way stop sign implementation. The analysis for these intersections is based on criteria outlined in the Manual for Uniform Traffic Control Devices (MUTCD). The three main criteria used for this analysis are traffic volumes, sight distance, and crash history.

**Traffic Volumes (MUTCD 2B.06-2A)**

Traffic counts were taken September 1, 2021, between 6AM to 6PM for all of the intersections.

The MUTCD states that Average Daily Traffic (ADT) on the through street must exceed 6,000 vehicles for an intersection to be considered for a two way stop condition. Oklahoma Avenue, which is considered the through street at the Pocono Avenue and Shiloh Street intersections, carries under 6,000 vehicle per day. At the Oklahoma Avenue and Jefferson Street intersection, Jefferson Street is considered the through road. Jefferson Street also carries under 6,000 vehicles per day. Thus, none of the intersections meet the traffic requirement for a two-way stop control.

### **Sight Distance (MUTCD 2B.06-2B)**

The requirements detailed in the MUTCD state that for a two-way stop device to be warranted based on sight distance, the intersection must have a restricted view that would require vehicles to stop to observe conflicting vehicles on the through street. A review of the three intersections found that there are no visual obstructions for all approaches thus no intersections meet the warrants for sight distance two-way stop control.

### **Crashes (MUTCD 2B.06-2C)**

To evaluate the safety warrant, the most recent five years of crash data along Oklahoma Avenue was reviewed. There have been no crashes anywhere along Oklahoma Avenue from 2016 through 2020. The MUTCD require three or more crashes within a 12-month period or five crashes within a two-year period. With no reported crashes in the previous five years, a two-way stop control is not warranted for any of the three intersections.

### **Recommendations**

According to the analysis, none of the three intersections met warrants for a two-way stop application. Therefore, no new stop signs should be placed. At Jefferson and Oklahoma, where a two-way stop already exists, the Village of Morton has the option of removing the stop signs.

**PETITION FOR ZONING AMENDMENT / SPECIAL USE PERMIT**

Petition Number: 21-04 SP

Date: 9/28/2021

1. Legal Description: \_\_\_\_\_  
\_\_\_\_\_

Street Address: 1989 North Morton Ave.

2. Area of subject property: \_\_\_\_\_ sq. ft. or 1.8 Ac.

3. Present land use: Vacant / Old gas station

Proposed land use or special use: Spark Academy-preschool

Requested zoning change: from B-3 District to B-3 Special Use District

4. Surrounding zoning districts:

North R-1 East County South I-1 West R-4

5. Subject property is owned by:

Name: T.J. Swynn LLC Michelle Peterson

Address: 101 Forestview Rd. Morton, IL 61550

(LOI signed and purchase contingent upon special use permit)

(If subject property is owned by a trustee, a written statement must be furnished by the trustee, disclosing the names of all beneficial owners. A change in any of the beneficial owners during the amendment/special use process must be disclosed immediately.)

6. A list of names and addresses of all property owners in the petition area (within 250 feet of the area affected by this petition) will be provided by the Village of Morton and attached hereto.

7. A statement is attached hereto, indicating why, in our opinion, the amendment or special use requested is necessary for the preservation and enjoyment of substantial property rights, and why such amendment or special use will not be detrimental to the public welfare, nor the property of other persons located in the vicinity thereof.

8. Additional exhibits submitted by the petitioner:

Proposed renovation plans, Signed LOI, Traffic Flow Map, Statement of Use

\_\_\_\_\_  
\_\_\_\_\_

## **Statement of Use:**

*7. A statement is attached hereto, indicating why, in our opinion, the amendment or special use requested is necessary for the preservation and enjoyment of substantial property rights, and why such amendment or special use will not be detrimental to the public welfare, nor the property of other persons located in the vicinity thereof.*

Spark Academy will occupy a vacant building at 1989 North Morton Avenue. Programming will begin in Fall of 2022. Spark will provide high quality education for children in the early childhood years. Our organization will employ 12-15 part time employees and three full time employees. The entire facility will be renovated and will beautify North Morton Avenue. In order to provide care for our students we are applying for a special use permit to provide day care services to the Village of Morton. Spark Academy will hold up to 80 children between the hours of 8:00 and 5:00 p.m.

We will also offer drop-in services aligned with Village events such as Morton Farmers Market, Fourth Thursday, Pumpkin Festival, and other events where parents might need childcare to enjoy the Village of Morton's offerings. Our hope is to allow parents to bring their children, ages 3-10, to Spark between the hours of 4:00-8:00 p.m., on given nights, while parents dine at the wide variety of eateries in our Village or enjoy local offerings and events.

Traffic will increase during pick up and drop off times by 10-40 cars. I will own the building and the parking lot to provide ample parking to my employees and families. Occasional traffic will occur on nights with planned events such as, but not limited to, date night drop in, parenting classes, open house, and occasional private events hosted by Spark Academy.

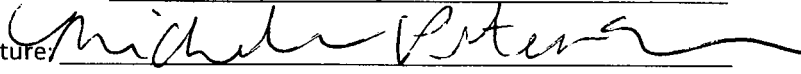
9. Petitioners' Signature:

Name: Michelle

Address: 101 Forestview Rd. Morton, IL 61550

Phone No.: 512-762-0833

Email Address: sparkacademymorton@gmail.com

Signature: 

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Email Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Email Address: \_\_\_\_\_

Signature: \_\_\_\_\_



t: 309.691.5919 • f: 309.692.1742  
5001 N. University St. • Peoria, IL 61614  
www.josephcamper.com

**LETTER OF INTENT TO PURCHASE**

Date: 9/27/2021

To: Ali Qureshi

The following is a summary of the basic terms and conditions under which TJ Swynn Properties, LLC will purchase the real property referenced below pursuant to a purchase and sale agreement to be entered into between the parties:

**Purchaser:** TJ Swynn Properties, LLC

**Seller:** Ali Qureshi

**Property:** 1989 Morton Ave, Morton, IL

**Parcel ID#:** 06-06-08-406-019

**Legal Description:** SEC 8 T25N R3W TRACT 1.78 AC NW 1/4 S OF LAKELAND ST (EXC HWY) SE 1/4.

**Purchase Price:** ~~\$260,000~~ (Two Hundred Sixty Thousand Dollars).

**Inspection Period:** Purchaser will have sixty (60) days following the date of a fully executed "Contract" (defined below) to inspect the Property and the "Property Information" (defined below) and to confirm that the Property is capable of being used for Purchaser's intended purposes. Seller will also provide Purchaser with an updated title commitment for the amount of the purchase price, to review during the Inspection Period. On or before the expiration of the Inspection Period, Buyer shall notify Seller of one of the following:

- (i) Buyer elects to terminate the Contract at Buyer's sole discretion and receive a full refund of the Earnest Money.
- (ii) Buyer elects to purchase the Property and the Earnest Money shall be non-refundable and credited toward the Purchase Price.

**Closing/Possession:** On the 30th day (if such day is not a business day, then the immediately succeeding business day) following the expiration of the Inspection Period, subject to leases (if any) and other encumbrances acceptable to Purchaser. All closing costs will be paid and allocated as customary in the area of the Property. Purchaser will pay for all non-curative title endorsements requested by Purchaser and costs associated with its loan, if any. Purchaser and Seller will split any non-loan related escrow costs.

**Earnest Money:** Within three (3) business days following the full execution of the Contract, Purchaser will deposit \$2,500 as Earnest Money with the title company

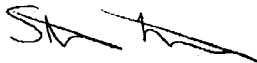
pursuant to terms of a strict joint order escrow agreement (the "Escrow").

- Property Information:** Within five (5) business days after the full execution of the Contract, Seller (to the extent it possesses same) will forward to Purchaser copies of vendor contracts, leases, environmental reports, previous surveys, any notices received from any governmental authority or third parties, and any other documentation or information pertaining to the condition or the use (existing or intended by Purchaser) of the Property.
- Contract:** Seller and Purchaser agree to use their "good faith" efforts in negotiating and executing a Contract for sale/purchase of the Property within fifteen (15) business days following the execution of this Letter of Intent. Seller's counsel will be responsible for preparing the first draft of the Contract.
- As-Is:** Purchaser will be acquiring the Property in As-Is, Where-Is condition.
- Real Estate Commissions:** No real estate brokers are involved in this transaction other than Steven Reeves of Joseph & Camper Commercial and Tricia Yordy of Keller Williams Revolution. Seller agrees to pay commission expenses due thereto per the terms of a separate agreement with the broker(s). Such expenses shall be payable upon closing.
- Time for Acceptance:** If Seller fails to return a fully executed and dated copy of this Letter of Intent to Purchaser by 9/30/2021, then this Letter of Intent will be deemed null and void.
- Financing:** Conventional Bank Financing.

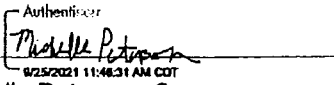
It is understood that this Letter of Intent is not intended to be a purchase agreement and does not create any obligation between the parties until the Contract may be fully executed; provided, however, that during the 15 business day period after this Letter of Intent has been fully executed, Seller agrees not to communicate with any third party concerning the sale or lease of the Property. This Letter of Intent is merely an outline of the terms under which the parties desire to enter into the Contract.

If the foregoing terms are acceptable to Seller, please timely execute and date this Letter of Intent where indicated below and return a fully executed and dated copy to Purchaser.

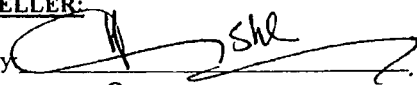
Sincerely,



Steve Reeves, Broker  
Joseph & Camper Commercial

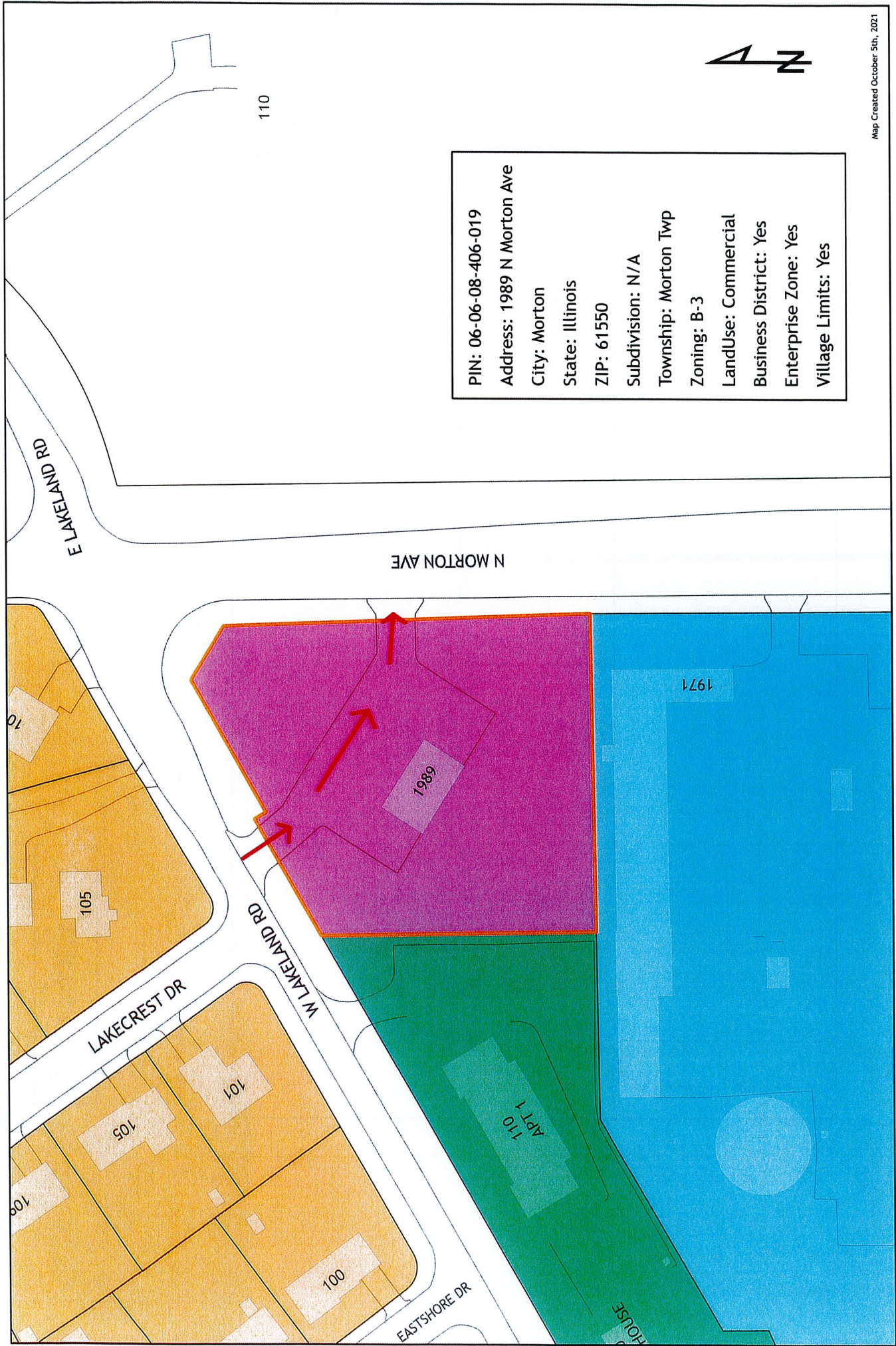
<b>PURCHASER:</b> By:  <small>AuthentiSign 09/25/2021 11:48:31 AM CDT</small> Michelle Peterson, Owner Title: An Authorized Individual	09/25/2021 _____, 2021
---	---------------------------

ACCEPTED AS OF \_\_\_\_\_, 2021

<b>SELLER:</b> By:  Ahi Dureshi, OWNER Title: An Authorized Individual	9-28-2021 _____, 2021
--	--------------------------



# Spark Academy Traffic Flow



PIN: 06-06-08-406-019  
 Address: 1989 N Morton Ave  
 City: Morton  
 State: Illinois  
 ZIP: 61550  
 Subdivision: N/A  
 Township: Morton Twp  
 Zoning: B-3  
 LandUse: Commercial  
 Business District: Yes  
 Enterprise Zone: Yes  
 Village Limits: Yes



Map Created October 5th, 2021

06-06-08-406-019

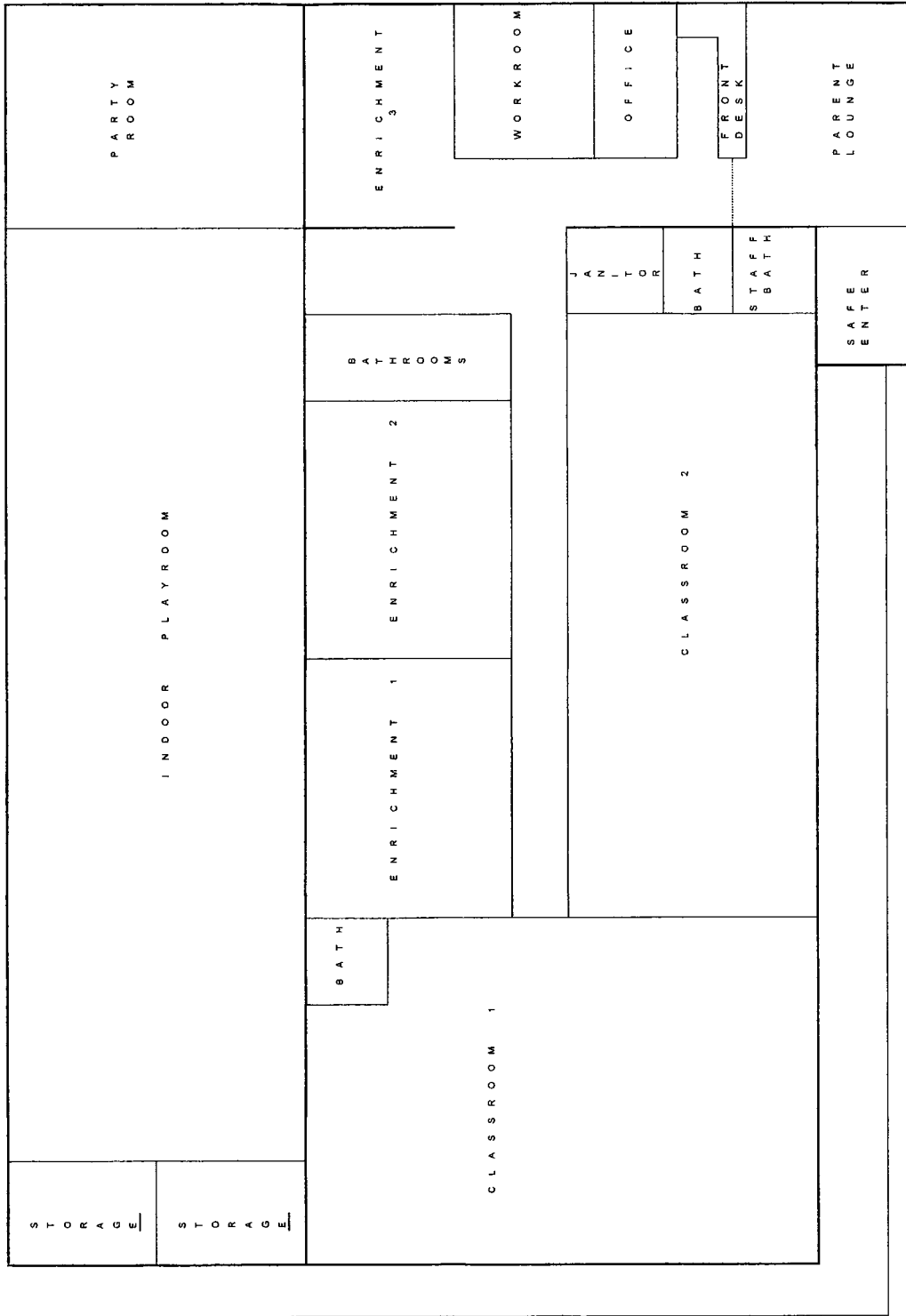
1989 N Morton Ave.  
Morton, Illinois 61550

B-3 Highway and Service Commercial District

I-1 Restricted Industrial District

R-1 One-Family/Planned Residential Development District

R-4 Multi-Family/Planned Residential Development District



P A R K I N G

P A R K I N G

.. P A R K I N G .. P A R K I N G ..

-SPARK ACADEMY-

Name	Address 1	City	State	Zip	Street	Apartment
FROST, JULIA	100 EASTSHORE DR	MORTON	IL	61550-1102	100 EASTSHORE DR	
AMES, DANIEL L	104 EASTSHORE DR	MORTON	IL	61550-1102	104 EASTSHORE DR	
WAGENBACH, DAVID & TAYLOR	101 LAKECREST DR	MORTON	IL	61550-1113	101 LAKECREST DR	
KERRN SR, STUART L	104 LAKECREST DR	MORTON	IL	61550-1114	104 LAKECREST DR	
KERLIN, RON	105 LAKECREST DR	MORTON	IL	61550-1113	105 LAKECREST DR	
SMITH, CHRISTINE	109 LAKECREST DR	MORTON	IL	61550-1113	109 LAKECREST DR	
WILLIAMS, MICHAEL	101 E LAKELAND RD	MORTON	IL	61550-9395	101 E LAKELAND RD	
STEINER, MELVIN FAMILY TRUST	110 E LAKELAND RD	MORTON	IL	61550	110 E LAKELAND RD	
HILLIS, MICHAEL L	101 W LAKELAND RD	MORTON	IL	61550-9055	101 W LAKELAND RD	
FOURIE, HEINRICH & DANIELLE	105 W LAKELAND RD	MORTON	IL	61550-9055	105 W LAKELAND RD	
CV APARTMENTS LLC	PO BOX 1013	BELVIDERE	IL	61008-1013	110 W LAKELAND RD	APT 2
<del>CV APARTMENTS LLC</del>	<del>PO BOX 1013</del>	<del>BELVIDERE</del>	<del>IL</del>	<del>61008-1013</del>	110 W LAKELAND RD	APT 1
<del>CV APARTMENTS LLC</del>	<del>PO BOX 1013</del>	<del>BELVIDERE</del>	<del>IL</del>	<del>61008-1013</del>	110 W LAKELAND RD	APT 3
IDOT -FINANCIAL SERVICE UNIT	401 MAIN ST FL 9	PEORIA	IL	61602-1267	1971 N MORTON AVE	
GREAT OIL LLC	1693 ACORN DR	HOFFMAN ESTATES	IL	60192-4612	1989 N MORTON AVE	
SIEBENTHAL, ERIC	100 SOUTHSORE DR	MORTON	IL	61550-1143	100 SOUTHSORE DR	
WOOLEVER, CLIFFORD	104 SOUTHSORE DR	MORTON	IL	61550-1143	104 SOUTHSORE DR	



ORDINANCE NO. 2212

**AN ORDINANCE MAKING AMENDMENTS CLARIFYING THE DEFINITION OF DRIVE-IN TO INCLUDE DRIVE-THROUGH RESTAURANTS TO TITLE 10 OF THE MORTON MUNICIPAL CODE**

**WHEREAS**, the Morton Municipal Code was adopted on March 2, 1970, and duly published in book form; and

**WHEREAS**, the Village of Morton has long interpreted the term “drive-in” restaurants as included in its Zoning Code to include drive-through restaurants; and

**WHEREAS**, the Village of Morton wishes to clarify the definition of the term “drive-in” to explicitly state its interpretation, which includes drive-through restaurants.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON**, Tazewell County, Illinois, that Title 10 of the Morton Municipal Code is amended by adding text in underlined font and removing text in strikethrough font:

10-6-3: **B-2 GENERAL BUSINESS DISTRICT**

(A) Permitted Uses:

....

33. Restaurants, tea rooms, and taverns (but not drive-in or drive-through restaurants where food is provided to customers in cars).

....

(B) Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title:

....

4. Drive-in or drive-through restaurants where food is provided to customers in cars.

....

10-6-4: **B-3 HIGHWAY AND SERVICE COMMERCIAL DISTRICT:**

(A) Permitted Uses:

....

10. Drive-in or drive-through food, refreshment, and other business establishments servicing customers in ~~parked~~ cars.

10-15-2: **PERMITTED USES:**

(A) Permitted Uses:

.....  
38. Restaurants, tea rooms, and taverns or similar establishments serving alcoholic liquors with an outdoor eating, drinking, or seating area. Drive-in or drive-through restaurants where food is provided to customers in cars are not permitted.

**BE IT FURTHER ORDAINED** that this ordinance shall be in full force and effect upon its passage, approval, and publication as may be required by law.

**BE IT FURTHER ORDAINED** that if any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

**PASSED AND APPROVED** at a regular meeting of the President and Board of Trustees of the Village of Morton this \_\_\_\_\_ day of \_\_\_\_\_, 2021; and upon roll call the vote was as follows:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAINING:**

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
**President**

**ATTEST:**

\_\_\_\_\_  
**Village Clerk**

**AGENDA**  
**PLAN COMMISSION OF THE VILLAGE OF MORTON, ILLINOIS**  
**7:00 P.M.**  
**MONDAY, OCTOBER 25, 2021**  
**FREEDOM HALL, 349 W. BIRCHWOOD, MORTON, ILLINOIS**

**I. Call to Order / Roll Call**

**II. Approval of Minutes** **Regular Meeting – July 26, 2021**

**III. Public Hearing(s):**

**Petition No. 21-04 SP:** Subject property is located at 1989 North Morton Ave. A petition has been filed by Michelle Peterson. Mrs. Peterson is requesting a special use at this property to permit a Day Care Center.

**Petition No. 21-05 ZA:** A zoning amendment petition has been filed by The Village of Morton. The Village of Morton is proposing the following zoning changes for the described properties.

<b>Parcel ID</b>	<b>Parcel Address</b>	<b>Proposed Zoning Change</b>
06-06-21-101-001	320 N. First Ave.	B-1 to R-1
06-06-21-101-002	316 N. First Ave.	B-2 to R-1
06-06-21-101-003	312 N. First Ave.	B-2 to R-1
06-06-21-101-004	308 N. First Ave.	B-2 to R-1
06-06-21-106-001	228 N. First Ave.	B-2 to R-1
06-06-21-106-002	224 N. First Ave.	B-2 to R-1
06-06-21-106-003	220 N. First Ave.	B-2 to R-1
06-06-21-106-004	216 N. First Ave.	B-2 to R-1
06-06-21-106-005	212 N. First Ave.	B-2 to R-1
06-06-21-106-007	208 N. First Ave.	B-2 to R-1
06-06-21-106-008	125 E. Madison St.	B-2 to R-1
06-06-20-232-001	116 N. First Ave.	B-2 to R-1
06-06-20-232-031	112 N. First Ave.	B-2 to R-1
06-06-20-232-032	104 N. First Ave.	B-2 to R-1
06-06-20-231-008	109 N. First Ave.	B-2 to R-1
06-06-20-231-007	113 N. First Ave.	B-2 to R-1
06-06-20-231-006	117 N. First Ave.	B-2 to R-1
06-06-20-230-020	205 N. First Ave.	B-2 to R-1
06-06-20-230-017	209 N. First Ave.	B-2 to R-1
06-06-20-230-016	213 N. First Ave.	B-2 to R-1
06-06-20-230-015	217 N. First Ave.	B-2 to R-1
06-06-20-230-014	221 & 225 N. First Ave.	B-2 to R-1
06-06-20-230-013	229 N. First Ave.	B-2 to R-1
06-06-21-100-012	301 N. First Ave.	B-2 to R-1
06-06-21-100-011	300 N. Main St.	B-1 to R-1
06-06-21-100-002	313 N. First Ave.	B-2 to R-1

**AN ORDINANCE MAKING AMENDMENTS TO SECTION 10-15-12 OF THE MORTON MUNICIPAL CODE REGARDING THE MIXED-USE OVERLAY DISTRICT MAP**

**STEVE LEHMAN IS PROPOSING A PLANNED RESIDENTIAL DEVELOPMENT LOCATED AT SEC 16 T25N R3W MAIN STREET BUSINESS PARK LOT 6 NE ¼ 5.00 ACRES (PIN # 06-06-16-201-006). THE PROPOSED PLANNED RESIDENTIAL DEVELOPMENT CONSTISTS OF 37 TOWNHOMES.**

**AN ORDINANCE MAKING AMENDMENTS CLARIFYING THE DEFENITION OF DRIVE-IN TO INCLUDE DRIVE-THROUGH RESTAURANTS TO TITLE 10 OF THE MORTON MUNICIPAL CODE**

**IV. Other Business: None**

**V. Brad Marks:**

**VI. Adjourn**



**MORTON PLAN COMMISSION  
MINUTES-OCTOBER 25, 2021**

The Plan Commission met on Monday, October 25, 2021, at 7:00 P.M., Chairman Keach presiding. Present: Geil, Knepp, Smock, Ritterbusch, Keach, Zobrist, and Aupperle. Absent: Yordy and Deweese. Also, in attendance: Zoning Officer Brad Marks, Trustee Craig Hilliard, and Attorney Pat McGrath.

Knepp made a motion to approve the minutes from the July 26, 2021, meeting. Aupperle seconded the motion to approve. The July 26, 2021, minutes were unanimously approved by a voice vote.

**Public Hearing(s):**

**Petition No. 21-04 SP:** Subject property is located at 1989 North Morton Ave. A petition has been filed by Michelle Peterson. Mrs. Peterson is requesting a special use at this property to permit a Day Care Center. Mrs. Peterson spoke as the petitioner and gave a brief description of how this location will be used. There was also explanation on parking and traffic flow. There was one resident that spoke in favor of the special use. After discussion from the board members (see transcripts), a motion to approve was made by Knepp. A second motion to approve was made by Zobrist. This was followed by a vote to approve.

Yes-Keach, Knepp, Aupperle, Ritterbusch, Geil, and Zobrist  
No-None  
Abstain-Smock

**APPROVED**

**Petition No. 21-05 ZA:** A zoning amendment petition has been filed by The Village of Morton. The Village of Morton is proposing the following zoning changes for the described properties.

<b>Parcel ID</b>	<b>Parcel Address</b>	<b>Proposed Zoning Change</b>
06-06-21-101-001	320 N. First Ave.	B-1 to R-1
06-06-21-101-002	316 N. First Ave.	B-2 to R-1
06-06-21-101-003	312 N. First Ave.	B-2 to R-1
06-06-21-101-004	308 N. First Ave.	B-2 to R-1
06-06-21-106-001	228 N. First Ave.	B-2 to R-1
06-06-21-106-002	224 N. First Ave.	B-2 to R-1
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06-06-21-106-004	216 N. First Ave.	B-2 to R-1
06-06-21-106-005	212 N. First Ave.	B-2 to R-1
06-06-21-106-007	208 N. First Ave.	B-2 to R-1
06-06-21-106-008	125 E. Madison St.	B-2 to R-1
06-06-20-232-001	116 N. First Ave.	B-2 to R-1
06-06-20-232-031	112 N. First Ave.	B-2 to R-1
06-06-20-232-032	104 N. First Ave.	B-2 to R-1

06-06-20-231-008	109 N. First Ave.	B-2 to R-1
06-06-20-231-007	113 N. First Ave.	B-2 to R-1
06-06-20-231-006	117 N. First Ave.	B-2 to R-1
06-06-20-230-020	205 N. First Ave.	B-2 to R-1
06-06-20-230-017	209 N. First Ave.	B-2 to R-1
06-06-20-230-016	213 N. First Ave.	B-2 to R-1
06-06-20-230-015	217 N. First Ave.	B-2 to R-1
06-06-20-230-014	221 & 225 N. First Ave.	B-2 to R-1
06-06-20-230-013	229 N. First Ave.	B-2 to R-1
06-06-21-100-012	301 N. First Ave.	B-2 to R-1
06-06-21-100-011	300 N. Main St.	B-1 to R-1
06-06-21-100-002	313 N. First Ave.	B-2 to R-1

Brad Marks spoke as the petitioner for the Village of Morton. ZEO Marks gave a summary of why the Village is proposing these zoning changes. There were three property owners that spoke in opposition to the zoning change on their property. After discussion from the board (see transcripts), a motion to approve was made by Knepp. A second motion to approve was made by Aupperle. This was followed by a vote to approve.

Yes-None

No-Knepp, Geil, Ritterbusch, Smock, Aupperle, Zobrist, and Keach

**NOT APPROVED**

**AN ORDINANCE MAKING AMENDMENTS TO SECTION 10-15-12 OF THE MORTON MUNICIPAL CODE REGARDING THE MIXED-USE OVERLAY DISTRICT MAP.** ZEO Marks explained that the proposed changes to the Mixed-Use Overlay District Map was to coincide with the proposed zoning changes with Petition No. 21-05 ZA. After brief discussion from the board (see transcripts), a motion to approve was made by Aupperle. A second motion to approve was made by Geil. This was followed by a vote to approve.

Yes-None

No-Keach, Ritterbusch, Smock, Geil, Zobrist, Aupperle and Knepp

**NOT APPROVED**

**STEVE LEHMAN IS PROPOSING A PLANNED RESIDENTIAL DEVELOPMENT LOCATED AT SEC 16 T25N R3W MAIN STREET BUSINESS PARK LOT 6 NE ¼ 5.00 ACRES (PIN # 06-06-16-201-006). THE PROPOSED PLANNED RESIDENTIAL DEVELOPMENT CONSTISTS OF 37 TOWNHOMES.** Mr. Lehman spoke as the petitioner and provided an overview of the proposed Planned Residential Development. There was much discussion amongst the board members, Attorney McGrath, Trustee Craig Hilliard, and Zoning Officer Marks (see transcripts). A motion to continue this petition to the next meeting was made by Ritterbusch. A second motion to continue this petition to the next meeting was made by Zobrist. This was followed by a vote to continue to the next meeting.

Yes-Ritterbusch, Smock, Geil, Zobrist, Keach, and Knepp  
No-None  
Abstain-Aupperle

**AN ORDINANCE MAKING AMENDMENTS CLARIFYING THE DEFINITION OF DRIVE-IN TO INCLUDE DRIVE-THROUGH RESTAURANTS TO TITLE 10 OF THE MORTON MUNICIPAL CODE.** ZEO Marks explained that the proposed changes in the ordinance are only to clarify the intent of allowing drive throughs along with drive-in restaurants. With little discussion from the board (see transcripts). A motion to approve was made by Ritterbusch. A second motion to approve was made by Aupperle. This was followed by a vote to approve.

Yes-Smock, Geil, Zobrist, Aupperle, Keach, Knepp and Ritterbusch  
No-None

**Other Business:**

None

**Brad Marks:**

None

With no further business, Zobrist made a motion to adjourn. A second motion to adjourn was made by Aupperle. With a voice roll call, there was a unanimous approval to adjourn.



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<p>1 PLAN COMMISSION OF THE VILLAGE OF MORTON, ILLINOIS</p> <p>2 DATE: October 25, 2021</p> <p>3 TIME: 7:00 p.m.</p> <p>4 PLACE: Freedom Hall 349 West Birchwood 5 Morton, Illinois 61550</p> <p>6 COMMISSION MEMBERS PRESENT:</p> <p>7 Mr. Nate Geil 8 Ms. Kara Knepp 9 Mr. Gerald Ritterbusch 10 Mr. Jeff Keach 11 Mr. Phil Zobrist 12 Mr. Craig Smock 13 Mr. Bill Aupperle 14 Mr. Pat McGrath 15 Mr. Brad Marks 16 Mr. Craig Hilliard</p> <p>17 MR. KEACH: Okay. We're going to start the 18 meeting. Welcome to the Plan Commission of the 19 Village of Morton, Illinois, 7 p.m., Monday, October 20 25th, 2021. Can we call the roll.</p> <p>21 MR. MARKS: Geil.</p> <p>22 MR. GEIL: Here.</p> <p>23 MR. MARKS: Knepp.</p> <p>MS. KNEPP: Here.</p> <p>MR. MARKS: Smock.</p> <p>MR. SMOCK: Here.</p> <p>MR. MARKS: Ritterbusch.</p>	<p>1 public hearings.</p> <p>2 MR. McGRATH: Thank you. Public hearings 3 are being held tonight pursuant to published notice. 4 Any person wishing to make a comment to the planning 5 commission will be afforded an opportunity to do so. 6 They will give their testimony under oath or 7 affirmation. Any person living within 250 feet of a 8 property at issue in a case who wishes to 9 cross-examine, meaning question, a testifying witness 10 will be afforded an opportunity to do so at the 11 discretion of our chair. Matters must remain to the 12 issues before the planning commission.</p> <p>13 No member of the public may address the 14 commission or cross-examine a testifying witness until 15 recognized by the Chair. At the conclusion of the 16 public hearing, the Planning Commission will make a 17 recommendation to the village board. The Planning 18 Commission makes recommendations only. The Village 19 Board is responsible for taking final action on these 20 matters.</p> <p>21 These announcements, which I've just 22 provided, are relevant to every case except for the 23 planned residential development, which has some</p>
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<p>1 MR. RITTERBUSCH: Here.</p> <p>2 MR. MARKS: Keach.</p> <p>3 MR. KEACH: Here.</p> <p>4 MR. MARKS: Zobrist.</p> <p>5 MR. ZOBRIST: Here.</p> <p>6 MR. MARKS: Aupperle.</p> <p>7 MR. AUPPERLE: Here.</p> <p>8 MR. MARKS: Yoray.</p> <p>9 (No response.)</p> <p>10 MR. MARKS: DeWeese.</p> <p>11 (No response.)</p> <p>12 MR. MARKS: We have a quorum.</p> <p>13 MR. KEACH: Next on the agenda is the 14 approval of the minutes from our last meeting, which 15 was July 26th. Any comments about that? If not, I'd 16 entertain a motion to accept the minutes.</p> <p>17 MS. KNEPP: I'll make a motion to approve.</p> <p>18 MR. AUPPERLE: Second.</p> <p>19 MR. KEACH: All in favor.</p> <p>20 ALL IN UNISON: Aye.</p> <p>21 MR. KEACH: Okay. So now we're to the 22 public hearings portion of our meeting, and we're 23 going to let our attorney give a little speech about</p>	<p>1 additional factors, which I'll discuss before that 2 case proceeds.</p> <p>3 MR. KEACH: Thank you. The first item on 4 the agenda this evening is Petition No. 21-04 SP. The 5 subject property is located at 1989 North Morton 6 Avenue. A petition has been filed by Michelle 7 Peterson. Mrs. Peterson is requesting a special use 8 at the property to permit a daycare center. Michelle, 9 would you like to present?</p> <p>10 MS. PETERSON: Yes, please.</p> <p>11 (Witness sworn.)</p> <p>12 MR. KEACH: If you give your name and your 13 address.</p> <p>14 MS. PETERSON: Sure. Michelle Peterson. I 15 live at 101 Forestview Road in Morton, and I am here 16 representing what I hope to be Spark Academy, which is 17 going to house preschool and enrichment programing for 18 children ages three through about age ten. So I know 19 that I presented to all of you the last time around 20 with kind of my full business concept, so I was 21 thinking that I was not going to spend the time 22 tonight going through that full concept.</p> <p>23 And so I just wanted to talk to you about</p>

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1 some of the changes in traffic flow and a few things  
 2 at that location. That is the old Casey's gas station  
 3 that I will be completely renovating. We really -- we  
 4 went into it financially looking at just using the  
 5 shell of the building expecting to have to replace  
 6 pretty much everything, but it does have a wonderful  
 7 parking lot.

8 And our traffic flow, after standing out  
 9 there with Craig Hilliard and -- both Craig and Brad,  
 10 we stood out here, and I told them that my plan is to  
 11 bring people onto -- from Lakeland in one way and out  
 12 Morton Avenue to keep a one-way flow. I know that I  
 13 don't have any intentions of buses, school buses  
 14 coming through, but there is plenty of room to allow a  
 15 bus to come through that location, if, let's say, down  
 16 the road I did like before or after care and needed  
 17 pick up or drop off.

18 The capacity, it is a much larger location.  
 19 It's 2,200 square feet, and I am looking to add some  
 20 square footage. It's not going to hold -- I'm not  
 21 really going to house that many more kids than what I  
 22 had originally proposed. It would be still around  
 23 that 40 in the morning, and I don't know that I would

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1 do an afternoon section of the preschool in the  
 2 afternoon.

3 I still am looking at doing some enrichment,  
 4 offering Spanish, science, music, art, STEM, and  
 5 possibly some of what I was considering, the  
 6 date-night drop-in; so the possible Friday or Saturday  
 7 night where you drop in for a couple hours for planned  
 8 activities, some of those enrichment activities, and  
 9 then pick your child up later. So that's kind of the  
 10 use for the facility.

11 I'm going to fence in the entire back  
 12 section of the property to be a playground space for  
 13 kids. It's a great grass area. I've got plenty of  
 14 room. And I've already cleared all the EPA questions  
 15 that came up at the property because it was a  
 16 future -- or it was previously a gas station. There  
 17 are no -- EPA has cleared everything because that was  
 18 one of my big questions was, are there tanks. There  
 19 are not; they were removed.

20 And EPA -- the only stipulation on the  
 21 property for EPA purposes is I cannot use the ground  
 22 water; so I can't put in a well, but I don't plan on  
 23 doing that. But other than that, I can dig; I can

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1 expand.

2 And hopefully -- I drive past this building  
 3 every day of my life multiple times a day going in and  
 4 out of Hyde Park, and I really hope to beautify the  
 5 building so that it is not a sight for sore eyes  
 6 because right now, every day I pass it, I think, oh,  
 7 man, we need do something about this.

8 So I just -- if you have any questions for  
 9 me, I know that you know my business plan and my  
 10 concept, and I know, you know, last time we had issues  
 11 about safety concerns. So do you have any questions  
 12 for me?

13 MR. KEACH: Any questions from the board? I  
 14 don't see any questions.

15 MS. PETERSON: Okay. Thank you very much.

16 MR. KEACH: Thank you. Is there anybody  
 17 present this evening who would like to speak to this  
 18 petition? Okay. How about right here in front?

19 MS. SMITH: Can I just stay here?

20 MR. KEACH: No. You need to come forward.  
 21 You have to present yourself to the reporter.

22 (Witness sworn.)

23 MS. SMITH: We live at 313 North First

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1 Avenue. We built the house about 30 years ago, and it  
 2 was zoned --

3 MR. KEACH: Ma'am.

4 MS. SMITH: Yes.

5 MR. KEACH: That hearing is coming up, but  
 6 that's not what we're talking about right now. We're  
 7 talking about a different petition.

8 MS. SMITH: Oh, okay.

9 MR. KEACH: So I'll look forward --

10 MS. SMITH: It will be tonight, though?

11 MR. KEACH: Tonight. Yes.

12 MS. SMITH: Oh, sorry about that.

13 MR. KEACH: That's okay.

14 MS. PARKIN: You just jumped the gun. I  
 15 understand. I misunderstood too.

16 MR. KEACH: So, yes, tonight -- I'll just  
 17 give a preview here. We're going to be talking about  
 18 the First Street zoning tonight and other things. Is  
 19 there anybody who would like to speak to the petition  
 20 about the early childhood daycare center at this  
 21 corner of Lakeland and Morton Avenue? Okay. We've  
 22 got a gentleman in the back.

23 (Witness sworn.)

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1 MR. KERLIN: I would just like to say a few  
 2 words about the proposed project.  
 3 MR. KEACH: Could you please give your name  
 4 and address.  
 5 MR. KERLIN: Oh, I'm sorry. Ronald Kerlin.  
 6 I live on Lakecrest Drive right across the street  
 7 there.  
 8 MR. KEACH: Okay.  
 9 MR. KERLIN: In no way -- I don't speak for  
 10 the neighbors or anything, but I have kind of talked  
 11 to a few of them, did you get a letter, what do you  
 12 think, all this and that. I see nothing wrong with  
 13 it. I didn't hear any negative comments from the  
 14 neighbors. It's a -- it would be a very regulated  
 15 business. It wouldn't be a lot of traffic problems,  
 16 anything like that, I don't think.  
 17 I'm in favor of it largely for, if you look  
 18 down the road, what could end up going in there. You  
 19 know, do we need another gas station, a convenience  
 20 store of some kind, more traffic, trash, that sort of  
 21 thing. So I just wanted to speak in favor of  
 22 consideration for that project going on. The only  
 23 question I might have is what would be done with the

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1 outside of the building.  
 2 MS. PETERSON: A lot.  
 3 MR. KERLIN: A lot. Okay. Needless to say,  
 4 it's kind of maybe not the largest but one of the  
 5 largest eyesores in town right now. So I think it  
 6 would be a good move. I'd like to recommend you vote  
 7 in favor of it. Thank you.  
 8 MR. KEACH: Thank you for your comments.  
 9 Are there any other people who would like to speak to  
 10 this petition? Okay. So we'll close the public  
 11 hearing on that petition.  
 12 And let's just have a discussion at the  
 13 table, if anybody has anything they'd like to discuss  
 14 or questions from the city staff or for the city staff  
 15 or whatever.  
 16 MS. KNEPP: I personally think it's needed  
 17 in Morton. I think this is a better location than  
 18 previously proposed. I would have a little bit of  
 19 concerns about if kids were going to be outside if  
 20 there wasn't fencing, just because of the speed on  
 21 that road, but it sounds like she plans to put in a  
 22 fence. So, I mean, I think that property has been  
 23 vacant for a while, and it is an eyesore in Morton,

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1 and I'd love to see it repurposed.  
 2 MR. KEACH: Okay. Other comments? If  
 3 not --  
 4 MR. SMOCK: I would just say one thing real  
 5 quick. I will be abstaining again. Not -- I don't  
 6 want that to appear as a lack of support in any way  
 7 for the project. As I indicated earlier in a previous  
 8 vote that Mrs. Peterson and I are employees at Morton  
 9 School District, so to avoid any kind of appearance of  
 10 a conflict of interest, I'll be abstaining.  
 11 MR. KEACH: Okay. Very good. Do we hear a  
 12 motion?  
 13 MS. KNEPP: I'll make a motion to approve.  
 14 MR. KEACH: Motion to approve.  
 15 MR. ZOBRIST: I'll second.  
 16 MR. KEACH: Second. Roll call.  
 17 MR. MARKS: Keach.  
 18 MR. KEACH: Yes.  
 19 MR. MARKS: Knepp.  
 20 MS. KNEPP: Yes.  
 21 MR. MARKS: Aupperle.  
 22 MR. AUPPERLE: Yes.  
 23 MR. MARKS: Ritterbusch.

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1 MR. RITTERBUSCH: Yes.  
 2 MR. MARKS: Smock.  
 3 MR. SMOCK: Abstain.  
 4 MR. MARKS: Geil.  
 5 MR. GEIL: Yes.  
 6 MR. MARKS: Zobrist.  
 7 MR. ZOBRIST: Yes.  
 8 MR. MARKS: Approved.  
 9 MR. KEACH: Okay. Very good. So we've got  
 10 another petition for the public hearing, Petition  
 11 No. 21-05 ZA. A zoning amendment petition has been  
 12 filed by the Village of Morton. The Village of Morton  
 13 is proposing the following zoning changes for the  
 14 described properties, and there's a list. I don't  
 15 know if I need to read these aloud, but there's a list  
 16 of properties, most all of them on First Avenue  
 17 between Jefferson and Jackson.  
 18 Does that adequately describe the area that  
 19 we're talking about? And that area is currently zoned  
 20 either B-1 or B-2, and the Village is proposing those  
 21 be rezoned R-1. So I'm going to just ask Brad if he'd  
 22 like to make a few comments on behalf of the village.  
 23 MR. MARKS: Sure.

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1 MR. McGRATH: Brad should be sworn in since  
 2 the Village is the petitioner on this since his  
 3 statements will be considered testimony for the  
 4 purpose of the record.  
 5 (Witness sworn.)  
 6 MR. MARKS: So the properties that are being  
 7 proposed to be rezoned currently are either B-1 or  
 8 B-2, but, to our knowledge, all but three of the  
 9 properties are actually being used as residential.  
 10 So, therefore, you've got a lot of properties that are  
 11 zoned as B-1 or -2, which would be business, where,  
 12 actually, it's being used as residential.  
 13 Our thought is to actually align these  
 14 properties to what the actual use is, to what it's  
 15 actually being used as, which we feel has been -- I  
 16 think we went back and we went all the way into the  
 17 late '70s, I think, is when this area was rezoned even  
 18 into the Bs. But, like I said, our recollection, we  
 19 think it's mostly being used as residential. So we're  
 20 just trying to align this as more of what the current  
 21 uses are.  
 22 MR. KEACH: Okay. And so what about the  
 23 properties that are currently being used as businesses

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1 then?  
 2 MR. MARKS: We currently believe there's  
 3 three properties being used as business. They can be  
 4 rezoned R-1; they would just become an existing  
 5 nonconforming use, which means they can remain what  
 6 they're doing, and there is no -- there's no issues  
 7 with that. So basically it's -- it would flip from  
 8 what it is now, all the properties that are being used  
 9 as residential, they are now existing nonconforming.  
 10 MS. KNEPP: Does that change when it's sold?  
 11 So if there's a business now --  
 12 MR. MARKS: It can remain as that type of  
 13 business.  
 14 MS. KNEPP: As that type of business if it  
 15 gets sold.  
 16 MR. MARKS: Yes. And they can actually --  
 17 it can actually stop being a business, that business,  
 18 for up to one year, and it can resume that. If it  
 19 goes past that one year, then it reverts to what the  
 20 current zoning is.  
 21 MR. SMOCK: Do all the property owners on  
 22 this list agree with this zoning change?  
 23 MR. MARKS: Well, I think that's going to be

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1 up to us to find out if anybody --  
 2 MR. SMOCK: So you don't know the answer to  
 3 that yet?  
 4 MR. MARKS: I've had conversations and phone  
 5 calls, but I don't want to speak for anyone. I don't  
 6 have anything written, any kind of written testimony.  
 7 Pat, is that a fair assessment?  
 8 MR. McGRATH: Yes.  
 9 MR. MARKS: Yes, I've had conversations with  
 10 people, property owners that are affected by this.  
 11 MR. AUPPERLE: So, Brad, just to clarify.  
 12 If a business, let's just say, for example, is a hair  
 13 salon. It's sold, it can only -- for a year -- come  
 14 back as a hair salon.  
 15 MR. MARKS: Correct.  
 16 MR. AUPPERLE: So if someone wanted to put a  
 17 hot dog stand in there or something, they can't.  
 18 MR. MARKS: They would not be able to do  
 19 that, no.  
 20 MR. AUPPERLE: Weird example. That's all I  
 21 had.  
 22 MS. KNEPP: Hair and a hot dog stand.  
 23 MR. MARKS: Perfect example.

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1 MR. KEACH: Any other questions for the  
 2 petitioner from the board?  
 3 MR. SMOCK: Yeah. I guess what -- I  
 4 understand that you'd be changing it to its current  
 5 use, but is something -- did something prompt that, or  
 6 was there a fear of what could happen in that  
 7 development?  
 8 MR. MARKS: I just think it's good practice  
 9 to have zoning align with what it's being used. I  
 10 mean, there's probably many factors and many thoughts,  
 11 but, for a long time, this area has been used in a  
 12 nonconforming way. So I think it's become clear that  
 13 people tend to use it as residential, that, if you go  
 14 down the street, they were -- I can't say for sure,  
 15 but they look like they were all houses from the  
 16 beginning.  
 17 MR. SMOCK: Well, that's what makes me  
 18 wonder why it was ever a B-1 or B-2.  
 19 MR. MARKS: Well, we have speculation on  
 20 that. We believe that Main Street -- and this is just  
 21 purely speculation on our part, when Main Street was  
 22 filling up in the '80s that maybe there was a thought  
 23 that there would be spillover. That was before,



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1 across the interstate and some of the outlying areas  
 2 of the businesses were developed, that maybe this  
 3 could be an extension. So if you go south on First  
 4 Avenue, you do run into some businesses along there  
 5 that weren't homes but they were specifically built  
 6 for business. So I believe the idea was maybe this  
 7 would spillover into First and create an avenue for  
 8 businesses to expand.  
 9 MR. RITTERBUSCH: So what we're doing here  
 10 is there's at least three of these addresses, which  
 11 will switch over now to nonconforming. Currently,  
 12 those addresses are conforming, so they will go to  
 13 nonconforming; so that could put a hardship on those  
 14 three addresses if the business that's there now  
 15 disappears and somebody new wanted to do a new  
 16 business.  
 17 MR. MARKS: Well, they would have to align  
 18 with current zoning. Correct. Yes.  
 19 MR. RITTERBUSCH: But that's not business  
 20 anymore then, so they would revert to R-1.  
 21 MR. MARKS: Correct. Yes.  
 22 MR. KEACH: But somebody could buy the  
 23 business and keep doing that type of business.

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1 MR. MARKS: Yes.  
 2 MR. RITTERBUSCH: That type of business, but  
 3 if they were to do some other business, that would  
 4 be --  
 5 MR. MARKS: Exactly like Bill's example.  
 6 Correct.  
 7 MR. KEACH: Any other questions for the  
 8 petitioner? Okay. Is there anyone from the audience  
 9 who would like to speak to this issue?  
 10 MR. McGRATH: She's already been sworn in,  
 11 so you don't need to be sworn in again.  
 12 MS. SMITH: My name is Beverly Smith, but I  
 13 live at 313 North First Avenue. We've lived there  
 14 about 30 years. We bought it zoned, and we'd like to  
 15 keep it that way. We don't want it changed.  
 16 The people that lived there before us had a  
 17 worm business. We've got all the equipment for it,  
 18 but we just never started it because we've had a lot  
 19 of surgery on my husband, and a son and daughter  
 20 passed away. We've raised grandkids and great  
 21 grandkids there, so we haven't had a chance to start  
 22 it, but we talked about it. We've got everything we  
 23 need for it.

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1 In the meantime, we had talked about having  
 2 a little shop where you sell stuff like Mission Mart  
 3 or something like that because it is for business.  
 4 We've had two people approach us; one was a man that  
 5 said something about insurance, he'd like to maybe  
 6 have an insurance building there; and a lady asked  
 7 because of having a hair business.  
 8 Like I said, we bought it zoned, and we paid  
 9 all these years for that. I'd like to keep it that  
 10 way. I guess that's all. Thank you.  
 11 MR. KEACH: Thank you. Anyone else?  
 12 (Witness sworn.)  
 13 MS. PHILLIPS: Hello. My name is Christine  
 14 Phillips, and my husband Keith and I just purchased  
 15 216 -- what is it? -- North First Avenue, and we  
 16 purchased it for the purpose of having a nail salon in  
 17 there. It was Bella Salon. And so it is going to be  
 18 a nail salon.  
 19 But we also purchased it for a business, and  
 20 it's -- the way the house is, it really would not make  
 21 a very nice house anyway, the setup in it. I cannot  
 22 see -- if we decided to not continue to do the nail  
 23 business, I cannot see selling it as a house.

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1 And we're putting a lot of money into it.  
 2 It's going to be very nice. It's going to be a unique  
 3 nail salon. Anyway, we purchased it with the zoning,  
 4 so we would appreciate to keep that. Both my  
 5 daughters, they live in Morton. We raised our kids  
 6 here. We love the town. And it's just going to be a  
 7 really neat, unique nail salon there.  
 8 We're getting a lot of positive response  
 9 from people as were working on the outside of it,  
 10 painting the brick and painting it up, and everyone is  
 11 really excited for us. They're really thrilled.  
 12 Thank you.  
 13 MR. KEACH: Thank you. Anyone else?  
 14 (Witness sworn.)  
 15 MS. PARKIN: My name is Lori Parkin. I was  
 16 at this zoning meeting in September of 1999 to get a  
 17 variance slightly. The building I purchased as a  
 18 commercial business at 205 North First Avenue, which I  
 19 butt up right up against the city parking lot that has  
 20 the post office box catty-corner from the Morton  
 21 utility office and that.  
 22 So I bought and needed to get a variance  
 23 because I put in a ramp. Sorry. I'm nervous. I was

<p style="text-align: right;">Page 21</p> <p>1 here a week ago to do this. Anyway, I'm used to  2 having people sit in front of me and talking to a  3 mirror. Can you turn around, Craig? No, I'm kidding.  4       Anyway, I did it as a business. We put a  5 ramp in to make it wheelchair accessible. We had to  6 get a variance in order -- because we had a step that  7 came down too close to it.  8       But the building has been completely changed  9 on the inside. It was built in, to the best of my  10 knowledge, we were told 1918 or 1908. It was added on  11 to in 1922. But we turned it into a business October  12 24th, 1999, and I've been there -- I've had a salon in  13 this town for 37 years as of September 1st, 1984.  14       But I bought it as zoned commercial, and  15 that's pretty much how I'd like to keep it. It  16 doesn't have a kitchen. I felt it was a perfect  17 building when I bought it because it didn't have a  18 kitchen. It does not have a full -- there's no tub or  19 anything like that. There's no full bath in it, so  20 it's not going to be anything that could be sold as a  21 residence without major, major redoing, and it's not a  22 huge building anyway.  23       It's set up perfectly. We literally step</p>	<p style="text-align: right;">Page 23</p> <p>1 for 37 years. So it's not like they grow; they just  2 change spots, but not really.  3       So it would eliminate a lot potential  4 buyers. We've had people approach us to buy it for  5 commercial, and I'm pretty stubborn, and I'm like, not  6 until I can't walk anymore; although, some days, when  7 it gets real cold like this, it may be closer than I  8 think.  9       You know, I've been approached quite a few  10 times, and I just tell them, no, I bought it to stay  11 here until I'm done. So I'm 58, so I'm not going  12 anywhere real soon. Any other questions? Thank you.  13       MR. KEACH: Thank you for your comments.  14 Anybody else? I see a raised hand.  15       (Witness sworn.)  16       MS. BARTELS: I'm Maureen Bartels. I live  17 at 308 North First. My question is, how does this  18 change real estate taxes?  19       MR. McGRATH: It does not change real estate  20 taxes at all. It has no bearing on real estate taxes.  21       MS. BARTELS: Okay.  22       MR. KEACH: Anyone else? Going once, going  23 twice. Okay. We'll close the public hearing for that</p>
<p style="text-align: right;">Page 22</p> <p>1 right off into the parking lot. It's great frontage  2 for us going through that direction. I moved from --  3 let me see if I get this right -- 206 South First, two  4 blocks north, in order to get to this building because  5 I had a public parking lot that was right next to me.  6 And before, when I was at 206 South First, not  7 user-friendly for my clients, not real safe getting  8 them in and out; they had to cross the street. So I  9 chose this especially for my clients that had special  10 needs to be able to come in and have the ramp and easy  11 to locate with the parking lot and then come up that  12 direction.  13       So I was trying to figure out if there was  14 anything else I was supposed to hit on this. Do you  15 guys have any questions?  16       I would just like to keep it zoned business  17 and not residential because that completely limits us  18 on what it can be turned into ever. And, you know, I  19 don't know if I'll have a catastrophe and not be able  20 to do hair for a year, and then it would be limited to  21 only being a hair salon, which kind of -- you know, we  22 have plenty of them in this town. Like I said, I've  23 this this one for this many years, but I've had one</p>	<p style="text-align: right;">Page 24</p> <p>1 petition. What is the board thinking?  2       MR. SMOCK: Well, I'll start. I see zoning  3 as having two important functions; one is to give  4 property owners -- to maintain property owners'  5 expectations of what they can use the property for,  6 what it is valued at from the point they purchased it;  7 and the other, as we've seen in these meetings, is to  8 give expectations of what adjacent property owners  9 might have to deal with in terms of what could be next  10 to them.  11       So those sometimes work against one another,  12 as we know. And so in this case, I mean, I just -- to  13 forcibly have someone change zoning on a property that  14 they had certain expectations for use, you know, I  15 struggle with that.  16       If we were going to go through and  17 voluntarily select, you know, those that wanted to  18 change their zoning then maybe gradually over the  19 years acquire all of the properties little by little  20 and you can keep approaching it. And those that  21 voluntarily want to change the zoning, I mean, that  22 would make sense to me.  23       But I struggle with the idea of taking a</p>

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1 property that someone has purchased with a certain  
 2 value, a certain use, and then changing that on them,  
 3 no compensation, no warning. So I really struggle  
 4 with that, but if you wanted to go piecemeal and go  
 5 through parcel by parcel and say, this person would  
 6 say yes, and this one says no, I would be open to  
 7 that.

8 MR. KEACH: Brad, was that ever considered?

9 MR. MARKS: Well, the board can always make  
 10 a recommendation with conditions. So if you're asking  
 11 if you would like to make a recommendation, for  
 12 example, of not all 27 but perhaps Craig's comment of  
 13 piecemealing, that is always an option. But we -- I  
 14 mean, a letter was sent to every property owner, so  
 15 everybody received a letter and everybody received a  
 16 letter within 250 feet of every property. So I count  
 17 27 parcels, and I think I said in the beginning  
 18 there's 3 businesses, and we've heard from 3 people  
 19 about their zoning as being an issue.

20 MR. SMOCK: But a change of this magnitude  
 21 might require an active instead of a passive  
 22 acceptance, I guess. It seems like that is pretty  
 23 major change to make on someone hoping they read their

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1 mail or read the letter. It's just my opinion. I'm  
 2 just one person.

3 MR. MARKS: Sure.

4 MR. RITTERBUSCH: Well, this zoning has been  
 5 like this for quite a number of years, and at one time  
 6 I thought there was an intent to maybe make First  
 7 Street a more active street in terms of traffic flow,  
 8 so I guess that's why it was considered business back  
 9 at that point in time. But when you have three  
 10 nonconforming now in an R-1, you're posing a real  
 11 financial burden on those three addresses. So I'm not  
 12 sure why we even need to change this at this point in  
 13 time. It's worked for years.

14 Yes, it's a nonconforming situation. I  
 15 mean, I'm in East Peoria with my shop. I'm right next  
 16 to residential on both sides. They got all kinds of  
 17 nonconforming stuff going on because I'm conforming  
 18 but the residences are nonconforming, basically the  
 19 same situation as here. So, you know, just leave  
 20 things well alone.

21 In time, if this becomes more of a problem  
 22 down the road, we could always look at it, and we  
 23 could go piecemeal because there's no reason why you

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1 can't have one property one zoning classification and  
 2 the next property a different one. But at this point  
 3 in time, I think we just leave this thing alone and  
 4 see what happens four years, five years down the road.

5 MR. KEACH: Any other?

6 MR. ZOBRIST: I'll just, I guess, chime in  
 7 with a lot of what Craig is saying. I would be much  
 8 more comfortable in the city approaching parcel by  
 9 parcel and if people are voluntarily willing to  
 10 change. This still might change every one that people  
 11 were willing to, and then over time, when properties  
 12 change, the next owner may be willing to, but I can't  
 13 say that I support because we have three existing  
 14 businesses.

15 And it doesn't even matter if there's a  
 16 business. If I bought -- it's potential that somebody  
 17 bought an R-1 or is living in an R-1 home in a B-1 or  
 18 B-2 zoned property knowing that and knowing that they  
 19 think their property has more value when they sell it  
 20 because they think, hey, I could sell this as a  
 21 business, and somebody will give me more than they  
 22 will for a house for it.

23 I don't know but I have to say that that

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1 could be happening, and I just can't see that we would  
 2 burden people financially in that way without knowing.  
 3 So that's where I'd be coming down.

4 MR. SMOCK: I would just say I have a  
 5 balanced view of this. When people move in next to a  
 6 B-1 property, I equally think the person that owns the  
 7 B-1 property has a right to develop a business there  
 8 within the constraints of a B-1. So sometimes that  
 9 might be against what the neighbors want, but, again,  
 10 it's about fair warning and what someone's  
 11 expectations were when they purchased the property or  
 12 when they purchased the property near that property.  
 13 It's kind of everyone should be aware of what could  
 14 happen there. So this is kind of a surprise to people  
 15 that I'm not on board with.

16 MR. KEACH: Brad, do you think it would be  
 17 worth while to continue this and, you know, maybe  
 18 consider -- the petitioner consider the piecemeal  
 19 approach. Piecemeal is -- I hate that word.

20 MR. MARKS: Right.

21 MR. KEACH: You know, the focused --

22 MR. MARKS: Legal counsel, Pat.

23 MR. McGRATH: I think you could make a

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1 representation as piecemeal. I would say it's  
 2 completely unheard of to make literal contact with  
 3 every property owner on something like this to ask  
 4 them, but if you wanted that, that could happen;  
 5 that's just not the way it's normally done. So, you  
 6 know, normally it's notice and hearing, and then your  
 7 recommendation on the basis of that. But if you want  
 8 to direct contact and you want a continuance for that,  
 9 that's within your prerogative.  
 10 MR. SMOCK: Have we ever -- I'm sorry  
 11 because it's along the lines of what you just said  
 12 there. Have we ever changed the zoning on a property  
 13 where the owner was reluctant or didn't want to do it?  
 14 MR. McGRATH: We've done mass changes before  
 15 in votes. I don't remember case -- any specific cases  
 16 one way or the other.  
 17 MR. MARKS: I mean, we rezoned all the B-3s,  
 18 like the Kroger complex, the Field Shopping Center;  
 19 those were all mass -- those were multiple chains.  
 20 MR. SMOCK: Did anybody protest it?  
 21 MR. MARKS: I don't recall how that  
 22 transpired.  
 23 MR. SMOCK: So it would be unheard of to do

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1 it in mass where there weren't people protesting it?  
 2 MR. MARKS: I don't know.  
 3 MR. McGRATH: I can't remember a case  
 4 specifically either which way.  
 5 MR. KEACH: So we have some board members  
 6 who are reluctant to do this. We've heard from --  
 7 our public comment tonight was all reluctance. There  
 8 was nothing positive for it; I'll just add that,  
 9 that's my analysis. But I don't want to necessarily  
 10 just slam dunk it closed if there's another way to  
 11 approach it.  
 12 MR. McGRATH: One other -- I don't mean to  
 13 interrupt you. I mean, certainly your recommendation  
 14 goes to the village board and you can provide  
 15 perspective to staff and to Trustee Hilliard, which he  
 16 can relay on to the village board. There's nothing  
 17 that precludes the village from submitting a  
 18 subsequent petition. This petition was requested by  
 19 the Board of Trustees, so this comes from the board.  
 20 There's nothing that would preclude them, if this  
 21 measure doesn't pass, from proposing a new  
 22 recommendation or asking Brad to make direct contact  
 23 with the owners or taking some new course of action in

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1 response to your feedback.  
 2 MR. SMOCK: Was this proposal discussed in  
 3 open session at a meeting?  
 4 MR. McGRATH: Yes.  
 5 MR. SMOCK: And was the idea that some of  
 6 the property owners wouldn't necessarily be on board  
 7 with it, was that part of the discussion?  
 8 MR. McGRATH: I don't recall discussions  
 9 specifically about that one or the other.  
 10 MR. AUPPERLE: Has it been documented that  
 11 any of the homeowners wanted a change to R-1?  
 12 MR. MARKS: I mean, I had conversations. I  
 13 did speak to some property owners that called. Can I  
 14 say what they said, Pat?  
 15 MR. McGRATH: Yeah. We've concluded the  
 16 public hearing. It's not evidentiary relaying what  
 17 others have said.  
 18 MR. MARKS: Yes, I did have people reach out  
 19 to me that live on First Avenue, and what they told me  
 20 is they were comfortable and okay with the rezoning  
 21 because of what I said, they were using it as R-1. I  
 22 do believe that some people don't even realize what  
 23 they were zoned. They just knew it was their house.

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1 It's what they lived in.  
 2 MR. GEIL: And the homeowners have the means  
 3 to petition for themselves on an individual basis as  
 4 well too. Right?  
 5 MR. MARKS: Yes, they can.  
 6 MS. KNEPP: But there's a cost associated.  
 7 Correct?  
 8 MR. MARKS: Yes. To file a petition is  
 9 \$175.  
 10 MR. KEACH: So what is the pleasure of the  
 11 board on this?  
 12 MS. KNEPP: I would prefer not to piecemeal  
 13 it, I mean, unless there's, you know, homeowners that  
 14 come up and want to change it. I would just prefer --  
 15 I mean, I believe that, as was said before, that they  
 16 bought it with this intention, and I would prefer to  
 17 leave it that intention.  
 18 I also -- the ones that are in that block  
 19 between First and Main, I mean, I -- looking to the  
 20 future, right, you just don't know what that -- I like  
 21 kind of keeping that more business oriented. So the  
 22 top half of that in this map, I'd prefer to leave  
 23 business oriented. So in that aspect, I would prefer

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<p>1 to leave it as it currently is.</p> <p>2 MR. SMOCK: Honestly, I don't know what</p> <p>3 problem we're trying to solve. It's a hypothetical</p> <p>4 problem, and changing people's zoning based on</p> <p>5 hypothetical is -- I'm not in favor of that.</p> <p>6 MR. KEACH: Okay. Is there a motion?</p> <p>7 MR. ZOBRIST: Can I ask the question? If --</p> <p>8 should the city as the petitioner have an opportunity</p> <p>9 at this time to say they want us to vote on it, or</p> <p>10 they want to pull it and continue it and see if they</p> <p>11 can come back with something else? That would be my</p> <p>12 only question. It was brought up, and we really</p> <p>13 didn't answer that.</p> <p>14 Would you guys prefer there be a vote on it,</p> <p>15 or would you prefer to pull it and continue it?</p> <p>16 MR. McGRATH: I think I would recommend --</p> <p>17 in light of the fact that the board adopted a</p> <p>18 resolution asking for consideration of this specific</p> <p>19 proposal, I think it would be appropriate for you to</p> <p>20 vote on it, and your recommendation will go back to</p> <p>21 them. They can reconstitute, and if they want to</p> <p>22 propose something different, but I do think it would</p> <p>23 be appropriate to vote on it tonight.</p>	<p>1 amendment is closely related to the one that we just</p> <p>2 voted down.</p> <p>3 MR. MARKS: Yes. So it coincides together.</p> <p>4 MR. KEACH: So do we need to vote on this</p> <p>5 one too, or do we --</p> <p>6 MR. MARKS: I think you have to.</p> <p>7 MR. KEACH: I would entertain a motion to</p> <p>8 approve this. This basically takes the properties, if</p> <p>9 they were taken out of --</p> <p>10 MR. MARKS: If they were rezoned</p> <p>11 residential.</p> <p>12 MR. KEACH: If were residential, they'd be</p> <p>13 taken out of the mixed-use district. And so since our</p> <p>14 recommendation was to not rezone those --</p> <p>15 MR. McGRATH: If I may before action on it.</p> <p>16 While I'm sure it's going to a no, we probably should</p> <p>17 verify no one wants to comment specifically on this</p> <p>18 ordinance.</p> <p>19 MR. KEACH: Oh, okay. Is there anybody --</p> <p>20 well, let's see. This is from the village. Does the</p> <p>21 Village want to make any comments as a petitioner?</p> <p>22 MR. MARKS: I don't think anything would be</p> <p>23 appropriate at this time.</p>
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<p>1 MS. KNEPP: I'll make a motion to approve</p> <p>2 Petition No. 21-05 ZA.</p> <p>3 MR. AUPPERLE: Second.</p> <p>4 MR. KEACH: And a second. Okay. Roll call.</p> <p>5 MR. MARKS: Knepp.</p> <p>6 MS. KNEPP: No.</p> <p>7 MR. MARKS: Geil.</p> <p>8 MR. GEIL: No.</p> <p>9 MR. MARKS: Ritterbusch.</p> <p>10 MR. RITTERBUSCH: No.</p> <p>11 MR. MARKS: Smock.</p> <p>12 MR. SMOCK: No.</p> <p>13 MR. MARKS: Aupperle.</p> <p>14 MR. AUPPERLE: No.</p> <p>15 MR. MARKS: Zobrist.</p> <p>16 MR. ZOBRIST: No.</p> <p>17 MR. MARKS: Keach.</p> <p>18 MR. KEACH: No.</p> <p>19 MR. MARKS: Did not pass.</p> <p>20 MR. KEACH: Okay. Next item on the agenda</p> <p>21 is an ordinance making amendments to section 10-15-12</p> <p>22 of the Morton Municipal Code regarding the mixed-use</p> <p>23 overlay district map. That -- to me, this particular</p>	<p>1 MR. KEACH: Okay. Is there anybody here</p> <p>2 tonight in the audience who would like to make a</p> <p>3 comment on this? Okay.</p> <p>4 Discussion with the board then.</p> <p>5 MR. SMOCK: Just -- is it necessary -- the</p> <p>6 zoning change would have been necessary to do this?</p> <p>7 Because you could remove any piece -- any segment out</p> <p>8 of the mixed-use area regardless of the zoning.</p> <p>9 Right?</p> <p>10 MR. MARKS: You can't have a business in</p> <p>11 residential. So if that was all zoned as residential,</p> <p>12 you couldn't -- it couldn't be a mixed use because</p> <p>13 that's business and residential.</p> <p>14 MR. SMOCK: I thought mixed-use meant in the</p> <p>15 same building there would be residential and business.</p> <p>16 MR. MARKS: Yes.</p> <p>17 MR. KEACH: I think what Craig is asking is,</p> <p>18 is there any reason why we couldn't take the mixed use</p> <p>19 zoning off that street?</p> <p>20 MR. SMOCK: That is what I meant.</p> <p>21 MR. MARKS: I guess you could.</p> <p>22 MR. KEACH: Even though it's --</p> <p>23 MR. MARKS: Yes. Yes, you could.</p>

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1 MR. SMOCK: Or assuming everyone is going to  
 2 vote no, but, I mean, you could take that street  
 3 off -- out of the mixed-use.  
 4 MR. MARKS: Yes, you can. Sure.  
 5 MR. SMOCK: I just wanted to clarify what we  
 6 were approving or denying.  
 7 MR. KEACH: Okay. All right. If we were  
 8 going to keep -- my opinion is, if we were going to  
 9 keep that business, I'd like to just keep it the  
 10 mixed-use district.  
 11 MR. SMOCK: That's fair. That's a fair  
 12 point.  
 13 MR. KEACH: Any other comments?  
 14 MR. SMOCK: Because that could also be an  
 15 aspect of a property owner's expectation, you know, so  
 16 yeah.  
 17 MR. KEACH: You're right.  
 18 MR. SMOCK: Yeah. Good point.  
 19 MS. KNEPP: Are we also voting on the -- did  
 20 the wording change?  
 21 MR. McGRATH: Slightly. In the primary  
 22 purpose, the wording change was, in the event in the  
 23 future you rezone property shown on the map either B-1

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1 or B-2, and it got overlooked and it needed updated.  
 2 I wanted to add a section as kind of a safety net.  
 3 The wording changes are ministerial or more technical,  
 4 personal preference changes. Also with -- we recently  
 5 updated our code software and the manner in which we  
 6 link maps in our code has changed, and so that was the  
 7 other effect of the change was I was going to use the  
 8 new manner set forth.  
 9 MS. KNEPP: So if we wanted to approve the  
 10 wording but not approve the map change, we'd have to  
 11 separate it into two separate motions?  
 12 MR. McGRATH: Well, you're making a  
 13 recommendation, so I think you could do -- that could  
 14 be done in one action.  
 15 MR. KEACH: Do we have a motion?  
 16 MR. AUPPERLE: I'll make a motion.  
 17 MR. KEACH: Motion to approve?  
 18 MR. AUPPERLE: To approve. Yeah.  
 19 MR. KEACH: Second?  
 20 MR. GEIL: Second.  
 21 MR. KEACH: Second. Roll call.  
 22 MR. MARKS: Keach.  
 23 MR. KEACH: No.

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1 MR. MARKS: Ritterbusch.  
 2 MR. RITTERBUSCH: No.  
 3 MR. MARKS: Smock.  
 4 MR. SMOCK: No.  
 5 MR. MARKS: Geil.  
 6 MR. GEIL: No.  
 7 MR. MARKS: Zobrist.  
 8 MR. ZOBRIST: No.  
 9 MR. MARKS: Aupperle.  
 10 MR. AUPPERLE: No.  
 11 MR. MARKS: Knepp.  
 12 MS. KNEPP: No.  
 13 MR. MARKS: Did not pass.  
 14 MS. KNEPP: Does that mean we're not going  
 15 to worry about the wording?  
 16 MR. SMOCK: I think that's what it means.  
 17 MR. McGRATH: That's what that means.  
 18 MR. KEACH: Next on the agenda. Steve  
 19 Lehman is proposing a planned residential development  
 20 located at Section 16 of Township 25 North, etc., Main  
 21 Street business parking lot. The proposed planned  
 22 residential development consists of 37 townhomes.  
 23 Would the petitioner like to --

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1 MR. McGRATH: Can I -- before the petitioner  
 2 is recognized, I want to provide a little additional  
 3 guidance both to help the board and the petitioner --  
 4 or to help the public be informed on kind of what this  
 5 matter is. It's a little different than a normal case  
 6 that comes before you. We haven't had a planned  
 7 residential in a number of years.  
 8 There's a process laid out in our code for  
 9 your review and consideration of a planned residential  
 10 development, and the first two steps are really the  
 11 ones most at issue tonight. And the code envisions a  
 12 review of the planned residential development and its  
 13 application materials to determine seven things  
 14 identified in what is 10-8-4(I) of your code.  
 15 That is consideration of applicable  
 16 provisions of the planned residential section of our  
 17 ordinance and whether those have been met, whether  
 18 there's any -- whether the road system and proposed  
 19 method of disposing of sanitary sewage and storm  
 20 drainage and provision of water supply are adequate;  
 21 that an adequate provision has been made for open  
 22 spaces, walkways, and parking areas, the location of  
 23 the open space is well suited for development, and the

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1 open space of recreational use as it is to serve.  
 2 The applicant has indicated the method to be  
 3 used to assure the areas on the plan will be  
 4 irrevocably committed for that purpose that continuing  
 5 maintenance will be assured by the method of  
 6 ownership. Adequate provisions will be made to  
 7 guarantee the proposed development of the open space  
 8 and that the cost for installing the streets and  
 9 utilities will be assured by a means satisfactory to  
 10 the village.  
 11 You're afforded the opportunity to request  
 12 and to consult with the director of public works,  
 13 Craig Loudermilk, who is also the village engineer,  
 14 and any other village personnel as you see fit to make  
 15 those kind considerations to those seven factors.  
 16 Then kind of the next phase is also -- is  
 17 the public hearing. We can take up both of those  
 18 issues tonight. It's noticed up for a public hearing,  
 19 but I think step one that our code envisions is  
 20 collecting information necessary to determine if those  
 21 seven factors are satisfactorily resolved -- are  
 22 resolved in a satisfactory way. So, essentially, does  
 23 it meet what our code requires, adequacy of road

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1 system, open spaces, those factors I just went  
 2 through.  
 3 Then after kind of that step one, the public  
 4 hearing and public notice and kind of going through  
 5 what is normal for most cases that come before you.  
 6 And you do have the opportunity, again, during the  
 7 public hearing or in response to the citizen concerns,  
 8 to continue the hearing and obtain additional  
 9 information. After the hearing, then you make  
 10 recommendation to the board either to grant or deny  
 11 tentative approval, and you can impose conditions on  
 12 that recommendation.  
 13 So it's a little different than the average  
 14 case. There's a little bit more involved with it, but  
 15 that's really the items of business, in my opinion,  
 16 that are before you today is, one, kind of a  
 17 preliminary assessment of whether what he's asking for  
 18 is consistent with what the code allows, and then kind  
 19 of the second business is the public hearing bit.  
 20 I think you could have Mr. Lehman present,  
 21 just as you would any other public hearing, but I  
 22 wanted to call your attention to the fact that there's  
 23 a little more to this than your normal case.

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1 MR. KEACH: Thank you, sir.  
 2 MR. ZOBRIST: Just for clarity because it  
 3 seems odd to me that we, as a planning commission,  
 4 would determine whether utilities and roads and  
 5 whatever are up to ordinance when that's typically a  
 6 city staffing. And if I'm correct on that, is it  
 7 beyond the pale for us to say as a commission, all  
 8 right, we would like to have city staff review those  
 9 things according to the ordinance, because they'd have  
 10 to get a permit for that or whatever, and we'd like to  
 11 hear back from them before we make that determination  
 12 because I don't see us being in a position to be able  
 13 to determine those type of things. I mean, I don't  
 14 think we're qualified -- most of us up here -- to look  
 15 at that. Is that -- am I interpreting what you're  
 16 saying right?  
 17 MR. McGRATH: Yes. So that's one of the  
 18 factors that's a part of the kind of the review of the  
 19 application material is evaluating the road system,  
 20 sewage, storm drainage, and water supply provisions  
 21 are adequate.  
 22 Planned residential developments often deal  
 23 with scenarios where someone doesn't meet the

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1 traditional subdivision model, maybe it's a density  
 2 issue, maybe it's setback, maybe it's orientation of  
 3 the road, maybe it's private streets or private sewer  
 4 mains, water mains. But it's absolutely appropriate  
 5 for you and within your purview to request feedback  
 6 from the director of public works to assist in your  
 7 determination of those propositions.  
 8 There is also additional steps after the  
 9 business before you tonight involving final approval,  
 10 and so it's -- there is steps after the tentative  
 11 approval and before final approval. But you are  
 12 welcome and it's certainly within your purview in the  
 13 code of provisions to have the ability to call on  
 14 village staff to aid in your consideration.  
 15 MR. KEACH: So that final approval would be  
 16 sort of like us approving a plat, a final plat. You  
 17 know, things are kind of well in hand by then and  
 18 fully reviewed and vetted by the village.  
 19 MR. McGRATH: Yes. It would be a little  
 20 more involved than that because we have to -- in that  
 21 final step, you're verifying compliance not only with  
 22 your -- not necessarily with our subdivision ordinance  
 23 but with the plan that was originally submitted. But,

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1 yes, the lens you've applied is correct; it's an apt  
 2 to parallel.

3 MR. KEACH: So our village ordinance does  
 4 say that as plan -- as the planning commission, that  
 5 we're to determine the following and so -- but right  
 6 at the end of that list, it does say that we may  
 7 consult with appropriate personnel from the village.

8 So I think we should have the petitioner  
 9 make his presentation tonight, and we should ask him  
 10 questions. And if everybody feels like we can  
 11 determine from his presentation everything that was in  
 12 this list, we could -- we could approve it or we --  
 13 you know, we'll just see where the questions lead, I  
 14 guess, and see what the public comment is as well from  
 15 the citizens.

16 So having said that, I'm going to ask, does  
 17 the petitioner have a presentation he would like to  
 18 make?

19 MR. LEHMAN: Yes, I do.  
 20 (Witness sworn.)

21 MR. LEHMAN: My name is Steve Lehman. I  
 22 live in Morton at 414 Wolf Crossing Drive. And, yeah,  
 23 I've submitted the PRD application that you've got in

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1 front of you, and that's on the screen here. I can  
 2 give a quick overview. There's a lot that you could  
 3 read through on the paperwork that you have, but I'll  
 4 just give an overview and then, obviously, open to any  
 5 questions and feedback.

6 I've been working on this for quite a while,  
 7 really, with the Village of Morton. So, I mean, your  
 8 opening and comments made a lot of sense to me because  
 9 it is a collaboration. To do a PRD like this is not  
 10 something anybody is going to do on their own. It's  
 11 been a collaboration with the Village of Morton, with  
 12 Craig Loudermilk, Brad Marks, Jamey Bullard, and our  
 13 civil engineering group, Mohr and Kerr.

14 So we've spent quite a bit of time making  
 15 sure that we're conforming with the code requirements  
 16 and all the requirements of the Village of Morton.  
 17 And as part of this PRD application, we've outlined  
 18 the things that would be different, trying to simplify  
 19 so you don't have to go through every single detail.

20 We're really highlighting the things that  
 21 are different that we're proposing so that you can  
 22 make sense of that and get a comfort level on if this  
 23 is, you know, appropriate to continue forward with,

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1 which, obviously, I feel like it is, and I think it's  
 2 going to be good for the Village of Morton.

3 So this is a property that's at -- the  
 4 address is 651 Harding Road in Morton. It's currently  
 5 zoned R-4, and so it's zoned for apartments or  
 6 multifamily. And the density that's currently allowed  
 7 is 17.3 dwelling units person acre. It's a five-acre  
 8 property. So if we left it the way it is, we  
 9 currently would be allowed to build 86 dwelling units  
 10 on this property. I think it's a great piece of  
 11 property for housing.

12 I think that Morton has, from our  
 13 research -- we've been working with the Morton Chamber  
 14 of Commerce, Leigh Ann Brown, and quite a few other  
 15 resources to do studies on it, and I think that people  
 16 want to live in Morton because it's a great community,  
 17 and I think they want some variety. So we've got some  
 18 apartments that are being built right adjacent to this  
 19 property, but I think that some people are really  
 20 looking for a townhome experience, something a little  
 21 bit different. So the reason we're bringing this to  
 22 the table is because we think the variety is good for  
 23 the community.

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1 So we're actually -- so one of the  
 2 differences is we are dialing down the density from  
 3 what could be 86 dwelling units down to 37. So I  
 4 think that's -- in my opinion, that's a positive for  
 5 approving this.

6 Let's see, what else is different. We are  
 7 keeping the same setbacks for the parking, which is  
 8 ten foot minimum, so that's no change. The front  
 9 setback is still 35 from the street, which was  
 10 Harding, and then the rear and side setbacks are  
 11 currently 25 feet around the perimeter, so we're  
 12 keeping all those the same.

13 One of the key differences is the setback  
 14 between the structures. So in a typical residential  
 15 situation, you would have a separation of about 12 --  
 16 I think it's 12 feet from building edge to building  
 17 edge, and here we're presenting 10 feet. So we are  
 18 bringing the buildings slightly closer to each other  
 19 than what you would have on in a R-1 situation. You  
 20 can check me on the 12 foot, but I know that we are  
 21 narrowing it down a little bit. So that's one of the  
 22 key points that we're trying to get approved as part  
 23 of this PRD.



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1 Really, the -- when you consider the fact  
 2 it's currently an R-4 multifamily, were really dialing  
 3 down the density and creating more of a townhome,  
 4 almost like a zero-lot-line-type experience. So we  
 5 think it's going to be a great enhancement for the  
 6 village.

7 And as far as the utilities and  
 8 infrastructure, as with the multifamily, you would  
 9 have a water service going to each building and a  
 10 sanitary sewer that gathers all the -- obviously, all  
 11 the drainage from each building and funnels into one  
 12 pipe to leave the property.

13 We have, in this situation, this is kind of  
 14 a mix. It's almost a hybrid between a multifamily  
 15 situation and an R-1 where there is more density than  
 16 an R-1 but less than an R-4.

17 . We're creating an opportunity where each  
 18 dwelling has its own water supply, its own sanitary  
 19 sewer, its own gas supply, all the electric; all the  
 20 you utilities are going directly into each one of  
 21 dwelling units.

22 So these could potentially be sold off as  
 23 condos or individual homes. And so we're really

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1 trying put all the infrastructure and the utilities in  
 2 place to where that's an easy switch to pull and to be  
 3 able to sell these off over time.

4 So -- and we have -- on the handout and on  
 5 the slides, we have a preliminary utilities layout for  
 6 the water, the sanitary sewer, the storm drainage, and  
 7 the gas lines. So all of this has been done together  
 8 with the Village of Morton's input in making sure that  
 9 they have given us their verbal that this is what  
 10 they're looking for and what the civil engineers are  
 11 saying would function and then be able to be sold off  
 12 as condominiums at some point.

13 The roadway isn't a city street for lots of  
 14 reasons. The benefit to the Village of Morton to have  
 15 this be a private road, well, for one thing, it's  
 16 already an R-4, so it would normally be a private  
 17 drive in, drive out anyway. That's really not any  
 18 different than its current zoning, but it's a benefit  
 19 to the Village of Morton because it's a road that the  
 20 village will not have to maintain. So it's a private  
 21 road, privately maintained, as far as the utilities  
 22 and the roadway.

23 And let's see what else we have here. On

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1 the -- I don't have a page number, but if you flip to  
 2 the one that's got the green on the sheet, you'll see  
 3 that we have -- as part of the PRD request, we have to  
 4 do an analysis to show that we have plenty of green  
 5 space, and we're exceeding the basic requirements of  
 6 green space. We actually have more greenery here than  
 7 what's required.

8 So we're really meeting -- I think we're  
 9 meeting all the requirement from the PRD section in  
 10 the code and in the village handbook, and we're  
 11 showing it here. The calculations are, green space is  
 12 1.77 acres out of the 5 acre site, so that's pretty  
 13 substantial. I mean, that's close to 40 percent -- or  
 14 over 30 percent. And the building coverage as well is  
 15 within the requirements that are in that section of  
 16 the code.

17 As far as the parking spaces, that was  
 18 another thing that people always think about. Our  
 19 current parking requirement for an R-4 is that you  
 20 have two spaces per dwelling unit. So at 30 -- let's  
 21 see here. So at 37 dwelling units times 2 parking  
 22 spaces per each, we have to have a minimum of 74  
 23 parking spaces. And so each one of these condos has

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1 its own two-car garage, so that's easily taken care of  
 2 right there.

3 But in addition to the garage itself, we  
 4 have the driveways that you can park two cars per  
 5 driveway; plus, some of these driveways are extra  
 6 long, and then we have some space where you can park  
 7 right along the curb. So our parking spaces are well  
 8 exceeding the basic requirements there, so I wouldn't  
 9 think that would be a concern.

10 And I just don't see any reason to be  
 11 concerned with this at all because we've really combed  
 12 through it pretty carefully. And we think this would  
 13 be an enhancement to the village. We want to do very  
 14 nice aesthetics. We have some preliminary renderings  
 15 of what we're thinking. We'll add more detail to it,  
 16 but, just so you know, it's an upscale development  
 17 project. We're obviously not going as cheap as  
 18 possible. If we wanted to do that, we wouldn't go  
 19 with a PRD, so I think this is really keeping it  
 20 upscale compared to what it could be right now. I'm  
 21 open to any questions or feedback on that.

22 MR. KEACH: Any questions from the table?  
 23 MR. SMOCK: I have a question. So is it a

<p style="text-align: right;">Page 53</p> <p>1 homeowners' association because you've got private 2 drive, snow removal, maintenance. 3 MR. LEHMAN: Yeah. So, initially -- that's 4 a great question. And, yeah, it's actually and 5 initially a one-owner property. So as the developer, 6 we're the owner of it. We take care of all the snow 7 removal, the lawn care, and the tenants then are 8 renting with the option that potentially they can buy 9 it once we turn it to condos. 10 When -- the idea is that if or when it does 11 turn into condominiums, then there would be a 12 homeowners' association or a condo association, like 13 you're referring to, where a portion of money is 14 pooled in month by month to care for the common -- the 15 common spaces and all that. 16 MR. SMOCK: That would be down the road if 17 there was individual ownership? 18 MR. LEHMAN: Exactly. Yeah. From the 19 onset, we're taking care of it as the developer for 20 the foreseeable future, but, yeah, the long-term goal 21 is they become home ownership opportunities. 22 MR. HILLIARD: Do you have a time line on 23 that?</p>	<p style="text-align: right;">Page 55</p> <p>1 I don't see -- I see 0 percent, not 1.77; 2 that's grass. This is different than just grass. 3 Where do you have plan to put the recreational 4 facilities for the common enjoyment of the residents. 5 MR. LEHMAN: I mean, I think that's part of 6 placement of the details of it. Right now we show 7 that we have lawn area that can be used for 8 recreational. Recreational can be anything. But we 9 would like to have the larger open spaces as play area 10 for kids and just recreational, but placement of 11 specific recreational items is still in process. 12 MR. KEACH: So is that open space supposed 13 to be contiguous, like one piece of property? 14 MR. HILLIARD: It doesn't mean the grass in 15 front of the residence. It's for other members of the 16 area to come and play catch or whatever in front. So 17 it doesn't include that. I also have a question on 18 your configuration of the road. 19 MR. LEHMAN: Yeah. 20 MR. HILLIARD: I realize you have only one 21 ingress/egress. I have concerns with fire apparatus. 22 You have a less than 90 degree turn there with 23 vehicles which will be parked on the road.</p>
<p style="text-align: right;">Page 54</p> <p>1 MR. LEHMAN: On the transition or on the -- 2 yeah, the initial construction we're hoping, you know, 3 starting this spring, once we get through all the 4 planning process and hope to have it done in a year, 5 year and a half, maybe two years for some of the last 6 ones. But then as far as transitioning it from that 7 point to condominiums, I mean, as soon as everything 8 is kosher -- or, you know, proper with the Village of 9 Morton, I would think, you know, year three or 10 something like that we could start doing that. 11 MR. HILLIARD: I have another question. You 12 talked about having 1.77 acres of green space. 13 MR. LEHMAN: Yes. 14 MR. HILLIARD: The ordinance requires you to 15 have 1.5 acres of common open space, and a common open 16 space isn't just necessarily grass. According to the 17 ordinance -- and I refer to 10-5-8(B), common open 18 space. Common open space shall mean a specific parcel 19 of area at the site in a useable-sized configuration 20 and well located in relation to other aspects of the 21 site development plan to accommodate permanent green 22 space and/or recreational facilities for the common 23 use of enjoyment of the residents.</p>	<p style="text-align: right;">Page 56</p> <p>1 Have you had conversations the fire chief 2 regarding the size necessary to take that turn and 3 also to come back around and try to get out the same 4 entrance that they came -- or same exit that they came 5 in? 6 MR. LEHMAN: Yeah. We definitely have. 7 That's been in collaboration. I actually -- my 8 initial draft was to have it loop around and have two 9 ingress and egress, but the Village of Morton, through 10 their conversations and talking with the fire group, 11 they don't want to have two. They actually wanted it 12 to loop around. And we did do the math to make sure 13 that fire trucks can make that full circle and get to 14 every unit. So that's been accounted for, and that's 15 what they wanted to see. 16 MR. HILLIARD: What size did they need? Do 17 you remember? 18 MR. LEHMAN: I don't have the specific size. 19 I know our civil engineers and the Village had 20 coordinated that and made sure the fire truck can get 21 through the curbs and through the whole property. 22 MR. HILLIARD: And that's with vehicles 23 there?</p>

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1 MR. LEHMAN: No -- yeah, with the vehicles,  
 2 it actually does not even --  
 3 MR. HILLIARD: Parked vehicles.  
 4 MR. LEHMAN: That's just a overflow for  
 5 temporary type deal anyway. But those vehicles still  
 6 don't encroach the turning radius for the fire truck  
 7 because they've been kept away from that intersection.  
 8 MR. HILLIARD: If they park where you've got  
 9 them, they may not. We know that people don't  
 10 necessarily park where the spot is designated, and we  
 11 do know that there's holidays that may come to have  
 12 more vehicles than what you've got on that map.  
 13 MR. LEHMAN: Well, I know that's always a  
 14 possibility no matter where you're at. Our intention  
 15 is everybody parks in the garage and the driveway.  
 16 This is just more of if there was, for some reason  
 17 somebody, temporarily was to go up on the curb for a  
 18 while, you can still get a fire truck through there.  
 19 Maybe we use some markings on the pavement to make  
 20 sure it's very clear to stay off that area. So in  
 21 some of those very specific details, we'll keep  
 22 working on with the fire chief and the Village of  
 23 Morton.

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1 MR. McGRATH: One point just to help. In  
 2 the commission's consideration on common open space,  
 3 the chair asked if it had to be one contiguous area.  
 4 The code doesn't require that. It does -- building on  
 5 what Trustee Hilliard stated, there's two additional  
 6 parts to the definition. The Plan Commission, in its  
 7 review, shall determine the appropriateness of the  
 8 site or sites to be set aside for common open space in  
 9 relation to the uses for which proposed. The common  
 10 open space shall be in addition to open site area  
 11 owned and utilized in common for building, setting,  
 12 walk, drives, etc., which is not, in most instances,  
 13 in useable shape and configuration for recreational  
 14 uses.  
 15 So essentially what that -- my application  
 16 of that is not every -- which, I think, was Trustee  
 17 Hilliard's comment -- there's some interpretation,  
 18 which is for the commission to make, in terms of  
 19 suitability of the proposed open space but not just --  
 20 making a blade of grass doesn't make it open space.  
 21 It has to be, in your determination, suitable for --  
 22 in a suitable shape and configuration for recreational  
 23 uses.

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1 MR. KEACH: I think I would like to see more  
 2 detail on the open space myself. I mean, in my  
 3 reading of the planned residential development, it's  
 4 just full of open space talk. I mean, there was just  
 5 all kinds of talk about open space, you know, I think,  
 6 probably just to guard against it being too densely  
 7 packed, I guess, you know.  
 8 MR. LEHMAN: Yeah. We'll continue to put  
 9 more detail on that.  
 10 MR. KEACH: I think there needs to be like  
 11 some consideration given to, you know, recreation that  
 12 it affords or what does the -- what's happening --  
 13 MR. LEHMAN: The amenities.  
 14 MR. KEACH: -- on that piece of open space.  
 15 MR. SMOCK: I would like to piggyback on  
 16 something Mr. Hilliard said. I don't know which is  
 17 longer right off the top of my head, a fire truck or  
 18 school bus, but if you could do a school bus analysis.  
 19 And, as he mentioned, you've got parking, you've got  
 20 piles of snow, different things that impede that kind  
 21 of turn radius that would be some concern. So I can't  
 22 judge the width of what you've got there, whether it's  
 23 similar to a Morton street or not.

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1 MR. KEACH: I don't think it is, is it?  
 2 It's 24 feet. Is that what it is?  
 3 MR. LEHMAN: Let's see here. I think we're  
 4 at 25 feet on the street width. There we go. Yeah,  
 5 it's 25 feet, so it's not a whole lot different, but  
 6 it is slightly narrower than a full on city street.  
 7 But, yeah, I mean, that's part of the analysis, make  
 8 sure buses can navigate and fire trucks can navigate.  
 9 And that's the next step in the process is just  
 10 refining every dimension to make sure it works. I  
 11 think we're 90 percent there in terms of knowing that  
 12 it functions, but any of those tweaks, we'll still  
 13 have to adjust.  
 14 MS. KNEPP: You talked a little bit about  
 15 setback. I know -- between the units, I feel like  
 16 that's not as big of a concern because in a normal  
 17 R-1, you want some distance between the units so that  
 18 way any type of vehicles can go in for landscaping or  
 19 whatever, and, here, I don't think that would be as  
 20 big of a issue. What is the setback currently from  
 21 the property line to the back of the units? Do you  
 22 know if that's the normal?  
 23 MR. LEHMAN: Yeah. That's still the same,

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1 which is 25 feet. So that's -- the current situation  
 2 for the current zoning is 25 feet, and that's what  
 3 we're sticking with on this.  
 4 MR. GEIL: Quick comment and question.  
 5 Brad, correct me if I'm wrong. In PRDs, he doesn't  
 6 necessarily have to conform to village code. Correct?  
 7 As long as --  
 8 MR. MARKS: Not everything, that's correct.  
 9 MR. GEIL: Okay.  
 10 MR. MARKS: Standards have to --  
 11 MR. GEIL: Certain standards like street  
 12 widths, the 25 foot, could potentially be okay. It  
 13 doesn't necessarily have to hit the 34 foot.  
 14 MR. MARKS: Correct. Yes.  
 15 MR. GEIL: And I guess a question then also  
 16 I have is for storm water detention. Are we requiring  
 17 any for this property? I don't see any.  
 18 MR. MARKS: Yes, it would have storm water.  
 19 And I believe -- I'm not the storm water, but that's  
 20 going to all be accounted for. Yes, it would have to  
 21 meet the storm water requirements. Yes.  
 22 MR. LEHMAN: Which we have. And this is  
 23 part of the subdivision where the storm water has been

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1 factored for this property. It is in the  
 2 calculations, and it's being taken care of at the  
 3 neighboring site.  
 4 MR. KEACH: It's being taken care of at a  
 5 neighboring site?  
 6 MR. LEHMAN: Yeah. The neighboring -- so  
 7 the storm water detention for this lot and the  
 8 neighboring lot has already been provided at the lot  
 9 downstream from it. So as part of this subdivision,  
 10 that calculation is already flowing in.  
 11 MR. GEIL: Will there be needed remedies to  
 12 that existing detention with all the impervious  
 13 surfaces that's going on in this lot as well now?  
 14 MR. LEHMAN: The developer has already --  
 15 they've already made assumptions on the impervious  
 16 area for these properties and the onsite detention at  
 17 the lot just south of this is already sized to  
 18 accommodate. So it's being provided for already.  
 19 MR. SMOCK: Earlier you were talking about  
 20 side setbacks and it being five feet, and two fives  
 21 making it ten instead of twelve, you're talking about  
 22 those five spaces where there's separation in the  
 23 units.

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1 MR. LEHMAN: Yes. Exactly. Yeah, because  
 2 these are essentially -- these townhomes that we've  
 3 got drawn are like threeplexes and fourplexes. So  
 4 between each of those threeplexes or fourplexes,  
 5 before they meet another one, there's that ten foot  
 6 separation between them.  
 7 MR. SMOCK: So you're just talking about  
 8 those few different places. Everything else is  
 9 attached.  
 10 MR. LEHMAN: Yep, attached townhomes.  
 11 MR. SMOCK: And there's no community  
 12 building associated with any of this?  
 13 MR. LEHMAN: No. Not on this property, no.  
 14 But, yeah, we do want the maximize the usefulness of  
 15 the green space, and that's something that Craig  
 16 Hilliard was touching on. And that's, obviously, part  
 17 of our plan, but we need to put more detail on the  
 18 plan to show all that. As we keep working with the  
 19 village and figure out the placement to make sure  
 20 everything functions right.  
 21 MR. SMOCK: Does water retention count as  
 22 green space, or has that been laid out yet?  
 23 MR. LEHMAN: The good thing about the water

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1 retention, though, is we don't have to do it on this  
 2 specific lot because the neighboring lot from the  
 3 developer has already been sized to take care of the  
 4 runoff from this property.  
 5 MR. SMOCK: Oh, okay.  
 6 MR. LEHMAN: So that's one of the benefits  
 7 of this. All of the green space here is useful  
 8 because it's not a detention pond.  
 9 MR. SMOCK: Okay. That's good.  
 10 MS. KNEPP: So back to the one entrance.  
 11 Like I kind of thought we were trying to stay away  
 12 from cul de sacs and just having -- in case anything  
 13 happened at the front of that property, everybody else  
 14 is kind of stuck, right. Is there any other options  
 15 to make -- I mean, can we link this to the previous  
 16 property, or like is there a plan?  
 17 MR. KEACH: Could that driveway just go out  
 18 to the street, that one that's lopped off.  
 19 MS. KNEPP: That's the one that the Village  
 20 is saying no.  
 21 MR. SMOCK: So he proposed that, and I don't  
 22 know why that would be --  
 23 MR. LEHMAN: I think the Village like --

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1 from my conversations them, they like to have less  
 2 entrances to Harding or other roads because it just  
 3 creates a little more safety for getting on and off  
 4 and not having traffic, you know, and people  
 5 navigating different turns and stuff.  
 6 MS. KNEPP: So is there a plan for the  
 7 adjacent -- can somehow we link to the adjacent  
 8 properties? So like one of them is not developed.  
 9 Right? And then the other one is developed by you.  
 10 Correct?  
 11 MR. LEHMAN: Yeah. The one north of it is  
 12 developed by me. And that was another one of my  
 13 conversations with them; they want them to be  
 14 self-sufficient because this property could be sold  
 15 off, and then you'd have to have a shared use  
 16 agreement and some of that stuff. So that becomes a  
 17 little bit more complicated, but, I mean, this is the  
 18 ideal scenario where you can -- there is no cul de  
 19 sac, and there's really not much -- the only potential  
 20 dead end is only two homes, two driveways, so it's  
 21 just an extension of a duplex driveway basically. So  
 22 you really got a loop-in situation.  
 23 MS. KNEPP: Yeah. I mean, I think you did

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1 as well as you could with the constraints you were  
 2 given. It's just unfortunate that we didn't, I don't  
 3 know, have the foresight either to not make those lots  
 4 so small so that -- small and yet able to be R-4 so  
 5 that you didn't have so many people that were kind of  
 6 stuck in that area, I guess is what I'm --  
 7 MR. McGRATH: You can make a recommendation  
 8 on intended approval that a second entrance -- I mean,  
 9 I understand that it's really misrepresented that the  
 10 village staff had rejected that second entrance, but  
 11 that's part of you discretion. You can make that a  
 12 condition on your intended approval.  
 13 MR. SMOCK: I'm interested in that, and I'll  
 14 tell you because I just think it's a quality-of-life  
 15 issue for whoever lives here and maybe a safety issue.  
 16 I mean, you're going to have 100 percent of the  
 17 traffic coming and going pass in front of these  
 18 residences that are near that one ingress/egress where  
 19 you could split it up. So if I live over here, I've  
 20 got to go all the way around, you know. It just seems  
 21 like a lot of driving through a neighborhood that  
 22 could be reduced.  
 23 There's a safety component to it. There's a

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1 quality-of-life component to it. Maybe there's  
 2 aspects to the city planning part of it that I don't  
 3 get. And the reason that I don't care about the cul  
 4 de sac part is they're not removing the snow; i think  
 5 that's a big part of it. They wouldn't design this  
 6 for a city street, I don't think. They wouldn't have  
 7 a dead end there. That would be -- that's my guess.  
 8 But, I don't know, I'm concerned about the  
 9 quality-of-life and safety aspect of having one way in  
 10 and one way out for all those units.  
 11 MS. KNEPP: I think you don't want so many  
 12 exits points on Harding either. Right?  
 13 MR. SMOCK: If they're far enough apart --  
 14 that's the thing to me is how far apart are they. I  
 15 don't know exactly what that distance is. You  
 16 wouldn't want people pulling out in front each other  
 17 too close.  
 18 MR. LEHMAN: Just thinking of a couple other  
 19 examples. Just on the other side of this property,  
 20 you have the daycare and the Gold's Gym, and there's,  
 21 I think, one -- I believe there's one entrance for  
 22 each of those. I'm not 100 percent sure, but you do  
 23 have quite a bit of people coming in and out and

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1 dropping off and traffic, and it seems to function  
 2 okay.  
 3 And I also used to live in the Trails at  
 4 Timber Oaks, and there was well over 40 homes, and it  
 5 has one entrance and one exit. There didn't seem to  
 6 be a problem there. So, I guess, from my experience,  
 7 I really don't think it's a problem the way it is, but  
 8 also, personally, I'm open to two entrances. I just  
 9 don't know if the village really wants that.  
 10 MR. KEACH: I've got a question for you  
 11 about your population calculation.  
 12 MR. LEHMAN: Yeah.  
 13 MR. KEACH: That two and a half people per  
 14 dwelling, is that like a village number?  
 15 MR. MARKS: I don't know.  
 16 MR. LEHMAN: I'm just making an educated  
 17 guess from my experience. I mean, we do have a lot of  
 18 rental properties, and we've built and sold a lot of  
 19 homes, and it's just what I see.  
 20 MR. KEACH: I don't know what matters about,  
 21 you know, growing population. I know it matters to  
 22 the school district a little bit, but your statement  
 23 there that assuming half are new Morton residents and

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1 the rest are current, you cut in it half, well,  
 2 actually, somebody is going to still go live in those  
 3 houses that they move out of, so I don't think you can  
 4 say that. I think you got to say that this is, you  
 5 know, a full 92, wouldn't you say? I mean, doesn't  
 6 that make sense?  
 7 MR. LEHMAN: I think it's a guess. I can  
 8 see a lot of retirees living here too that don't have  
 9 any kids that have zero impact.  
 10 MR. KEACH: Just population is what I'm  
 11 talking about.  
 12 MR. LEHMAN: Yeah. But as far as the school  
 13 district, it's really hard to say.  
 14 MR. SMOCK: What are your current rents?  
 15 Because you're going to start renting and everything.  
 16 What's your target on that?  
 17 MR. LEHMAN: I've got to be right around  
 18 2,000 a month per unit.  
 19 MR. SMOCK: So that's your aim is 2,000 a  
 20 month per unit?  
 21 MR. LEHMAN: Yeah.  
 22 MR. KEACH: Any other questions for the  
 23 petitioner? If not, thank you, Steve.

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1 MR. LEHMAN: Thanks for your time.  
 2 MR. KEACH: Now, we can discuss between us.  
 3 So this is something -- this is special. I mean, we  
 4 don't typically cross this bridge, you know, having a  
 5 planned residential development. And I'm not against  
 6 them at all, you know, I'm just -- they're just --  
 7 it's different. And there are some fairly specific  
 8 rules in our ordinance about what our responsibility  
 9 is as a plan commission and -- and Patrick mentioned  
 10 those at the beginning. And then there's some --  
 11 there's something else that he didn't mention, and  
 12 that is that after the public hearing, we have 45 days  
 13 to either approve or reject or have a compromise, and  
 14 we have to give a report of our findings in writing to  
 15 the village board.  
 16 MS. KNEPP: That's the chairman's job.  
 17 MR. KEACH: That's is not the chairman's  
 18 job. The chairman will delegate that. But I will say  
 19 this, whoever's job that is, does anybody feel  
 20 comfortable being able to say that they -- we have  
 21 determined that this -- that this plan meets all the  
 22 requirements of the village at this meeting? Do you  
 23 feel like you have determined that it meets the

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1 requirements?  
 2 MR. RITTERBUSCH: No, I don't think we can  
 3 on this basis.  
 4 MR. KEACH: I'm getting kind of literal  
 5 here.  
 6 MR. SMOCK: If there was an objection on the  
 7 part of the city engineer and public works, would we  
 8 have expected to hear about that today? If there was  
 9 an objection or concern, that's something that would  
 10 come to us.  
 11 MR. MARKS: I was not given any instructions  
 12 to convey any kind of disagreement.  
 13 MR. SMOCK: There were conversations, we  
 14 know that.  
 15 MR. MARKS: Of course there's conversations.  
 16 There's always going to be.  
 17 MR. KEACH: Our trustee, who has asked a  
 18 question, you know.  
 19 MR. MARKS: Trustee Hilliard is over zoning,  
 20 so he would be well-versed in any of those  
 21 conversations as well.  
 22 MR. McGRATH: Overall prerogative or role  
 23 that the director of public works and his office, I

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1 believe, takes in matters like this, is to provide  
 2 guidance and direction and assistance to an applicant  
 3 when and as they'll accept it and give them feedback,  
 4 which they may incorporate into their plans, they may  
 5 reject, they may pivot.  
 6 So the fact that an application gets  
 7 submitted after consultation with the director of  
 8 public works isn't a shoo-in guarantee that everything  
 9 as proposed is 100 percent in the manner that staff  
 10 would like it.  
 11 And so I -- I understand the premise, and  
 12 that premise may be 100 percent accurate in this case,  
 13 but ultimately a petitioner has a right to put forth  
 14 their case in a manner they deem best and their plan  
 15 the way they desire to submit that plan and even  
 16 informed by -- and I'm not -- I have no perspective  
 17 whether Mr. Lehman's plan does or does not 100 percent  
 18 meet the approval of the director of public works, but  
 19 I want it be clear that just because it gets to you in  
 20 this phase doesn't mean it's been approved in all  
 21 regards by the director of public works and his staff.  
 22 MR. ZOBRIST: To your question, Mr.  
 23 Chairman, I don't know enough to be able to -- I mean,

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1 with the items that are listed that we're supposed to  
 2 verify and say that have been met, i don't know enough  
 3 to do that. Mr. Lehman has even said they're still  
 4 working on defining certain things. We have to see  
 5 those.  
 6 And, in the meantime, I personally would say  
 7 I -- as -- if I'm going to vote on this at some point,  
 8 I would ask to hear from city staff, village staff, in  
 9 the public works department, that they are satisfied  
 10 with what they see that they're going to eventually be  
 11 responsible for.  
 12 When they go through permitting, won't a lot  
 13 of this be like any typical -- I mean, when we're  
 14 looking at use, I mean, typically land use, when  
 15 somebody goes to a building, then they're dealing with  
 16 you guys, and they have to meet building ordinance,  
 17 etc., and it's not really in our purview to have to  
 18 determine that, but it sounds like we're kind  
 19 overlapping a little bit here.  
 20 So I would just say I would think we would  
 21 want to ask the village staff to confirm the things  
 22 that they're going to be concerned about, gas, water,  
 23 sewer, retention, street widths, life safety.

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1 MR. SMOCK: Yeah, I agree. And of those  
 2 things you just listed, I think sewer has the most  
 3 potential for being problematic because, I mean, just  
 4 having heard about potential developments in different  
 5 parts of the city, I've heard discussions about, well,  
 6 if we go that way, we're going to need a pump station  
 7 because that's so far away from our main sewer lines.  
 8 Those are the kind of things, how would we  
 9 have any idea of whether this current sewage  
 10 infrastructure can handle this addition in that  
 11 location. We just wouldn't know those kind of things.  
 12 Can we get gas over there, yeah, probably, and  
 13 electricity and water. So, to me, it's like those  
 14 things like sewer, I wouldn't have a clue whether this  
 15 is going to be problematic or not.  
 16 MR. McGRATH: The one -- building on that,  
 17 and, perhaps, supplementing with some guidance so you  
 18 know where your role may be in that process. In the  
 19 final PRD approval, any public improvements are  
 20 required to have approval of Craig's office.  
 21 So PRDs are a little different than a normal  
 22 subdivision because, in a normal subdivision, roads,  
 23 sidewalks, water mains, sewer mains, gas mains are all

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1 publicly owned. And there's a point of demarcation  
 2 whether it's at the main or at the property line or at  
 3 a stop where service lines become the owners'  
 4 responsibility.  
 5 PRDs are a little different because one of  
 6 the customary features is private ownership is  
 7 oftentimes private ownership of improvements that  
 8 would otherwise be public. So the roads may be a  
 9 little narrower, but the road's also a private road.  
 10 It's not maintained by the village. The water mains  
 11 may be privately owned instead of publicly owned,  
 12 though, in this case, my understanding in the proposal  
 13 is that all of the mains would be publicly owned.  
 14 So I would caution that -- or I would  
 15 supplement that while having understanding that from  
 16 an engineering perspective, those utilities are being  
 17 proposed in a way that works. I think part of, or as  
 18 important, a part of your job is the long term, what  
 19 is proposed, especially the private ownership portion  
 20 of what's proposed, constituted in a manner that makes  
 21 sense and is consistent with the purpose of the PRD  
 22 and consistent with a plan that's going to work in the  
 23 long term.

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1 So much like -- a question was asked about,  
 2 you know, who's going to own the common space and  
 3 snowplowing; I think it's a similar premise for the  
 4 utilities. And, again, while getting that feedback  
 5 from engineer is good, I think part of your role is  
 6 also assessing the plan for ownership with some of  
 7 these normally public improvements that will be  
 8 private here.  
 9 MR. SMOCK: It seems like a transition into  
 10 individual ownership would be pretty complicated if  
 11 the infrastructure was privately owned in its entirety  
 12 at first.  
 13 MR. McGRATH: The premise of a condo -- of  
 14 making condos and transitioning this into a condo is  
 15 -- there is some harmony between where they're  
 16 starting at in condos. If the plan ultimately was  
 17 zero-lot-lines, not condos, then it gets much more  
 18 complicated.  
 19 But to take what's proposed here and turn it  
 20 into a condo is actually less complicated than you  
 21 would think because what you would do is you take  
 22 those common elements that are under developer's  
 23 ownership, you put those in the association, you

<p style="text-align: right;">Page 77</p> <p>1 create a dual structure, you create an organization,  2 it would be much more complex to do it in a different  3 way other than a condo.  4 MR. SMOCK: Do we have any other examples of  5 PRDs?  6 MR. McGRATH: I can't speak to historical  7 practice as to whether the PRD process was followed  8 and approved. We do have -- and, Brad, you might do  9 better --  10 MR. MARKS: Hampton Way, Barrington, Ruth  11 Circle, Fox Creek; those are all PRD.  12 MR. KEACH: So we could ask -- the Plan  13 Commission could ask staff, have there been any  14 lessons learned in any of those PRDs that we don't  15 want to repeat.  16 MR. MARKS: I think to reiterate what Pat  17 said, I don't know what process was taken at that  18 time. I believe that was all done before Craig. It  19 was done before me.  20 MR. KEACH: I don't really care about the  21 process. I'm talking more about --  22 MR. MARKS: You mean right now the problems  23 and issues with it now?</p>	<p style="text-align: right;">Page 79</p> <p>1 we do have this -- this pesky thing called a village  2 ordinance that we need to follow as a plan commission,  3 and it does ask a lot of us. It asks a lot of us as  4 members of the planning commission, and I don't have  5 the answer yet on -- you know, I have not determined  6 -- I have not been able to determine the following,  7 and then are a list of seven things that Patrick read  8 to us, three of which mention open space out of the  9 seven.  10 And I don't think that's been answered yet  11 adequately this evening, but what's -- how that's  12 being addressed or solved. I'm going to suggest that  13 we continue this hearing to the next meeting because  14 the clock starts after this hearing, if we decide to  15 make some kind of a motion. If we -- if we are -- if  16 we don't make a final decision, which I don't think we  17 can at this meeting, and we go ahead and say, let's  18 approve it with some caveats or something like that,  19 then we've got 45 days to get it all figured out, and  20 I'd rather not put that clock on us.  21 And the way the ordinance is written, we're  22 supposed to have been reviewing these seven items  23 before this meeting -- or before the public hearing.</p>
<p style="text-align: right;">Page 78</p> <p>1 MR. KEACH: Yeah, what are the issue at  2 Barrington? What are the issues at Fox, you know --  3 MR. McGRATH: Generalized, I'm -- I'm aware  4 of one set of issues that's presented generally by the  5 prior similar developments, and that has to do with  6 ownership and maintenance of fire hydrants, water  7 valves, and water mains. And the reconciliation of,  8 quote, private ownership of those utilities with EPA's  9 assessment of private ownership. And in some  10 instances, if you have private mains, you have to have  11 a private water operator for those mains.  12 It's my understanding that in light of the  13 experiences at those prior developments, proposed here  14 is public mains in private service lines. So I know  15 there have been, at least in that instance, some  16 teaching points from prior developments in terms of  17 what worked and what didn't that were factored in by  18 staff in consulting with Mr. Lehman. I can't speak  19 beyond that, but I know that from professional  20 experience in working with the director of public  21 works.  22 MR. KEACH: Any other questions or comments?  23 So I am going to make a suggestion because, you know,</p>	<p style="text-align: right;">Page 80</p> <p>1 So any comments on that idea? And then in the  2 meantime -- in the meantime, between now and the next  3 meeting, I think we should invoke our right to consult  4 with the appropriate village personnel, including  5 village engineer and the department of public works in  6 each reaching these determinations.  7 MS. KNEPP: So when you say that, are we  8 asking them to come present next month, or are we all  9 reaching out to them individually?  10 MR. KEACH: I don't think we should reach to  11 them individually. I think we should -- you know, as  12 a part of our work today, we ask them to get more  13 involved in helping us determine the answer to those  14 seven questions and in working with Mr. Lehman, you  15 know, what is -- it'll be, I'm sure, a three-way  16 conversation, and I'm happy to be the spokesperson for  17 the planning commission, if that's -- if that's your  18 desire. But I just feel like we need to get more  19 feedback from the petitioner and from the village on  20 determining the answer to those seven questions.  21 MR. ZOBRIST: I'm definitely in favor of  22 that. We typically get in other petitions, when  23 they're not a PRD or whatever, comments from the city</p>



<p style="text-align: right;">Page 81</p> <p>1 that said, you know, hey, just so you know, we're  2 concerned about this or we're okay with this. I think  3 that's all I'm looking for is for the staff to say,  4 we've looked at this, we've addressed some of these  5 things with the developer, these haven't been  6 addressed, we have a concern here. At least that  7 gives us something to be talking about.  8 I do think, fair to developer, I mean, we're  9 talking about details and following this ordinance for  10 the plan. I don't have a problem with the  11 development. I think Mr. Lehman ought to hear that.  12 If somebody up here says, I don't like this, I don't  13 like the idea, he ought to know that now. I don't  14 think that's where we're at. I'm like, hey, this is  15 great. It's a good location. Let's get it worked out  16 so everybody can be happy with it.  17 MR. SMOCK: I agree with what he just said.  18 I would add, you know, if we're asking for testimony  19 or asking for a response on those seven things, I  20 would request that we ask for the opinion about the  21 ingress/egress and just what is the significant issues  22 with that. I can see the developer planned it so that  23 some day you could have one in there. It's not -- you</p>	<p style="text-align: right;">Page 83</p> <p>1 that, and that's what we'd have to decide is, is that  2 acceptable because, otherwise, you've got traffic  3 going both directions, and you've got turning  4 situations that get complicated. So we need to take a  5 look at that and figure out how many feet there are  6 between those entrances.  7 MR. KEACH: That's -- I'm going to leave  8 that question up to our city engineer. I think that's  9 his expertise.  10 MR. RITTERBUSCH: But they need to make an  11 opinion on that, and we can decide whether we agree  12 with that opinion or not. So really we need to kick  13 it back to staff, go through the seven issues and any  14 others that we come up with, give us an opinion from  15 their viewpoint, and then we can look at them and say  16 whether we agree with it or not. Otherwise, we can't  17 do this in an open meeting and go through every  18 detail.  19 So I'd move that we continue this to the  20 next meeting and we ask the staff to address the  21 issues in the plan development part of the ordinance  22 and, before the next meeting, give us their opinions  23 on those items.</p>
<p style="text-align: right;">Page 82</p> <p>1 know, it's not like he completely chucked the plan and  2 did something completely different and creative. It's  3 kind of sitting there waiting for some other year, it  4 looks like to me. But I would like to know, maybe  5 just for my own education, why not a second  6 ingress/egress, just so I know. So I would add that  7 to list of things we're asking about.  8 MR. KEACH: So I have heard ingress/egress.  9 I've heard open space, which, you know, I think, if  10 you read this, open space is a big deal in the PRDs.  11 I mean, it's -- it just is. You know, the city  12 fathers and mothers thought that was important.  13 MR. RITTERBUSCH: Jeff, what you're getting  14 is on those seven items, we've got to have somebody go  15 through and write an opinion whether or not these  16 plans meet those seven items. And then we can look at  17 that opinion and make a decision based on that,  18 whether we approve it or not. But we just have the  19 questions right now; we don't have the answers.  20 And the material presented is good, but, you  21 know, you can't make any determination like on these  22 entrances and say, you'd like to have about 250 feet  23 between entrances on the road and this is less than</p>	<p style="text-align: right;">Page 84</p> <p>1 MR. KEACH: Okay. So does anybody want to  2 add anything to Gerry's motion, or do we have a  3 second? I didn't mean to put words in anyone's mouth.  4 MR. ZOBRIST: I'll second.  5 MR. KEACH: Second. Okay. Any discussion?  6 Does that make sense to everybody? Okay. Roll call.  7 MR. MARKS: Ritterbusch.  8 MR. RITTERBUSCH: Yes.  9 MR. MARKS: Smock.  10 MR. SMOCK: Yes.  11 MR. MARKS: Geil.  12 MR. GEIL: Yes.  13 MR. MARKS: Zobrist.  14 MR. ZOBRIST: Yes.  15 MR. MARKS: Keach.  16 MR. KEACH: Yes.  17 MR. MARKS: Knepp.  18 MS. KNEPP: Yes.  19 MR. MARKS: Aupperle.  20 MR. AUPPERLE: Abstain.  21 MR. KEACH: Okay. The last item on  22 tonight's agenda -- and we're still in the public  23 hearing -- is an ordinance making amendments</p>

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1 clarifying the definition of drive-in to include  
 2 drive-through restaurants to Title 10 of the Morton  
 3 Municipal Code. Brad, can you give us a little  
 4 discussion on that.  
 5 MR. MARKS: Yes. So we're adding the  
 6 drive-through because the verbiage seemed maybe a  
 7 little dated where it just referred to as drive-in.  
 8 So I believe we would try to clean this up so it is  
 9 very clear that, for example, if a Culver's wanted a  
 10 drive-through, that seems to be the terminology for  
 11 what that is. Pat, do you need to add anything to  
 12 that, or is that clear enough?  
 13 MR. McGRATH: The clarification -- the  
 14 proposed amendment would make language match past  
 15 practice. So it's always been a practice that a  
 16 restaurant drive through falls within the definition  
 17 of drive in. It just makes that a little clearer in  
 18 the code.  
 19 MR. SMOCK: Seems like about 40 years too  
 20 late.  
 21 MR. MARKS: Better late than never. Right?  
 22 MR. SMOCK: That's fine. That means I  
 23 approve.

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1 MR. KEACH: Any other comments? questions?  
 2 motions?  
 3 MR. RITTERBUSCH: I make a motion that we  
 4 approve that change.  
 5 MR. KEACH: We have a motion.  
 6 MR. AUPPERLE: Second.  
 7 MR. KEACH: And a second.  
 8 MR. MARKS: Smock.  
 9 MR. SMOCK: Yes.  
 10 MR. MARKS: Geil.  
 11 MR. GEIL: Yes.  
 12 MR. MARKS: Zobrist.  
 13 MR. ZOBRIST: Yes.  
 14 MR. MARKS: Aupperle.  
 15 MR. AUPPERLE: Yes.  
 16 MR. MARKS: Keach.  
 17 MR. KEACH: Yes.  
 18 MR. MARKS: Knepp.  
 19 MS. KNEPP: Yes.  
 20 MR. MARKS: Ritterbusch.  
 21 MR. RITTERBUSCH: Yes.  
 22 MR. MARKS: Approved.  
 23 MR. KEACH: Okay. Let's see, I lost my

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1 agenda. Any other comments from Brad?  
 2 MR. MARKS: I don't have any comments  
 3 tonight.  
 4 MR. KEACH: Trustee Hilliard, any comments?  
 5 MR. HILLIARD: No comments.  
 6 MR. KEACH: Looking for a motion to adjourn  
 7 then.  
 8 MR. ZOBRIST: I'll make a motion to adjourn.  
 9 MR. AUPPERLE: Second.  
 10 MR. KEACH: And a second.  
 11 MR. MARKS: All in favor say aye.  
 12 ALL IN UNISON: Aye.  
 13 MR. MARKS: Oppose the same. Adjourned.  
 14 (Meeting adjourned at 8:42 p.m.)  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23

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1 CERTIFIED SHORTHAND REPORTER'S CERTIFICATE  
 2  
 3 I, Leigh C. Stephens, CSR, RPR, a Certified  
 4 Shorthand Reporter in and for the State of Illinois,  
 5 and the Certified Shorthand Reporter who reported the  
 6 proceedings had on said day in this cause, do hereby  
 7 certify that the foregoing transcript of proceedings  
 8 is a true and complete transcript of proceedings had  
 9 on said day in this cause.  
 10 IN TESTIMONY WHEREOF, I have hereunto set my  
 11 hand this 28th day of October, A.D. 2021.  
 12  
 13  
 14 *Leigh C. Stephens*  
 15 CSR, RPR,  
 16 (License #084-004885)  
 17  
 18  
 19  
 20  
 21  
 22  
 23

**ORDINANCE NO. 22-13**

**AN ORDINANCE AUTHORIZING AMENDMENT TO COMMERCIAL REAL ESTATE PURCHASE AGREEMENT AND COMMERCIAL LEASE AGREEMENT WITH MORTON RENTALS, LLC FOR 445 E. BIRCHWOOD, MORTON IL**

**WHEREAS**, the Village of Morton previously entered into a certain Lease Agreement (the “Lease”) dated August 21, 2021 with Morton Rentals, LLC for certain premises commonly known as 445 E. Birchwood Street, Morton, Illinois (hereinafter the “Premises”);

**WHEREAS**, the Village of Morton and Morton Rentals, LLC, were also parties to a certain Commercial Real Estate Purchase Agreement (the “Contract”) for the Premises; and

**WHEREAS**, the Village of Morton desires to amend the Contract and the Lease.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON**, Tazewell County, Illinois, as follows:

**SECTION 1:** The Amendment Agreement attached hereto as Exhibit A is hereby approved.

**SECTION 2:** The Village President and Village Clerk are hereby authorized and directed to execute the Agreement attached hereto as Exhibit A.

**SECTION 3:** This ordinance shall be in full force and effect upon its passage, approval, and publication as may be required by law.

**SECTION 4:** If any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

**PASSED AND APPROVED** at a regular meeting of the President and Board of Trustees of the Village of Morton this \_\_\_\_\_ day of \_\_\_\_\_ 2021; and upon roll call the vote was as follows:

**AYES:**

**NAYS:**

**ABSENT:**

**ABSTAINING:**

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
**President**

**ATTEST:**

\_\_\_\_\_  
**Village Clerk**

**AMENDMENT TO COMMERCIAL LEASE AND COMMERCIAL  
REAL ESTATE PURCHASE AGREEMENT**

This Agreement is entered into the date and year hereinafter set forth between MORTON RENTALS, LLC, an Illinois limited series liability company, hereinafter referred to as TENANT and the VILLAGE OF MORTON, an Illinois municipal corporation, hereinafter referred to as LANDLORD.

WHEREAS, the parties hereto previously entered into a certain Lease Agreement (the "Lease") dated August 21, 2021 for certain premises commonly known as 445 E. Birchwood Street, Morton, Illinois (hereinafter the "Premises");

WHEREAS, the parties hereto were also parties to a certain Commercial Real Estate Purchase Agreement (the "Contract") for the Premises; and

WHEREAS, the parties hereto desire to amend the Lease and the Contract in the method and manner reflected herein.

NOW THEREFORE, the parties hereto agree as follows:

1. The Lease is hereby amended as follows:
  - a. The term of the lease is hereby extended through February 28, 2022, as to buildings 4 and 5 on Exhibit A to the Lease.
  - b. The term of the lease is hereby reduced for the remaining leased premises. The lease shall expire on November 30, 2021 for the following leased premises: all that portion of Building #2 used as a wash bay and all that portion of the premises which is to be used for outdoor storage as shown on Exhibit A to the Lease.
  - c. Morton Rentals, LLC shall pay to the Village of Morton its pro rata share of property taxes for the 2022 calendar year for each building in the exclusive possession of Morton Rentals. Morton Rentals, LLC's pro rata share of 2022 property taxes shall be calculated through the date Morton Rentals, LLC surrenders possession of the Premises to the Village of Morton following completion of demolition.
2. The Contract is hereby amended as follows:

- a. The deadline for Morton Rentals, LLC to complete demolition of buildings 3 and 4 depicted on Exhibit C to the Contract is hereby extended from December 31, 2021, to February 28, 2022.
3. Except as expressly amended hereby, all other provisions of the Lease and the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals this \_\_\_\_\_<sup>t</sup> day of \_\_\_\_\_, 2021.

**LANDLORD: VILLAGE OF MORTON**

**TENANT: MORTON RENTALS, LLC**

\_\_\_\_\_  
Jeffrey L. Kaufman, Its President

\_\_\_\_\_  
Bradley D. Kniep, Its Manager

**RESOLUTION NO. 14-22**

**RESOLUTION AUTHORIZING PURCHASE OF MOBILE AND PORTABLE RADIOS FOR  
MORTON FIRE DEPARTMENT**

**WHEREAS**, the Village of Morton is desirous of purchasing 9 mobile radios and 18 portable radios from Motorola Solutions for the use of its fire department.

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON**, Tazewell County, Illinois, as follows:

1. That the purchase of 9 mobile radios and 18 portable radios under those terms and conditions more particularly set forth in the quote attached hereto as Exhibit A is hereby approved at a total price of \$135,485.11.
2. That the Director of Fire and Emergency Services is authorized to execute such documents as may be required on behalf of the Village of Morton to complete the aforesaid purchase.

**BE IT FURTHER RESOLVED** that this resolution shall be in full force and effect upon its passage and approval.

**PASSED AND APPROVED** at a regular meeting of the President and Board of Trustees of the Village of Morton, Tazewell County, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2021; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
**President**

**ATTEST:**

\_\_\_\_\_  
**Village Clerk**



Billing Address:  
MORTON FIRE DEPT, VILLAGE  
OF  
120 N MAIN ST  
MORTON, IL 61550  
US

Quote Date:10/18/2021  
Expiration Date:01/16/2022  
Quote Created By:  
Dave Lander  
Solutions Specialist  
dlander@supremerradio.com  
309-682-0831

End Customer:  
MORTON FIRE DEPT, VILLAGE OF  
Joe Kelley  
JKelley@morton-il.gov

Payment Terms:30 NET

Line #	Item Number	Description	Qty	Sale Price	Ext. Sale Price
	APX™ 8000 Series	APX8000XE			
1	H91TGD9PW6AN	APX 8000 ALL BAND PORTABLE MODEL 2.5	18	\$9,616.30	\$173,093.40
1a	Q806CB	ADD: ASTRO DIGITAL CAI OPERATION	18		
1b	Q361AN	ADD: P25 9600 BAUD TRUNKING	18		
1c	QA00580AA	ADD: TDMA OPERATION	18		
1d	QA09008AA	ADD: GROUP SERVICES	18		
1e	QA03399AA	ADD: ENHANCED DATA APX	18		
1f	H38BS	ADD: SMARTZONE OPERATION	18		
1g	Q629AH	ENH: AES ENCRYPTION AND ADP	18		
1h	QA02006AC	ENH: APX8000XE RUGGED RADIO	18		
1i	Q58AL	ADD: 3Y ESSENTIAL SERVICE	18		
1j	QA01427AG	ALT: APX8000/XE HOUSING GREEN	18		
1k	H869BW	ENH: MULTIKEY	18		
1l	QA01648AA	ADD: HW KEY SUPPLEMENTAL DATA	18		



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.

Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 ~ #: 36-1115800

Line #	Item Number	Description	Qty	Sale Price	Ext. Sale Price
1m	QA05509AA	DEL: DELETE UHF BAND	18		
	APX™ 8500				
2	M37TSS9PW1AN	APX8500 ALL BAND MP MOBILE	9	\$10,012.65	\$91,526.85
2a	GA09008AA	ADD: GROUP SERVICES	9		
2b	QA01648AA	ADD: HW KEY SUPPLEMENTAL DATA	9		
2c	G67DD	ADD: REMOTE MOUNT 02 MP	9		
2d	GA00580AA	ADD: TDMA OPERATION	9		
2e	GA01513AB	ADD: ALL BAND MOBILE ANTENNA (7/8/V/U)	9		
2f	G51AT	ENH:SMARTZONE	9		
2g	G78AT	ENH: 3 YEAR ESSENTIAL SVC	9		
2h	GA01606AA	ADD: NO GPS/WI-FI ANTENNA NEEDED	9		
2i	B18CR	ADD: AUXILIARY SPKR 7.5 WATT APX	18		
2j	G843AH	ADD: AES ENCRYPTION AND ADP	9		
2k	GA00092AL	ADD: APX DUAL-CONTROL HARDWARE (O2 GREY)	9		
2l	GA00804AA	ADD: APX O2 CH (GREY)	9		
2m	G610AC	ADD: REMOTE MOUNT CABLE 30 FT APX	18		
2n	G444AH	ADD: APX CONTROL HEAD SOFTWARE	9		
2o	QA03399AA	ADD: ENHANCED DATA APX	9		
2p	GA01517AA	DEL: NO J600 ADAPTER CABLE NEEDED	9		
2q	G806BL	ENH: ASTRO DIGITAL CAI OP APX	9		
2r	W22BA	ADD: STD PALM MICROPHONE APX	18		
2s	W969BG	ADD: MULTIKEY OPERATION	9		



Line #	Item Number	Description	Qty	Sale Price	Ext. Sale Price
2t	G361AH	ENH: P25 TRUNKING SOFTWARE APX	9		
2u	GA05509AA	DEL: DELETE UHF BAND	9		
3	NNTN7624C	CHARGER,CHR IMP VEH EXT NA/EU KIT	12	\$344.56	\$4,134.72
4	NNTN8860A	CHARGER, SINGLE-UNIT, IMPRES 2, 3A, 115VAC, US/NA	6	\$114.61	\$687.66
5	PMLN7906A	CARRY ACCESSORY- CASE,APX6000XE 2.75 SWBL TIA BATTERY	18	\$47.45	\$854.10
6	NNTN8575A	AUDIO ACCESSORY-REMOTE SPEAKER MICROPHONE,IMPRES XE RSM XT CABLE GREEN	18	\$392.74	\$7,069.32
Product Services					
7	LSV00Q00202A	DEVICE PROGRAMMING	1	\$1.00	\$1.00
8	Incentive	Expiration Date: 12/17/2021	1	-\$141,871.87	-\$141,871.87

**Grand Total**
**\$135,495.18(USD)**


<b>Purchase Order Checklist</b>	
<b>Marked as PO/ Contract/ Notice to Proceed on Company Letterhead (PO will not be processed without this)</b>	
<b>PO Number/ Contract Number</b>	
<b>PO Date</b>	
<b>Vendor = Motorola Solutions, Inc.</b>	
<b>Payment (Billing) Terms/ State Contract Number</b>	
<b>Bill-To Name on PO must be equal to the <i>Legal</i> Bill-To Name</b>	
<b>Bill-To Address</b>	
<b>Ship-To Address (If we are shipping to a MR location, it must be documented on PO)</b>	
<b>Ultimate Address (If the Ship-To address is the MR location then the Ultimate Destination address must be documented on PO )</b>	
<b>PO Amount must be equal to or greater than Order Total</b>	
<b>Non-Editable Format (Word/ Excel templates cannot be accepted)</b>	
<b>Bill To Contact Name &amp; Phone # and EMAIL for customer accounts payable dept</b>	
<b>Ship To Contact Name &amp; Phone #</b>	
<b>Tax Exemption Status</b>	
<b>Signatures (As required)</b>	