

**AGENDA**  
**REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, ILLINOIS**  
**7:00 P.M.**  
**TUESDAY, JANUARY 3, 2023**  
**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 – December 19, 2022
    - 2. Closed Session – December 19, 2022
  - B. Approval of Bills
- VIII. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**
- IX. VILLAGE PRESIDENT**
- X. VILLAGE CLERK**
- XI. VILLAGE ADMINISTRATOR**
- XII. CHIEF OF POLICE**
- XIII. CORPORATION COUNSEL**
- XIV. DIRECTOR OF FIRE AND EMERGENCY SERVICES**
- XV. DIRECTOR OF PUBLIC WORKS**
  - A. MFT Resolution for 2023 Sealcoating Work
- XVI. ZONING AND CODE ENFORCEMENT OFFICER**
  - A. Petition No. 22-08 ZA
  - B. Petition No. 22-09 SP
  - C. AN ORDINANCE MAKING AMENDMENTS TO TITLE 10 OF THE MORTON MUNICIPAL CODE REGARDING DANCE, MUSIC AND ART STUDIOS IN THE B-2 ZONING DISTRICT
- XVII. VILLAGE TRUSTEES**
  - A. Trustee Blunier
  - B. Trustee Hilliard
  - C. Trustee Leitch
  - D. Trustee Menold
  - E. Trustee Newman
  - F. Trustee Parrott
- XVIII. CLOSED SESSIONS**
  - A. Closed session pursuant to 5 ILCS 120/2(c)(2) to discuss salary schedules for one or more classes of employees
- XIX. CONSIDERATION OF MATTERS ARISING FROM CLOSED SESSIONS**
- XXIII. ADJOURNMENT**



**VILLAGE BOARD OF TRUSTEES  
REGULAR MEETING  
7:00 P.M., December 19, 2022**

After calling the meeting to order, President Kaufman led the Pledge of Allegiance. Clerk Evans called the roll and found the following Trustees present: Hilliard, Leitch, Menold, Newman, Parrott – 5.

**PUBLIC HEARING** – None.

**PRESENTATIONS** – None.

**PUBLIC COMMENT** – None.

**CONSENT AGENDA**

- A. Approval of Minutes.
  - 1. Regular Meeting – December 5, 2022
- B. Approval of Bills

Trustee Menold moved to approve the Consent Agenda. The motion was seconded by Trustee Leitch and approved by the following roll call vote:

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

**VILLAGE PRESIDENT** – None.

**VILLAGE CLERK** – None.

**VILLAGE ADMINISTRATOR** – None.

**CHIEF OF POLICE** – Chief Miller presented an Ordinance making amendments to Chapter 3 of Title 6 of the Morton Municipal Code regarding licensing, tax and registration of dogs. He noted that this was to identify lost dogs and return them to their owner more efficiently. Trustee Hilliard suggested posting this Ordinance on the Village website and also at local veterinarian clinics to help notify the citizens. Trustee Newman moved to approve the Ordinance and it was seconded by Trustee Hilliard before adoption by the following roll call vote:

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

Chief Miller then presented an Ordinance making amendments to Chapter 8 of Title 9 of the Morton Municipal Code regarding licensing and registration of bicycles. He noted that this was in an effort to assist with returning lost bicycles to their owner more effectively. Trustee Leitch requested the data surrounding this Ordinance at the end of 2023 to compare and track progress.





Trustee Newman moved to approve the Ordinance and it was seconded by Trustee Parrott before approval by the following roll call vote:

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

**CORPORATION COUNSEL** – None.

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

**DIRECTOR OF PUBLIC WORKS** – DPW Loudermilk requested acceptance of bid for the new Gas & Water Building to be constructed at 445 E. Birchwood St. in the amount of \$8,172,000.00 and award of contract for same to Peoria Metro Construction. Trustee Menold asked that DPW Loudermilk stick to the bid and not allow change orders to accumulate and increase the price. DPW Loudermilk also mentioned that the project would cost an additional 3% for specific items such as signage, furniture, ice machines, etc. Trustee Parrott moved to approve and Trustee Hilliard seconded the motion before approval by the following roll call vote:

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

DPW Loudermilk then requested acceptance of proposal from Tech Electronics of Illinois, LLC for video surveillance and access control for the Gas & Water Building in the amount of \$46,994.86. Trustee Leitch questioned how access would be given for both doors and gates. DPW Loudermilk noted that the doors would be similar to Village Hall with access being given through the same key card system and that gates are expected to open via remotes inside Village vehicles. Trustee Leitch moved to approve the proposal and it was seconded by Trustee Menold before approval by the following roll call vote:

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

Finally, DPW Loudermilk requested acceptance of proposal from Hanson Industrial-Peoria Inc. for the installation of a new pressure washer in the Gas & Water Building in the amount of \$22,145.65. DPW Loudermilk noted that this was, in part, going to assist in keeping the nice Village vehicles clean. Trustee Parrott moved to approve the proposal and it was seconded by Trustee Newman before approval by the following roll call vote:

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



**ZONING AND CODE ENFORCEMENT OFFICER** – None.

**VILLAGE TRUSTEES**

- Trustee Blunier – None.
- Trustee Hilliard – None.
- Trustee Leitch – None.
- Trustee Menold – None.
- Trustee Newman – None.
- Trustee Parrott – None.

**CLOSED SESSION** – Closed Session was had pursuant to 5 ILCS 120/2(c)(2) to discuss collective negotiating matters between the Village and its employees or their representatives, and to discuss salary schedules for one or more classes of employees. Trustee Hilliard moved to enter into Closed Session and it was seconded by Trustee Leitch. The meeting moved into closed session by the following roll call vote:

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

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

**ADJOURNMENT** - With no further business to come before the Board, Trustee Newman 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





Resolution for Maintenance Under the Illinois Highway Code

District: 4, County: Tazewell, Resolution Number: [blank], Resolution Type: Supplemental, Section Number: 23-00000-00-GM

BE IT RESOLVED, by the President and Board of Trustees of the Village of Morton of Illinois that there is hereby appropriated the sum of three hundred thousand Dollars (\$300,000)

of Motor Fuel Tax funds for the purpose of maintaining streets and highways under the applicable provisions of Illinois Highway Code from 01/01/23 to 12/31/23

BE IT FURTHER RESOLVED, that only those operations as listed and described on the approved Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with this resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

BE IT FURTHER RESOLVED, that the Village of Morton shall submit within three months after the end of the maintenance period as stated above, to the Department of Transportation, on forms available from the Department, a certified statement showing expenditures and the balances remaining in the funds authorized for expenditure by the Department under this appropriation, and

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit four (4) certified originals of this resolution to the district office of the Department of Transportation.

I, [Name of Clerk], Clerk in and for said [Village] of [Morton] in the State of Illinois, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the President and Board of Trustees of [Morton] at a meeting held on [Date]

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this [Day] day of [Month, Year]

(SEAL)

Clerk Signature & Date [Signature Box]

APPROVED

Regional Engineer Signature & Date Department of Transportation [Signature Box]



## Maintenance Engineering to be Performed by a Consulting Engineer

Local Public Agency Morton	County Tazewell	Section Number 23-00000-00-GM
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The services to be performed by the consulting engineer, pertaining to the various items of work included in the estimated cost of the maintenance operations (BLR 14222), shall consist of the following:

**PRELIMINARY ENGINEERING** shall include:

Investigation of the condition of the streets and highways for determination (in consultation with the local highway authority) of the maintenance operations to be included in the maintenance program; preparation of the maintenance resolution (BLR 14220 for municipalities and counties), maintenance estimate of cost and, if applicable, proposal; attendance at meetings of the governing body as may reasonably be required; attendance at public letting; preparation of the contract, quotations, and/or acceptance (BLR 12330) form. Also, preparation of the maintenance expenditure statement which must be submitted to IDOT within 3 months of the end of the maintenance period.

**ENGINEERING INSPECTION** shall include:

Furnishing the engineering field inspection, including preparation of payment estimate for contract, material proposal and/or deliver and install proposal and/or checking material invoices of those maintenance operations requiring engineering field inspection. For operations requiring material testing ensure the testing is completed by a qualified firm.

For furnishing preliminary engineering, the engineer will be paid a base fee PLUS a negotiated fee percentage. Only one base fee can be charged per maintenance period. For furnishing engineering inspection, the engineer will be paid a negotiated fee percentage. The negotiated preliminary engineering fee percentage for each maintenance group shown in the "Schedule of Fees" shall be applied to the total estimated costs of that group. The negotiated fee for engineering inspection for each maintenance group shall be applied to the total final cost of that group for the times which required engineering inspections. In no case shall this be construed to include supervision of the contractor operations.

### SCHEDULE OF FEES

Total of all Maintenance Operations:

≤ \$20,000 Base Fee 
 > \$20,000 Base Fee = \$1,250.00

Maintenance Engineering Category	PLUS				Operation(s) to be Inspected
	Preliminary Engineering		Engineering Inspection		
	Maximum Fee %	Negotiated Fee %	Maximum Fee %	Negotiated Fee %	
I	NA	NA	NA	NA	NA
IIA	2%	-	1%	-	
IIB	3%	2.5	3%	2.5	
III	4%	3.5	4%	3.5	
IV	5%	4.5	6%	5.5	

The LPA certifies that the selection of the ENGINEER was performed in accordance with the Local Government Professional Service Selection Act 50 (ILCS 510/1-510/8) and procedures outlined in Chapter 5 of the DEPARTMENT's Bureau of Local Roads and Streets Manual.

BY:  
Local Public Agency Signature & Date

Title

BY:  
Consulting Engineer Signature & Date

12/20/22

Title

Patrick W. Meyer & Associates, Inc.

P.E. Seal & Date

11/30/23

**Approved:**  
Regional Engineer, IDOT Signature & Date



## Local Public Agency General Maintenance

### Estimate of Maintenance Costs

Submission Type Supplemental

District 4 Estimate of Cost for Municipality

Local Public Agency	County	Section Number	Maintenance Period	
Village of Morton	Tazewell	23-00000-00-GM	01/01/23	12/31/23

#### Maintenance Items

Maintenance Operation	Maint Eng Category	Insp. Req.	Material Categories/ Point of Delivery or Work Performed by an Outside Contractor	Unit	Quantity	Unit Cost	Cost	Total Maintenance Operation Cost
FOG COAT	III	Yes	FOG COAT	SQ YD	41,893	\$1.30	\$54,460.90	
			TRAF CONT PROT SPCL	SQ YD	1	\$5,000.00	\$5,000.00	\$59,460.00
SEACLOAT	III	Yes	BIT MATLS SLCT	GAL	23,041	\$6.00	\$138,246.00	
			SLCT AGG	TON	545	\$100.00	\$54,500.00	
			MH/MLV/INL UNC OP LID	EACH	16	\$110.00	\$1,760.00	\$194,506.00
SPRAY PATCH	IIA	No	BIT MATLS	GAL	2,000	\$10.00	\$20,000.00	
			AGG	TON	80	\$30.00	\$2,400.00	\$22,400.00
<b>Total Operation Cost</b>								<b>\$276,366.00</b>

#### Estimate of Maintenance Costs Summary

	MFT Funds	RBI Funds	Other Funds	Estimated Costs
<b>Maintenance</b>				
Local Public Agency Labor				
Local Public Agency Equipment				
Materials/Contracts(Non Bid Items)				
Materials/Deliver & Install/Materials Quotations (Bid Items)	\$276,366.00			\$276,366.00
Formal Contract (Bid Items)				
<b>Maintenance Total</b>	\$276,366.00			\$276,366.00

#### Estimated Maintenance Eng Costs Summary

	MFT Funds	RBI Funds	Other Funds	Total Est Costs
<b>Maintenance Engineering</b>				
Preliminary Engineering	\$10,296.00			\$10,296.00
Engineering Inspection	\$8,889.00			\$8,889.00
Material Testing				
Advertising				
Bridge Inspection Engineering				
<b>Maintenance Engineering Total</b>	\$19,185.00			\$19,185.00
<b>Total Estimated Maintenance</b>	\$295,551.00			\$295,551.00

**Estimate of Maintenance Costs**

Submittal Type **Supplemental**

Local Public Agency	County	Section	Maintenance Period	
			Beginning	Ending
Village of Morton	Tazewell	23-00000-00-GM	01/01/23	12/31/23

Remarks

**SUBMITTED**

Local Public Agency Official Signature & Date

Title

County Engineer/Superintendent of Highways Signature & Date

**APPROVED**

Regional Engineer Signature & Date  
Department of Transportation



## PETITION FOR ZONING AMENDMENT / SPECIAL USE PERMIT

Petition Number: 22-08 ZA Date: 10/18/2022

1. Legal Description: SEC 20 T25N R3W TRACT 1 NE 1/4 0.42 AC

Street Address: 316 S. Main St.

2. Area of subject property: \_\_\_\_\_ sq. ft. or .42 \_\_\_\_\_ Ac.

3. Present land use: Dance Studio

Proposed land use or special use: Dance Studio

Requested zoning change: from B-2 District to B-3 District

4. Surrounding zoning districts:

North B-2 East B-2 South B-2 West B-3

5. Subject property is owned by:

Name: Ann Van Der Voorn

Address: 304 Conagahn Dr. Groveland 61535

(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:

Map

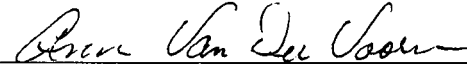
9. Petitioners' Signature:

Name: Ann Van Der Voorn

Address: 304 Conagahn Dr. Groveland, IL 61535

Phone No.: 309 696-4158

Email Address: ann410@comcast.net

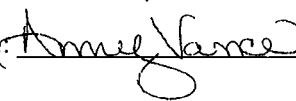
Signature: 

Name: Amy Vance

Address: 22 Warwick Circle, Morton, IL 61550

Phone No.: 309 241-0827

Email Address: AMUSCE.ITERSTAGE@YAHOO.COM

Signature: 

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

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

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

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

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

## Brad Marks

---

**From:** Ann Van Der Voorn <ann410@comcast.net>  
**Sent:** Wednesday, November 16, 2022 11:24 AM  
**To:** Brad Marks  
**Subject:** Dance Studio

To the Morton plan commission,

I am either asking for a "special use permit "or rezone to B3 to allow a dance studio which has been in B2 zoning for 20 years to expand and to continue. Plus it would alleviate a lot of congestion off of Jefferson Street and give S. Main more exposure and business opportunity. I have 22 parking spaces around my building (which is not counting the property next to the plaza.) I had a dance studio "Inspired arts academy" several years ago and there were no problems with parking or safety.

I would really appreciate you allowing the studio to continue in my space. She signed a lease in August, I knew she was on Jefferson Street ,zoning B2 and I am B2. I never thought it would be a problem for zoning.

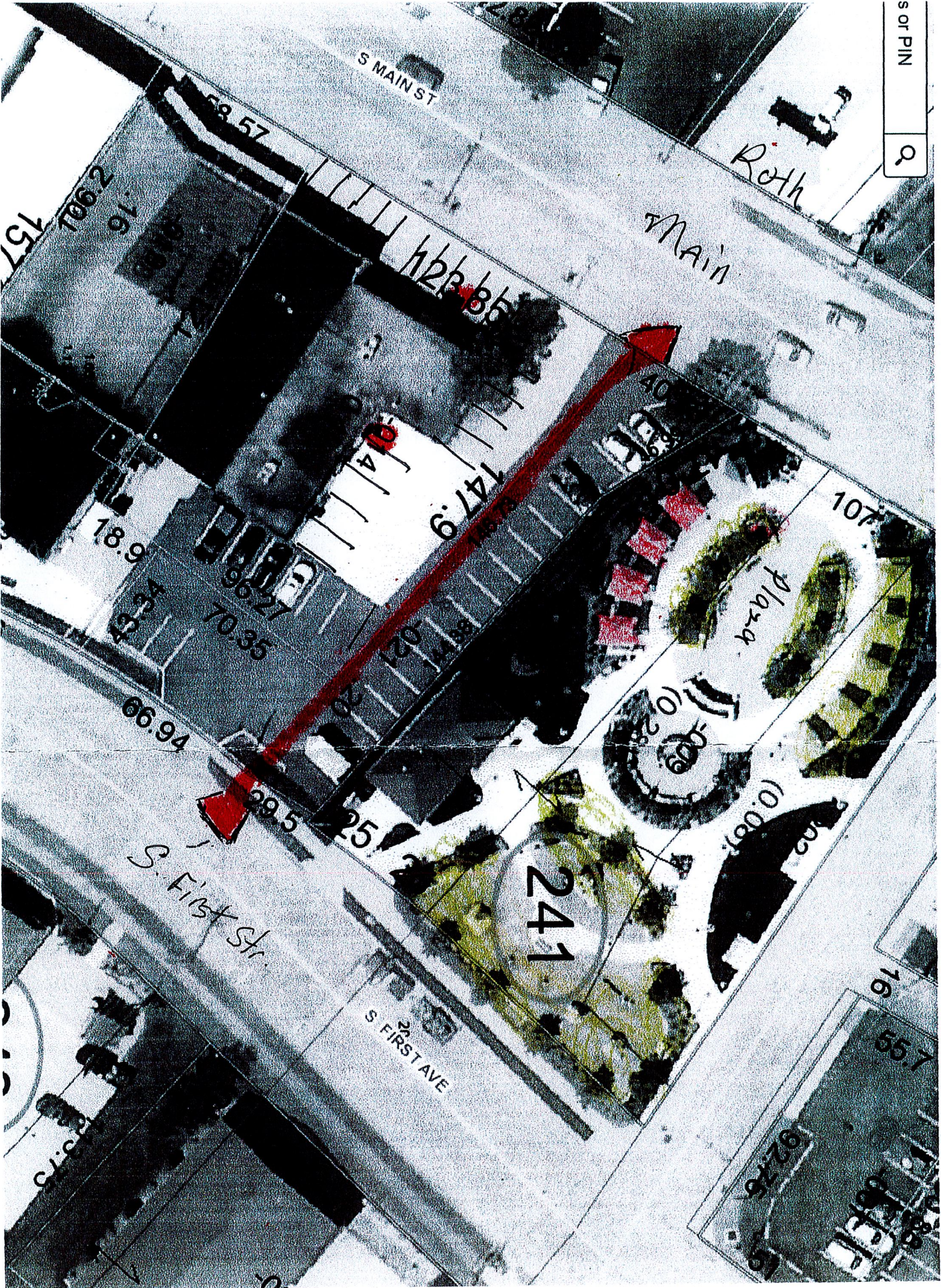
Thank you for your time and consideration.

Sincerely,

Ann VanDerVoorn

Sent from my iPad





S MAIN ST

Roth

Main

123.85

147.9

107

10.28

10.07

10.03

241

16

55.7

92.76

S. First Str.

S FIRST AVE

S. First





Map Created November 14th, 2022



### Zoning Districts

Morton, Illinois

316 S. Main Street

06-06-20-226-014



- Building
- Parcel
- Parcel of Interest

- B-2 General Business District
- B-3 Highway and Service Commercial District
- I-1 Restricted Industrial District
- R-1 One-Family/Planned Residential Development District





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

Petition Number: 22-09 SP

Date: 11-30-2022

1. Legal Description: SEC 12 T25N R4W TAUFER SUBD 1 W 150' OF LOT 1 NE 1/4 1.70 AC

Street Address: 3900 W. JACKSON ST.

2. Area of subject property: \_\_\_\_\_ sq. ft. or 1.70 Ac.

3. Present land use: CONTRACTOR OFFICE / WAREHOUSE WITH OUTDOOR STORAGE OF MATERIALS.

Proposed land use or special use: SAME AS ABOVE AND TO INCLUDE OUTDOOR STORAGE OF MOTOR HOMES, BOATS, TRAILERS, AND OPERABLE VEHICLES.

Requested zoning change: from B-3 SP District to B-3 SP District

4. Surrounding zoning districts:

North B-3 East B-3 South RS West \_\_\_\_\_

5. Subject property is owned by:

Name: MICHAEL J ZIMMERMAN

Address: 6 AKRON CT. MORTON, IL 61550

(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:

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

9. Petitioners' Signature:

Name: MICHAEL J ZIMMERMAN \_\_\_\_\_

Address: 6 ACKRON CT. MORTON, IL 61550 \_\_\_\_\_

Phone No.: 309-370-7500 \_\_\_\_\_

Email Address: MJZIMMERMAN91177@GMAIL.COM \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

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



December 8, 2022

I, Mike Zimmerman, bought the property at 3900 W Jackson St, Morton, IL in 1995 as a location for my masonry business, M.R. Mason Contractor, Inc. At that time I applied for a special use permit (see attached). After getting approval I built the driveway off of Jackson St back to the property and also built a large warehouse/office building for my business.

Approximately two years later I built the first of four mini warehouse buildings that were on the original plot plan that was filed with the City of Morton.

In 2000, M.R. Mason Contractor moved to a larger site and therefore the warehouse/office was rented out and has been ever since. Much of that time it was rented to a FedEx contractor who parked multiple trucks in the lot. At that time I had a number of persons inquiring about parking RV's, trailers, cars, etc. at the property. I started renting space to them since I assumed I had an outdoor storage special use permit at this space.

In 2018, I inquired about completing three more miniwarehouse buildings. I contacted the Morton Zoning officer regarding this improvement. After adding up the costs of building and site improvements it would take to accomplish this I decided to not do it. At that time I went over the outdoor storage plans and my plan to clean up the undeveloped areas that had block, brick and vegetation/weed and to place a security fence along Victor Street that runs along the west side of the property. I was told that it was okay to do and nothing further was needed to be done.

The property has been cleaned up and 260 feet of permanent fence has been installed, with the remaining fence approximately another 100 feet to be completed next year. The parking area has been leveled and graded. This has all been done in the past three years.

In 2023, my plan is to clean up the remainder of the south area that has dirt and brush. This will be hauled away. I will complete the permanent fencing and plant Arborvitae Evergreens along the Victor St side of the property. This will give it a finished green space which will look more pleasing to the property owners on that side. There will also be washed river rock placed on the ground under the trees. This will be done 10 feet back off of the property line. (See attached drawing).

Thank you for your consideration in this request I am asking for. Please feel free to call me if there are any questions.

Sincerely,

Mike Zimmerman

309-370-7500

December 8, 2022

Attached is a copy of the Special Use Permit and landscape drawing along with a letter that I personally explained to in person to the surrounding neighbors of the property at 3900 W Jackson St. Morton which are directly impacted by the view.

I was able to speak with eight people, one voiced a concern regarding this. All of the rest stated they were agreeable to what I have done and what is planned. They were informed that I would be working on it and that it should be completed by the end of 2023.

Also attached is an aerial view of the site showing the Fed Ex trucks and RV trailers before I started the improvements and then a current view of the property now.

# Village of Morton

120 NORTH MAIN STREET • P.O. BOX 28 • MORTON, ILLINOIS 61550-0028  
MORTON (309) 266-5361 PEORIA (309) 673-0323

ROBERT D. HERTENSTEIN, M.D.  
*President*

**TRUSTEES:**  
Don Bigger  
Kenneth Getz  
Mark Hutchison  
Donald F. Roth  
Craig Schwarzentraub  
Darrell Vierling

**VILLAGE CLERK:**  
Harriett J. Anderson

## SPECIAL USE PERMIT

Petition No. 95-04SP: Michael J. Zimmerman

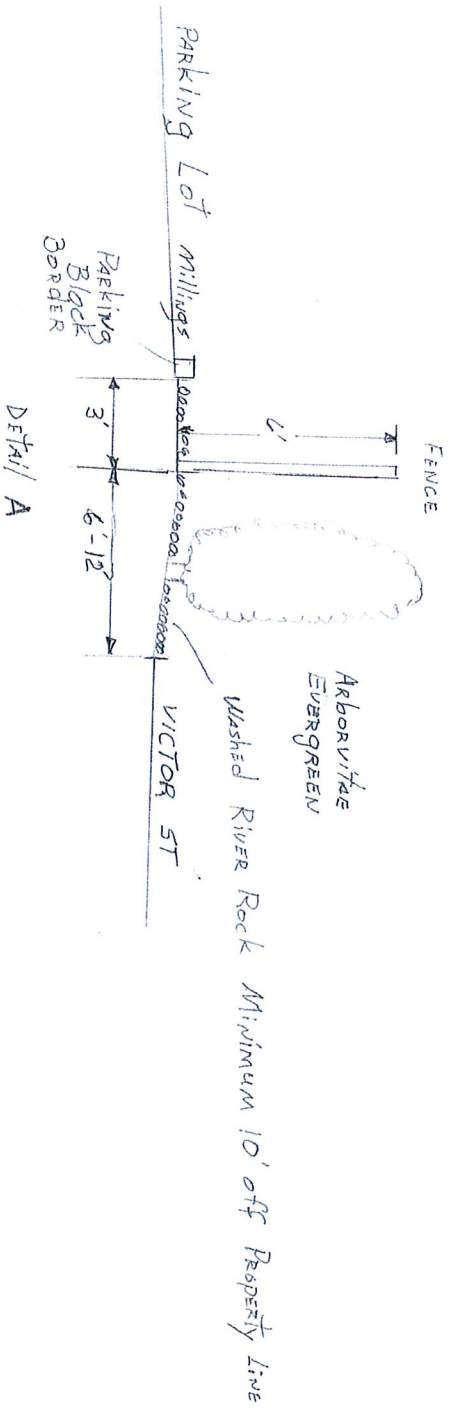
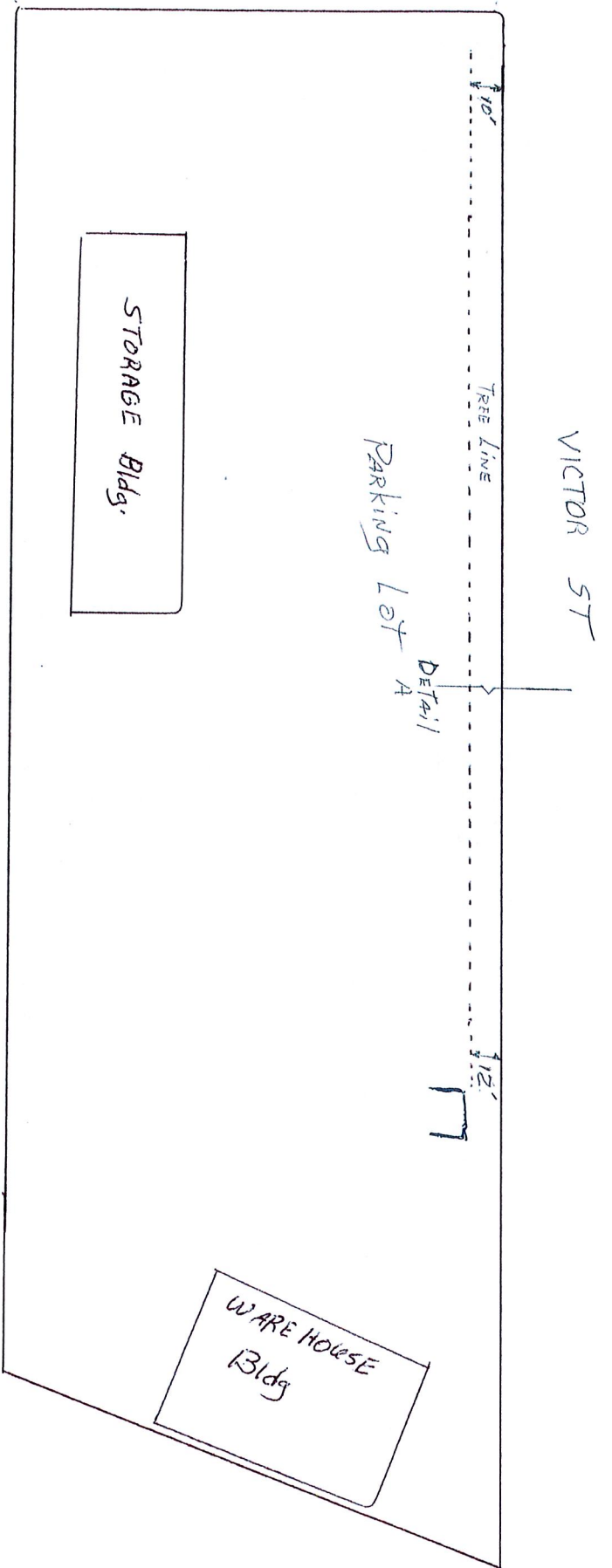
Requested a special use permit for a mason contractor's office/warehouse with outdoor storage of materials, at 3900 W. Jackson, zoned B-3.

The Morton Plan Commission recommended approval of said request for the Special Use Permit at its meeting held on April 24, 1995. The Village Board of Trustees, at its meeting on May 1, 1995, adopted said recommendation.

Signed and sealed this 3rd day  
of May, 1995



*Harriett J. Anderson*  
\_\_\_\_\_  
Harriett J. Anderson  
Village Clerk



December 6, 2022

I, Mike Zimmerman, am the owner of the property at 3900 W Jackson St, Morton, IL known as Zimmerman Rental.

I would like to introduce myself and give you an update on my plans for finishing the improvements that were started in 2018 and are now being completed. The original plan had called for three more mini-warehouse units to be built. But after noticing the over abundance of storage units in the Morton area I decided to do outside storage for RV, boat, trailer and vehicle storage instead.

Work has slowed for the winter months, but will resume sometime in the spring weather permitting. At that time I plan to complete the permanent fence installation and an evergreen screen wall along the fence on the Victor St side of the property.

Thank you for your understanding

Mike Zimmerman

MET with  
in PERSON  
AND ARE  
GOOD.

Janet Delp 424 Lilac Lane  
Paul Lane 103 Sycamore Ave.  
Kevin Lockert 418 Lilac  
Rodney K. Johnson 208 Victor

Talked to  
ON PHONE  
AND ARE  
GOOD.

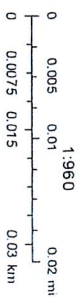
BEN CAMACHO 43 NEWPORT Ct. MORTON  
CHRISTOPHER JOOS 3336 MEADOWS AVE E PEORIA (308 Victor St)  
DANA TAUFER 3800 W. JACKSON ST

# Tazewell County GIS



- I-155      IL 29      US 24
- I-474      IL 98      Streets
- I-74      US 150

Tazewell County GIS parcel and map records contained herein are for property tax purposes only. This information has been compiled from the most accurate source data from the public records of Tazewell County. This information must be accepted and used with the understanding that the data is not guaranteed to be 100% accurate. The user assumes all responsibility for any errors or omissions. The information contained herein is at the user's own risk and is not intended for use in any legal proceeding. Users of Tazewell County GIS assume all risk and liability when accessing any third-party site linked to this site. All data is subject to change.







Mike Zimmerman <mjzimmerman91177@gmail.com>

**(no subject)**

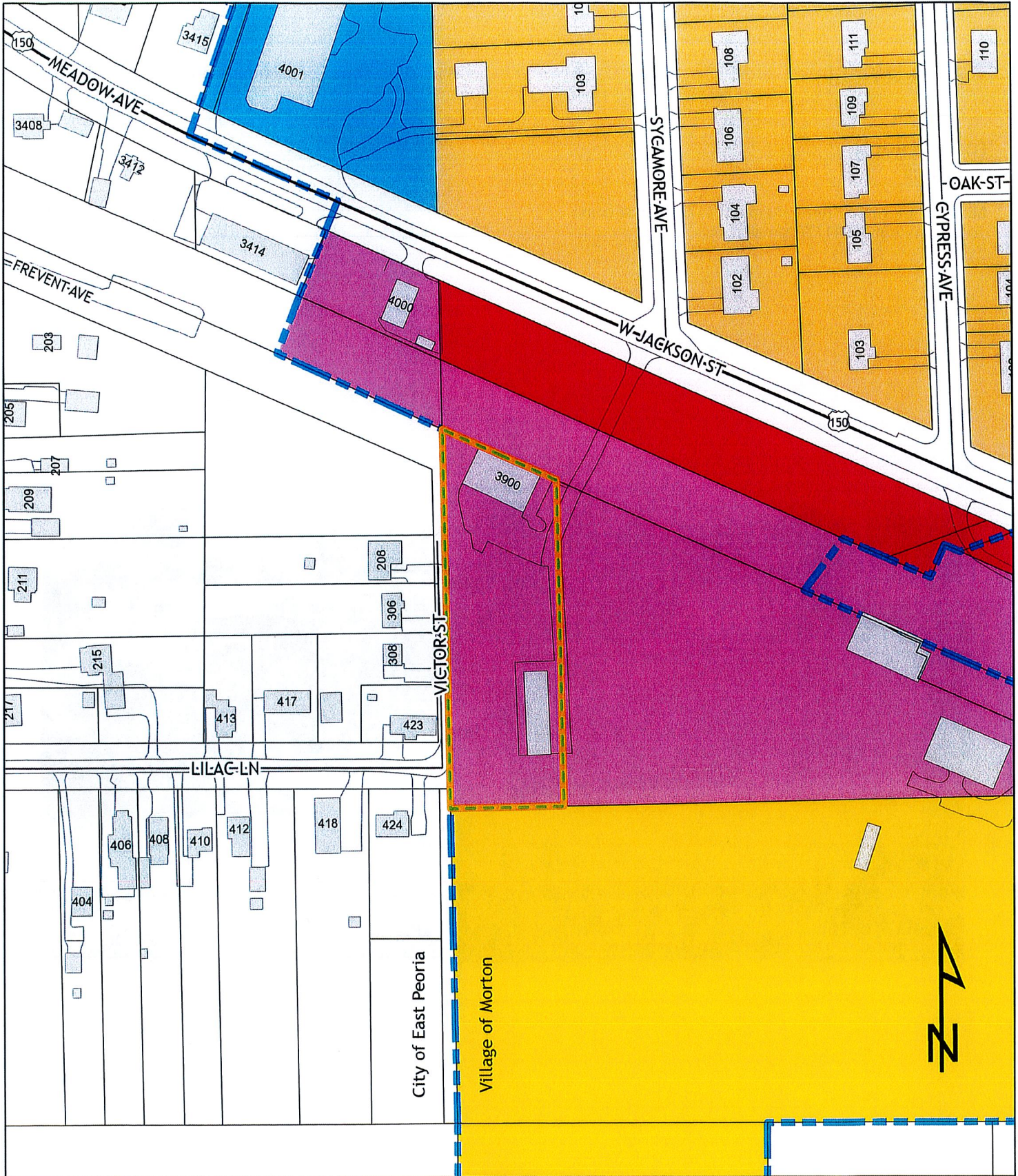
1 message

**Mike Zimmerman** <mjzimmerman91177@gmail.com>  
To: mjzimmerman91177@gmail.com

Fri, Dec 9, 2022 at 1:42 PM











# Zoning Districts

## Morton, Illinois

3900 W Jackson St  
05-05-12-214-007

-  Building
-  Municipal Limits
-  Parcel
-  Parcel of Interest

-  B-2 General Business District
-  B-3 Highway and Service Commercial District
-  I-2 General Industrial District
-  R-1 One-Family/Planned Residential Development District
-  R-S Suburban Residential & Planned Residential Development District



Map Created November 30th, 2022



Name	Address 1	City	State	Zip	Street
TAUFER, DANA A	3800 W JACKSON ST	MORTON	IL	61550-1060	3800 W JACKSON ST
PO ZIMMERMAN, MICHAEL	6 AKRON CT	MORTON	IL	61550-2700	3900 W JACKSON ST
A&H-STEEL LLC	PO BOX 1389	PEORIA	IL	<del>61654-1389</del>	3900 W JACKSON ST
STEEL A SIGN LLC	43 NEWPORT CT	MORTON	IL	61550-3039	4000 W JACKSON ST
CONE, PAUL & BETH	103 SYCAMORE AVE	MORTON	IL	61550-1036	101 SYCAMORE AVE
RODNEY JANSON	208 VICTOR ST	EAST PEORIA	IL	61611	208 VICTOR ST
<del>TESSA JOHNSON</del>	306 VICTOR ST	EAST PEORIA	IL	61611	306 VICTOR ST
CHRISTOPHER JOOS	3336 MEADOWS AVE	EAST PEORIA	IL	61611	308 VICTOR ST
ZACHARY KIESEWETTER	412 LILAC LN	EAST PEORIA	IL	61611	412 LILAC LN
PEGGY IRBY	413 LILAC LN	EAST PEORIA	IL	61611	413 LILAC LN
HANNAH WAGLEY	417 LILAC LN	EAST PEORIA	IL	61611	417 LILAC LN
KEVIN GUALANDI	418 LILAC LN	EAST PEORIA	IL	61611	418 LILAC LN
VICKI MITCHUM	423 LILAC LN	EAST PEORIA	IL	61611	423 LILAC LN
JANET DEPL	424 LILAC LN	EAST PEORIA	IL	61611	424 LILAC LN
EAST PEORIA CITY ATTN: TREASURER	401 W WASHINGTON ST	EAST PEORIA	IL	61611	430 LILAC LN
TAZEWELL/PEKIN CONSOLIDATED COM CTR	1130 KOCH ST	PEKIN	IL	61554	440 LILAC LN
FONDULAC PARK DISTRICT	201 VETERANS RD	EAST PEORIA	IL	61611	201 S HAWTHORNE AVE
TERRY COOPER	646 GROVELAND AVE	CREVE COEUR	IL	61610	3414 MEADOWS AVE

RUSSELL NICHOLAS

306 VICTOR ST. EAST PEORIA, IL 61611



**VILLAGE OF MORTON**  
**ORDINANCE 23-13**

**AN ORDINANCE MAKING AMENDMENTS TO TITLE 10 OF THE MORTON  
MUNICIPAL CODE REGARDING DANCE, MUSIC AND ART STUDIOS IN THE  
B-2 ZONING DISTRICT**

**NOW THEREFORE**, be it ordained by the President and Board of Trustees of the Village of Morton, in the State of Illinois, as follows:

**SECTION 1:**        **AMENDMENT** “10-2-1: Definitions” of the Morton Municipal Code is hereby *amended* as follows:

AMENDMENT

10-2-1: Definitions

Wherever anywhere in this Title any of the following terms are used, they shall have the meaning indicated hereafter in this Chapter.

**ACCESSORY USE, ACCESSORY AREA, ACCESSORY BUILDING:** A use customarily incidental and subordinate to the principal use, principal area or principal building and located on the same lot, parcel, or tract of land with said principal use, area, or building, and an accessory use, area, or building shall be deemed to constitute occupancy of that part of the lot, parcel, or tract of land so used or upon which the accessory building is located. Private garage shall not be considered an accessory use. A ground mounted solar system shall be considered an accessory use. A swimming pool shall be considered an accessory use. (Ord. 78-31, 3-5-79; amd. Ord. 83-4, 5-16-83; amd. Ord. 91-8, 7-15-91; amd. Ord. 10-20, 10-4-10)

**ALLEY:** An alley is a public way not more than thirty feet (30’) wide affording secondary access to abutting property.

**ANIMAL HOSPITAL:** An establishment for the treatment, and necessary boarding incidental thereto, of small animals such as dogs, cats, rabbits, and birds by a veterinarian.

**APARTMENT:** A room or suite of rooms with complete kitchen and sanitary facilities in a structure designed to accommodate two (2) or more such units.

**AUTOMOBILE WRECKING YARD:** Any place where one (1) or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for the wrecking or storing of such automobiles or the parts thereof. Any location for storage of motor vehicles awaiting repair for more than seven (7) consecutive days shall be considered an automobile wrecking yard.

**BARKER:** An individual, operating outside of a business's primary structure, who attempts to engage passersby through verbal, physical, or other contact in order to entice them into patronizing said business. (Ord. 07-31, 9-4-07)

**BARKER SIGNS:** Any temporary signs used to advertise a business or business event that are not affixed to any type of building or support structure, but are instead carried by an individual serving as a "barker" on behalf of the business entity. (Ord. 07-31, 9-4-07)

**BED AND BREAKFAST ESTABLISHMENTS:** An owner/operator occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms, each limited to two (2) transient adult guests per night, for rent, in operation for more than ten (10) nights in a twelve (12) month period. Bed and Breakfast establishments shall not include motels, hotels, boarding houses, or lodging houses. (Ord. 09-20, 8-3-09)

**BOARDING OR LODGING HOUSE:** A building other than a hotel where meals or sleeping accommodations or both are provided for compensation for three (3), but not more than ten (10), persons.

**BREW PUB:** An establishment where beer is brewed or manufactured with the primary distribution of beer brewed or manufactured on the premises in an adjoining restaurant where food is served.

**BRICK:** A molded rectangular block primarily comprised of clay and/or shale, fired with natural gas or coal at approximately two thousand degrees (2000°) to fuse the shale or clay into a durable building unit that is laid contiguously with the joints between the units filled with mortar. (Ord. 09-34, 12-21-09)

**BUILDING:** A building is any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings; and which is designed or intended for the shelter, enclosure, or protection of persons, animals, or chattels.

**BUILDING HEIGHT:** The vertical distance measured from the sidewalk level or its equivalent established grade to the highest point of the roof. Where buildings are set back from the building setback line, the height will be measured from the average elevation of the finished lot grade. (Ord. 78-31, 3-5-79; amd. Ord. 05-20, 9-6-05)

**CLINIC:** An establishment, including the operation of a professional pharmacy, but excluding facilities for in-patient nursing care, where one (1) or more physicians and other medical professionals diagnose and treat human physical and/or mental ailments. (Ord. 79-39, 3-3-80)

COMMUNITY RESIDENCE: A group home or specialized residential care home serving unrelated persons with disabilities which is licensed, certified, or accredited by appropriate local, State, or national bodies. This Ordinance shall not be construed to require a license, certification, or accreditation and same shall only be required where State or Federal law requires same. Community residence does not include a residence which serves persons as any alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse, or persons whose primary reason for placement is treatment for a communicable disease. (Ord. 89-19, 2-5-90)

CONSTRUCTION SIGNS: A temporary sign, which includes those indicating construction or home improvement, or the offering of services such as lawn maintenance and landscaping, at a specific location at which they are located. (Ord. 07-31, 9-4-07)

COVERAGE: The portion of the lot area covered by the building area.

CRAFT BREWERY: An establishment where beer is manufactured in quantities not exceeding those prescribed by the Illinois Craft Brewer's License. The establishment may also include a tasting room and craft beer manufactured onsite may be offered for sale at retail for use or consumption onsite or offsite.

CURB LEVEL: The average elevation of the established curb of a street taken along the curb line between the points of intersection of the curb line and the lot lines. Where no curb has been established, the curb level shall be the average elevation of the land surface taken along the street right of way and the lot lines.

DANCE, MUSIC OR ART STUDIO. A business establishment wherein the principal service offered is instruction in dance, music, or art on an individual or group basis.

DAY CARE CENTER: An adult care facility or a child care facility receiving more than eight (8) persons for care during all or part of a day. Day care centers are not to be construed as public or private school facilities. (Ord. 78-31, 3-5-79; amd. Ord. 12-27, 3-4-13)

DISABILITY: Any person whose disability:

- A. Is attributable to mental, intellectual, or physical impairments or a combination of mental, intellectual, or physical impairments; and
- B. Is likely to continue for a significant amount of time or indefinitely; and
- C. Results in functional limitations in one (1) or more of the following areas of major life activities:
  1. Self care;
  2. Receptive or expressive language;
  3. Learning;
  4. Mobility;
  5. Self direction;
  6. Capacity for independent living;
  7. Economic self-sufficiency; and

D. Reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment, or other services which are of a life-long or extended duration. (Ord. 89-19, 2-5-90)

DUMPSTERS: A portable receptacle designed and used for accumulating debris. (Ord. 07-41, 10-1-07)

DWELLING: A building or portion thereof designed or used exclusively for residential occupancy, but not including house trailers, mobile homes, hotels, motels, boarding or lodging houses or manufactured home. The terms "dwelling" and "dwelling unit" are used interchangeably. (Ord. 78-31, 3-5-79; amd. Ord. 82-8, 8-2-82)

DWELLING, MULTIPLE-FAMILY: A building used as a residence for more than two (2) families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, group houses, and row houses. The term "multiple-family dwelling" and "multi-family dwelling" are used interchangeably.

DWELLING, SINGLE-FAMILY: A building used as a residence exclusively by one (1) family.

DWELLING, TWO-FAMILY: A building used as a residence exclusively by two (2) families with completely separate living facilities for each family.

ELECTRIC SOLAR SYSTEM: An electric solar system is one which produces electrical power for the structure. (Ord. 10-20, 10-4-10)

ESPORTS CAFE: A facility with computer equipment, internet service, and/or spectator accommodations the primary purposes of which may include (a) offering the rental of desk space for use of personal computers or the rental of time to use provided computer equipment that is pre-loaded with software to provide a venue for electronic games (Esports), virtual reality games, or augmented reality games; (b) hosting video game tournaments where spectator fees may be charged; and/or (c) other similar activities.

FAMILY: An individual or two (2) or more persons related by blood, marriage, or adoption, together with his or their domestic servants and a gratuitous guest maintaining common household in a dwelling unit or lodging unit.

FENCE: A man-made structure which is constructed for the purpose of or has the effect of enclosing or screening the area it is constructed upon. (Ord. 78-31, 3-5-79)

FENCE, CHAIN LINK: A fence made of loops of metal wire interconnected in a series of joined links, and which shall be at least 75% open.

FENCE, ENCLOSURE: A fence primarily for providing privacy or visual screening.

FENCE, INDUSTRIAL SECURITY: A fence provided primarily for security which shall be of chain link construction and which shall be at least seventy five percent (75%) open. (Ord. 79-43, 4-21-80)

FENCE, ORNAMENTAL: An ornamental fence is a fence, the surface area of the fence being more than seventy five percent (75%) open. Ornamental fences may not be chain link or wire construction and may not have pointed or dangerous projections.

FIREARM FIRING RANGE: An area or facility designed and operated for individuals to engage in the activity of practice shooting of archery and/or firearms for commercial purposes. (Ord. 17-03, 6-5-17)

FIREARM RESALE SHOP: A retail store that derives its principal income from buying and selling firearms with or without the sale of ammunition and/or firearm accessories. (Ord. 17-03, 6-5-17)

FLOOR AREA: The total horizontal area of living space enclosed by the exterior walls of a building measured at the outside of such exterior walls including partitions, closets, bath, and utility rooms, but not including cellars, basements, unfinished attics, garages, breezeways, porches, and patios, and other spaces not used ordinarily for living, eating, and sleeping purposes. (Ord. 78-31, 3-5-79)

GARAGE, PRIVATE: A use housing not more than four (4) motor vehicles, not more than one (1) of which may be a commercial vehicle of not more than one and one-half (1 1/2) tons capacity, and not more than one (1) of which may be a camper, for the use of the occupants of the lot on which the private garage is located. Garages shall meet required yard areas as specified in this Title. Only one (1) garage per dwelling unit shall be allowed, either attached or unattached. Attached shall mean a minimum of a common roof and foundation between the dwelling unit and garage. (Ord. 78-31, 3-5-79; amd. Ord. 80-30, 11-17-80; amd. Ord. 02-25, 1-6-03; amd. Ord. 08-25, 11-3-08)

#### GOVERNMENTAL UNITS, BOARDS AND OFFICIALS:

- A. The word "Village" shall mean the Village of Morton, Illinois.
- B. The words "Village Board" shall mean the President and Trustees of the Village of Morton.
- C. The words "Plan Commission" or "Planning Commission" shall mean the Village of Morton Plan Commission.
- D. The words "Zoning Enforcing Officer" shall mean the officer designated by the Board of Trustees to enforce the Village of Morton Zoning Ordinance.
- E. The words "Zoning Board of Appeals" shall mean the Zoning Board of Appeals of the Village of Morton.

HEIGHT: See "Building Height." (Ord. 78-31, 3-5-79; amd. Ord. 84-3, 6-18-84)

**HOSPITAL:** A building having facilities for in-patient nursing care where physicians and other medical professionals diagnose and treat human ailments. (Ord. 78-31, 3-5-79)

**INTERSTATE CORRIDOR:** Each and every parcels of land located within the corporate limits of the Village of Morton, which is bounded on any side in any manner by any interstate right-of-way or fifty percent (50%) or more of the area of such parcel is located within five hundred (500) feet of any interstate right-of-way. (Ord. 94-31, 5-15-95; amd. Ord. 17-09, 7-5-17)

**KENNEL:** A structure for sheltering or keeping cats, dogs, bitches, and puppies for compensation, which either keeps or boards animals not belonging to a family dwelling on the premises, or keeps more than three (3) such animals that are more than six (6) months old.

**LANDSCAPED SCREENING:** A hedge of trees or shrubs suitable at maturity to visually screen one property from another. The term “landscaped buffers” and “landscape screening” are used interchangeably. See the “Plant Materials For Landscape Screening” section for appropriate plant materials and minimum sizes required. Equivalent materials of equal sizes may be substituted with approval of the Zoning Enforcing Officer. Landscaped screening, where required, must be continuously maintained. (Ord. 78-31, 3-5-79)

**LANDSCAPED YARD:** See “Yard, Landscaped.”

**LIVESTOCK FEEDING:** Any operation which stables or confines and feeds or maintains, for a total of forty-five (45) days or more in any twelve (12) month period, a combination of at least fifty (50) animal units, or its equivalency, as defined: (amd. Ord. 06-19, 7-10-06)

<u>Category</u>	<u>Animal Unit</u>
Brood cows and slaughter feeder cattle	1 animal unit
Milking dairy cows	1.4 animal units
Young dairy stock	0.6 animal units
Swine weighing over fifty-five (55) pounds	0.4 animal units
Swine weighing under fifty-five (55) pounds	0.03 animal units
Sheep, lambs, or goats	0.1 animal units
Horses	2 animal units
Laying hens or broilers (facilities with continuous overflow watering)	0.01 animal units
Laying hens or broilers (facilities with liquid manure handling system)	0.03 animal units
Ducks	0.02 animal units



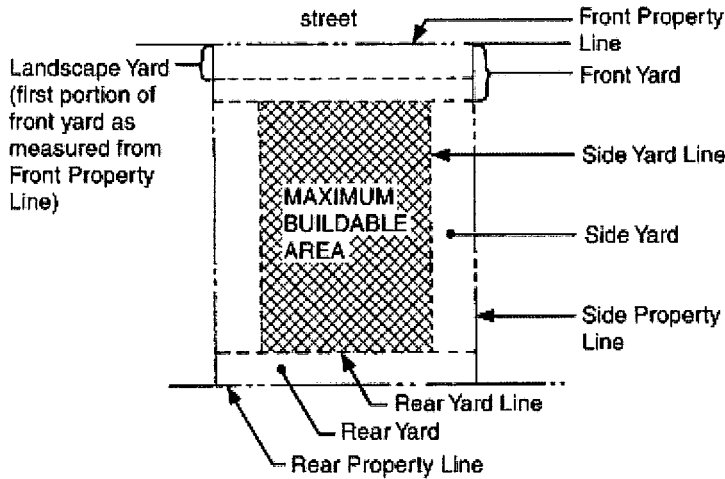
LOADING AND UNLOADING SPACE: See 10-8-7 of this Title.

LODGING HOUSE: See "Boarding House."

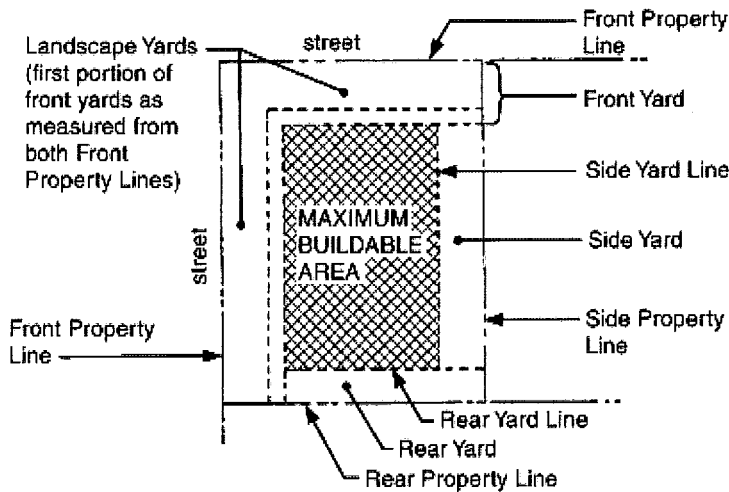
LOT: A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use and the customary accessories and open spaces belonging to the same.

LOT, CORNER: Parcel of land situated at the intersection of two (2) or more streets, or at and abutting the point or abrupt change of a single street where the interior angle is less than one hundred thirty five degrees ( $135^\circ$ ) and the radius of the street is less than one hundred feet (100').

LOT, INTERIOR: A lot other than a corner lot and which has lots on either side.



Zoning Lot - Interior



Zoning Lot - Corner

LOT OF RECORD: A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of Tazewell County, Illinois; or a parcel of land described by metes and bounds, the deed or description of which was recorded in the office of the Recorder of Deeds prior to the adoption of this Title. Ord. 78-31, 3-5-79)

MANUFACTURED HOME: A structure, transportable in one or more sections, which, in traveling mode, is eight body feet (8') or more in width or forty body feet (40') or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein. (Ord 98-45, 3-15-99)

**MOBILE HOME:** Any portable or mobile vehicle or trailer coach used for residential living purposes temporarily or permanently. For the purpose of this Title, such vehicle shall be classified as a mobile home whether or not its wheels, rollers, skids, or other rolling equipment have been removed, or whether or not any addition thereto has been built on the ground. (Ord. 78-31, 3-5-79; amd. Ord. 82-8, 8-2-82; amd. Ord. 84-9, 9-17-84; amd. Ord. 00-50, 3-5-01)

**MOBILE HOME PARK MOBILE HOME COURT:** A tract of land meeting the standards of the Tazewell County Health authorities and by the Illinois State Department of Health:

- A. Where one (1) or more trailer coach, manufactured home or mobile home is parked, excepting trailers used exclusively for transporting property as distinguished from persons;
- B. Which is used by the public as parking space for one (1) or more trailer coach, manufactured home, or mobile home. (Ord. 78-31, 3-5-79; amd. Ord. 98-45, 3-15-99)

**MODULAR HOME:** A building assembly or system of building sub-assemblies, designed for habitation as a dwelling place for one (1) or more persons, including the necessary electrical, plumbing, heating, ventilating, and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site, with a permanent foundation. (Ord. 78-31, 3-5-79; amd. Ord. 82-8, 82-82; amd. Ord. 98-45, 3-15-99)

**MOTOR FREIGHT TERMINAL:** A structure, facility, or premise for the handling of goods and materials in transit, including the parking, loading, and repairing of commercial motor vehicles. Employee sleeping accommodations shall be considered allowable by special use permit only. (Ord. 82-32, 4-4-83)

**NONCONFORMING STRUCTURE:** A structure lawfully existing at the time of adoption of this Zoning Ordinance which does not conform to the regulations of the district in which it is located.

**NONCONFORMING USE:** A use which lawfully occupied a structure or land at the time of adoption of this Zoning Ordinance which does not conform with the regulations of the district in which it is located. For the purposes of this Title, any use lawfully established on the effective date of this Zoning Ordinance which is nonconforming solely by virtue of lacking off-street parking or loading facilities as required hereafter for new uses, shall not be deemed a nonconforming use. (Ord. 78-31, 3-5-79)

**NURSERY SCHOOL:** A place where preschool education and instructional programs are offered for children. (Ord. 84-1, 5-21-84)

**OUTDOOR RECREATIONAL FACILITIES:** Facilities including but not limited to miniature golf, driving range, and related activities. (Ord. 86-21, 4-20-87)

**PARKING AREA, OFF STREET:** An open, hard-surfaced area of land, other than a street or public way, arranged and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.

**PARKING SPACE:** An area to the dimensions and layout as contained in Chapter 8, sufficient to accommodate one (1) automobile, convenient, accessible, and usable at all times without having to move any other vehicle.

**PLANNED RESIDENTIAL DEVELOPMENT:** A tract of land which is developed as a residential development under single ownership or control and which may not completely conform to all of the regulations of the district regulations.

**PLANT MATERIALS FOR LANDSCAPE SCREENING:**

- A. Deciduous shrub means a lower story plant that generally will not attain a mature height of more than fifteen feet (15') and usually has a dense branching pattern which is close to ground level. Such plants shed their leaves in winter. Any similar plant that will not attain a mature height of more than one foot (1') will not be regarded as a shrub. Examples include honeysuckle, lilac, forsythia, rose of sharon, and sumac.
- B. Evergreen shrub means a lower story plant that generally will not attain a mature height of more than fifteen feet (15') and usually has a dense branching pattern which is close to ground level. Such plants retain their foliage throughout the year. Any similar plant that will not attain a mature height of more than one foot (1') will not be regarded as a shrub. Examples include douglas arbor-vitae, chinese juniper, swiss stone pine, and irish yew.
- C. Evergreen tree means a tree that retains its foliage throughout the year which generally develops a pyramidal shape and grows to a mature height and spread that is greater than any pyramidal shaped evergreen shrub such as upright junipers and upright arbor vitae. Examples include spruce, pine, hemlock, and douglas fir.
- D. Intermediate tree means a deciduous plant characterized by a height and/or spread that is generally smaller than that of a shade tree under natural growing conditions. Such plants will shed their leaves and are dormant during the winter. Intermediate trees may have a single trunk or multiple trunk. Examples include bradford pear, crimson king maple, and crab apple.
- E. Shade tree means a deciduous plant which generally creates a tall and wide overhead canopy under nature growing conditions. Such plants will shed their leaves and are dormant during the winter. Shade trees will usually have a single trunk. Examples include oak, hard maple, birch, linden, and beech. (amd. Ord. 00-51, 3-19-01)

**PLAY STRUCTURE:**

- A. Length is less than forty percent (40%) of average yard width.
- B. Width is less than twenty-five percent (25%) of average yard width.
- C. Interior of enclosed structure may not exceed seven feet, six inches (7'6") in height.
- D. Interior of enclosed structure may not exceed sixty (60) square feet.

- E. Tallest point of structure cannot exceed fourteen feet, six inches (14'6") of the average soil height of the yard.
- F. Enclosed structure may not be insulated.
- G. Enclosed structure may not be used for storage of anything other than toys. Bikes, wagons, tricycles, or other wheeled structures are not considered toys.
- H. Only one (1) enclosed structure is allowed per play structure.
  - I. A play structure may not be placed in or on a concrete foundation; however, posts are acceptable and may be set in concrete.
  - J. Only one (1) play structure is allowed per lot. (Ord. 05-41, 2-6-06)
- K. Shall not include swing sets.

A swing set is defined as follows:

1. Structure constructed of metal, wood, or other materials with swings, a glider, and a slide.
2. Shall be exempt from the building permit process.
3. Shall meet all required setbacks for accessory structures. (Ord. 06-05, 5-1-06)

**PORTABLE STORAGE UNITS:** Any container, storage unit, shed-like container, or other portable structure that can be or is used for the storage of personal property. (Ord. 07-41, 10-1-07)

**RESIDENTIAL TREATMENT CENTER:** An establishment, including the operation of a professional pharmacy, and facilities for 24 hour in-patient care, where one or more physicians, psychologists, counselors, or other medical professionals diagnose and treat human physical and/or mental disorders. (Ord. 07-37, 10-1-07)

**REST HOME OR NURSING HOME:** A home for the aged, chronically ill, or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter and care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured. (Ord. 78-31, 3-5-79)

**RETIREMENT CENTER:** A building where three (3) or more persons not of the immediate family are lodged for hire and where they may be provided meals, health care, and rehabilitation activities, including physical and occupational rehabilitation services. The center may also provide adult day care and home health care services. (Ord. 84-25, 4-15-85)

**RINGELMANN NUMBER:** A particular designation of an area on the Ringelmann Chart that coincides most nearly with the visual density of smoke or particulate matter being observed.

**SHELTERS/TENTS:** Something which has no foundation, metal frame, and which can be used to enclose an area. (Ord. 07-41, 10-1-07)

**SIGNS:** Any commercial structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, of any civic, charitable, religious, patriotic, fraternal, or similar organization, or any sign indicating address.

**SIGNS, ADVERTISING:** A sign which directs attention to a business, commodity, service, or entertainment, not exclusively related to the premises where such sign is located or to which it is affixed.

**SIGNS, BUSINESS:** A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises on which such sign is located or to which it is affixed, or an adjoining premises in the case of a shared sign.

**SIGNS, TEMPORARY:** A non-permanent sign intended to be used for a short fixed period of time, including, but not limited to, political, real estate, construction, barker, and signs announcing a campaign drive or civic event. (Ord. 07-31, 9-4-07)

**SOLAR WATER SYSTEM:** A solar water system is one which produces domestic hot water. (Ord. 10- 20, 10-4-10)

**SPECIAL USES:** Any use of land or buildings described and permitted herein in accordance with the procedures of Section 10-10-2 of this Title.

**STORY:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen feet (14') in height shall be considered as an additional story for each fourteen feet (14') or fraction thereof. Any basement or cellar with more than one-half (1/2) its height above the established curb level, or above the level of the adjoining ground where curb level has not been established, shall be considered a story for purposes of height measurements.

**STORY, HALF:** As related to a structure, a basement or cellar level with not more than one-half (1/2) of its height above ground level. As a measurement relating to height limitations of structures other than buildings, half-story shall be seven feet (7').

**STREET:** A thoroughfare within the right of way which affords the principal means of access to abutting property. A street may be designated as an avenue, a boulevard, drive, highway, lane, parkway, place, road, thoroughfare, or by other appropriate name.

**STRUCTURE:** Anything constructed or erected which requires location on the ground or is attached to something having location on the ground including, but not limited to, buildings, walls, swimming pools, fences, billboards, signs, stadiums, platforms, radio towers, sheds, storage bins, antenna, and surfacing for vehicle parking and any other surfacing. (Ord. 78-31, 3-5-79)

**SUPPORTED LIVING FACILITY:** A maximum of four (4) family units may reside in the basement, first floor, and second floor where one (1) or more of the family units requires some form of support or supervision. A family unit is an individual or a married couple, or a descendant of either. (Ord. 14-32, 12-15-14)

**SUPPORTED LIVING FACILITY WITH LIMITED COMMERCIAL USE:** A supported living facility in which on the first floor there may be programs, including instructional and actual training with equipment for persons with disabilities. Incidental production of and sale of items produced in conjunction with the training is permissible. (Ord. 14-32, 12-15-14)

**SWIMMING POOL:** Any structure, basin, chamber, or tank containing an artificial body of water for swimming or wading, which is dug into the ground or which sits on the ground (including inflatable structures), and which has a depth of two feet (2') or more at any point. Depth shall be the height of the wall. Any device with a filtration system that is used for swimming or wading, regardless of depth, shall be considered a swimming pool and shall be located in the rear yard. For purposes of this definition, lakes and borrow pits shall not be considered basins. (Ord. 96-39, 3-17-97; amd. Ord. 01-25, 10-1-01)

**TASTING ROOM:** A room accessory only to a craft brewery where beer manufactured onsite is available on tap.

**USE:** The specific purpose for which land, a structure, or premises is designed, arranged, intended, or for which it may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

**VARIATION:** A deviation from the regulations or standards adopted by this Title which the Zoning Board is permitted to grant when strict enforcement would cause undue hardship owing to circumstances unique to the individual property, lot, structure, or premises for which the variance is sought.

**WIND ENERGY CONVERSION SYSTEM:** A machine that converts the kinetic energy in the wind into a usable form (commonly known as a "wind turbine" or "windmill"). (Ord. 07-04, 5-7-07)

**WINERY:** An establishment where wine is manufactured onsite and offered for sale at retail for use or consumption onsite or offsite. Not more than fifty thousand (50,000) gallons of wine per year may be manufactured at a specified location for such location to be considered a winery.

**YARD:** An open space on the same zoning lot with a building or group of buildings which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Title, and which extends along a lot line and at right angles thereto to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

YARD, FRONT: A yard extending across the full width of the zoning lot and lying between the front line of the lot and the nearest line of a building. Corner lots with property on two (2) intersecting streets shall provide two (2) front yards to meet the front yard requirements set forth herein. Reverse frontage or through lots having access on two (2) non-intersecting streets shall be required to provide a front yard on only one (1) street that upon which the proposed structure is to front unless both streets providing access serve as fronting streets for adjoining properties, in which case, a front yard shall be provided on both streets providing access.

YARD, REAR: A yard extending across the full width of the zoning lot and lying between the rear line of the lot and the nearest line of the principal building.

YARD, SIDE: That part of the yard lying between the nearest line of the principal building and a side lot line and extending from the required front yard (or from the front lot line, if there is no required front yard) to the required rear yard.

YARD, LANDSCAPED: The portion of the front yard a distance in depth as specified herein and right of way upon which the property fronts, or from the edge of the proposed right of way, if the fronting street or street rights of way are less than specified on the Official Map.

ZONING LOT: See "LOT." (Ord. 78-31, 3-5-79)

**SECTION 2:**        **AMENDMENT** "10-6-3: B-2 General Business District" of the Morton Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 10-6-3: B-2 General Business District

###### A. Permitted Uses:

1. All uses permitted as a "permitted use" in the B-1 Professional Office District.
2. Banks, savings and loans, and other financial institutions.
3. Book and stationery stores.
4. Camera and photographic supply stores.
5. Candy and ice cream stores, including stores where commodities are produced on premises for sale exclusively on the premises.
6. Carpet and rug stores.
7. China and glassware stores.
8. Department stores.
9. Drugstores.
10. Dry cleaning and laundry pick-up stations.
11. Dry goods stores.
12. Electric and household appliance stores, including radio and television sales and repair.
13. Furniture stores, including upholstery when conducted as part of the retail



operation and secondary to the principal use.

14. Garden supply stores.
  15. Gift shops.
  16. Haberdashery.
  17. Hardware stores.
  18. Hobby shops for retail of items to be assembled or used away from the premises.
  19. Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
  20. Jewelry stores, including watch repair.
  21. Laboratories, medical, and dental research and testing.
  22. Laundromats and dry cleaning machines with not more than three (3) employees.
  23. Leather goods and luggage stores.
  24. Libraries and reading rooms.
  25. Liquor, beer, and wine outlets.
  26. Musical instruments, sales and repair facilities.
  27. Office supply stores.
  28. Paint and wallpaper stores.
  29. Pet stores, but not including outdoor kennels or runways.
  30. Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises.
  31. Post offices.
  32. Public meeting halls.
  33. Restaurants, tea rooms, and taverns (but not drive-in or drive-through restaurants where food is provided to customers in cars).
  34. Sales and display rooms.
  35. Shoe stores and shoe repair.
  36. Sporting goods store.
  37. Supermarkets and retail food stores.
  38. Tailor or dressmaking shops.
  39. Telegraph, telephone, or utility offices.
  40. Temporary outdoor demonstrations and exhibitions of merchandise primarily for outdoor use.
  41. Theaters (not drive-ins).
  42. Toy shops.
  43. Variety shops. (Ord. 78-31, 3-5-79)
  44. Printing and publishing having not more than fifteen (15) employees other than office and maintenance employees. (Ord. 84-2, 6-18-84)
  45. Bed and Breakfast Establishments. (amd Ord. 09-20, 8-3-09)
  46. Esports cafes.
- 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:
1. Any use permitted as a special use in the B-1 Professional Office District.

2. Automobile service stations and public garages, including new and used car sales rooms.
3. Bus depots and cab stands.
4. Drive-in or drive-through restaurants where food is provided to customers in cars.
5. Frozen food stores, including locker rental in conjunction therewith.
6. Funeral homes, mortuaries, and crematories.
7. Radio and television broadcasting studios and transmitting towers.
8. Restricted production and repair, limited to the following: art, needlework, clothing, custom manufacturing, and alterations for retail only, jewelry from precious metals, watches, dentures, and optical lenses.
9. Service, cleaning, or repair shops for personal, household, or garden equipment.
10. Veterinarian or animal hospital without outdoor kennels or runways.
11. Food processing and retail sales.
12. Retail sale of automobile supplies and auto parts. (amd. Ord. 01-28, 11-5-01)
13. Restaurants, taverns, and similar establishments serving alcoholic liquors with an outdoor eating, drinking, or seating area. (amd. Ord. 08-44, 4-20-09)
14. Car Washes. (amd. Ord. 13-31, 3-3-14)
15. Firearm resale shop. (amd. Ord. 17-03, 6-5-17)
16. Firearm firing range. (amd. Ord. 17-03, 6-5-17) 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:
17. Brew pub.
18. Craft brewery.
19. Winery.

20. Dance, music or art studio

- C. Required Yard Area: Every building hereafter erected or structurally enlarged shall provide the following yard requirements, except for lots of record which shall meet reduced requirements of Section 10-4-4, and except for those general exceptions to yard requirements as outlined in Section 10-4-3:
1. Front Yard: The front yard shall be equal to the building height but in no case less than twenty five feet (25) unless the exception set forth in Section 10-4-3 {G} applies, and in the instance such exception applies the required front yard shall be equal to the building height but in no case less than eighteen feet nine inches {18'9"}.
  2. Side Yard: The side yard shall be a minimum of ten feet (10') for buildings of two and one-half (2 1/2) stories or less, unless an existing adjoining property provides no side yard, in which case the property need provide no side yard. Ten foot (10') side yard is minimum required side yard for buildings of two and one-half (2 1/2) stories or less where buildings are separated. For unattached building of more than two and one-half (2 1/2) stories, the side yard shall be increased five feet (5') for each story or portion of story above two and one-half (2 1/2) stories.
  3. Rear Yard: The rear yard shall be not less than eight feet (8').

4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.
    - a. Ornamental fences not exceeding six feet (6') in height are permitted within the front yard. Enclosure fences are not permitted in front yards.
    - b. Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)
  5. Pavement: Access walks, drives and parking areas not encroaching on the landscaped front yard shall be no closer than 10 feet (10') to the side property line and eight feet (8') to the rear property line. Landscape screening shall be required whenever pavement is closer than the building setback line.
  6. Parking Lot Light Poles: Parking lot light poles may extend an additional three feet (3') into the required landscaped yard setback., All outdoor lighting in any business or industrial district shall be installed so that lighting throw does not fall beyond any property line.
  7. Noise-Emitting Mechanical Equipment. On properties adjacent to residential districts, mechanical equipment emitting noise such as air-conditioning compressors and similar equipment emitting noise such as air-conditioning compressors and similar equipment may be located in side or rear yards but in no case any closer than twelve feet (12') to the side yard property line of the adjacent property, and in all instances so installed and directed to be of minimum annoyance to the adjacent property. Back-up generators may be located in side or rear yards but in no case closer than six feet (6') to the side yard property line of the adjacent property.
- D. Building Height: No building shall be erected or enlarged to exceed a height of two and one-half (2 1/2) stories or thirty five feet (35'), except for those general exceptions to height limitations listed in Section 10-4-3. Buildings of up to five (5) stories or seventy feet (70') in height may be permitted as a special use subject to the public hearing and other special permit requirements as outlined in Chapter 10 of this Title.
- E. Required Off-Street Parking And Loading: Required off-street parking and loading shall be provided as outlined in Chapter 8 of this Title. (Ord. 78-31, 3-5-79). All drives,, parking and loading areas shall be hard surfaced with bituminous concrete or concrete.
- F. Required Construction Area And Composition: A building which is erected or enlarged shall conform to the following:
1. It shall rest upon footing or foundation. This shall not be construed to prohibit pole buildings or post frame buildings if set in concrete.
  2. It shall have sanitary facilities which comply with all other requirements of the Morton Municipal Code. This provision shall not apply to those buildings used exclusively for storage or warehousing.
- G. Interstate Corridor: In the event the property is located within an interstate corridor, then the required lot size, required yard area, and driveways and parking areas, shall be as set forth in Title 10, Chapter 4, Subsections 7(B) and (C). The provisions of Title

10, Chapter 4, Subsection 7(G) shall also apply. (Ord. 94-31, 5-15-95)

H. **Landscaped Buffers or Screening Required:** Newly established business uses adjacent to or backing on property zoned in the residential districts shall provide and continuously maintain on that property line a dense hedge, tree row, or other similar landscape device suitable to visually screen the differing types of adjacent uses from one another.

**SECTION 3: REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**SECTION 4: SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 5: EFFECTIVE DATE** This Ordinance shall be in full force and effect from and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE VILLAGE OF MORTON PRESIDENT AND BOARD OF TRUSTEES \_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Trustee Blunier	_____	_____	_____	_____
Trustee Hilliard	_____	_____	_____	_____
Trustee Leitch	_____	_____	_____	_____
Trustee Menold	_____	_____	_____	_____
Trustee Parrott	_____	_____	_____	_____
Trustee Newman	_____	_____	_____	_____

Presiding Officer

Attest

\_\_\_\_\_  
Jeffrey L. Kaufman, Village President,  
Village of Morton

\_\_\_\_\_  
Zo M. Evans, Village Clerk, Village  
of Morton

**AGENDA**  
**PLAN COMMISSION OF THE VILLAGE OF MORTON, ILLINOIS**  
**6:00 P.M.**  
**MONDAY, DECEMBER 19, 2022**  
**FREEDOM HALL, 349 W. BIRCHWOOD ST., MORTON, ILLINOIS**

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

**II. Approval of Minutes** **Regular Meeting – November 28, 2022**

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

**Petition No. 22-08 ZA:** Subject property is located at 316 S. Main St. (PIN 06-06-20-226-014). A petition has been filed requesting a zoning change from B-2 to B-3.

**Petition No. 22-09 SP:** Subject property is located at 3900 W. Jackson St. (PIN 05-05-12-214-007). A petition has been filed requesting a zoning change from B-3 with a special use permit for a mason contractor's office/warehouse with outdoor storage of materials to B-3 with a special use to include outdoor storage of motor homes, boats, trailers, and operable vehicles.

**AN ORDINANCE MAKING AMENDMENTS TO TITLE 10 OF THE MORTON MUNICIPAL CODE REGARDING DANCE, MUSIC AND ART STUDIOS IN THE B-2 ZONING DISTRICT**

**IV. Other Business: None**

**V. Brad Marks:**

**VI. Adjourn**





**MORTON PLAN COMMISSION  
MINUTES-NOVEMBER 28, 2022**

The Plan Commission met on Monday, November 28, 2022, at 7:00 P.M., Chairman Keach presiding. Present: Geil, Knepp, Ritterbusch, Keach, Zobrist, Aupperle, DeWeese. Absent: Yordy. Also, in attendance: Zoning Officer Brad Marks, Trustee Craig Hilliard, and Attorney Pat McGrath.

Aupperle made a motion to approve the minutes from the August 22, 2022, meeting. Knepp seconded the motion to approve. The August 22, 2022, minutes were unanimously approved by a voice vote.

**Public Hearing(s):**

**Petition No. 22-08 ZA:** Subject property is located at 316 S. Main St. (PIN 06-06-20-226-014). A petition has been filed requesting a zoning change from B-2 to B-3. Ron Hasinger spoke on behalf of one of the petitioners (Amy Vance). Transcripts provided for more information. The following people spoke to the board: Amy Vance (petitioner), Ann Van Der Voorn (petitioner), Shad Beaty, Gina and Justin Jeffries, Amie Pearce, CJ Horsley, and Rick Hewitt. Once the public comment portion of the meeting was closed, the Plan Commission had discussion amongst themselves. After discussion, a motion to table the proposed zoning amendment was made by Ritterbusch. A second motion to table was made by DeWeese. This was followed by a vote to table the proposed zoning amendment.

**Yes-**Keach, Knepp, Aupperle, Ritterbusch, Geil, DeWeese, Zobrist.  
**No-**None

**Petition No. 22-08 ZA was approved to table.**

**AN ORDINANCE MAKING AMENDMENTS TO SECTION 10-4-3 OF THE MORTON MUNICIPAL CODE REGARDING LANDSCAPE YARD REQUIREMENTS.** Zoning Officer Marks requested that this item be tabled. Citing that staff is still working on the proposed changes. A motion to table was made by Geil. A second motion to table was made by Keach. This was followed by a vote to table.

**Yes-**Knepp, Geil, Ritterbusch, Aupperle, Deweese, Zobrist, Keach.  
**No-**None

**Proposed ordinance was approved to table.**

**AN ORDINANCE MAKING AMENDMENTS TO TITLE 10 OF THE MORTON MUNICIPAL CODE REGARDING ACCESSORY BUILDINGS, STRUCTURES AND USES.** Zoning Officer Marks stated that the ordinance revisions being proposed helps to clarify the past practices regarding allowable square footage for accessory structures. Attorney McGrath also provided clarification on the proposed revisions (transcripts provided). No one from the public spoke. There was no discussion amongst the board. A motion to approve was made by

Zobrist. A second motion to approve was made by Aupperle. This was followed by a vote to approve.

**Yes**-Knepp, Geil, Ritterbusch, Aupperle, Deweese, Zobrist, Keach.

**No**-None

**Proposed ordinance was approved.**

**Other Business:**

None

**Brad Marks:**

Nothing

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

<p style="text-align: right;">Page 1</p> <p>1 PLAN COMMISSION OF THE VILLAGE OF MORTON, ILLINOIS</p> <p>2 DATE: November 28, 2022</p> <p>3 TIME: 7:00 p.m.</p> <p>4 PLACE: Freedom Hall 349 West Birchwood Morton, Illinois 61550</p> <p>5</p> <p>6 COMMISSION MEMBERS PRESENT:</p> <p>7 Mr. Jeff Keach Mr. Gerald Ritterbusch 8 Ms. Kara Knepp Mr. Bill Aupperle 9 Mr. Phil Zobrist Mr. Chad DeWeese 10 Mr. Nathan Geil Mr. Pat McGrath 11 Mr. Brad Marks Mr. Craig Hilliard 12</p> <p>13 MR. KEACH: I'll call this meeting to order 14 of the Planning Commission of the Village of Morton, 15 Illinois, for Monday, November 28th, 2022. Can I have 16 a roll.</p> <p>17 MR. MARKS: Geil.</p> <p>18 MR. GEIL: Here.</p> <p>19 MR. MARKS: Knepp.</p> <p>20 MS. KNEPP: Here.</p> <p>21 MR. MARKS: Ritterbusch.</p> <p>22 MR. RITTERBUSCH: Here.</p> <p>23 MR. MARKS: Keach.</p>	<p style="text-align: right;">Page 3</p> <p>1 MR. MARKS: Yes, the first one. Staff is 2 still working on that ordinance.</p> <p>3 MR. KEACH: Okay. So we have two items 4 tonight. Before we have the public hearings, though, 5 we're going to have counsel, Pat McGrath, tell us 6 about public hearings.</p> <p>7 MR. McGRATH: Thank you. Public hearings 8 are being held tonight pursuant to published notice. 9 Any person wishing to address the plan commission will 10 be afforded an opportunity do so and will give their 11 testimony under oath or affirmation. That means, the 12 practical matter is, before you go up to the podium 13 and speak, you need to be recognized by our chair, and 14 you need to approach our court reporter to be sworn in 15 under oath or affirmation.</p> <p>16 Your time to testify is from the podium, not 17 from the stands. So, while you're seated, if you 18 could refrain from comment until you're recognized by 19 the Chair and provide comment at the podium. That 20 allows us to keep a record. We have a court reporter 21 who makes a record, and she can't get statements from 22 people at the microphone and also people in the 23 audience talking concurrently.</p>
<p style="text-align: right;">Page 2</p> <p>1 MR. KEACH: Here.</p> <p>2 MR. MARKS: Zobrist.</p> <p>3 MR. ZOBRIST: Here.</p> <p>4 MR. MARKS: Aupperle.</p> <p>5 MR. AUPPERLE: Here.</p> <p>6 MR. MARKS: Yordy.</p> <p>7 (No response.)</p> <p>8 MR. MARKS: Absent. DeWeese.</p> <p>9 MR. DeWEESE: Here.</p> <p>10 MR. MARKS: We have a quorum.</p> <p>11 MR. KEACH: Do I have a motion to approve 12 the minutes from the regular meeting from August 22nd, 13 2022?</p> <p>14 MR. AUPPERLE: I'll make a motion.</p> <p>15 MS. KNEPP: I'll second.</p> <p>16 MR. KEACH: Motion and a second.</p> <p>17 MR. MARKS: All in favor say aye.</p> <p>18 ALL IN UNISON: Aye.</p> <p>19 MR. MARKS: Oppose the same. Approved.</p> <p>20 MR. KEACH: Tonight we have a couple public 21 hearings. I think we're going to continue until the 22 next meeting the one about landscaping. Is that 23 right?</p>	<p style="text-align: right;">Page 4</p> <p>1 At the conclusion of the public hearing, the 2 Plan Commission will make its recommendation to the 3 Village Board. The Plan Commission is responsible for 4 making representations only. The Village Board takes 5 final action on these matters.</p> <p>6 The Plan Commission has adopted rules of 7 procedure for hearings of this nature. Among other 8 things, those rules provide that if there are numerous 9 individuals in the audience who would like to 10 participate on an issue and if it's known that all 11 represent the same opinion, it is advised that a 12 spokesperson be selected to speak for that group.</p> <p>13 If that arrangement cannot be made, it may 14 be necessary or in order for the chairman to restrict 15 the amount of time that each individual is afforded to 16 be heard during their turn to speak.</p> <p>17 Further, pursuant to those rules of 18 procedure, testimony given should be germane to the 19 request at hand. The request at hand today as to the 20 primary hearing, which I believe people are here for, 21 hearing 22-08 ZA, is whether the property at 316 South 22 Main Street shall be rezoned from the B-2 to the B-3 23 district. Testimony for this hearing which is not</p>

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1 related to whether the property should be rezoned is  
 2 irrelevant.

3 As set forth in the village code, relevant  
 4 factors to rezoning include existing uses of other  
 5 property within the general area of the subject  
 6 property, evidenced recent trends and land use  
 7 development for the general area, any conditions which  
 8 render the property less desirable or inappropriate  
 9 for the uses to which it is presently zoned, and  
 10 whether the zoning amendment, if granted, serves the  
 11 public interest and does not solely benefit the  
 12 property or the applicant alone.

13 Finally, we do have a number of people here.  
 14 We do have some additional chairs. If anybody needs a  
 15 chair who does have a chair to sit down at this point,  
 16 if you could let us know, either raise your hand now  
 17 or if, as the matter progresses, you need a chair,  
 18 raise your hand and we'll get you some. We do have  
 19 some additional space and some additional chairs to  
 20 accommodate. We probably don't have enough room for  
 21 everybody to have a chair and still maintain  
 22 appropriate walkways for emergency exit, but, if you  
 23 do need a chair and you don't have one, wave at me or

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1 wave at Brad or the zoning administrator or Trustee  
 2 Hilliard, and one of us can accommodate you and get  
 3 you a chair. Thank you.

4 MR. KEACH: Thank you, Mr. McGrath. So the  
 5 first item on the agenda this evening for the public  
 6 hearing Petition No. 22-08 ZA. Subject property is  
 7 located at 316 South Main Street. A petition has been  
 8 filed requesting zoning change from B-2 to B-3.

9 Is there anybody here tonight who would like  
 10 to speak on behalf of the petitioner? This is not  
 11 public opinion. This is somebody who is officially  
 12 speaking for the petitioner. Nobody? Stand and be  
 13 sworn.

14 MR. HASINGER: Speaking on behalf of Amy  
 15 Vance at Center Stage.  
 16 (Witness sworn.)

17 MR. KEACH: Please state your name and  
 18 address, and anybody who speaks tonight should do the  
 19 same. Thank you.

20 MR. HASINGER: Sure. Ron Hasinger. I live  
 21 at 1501 Brookcrest Avenue in Morton. I've lived in  
 22 Morton since -- pretty much since 1999, raised three  
 23 kids here, one of them is here in the audience today;

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1 it is Gabrielle with a lot of her friends. She's been  
 2 dancing at Center Stage since she was eight years old.  
 3 She's a junior at Morton right now.

4 I've been associated with the studio as a  
 5 dance dad. I'm also an attorney. I'm not currently  
 6 practicing, but I have practiced law in town. Amy  
 7 asked me to speak on her behalf tonight, and I'm here  
 8 primarily as a concerned dance dad.

9 I'm aware of the factors and what we're here  
 10 for tonight. I want to set a little context as to how  
 11 we're here. Amy Vance, seated in the front row here,  
 12 has owned and operated Center Stage Academy of Dance  
 13 for 20 years at 117 West Jefferson Street. The entire  
 14 time she's operated it, it's been B-2.

15 Prior to Amy owning it, my understanding is  
 16 that Carousel had that property and ran a school of  
 17 dance for at least ten years. Combined, you've got 30  
 18 years of a dance studio in a B-2 use with no issues  
 19 and no problems, no trouble with the zoning board,  
 20 nothing brought to their attention ever.

21 Relying on her B-2 status, somehow Amy  
 22 survived COVID. There's a lot of businesses who  
 23 didn't; Amy did. And not only did she survive, she

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1 ended up thriving after COVID, enough to open up  
 2 another small studio over at 316 South Main, which is  
 3 the subject property owned by Ann, who I recently met,  
 4 Ann has owned that property for a while, and it  
 5 also -- she had rented it to a studio. The name  
 6 was -- remind me.

7 UNIDENTIFIED SPEAKER: Inspired Arts.  
 8 MR. HASINGER: Inspired Arts, music, art,  
 9 and a dance studio for three years. Approximate  
 10 years -- and I know Ann is going to speak on her own  
 11 behalf later -- 2012 to 2015. She can correct that if  
 12 I'm wrong.

13 But that is to say, dance -- the history of  
 14 dance studios in Morton has been largely B-2 and  
 15 without any problem that I think anyone could bring to  
 16 your attention tonight; yet, Amy relies on the B-2  
 17 status, Ann relies on the B-2 status and the prior use  
 18 as a dance studio to make a transaction.

19 It's a small studio. There's not a ton of  
 20 kids there. Amy has 280 students, but this place  
 21 has -- I saw it, it's not all that big. And reliance  
 22 on this B-2 status, there they go. She has this  
 23 additional space.

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1 So what happens next? I guess there's word  
 2 from zoning that, oh, no, dance studios are B-3. It's  
 3 like, well, wait a minute, dance studios have been B-2  
 4 in the village forever, as far as we know, and no  
 5 problems. So it's hard to understand even why we're  
 6 here today.

7 You know, dance studios don't appear  
 8 anywhere specifically in the code; B-1, B-2, B-3,  
 9 anywhere else. I get that B-3 is kind of a catchall  
 10 for what doesn't fall into B-2, but it's like, here,  
 11 you've been a great business in Morton with no  
 12 problems for three decades, Amy for two, and now we're  
 13 going to pull a technicality on you, and you can't  
 14 operate in B-2.

15 Just on its face, it's ridiculous. And I --  
 16 I don't know that anyone means any harm. I listen to  
 17 some of the trustees with safety concerns, other  
 18 things, parking. Honestly, none of it made any sense,  
 19 but I think at least some of the trustees did have  
 20 honest concerns about that, and I appreciate that.  
 21 And some of the trustees even support Amy, not enough  
 22 to get a different thing in front of this board today,  
 23 but we have the rezoning, which is the tougher of the

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1 two, frankly, to be in front of you, and you all know  
 2 that.

3 The safety concerns, the parking concerns,  
 4 all I would say was, somebody provide the evidence of  
 5 anyone being hurt at Center Stage Academy of Dance at  
 6 117 West Jefferson in 20 years. That's a pretty busy  
 7 street. I'm sure there's been some accidents maybe,  
 8 but no more than any other street.

9 All we have to do is -- I heard one trustee  
 10 say, well, if you let it be B-2, then you could have  
 11 dance studios in every parcel downtown except like  
 12 nine or ten that are B-1. I said, yeah, that's --  
 13 okay, technically that's true, but it's a ridiculous  
 14 argument because you could have that many Dairy  
 15 Queens. And how many of you have not been to Dairy  
 16 Queen and seen there's no place in town where there's  
 17 more kids around; no place.

18 So it's interesting that we're here tonight.  
 19 I understand the footing we're on. We're going to  
 20 give it a go on the rezoning. And I would say even  
 21 under the four pieces of the rezoning, I think Center  
 22 Stage and Ann win the day here. Let me talk a little  
 23 bit about that, and I expect that maybe Ann and others

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1 may be able to provide some more facts bearing on  
 2 these things.

3 So should 316 South Main be rezoned to B-3,  
 4 yes. The four factors -- let's start with the first  
 5 ones -- existing uses of property in the general area.  
 6 I don't know, when I look at the map and see the uses,  
 7 I think it could easily be a B-3 little piece of a  
 8 district. I'm not sure I was looking at the most  
 9 up-to-date zoning map, but it seemed like there was  
 10 B-3 across the street, B-3 towards Birchwood.

11 And the uses -- just up the street, one is  
 12 the pumpkin park. I don't know the actual name of the  
 13 park. I call it the pumpkin park. I like the pumpkin  
 14 park. Gabrielle goes there with her friends, used to  
 15 go there, I don't know if she still does; she can  
 16 drive now. The pumpkin park, I don't know what the  
 17 zoning is. I don't know. But if it were public -- if  
 18 it were private, I think it might fall under an  
 19 outdoor recreation area -- under outdoor recreation  
 20 facility under B-3 in the code.

21 I'm not saying it's zoned improperly; I'm  
 22 just saying the use is kids. There's a lot of kids  
 23 that go to that park. And some of the argument

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1 against this is safety of the kids that are going into  
 2 the small dance studio. And, of course, right next to  
 3 the pumpkin park and not far away, you have Dairy  
 4 Queen. And I really -- there's not much else to say  
 5 about safety in B-2.

6 If you think a dance studio is unsafe, you  
 7 ought to shut down Dairy Queen, but I realize that ice  
 8 cream shops are a permitted use in B-2. And, God, I'm  
 9 not saying shut down Dairy Queen. I promise that.

10 Ice skating rinks, I love ice skating. My  
 11 kids played hockey. I coached hockey. Put an ice  
 12 skating rink there, that's great. I realize it's a  
 13 short period of time. I'm not saying that's a zoning  
 14 violation, but when you're looking at existing uses in  
 15 the area and what a B-3 might look like, I think this  
 16 could be a B-3, not much different than some of your  
 17 other B-3s.

18 The second factor is evidenced recent trends  
 19 in land use development. I don't know a ton about  
 20 recent trends in Morton, but two of the ones I just  
 21 mentioned are fairly recent. I would just say the  
 22 pumpkin park, I can remember when it wasn't there. I  
 23 think it's a good thing that it's there, but this is a

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1 place for kids to play right next to Main Street.  
 2 Right? And they do, and they do it safely.  
 3 And then the ice rink, which is a recent  
 4 short-term use, but, yeah, it's an ice rink, and it's  
 5 right next to -- it's right next to -- a third factor,  
 6 conditions that render the property less desirable or  
 7 inappropriate for uses zoned. Ann has spoken on this  
 8 quite eloquently to the trustees a couple times that I  
 9 saw on the video.  
 10 And she would tell you that, yeah,  
 11 conditions have changed; COVID has changed a lot; and  
 12 she's trying to rent out a building down there in the  
 13 300 block of South Main, and it's difficult. It's  
 14 difficult because of COVID and people a little less  
 15 willing to take that risk right now, and, on top of  
 16 that, other things that have changed and continue to  
 17 change.  
 18 Retail is just difficult because of Amazon  
 19 and all these other online retailers, and it keeps  
 20 getting worse. And I'm sure Ann will probably testify  
 21 today that it's hard for her to rent, and, in B-2, a  
 22 lot of the uses there are B-2. So we think that third  
 23 factor weighs in favor of rezoning as well.

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1 And the last one is frankly a homerun for  
 2 this group. It's: Does the zoning amendments serve  
 3 the public interest and not benefit the property  
 4 applicant alone? Ann's the property owner; Amy is the  
 5 current use in there that's at issue. This one's a  
 6 big win for them. Ann and Amy -- Amy, in particular,  
 7 if she's in business to get rich, she should have quit  
 8 a long time ago. She would admit that to you.  
 9 That's not what this business is about.  
 10 I've been associated with them for a very long time.  
 11 The kids, the families; hundreds of kids, she's got  
 12 280 now. She's served thousands of kids over the  
 13 years and their families, and they benefit, and a lot  
 14 of them are here tonight. This place is packed, and  
 15 that's good to see.  
 16 Kids can go there. They can learn this  
 17 skill of dancing, which is hard. It's physical  
 18 fitness; it's teamwork; you learn leadership. You  
 19 might -- you learn to be an instructor. Gabrielle and  
 20 some of her friends, they're helpers, and Gabrielle  
 21 has been able to even -- she's 16, and she taught a  
 22 hip hop class for adults, thanks to being with Amy and  
 23 her talented crew there of teachers. A long record of

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1 serving the community, Amy and her team. I'll talk a  
 2 little bit more about that, and I think others will  
 3 too, a couple other quick points.  
 4 So the four factors, I believe, we believe,  
 5 favor rezoning to B-3. Now, traffic, parking, safety,  
 6 I've heard all of these things, and I -- I'll say it  
 7 again, it's good that people care. I'm trying not to  
 8 doubt motives. I was a police officer for seven years  
 9 in a town twice the size of Peoria, Raleigh, North  
 10 Carolina. I worked for Caterpillar in the HR labor  
 11 relations. I'm the CHRO of the Children's Home. I  
 12 was with the Vonachen Group. My current job I'm in  
 13 charge of safety. My last job I was in charge of  
 14 safety. Everybody at Caterpillar knows safety.  
 15 I don't know what they're talking about,  
 16 honestly. I think people are surmising safety issues  
 17 that all you have to do -- you don't have to surmise.  
 18 All you have to do is look at the record. Tell us how  
 19 many kids got hurt at Amy's studio outside in 20  
 20 years; that's all you have to look at. West Jefferson  
 21 Street is not much different than that 300 block of  
 22 Main.  
 23 There's parking, ample. I think Ann said

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1 she has 28 parking spots.  
 2 UNIDENTIFIED SPEAKER: 22.  
 3 MR. HASINGER: I'm sorry?  
 4 UNIDENTIFIED SPEAKER: 22.  
 5 MR. HASINGER: Some are in front, and she's  
 6 got an entrance from Main Street. People can go out  
 7 to First Street. And I would say in the room here, do  
 8 you think this many people would be here in support --  
 9 I'm fairly certain they're supporters, and they're not  
 10 going to get up and testify against -- would they be  
 11 here if they thought this place was unsafe for their  
 12 kids? You don't have to be their parents. Their  
 13 parents are here, and they take care of them. This  
 14 isn't any different than any place in B-2 or B-3.  
 15 Traffic, parking, safety, these are not  
 16 reasons to not do this. Community, we say we're  
 17 business friendly. I know -- if I can find it -- a  
 18 junior in high school sent me this text. It's just  
 19 crazy to me. If you look at the city council website,  
 20 they claim all these great things about being a  
 21 welcoming location and environment for small  
 22 businesses while they're trying to lock out one of the  
 23 most successful ones downtown after having a very



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1 significant impact on thousands of kids and families  
 2 in Morton for the past 20 years. All of a sudden, its  
 3 location is an issue.  
 4 Of course, that's Gabrielle. I didn't feed  
 5 that to her. She did that on her own. And the point  
 6 is just this, yeah, she's a junior. I think she's a  
 7 genius, but it doesn't take a genius to see what's  
 8 happening. And I think we lose track of what the  
 9 zoning code's purpose is. And it's stated in the code  
 10 at 10-1-2, promote the public health, safety, comfort,  
 11 morals, and welfare. It's the whole purpose of Title  
 12 10 of your own code.  
 13 I think sometimes we accidentally get away  
 14 from that. We don't think about what we're here for.  
 15 All you have is a thriving business that's done very  
 16 well in B-2, and, you know what, it's going to do just  
 17 fine in B-3 if you find that those four factors lead  
 18 to it being rezoned. I think it would be appropriate,  
 19 and it would definitely solve the issue of this  
 20 injustice that could happen here.  
 21 So, in summary, I will just mention about  
 22 the community a little bit more here. Amy and her  
 23 staff, family and kids, and I've been -- I go to dance

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1 competitions, and they let me in, and I'll even come  
 2 in and watch them practice occasionally. I've gotten  
 3 to know Amy and some of her team over the years.  
 4 They're not here for themselves. They're here for the  
 5 kids, and the kids benefit greatly.  
 6 Every year at recital, I'm going to say  
 7 there's not a dry eye in the house. I know mine  
 8 aren't when there are a group of seniors every year.  
 9 We hear about all their time they spent at Center  
 10 Stage and what they're going to go on to do, and some  
 11 of them make the best friends they'll ever have at  
 12 that place. I think Gabrielle has. It's a big deal.  
 13 So what we're asking is that you do the  
 14 right thing, do what the spirit of and the purpose of  
 15 the zoning code is, and this is a 30-year ongoing use  
 16 with no problems. Just let them stay in this little  
 17 piece of Main Street, and that's all I have.  
 18 MR. KEACH: This is time for our board, if  
 19 we have any questions for the petitioner, at this  
 20 point.  
 21 MR. ZOBRIST: I don't have a question, but I  
 22 think it's beneficial for everybody that's here to  
 23 know that the emotional appeals, the logic, and

Page 19

1 whatever behind this is all great. I don't think  
 2 there's any of us up here -- I won't speak for the  
 3 rest of them -- that would say that there's something  
 4 illogical, but our job as a zoning board, planning  
 5 commission really is what we are, is only for land  
 6 use.  
 7 So we have to keep out all the other things  
 8 because that would be something the village board can  
 9 do. We don't have that power. And land use is all  
 10 we'll look at. So the question is, should it be B-3,  
 11 and you've addressed the reasons for that, and we can  
 12 respond later, but I just want to make it clear that  
 13 that's all we can do is judge it on land use.  
 14 MR. HASINGER: If I could respond. Part of  
 15 land use is providing predictability for business.  
 16 And I don't know what Amy or Ann should have done  
 17 differently. They both operated B-2.  
 18 MR. ZOBRIST: But in our --  
 19 MR. HASINGER: And the zoning never brought  
 20 anything up to them, and, all of a sudden, somebody  
 21 comes out of the woodwork with, oh, you guys are B-3.  
 22 Even though we allowed these uses, and including Ann's  
 23 from, what, 2012 to '15, there was a dance studio

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1 there. So I understand what you're saying, sir. I  
 2 get it, and that's why I made the arguments for the  
 3 B-3.  
 4 MR. ZOBRIST: And that's all. I'm just  
 5 trying to clarify. That's the only thing we can  
 6 decide on is proper land use. And I think the other  
 7 thing to hear about that from our standpoint is, even  
 8 if we said this a perfect use for B-3 for this  
 9 business, our problem is, when this business closes  
 10 and it's a B-3 and it's out for rent, then anything in  
 11 this B-3 book can go in there. And I'll guarantee  
 12 you, from my standpoint, there's things I would not  
 13 want to see in that location that are allowed in our  
 14 business code here for B-3.  
 15 So that's the other component we have is, it  
 16 stays with the land, whoever owns it. It doesn't  
 17 leave when this tenant leaves, so that's the other  
 18 issue that we have to deal with.  
 19 MR. KEACH: Any other questions for the  
 20 petitioner? In that case, the petitioner may be  
 21 seated, and we will open this up for any public  
 22 comment. We -- if everybody in this room spoke  
 23 tonight, there would probably be an issue with that,

Page 21

1 so I would just like to see with a raise of hands  
 2 anybody who wants to speak tonight.  
 3 I see one, two, three, four, five -- okay.  
 4 All right. So I think it would be fine if -- it might  
 5 be good to limit your comments to five minutes or so,  
 6 especially if you're making a new point from what the  
 7 petitioner said. And I see someone in the front row  
 8 right here who raised their hand. Go ahead and get  
 9 sworn in with the clerk there.  
 10 (Witness sworn.)  
 11 MR. KEACH: Please state your name and your  
 12 address.  
 13 MS. VANCE: My name is Amy Vance, and I live  
 14 at 22 Warwick Circle, and I'm also the owner of Center  
 15 Stage Academy of Dance. I'm not really going to say a  
 16 lot because Ron -- Ron said a lot of things, and I  
 17 don't want to get emotional, but I do want to address  
 18 that unfortunately I don't feel like this should be an  
 19 issue that should have been even brought to this  
 20 committee.  
 21 I asked if I could get a special use permit,  
 22 and I kept getting told that that was not an option.  
 23 Okay. I don't understand why that's not an option.

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1 And I understand that this committee can't explain  
 2 that, but, unfortunately, here we are. And if there  
 3 was just some more communication and people could be  
 4 more transparent about this whole situation. We don't  
 5 even really know why you don't want us there.  
 6 I mean, I understand that it's zoning and I  
 7 respect that, but, for me, to be in a B-2 for 20 years  
 8 and open a second location in another B-2, I don't  
 9 feel like I did anything wrong. The building right  
 10 next to Ann's, I don't know what the address is, but  
 11 it's Vicki's building. Correct? Vicki Taufer's  
 12 building is a B-3, and it's right next door.  
 13 And, Mr. Zobrist, I understand that you say  
 14 when I leave that, you know, anything can go in there.  
 15 I understand that, but why can't I be allowed a  
 16 special permit, or could I at least be allowed to stay  
 17 until my season is over? If that's all you can give  
 18 me, then I would take that graciously, and I will go,  
 19 if you would give me until the middle of June.  
 20 I do feel like the building lends itself to  
 21 be a dance studio. It's has in the past. Again, I  
 22 understand that you cannot make me a use of B-2. I  
 23 understand that; that's the board. I just don't

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1 understand why we're meeting so much fight for a  
 2 business that's been around for this long. It makes  
 3 no sense.  
 4 And I won't go into the emotional part  
 5 because I just won't, but I just -- I don't understand  
 6 it, and I wish that there could be more communication  
 7 and I would have gotten more communication from the  
 8 board. I understand that it's Ann's building. I  
 9 understand that this is her fight, but, ultimately,  
 10 it's my business.  
 11 And Ron did say, yes, I made it through  
 12 COVID. It was very hard because Illinois gave no help  
 13 to me. I got no help. I made it through. And to be  
 14 able to open a second location is quite amazing, to be  
 15 honest, and I just don't understand why I'm meeting  
 16 such a fight.  
 17 So I don't know what you can do. I don't  
 18 know what this board can do. I don't know if you can  
 19 give me the time to finish out my year. I mean, we  
 20 shake our head no at everything I say. I've spoken up  
 21 twice at these types of meetings, and I get met with  
 22 head shaking all the time.  
 23 I understand that a dance studio does not

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1 concern most of you that are sitting up there. I  
 2 understand that most of you don't care, but these  
 3 people care. Your community cares. I'm just asking  
 4 for some -- for some kind of help from this board, at  
 5 least something, just something.  
 6 I'm not getting anywhere with anyone else,  
 7 so I don't know what else to say. I'm going to get  
 8 emotional, so I won't say anything else, so I'll wait.  
 9 Does anyone have any questions?  
 10 MR. KEACH: Thank you for your comments. We  
 11 will respond -- try to respond to people's comments in  
 12 our discussion time as a board.  
 13 MS. VANCE: Okay. Thank you.  
 14 MR. KEACH: So we're not going to respond to  
 15 people individually.  
 16 (Witness sworn.)  
 17 MR. BEATY: Good evening. My name is Shad  
 18 Beaty. I live at 358 Mossy Trail here in Morton. I  
 19 appreciate the planning committee letting us speak  
 20 tonight. I've served on a board. I know it's a very  
 21 thankless position that you all sit in. Most of you  
 22 are unpaid. It takes up a lot of your time, time  
 23 you'd like to spend with your family, etc., but I also

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1 understand these are important issues that we're  
 2 dealing with, so I appreciate you doing the job you  
 3 do.  
 4 Most of my comments will be directed at what  
 5 is the benefit to the community. There will be a  
 6 little bit of an emotional component to it, but I  
 7 think that lends itself to the benefit of the  
 8 community. Center Stage has been a home for my  
 9 daughters for 17 years. I've had four daughters who  
 10 have danced there. Center Stage has taught my  
 11 daughters about dance, has taught them about being a  
 12 member of the community, has taught them discipline,  
 13 respect, many things I think we all would hope that  
 14 all of our children would learn. It's basically been  
 15 a second family for my four daughters.  
 16 As a business, Center Stage has 12 teachers  
 17 employed, 280 students, as you heard Mr. Hasinger  
 18 speak to. And it is not only Morton individuals we're  
 19 talking about; Amy has students come from 11 different  
 20 communities to Morton. And for any dance dad, dance  
 21 parents, you understand, when you drop your daughters  
 22 or your sons off there, they may be there for an hour,  
 23 they may be there for four or five, depending on how

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1 many classes they're taking on a given night.  
 2 What do we do as a family? We go to  
 3 Seasons; we go to Dac's; we go to Dairy Queen. We  
 4 support other businesses while our children are at  
 5 Amy's business. My daughters, between classes, go to  
 6 Eli's; they go to Dairy Queen. I know because they  
 7 ask me for cash every night when they get out of  
 8 dance. So this is a benefit to our community.  
 9 Amy has maintained a thriving business in  
 10 our community throughout COVID. This a contracting  
 11 state that we all live in, I think we understand, and  
 12 so, as a community member, as an end user of Amy's  
 13 business, I think we would all say that we want to  
 14 facilitate growth, not only new business but existing  
 15 business, and Amy has shown that she can do that with  
 16 Center Stage.  
 17 Morton has fairly strict ordinances and  
 18 regulations, and, I'll tell you, I'm in favor of that.  
 19 My family and I lived in Texas last year, lived in a  
 20 new subdivision, new homes, didn't have curbs, didn't  
 21 have sidewalks, had streets that two vehicles couldn't  
 22 pass on. That was a safety risk. That's the complete  
 23 lack of ordinances and regulations, but I also don't

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1 want perfect to be the enemy of good.  
 2 This use has proven that it can be done  
 3 safely in the areas that we're talking about. Safety,  
 4 already been discussed, we'll touch on it again.  
 5 We've got the pumpkin park there; we've got Dairy  
 6 Queen there; I'm told we have e-gaming coming to Main  
 7 Street, and, again, I'm in support of every one of  
 8 those. It is an area that is maintained safely. I  
 9 don't know if safety is the main concern or not.  
 10 What I have come to understand, in talking  
 11 with some of the trustees and some of the other  
 12 members involved, that the options were a special use  
 13 permit, as Amy alluded to, which, to me, seems to be  
 14 the easiest path because it doesn't change your zoning  
 15 of the building and then cause future potential  
 16 problems down the road.  
 17 The second option would have been to add  
 18 dance studios to B-2. Again, that's not what's before  
 19 us tonight, I understand that, but what's before us  
 20 tonight is, Does this property get changed from B-2 to  
 21 B-3? That's a decision that you all have the ability  
 22 to decide, and I don't know that there's an easy  
 23 answer there.

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1 I think you've heard and will hear more  
 2 about the benefit of the community is keeping a  
 3 thriving business that is growing in a time of the  
 4 contracting state. The benefit to the community is  
 5 keeping that here. It is benefiting 280 of our youth  
 6 every year. It's employing 12-plus members of our  
 7 community every year. This is something that does  
 8 benefit our community, and I would hate to see a  
 9 situation where that would go away. I appreciate your  
 10 time.  
 11 MR. KEACH: Anybody else?  
 12 (Witness sworn.)  
 13 MS. JEFFRIES: Hello. I'm Gina Jeffries.  
 14 Justin Jeffries is my husband. Do you need my  
 15 address?  
 16 MR. KEACH: Yes.  
 17 MS. JEFFRIES: Okay. 243 North Pennsylvania  
 18 Avenue in Morton. His is as well. I'm a small  
 19 businessowner off of Main Street. I have Gina  
 20 Jeffries State Farm. And I'm kind of addressing on  
 21 behalf of Ann, and she came to me with her safety  
 22 concerns that you all had came up with as far as  
 23 reasons for not allowing the dance studio to be in

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1 that location.

2 And I kind of have a different perspective

3 of that because I am right there in that parking lot

4 where the original studio has a lot of kids coming in

5 and out before practice, after practice. So I see

6 that this would actually be very beneficial as far as

7 offloading some of that traffic, some of the kids

8 going across the street there, allowing more parking.

9 There's some times when I can't actually

10 park if I go out to visit a client or something

11 because the spots are filled up or people are parking

12 in the middle. This is not a bad thing. It's great.

13 But that's definitely showing to me that something is

14 thriving and working, and it should be allowed to grow

15 and have another location where there is ample parking

16 probably with less crossing of the streets, less

17 traffic on the streets.

18 Those drives in and out of that parking lot

19 there by Seasons behind my building off Main Street,

20 they're almost a blind spot. It's really hard to see

21 if there's cars parked on the side of the road. You

22 can't see left or right. You hope no one is crossing

23 on the sidewalk. That's actually kind of dangerous.

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1 And I'm very slow, but, every time, there's going to

2 be someone crossing or a car coming.

3 So my perspective is also, as a small

4 businessowner too, as far as wanting to see the growth

5 in the community, wanting to see our Main Street

6 continue to grow, not having empty spaces for rent. I

7 had to survive through COVID too. I opened in 2019,

8 also did not get any help from the State of Illinois.

9 It's a tough, tough thing to be retail or to have a

10 small business here, and for her to be able to glow

11 and thrive and have an opportunity in a perfect

12 location is something that we should welcome with open

13 arms.

14 So if the biggest concern is safety, that's

15 kind of my perspective as well as the safety of having

16 buildings with tenants in them. I have been next door

17 to two vacant buildings for well over a year now. You

18 know, I know that isn't really your area necessarily,

19 but, you know, it makes our town not look so appealing

20 when there's rundown empty buildings all through Main

21 Street.

22 So, you know, my ask is to take the safety

23 into, you know, accommodation as far as knowing that

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1 offloading is going to actually help, from my

2 perspective, because I see it almost every night, and

3 I don't think that you could, you know, ask for a

4 better tenant; you couldn't ask for a better landlord.

5 Again, the space, to me, seems like it was

6 made for that. And, upon lots of things that I've

7 learned this evening about it already, having had a

8 dance studio, that Amy's place is already a B-2, to

9 me, that lends itself to honestly be a no-brainer.

10 MR. JEFFRIES: She said what I was pretty

11 much going to say, so I couldn't have said it any

12 better. That's all I can say, just about the safety

13 and how we see there's a parking problem over there

14 already. And with the overflow of that -- of the

15 dance studio would make it worse.

16 So, you know, that's pretty much what I

17 wanted to make sure everybody realized. And she

18 talked about the blind spots. There's plenty of blind

19 spots there where there's people pulling in and out or

20 kids coming back and forth through there. It would be

21 a major safety concern. So she couldn't have said it

22 any better.

23 MR. KEACH: Thank you. Is there anyone

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1 else?

2 (Witness sworn.)

3 MR. HUETT: My name is Rick Huett. I live

4 at 200 Wagner Street in Washington. I'm here for the

5 dance studio and also just to provide some value that

6 I see in having a long-term business in a specific

7 spot.

8 My background is commercial lending,

9 commercial underwriting, and, through my job and my

10 experience, I see a constant void in investor-owned

11 properties. And I think where this benefits, not only

12 the dance studio, but the owner of the building is

13 having thriving businesses that could pay their rent,

14 that can also maintain the occupancy long term, and,

15 over time, if more businesses stay put in certain

16 buildings, that raises the value for everything.

17 The cost goes up, the tax base goes up, but

18 you also have other by products, which are, if you

19 have known entities downtown, it lessens the need for

20 police protection. It lessens the need for other

21 concerns because you have steady reliable folks doing

22 business downtown, which -- excuse me -- also having

23 people like us that come from Washington, we also

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1 contribute to the tax base.

2 As the gentleman said before, hey, can I get

3 \$10 for Eli's or can we do this, or my wife who drives

4 over primarily and she'll go to the area of businesses

5 while she spends an hour and a half to two hours in

6 Morton shopping. So there's other benefits to having

7 steady reliable businesses in that area.

8 Now, the thing that I would focus on is the

9 reliability, the tax base, the values of the buildings

10 going up because everybody benefits in the community.

11 If the values do go up, there's more taxes being paid,

12 and, in theory, all those taxes being paid benefit all

13 the citizens, not just someone B-2, B-3, what have

14 you. Thank you for your time.

15 MR. KEACH: Is there anyone else?

16 (Witness sworn.)

17 MS. PIERCE: Hi. My name is Amy Pierce. I

18 live at 1301 East Queenwood in Morton. I have grown

19 up in Morton. I danced at Carousel of Dance when it

20 was on Jefferson. I grew up dancing there. The

21 traffic was the same. There were hardly any parking

22 spots. You parked across the street. You ran across

23 the street. You did whatever. Center Stage is the

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1 same right now. Their safety is the same as it was.

2 As a dance teacher working for Center Stage,

3 right now I primarily work at the dance studio on Main

4 Street with the little kids. Going over there this

5 year, working with the little kids, I can say is

6 tremendously better because the parents come straight

7 to the door; they bring their kids up to the door; and

8 they pick their kids up at the door. They park --

9 there's plenty of parking for them as opposed to the

10 Jefferson one where kids just kind of scatter and it's

11 kind of scary.

12 I have always been one to say you don't go

13 anywhere until you see your parents. I'm always

14 careful about that, but it's a lot harder to watch

15 them go out of the Jefferson one. The Main Street one

16 has been amazing. The parents have said nothing but

17 good things and said we really enjoy this Main Street

18 studio because it's easier to get into and get out of

19 with our children.

20 It's just one room. It's been great to come

21 in and out of. I can't say anything good -- anything

22 bad about it. And, like I said, I've been at the

23 Jefferson Street studio all of my life pretty much.

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1 I've danced there forever. It's a great studio, and

2 Amy has expanded it, huge. There were only two rooms

3 when I danced there. There's now four rooms over

4 there, and she's now expanded it to five. That's

5 huge.

6 And when I took there, we had Dairy Queen to

7 go to. There are so many other businesses now that

8 everybody can walk to like Eli's and other things.

9 And I think that says a lot for Amy and for her

10 growing business. And, like I said, the Main Street

11 one is -- it's just so much easier with the littler

12 kids to get -- for those parents to come in and pick

13 them up and get them out of there.

14 Even for me as a instructor to feel safe and

15 know that those kids have been picked up directly from

16 a parent and not just sit -- you know, sitting

17 outside, so that's all I have to say.

18 MR. KEACH: I think that was all of the

19 hands that I saw. We have another one. Okay. Go

20 ahead.

21 (Witness sworn.)

22 MR. HORSLEY: My name is CJ Horsley. I live

23 at 1011 East Polk. I'm absolutely not a lawyer. I

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1 don't know zoning laws. I would not want to read a

2 book full of zoning laws. I assume that most of the

3 zoning laws have roots that go back decades, possibly

4 generations, not sure, and I'm sure they've evolved

5 over time.

6 I also realize that I can't make an

7 emotional appeal about how I love dance and all that

8 other stuff and it wouldn't be true. I'm not a

9 dancer. I don't have any kids in dance. I'm here

10 largely on behalf of Ann.

11 In our discussions of this and in hearing,

12 especially the first gal that talked very eloquently,

13 as has everyone else, there seems to be inconsistent

14 enforcement of this. You know, it was B-2 forever --

15 and, again, I don't understand zoning -- and that it

16 was allowed for so long, and then, approaching all

17 these years later and this dance studio is already up

18 and running and someone says, hey, this isn't right.

19 And as these laws have evolved, I would

20 think that there are times when we say, hey, this is a

21 gray area. Let's put our touch on it. Let's make it

22 work for the betterment of the community. I would

23 tend to think that all laws and rules such as zoning

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1 are for the betterment of our community here that I've  
 2 spent over half my life in and around in the Morton  
 3 school district.  
 4 I think it's been touched on, and I think  
 5 clearly there's a crowd here that would love to maybe  
 6 feel better about why there seems to be some  
 7 inconsistency, and if this zone was gray in terms of  
 8 what its use was, why this one was allowed to thrive  
 9 and maybe why this one wasn't, or why has this  
 10 particular property been called out now when, you  
 11 know, maybe it wasn't, you know, the prior time it was  
 12 a dance studio. I mean, it just seems very  
 13 inconsistent.  
 14 And I think the last thing all of us want  
 15 here is, you know, a board to go through and review  
 16 every property and, you know, start yanking out the  
 17 Dairy Queen and, you know, all the other things  
 18 because maybe there was a little tiny portion of  
 19 what's going on that maybe doesn't fit the narrow  
 20 definition of what it should be.  
 21 So the last thing we want is for a wholesale  
 22 cleaning of house or for things to be yanked out of  
 23 our community that we've all long since known. You

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1 know, clearly, body by Dairy Queen here. I love it.  
 2 Please don't take it away.  
 3 But, you know, there are things about these  
 4 zoning laws that beg for a personal touch and for a  
 5 board such as this to say, hey, let's give it some  
 6 thought. Let's weigh the pros and the cons.  
 7 I also understand the point you made, sir,  
 8 essentially in reference to if we say, hey, now it's  
 9 B-3 and that's forever what it's going to be, and next  
 10 thing you know, we're going to have some weirdo  
 11 business in Morton that we don't want. I totally  
 12 agree; of course we don't want that. And our  
 13 imaginations can run wild with what those weird  
 14 businesses could be, but surely there's something  
 15 between 0 and 100 that you guys could offer.  
 16 And, again, I think that was touched upon.  
 17 You know, help this lady have a solution. This,  
 18 clearly, is good for the community because the  
 19 community has spoken. The community has spoken  
 20 loudly. Help them find a solution, and don't just  
 21 give them a no. And, again, make this make sense to  
 22 us.  
 23 Because, at this point -- I even commented

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1 when I got here -- it looks like the 80's version of  
 2 Foot Loose. The town is showing up saying we want to  
 3 dance. And fundamentally I don't think you're that  
 4 bad board in that movie that I barely remember from my  
 5 childhood, but, you know, I think you're all above  
 6 that, and I think you want good solutions, and I  
 7 totally get the idea of saying, hey, we can't open the  
 8 backdoor for something nefarious down the road.  
 9 So, again, help it make sense, and  
 10 simultaneously and equally search out that  
 11 middle-ground solution where the dance studio, that I  
 12 have no vested interest in, never seen you before in  
 13 my life, Ann, I love dearly, known her for over  
 14 30-something years now. I know you've been in the  
 15 business for over -- or on the Morton Main Street in  
 16 one iteration or another for over 50 years, you know,  
 17 I think your thoughts in the matter are pretty  
 18 important on this.  
 19 But, again, put equal effort into finding  
 20 something that says, hey, we found a solution that I  
 21 think is going to work for everyone. I don't think  
 22 we're trying to achieve something here that's  
 23 outlandish. We're not trying to put a gator farm on

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1 Main Street, you know, or a live petting zoo or  
 2 something like that.  
 3 I think this board surely has the power to  
 4 find that middle ground that says, hey, we all won,  
 5 and I think that's what everyone here wants. That's  
 6 all. Questions? Comments? Gator farm? Okay. All  
 7 right. Thank you.  
 8 MR. KEACH: Thank you all for your comments.  
 9 And we're going to close the public hearing for public  
 10 comment at this -- I'm sorry. Did you -- okay.  
 11 (Witness sworn.)  
 12 MS. VANDERVOORN: I'm Ann Vandervoorn, and  
 13 I'm the one who owns this wonderful piece of property.  
 14 To be honest, I wasn't going to talk because, as the  
 15 gentleman said, I have been to these board meetings  
 16 since September. But Saturday night, during the  
 17 festival, I decided to go downtown.  
 18 And, first of all, I'd like to thank the  
 19 board for coming and listening to us, and I'd like to  
 20 thank all of you for your support. I was overwhelmed  
 21 with the ice skating rink at the Dairy Queen, when  
 22 they came to the park and lit the beautiful tree in  
 23 the \$2 million park that Morton has put there.

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1 But, to be really honest, I went back to my  
 2 building, and I saw all these little girls in their  
 3 outfits, dance uniforms, and so excited to come, and  
 4 then they went to the stage and danced, and I thought,  
 5 I've got to come one more time and try.  
 6 Because, you're right, I've had this  
 7 building for almost 50 years. I can rent it to  
 8 somebody else, but, I must admit, I'm extremely  
 9 impressed with what Amy's done, the reputation she  
 10 has. And if any of you came to downtown on Saturday,  
 11 you would be impressed of how well these little kids  
 12 did. It builds their self-esteem; it builds their  
 13 self-worth.  
 14 But, anyway, I asked Katie Vandenberg to  
 15 come and she couldn't be here tonight, so she sent the  
 16 board a letter. I hope. She was supposed to anyway.  
 17 And I'd just like to share a part of it with all of  
 18 you.  
 19 "Hello, all. I know many of you from all  
 20 the -- know me through all the years at Eli's coffee  
 21 shop in a non-profit service organization. I am  
 22 writing to you in support of Ann Vandervoorn and the  
 23 Center Stage Dance Academy. I understand that the

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1 current zoning does not allow for the dance studio in  
 2 this location. I completely understand that it's not  
 3 up to a businessowner to know the rules of the  
 4 location, but, as a businessowner and a community  
 5 member, this scenario is very confusing and concerning  
 6 for a few reasons.  
 7 "The most glaring of all to me is the  
 8 allowance of Esports on Main Street location, which  
 9 also caters to a large group of children. While I  
 10 don't want to disbar Esports, I do think it's quite  
 11 unfair that a dance studio would not fall into the  
 12 same category of zoning.  
 13 "I hope all of you are able to consider a  
 14 dignified transformation plan for Ann and Amy as they  
 15 try to run a business in this already challenging  
 16 economic environment for small business."  
 17 Now, the ironic part of all this is,  
 18 Esports -- first of all, I have had the dance -- or I  
 19 have had the building for almost 50 years. I did have  
 20 Inspired Arts Academy several years ago. I had  
 21 absolutely no problems with parking, with safety.  
 22 Everything went well.  
 23 Three years ago, this board also authorized

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1 for Esports, which was in my building, to come and do  
 2 what he had, either asked -- I'm not sure whether it  
 3 was a special permit, a permitted use; whatever it is,  
 4 I don't know.  
 5 But he was in my building, and he also came,  
 6 sometimes with small groups, like they do for dance,  
 7 but he also had parties for like 20 kids that you  
 8 could rent as a parent, which was quite nice. I never  
 9 had any problem with parking or safety.  
 10 I'd like to bring up that the one thing I'm  
 11 upset about is I got a letter from the attorney. It  
 12 says, your property is zoned B-2. A dance studio is  
 13 not permitted in B-2; therefore, your use cannot  
 14 continue unless either your property be rezoned B-3 or  
 15 the zoning ordinance is changed to permit dance studio  
 16 in B-2.  
 17 So whether it's a permitted use, a special  
 18 use; that's what I asked for in the beginning because  
 19 I know that's what you did for Esports. That was  
 20 turned down, and so I couldn't do that.  
 21 To give you a little history, I used to be  
 22 B-3. 50 years ago, there used to be train tracks in  
 23 the middle of Morton. And it was always a joke that I

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1 was on the wrong side of the tracks, which was fine  
 2 with me, but I was B-3.  
 3 Right now, I'd like you all to be aware, I  
 4 am B-2. Across from me is Herb Roth, which is I-1.  
 5 My address is 316 South Main; the tattoo shop is at  
 6 330 South Main, which is right next door to me.  
 7 Honestly, I don't want to be rezoned to B-3, but I  
 8 didn't get a special permit or a use permit. So if  
 9 this is the only way I can keep Amy, I would really  
 10 appreciate it.  
 11 I was a teacher before I had children in  
 12 District 709, and I will tell you one thing, this is a  
 13 fantastic town. We are so fortunate to have parents,  
 14 A, who can financially afford it; B, who are behind  
 15 their children to do it.  
 16 The other thing that I'm gleaning as an  
 17 owner, as the gentleman that said, yes, I had a  
 18 clothing store for 35 years. It was great when  
 19 Witzig's and all of us were down there. Times have  
 20 changed. A brick-and-mortar store is not what it was  
 21 50 years ago.  
 22 And, right now, I have a beauty shop that  
 23 just moved in, and they were anxious to come here



<p style="text-align: right;">Page 45</p> <p>1 because the dance studio was there. And like they  2 said, if a parent came to deliver a child to play  3 dance, maybe the other kid that was with them needed a  4 haircut, so they could run in and get a haircut.  5 We want the business on South Main, and we  6 can't do it right now, but, in the spring and the  7 summer, the kids could come and dance, the other kids  8 could go to the \$2 million park, they could go back  9 down to the Dairy Queen.  10 I mean, there's just -- we would like  11 business. And, like I said, had I not already had a  12 dance studio in there, had I not had the building for  13 50 years, I would see there's a problem. But I'll do  14 whatever you say, if it's to zone me back to B-3,  15 okay, but maybe if you could find it in your hearts to  16 give a special permit, like you did for Esports  17 because, trust me, when he has those parties with 20  18 people, it's just as busy there as the dance studio.  19 And I will say, as a mother, a teacher, and  20 a grandma, my building is very safe. They come in on  21 First Street, they drop them off, they go out Main  22 Street or vice versa, and, if that's a problem, I even  23 have a second entrance on the side that the children</p>	<p style="text-align: right;">Page 47</p> <p>1 I went through the zoning classifications  2 pretty thoroughly today, and I was looking for dance  3 studio, and it's not in the code. There's no usage of  4 that phrase in the code.  5 So then I started looking around and said,  6 okay, what is kind of similar to a dance studio, and I  7 kind of zeroed in on schools and daycares. So then I  8 started -- the reason for that is school and dance  9 studio, obviously, has education and training; that's  10 what schools are, education and training.  11 Daycare is supervised activities, and dance  12 studio, to me, would be supervised activities. So I'm  13 saying, okay, dance studio can kind of be somewhat  14 similar to either a school or a daycare. Now, daycare  15 and schools are permitted uses in zoning  16 classification R-S, and daycares are also included in  17 B-1 as a special use.  18 Now, I'm not sure why they're repeated in  19 another zoning classification because the way our  20 zoning codes and categories are constructed, we start  21 out, and you keep going up the ladder, and B-1 is  22 lower than a B-2 or B-3.  23 So I guess my thoughts are, you know, from</p>
<p style="text-align: right;">Page 46</p> <p>1 could come into.  2 So I just would appreciate it if you would  3 reconsider a permit because I do know the board has  4 the ability. They have the know-how. They have the  5 power that they could do this. And I just would  6 appreciate it very much if you would.  7 Thank you for your time, and all I can say  8 to all you little dance kids, you are fabulous.  9 Bravo. Bravo to you. And, as an old person, you're  10 very lucky to have parents that love you so much that  11 are willing to do it. You're very, very fortunate.  12 Thank you.  13 MR. KEACH: Thank you, Ann. Okay. Does  14 that wrap it up then in terms of public comment? In  15 that case, then we'll close the public comment part of  16 the meeting, and we'll just have a discussion as a  17 board about the petition before us tonight.  18 MR. RITTERBUSCH: Mr. Chairman, I'll kick  19 off the discussion here. The planning commission has  20 rules and procedures. We have permitted uses and  21 special uses in all of our zoning code  22 classifications, and, you know, I think that's the way  23 we've got to stay. We can't deviate from that.</p>	<p style="text-align: right;">Page 48</p> <p>1 time to time, we've added permitted uses and special  2 uses to the zoning classification, and that's probably  3 what -- the way we need to look at this. Now, I do  4 feel that a dance studio should be a special use; that  5 means anytime a new one is opened up in town or moved,  6 they come before this planning commission, and we get  7 an opportunity to make sure that it meets our  8 requirements to be acceptable.  9 I don't think it should be a permitted use  10 unless there's a dozen of them or so that they become  11 so popular that we then know how they work out and  12 they become a permitted use, but I think it's a  13 special use. So I think the board should consider  14 taking this thing back and looking at it from the  15 standpoint of a special use since it starts out in  16 R-S.  17 MR. KEACH: When you say the board, do you  18 mean --  19 MR. RITTERBUSCH: The planning commission.  20 MR. KEACH: The planning commission.  21 MR. RITTERBUSCH: We should look at this.  22 So that's my thoughts on this.  23 MS. KNEPP: I think I'll piggyback on that.</p>

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1 So I spent quite a bit of time researching this. I  
 2 talked to a lot of people. I drove the property in  
 3 question multiple times. You might have seen me out  
 4 there measuring parking spots or whatnot. But one of  
 5 the things that I learned, while I was doing my  
 6 research -- and I have a sheets actually for -- I  
 7 don't have a hundred copies. I only have enough for  
 8 the people up here, but I'll talk through it. Here's  
 9 one more.

10 So I went through and looked at the zoning  
 11 codes for Washington, Dunlap, Peoria Heights, Pekin,  
 12 East Peoria, Tremont, Canton, Normal, Mahomet, and  
 13 Metamora, Illinois, just trying to pick towns.

14 I did try to pick some towns that are aiming  
 15 to have a downtown area that's a destination where  
 16 people can congregate and whatnot. And then I went  
 17 through and tried to see if dance studios were listed,  
 18 and, if they were listed, in which portion of the code  
 19 that they were listed in.

20 Now, to be fair, some communities don't call  
 21 things B-1 and B-2, they call it C-1 or C-2 or  
 22 commercial districts, so there's some differences,  
 23 but, in general, every town except for Morton and

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1 potentially Metamora -- I'll talk about that in a  
 2 second -- but all the other towns list dance, either  
 3 dance academies or, a lot of times, they'll list  
 4 schools-dance, music, and art, and they're all listed  
 5 in B-1 or B-2.

6 Metamora is very similar to Morton where it  
 7 doesn't list it at all. They do currently have a  
 8 dance studio that is in their C-2 zoning. You'll also  
 9 note on the sheet that I provided that in a couple  
 10 instances, they're listed in B-1 -- there's an  
 11 asterisk there -- but in those towns, like in Temont,  
 12 they only have B-1 and B-2; so they don't have the B-3  
 13 but they are in the higher level of the business  
 14 district.

15 So I am, I'll be honest, very hesitant to  
 16 change the property to B-3 because, when dance is  
 17 finished and there is a different business in there, I  
 18 don't necessarily want the majority of the uses on B-3  
 19 in that location, but I do think it would be  
 20 beneficial to update our code.

21 I mean, if you look at our B-2 permitted  
 22 use, one of the things that you could open is a  
 23 haberdashery, which, to me, is maybe just an

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1 indication that we may be a little dated. And I know  
 2 that it was brought up at the village board, and I  
 3 don't understand all the procedural implications of  
 4 how that's done. So I know at the village board, they  
 5 proposed having us review this in determining  
 6 whether -- making a recommendation about where dance  
 7 should be, and the village board denied that request.

8 Can we just do it anyway and propose it to  
 9 the village board?

10 MR. McGRATH: You cannot tonight. It's not  
 11 noticed up for public hearing tonight. Tonight your  
 12 only action item is the rezoning request.

13 MS. KNEPP: Besides tonight, can we, as a  
 14 plan commission, say that we need to look at these  
 15 B-1, B-2, B-3 in general and update codes?

16 MR. McGRATH: You can, of your own  
 17 initiative, upon public notice and a published hearing  
 18 notice, make recommendations to the board on ordinance  
 19 changes for the zoning ordinances. So there's  
 20 different ways in which that type of request can be  
 21 initiated. It can be initiated at the village board  
 22 level. It be initiated by the plan commission.

23 So at a future meeting, you could engage in

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1 discussion. You know, somebody would need to request  
 2 it be put on the agenda, would need to coordinate that  
 3 with Brad and myself, get an ordinance prepared.

4 MS. KNEPP: So do we know when these were  
 5 last revisited?

6 MR. MARKS: I mean, they're -- we don't  
 7 annually review them, and we're very hesitant on  
 8 removing -- to your point on haberdashery, I think the  
 9 point is, if you start removing items, then it does  
 10 give that perception of being business unfriendly. So  
 11 I think we're always cautious of removing items from  
 12 zoning.

13 MS. KNEPP: Right. Okay.

14 MR. MARKS: But you, as a planning  
 15 commission, that is your role. You can review that.

16 MS. KNEPP: Right. Because I do think it  
 17 recent times there's been a lot more smaller,  
 18 instructor-led-type classes; some of those are even  
 19 exercise classes, you know, whatnot, Pilates, small  
 20 yoga classes. And this would be very confusing to  
 21 know where those would go, and I think a lot of those  
 22 would end up falling in B-3, and I don't know that all  
 23 of those should be in B-3. So dance, art, music,

<p style="text-align: right;">Page 53</p> <p>1 yoga, Pilates, a lot of those things should probably  2 be, I think, revisited, regardless of what happens  3 tonight, to see if they're in the proper  4 classification.  5 MR. KEACH: Okay. More comments?  6 MR. AUPPERLE: Yeah. I would say in the  7 past, you know, Amy and Ann, that space has housed B-2  8 before, and it could be very -- it can be tough to  9 understand that the dance studio would not be allowed  10 in there, given that they've been in there before.  11 There isn't a clear identification of dance studios  12 being called out in B-3. And, you know, the village  13 in the past hasn't been overly diligent in applying  14 those zoning requirements there. Right.  15 I do think there is some responsibility on a  16 businessowner and a landowner to verify that those  17 businesses can be allowed in there, but, again, it  18 isn't overly clear here. I've got a daughter that's  19 in dance. I understand what those studios mean to  20 those parents and all the time that's put in there by  21 the instructors.  22 I don't disagree with what you're saying and  23 that perhaps dance studios should be classified as a</p>	<p style="text-align: right;">Page 55</p> <p>1 I'm confused, and I thank you for addressing that. It  2 needs to be addressed  3 MR. MARKS: Just for clarification, the  4 Esports cafe was made a permitted use in B-2. It was  5 not a special use.  6 UNIDENTIFIED SPEAKER: What's the  7 difference?  8 MR. MARKS: It's a permit -- Esports cafe is  9 a permitted use in B-2.  10 MS. VANDERVOORN: Can we do that, though?  11 Why didn't you let me do that? I'm sorry.  12 MR. KEACH: Well, our hands are a little bit  13 tied on what we can actually do tonight. For example,  14 we cannot give you more time. That's just not in our  15 -- that's just not in our power to do that. That's  16 not -- we don't have the power, as a board, to grant  17 more time or grant you until the middle of June or  18 whatever. It's something that we just can't do.  19 And, you know, I too don't want to lose  20 track of what the zoning code says. So the zoning  21 code says that we can just decide on what has been  22 presented to us this evening in the petition, and that  23 is the zoning change.</p>
<p style="text-align: right;">Page 54</p> <p>1 B-2. I'm on the EDC and the chamber, and this has  2 prompted a lot of conversation on trying to assist  3 businesses in the future, and, before they move to a  4 spot, to see if there's some assistance we can give  5 them with that.  6 As far as rezoning this to a B-3, I think  7 the board is in a tough spot here with that petition  8 request because I would agree that, you know, changing  9 this one space to a B-3 to facilitate one business may  10 not be the best move on our part. But, again, as you  11 had said, it's not overly clear in the zoning code  12 where dance studios fall in.  13 MS. VANDERVOORN: Sir, can I just say that I  14 was in B-2. I know you did a special permit to the  15 Esports. That's why I apologize. I never -- in the  16 50 years I had this, I never had to come and ask for  17 permission to have businesses in there, and I've  18 always had nice businesses that have worked.  19 So that's what confused me so much, why they  20 wouldn't allow me to have a permitted use or whatever  21 Kara called it because that's what they did for  22 Esports, and it's the same type. It's a activity that  23 parents pay for, drop their children off. So I guess</p>	<p style="text-align: right;">Page 56</p> <p>1 We also can't address how the enforcement of  2 the zoning laws were done in the past at this table.  3 We just -- you know, we're faced with what's in front  4 of us. And I'm going to say I think -- I think Kara's  5 gone over the top in terms of her research kind of  6 looking into things. It seems like there's a good  7 case for it being B-2, but we can't do that tonight.  8 We cannot make it an acceptable use in B-2,  9 so I'm just interjecting that comment, you know, what  10 our role is tonight. I'm not meaning to end the  11 conversation, but I just wanted to mention that.  12 MR. DeWEESE: I think we should be clear.  13 When you say it's our role or our authority, we don't  14 have the authority to do anything else other than  15 what's on been put to us.  16 UNIDENTIFIED SPEAKER: That's a shame.  17 UNIDENTIFIED SPEAKER: Can you speak up  18 please? We can't hear you.  19 MR. DeWEESE: I apologize. We don't have  20 the authority to do anything other than what's been  21 presented to us on the docket. So it's not that -- I  22 just wanted to clarify. It's not that don't want to,  23 we can't.</p>

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1 So I guess I'll add a couple things. So I  
 2 really appreciate what Kara pulled forward. Somebody  
 3 in the past has made the determination that it's B-2,  
 4 you know, so it needs to be defined. I wish we could  
 5 do it tonight, but we can't.  
 6 And I think we should follow through. I  
 7 know it's going to take some extra effort, but that  
 8 doesn't help where they're at. Am I -- do I -- so you  
 9 are open to the -- I know this is out of order to be  
 10 interfacing like this, but you're open to the B-3?  
 11 MS. VANDERVOORN: I'm open to anything  
 12 you'll let me to be able to keep the dance studio.  
 13 And, like I said, I asked for the permitted -- I'm  
 14 still confused with Brad. Is that a permitted use,  
 15 Brad? What did you just say? It wasn't a special  
 16 use, a permitted use?  
 17 MR. MARKS: The Esports cafe was made a  
 18 permitted use in B-2. So in zoning, you have  
 19 permitted uses, which is any type of --  
 20 MS. VANDERVOORN: Permitted you're saying?  
 21 MR. MARKS: Permitted.  
 22 MS. VANCE: Permanent.  
 23 MR. MARKS: Permitted.

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1 MR. McGRATH: In the zoning code, there are  
 2 permitted uses, p-e-r-m-i-t-t-e-d; that's a use that  
 3 you could do at any business within that zoning  
 4 district, at any location within that zoning district,  
 5 without having to get specific approval.  
 6 There's also what's called special use  
 7 permits. Those are -- those are -- or special uses.  
 8 Those are listed in the code. It's not that I can ask  
 9 for a special use anywhere to do something I want that  
 10 isn't in the permitted list. There's a permitted list  
 11 and a special use list.  
 12 So if you're on the special use list, so if  
 13 I want to engage in a use and it's one of the  
 14 available special uses, then I have to file a petition  
 15 to receive a special use permit, go through a public  
 16 hearing process, much like tonight, and ultimately  
 17 receive board approval for that special use.  
 18 So what Brad is explaining is that Esports  
 19 was made a permitted use sometime prior in the B-2  
 20 district.  
 21 MS. VANDERVOORN: So why isn't the dance  
 22 studio permitted then? It's the same thing.  
 23 MR. McGRATH: Your request to have a dance

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1 studio made a permitted use is what Kara spoke about a  
 2 moment ago, which went to the village board in a prior  
 3 meeting before tonight and was voted down by the  
 4 village board, so that's not within the scope of what  
 5 we're here on tonight.  
 6 MS. VANDERVOORN: I get that, but I'm  
 7 surprised they voted me down when it's the same type  
 8 thing.  
 9 MR. HASINGER: If you're doing what Kara is  
 10 talking about, Brad could suspend enforcement if the  
 11 board chose to. Am I right?  
 12 MR. McGRATH: Enforcement has nothing to do  
 13 with this board or tonight's procedure.  
 14 MR. HASINGER: While we were waiting for  
 15 some of the work that Kara and other board members are  
 16 talking about here, other commission members, it's  
 17 possible.  
 18 MR. KEACH: So, unfortunately, we have a  
 19 question before us that needs to be called, or we need  
 20 to table it for -- until the next meeting.  
 21 MS. VANCE: Can I just ask a question really  
 22 quick? I'm sorry. Like I said, before I understand  
 23 -- it's very unfortunate that we are having to have

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1 this discussion with all of you. But Mr. McGrath, you  
 2 have been at all the other meetings that Ann and I  
 3 have attended. And aside from what we're here for  
 4 tonight, Esports was made a permitted use of B-2.  
 5 There's no difference. I don't understand why we  
 6 can't stay in B-2. I mean, I understand that the  
 7 trustees turned it down, but why? There's no  
 8 difference. There is no difference.  
 9 MR. McGRATH: You --  
 10 MS. VANCE: And you're giving -- and you've  
 11 already sent us a letter stating I have -- she has 48  
 12 hours to evict me. People who don't pay their rent  
 13 get more than 48 hours.  
 14 UNIDENTIFIED SPEAKER: That's right.  
 15 MS. VANCE: I mean, you can think that it's  
 16 funny, but it's true. I don't understand. I don't  
 17 understand why we're here with a committee that  
 18 actually has no power to do anything. I mean, they  
 19 can make a request. They can request to the board  
 20 that we be allowed to be B-3. They're obviously not  
 21 going to do that.  
 22 You obviously -- your whole entire board  
 23 obviously knew that before we got here tonight, and

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1 this is why you sent us here, to give them the  
 2 difficult decision when the board could have just come  
 3 to these conclusions themselves. She did her  
 4 research; nobody else wanted to do their research  
 5 MR. KEACH: Okay. This -- we should stop  
 6 the public comment.  
 7 MS. VANCE: Okay. I'm sorry.  
 8 MR. KEACH: We're getting a little bit  
 9 emotional, and I understand. I understand. There's  
 10 no more public comment.  
 11 UNIDENTIFIED SPEAKER: I just wanted to ask  
 12 a question. It's not a comment.  
 13 MR. KEACH: There's no question at this  
 14 point.  
 15 MS. VANCE: No questions.  
 16 MR. KEACH: And it's probably a question  
 17 that we can't answer at this board.  
 18 MS. VANCE: Probably not.  
 19 UNIDENTIFIED SPEAKER: Oh, yes, you can.  
 20 You can answer when you could decide if she can be  
 21 rezoned to B-2. That you can't do tonight.  
 22 MR. KEACH: Tonight we have a question  
 23 before us, if we want to change the zoning from B-2 to

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1 B-3.  
 2 MR. DeWEESE: I'd like to comment on that.  
 3 MR. KEACH: We're still having a discussion.  
 4 MR. DeWEESE: I know there's some reluctance  
 5 to go to B-3 on people's part, but, me personally, I  
 6 have no reluctance. There's a lot of B-3 in that  
 7 area, if I'm correct. Right? Pink is B-3. Is that  
 8 correct?  
 9 MR. MARKS: Yes.  
 10 MR. DeWEESE: So while there are some uses  
 11 in that category that, you know, I probably wouldn't  
 12 prefer downtown, I see a lot of precedence down there.  
 13 So I -- if that -- go ahead, Kara. Sorry.  
 14 MS. KNEPP: No, I'll let you finish. I  
 15 mean, it's unfortunate. It's kind of this unfortunate  
 16 circumstance where it's right next to the pumpkin  
 17 park. Right. So, yes, when you go down farther,  
 18 there's -- it's already B-3, even in the same physical  
 19 building, but the portion that we're talking about is  
 20 right next to the pumpkin park.  
 21 And, you know, if I had my dream of zoning  
 22 or whatever, that would all be B-2, right, because the  
 23 vision you want for the downtown area -- I mean, when

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1 you look at the B-2s, that's called the general  
 2 business district. When you look at the B-3s, that's  
 3 called the highway and service commercial district. I  
 4 mean, the uses in those sections, you know, the B-3s,  
 5 shouldn't be down in that downtown area.  
 6 Again, I also believe that the dance should  
 7 be in the B-2, and that would be more in line with  
 8 everything, but that's where my hesitation comes. I  
 9 do agree, there are B-3 real close by, and we've done  
 10 that with proximity -- you know, zoning because of  
 11 proximate uses, but, in this case, with it being right  
 12 next to the pumpkin park, it makes me a little more  
 13 hesitant to do that.  
 14 MR. DeWEESE: I mean, when I look at the  
 15 acceptable uses, I'm generally okay with those. So,  
 16 anyway, if it -- that's my position. If we come to a  
 17 vote, you know, I'd be for the B-3.  
 18 MR. ZOBRIST: Well, let me chime in because  
 19 I can't go B-3, but I'm totally in agreement with Kara  
 20 that I have no problem seeing this in B-2, but that's  
 21 not the question before us, and we don't have the  
 22 power to do that. But that's where I'm at, but I will  
 23 have to vote against B-3 because I don't want to see

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1 B-3, what's in this list, be that close to downtown.  
 2 We have some if -- like Kara said, if we could go back  
 3 in history, we probably wouldn't have allowed them,  
 4 but some of them have been there for many, many, many  
 5 years, and we can't change them.  
 6 But that would be my reason for voting no,  
 7 not sympathetic at all with this cause. I think, when  
 8 I look at the list of B-2, if I threw dance studios in  
 9 there, it wouldn't bother me personally at all. I  
 10 don't see that that's much different than a lot of  
 11 other things that draw a lot of traffic, supermarkets,  
 12 restaurants, etc., but I will have to vote no for B-3  
 13 change.  
 14 MR. KEACH: I think it would go very well in  
 15 B-2 also, and I don't know if our discussion carries  
 16 any weight with the board or with the staff. If we  
 17 tabled this decision or even if we -- if we turned it  
 18 down tonight and the tenant had to move out for a  
 19 month while -- I'm sitting here spitballing, which I  
 20 shouldn't be doing.  
 21 MR. HASINGER: You have the power to  
 22 continue it.  
 23 MR. KEACH: I'm trying to think of a way to

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1 accommodate this under our power. I don't agree with  
 2 going to the B-3 either.  
 3 UNIDENTIFIED SPEAKER: Is there an expedited  
 4 process to get someone permitted to B-2 use?  
 5 MR. KEACH: I can't answer that. I don't  
 6 know.  
 7 MR. HASINGER: You guys can continue this.  
 8 UNIDENTIFIED SPEAKER: Who says it's not a  
 9 B-2? Why is it not just a B-2, see you later. I  
 10 don't get it. I'm just asking, what would be the next  
 11 step to try to make that happen?  
 12 MR. KEACH: That would be a good question to  
 13 ask. Even no matter what we vote tonight, that's a  
 14 good question to be asking.  
 15 MR. HASINGER: Jeff, you have the power --  
 16 MR. GEIL: Kara brought up a point of  
 17 potentially tabling this and seeing what happens and  
 18 furthering research potentially to then make a better  
 19 decision or something. Brad or Pat, what would the  
 20 ramifications of tabling this and potentially  
 21 postponing this do to the village board's or to our  
 22 board's decision tonight?  
 23 MR. McGRATH: The village board doesn't take

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1 action on the rezoning request until after your  
 2 recommendation is made. If you were to table it  
 3 tonight, it would go on the agenda for the next  
 4 meeting, which would be the meeting the third Monday  
 5 in December because, remember, December we move them  
 6 up a month.  
 7 If you wanted at that same time to consider  
 8 action on a recommendation for zoning amendment to  
 9 change the language of the zoning code, as Kara said  
 10 she was interested in doing, so one of you would have  
 11 to work outside of the meeting to get that published,  
 12 and I don't know offhand, without looking at  
 13 publication schedules and counting days off on  
 14 calendars, whether there's enough days to meet our  
 15 publication requirements.  
 16 We have not less than 14, no more than 30,  
 17 so you kind of have a 15-to-30-day publication window,  
 18 which we may be able to hit, if, you know, there was  
 19 prompt action on it. I'm not sure offhand without  
 20 checking.  
 21 MR. MARKS: For clarification, Pat, that  
 22 would be this Sunday, notification would have to be in  
 23 Thursday morning at the latest.

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1 MS. KNEPP: This Thursday?  
 2 MR. MARKS: Yes.  
 3 MS. KNEPP: This Thursday. I got three  
 4 days.  
 5 MR. McGRATH: The ordinance doesn't have to  
 6 be done by that point but somebody has to initiate  
 7 with Brad to get publication and work with me on what  
 8 specifically you want the change to incorporate, and  
 9 they could be placed on the agenda for your next  
 10 meeting, and you can have both matters up for  
 11 recommendation.  
 12 MR. DeWEESE: Can I ask -- so if we try to do  
 13 that -- I'm a little confused. Was this already  
 14 decided by the village board, though, to not do that?  
 15 So we would -- so our recommendation --  
 16 MS. KNEPP: The village board made a  
 17 proposal, if I'm correct, to have the plan commission  
 18 look at where dance studios should fall, and they  
 19 voted that down. You know, I don't exactly know why.  
 20 I mean, part of the thought process would be, you  
 21 know, they don't see any reason to change it. I know  
 22 they're very -- I know people are concerned about spot  
 23 zoning or spot changing, right, when you make a change

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1 for one specific organization, right, but I don't know  
 2 if they would have a different -- that's why I did the  
 3 research in the other towns. Right. I feel like, if  
 4 you have data behind why you want to make the change,  
 5 that's not just because the dance studio wants to do  
 6 it, right, it's also that these are what all the  
 7 neighboring communities are doing, this is where they  
 8 find that to be an appropriate use.  
 9 I have talked to one of the communities to  
 10 figure out what the drawbacks are, and, I will be  
 11 honest, there are drawbacks. One of the challenges  
 12 with a dance studio or anything that has a class is  
 13 that, when you talk about Dairy Queen, people are  
 14 coming and going in a kind of random pattern. When  
 15 you have a class, you're going to have 20 kids getting  
 16 picked up and however many are in the next class  
 17 getting dropped off all at the same time; so there's a  
 18 different traffic pattern, a different parking  
 19 situation, etc., that goes with that.  
 20 I'm not saying that means that it shouldn't  
 21 be in B-2. I'm saying that does require different  
 22 considerations than, you know, Lulu's or some kind of  
 23 shop where people are going in and out at various

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1 times.

2 So there has been headaches in some of the

3 other communities that have dance in B-2. That being

4 said, I would hope that the village board would be

5 open to looking at, if all these other communities

6 have dance in B-2, or also art classes, music classes,

7 etc., you know, that they would entertain at least the

8 thought of changing it to that.

9 MR. DeWEESE: Thank you.

10 MS. KNEPP: So what are we going to do?

11 MR. KEACH: Does anyone have a motion or can

12 we have the motion?

13 MR. RITTERBUSCH: We have to vote down the

14 B-3 first.

15 MR. KEACH: I think what we have to do is

16 if -- there's two options. There's tabling, or

17 there's calling the question on the petition. Those

18 are the two options.

19 MR. ZOBRIST: Time limits on both choices

20 won't really change.

21 MR. McGRATH: If you were to table it, it

22 would continue the matter to the -- to your next

23 meeting. We should have enough time to publish, so

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1 you're acting, you know, on both together, or, if --

2 you know, you can still proceed with the zoning

3 amendment. If you vote it down tonight, the courtesy

4 that's been afforded today consistently, which has

5 been communicated in writing to the petitioner, is

6 that the village cannot pursue enforcement while open

7 requests for a zoning accomodation be pending, and I

8 would anticipate that would be continued, as a

9 continued courtesy.

10 So if you were to continue it, we cannot

11 initiate reenforcement. I would not anticipate,

12 unless I was directed different, through that meeting

13 and resolution, it would go to the board that night

14 because the board meets right after you, you know, in

15 all probability.

16 MR. KEACH: Seems like we should then table

17 it rather than --

18 MR. DeWEESE: Okay. Yeah. Right.

19 MR. RITTERBUSCH: I'll go ahead and make a

20 motion that we table this petition until the next

21 meeting and that we prepare the material necessary to

22 go to public hearing next meeting with a new

23 recommendation on how to handle dance studios.

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1 MR. McGRATH: Can I make a request to amend

2 that motion. Because we don't have that on -- the

3 second portion of that on the agenda, that certainly

4 seems to be your directive, which I understand, but

5 I'd like that to be excluded from the motion because

6 we can't vote on it without it going on the agenda,

7 but that won't impair the forward progress on your

8 request.

9 MR. RITTERBUSCH: Okay. Good.

10 MR. KEACH: We have a motion. Is there a

11 second?

12 MR. DeWEESE: I'll second.

13 MR. KEACH: And a second. Roll call.

14 MR. MARKS: Keach.

15 MR. KEACH: Yes.

16 MR. MARKS: Knepp.

17 MS. KNEPP: Yes.

18 MR. MARKS: Aupperle.

19 MR. AUPPERLE: Yes.

20 MR. MARKS: Ritterbusch.

21 MR. RITTERBUSCH: Yes.

22 MR. MARKS: Geil.

23 MR GEIL: Yes.

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1 MR. MARKS: DeWeese.

2 MR. DeWEESE: Yes.

3 MR. MARKS: Zobrist.

4 MR. ZOBRIST: Yes.

5 MR. MARKS: Approved to table.

6 MR. KEACH: Okay. So the next item on the

7 agenda is an ordinance making amendments to Title 10

8 of the Morton Municipal Code regarding accessory

9 buildings, structures, and uses, and I'm going to ask

10 Brad to give us a summary on what the changes are.

11 I'll call for a two-minute recess.

12 (Recess taken.)

13 MR. KEACH: Okay. Resuming our meeting.

14 Brad, can you give us a summary of the changes to the

15 amendment to this ordinance?

16 MR. MARKS: Yes. This ordinance actually

17 just does some clarification in zoning and

18 residential. In our code currently it says that

19 accessory structures can be 1.6 percent of the square

20 footage of the lot not to exceed 480 square feet; that

21 would include -- technically that would include all

22 accessory structures from the patios, swimming pools,

23 decks, examples of that nature. What we found is it



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1 also would be accessory buildings, storage buildings,  
 2 and ground mount solar systems.  
 3 So what we've recognized is things like  
 4 swimming pools, patios, and such are commonly  
 5 requested to be bigger than that 480 square feet. In  
 6 the past, we've accommodated them. We've permitted  
 7 them. So I would like clarification in the code that  
 8 when I write a permit that it is part of the code.  
 9 Now, the one thing that does not change is,  
 10 in our code, it says that all accessory uses in the  
 11 rear yard can't exceed 60 percent of the rear yard;  
 12 that does not change. So, therefore, it gives the  
 13 scenario where you could have a swimming pool, you can  
 14 have a patio, you can have your deck, you can have  
 15 your storage building. Add that all up, it cannot  
 16 exceed 60 percent of the rear yard, but you can have  
 17 your swimming pool be, for example, larger than the  
 18 480 square feet or the patio, but it would not allow  
 19 for a storage building or a ground mount solar to  
 20 exceed the 480. Does that make sense?  
 21 MR. KEACH: So each one of those could be  
 22 480, except for the pool, it can be bigger.  
 23 MR. MARKS: That would be the max. It's 1.6

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1 percent of the square footage of the lot, so you would  
 2 have to have a lot that is 30,000 square feet or more  
 3 to reach that 480. Most -- I'm not going to say the  
 4 numbers because I don't know the numbers -- but it  
 5 seems like most permits I write, people cannot even  
 6 reach that 480 because most lots are not 30,000 square  
 7 feet in town.  
 8 MR. AUPPERLE: That 1.6, you guys did some  
 9 homework on that, and that, I mean, stays to be true?  
 10 MR. MARKS: 1.6 has been in the code for as  
 11 long as I've been here.  
 12 MR. AUPPERLE: That's congruent with what  
 13 you see in that request, that 1.6?  
 14 MR. MARKS: For storage buildings?  
 15 MR. AUPPERLE: Well, just --  
 16 MR. MARKS: We'll get -- like swimming pools  
 17 can be 20 by 40, which is 800 then, 800 square feet.  
 18 So I think over time, or maybe it was something we  
 19 maybe didn't recognize in the past, at some point I  
 20 just realized, I'm writing permits for things that  
 21 exceed 480 square feet. I think the intention was  
 22 always to allow swimming pools, patios, and those  
 23 things to be larger than the 480, it just was not

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1 written in the code that way. So I think it's more  
 2 clarification for past practice and what the intent  
 3 was.  
 4 MR. McGRATH: There was some degree before  
 5 of conflating similar terms, using similar terms  
 6 interchangeably when they aren't, so an accessory  
 7 building is somewhat different than an accessory  
 8 structure, like a swimming pool can be an accessory  
 9 structure, but it's not a building. So we cleaned up  
 10 kind of the verbiage, which helps reinforce the point  
 11 Brad made.  
 12 The other thing we're doing, with solar,  
 13 there's always an open question until you address an  
 14 ordinance, how do you measure the solar; is it the  
 15 square footage of the panels; is it the shadow of the  
 16 panels when they're extended the furthest.  
 17 So we took, in the draft -- to measure the  
 18 area of solar to provide ground cover when the solar  
 19 is at its maximum, so whatever creates the most ground  
 20 cover based on the angle it can travel, that would be  
 21 how you measure the solar, essentially by the  
 22 footprint.  
 23 MR. KEACH: Thank you. Any other questions?

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1 Is that -- let's see. Is that -- that's just kind of  
 2 the same.  
 3 MR. MARKS: Yes, it just goes into the other  
 4 residential districts.  
 5 MR. KEACH: Okay. All right. Are there any  
 6 comments from the public on this issue? No. Hearing  
 7 none, any discussion or motions?  
 8 MR. ZOBRIST: I'll make a motion to approve.  
 9 MR. AUPPERLE: Second.  
 10 MR. KEACH: Roll call.  
 11 MR. MARKS: Knepp. Oh -- Geil.  
 12 MR. GEIL: Yes.  
 13 MR. MARKS: Ritterbusch.  
 14 MR. RITTERBUSCH: Yes.  
 15 MR. MARKS: Aupperle.  
 16 MR. AUPPERLE: Yes.  
 17 MR. MARKS: DeWeese.  
 18 MR. DeWEESE: Yes.  
 19 MR. MARKS: Zobrist.  
 20 MR. ZOBRIST: Yes.  
 21 MR. MARKS: Keach.  
 22 MR. KEACH: Yes. Knepp, there was a motion  
 23 and a second, and we are waiting on your vote.

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<p>1 MS. KNEPP: Oh, I vote yes.</p> <p>2 MR. KEACH: Okay.</p> <p>3 MR. MARKS: It's approved.</p> <p>4 MR. KEACH: So that concludes our public</p> <p>5 hearing tonight.</p> <p>6 MR. MARKS: Mr. Chairman, could I get a</p> <p>7 motion to table the ordinance that is in the agenda so</p> <p>8 I can bring that back to the next meeting?</p> <p>9 MR. AUPPERLE: So moved.</p> <p>10 MR. KEACH: Got a motion.</p> <p>11 MR. ZOBRIST: I'll second.</p> <p>12 MR. MARKS: Keach.</p> <p>13 MR. KEACH: Yes.</p> <p>14 MR. MARKS: Ritterbusch.</p> <p>15 MR. RITTERBUSCH: Yes.</p> <p>16 MR. MARKS: Geil.</p> <p>17 MR. GEIL: Yes.</p> <p>18 MR. MARKS: Zobrist.</p> <p>19 MR. ZOBRIST: Yes,</p> <p>20 MR. MARKS: DeWeese.</p> <p>21 MR. DeWEESE: Yes.</p> <p>22 MR. MARKS: Aupperle.</p> <p>23 MR. AUPPERLE: Yes.</p>	<p>1 CERTIFIED SHORTHAND REPORTER'S CERTIFICATE</p> <p>2</p> <p>3 I, Leigh C. Stephens, CSR, RPR, a Certified</p> <p>4 Shorthand Reporter in and for the State of Illinois,</p> <p>5 and the Certified Shorthand Reporter who reported the</p> <p>6 proceedings had on said day in this cause, do hereby</p> <p>7 certify that the foregoing transcript of proceedings</p> <p>8 is a true and complete transcript of proceedings had</p> <p>9 on said day in this cause.</p> <p>10 IN TESTIMONY WHEREOF, I have hereunto set my</p> <p>11 hand this 1st day of December, A.D. 2022.</p> <p>12</p> <p>13 <i>Leigh C. Stephens</i></p> <p>14</p> <p>15 CSR, RPR,</p> <p>16 (License #084-004885)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

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<p>1 MR. MARKS: Knepp.</p> <p>2 MS. KNEPP: Yes.</p> <p>3 MR. MARKS: Approved.</p> <p>4 MR. KEACH: There's no other business or</p> <p>5 comments from Brad?</p> <p>6 MR. MARKS: Nothing tonight.</p> <p>7 MR. KEACH: Or Craig?</p> <p>8 MR. HILLIARD: Nope.</p> <p>9 MR. KEACH: With that, I'll ask for a motion</p> <p>10 to adjourn.</p> <p>11 MR. RITTERBUSCH: Motion to adjourn.</p> <p>12 MR. ZOBRIST: Second.</p> <p>13 MR. KEACH: And a second. All in favor say</p> <p>14 aye.</p> <p>15 ALL IN UNISON: Aye.</p> <p>16 (Hearing concluded at 8:43 p.m.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	

**MORTON PLAN COMMISSION  
MINUTES-DECEMBER 19, 2022**

The Plan Commission met on Monday, December 19, 2022, at 6:00 P.M., Vice Chairman DeWeese presiding. Present: Geil, Knepp, Ritterbusch, Zobrist, Aupperle, Yordy, DeWeese. Absent: Keach. Also, in attendance: Zoning Officer Brad Marks, Trustee Craig Hilliard, and Attorney Pat McGrath.

Zobrist made a motion to approve the minutes from the November 28, 2022, meeting. Aupperle seconded the motion to approve. The November 28, 2022, minutes were unanimously approved by a voice vote.

**Public Hearing(s):**

**Petition No. 22-08 ZA:** Subject property is located at 316 S. Main St. (PIN 06-06-20-226-014). A petition has been filed requesting a zoning change from B-2 to B-3. This petition was continued from the November 28, 2022, meeting. There was no one as a representative of the petitioner or from the public that addressed the Plan Commission. After discussion amongst the Plan Commission (see transcripts), a motion to approve was made by Knepp. A second motion to approve was made by Yordy. This was followed by a vote to approve.

**Yes-**None

**No-**Knepp, Aupperle, Ritterbusch, Geil, DeWeese, Zobrist, Yordy

**Petition No. 22-08 ZA was not approved for a favorable recommendation**

**Petition No. 22-09 SP:** Subject property is located at 3900 W. Jackson St. (PIN 05-05-12-214-007). A petition has been filed requesting a zoning change from B-3 with a special use permit for a mason contractor's office/warehouse with outdoor storage of materials to B-3 with a special use to include outdoor storage of motor homes, boats, trailers, and operable vehicles. The petitioner (Mike Zimmerman) addressed the Planning Commission. Mr. Zimmerman explained the history of the property as it pertained to the construction of the contractor's office, storage facility and the current special use (see transcripts). No one from the public spoke. After discussion amongst the Plan Commission, a motion to approve the special use as proposed (**outdoor storage of motor homes, boats, trailers, and operable vehicles**) with the addition of the following conditions was made by Geil. The conditions are as follows: **Install and maintain arbor vitae spaced four feet apart on the Victor Street side of the property along with completing permanent fencing in the same area by August 1, 2023. Any items that are presently stored in the outdoor portion of the property that are beyond the scope of the prior list must be removed within 36 months of the awarded special use. The owner would be allowed to store one of the owner's tractors on the property.** A second motion to approve was made by Zobrist. This was followed by a vote to approve.

**Yes-**Knepp, Geil, Ritterbusch, Aupperle, Deweese, Zobrist, Yordy

**No-**None

**Petition No. 22-09 SP was approved for a favorable recommendation**

**AN ORDINANCE MAKING AMENDMENTS TO TITLE 10 OF THE MORTON MUNICIPAL CODE REGARDING DANCE, MUSIC AND ART STUDIOS IN THE B-2 ZONING DISTRICT.** Vice Chairman DeWeese requested Commissioner Knepp speak about the proposed amendment since it was initiated by her. Ms. Knepp stated that the proposed ordinance should be inserted in the code as a special use in the B-2 zoning district. After discussion amongst the board (see transcripts), a motion to approve the ordinance was made by Yordy. A second motion to approve was made by Geil. This was followed by a vote to approve.

**Yes-**Knepp, Geil, Ritterbusch, Aupperle, Deweese, Zobrist, Yordy

**No-**None

**Proposed ordinance was approved for a favorable recommendation**

**Other Business:**

None

**Brad Marks:**

Nothing

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

<p style="text-align: right;">Page 1</p> <p>1 PLAN COMMISSION OF THE VILLAGE OF MORTON, ILLINOIS</p> <p>2 DATE: December 29, 2022</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. Gerald Ritterbusch 8 Mr. Chad DeWeese 9 Mr. Bill Aupperle 10 Mr. Michael Yordy 11 Mr. Phil Zobrist 12 Mr. Pat McGrath 13 Mr. Brad Marks 14 Ms. Kara Knepp 15 Mr. Nate Geil 16 Mr. Craig Hilliard</p> <p>17 MR. DeWEESE: All right. It says six 18 o'clock on my watch here, and I know the village board 19 has a meeting in this same place at seven o'clock, so 20 let's get under way. Welcome everyone. It's Monday, 21 December 19th, 2022, and this is the plan commission 22 meeting for the Village of Morton, Illinois. First 23 order of duty is roll call.</p> <p>24 MR. MARKS: Geil.</p> <p>25 MR. GEIL: Here.</p> <p>26 MR. MARKS: Knepp.</p> <p>27 MS. KNEPP: Here.</p>	<p style="text-align: right;">Page 3</p> <p>1 MR. DeWEESE: Excellent. All right. So 2 we'll move into our public hearing portion of our 3 meeting, and, before we do this, I think our counsel 4 has something to say.</p> <p>5 MR. McGRATH: Thank you. Public hearings 6 are being held tonight pursuant to published notice. 7 Any person wishing to make a comment to the planning 8 commission will be afforded an opportunity to do so 9 and will give their testimony under oath or 10 affirmation. No member of the public may address the 11 commission or cross-examine a testifying witness 12 unless and until recognized by the chair.</p> <p>13 Any person living within 250 feet of a 14 property at issue wishing to cross-examine a 15 testifying witness may be afforded an opportunity to 16 do so at the discretion of our chair to matters 17 germane to the issues before the planning commission.</p> <p>18 At the conclusion of the public hearing, the 19 planning commission will make a recommendation to the 20 village board. The planning commission makes 21 recommendations only. The village board is 22 responsible for taking final action on these matters. 23 Finally, we have one matter on our hearing</p>
<p style="text-align: right;">Page 2</p> <p>1 MR. MARKS: Ritterbusch.</p> <p>2 MR. RITTERBUSCH: Here.</p> <p>3 MR. MARKS: Keach.</p> <p>4 (No response.)</p> <p>5 MR. MARKS: Absent. Zobrist.</p> <p>6 MR. ZOBRIST: Here.</p> <p>7 MR. MARKS: Aupperle.</p> <p>8 MR. AUPPERLE: Here.</p> <p>9 MR. MARKS: Yordy.</p> <p>10 MR. YORDY: Here.</p> <p>11 MR. MARKS: DeWeese.</p> <p>12 MR. DeWEESE: Here.</p> <p>13 MR. MARKS: We have a quorum.</p> <p>14 MR. DeWEESE: Excellent. Next is approval 15 of the minutes for the regular meeting, November 28th, 16 2022. So any comments or corrections from the 17 commission?</p> <p>18 MR. ZOBRIST: I'll make a motion to approve 19 the minutes.</p> <p>20 MR. AUPPERLE: Second.</p> <p>21 MR. MARKS: All in favor say aye.</p> <p>22 ALL IN UNISON: Aye.</p> <p>23 MR. MARKS: Oppose the same. Approved.</p>	<p style="text-align: right;">Page 4</p> <p>1 agenda tonight that was before you, the board, last 2 time; that's Petition No. 22-08 ZA. Any testimony 3 offered during the prior proceeding regarding that 4 case is of record; it's a part of our transcript and 5 does not need to be repeated into the record tonight. 6 That record is a persistent or continuing document, so 7 what will be presented to the board will reflect both 8 the testimony of last time and any deliberation or 9 discussion this time.</p> <p>10 I'd also tender that the public hearing on 11 that portion essentially closed last time, and it was 12 to the board level for debate. Once the case reaches 13 a board level for debate and our chair announces that 14 a case is closed, that represents the end of the 15 public's opportunity to receive or offer testimony 16 into the proceeding. It's at that point that only the 17 planning commission to have discussion leading to a 18 vote on the case. Thank you.</p> <p>19 MR. DeWEESE: Thank you. First up is that 20 Petition No. 22-08 ZA. I'll read it. Subject 21 property is located at 316 South Main Street. A 22 petition has been filed requesting a zoning change 23 from B-2 to B-3.</p>

<p style="text-align: right;">Page 5</p> <p>1 Would anybody like to speak on this issue?</p> <p>2 New comment from the petitioner or the petitioner</p> <p>3 themselves? Any public? Okay. Anything on the</p> <p>4 table? Any commission comments? Questions?</p> <p>5 MR. McGRATH: If I may suggest, your Honor.</p> <p>6 It appeared to be the will of the planning commission</p> <p>7 at the last hearing to consider Petition No. 22-08 ZA</p> <p>8 somewhat in connection with or resolve or request on</p> <p>9 that matter contemporaneously with resolving the third</p> <p>10 item on the petition -- or the public hearing section.</p> <p>11 So if it were to be the will of the chair,</p> <p>12 you could either delay action on Case 22-08 ZA until</p> <p>13 opportunity for public comment and discussion on the</p> <p>14 ordinance item or move the ordinance item up to enable</p> <p>15 both items to be discussed contemporaneously, if that</p> <p>16 was the will of the board -- commission, I should say.</p> <p>17 MR. DeWEESE: Sounds good to me. They are</p> <p>18 linked.</p> <p>19 MS. KNEPP: How about we move the ordinance</p> <p>20 up?</p> <p>21 MR. DeWEESE: Okay. Cool. I didn't know</p> <p>22 that can be done. So I'll move down to -- skip down</p> <p>23 to the -- okay. An ordinance making amendments to</p>	<p style="text-align: right;">Page 7</p> <p>1 placing a parking burden on an area of businesses.</p> <p>2 The other thing that was mentioned quite</p> <p>3 often was the fact that the location on Main Street</p> <p>4 would be more suitable, less dangerous maybe than the</p> <p>5 location on Jefferson, so I think there's an</p> <p>6 acknowledgement that that location on Jefferson is a</p> <p>7 little bit dangerous as far as kids getting dropped</p> <p>8 off and whatnot.</p> <p>9 And that location is also B-2, so, because</p> <p>10 of that, I really feel like the most appropriate place</p> <p>11 for this is in special use, and that, I believe, is</p> <p>12 correct, it would mean that would come before the</p> <p>13 board so we could review parking and drop-off</p> <p>14 procedures before any of these types of locations</p> <p>15 would be permitted into the B-2 area.</p> <p>16 MR. McGRATH: And that is correct. If you</p> <p>17 make it a special use, you have the opportunity to</p> <p>18 place conditions on the awarded special use. The</p> <p>19 conditions have to be reasonably related to the</p> <p>20 criteria set forth in your code, things like parking</p> <p>21 and -- parking, as one example, would be a perfectly</p> <p>22 acceptable condition on an individual basis. So your</p> <p>23 summary is legally correct in terms of what the</p>
<p style="text-align: right;">Page 6</p> <p>1 Title 10 of the Morton Municipal Code regarding dance,</p> <p>2 music, and art studios in the B-2 zoning district.</p> <p>3 You should have gotten a packet on this. Page 3 in</p> <p>4 that packet added the dance, music, and art studios</p> <p>5 and definitions, and page 16 added the same to the</p> <p>6 allowable special uses in B-2. Should I ask for</p> <p>7 public comment first?</p> <p>8 MR. McGRATH: That would be appropriate.</p> <p>9 MR. DeWEESE: All right. So is anybody</p> <p>10 wanting to comment? If so, you need to be sworn in.</p> <p>11 Okay. All right. Well, Kara, having initiated this</p> <p>12 particular amendment, do you want to open up the</p> <p>13 comments?</p> <p>14 MS. KNEPP: Yeah. Obviously, last month we</p> <p>15 heard quite a bit of comment, public comment, and it</p> <p>16 was nice to see all the passion regarding -- around</p> <p>17 dance. There were also -- there's a history of dance</p> <p>18 on Jefferson having some inconveniences, we'll call</p> <p>19 it, with traffic flow and parking.</p> <p>20 I think Gina Jeffries from State Farm</p> <p>21 mentioned that, you know, she had left work and came</p> <p>22 back and there was no parking available, and I think</p> <p>23 one thing we need to be careful of is that we are not</p>	<p style="text-align: right;">Page 8</p> <p>1 procedure would be if this amendment were to be</p> <p>2 adopted.</p> <p>3 MS. KNEPP: Okay. And so that's where we</p> <p>4 have placed it into the special use, so it is not in</p> <p>5 permitted use. So it wouldn't be just you could open</p> <p>6 up a dance, music, or arts studio into any B-2</p> <p>7 location. It would still have to come across the</p> <p>8 board for parking and anything else that we could put</p> <p>9 under the special use considerations.</p> <p>10 MR. McGRATH: One comment, just on the</p> <p>11 ordinance. It appears, when you look at your draft,</p> <p>12 the ordinance, as if there's a change also being made</p> <p>13 regarding landscape screening. We use a code drafting</p> <p>14 software that's relatively new to the village that</p> <p>15 overall makes our job easier.</p> <p>16 For whatever reason, that code drafting</p> <p>17 software makes that language appear to be a change.</p> <p>18 It's not, in fact, a change. So any indication in the</p> <p>19 ordinance that it's changing landscape screening</p> <p>20 requirements is not correct. Those have been in the</p> <p>21 code for some time, and they just, for some reason,</p> <p>22 appear in your copy as if I was changing those when I</p> <p>23 drafted this.</p>

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1 MR. DeWEESE: That was the green things on  
 2 the last page. Okay. Any other comments?  
 3 MR. YORDY: I had the opportunity to look  
 4 at -- it was in our packet at the last meeting. I did  
 5 a brief overview of all the B-2 businesses and looked  
 6 at that and said where would dance -- what percentage  
 7 of dance would fit into B-2? It was a brief overview  
 8 of the B-2 district. And, obviously, this is one  
 9 case, but we, as a plan commission, need to look ahead  
 10 at other cases too, meaning dance in B-2.  
 11 I believe that dance -- there are a handful  
 12 of properties that dance will work in the B-2  
 13 district. I think it would be something different if  
 14 there was only one or two possible buildings or  
 15 businesses that would permit that, but I believe -- I  
 16 couldn't tell you a percent, but I believe that  
 17 special use B-2 is where this needs to be. I think  
 18 it's a good recommendation, and I would agree with  
 19 that that dance should be B-2 special use.  
 20 In my research in special use, that does  
 21 trigger site plan review. To my understanding, upon  
 22 site plan review, that goes to village staff to review  
 23 traffic -- Brad, correct me if I'm wrong -- traffic

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1 flow, parking, other requirements, I should say. So I  
 2 think that's another reason why this fits very well as  
 3 a special use because that will go to site plan review  
 4 from there on out. So I would say that I support this  
 5 ordinance putting dance in B-2 as a special use. I  
 6 support that.  
 7 MR. DeWEESE: Any other comments? Hearing  
 8 none, do we have any motions?  
 9 MR. YORDY: So moved.  
 10 MR. DeWEESE: I'm sorry. Do we have a  
 11 motion to approve?  
 12 MR. YORDY: So moved.  
 13 MR. GEIL: I second.  
 14 MR. MARKS: Knepp.  
 15 MS. KNEPP: Yes.  
 16 MR. MARKS: Aupperle.  
 17 MR. AUPPERLE: Yes.  
 18 MR. MARKS: Ritterbusch.  
 19 MR. RITTERBUSCH: Yes.  
 20 MR. MARKS: Geil.  
 21 MR. GEIL: Yes.  
 22 MR. MARKS: DeWeese.  
 23 MR. DeWEESE: Yes.

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1 MR. MARKS: Zobrist.  
 2 MR. ZOBRIST: Yes.  
 3 MR. MARKS: Yordy.  
 4 MR. YORDY: Yes.  
 5 MR. MARKS: Favorable recommendation.  
 6 MR. DeWEESE: All right. Should we go back  
 7 up to Petition No. 22-08 ZA, the original?  
 8 MR. MARKS: If I may interject. So, Pat,  
 9 could you clarify what this means, that if this goes  
 10 to the village board and it is approved by the village  
 11 board, that still means a special use needs to be  
 12 applied for.  
 13 MR. McGRATH: Sure. Yeah, I can speak to  
 14 that process. So, first, the petition, 22-08 ZA,  
 15 remains outstanding, and I agree with Mr. Chairman's  
 16 position that we need to move that back for action;  
 17 whether that's favorable or unfavorable, that  
 18 recommendation will also pass through the village  
 19 board.  
 20 If the village board were to approve the  
 21 zoning amendment, it would negate the need for further  
 22 action from the people pursuing the zoning change for  
 23 316 South Main. If there's negative recommendation or

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1 negative -- I should say if the board votes down the  
 2 rezoning for 316 South Main but the board approves the  
 3 ordinance making dance studios a special use in B-2,  
 4 then Amy or Ann or Amy and Ann together could apply  
 5 for a special use.  
 6 That would, depending on the timing of their  
 7 application, come to you for a subsequent meeting  
 8 either in January or February. It would probably be  
 9 February just because the board's not going to be able  
 10 to vote tonight because they're not going to have a  
 11 transcript of what you do tonight, so that would put  
 12 it in the first meeting in January for board action.  
 13 So either in January or February, they would  
 14 have the opportunity to come back on a petition for  
 15 special use where we would have a hearing as to  
 16 whether 316 South Main Street should receive a special  
 17 use for the dance, music, and arts studio. You would  
 18 make a recommendation, and that would go to the  
 19 village board for their next meeting.  
 20 As has been the case, to the extent  
 21 enforcement is something you seek perspective on, it  
 22 has been persistently the case that while requests are  
 23 pending, enforcement is on hold; that's kind of the



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<p>1 mentality from a code enforcement standpoint. So if                  2 there's an application for special use pending, it                  3 wouldn't be enforcement of the zoning violation until                  4 that case is fully resolved.                  5 MR. DeWEESE: Thank you.                  6 MR. McGRATH: Yep.                  7 MR. DeWEESE: Appreciate it. All right. So                  8 I already previously opened it up to the public. So                  9 any other comments on Petition No. 22-08 ZA from the                  10 commission? All right.                  11 MS. KNEPP: I'll make a motion to approve                  12 Petition No. 22-08 ZA.                  13 MR. YORDY: Second.                  14 MR. DeWEESE: Thank you.                  15 MR. ZOBRIST: Just for clarity, this would                  16 be to approve a change of zoning from B-2 to B-3?                  17 MS. KNEPP: Correct.                  18 MR. ZOBRIST: I just want to make sure.                  19 MR. MARKS: Knepp.                  20 MS. KNEPP: No.                  21 MR. MARKS: Aupperle.                  22 MR. AUPPERLE: No.                  23 MR. MARKS: Ritterbusch.</p>	<p>1 MR. DeWEESE: Please give us your name.                  2 MR. ZIMMERMAN: Mike Zimmerman. I am the                  3 owner of 3900 West Jackson.                  4 MR. DeWEESE: Is that enough?                  5 MR. McGRATH: Yeah. He's identified                  6 himself.                  7 MR. ZIMMERMAN: I think everybody has the                  8 packet that was sent out and everything. Just -- I'll                  9 go over it real brief. I bought the property in '95                  10 and built my building in '95 and started my business                  11 there -- or moved my business there at that time.                  12 Then in 2000, I moved to a larger location and                  13 continued to rent the building out then to different                  14 outfits, but the main one was the Fedex contractor.                  15 And in that time that he had had it up until                  16 June of this last year, he had no more than six trucks                  17 parked there. And then in 2000, when I did move out,                  18 I had a few friends say, hey, can I park a trailer                  19 there. I said, yeah, sure. I figured I had a special                  20 use permit for outdoor storage.                  21 And so for that time until 2018 when I                  22 started making plans to retire, the place had gotten,                  23 you know, pretty overgrown and stuff. There was still</p>
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<p>1 MR. RITTERBUSCH: No.                  2 MR. MARKS: Geil.                  3 MR. GEIL: No.                  4 MR. MARKS: DeWeese.                  5 MR. DeWEESE: No.                  6 MR. MARKS: Zobrist.                  7 MR. ZOBRIST: No.                  8 MR. MARKS: Yordy.                  9 MR. YORDY: No.                  10 MR. MARKS: Not given a favorable                  11 recommendation.                  12 MR. DeWEESE: Thank you. All right. Last                  13 item on the docket tonight, Petition No. 22-09 SP.                  14 Subject property is located at 3900 West Jackson                  15 Street. A petition has been filed requesting a zoning                  16 change from B-3 with a special use permit for mason                  17 contractor's office/warehouse with outdoor storage of                  18 materials related to that use to B-3 with a special                  19 use to include outdoor storage of motor homes, boats,                  20 trailers, and operable vehicles. Would anyone from                  21 the public like to speak? Okay. You need to be                  22 sworn.                  23 (Witness affirmed.)</p>	<p>1 some masonry equipment and material there.                  2 So in 2018 I got some prices to put three                  3 more storage units. The original plot plan for that                  4 piece of property had four storage unit buildings on                  5 it, and I built one in '98 and didn't ever build the                  6 other three basically because I didn't have the time                  7 for the company. I was too busy.                  8 But I got prices in 2018, and then,                  9 conferring with the city and land improvements and the                  10 cost of storage units -- I'm 70 almost now, so I would                  11 not have -- by the time I put a 300-something-thousand                  12 dollar investment into the buildings, I wouldn't get a                  13 return on the money, so I fell back to the outdoor                  14 storage.                  15 So I just started clearing the ground and                  16 putting a base in and putting trailers in there. And                  17 in 2020, I think, I put my fence up; 260 feet along                  18 the property line there. And this last year I                  19 completed cleaning up some masonry stuff and getting                  20 rid of the brush and the trees that were the last                  21 of -- along Victor Street, and I've got temporary                  22 fence up now.                  23 In the spring I'm going to put the permanent</p>

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1 fence up and complete that and then complete cleaning  
 2 up the south end of the property and then plant arbor  
 3 vitae along Victor Street for a screen, and I think  
 4 that's all in the packet.  
 5 MR. DeWEESE: Any questions? All right.  
 6 Thank you, sir.  
 7 MR. ZOBRIST: Wait, one question, Mike. Is  
 8 there existing security lighting, or will you be  
 9 expanding that, if you expand your lot, or how would  
 10 you do that?  
 11 MR. ZIMMERMAN: What I have on the existing  
 12 building out there, the storage unit, is motion  
 13 detector security lights. They stay on for like three  
 14 minutes. But they come on -- there's like -- there's  
 15 three on the two sides and one on each end. So they  
 16 stay on for about three minutes, and they only shine  
 17 out from about here to that wall, you know. The main  
 18 building has always had lights on it.  
 19 MR. ZOBRIST: So all the lighting that's  
 20 there now is on buildings; there's no pole lighting?  
 21 MR. ZIMMERMAN: No. I had one neighbor ask  
 22 me to put a pole light up because she said it's dark  
 23 at her house, and I said, well, that's not in the

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1 plans. And I did -- I did go around to the connecting  
 2 owners, and I think that's in your packet too. I  
 3 talked to five of them personally and then called the  
 4 rest, and all but one was very happy and knew what I  
 5 was doing. Most of them knew what I was already  
 6 doing. I've known them for a number of years.  
 7 MR. DeWEESE: Any other questions? All  
 8 right. Thank you, sir. Anyone else? Any other  
 9 public comment? Okay. So I'll close our public  
 10 comment.  
 11 Brad, did you have anything you wanted to  
 12 add from the village?  
 13 MR. MARKS: If -- as you review this, I  
 14 would recommend that, if you give a favorable  
 15 recommendation for the special use, I would -- I would  
 16 say that you need to be very specific with the items  
 17 that need to be addressed, which would include exactly  
 18 what's going to be stored outside, the exact landscape  
 19 screening that will be provided and also the lighting.  
 20 The lighting, by ordinance, is not supposed  
 21 to spill out past his property line. Now, that will  
 22 also be vetted out in site plan review because this is  
 23 a special use, which triggers that. So we will

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1 address storm water, pavement setbacks, other items  
 2 that site plan review will trigger. But I think the  
 3 more specific we can be on these requirements, that  
 4 makes it easier for staff to enforce in the future to  
 5 make sure that we're a good neighbor to the  
 6 surrounding properties.  
 7 MR. DeWEESE: Thank you, Brad.  
 8 MR. YORDY: So, Brad, you would say on a  
 9 special use the exact wording, motor homes, boats,  
 10 trailers, and other operable vehicles?  
 11 MR. MARKS: Yes. That was on -- that was  
 12 the application -- exactly how Mr. Zimmerman put it on  
 13 the application, so that's what I would recommend as  
 14 being the items that -- the only items that can be  
 15 stored outside.  
 16 MR. YORDY: So operable vehicles is kind of  
 17 a loose end.  
 18 MR. MARKS: An operable vehicle not only has  
 19 to be running, it has to be licensed. It has to have  
 20 current license.  
 21 MR. YORDY: So the way this is worded, he  
 22 could not park a tractor.  
 23 MR. MARKS: I would interpret that as no.

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1 Is that correct, Pat?  
 2 MR. McGRATH: Yeah. I would not interpret a  
 3 tractor to be a part of the scope of that word.  
 4 MR. YORDY: So I guess I would ask Mike.  
 5 Are you okay with how this is wrote then?  
 6 MR. ZIMMERMAN: I would probably -- if I got  
 7 that option right now to add a tractor on there,  
 8 because, I mean, I do have a tractor. You know, I've  
 9 sold it, but, I mean, I might be getting a tractor  
 10 again.  
 11 MR. YORDY: And I just threw that out there,  
 12 Mike.  
 13 MR. ZIMMERMAN: Yeah.  
 14 MR. MARKS: Yeah. Sure.  
 15 MR. YORDY: About your comment being more  
 16 specific.  
 17 MR. MARKS: Yes. Yes.  
 18 MR. ZIMMERMAN: Yeah. And, right now, I've  
 19 got a guy that has an airplane cockpit parked there.  
 20 He's making a flight simulator out of it, so I'm not  
 21 sure how that would -- I mean, that's probably a  
 22 chance of 1 in 100 years to ever have somebody move --  
 23 it's a pretty good-sized cockpit, but, I mean, he's

<p style="text-align: right;">Page 21</p> <p>1 got it all wrapped up, and he works on it in good  2 weather, so I'm not sure if that would be a special  3 language. I don't expect it there for over a year,  4 the way it sounds.  5 MR. MARKS: I mean, the concern I would have  6 is now we become open air storage, which becomes a  7 junk yard. I'm not saying Mr. Zimmerman is doing  8 that; that's not what I'm saying. If Mr. Zimmerman  9 sells the property, the next person that comes in, if  10 we're not specific about what can be stored there,  11 that's the possibility that we -- that can happen.  12 MR. DeWEESE: Is it your intent -- so I went  13 out and looked at it, and the fencing that is like  14 six-foot fencing along there, there aren't slats in  15 the fencing. Is it your intention to put slats in the  16 fencing or just leave it as is?  17 MR. ZIMMERMAN: That's where that whole  18 road, the 340-some feet, is going to have arbor vitae  19 about four foot apart, so that will be a natural  20 screen.  21 MR. DeWEESE: Okay. So no slats in the  22 chain then, just the arbor vitae.  23 MR. ZIMMERMAN: Yeah. I mean, I could do</p>	<p style="text-align: right;">Page 23</p> <p>1 specific, whether we want just arbor vitae or  2 something more.  3 MR. GEIL: Myself, I'm comfortable with the  4 arbor vitae; hearing the four-foot spacing, I'm good  5 with that as well, knowing the growth rate and the  6 size that those would get to.  7 To your point of slats, that would appease  8 the code as its written as a visual screen; I think,  9 however, the arbor vitae are going to provide a more  10 natural and appealing screen for the neighbors next  11 door. So I would -- I would tend to keep the arbor  12 vitae in and go that route. I think it's going to be  13 an end product that everyone would be happy with  14 rather than the slats.  15 MR. YORDY: I would agree with that.  16 MR. DeWEESE: So how do we go about adding  17 the conditions? Do we need to spell it out right now?  18 MR. McGRATH: That would need to be included  19 in the motion.  20 MR. AUPPERLE: So if we're concerned about  21 it being a junk yard, can we add the exclusion that  22 inoperable vehicles are prohibited, and that would  23 satisfy the junk yard concern you're speaking of.</p>
<p style="text-align: right;">Page 22</p> <p>1 the slats and not the arbor vitae and it will still  2 give the screening, but I think arbor vitae is going  3 to look a lot nicer, and they're going to get taller  4 than the slats. The slats only go up to six foot in  5 the fence, and some of the trailers -- most of the  6 trailers are over six-foot tall.  7 So the neighbor across the street, he's  8 already planted some arbor vitae, and he came over and  9 talked to me. And he said, hey, he said, I think  10 you're doing a great job cleaning up and stuff, you  11 know, I got this letter from the city. And I said,  12 well, I said, you know, this is what I'm going to do.  13 He said that's great, you know.  14 And he had already planted arbor vitae on  15 his property and they -- I think they're only about  16 four or five years old, and they're already about  17 eight-foot tall. So that was my long-term plan is to  18 get this planted yet this year -- next year and finish  19 cleaning up and everything so it will be protected.  20 MR. DeWEESE: Okay. Thank you. So I guess  21 I'd ask the same question to the commission what  22 you're comfortable with, you know, because we'll  23 have -- going to Brad's comment, we need to be</p>	<p style="text-align: right;">Page 24</p> <p>1 Correct?  2 MR. MARKS: I mean, I would defer to Pat,  3 but I would interpret it, if it's not allowed, then  4 anything else is not allowed would be my  5 interpretation. Is that correct, Pat?  6 MR. McGRATH: So, I mean, we have a series  7 of somewhat specific provisions on junk yards and  8 automotive salvage facilities that exist in our code  9 already that probably would be sufficient to prevent  10 that possibility; however, I concur with Brad's point  11 that specificity in the motion is necessary so that,  12 you know, staff has an understanding both now and in  13 the future in terms of the bounds of what's permitted  14 and what's not as well as the petitioner.  15 So I think I would concur with Brad's  16 thoughts that a motion explicitly stating what's  17 permitted, by implication or even expression, excludes  18 all else, and there's different ways, I think, you  19 could go about, you know, how to address that in terms  20 of whether you want to expand the scope of the list.  21 But I would agree that a specific motion stating these  22 specific outdoor storage that's permitted would be  23 appropriate.</p>

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1 You could also, you know -- yeah. You could  
 2 also include in the motion, if you so desired in  
 3 response to the -- I honestly don't -- I mean, the  
 4 airplane cockpit is an arresting conundrum, only  
 5 because, to Mr. Zimmerman's point, that would probably  
 6 never reoccur. You could, you know, I suppose,  
 7 include -- you know, that's a tough one to address.  
 8 I'm not sure if you want to include that specifically.  
 9 Although it's probably a very improbable  
 10 scenario, you could factor in some form of  
 11 grandfathering; anything that's on the property on the  
 12 date of the awarded special use that doesn't fit  
 13 within your confines as of a year, or some defining  
 14 period, to be removed or for that use to discontinue.  
 15 MR. DeWEESE: So are you suggesting that we  
 16 could -- yeah, it's gets into the nitty-gritty  
 17 there -- put a term limit on it?  
 18 MR. McGRATH: I mean, you can --  
 19 MR. DeWEESE: You can store a cockpit  
 20 until --  
 21 MR. McGRATH: It's not a great answer for  
 22 that one.  
 23 MR. DeWEESE: Sure.

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1 MR. ZIMMERMAN: I was going to say, I would  
 2 be fine with that, if you want to do a time limit,  
 3 like, say, give him two years, and I would not ever  
 4 allow somebody to bring a cockpit in again, if that  
 5 would help clean up this.  
 6 MR. DeWEESE: Seems very odd, but if it  
 7 moves us along, I guess. We do have to put -- I think  
 8 we have to put some type of time frame on the  
 9 improvements that Mr. Zimmerman is doing, planting  
 10 arbor vitae, you know, in the spring, you know.  
 11 MS. KNEPP: You also probably need to put  
 12 maintaining, maintaining an arbor vitae treeline along  
 13 Victor Street.  
 14 MR. DeWEESE: Is there anything currently --  
 15 like there's landscape requirements already, you know,  
 16 for other -- and is there maintenance terminology in  
 17 there where they can't just plant it once and let it  
 18 die?  
 19 MR. McGRATH: As applied to this particular  
 20 case, this is a peculiar property because where this  
 21 property abuts property you would consider residential  
 22 is outside the village limits, so your normal  
 23 landscape screening requirements that exist between an

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1 industrially zoned property and residentially zoned  
 2 property don't apply because we don't recognize any  
 3 zoning classifications; that property is not within  
 4 the village.  
 5 Some of our zoning requirements have -- most  
 6 of our landscape screen requirements don't have  
 7 substantial language of any duty to maintain, but I do  
 8 think it would be appropriate in your motion to  
 9 indicate that it must be installed and maintained, you  
 10 know, for the duration of use.  
 11 MR. MARKS: Mr. Chairman, so if the planning  
 12 commission is agreeable to the plan that Mr. Zimmerman  
 13 proposed with the arbor vitae, I would recommend -- or  
 14 I think it might be a good idea, if you're going to  
 15 make a recommendation, to approve that plan and then  
 16 put the verbiage in that the plan need to be  
 17 maintained as such.  
 18 MR. DeWEESE: Okay.  
 19 MR. MARKS: I think that would cover.  
 20 MS. KNEPP: And then does adding farming  
 21 equipment -- is that appropriate for -- to cover  
 22 tractors, or is that too broad? That's very broad.  
 23 MR. GEIL: I don't want to open it up to

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1 farming equipment in general because then you get into  
 2 implements, and I think you're starting to run down a  
 3 rabbit hole.  
 4 MS. KNEPP: Okay. So farming machines,  
 5 tractors.  
 6 MR. YORDY: I guess could we -- could we say  
 7 operable vehicles; inoperable vehicle not -- not, I  
 8 would say, applicable to this situation, if we're  
 9 worried about, you know, storing, you know,  
 10 quote/unquote junk yard.  
 11 MR. DeWEESE: So, I mean, we could add the  
 12 word -- this is probably not what you're going to add,  
 13 but going back to the negative, not wanting to make it  
 14 negative, only operable vehicles, and then the  
 15 question was do you add equipment. I mean, you said  
 16 farm, but, I guess, you know, you could say operable  
 17 equipment, and that gives a lot of latitude there.  
 18 But do we want to go there?  
 19 You know, the fear is a junk yard. Right?  
 20 The fear is that it would become a junk yard. Well,  
 21 if we put some kind of language on it, you know, that  
 22 says operable, then that gives him lot of latitude but  
 23 yet -- I don't know. I don't know if that's

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1 protective enough.

2 MR. HILLIARD: Mr. Chairman, I think by

3 opening it up and making it more vague goes away from

4 what Mr. Marks requested on a little more specificity.

5 MR. DeWEESE: Yeah, it does. All right.

6 MR. GEIL: So I think I'd like to go ahead

7 and make a motion to approve what's before us with

8 also the planting requirement of the arbor vitae be

9 four foot on center to be done in the spring of 2023,

10 and then any noncompliant vehicles get -- be given a

11 36-month window to become compliant or either be

12 removed from the property and that the owner would be

13 allowed to store a tractor on the premise.

14 MR. ZOBRIST: Do we need to state also --

15 Mike, you said that temporary fence, but you're going

16 to put a permanent fence, so I think for clarity we'd

17 want to say the completion of permanent fence would

18 also take place next year.

19 MR. GEIL: I guess that was my

20 understanding, but, yes, correct.

21 MR. ZOBRIST: And lighting, just to throw

22 that in on that too, that lighting -- it will be at

23 site plan review -- would be adjusted or whatever that

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1 it's not escaping the property and spilling onto

2 surrounding owners' land or whatever, but I guess

3 that's going to be in site plan review anyway, so

4 you're going to have to address that.

5 MR. DeWEESE: Yeah. I think, to me, that's

6 already taken care of or would be by that process and

7 that would -- unless Brad really thinks we should be

8 redundant like that.

9 MR. MARKS: It is part of site plan review,

10 yes. I do feel like the lighting is a concern right

11 now, though, so, I mean, that process -- as we vet

12 through this at site plan review, I don't think we

13 need to add it because it is already part of the site

14 plan review.

15 MR. McGRATH: Even apart from site plan

16 review, your code is actually very restrictive on

17 lighting. It actually prohibits spillage off the

18 property at all. So even if you were not triggering

19 site plan review, that would be a code violation if

20 there's spillage off the property.

21 MR. GEIL: Currently, yeah, C-2, there is no

22 screen on the west side of that property to prevent

23 that light from spilling over, in which there would

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1 be.

2 MR. McGRATH: Just two questions of

3 clarification -- maybe one. The fencing and the

4 landscape screening, is that just on the Victor Street

5 side? Is that all the way around? I'm not sure I

6 heard --

7 MR. GEIL: I guess my interpretation is I'm

8 going to view this as if those residents were Morton

9 residents, so I'm viewing it as we need to provide

10 screening against a residential street, so I would do

11 the Victor Side; no other adjacent properties to them

12 are residential, so I would be comfortable with not

13 providing that screening on both sides.

14 MR. McGRATH: If I may, before -- and I'm

15 not sure there's been a second, but I want to read

16 back what I took down as the conditions of the awarded

17 special use. Those conditions be first that the owner

18 be required to install and maintain arbor vitae spaced

19 four feet apart on the Victor Street side of the

20 property in the spring of 2023 and complete permanent

21 fencing in that same area in that same time frame.

22 Special use would be approved for outdoor

23 storage of only operable vehicles, boats, trailers

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1 motor homes, and operable -- excuse me -- boats,

2 trailers, motor homes.

3 Any items that are presently stored in the

4 outdoor portion of the property that are beyond the

5 scope of the prior list must be removed within 36

6 months of the awarded special use, and the property

7 owner would be allowed to store one tractor for -- the

8 owner would be able to store one of the owner's

9 tractors on the property. Is that -- does that

10 capture --

11 MR. GEIL: It captures what I -- I think

12 that's a good start to the debate and the discussion

13 that we're having.

14 MR. DeWEESE: Sure. Go ahead.

15 MR. ZIMMERMAN: I'm a one-man operation,

16 and, first off, I got to finish the grading and stuff

17 like that on the fence, get the fence in, and then if

18 I could have until the fall or late summer for

19 planting the arbor vitae because that would be the

20 last project. I might get it done earlier, but I

21 mean --

22 MR. DeWEESE: Anybody opposed?

23 MR. GEIL: I'm not opposed to that, no.

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1 MR. DeWEESE: Okay. Let's give a month  
 2 instead of the end of the summer. How about August?  
 3 MR. ZIMMERMAN: August will be fine.  
 4 MR. MARKS: August 1st?  
 5 MR. DeWEESE: Yep. Let's do it.  
 6 MR. AUPPERLE: Ground's not frozen yet,  
 7 Mike. You can get started, if you want.  
 8 MR. ZIMMERMAN: Can I borrow a tractor?  
 9 MS. KNEPP: Before Thursday.  
 10 MR. DeWEESE: Do we need to reread it, or do  
 11 we all feel comfortable? All right. Do we have a  
 12 motion to approve?  
 13 MR. McGRATH: We need a second.  
 14 MR. DeWEESE: We already got a --  
 15 MR. ZOBRIST: Second.  
 16 MR. MARKS: Second by Zobrist. Got it.  
 17 Knepp.  
 18 MS. KNEPP: Yes.  
 19 MR. MARKS: Geil.  
 20 MR. GEIL: Yes.  
 21 MR. MARKS: Ritterbusch.  
 22 MR. RITTERBUSCH: Yes.  
 23 MR. MARKS: Aupperle.

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1 MR. AUPPERLE: Yes.  
 2 MR. MARKS: DeWeese.  
 3 MR. DeWEESE: Yes.  
 4 MR. MARKS: Zobrist.  
 5 MR. ZOBRIST: Yes.  
 6 MR. MARKS: Yordy.  
 7 MR. YORDY: Yes.  
 8 MR. MARKS: Favorable recommendation.  
 9 MR. DeWEESE: Thank you, Brad. Okay. That  
 10 ends the public hearing portion of the meeting. Brad,  
 11 is there any other business?  
 12 MR. MARKS: I have nothing tonight,  
 13 Mr. Chairman.  
 14 MR. DeWEESE: Thank you. All right. Shall  
 15 we vote to adjourn? Somebody make a motion.  
 16 MR. GEIL: So moved to adjourn.  
 17 MS. KNEPP: Second.  
 18 MR. MARKS: Geil and Knepp. All in favor  
 19 say aye.  
 20 ALL IN UNISON: Aye.  
 21 MR. MARKS: Oppose the same. Meeting  
 22 adjourned.  
 23 (Meeting adjourned at 7:40 p.m.)

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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 27th day of December, A.D. 2022.  
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