

Legislative Summary

Ordinance 23-10

APPROVING A TEXT AMENDMENT TO MODIFY REGULATIONS RELATING TO NON-PROFIT EDUCATIONAL INSTITUTIONS IN MORTON GROVE, ILLINOIS

Introduction:	May 9, 2023
Purpose:	To approve a Text Amendment that defines “non-profit educational institutions” and classifies the use as a Special Use in the residential and commercial zoning districts.
Background:	<p>Imagine MG LLC (“applicant”) submitted a complete application requesting approval of a Text Amendment to the Unified Development Code to allow non-profit educational institutions in the R-1 Single Family Residence District. The applicant proposes to operate two non-profit organizations focused on early childhood and leadership education at the property commonly known as 9233 Shermer Road in conjunction with an existing daycare center and house of worship. The applicant is concurrently requesting a Special Use Permit to operate the mix of uses under Case PC 23-07. The Village Board’s approval of Case PC 23-07 will be contingent on approval of Case PC 23-06.</p> <p>As part of the application, staff recommended defining the use in a manner that accommodates education-related uses that operate on a not-for-profit basis but do not fit neatly with more traditional educational land use categories currently defined by Section 12-17-1. The use may involve on-site classes and training, office activities, events, and various educational programs. Because the definition is broad, to ensure future educational institutions are compatible with surrounding residential uses, and to mitigate any negative impacts associated with the use, staff is recommending that the use is listed as a Special Use in the Village’s residential and commercial zoning districts.</p> <p>Because the application is for a Text Amendment to Title 12 and not in relation to any specific property or development, review by the Appearance Commission and Traffic Safety Commission was not required. On April 24, 2023, the applicant appeared before the Plan Commission to present the request for approval of the application made under Case PC 23-06. Based on the application, supporting staff report, and testimony presented at the public hearing, the Plan Commission voted unanimously (6-0, Chairperson Blonz absent) to recommend approval of the Text Amendment with a minor revision.</p>
Programs, Dept’s, Groups Affected	Department of Community and Economic Development
Fiscal Impact:	N/A
Source of Funds:	N/A
Workload Impact:	The Text Amendment will be implemented and supervised by staff as part of their normal work activities.
Administrative Recommendation:	Approval as presented
Second Reading:	May 23, 2023
Special Considerations or Requirements:	None

ORDINANCE 23-10

APPROVING A TEXT AMENDMENT TO MODIFY REGULATIONS RELATING TO NON-PROFIT EDUCATIONAL INSTITUTIONS IN MORTON GROVE, ILLINOIS

WHEREAS, the Village of Morton Grove (the Village), located in Cook County, Illinois, is a home rule unit of government under the provisions of Article 7 of the 1970 Constitution of the State of Illinois, can exercise any power and perform any function pertaining to its government affairs, including but not limited to the power to tax and incur debt; and

WHEREAS, the Morton Grove Unified Development Code defines select education-related uses and classifies them as Permitted or Special Uses in the residential and commercial zoning districts, but said uses are limited and do not include certain non-profit educational institutions, which would therefore be prohibited pursuant to Section 12-4-1:E.4; and

WHEREAS, Imagine MG LLC (“Applicant”) filed a complete Text Amendment Application to the Village’s Plan Commission under Case PC 23-06 (“Application”) requesting approval of a Text Amendment to allow the use of non-profit educational institutions as a Special Use in the R-1 Single Family Residence District; and

WHEREAS, Village staff recommended that the Text Amendment include modifications to Sections 12-4-2:C, 12-4-3:D, and 12-17-1 to define the use of “non-profit educational institutions” and authorize the use as a Special Use in residential and commercial zoning districts, which were made part of the Application; and

WHEREAS, pursuant to the applicable provisions of the Municipal Code, notice of a public hearing for case PC 23-06 to be held at a Special Meeting of the Plan Commission on April 24, 2023, was duly published in the *Pioneer Press*, a newspaper of general circulation in the Village of Morton Grove, on March 30, 2023; and

WHEREAS, as required by ordinance, the Morton Grove Plan Commission held a public hearing relative to the above referenced case on April 24, 2023, and at said public hearing, all concerned parties were given the opportunity to be present and express their views for consideration by the Plan Commission; and

WHEREAS, as a result of said public hearing, the Plan Commission considered all the evidence and testimony presented to it, discussed the merits of the Application, and made certain recommendations through a report dated May 2, 2023, a copy of which is attached hereto and made a part hereof and marked as “**Exhibit A**”; and

WHEREAS, the Corporate Authorities have considered this matter at a Public Meeting and find the Text Amendment, when evaluated in the context of the whole Village, serves the public good; and

WHEREAS, the Village is desirous of assuring all policies are kept current and relevant.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON GROVE, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The Corporate Authorities do hereby incorporate the foregoing WHEREAS clauses into this Ordinance, as though fully set forth herein, thereby making the findings as hereinabove set forth.

SECTION 2: Title 12, Chapter 4, Section 2, Subsection C, entitled “Uses,” is hereby amended to add the following use, to be inserted in alphabetical order:

12-4-2: RESIDENTIAL DISTRICTS:

C. Uses:

	Zoning Districts		
Categories of Use	R-1	R-2	R-3
<u>Non-profit educational institution</u>	<u>S</u>	<u>S</u>	<u>S</u>

SECTION 3: Title 12, Chapter 4, Section 3, Subsection D, entitled “Uses,” is hereby amended to add the following uses, to be inserted in alphabetical order:

12-4-3: COMMERCIAL DISTRICTS:

D. Uses:

	Zoning Districts		
Categories of Use	C-1	C-2	C/R
<u>Non-profit educational institution</u>	<u>S</u>	<u>S</u>	<u>S</u>

SECTION 4: Title 12, Chapter 17, Section 1, entitled “Terms Defined,” is hereby amended to add the following definitions, to be inserted in alphabetical order:

12-17-1: TERMS DEFINED:

NON-PROFIT EDUCATIONAL INSTITUTION: An establishment that provides education or education-related services to the public, groups, or individuals on a not-for-profit basis.

SECTION 5: The terms and conditions of this ordinance shall be severable and if any section, term, provision, or condition is found to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remaining sections, terms, provisions, and conditions shall remain in full force and effect.


SECTION 6: Except as to code amendments set forth in this ordinance, all chapters and sections of the Morton Grove Village Code shall remain in full force and effect.

SECTION 7: This ordinance shall be effective from and after its adoption, approval, and publication as provided by law.

Passed this 23rd day of May 2023.

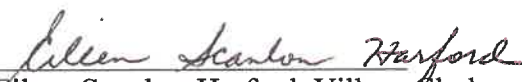
Trustee Khan	<u>Aye</u>
Trustee Minx	<u>Aye</u>
Trustee Shiba	<u>Aye</u>
Trustee Thill	<u>Aye</u>
Trustee Travis	<u>Aye</u>
Trustee Witko	<u>Aye</u>

Approved by me this 23rd day of May 2023.



Daniel DiMaria, Village President
Village of Morton Grove
Cook County, Illinois

Attested and Filed in my office this 24th day of May 2023.



Eileen Scanlon-Harford, Village Clerk
Village of Morton Grove
Cook County, Illinois

EXHIBIT A

Plan Commission Report for PC 23-06

Dated May 2, 2023

To: Village President and Board of Trustees

From: Chris Kintner, Plan Commission Vice Chairperson
Ralph Czerwinski, Village Administrator
Teresa Hoffman Liston, Corporation Counsel
Zoe Heidorn, Community Development Administrator

Date: May 2, 2023

Re: Plan Commission Case PC 23-06
Request for approval of a Text Amendment to Sections 12-4-2:C, 12-4-3:D, and 12-17-1 to define “Educational Institution” and authorize the use as a Special Use in the residential and commercial zoning districts. The applicant is Imagine MG LLC.

Executive Summary

On March 14, 2023, Imagine MG LLC (“applicant”) submitted a complete application requesting approval of a Text Amendment to the Unified Development Code to allow the use of “educational institution” in the R-1 Single Family Residence District. The applicant proposes to operate a non-profit organization focused on education on the property commonly known as 9233 Shermer Road in conjunction with an existing daycare center and house of worship. The applicant is concurrently requesting a Special Use Permit to operate the mix of uses under Case PC 23-07. The Village Board’s approval of Case PC 23-07 will be contingent on approval of Case PC 23-06.

The Text Amendment Application was considered by the Plan Commission at a Special Meeting on April 24, 2023. For the reasons set forth in this report, on April 24, 2023, the Plan Commission unanimously recommended by a vote of 6-0 (Chairperson Blonz absent) that the Village Board of Trustees should approve the Text Amendment with a minor revision.

Application

The applicant submitted a Text Amendment Application requesting the legalization of “educational institutions” in the R-1 District so that they may operate two not-for-profit entities with shared missions of educating the public, providing services, training, and professional development focusing on early childhood and community development, administering grants, offering scholarships to low-income parents, and implementing various educational programs and projects. The proposed use does not fit any land use that is currently defined by Section 12-17-1 and the use is not accessory to the existing daycare center use. The use also does not fit with any education-related land uses currently defined by the Unified Development Code.

In the staff report to the Plan Commission for case PC 23-06, staff recommended that the proposed land use is defined as follows: “Educational Institution: An establishment that provides education or education-related services to the public, groups, or individuals on a not-for-profit basis.” The definition is designed to accommodate education-related uses that operate on a not-for-profit basis but do not fit neatly with more traditional educational land use categories currently defined by Section 12-17-1. The use may involve on-site classes and training, office activities, events, and various educational programs. Because the definition is broad, to ensure future educational institutions are compatible with surrounding residential uses, and to mitigate any negative impacts associated with the use, staff is recommending that the use is listed as a Special Use in the Village’s residential and commercial zoning districts.

Departmental Review

- **Building Department:** No comments at this time.
- **Fire Department:** No comments at this time.
- **Public Works Department/Engineering:** No comments at this time.

Public Hearings

Appearance & Traffic Safety Commission

Because the application is for an amendment to the Unified Development Code and not in relation to any specific property or project, review by the Appearance and Traffic Safety Commissions was not required.

Plan Commission

The Village provided Public Notice for the April 24, 2023, Plan Commission public hearing for PC 23-06, to be held at a Special Meeting of the Plan Commission, in accordance with the Unified Development Code. The *Morton Grove Champion* published a public notice on March 30, 2023. Notice provided via mail and public signage was not required because the application is not in relation to any specific property or project.

Plan Commission – April 24, 2023. Proceedings: Six members of the Plan Commission were in attendance at the public hearing for Case PC 23-06 held on April 24, 2023. Chairperson Blonz was absent.

Zoe Heidorn, Community Development Administrator, provided a brief introduction to the application. The staff report dated April 14, 2023, and attached hereto as "**Attachment A**," was entered into the public record.

Ms. Heidorn said the applicant is requesting a text amendment to authorize the use of educational institutions as a Special Use in the R-1 Single Family Residence District. The applicant's proposed activities include on-site training and observation, courses and lectures, offices, a small exhibit space, and fundraising events. Based on some concern raised by individual Commission members that the proposed land use definition is overly broad, staff suggests allowing the use in residential districts only as an ancillary or adjacent use to another Permitted or Special Use allowed in the district.

Vice Chairperson Kintner asked if the term "Educational Institution" would be limited to non-profits. Ms. Heidorn said that was correct, but that the proposed use and definition could be modified by the Plan Commission's recommendation.

Vice Chairperson Kintner stated that the code would read clearer if "non-profit" was added to the land use term. Staff agreed that the term could be modified to read "non-profit educational institution."

Ms. Kirchner swore in the applicants, Azar Khoumani and Hamid Akbari. Ms. Khoumani thanked the Commissioners. She has operated Kids Academy at 9233 Shermer Road in Morton Grove since 1994 with the help of St. Luke's Church, which operates alongside the daycare center. She described their many programs, including Head Start, working with DCFS, and their recognition and involvement throughout the community.

Mr. Akbari explained that he is a lifelong educator who is very proud of his wife's work with the daycare center. Kids Academy recently purchased the church property because St. Luke's could no longer maintain the property with a dwindling congregation. St. Luke's and another church continue to operate on Sundays with limited congregations.

They are proposing to allow "educational institutions" in the residential district because they want to operate two non-profit organizations focused on early childcare education and leadership training. There will be some observation of daycare activities, but most activities will occur at hours when the daycare and church are not active on the site.

Vice Chairperson Kintner asked if the certification of early childhood teachers would be done on the site and if the training will be accredited. Mr. Akbari said their goal is to be accredited and that most of the training is done online. Some on-site observation and classes will occur, but attendance will be limited. Educational programs for future early childhood teachers are badly needed.

Discussion ensued regarding the separation of the daycare center, the educational institution area, and the church area. The applicants noted that the areas are separated and that their priority is the safety of the children. Background checks are required for any visitor that will visit on a regular basis. Any individual observing classrooms will have roots in early childhood education and have prior background checks. Certification classes will be evenings and Saturdays when daycare is not in session. The daycare center and the educational institution area are separate and have two separate entrances and exits.

Vice Chairperson Kintner asked for public comment. There was no public comment.

Commissioner Stein made a motion to recommend approval of Case PC 23-06, a request for approval of a Text Amendment to Sections 12-4-2:C, 12-4-3:D, and 12-17-1 to define "non-profit educational institution" as recommended in the staff report to the Plan Commission dated April 14, 2023, and authorize the use as a Special Use in the residential and commercial zoning districts.

The motion was seconded by Commissioner Liston.

Motion passes 6-0.

Final Proposed Text Amendment

The final text amendment recommended for approval by the Plan Commission is attached hereto as “**Attachment B**”:

Attachments

- **Attachment A** – Staff Report to the Plan Commission for PC 23-06, prepared by Zoe Heidorn, Community Development Administrator, dated April 14, 2023
- **Attachment B** – Final Text Amendment proposed for PC 23-06

Attachment A

Staff Report to the Plan Commission for PC 23-06
Prepared by Zoe Heidorn, Community Development Administrator
Dated April 14, 2023



Village of Morton Grove

Department of Community & Economic Development

To: Vice Chairperson Kintner and Members of the Plan Commission

From: Zoe Heidorn, Community Development Administrator; Anne Ryder Kirchner, Assistant Land Use Planner

Date: April 14, 2023

Re: Plan Commission Case PC 23-06
Request for approval of a Text Amendment to Sections 12-4-2:C, 12-4-3:D, and 12-17-1 to define “Educational Institution” and authorize the use as a Special Use in the residential and commercial zoning districts. The applicant is Imagine MG LLC.

STAFF REPORT

Public Notice

The Village provided Public Notice for the April 24, 2023, Plan Commission public hearing for PC 23-06, to be held at a Special Meeting of the Plan Commission, in accordance with the Unified Development Code. The Morton Grove Champion published a public notice on March 30, 2023. Letters to surrounding property owners and a public notice sign were not required due to the application being for a Text Amendment to the Unified Development Code (Title 12) and not in relation to any particular property.

Application

On March 14, 2023, Imagine MG LLC (“applicant”) submitted a complete application requesting approval of a Text Amendment to the Unified Development Code to allow the use of “educational institution” in the R-1 Single Family Residence District. The applicant proposes to operate a non-profit organization focused on education on the property commonly known as 9233 Shermer Road in conjunction with an existing daycare center and house of worship. The applicant is concurrently requesting a Special Use Permit to operate the mix of uses under Case PC 23-07. The Village Board’s approval of Case PC 23-07 will be contingent on approval of Case PC 23-06.

To ensure future educational institutions are compatible with surrounding residential uses and to mitigate any negative impacts associated with the use, staff is recommending that the use is listed as a Special Use in the Village’s residential and commercial zoning districts. The proposed amendment language is provided in the following section.

Proposed Text Amendment

The applicant is requesting the legalization of “educational institutions” in the R-1 District so that they may operate two not-for-profit entities with shared missions of educating the public, providing services, training, and professional development focusing on early childhood and community development, administering grants, offering scholarships to low-income parents, and implementing various educational programs and projects. The proposed use does not fit any land use that is currently defined by Section 12-17-1 and the use is not accessory to the existing daycare center use. The use also does not fit with any of the following defined education-related land uses:

COMMERCIAL TUTORING/LEARNING CENTER: A facility offering specific training, tutoring, instruction, or occupational therapy in subjects such as language arts, mathematics, sciences, fine and applied art, or general life skills, such as social and motor skills. Participants have regularly scheduled appointments or group sessions, which typically do not exceed more than 3 hours per session or fifteen hours per week. Such tutoring and learning center programs are supplemental to standard accredited educational programs or school. **DAYCARE CENTERS:** A building where care, protection, and supervision are provided on a regular schedule at least twice a week to at least eight (8) preschool or elementary school age children or both, including children of the adult provider, or persons with disabilities related to age who require supervision, for a period of care during part or all of a day between six o'clock

(6:00) A.M. and nine o'clock (9:00) P.M.

SCHOOL: An institution which offers instruction in any of the branches of learning which is required to be accredited under the Illinois school code or approved by the department of mental health, including a school for individuals with developmental disabilities, kindergarten, elementary schools, junior and senior high schools, colleges and universities, but excluding private nursery or prekindergarten, trade, business, or commercial schools.

SCHOOL - COLLEGE/UNIVERSITY: An institution of higher learning in arts and sciences, rather than vocational or trade school, and typically offer two- to four-year degree programs and may offer graduate and professional educational programs.

SCHOOL - VOCATIONAL/TRADE CENTERS: An institution that offers vocational and technical training to individuals 16 years and older in a variety of technical subjects and trades, with programs designed to lead to job-specific certifications other than the associate, baccalaureate, or graduate degree levels.

Staff is proposing that the following definition for “educational institution” is added to Section 12-17-1, “Terms Defined:”

Section 12-17-1: TERMS DEFINED:

Educational institution: An establishment that provides education or education-related services to the public, groups, or individuals on a not-for-profit basis.

The definition is designed to accommodate education-related uses that operate on a not-for-profit basis but do not fit neatly with more traditional educational land use categories currently defined by Section 12-17-1. The use may involve on-site classes and training, office activities, events, and various educational programs. Because the use is being proposed as a Special Use in the residential and commercial districts, the Plan Commission and Board of Trustees will have the opportunity to review each future educational institution on a case-by-case basis to ensure the use is appropriate and compatible with surrounding uses. Below is an overview of how existing education-related uses are classified in the residential and commercial zoning districts pursuant to Sections 12-4-2:C and 12-4-3:D, and how educational institutions are proposed to be classified.

Categories Of Use	Zoning District					
	R-1	R-2	R-3	C-1	C-2	C/R
Colleges and universities and uses accessory and incidental thereto, not for profit	S	S	S	X	X	X
Daycare centers	S	S	S	S	S	S
<u>Educational Institution</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
Schools - commercial (e.g., driving, martial arts, learning center, etc.) less than 1,000 square feet	X	X	X	P	X	P
Schools - commercial (e.g., driving, martial arts, learning center, etc.) greater than 1,000 square feet	X	X	X	P ⁹ /S	X	P ⁹ /S
Schools, nonboarding - elementary, junior high and high	S	S	S	X	X	X

⁹ A proposed use shall be a permitted use provided the building commissioner, the plan commission chairman, Village administrator, and corporation counsel unanimously find, after considering the factors set forth in Village Code 12-16-4:C.5 that the proposed use has sufficient parking to meet the needs of the proposed use at the proposed location and will not have a negative impact upon adjacent land use or the public. In the event they do not make such unanimous finding the proposed use will require a special use process for approval. The Applicant shall provide any information and supporting documentation requested by the Village Administrator about the operation and/or intensity of the use, including without limitation: an overview of use and projected peak number of occupants, including employees, peak hours of operation, parking demands and traffic volumes.

Because the parking demand generated by future educational institutions will vary based on the types of activities occurring on the site, staff does not recommend adding a specific off-street parking requirement to Section 12-7-3:l. By default, the parking requirement for Special Uses of one space per 250 square feet of gross floor area will serve as advisory. As in the case of all Special Uses, the actual off-street parking requirement will be determined by a traffic and parking impact study prepared by a licensed traffic engineer and submitted by the applicant, plus any recommendations made by the reviewing commission or Board of Trustees.

The proposed text amendment is viewed by staff to provide more flexibility to and be more accommodating to incoming education-related land uses. As the educational landscape becomes more diversified, educational land uses provide a growing variety of learning environments and learning spaces that may not fit neatly with the Village's current land use definitions. Establishing a more general land use that supports education-related activities will allow for more incoming non-profit organizations providing education or education-related services to avoid the text amendment process. The Special Use classification will ensure an appropriate level of review by the Village's reviewing commission, Board of Trustees, and residents for each future use.

Recommendation

Should the Plan Commission recommend approval of this application, staff suggests the following motion:

Motion to recommend the approval of Case PC 23-06, a request for approval of a Text Amendment to Sections 12-4-2:C, 12-4-3:D, and 12-17-1 to define "Educational Institution" and authorize the use as a Special Use in the residential and commercial zoning districts.

Attachment B
Final Text Amendment Proposed for PC 23-06

12-4-2: RESIDENTIAL DISTRICTS:

C. Uses:

	Zoning Districts		
Categories of Use	R-1	R-2	R-3
<u>Non-profit educational institution</u>	<u>S</u>	<u>S</u>	<u>S</u>

12-4-3: COMMERCIAL DISTRICTS:

D. Uses:

	Zoning Districts		
Categories of Use	C-1	C-2	C/R
<u>Non-profit educational institution</u>	<u>S</u>	<u>S</u>	<u>S</u>

12-17-1: TERMS DEFINED:

NON-PROFIT EDUCATIONAL INSTITUTION: An establishment that provides education or education-related services to the public, groups, or individuals on a not-for-profit basis.