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Zoning Board of Appeals

# Zoning Board of Appeals Meeting Minutes Village of Norridge

The Zoning Board of Appeals of the Village of Norridge, Cook County, Illinois Convened on the 6<sup>th</sup> day of May 2024, 7:00 P.M. at its regular meeting place, 4000 N. Olcott Avenue, Norridge, IL 60706

The meeting was called to order by Chairperson Magnuson and upon roll call, the following named members answered present:

Roll Call: Present: Janice Magnuson, Chairperson

Allan Budnik, Secretary

Christopher O'Leary, Member Michael Straughn, Member Frank DiPiero, Member Renzo Berardi, Member

Absent: Christian Giacalone, Member

Also attending: Patrick Gorski, Building Commissioner

Jack Bielak, Village Trustee Joan Cherry, Board Attorney Diane Sofiak, Court Reporter

### **Approval of Minutes - MOTION**

To approve the Board Minutes with a date of April 1, 2024 as written was made by Mr. O'Leary, seconded by Mr. DiPiero. A roll call vote was taken:

Yes – Magnuson, Budnik, O'Leary, Straughn, DiPiero, Berardi No – None Abstained – None

#### MOTION CARRIED

#### **Update on Future Cases**

Mr. Gorski stated that there are three zoning cases scheduled for June. First one is a variation for detached garage height at 4874 Pontiac. Another is at 4916 Crescent for both side yard setbacks. The third is 5102 Moreland with a rear yard setback variance.

### PRESIDENT Daniel Tannhauser

CHAIRPERSON Janice J. Magnuson

### SECRETARY

Allan J. Budnik

#### **MEMBERS**

Christopher O'Leary Christian Giacalone Michael Straughn Frank DiPiero Oronzo (Renzo) Berardi



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### Hearing

Case # 664 was open on January 8, 2024 and the full documented minutes from that date through May 6, 2024 are to follow. Each reopening of the case as it was continued month to month began with Chairperson Magnuson reading the process and rules of the hearings and Norridge Civility Code. She then swore in all present. She also announced the presence of Village Attorney Joan Cherry and Diane Sofiak the Court Reporter to document the hearings.

### Case #664 – 7801 West Lawrence Ave & 4750 North Ozanam Ave.

Case # 664 was re-open from the initial start date of January 8, 2024, continued to February 5, 2024, continued to March 4, 2024, Continued to April 1, 2024 and then reopened on May 6, 2024.

Secretary Budnik read the petitioner's letter.

The petitioner was seeking a map amendment from "R-l" Single-Family Residence District to "B-2" Restricted (Shopping Center) Business District for 4750 Ozanam, requesting a special use for the Drive-thru and parking area setback variance relief from 30 feet to 9 feet for 7801 Lawrence.

### January 8, 2024

The case was opened and then subsequently continued so that the full Zoning Board would be able to hear the case and vote. The public attendees were all advised of the continuance date and advised to come to the next meeting or submit a statement that could be read at it.



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### **February 5, 2024**

The Zoning Board will address the map amendment first, and only if that is approved will they move on to the variances and drive-thru request.

Petitioner Peter Paraskis (architect) – stated that this process stated two years ago. The House as currently zoned R-1 encroaches the property of Dunkin Donuts site. Presented to the Board is a revised site plan dated January 31, 2024. Picture is of the two lots together on the site plan. He offered the background of the previous attempt at a zoning change that kept the existing building and added a drive-thru to the south lot. That zoning change was rejected by both the Zoning and Village Boards.

Dunkin Corporate has had changes and a new site plan was developed that would tear down the house and the existing Dunkin structure and rebuild it with a circular rotation of the cars around the building. The newest site plan located the Refuse container to the South/West corner of the parcel. Current site plan also addressed the drive-thru speaker issue and now is located away from the residential neighbor. In addition, an eight-foot-high fence would be added on the South side of the property buffering the resident but would include a step-down fence for the last twenty feet as it nears the sidewalk for better visibility of the residential neighbor's drive-way. This buffered area would also include a full line of shrubbery. The east side of the property which currently has a car entrance/exit would be closed off to Ozanam. There is a thirty-foot setback from parking and there is a by-pass lane on that end so cars will move thru there. Eight to ten-foothigh arborvitaes will be planted on the South end of the property. Illustrations of the fencing type and bushes to be planted are included in your packets. Elevations drawings of the proposed property include a masonry building with some hardy board at the top of the building.

Mr. Paraskis stated that it was unusual to address the map amendment first versus circumstances why we want the B-2 zoning.

**Questions from the Board** Q = Board question A = Petitioners answer

Secretary Budnik read items that Member Straughn wanted to express as he was unable to attend this meeting. Mr. Straughn's items are listed below:

- I think that we have to recognize that this lot used to be B-1 and then was changed to residential.
- I am a little fuzzy on when this change actually occurred. I know that we saw when the ordinance was written, but I have also heard that this ordinance was never filed (or filed properly) until much later, which



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caused confusion during the purchase. I think it would be a good idea to make sure everyone was clear on the entire timeline during the hearing.

- I will assume that they have done all of the proper permitting with the IDOT, Water Reclamation, etc. This would obviously be a requirement if we were going to approve this (either it is done or it must be part of our approval).
- We should insist that there be a light barrier for the car light along Ozanam (which will now not have an entrance / exit on it.
- The house immediately next door is the only one that will really feel the impact of this change. We must do everything we can to protect them from both lights and sound. A large solid fence and vegetation are a must. All other lighting and speakers should be placed to not bother them.
- The dumpster needs to be placed where it will not affect the resident next door (from noise, smell, etc.).
- If all of the above are included, I would be in support of allowing this zoning change and variance.

Q: Will the IDOT paperwork be available for us?

A: IDOT takes a long time to get and we need a final site plane for that.

Mr. Gorski stated that IDOT curb cuts are contingent upon where you want the curb cuts and distances.

A: Current curb cuts are 26 feet wide but we are just shifting them over. There will be dedicated left turn lane and a right turn lane to exit the property.

Q: Is there any concern about car stacking?

A: The Dunkin app makes ordering easier and early data shows it is about 1.5 minutes in the drive-up lane so it moves rather quickly. Dunkin requires 5 cars stacking and a 1.5 minutes maximum time for order completion. If someone had 10 bagels toasted, for example, they would be asked to pull into a parking spot. There will be two parking spots designated for drive-up delivery staging

Mr. Gorski stated that MWRD may not allow underground storm water storage on site and would be conditional on that. It depends on the MWRD engineer.

Q: Will there be light spill over at the property line?

A: We are aware of that and don't see an issue with that.

Q: Is the AC compressor on the roof and screened?

A: Yes, on the roof and screened by the Hardy Board.

Q: Exiting on to the street is designed left turn from the left and right turn from the right?

A: Yes



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Q: When you were going to purchase the property, tell us what you thought you could do and who informed you of the property zoning?

A: Mr. Patel (Dunkin owner) stated that he contacted Brian Gaseor about the zoning and told that the house was on a B-2 lot and that their plan to add a drive thru there would be permitted. The previous owner of 4750 Ozanam sold the property to Mr. Patel so that he could correct the issue of the encroachment of the house. Later we learned it would not be allowed and first zoning change request was denied. We went back to the drawing board to redo it.

Q: What is the current status of the house regarding occupancy.

A: There have been no occupants there since purchased.

Q: What are your anticipated hours of operation?

A: We are currently 24 hours a day but would move to either 5AM -10 or 11PM

Q: Why was the location of the garbage dumpster moved?

A: It was moved after a discussion with Mr. Gorski and with the feedback about the fence for the dumpster would be 6 feet high. We would be willing to remove current fencing that borders our property and replace it with the new fence type that the Village requests.

Q: When is garbage picked up?

A: Three times a week by a front-loading garbage truck.

Q: Can the garbage go on the other side?

A: Yes, but we moved it after talking to Mr. Gorski.

Q: Where are the delivery trucks loading area?

A: Showing on the site plan, located East side of the building and drive-thru lane. They need to deliver it to the back door.

Q: When are delivery hours?

A: They will be at off peak hours and sometimes at closing.

Q: What noise will there be with the deliveries?

A: They will all be on wood pallets and be carted in.

Q: Will deliveries be the same as they are currently?

A: Yes, but on a different side.

Mr. Giacalone expressed that he was for the moving of the garbage dumpster from the original site plan.

Chairperson Magnuson stated that the original location was right next to the neighbor's driveway.

Mr. DiPiero stated that the dumpster would be better away from the sidewalk.

Mr. Paraskis stated that the dumpster would be located in the corner and showed it on the site plan.



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Mr. Gorski stated that the resident at 4744 Opal voiced concern to him that there was a rodent problem from the garbage. Animal control found no signs of the rodent problem. History of issues with the rodent problem was found but was due to that resident having fruit trees and the fruit on the ground caused the problem. Once the trees were removed, the problem went away.

Q: How tall is the building?

A: Overall height is 18 feet and 8 inches. The upper part of the building is to screen the AC units.

Q: Where is the order board located.

A: It was moved from the original plan to 40 feet away and faces a different direction. No longer facing the residential neighbor. (Pointed it out on the site plan)

Q: Can you show us the proposed fence to be built?

A: Showed a sample of it and stated it will be 8 feet high and we are offering to remove the neighbors' fences so there are no fences on fences.

Mr. Gorski stated that residential fences are only allowed to be six feet tall but the Zoning Board can allow an 8-foot-tall fence to deaden sound. He also stated that fence on fence is not allowed except with a three-foot setback unless there is an agreement with the neighboring lots. It may be possible to reduce the fence-on-fence distance for example to two feet or less if the Zoning Board stipulates that. Mr. Gorski then showed current pictures of the neighboring fences from 4747 Opal and 4744 Ozanam.

Q: What is the expected fence life of the proposed fence.

A: 35 - 40 years

Q: Any discussion with the neighbors about the fences?

A: No, we had a similar issue with the Cumberland site but still built it.

Q: The drive-thru sound pressure report of page 3 states that a concrete fence is better?

A: A concrete fence is better for sound. The drawbacks are to make a masonry wall, a foundation eat up a lot of space. We proposed shrubbery in front of the fence as a soft addition.

Q: Will there be protection to stop the salt from damaging the plants?

A: A silt fence may be added in the winter to protect the arborvitae from the salt.

Mr. Gorski read his Building Commissioner's report that was given to the Zoning Board.



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Attorney Cherry explained how zoning is regulated and the we don't want "spot" zoning which is a business zone in the middle of a residential block.

Q: Mr. Gorski asked if the fence absorbs and sound?

A: No, the sound is deflected.

Mr. Gorski stated that 4914 Cumberland that is often mentioned has a 120-foot buffer and much different than the 55-foot buffer between the proposed residential property and Dunkin.

Mr. Paraskis stated that the Chase Bank on Lawrence does not have an alley as a buffer.

This site could not be located, but the Bank of America on Lawrence does not have an alley as a buffer. Instead, there is a drive lane between the structures. This site was shown on Google Earth on the overhead projector. He stated that Harlem and Sunnyside location which is 4455 Harlem also has no alley buffer. This could not be confirmed.

Chairperson Magnuson stated that banks are different than the Dunkin business as they have less traffic and shorter hours.

Mr. Paraskis stated that the Walgreens at Cumberland and Lawrence is very busy uses that drive lane in addition to the bank.

Q: Mr. Gorski asked if seating is being eliminated?

A: No

Mr. Gorski stated that by his calculations that the number of parking spaces on the proposed properties would be adequate.

Q: You state deliveries are "off hours", what does that mean?

A: Usually 3PM – 5PM. Current deliveries are by semi-trucks. New deliveries would be smaller trucks placed in the lot during non-busy hours.

Q: How many parking spots over the required is proposed? Can they handle snow on the site?

A: Snow can also be placed in the triangular areas of landscaping.

Q: Can you verify that at 32 feet from the speaker there is only 64db of sound?

A: It has been checked out and the speaker now faces the West.

Chairperson Magnuson stated that pre-cast concrete would be acceptable but you need trees also to absorb sound.



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Q: Did you perform a traffic study?

A: No, because the only change is the one direction of traffic which will be an orderly traffic flow.

Mr. DiPiero stated that the left/right lane split does work for the Harlem businesses.

#### **Public Comment**

Chairperson Magnuson asked if the public had any questions at this time.

Arun Sampanthavivat – 4744 N. Ozanam – Asked the Board if this was your house, would you allow the traffic like this? He stated that he would live in fear and have mental anguish is this was approved. He has lived here for 23 years and that he would get nothing out of this. He presented the board with 21 signatures that he states these residents do not want this.to happen. How can you predict what happens to you? With traffic comes crime. Construction guys took stuff out of his bedroom. Mice and rodents will come. All unforgettable. Can you stop the light and noise? My bedroom is right there. We have all the fast food we need.

<u>James Grat – 4800 Ozanam</u> – Stated that traffic flow is a nightmare. The new day care on Opal and Lawrence will also have traffic coming in and out. My driveway line up with the Dunkin Donuts across the street and it hard sometimes to back out of the driveway in the morning. Will the cars be forced to go left, and right? We want to keep it nice and quiet. You can hear his dumpster being picked up at 6:30-7 in the morning.

Michael Balko – 7756 Giddings – I can hear them with the truck loading and unloading and hitting the ground. The alley has all these traps. Noisy mufflers on the cars make so much noise. Now has three exits with one on Ozanam. I'm up early. Ozanam is residential and needs to be kept residential.

Mr. Patel stated that he has been here in the business for 31 years and has camera systems on the property and also has pest control.

Chairperson Magnuson thanked the residents for their input.

### **Zoning Board Comments**

Mr. Budnik asked Mr. Sampanthavivat what could Dunkin do to make the proposed new Dunkin acceptable. Mr. Sampanthavivat had no answer. Mr.



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Budnik stated that the proposal is to tear down the vacant house, tear down the current Dunkin and put up a new Dunkin with a drive-thru. If the Board decides to deny the request and the Village Board declines it also, the current Dunkin is still going to operate on this site. I grew up a few blocks away and went to the Dunkin Donuts often. They have been here for a long time. It's not like we are going to close him down and force Dunkin out. We value all the residents' input, but we need to work with the businesses in town.

We all just got our real estate tax bills. Look at them. You will see that the Village's portion on the bill is for police pensions. The Village's services are all paid from the retail and business taxes in town

Mr. Budnik gave a hypothetical, let's shut down the Dunkin at this site because these residents don't want it. It's only one business. Then a few blocks down, those residents don't want the businesses near them so let's shut them down. The residents living by the mall probably don't want the mall there, so let's close them down too. Let's close down all the businesses in town and make it all residential and then we have our quiet residential village. Now the Village has no revenue from business so they will collect their portion of the real estate taxes. Hypothetically that significantly increases your real estate taxes. Will the residents be ok with that? I don't think so.

Mr. Budnik went on to say that the public comments tonight keep bringing up a rodent problem. It has already been stated tonight that there has been no complaints or signs of a rodent problem from this business. The rodent problem a while back originated from a resident's backyard with fruit trees that were not cleaning up the dropped fruit. Once they were removed, the problem went away. Mr. Budnik stated that he doesn't know which way the Zoning Board or the Village Board will vote, but if we do vote to recommend the changes then this is your opportunity to have the Zoning Board place conditions on the recommendation to try and make it acceptable to live nearby.

Mr. Budnik asked who from the public went around and got signatures? They said it was Mr. Balko. Mr. Budnik asked Mr. Balko if he could tell everyone what he actually said to the residents before they allegedly signed the list.

Mr. Balko declined to say anything.

Mr. Budnik stated that we cannot verify if these are actually residents' signatures and what Mr. Balko said to them prior to them putting their name on there. We didn't ask for a list of people allegedly against the change and we didn't ask Dunkin to go out and get signatures of those supporting it. What I don't see on there are several addresses that are within a few houses of the current Dunkin Donuts.



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Mr. O'Leary asked if Dunkin has cameras both inside and outside?

Mr. Patel stated yes.

Mr. Berardi stated the increase of traffic or flow of traffic with no exit on Ozanam should give relief to Ozanam.

Chairperson Magnuson asked if there would be an increase of traffic?

Mr. Patel stated the flow feels like it will be better and allow for the increase of traffic.

Mr. Giacalone stated he thinks there will an increase of traffic flow and there will be an adjustment period.

Mr. Berardis asked if there are traffic signs possibly lighted with directional?

Mr. Gorski asked will there be a do not enter sign on the East drive?

Mr. Paraskis stated yes to both.

Mr. Giacalone stated that the Cumberland Dunkin has a divided median to control the flow.

Mr. Paraskis stated that a signage plan can be sent to Mr. Gorski. The directional signs are listed on the site plan.

Mr. DiPiero stated he doesn't see an increase of traffic as customers can stay in their car.

Mr. Patel stated that sales peaks around 10-11 A.M. and then drops off between 5-10 P.M. The start to get clients in from 5AM. – 7AM. With the greatest volume from 7AM. -11AM.

Mr. Paraskis stated that the speaker sound of 54db will be contained on the property.

Mr. Berardi stated that there are concerns including noise but we can't ignore the upside to the community.

Mr. Budnik stated that with the new structure comes better life safety in regards to the building being fully sprinklered.



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Chairperson Magnuson stated that things were are considering are sound, signage, lighting, 4744 Opal and 4744 Ozanam.

Attorney Cherry stated that maybe the Board should consider a continuance of the meeting as it is getting late into the night.

She stated that it sounded like we needed the following items from the petitioner for the next meeting:

- Revised site plan
- Traffic signage
- Fence construction
- Location of garbage dumpster revision

Mr. Giacalone asked the residential neighbors where they would like to see the dumpster located.

Mr. Sampanthavivat stated not by me.

A short discussion took place about other possible locations for the garbage.

Chairperson Magnuson suggested moving it one parking space to the North and move the spot where the Dumpster was located previously to a parking spot.

Mr. Budnik stated make that spot an employee parking spot.

Mr. Paraskis stated that the suggested spot would work and still allow the front load garbage truck to empty it.

The Board asked the petitioner to have the requested documents listed earlier to Mr. Gorski at least ten days prior to the next meeting

The petitioner acknowledged.

The Board discussed other days before our March meeting to continue the hearing, but there was not a day that the current Board members would be able to attend.



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### **MOTION**

To continue case # 664 to March 4, 2024 at 7:00 P.M. which will be held at the Estelle Sieb Center 7774 W. Irving Park Road (due to early voting will be in the Village Board room) was made by Mr. Giacalone, seconded by Mr. DiPiero. A roll call vote was taken:

Yes – Magnuson, Budnik, O'Leary, Giacalone, DiPiero, Berardi No – None Abstained - None

### **MOTION CARRIED**

The Court reporter was released at this time.



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### March 4, 2024

Case # 664 was re-opened from the initial start date of January 8, 2024, continued to February 5, 2024 and then continued to March 4, 2024.

Chairperson Magnuson read the process and rules of the hearings and Norridge Civility Code. She then swore in all present. She also announced the presence of Village Attorney Joan Cherry and Diane Sofiak the Court Reporter to document the hearings.

Mr. Gorski stated that the petitioner was running about 5 minutes late.

Chairperson Magnuson stated we will take a brief recess to wait until he arrives. The time was 7:19 P.M.

At 7:24 P.M. we resumed the hearing.

Mr. Paraskis was sworn in gave a brief recap what they were seeking.

Attorney Cherry stated there were three items in the hearing.

- 1. The map zoning change from R1 to B2
- 2. The variance of setback from the 30-foot required to what they would propose to be at 9 feet
- 3. The drive thru request (Article 9 section 2.4 and 2.5 in the zoning ordinance)

Discussions and testimony on the drive thru and variances but not much on the zoning change

Let's turn it over to the petitioner to see what additional information they have.

Mr. Paraskis presenting handouts of new material to the Zoning Board and it contained a letter from Duncan addressing many of the questions the Zoning Board had at a prior meeting. It also included the WAC lighting plan. Duncan has a national standard, for example if you don't like the orange letters then we can't do this

Mr. Gorski stated the petitioner was notified to provide the materials two weeks prior to this meeting. It was not provided.



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Mr. Paraskis stated he had a letter from February 16, 2024 with comments and questions from the Board. He read a letter dated March 4, 2021 which addressed many of those items. This letter is attached.

Mr. Budnik ask for a correction of this letter to reflect the year of 2024 and not the 2021 that was on the letter. Mr. Paraskis agreed.

Mr. Gorski stated we are seeking trees to be planted along the new fence near the Opal property.

Mr. Paraskis stated there was 9 linear feet of fence to be put on that residential side stated there was an existing fence there already. The commercial property that continued down the side has a wooden fence six feet tall with staggered wooden boards.

Mr. Gorski stated the West side of 7801 Lawrence has no fence present.

Mr. Straughn asked if Duncan's property has a fence and shrubs on their side; are you also placing shrubs on the neighbor side?

Mr. Gorski stated yes that's what he was asking for.

Mr. Straughn asked if there was room for them on the Opal property.

Mr. Gorski stated yes. He also asked the architect to clarify the placement and material of the fence.

Mr. Paraskis stated the fence will be two feet away from the property line with a pre-cast concrete material and eight feet tall if the residential neighbors want to keep what is there.

Mr. Straughn asked would you offer to remove the neighbors' fences and landscape their side of the fence.

Mr. Paraskis stated if the neighbors agreed for us to remove their fence, then we would but not landscape their side.

Chairperson Magnuson asked if they could explain the sound diagram on the site map.



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Mr. Paraskis stated that the lines of the map depict the target of the speaker whereas the cone is the speaker output and sends the sound out mostly in one direction.

Attorney Cherry 30-foot setback seems to be a number of items in the drive past are the 2 spaces needed for parking we're talking about the 2 South ones and eliminate them and put permeable pavers in the bypass lane

Mr. Paraskis stated putting permeable pavers in the bypass mean is a huge maintenance issue giant tubes can't be required for holding underground water I couldn't make the building smaller it won't function

Mr. Gorski permeable pavers in the buffer and pipe buffer strip is occupied find the drive past lane in vehicles

Mr. Straughn stated the permeable pavers in the business that he works at is a complete issue just like they said

Attorney Cherry asked would moving the dumpster one spot over be possible.

Mr. Gorski stated parking requirements as he calculates it would be five spaces over what they need which are only 11 spaces

Chairperson Magnuson stated maybe move the dumpster one space further north

Mr. Gorski stated they would certainly be getting closer to their parking requirement

Mr. Paraskis doesn't want to move the dumpster one further north as if gets close to the ordering area.

Attorney Cherry stated maybe move the dumpster over 2 spots or leave it up to the Board of Trustees to decide.

Mr. Straughn stated they're asking for a variance, why keep moving the dumpster.

Giacalone stated if you move one more spot it will be right where the speaker is.

Attorney Cherry stated what I was thinking was even if we dropped one below the required parking that would be better than asking for a 70% relief of the buffer strip.



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Chairperson Magnuson stated but that would be next to the speaker.

Attorney Cherry asked is there is any information to the increase of business and sales tax

Mr. Patel stated usually a 25% increase with a drive through and no idea in number for sales tax it would probably be another 25% increase and they have always tried to have as many parking spaces as possible on their property.

Mr. Straughn asked why not just change that commercial fence along the west side so it's all the same.

Mr. Paraskis stated we had some restaurants where we add plants in front of it but not an 8-to-12-foot fence replacement.

#### PUBLIC COMMENT

### **Attorney Howard Davis**

I am the attorney for the owner of the residence South of this property and on the South end of the project. How far is the building to the property line.

Mr. Paraskis stated the building is 40 feet away from the property line.

Mr. Davis asked what is the discussion about the 30-foot buffer if the building is 40 feet away.

Attorney Cherry stated that it's 30 feet of open space and you cannot count the drive thru vehicle lanes.

Mr. Gorski stated that the petitioner is seeking 21 feet of relief from the 30 feet of residential to business buffer.

Mr. Davis asked Mr. Paraskis if he was the architect when purchasing the property. It is tougher to get a use variance than other variances. Stated that they purchased the property as an R-1.

Mr. Budnik stated what the petitioner has testified to how prior to the purchase, they came to the Village and was accidentally informed that the house property was still a B-2. He continued to say that when I searched the property via the internet, that the property was still listed as B-2 on realtor sites. There was only



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one place to find out what the listing was and that was speaking to the village official.

Mr. Patel stated that the problem was the neighbor's property was too close to the business and complained about it being too loud.

Mr. Gorski showed Mr. Davis a photo of the house's proximity to the Dunkin business.

Mr. Patel stated that he was simply trying to fix that problem.

<u>Arun Sampanthavivat – 4744 N. Ozanam</u> – Asked if he could read a letter that he prepared for the Board objecting to the zoning change and variance. Letter attached to the end of these minutes.

Chairperson Magnuson thanked him for his comments.

Mr. Davis stated that his understanding is Dunkin wants a use variance, dimensional variance in which the limits should be to ten percent and the owner is trying to fix a self-created problem.

Michael Balko – 7756 Giddings – stated there are a lot of problems on Ozanam and across the street (Lawrence) there is going to be a child care center. He stated people park on our street and go to Dunkin Donuts.

Chairperson Magnuson stated that they are closing off the exit on Ozanam and that should make that better. She then asked the Board about any further discussions.

Attorney Cherry asked the following questions (Q) and the petitioners Answers (A) follow.

Q: Who is actually going to be the owner. Who is the Name on the special use permit if this is granted?

A: Mr. Patel stated he is.

Q: What is the surrounding zoning area?

A: Mr. Patel stated there are several businesses in the area to the West and thinks they are B-2 or B-1.

Q: How long has the current Dunkin Donuts been there?

A: Since 1993 – was a Dunkin before that that went bankrupt.

Q: Was it a sit down?



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A: Yes

Q: You are closing the curb cut out Ozanam?

A: Yes

Q: What are you doing about water retention?

A; Under one acre of land, it's not needed

Q: Lot one will all be paved?

A: Yes

Q: How will you avoid flooding?

A: Five feet inside the property will be a curb all the way around the property to hold the water.

Q: How much water will it hold?

A: A site like this might have three catch basins and hold about three inches of rain.

Q: Is the property curbed properly?

A: Not now but the new one will be.

Q: There will be an increase of 25% of business?

A: Yes

Q: There will be a sit-down area, how many seats?

A: It's on the plan - 16. Currently there is more sit-down area because of the counter.

Q: Then there would be a reduction?

A: Yes

Q; What will the time for customers to get served?

A: The goal is 94 seconds in the drive-thru.

Q: Mr. Gorski asked what is the specific LLC?

A: 7801 Lawrence

Mr. Gorski stated that they need the LLC and the managing member set for the use.

Attorney Cherry stated when a special use stops being used, usually six months, I would recommend to the Village Board legally to cease the special use. If the variances are approved, all the conditions would be added to the approvals. All subject to MWRD and IDOT and more relevant for the Village Board that IDOT will want a traffic study. We had a number of revised plans and multiple sets; the building department will want a separate plan for landscaping and fence.

Mr. Paraskis - These plans I handed out has all those separate plans in them including a photometric.



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Mr. Gorski. - If me make any condition on the approval of these plans; I think we should leave the suggested masonry fence on the edge of this business property.

Mr. Paraskis - Theres a 5' curb around the property and the curb cut, cuts down on the amount of area that the wall can take up.

Mr. Gorski stated we need to protect residents across the street.

Mr. Straughn asked what residents are we protecting? There is only a business across Ozanam.

Mr. Gorski stated we need to protect residents across Lawrence and down Ozanam

Mr. Budnik stated that with the pre-cast concrete fence lining the South end of the property, that there will never be one car headlight reaching any resident on Ozanam.

Mr. Gorski asked where does the fence go on the South end of the property?

Mr. Paraskis – there is 93 feet of fence there.

Attorney Cherry asked that the light spillage plan will show the light spillage at the edge of the property.

Mr. Berardi asked can the current house be used. on lot two?

Mr. Gorski - Yes, there is nothing against the occupancy of the house.

Mr. Paraskis – Can't structurally alter the residential home as it is legal non-conforming, the lot becomes an albatross. No one will invest in the house as it is nonconforming. It is a unique situation. What restrictions will he put on the residents as they now are not the thirty feet away buffer area.?

Mr. Belker – knew the previous owner and he never said they were moving or building there.

Mr. Giacalone - question to the Board - we talked about trees and moving things. Where are we with conditions?



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Attorney Cherry - I can read the list of conditions about what I think they should be. (The following was all read by Attorney Cherry unless noted)

Typically, I prepare what I think conditions should look like and each item that the petitioner has requested.

### Benefits to the Village:

Long term occupant of lot one Long term business owner Neighborhood gathering place Closing the curb cut on Ozanam New construction building Landscaping benefits Water retention

### Possible conditions for re-zoning R-1 to B-2:

- Guarantee no light spillage at residential property line
- Guarantee no amplified noise from speaker
- No early morning or late-night truck deliveries
- IDOT approval regarding curb cut and locations
- MWRD approval of water retention
- Will present a plat of consolidation of lots 1 and 2 before Village Board approves
- Eight-foot-tall masonry wall along residential properties.
- No flooding of any neighboring properties.
- Green space on lot two with zoning change versus new landscaping there.

### Possible variance conditions:

- No parking or parking spaces in setback area
- No garbage enclosure in setback area
- 8-foot masonry wall at south and south west property line in setback area
- Minimum 10-foot-tall arborvitae at south and southwest property line.
   trees to be set close enough to one another to block light and sound when business opens
- No light spillage at the residential property lines
- Shielding protocol on all lighting to be provided
- No amplified noise from speaker at property lines
- No light pole in parking set back area
- Any pavement in parking set back area to be permeable pavers



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- Setback area landscaping needs additional landscaping to be shown on revised and final site plan
- No flooding or drainage from lot 2 onto neighboring and adjacent properties
- Limitations on variations. zoning ordinance article xv sections 3.3, 3.4, 3.5 regarding the authority, conditions on variations and limitations on variations shall apply unless waived by the village board of trustees.
- Immediate go dark different than what is in the code.
- The variance is limited to the Dunkin drive-through retail coffee and donut establishment described and set forth in the application and testimony for so long as the Dunkin remains open for business at 7801 west Lawrence Avenue. the variance will immediately terminate by operation of law if the Dunkin drive-through retail coffee and donut establishment ceases doing business at the location granted herein. this immediate "go dark" provision is a condition on this variation under article xv sec. 3.4.

### Possible special use conditions:

- Hours of operation. Business hours shall be 5 a.m.-10 p.m. seven days per week. Any change will need review by Zoning Board of Appeals and approval by Village Board
- No parking in setback area
- No garbage enclosure in setback area
- 8-foot masonry wall at south and south west property line in setback area
- Minimum 10-foot arborvitae at south and southwest property line
- No light spillage at the residential property lines. Lighting. No on premises lighting will spill over onto adjacent residential properties and shall not be viewable from adjacent residential properties, and all lighting (including security lighting)
- Describe shielding of lights to prevent light spillage onto residential properties.
- When the business is closed to the public, except for necessary security lighting, the lighting of parking areas and the parking setback area shall be prohibited.
- Security lighting. Hours of security lighting? Is it dawn to dusk?
- No amplified noise from speaker at residential property lines at any time of day or night.
- The decibel level of the sound emitted from the intercom/speaker unit to be located on the west side of the new building shall be adjusted as needed to prevent sound spillage at the property line of the opal residence and the Ozanam residence. \*Applicant guarantees that, at all times, amplified



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sounds emanating from the speaker unit will not be heard at the residential property lines

- No sound amplification used at the pickup window to be located on the east side of the new building on the subject property
- No noise generated by delivery trucks or other vehicles outside of the business hours approved in this ordinance.

Mr. Gorski stated that Dunkin would have to modify the size of the truck for deliveries; possibly no semi-trucks.

Attorney Cherry continued:

- No light pole in parking set back area
- Any pavement in parking set back area to be permeable pavers
- Product and product delivery; No baking will take place on the premises. Product will be delivered to the premises for sale to customers. Loading shall take place only at the area designated on the site plan and only during business hours. There shall be no on street loading at any time.
- Parking and employee parking will be self-contained on site. At times
  when the business is closed to the public, parking shall be prohibited on
  the property. construction of parking spaces shall be in accordance with
  the revised and final site plans and the zoning and building regulations of
  the village.
- Masonry walls include an 8-foot-high masonry wall shall be installed at various places including the south perimeter of lot 2 along the perimeter property lines as shown on the site plan and, at the Southwest corner of lot 2 adjacent to the property line of the Opal residence as shown on the revised and final site plan A 3-foot-high masonry wall shall be installed at various places on the subject property on the east perimeter of the subject property as shown on the revised and final site plan;

Mr. Gorski stated that he would recommend the fences be removed on the Opal property.

Mr. Paraskis stated they did not get that owners approval.

Attorney Cherry continued:

Landscaping.



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- Applicant must provide landscape plan prior to final Zoning Board action.
- Landscaping (10 foot to 12-foot-high arborvitae trees at the time of planting or replanting if necessary) shall be installed adjacent to the 8foot masonry wall along the south perimeter of lot 2 and in the southwest corner of lot 2 in the area adjacent to the opal residence
- Landscaping (minimum 5-foot plantings at the time of planting or replanting if necessary) shall be installed adjacent to the 3-foot masonry wall on the east side of the subject property
- Landscaping shall be maintained and replaced in a first-class manner throughout the special use period.
- All landscaping to be shown on the revised and final site plan or separate landscaping plan.
- o Landscaping to be installed on adjacent residential properties.
- Garbage and refuse. One refuse container will be onsite in the area shown on the revised and final site plan, and garbage will be first bagged and then deposited into the container. The area shall be enclosed by a 6-foot-high masonry wall with a composite or wood gate at the access point. Garbage pickup shall occur only between the hours of 7 a.m. to 7 p.m. and shall occur no less than 3 times per week. Garbage enclosure shall not intrude into 30-foot setback area
- Traffic, stacking on and off site
  - Vehicular ingress and egress to the drive-through lanes shall be one way in and one way out as shown on the revised and final site plan.
  - o The current curb cut on Ozanam avenue will be permanently closed.
  - On-site traffic signage to be a shown on the revised and final site plan
  - IDOT approval is needed regarding traffic and stacking on Lawrence Avenue.
- All signs must be in accordance with the Village's sign ordinance and signage may be subject to review by the Village appearance review commission. Any signage needing a variance shall be reviewed by the Zoning Board and approved by Village Board.
- Maintenance of the property and all landscaping in first class conditions at its sole cost and expense.
- MWRD. Applicant to obtain whatever MWRD permits or waiver of storm water retention on the subject property prior to applying for a building permit.



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If MWRD requires storm water detention on the subject property then applicant shall notify the building commissioner who will then determine whether the MWRD requirement has a material effect on the special use permit or the variation or the conditions to either, and if so, the applicant shall be required to appear before the zoning board of appeals for a hearing to determine whether the previously granted special use or variation should be changed, modified or repealed.

Possible limitations on special use.

- Immediate go dark different than what is in the code.
- The special use permit is limited to the Dunkin drive-through retail coffee and donut establishment described and set forth in the application and testimony for so long as the Dunkin remains open for business at 7801 West Lawrence
- Avenue. The special use permit will immediately terminate by operation of law if the Dunkin drive-through retail coffee and donut establishment ceases doing business at the location granted herein. This immediate "go dark" provision is an exception to Zoning Ordinance Article XV 4.5(c).
- Prior approval of map amendment to rezoning the property from R-1 to B-2 Article IX "B-2" restricted (shopping center) district is approved by the Village Board prior to the special use being considered by the Village Board.
- If conditions to special use and variation are not met you will not get a permit to operate.

Do you understand and agree to all of these conditions as the applicant?

Mr. Paraskis stated that variations usually run with the land.

Attorney Cherry stated that if the business goes under then a new owner would need to reapply.

Mr. Paraskis stated it is unusual that the variation special use would cease.

Attorney Cherry stated that it is unusual but it is a condition that I'm suggesting.

Mr., Paraskis asked then a new owner would have to state from zero?

Attorney Cherry stated yes.



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Mr. Gorski stated that it was because the new owner would have to know all the conditions that were in place.

A short discussion about this item ensued.

Mr. Budnik stated that if things are going well with the prior operation of the business, then I think it's not a big deal. It there have been issues with the operations, then it's a big deal.

Chairperson Magnuson stated that we may need to continue this hearing to next month's meeting on April 1, 2024 at 7 P.M. back at the Village Hall Board room.

A short discussion took place to see if the whole Board had any prior dates before our next meeting to continue the hearing.

Mr. Straughn asked what are we to do with the list?

Attorney Cherry stated review it and the petitioner should also review it to see if there are any conditions they would reject.

Mr. Straughn stated that he is not necessarily for every condition mentioned. He pointed out the adjacent business to the west has no thirty-foot buffer area. He thought maybe they had fifteen feet and that was an area cars or truck could drive in. He stated that he could see these items on his computer that was showing Google Maps.

#### **MOTION**

Motion to Continue the hearing Case # 664 to April 1, 2024 at 7 P.M. at the Village Hall in the Board Room was made by Mr. Giacalone and seconded by Mr. Berardi. A voice vote was taken:

Yes – Magnuson, Budnik, O'Leary, Giacalone, Straughn, DiPiero, Berardi No – None Abstained - None

#### MOTION CARRIED

The Court reporter was released at this time



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### April 1, 2024

Case # 664 was re-opened from the initial start date of January 8, 2024, continued to February 5, 2024, continued to March 4, 2024 and then continued to April 1, 2024.

Chairperson Magnuson read the process and rules of the hearings and Norridge Civility Code. She then swore in all present. She also announced the presence of Village Attorney Joan Cherry and Diane Sofiak the Court Reporter to document the hearings.

Mr. Paraskis (architect) stated that due to the amount of information request from the Village, he forwarded the information request to his sources to get answers for the board. He had not received all the information back; therefore, he was asking for a continuance to next month's meeting to try and compete it.

Mr. Straughn asked who wrote the list of conditions?

Mr. Gorski stated he wrote it.

Attorney Cherry stated that it was a list of possible condition for this case.

Mr. Straughn asked why the list was sent to the petitioner as the list contained items that may or may not be included with any action by the Zoning Board.

Attorney Cherry stated that it was an attempt to speed things up.

Mr. Straughn asked who was sent the list of potential conditions.

Mr. Gorski stated the petitioner and the citizen's attorney Howard Davis.

A short discussion ensued as to why the list of conditions that was not agreed upon by the Zoning Board was sent out to the petitioner along with Attorney Howard Davis.

Mr. Paraskis stated that it was because of this list that caused him to ask for a continuance as they could not address all the items on the list.

Attorney Cherry stated that there may be some conditions that we want forever on these properties.



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A short discussion took place about conditions and special uses.

A few examples were discussed relating to placing conditions on properties and businesses.

The areas that may have conditions placed on them for this case are:

- Map re-zoning
- Variation Conditions
- Special Use Conditions
- General Conditions.

A short recess was called by Chairperson Magnuson at 7:30 P.M. due to a thunderstorm taking place causing water to leak into the board room.

The meeting was restarted at 7:37 P.M.

The Zoning Board discussed a great many conditions for nearly 2.5 hours. The following is the list of potential conditions that was the outcome of those conditions that may be placed on this case:

### **Rezoning Conditions**

No <u>Light Spillage</u>. There shall be no light spillage at residential property line at any time.

No Amplified Noise. There shall be no amplified noise from speaker at residential property lines at any hour.

<u>Truck Deliveries</u>. Any loading or unloading of product must be contained within the Subject Property, not at any time in the public way, and shall be done only during permitted business hours. Truck delivery hours at the Subject Property shall only occur during permitted business hours, 7:00 A.M. to 10:00 P.M. daily.

Masonry Walls and Barriers. Petitioner shall install an 8-foot masonry wall on the Subject Property adjacent to residential property lines. The masonry wall shall be stepped down as necessary for traffic safety including appropriate height plantings. Petitioner shall provide a 3-foot-high barrier on the east perimeter of the Subject Property to block light spillage from the Subject Property.



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#### **Variation Conditions**

<u>Employee Parking</u>. Parking in the parking area setback shall be for employee parking only and only in the two designated parking spaces in the parking setback area and shall be designated as such on the Revised and Final Site Plan.

Masonry Walls and Barriers. Petitioner shall install an 8-foot-high masonry wall along the perimeter of the Subject Property on south and west sides only at adjacent residential property lines. The masonry wall is to be stepped down where necessary for traffic safety sight lines including appropriate height plantings. Petitioner shall install a 3-foot-high light barrier at various places on the east perimeter of the Subject Property as shown on the Revised and Final Site Plan. The setback in this location shall not interfere with the public way. Masonry wall and barrier details to be shown on the Revised and Final Site Plan.

Landscaping. Petitioner shall install minimum 10-foot-high arborvitae all season evergreen trees to be planted at the south, southwest and west property line. These trees shall be set close enough to one another to block light and sound from the Subject Property. The trees shall be installed at or before the Petitioner commences business on the Subject Property. The trees shall be 10-foot to 12foot arbor vitae at the time of planting or replanting (if necessary to be replanted at any time). The trees shall be installed adjacent to the 8-foot masonry wall along the south perimeter of Lot 2, in the southwest corner of Lot 2 in the area adjacent to the Opal Avenue residence, and on the west perimeter of Lot 2 (including, but not limited to, in the 30-foot parking area setback) to be continued north to the end of the residential property line. All season landscaping shall be installed along the B-2 property line up to the adjacent neighboring building in the B-2 zoning district. In any area where the masonry wall is stepped down for traffic safety reasons all plantings shall be of an appropriate height and shall not interfere with sight lines. Petitioner shall specify these plantings on the Revised and Final Landscape Plan.

<u>Site Lighting</u>. There shall be no light spillage from the Subject Property at the residential property lines. Petitioner shall provide shielding protocol for all lighting on the Subject Property. Lighting details and shielding shall be shown on the Revised and Final Photometric and Revised and Final Site Plans.

<u>Light Pole Location.</u> No light pole or standards shall be erected in the parking area set back.



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<u>Setback for Fences, Walls and Barriers</u>. All fencing, walls and barriers erected on the Subject Property that are adjacent to residential property lines shall be erected to Village 3-foot minimum setback code requirements.

Water Detention. There shall be no flooding or drainage from Lot 1 and Lot 2 onto neighboring and adjacent properties. Petitioner to obtain MWRD permits or waiver of storm water retention on the Subject Property prior to applying for a building permit. The building permit process shall include Village Engineer review and approval of flooding and drainage issues. Petitioner shall provide the Village with a copy of any study prepared for MWRD. If MWRD requires storm water detention on the Subject Property then Petitioner shall notify the Building Commissioner who will then determine whether the MWRD requirement has a material effect on the Special Use permit or the Variation or the conditions to either for the Subject Property, If so, the Petitioner shall be required to appear before the Zoning Board of Appeals for a hearing to determine whether the previously granted Special Use or Variation or the General Conditions thereto, should be changed, modified or repealed. Petitioner shall follow the procedures set forth in Article XV of the Zoning Ordinance.

<u>Traffic</u>. Petitioner shall seek IDOT approval regarding traffic issues and curb cut relocation prior to applying for a building permit for the Subject Property. Petitioner shall provide the Village with a copy of any traffic study prepared for IDOT. In the event that IDOT requires modification of the Site Plan and Project, Petitioner shall notify the Village and if in the determination of Building Commissioner that a material change to the Project is then required to the Project on Lot 1 and Lot 2, a hearing before the Zoning Board of Appeals shall be required. In that event, Petitioner shall follow the procedures set forth in Article XV of the Zoning Ordinance.

<u>Limitations on Variations</u>. Article XV Sections 3.3, 3.4, 3.5 of the Village of Norridge Zoning Ordinance - 1962 regarding the authority, conditions on variations and limitations on variations shall apply unless waived or modified by the Village Board of Trustees.

<u>Limitation on Article XV Sec. 3.4</u>. This Variation from the provisions of the Village of Norridge Zoning Ordinance - 1962 is limited to the Project defined as the Dunkin Drive-Through Retail Coffee and Donut Establishment described and set forth in the application and testimony ("Dunkin") for so long as the Dunkin remains open for business at 7801 West Lawrence Avenue. The Variation will immediately terminate by operation of law if the Dunkin drive-through retail coffee and donut establishment ceases doing business at the location granted



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herein. This immediate "go dark" provision is a condition of this Variation under Article XV Sec. 3.4.

<u>Conditions Required</u>. If Petitioner does not meet the Conditions imposed for the rezoning of the Property and those imposed on the Special Use and Variation the Dunkin Project will not receive a permit to operate from the Village.

Agreement. The Petitioner, Owner, Operator of Dunkin shall understand and agree to all of the Conditions required by the Village Board of Trustees stated in the applicable Ordinances and that shall be evidenced by the Petitioner's execution of any and all applicable Ordinances affecting this Project. All Ordinances governing this Project and the Subject Property shall be timely recorded against the Subject Property at Petitioner's cost and expense.

### Special Use

<u>Hours of Operation</u>. Business hours shall be 5:00 A.M. to 10:00 P.M. seven days per week. Any change in business hours will require review by the Zoning Board of Appeals and approval by Village Board of Trustees.

Masonry Wall and Barriers. There shall be an 8-foot-high masonry wall at the south and south west property line of the Subject Property in the parking lot set back area at the property lines of the adjacent residential properties. The masonry wall shall continue north along the west perimeter of Lot 2 (including, but not limited to, in the 30-foot parking area setback) to be continued past the residential property line and then along the B-2 property line up to the adjacent neighboring commercial building in the B-2 zoning district. The masonry wall shall be stepped down where necessary so as not to interfere with traffic safety sight lines and that shall be shown on the Revised and Final Site Plan. Petitioner shall install a 3-foot-high barrier on the east side of the Subject Property to block light emanating from the Subject Property as shown on the Revised and Final Site Plan. The setback in this location shall not interfere with the public way.

Landscaping. Petitioner shall install minimum 10-foot-high arborvitae all season evergreen trees to be planted at the south, southwest and west property line. These trees shall be set close enough to one another to block light and sound from the Subject Property. The trees shall be installed at or before the Petitioner commences business on the Subject Property. The trees shall be 10-foot to 12-foot high at the time of planting or replanting (if necessary to be replanted at any time) the trees shall be installed adjacent to the 8-foot masonry wall along the



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south perimeter of Lot 2, in the southwest corner of Lot 2 in the area adjacent to the Opal Avenue residence, and on the west perimeter of Lot 2 (including, but not limited to, in the 30-foot parking area setback) to be continued north to the end of the residential property line. All season landscaping shall be installed along the B-2 property line up to the adjacent neighboring building in the B-2 zoning district. All trees and other landscaping shall be installed so as not to interfere with traffic safety sight lines. Petitioner shall specify these plantings on the Revised and Final Landscape Plan.

Site Lighting. There shall be no light spillage from the Subject Property at the residential property lines Petitioner shall provide shielding protocol for all lighting (including security lighting) on the Subject Property. Lighting details and shielding shall be shown on the Revised and Final Photometric and Revised and Final Site Plans. When the business is closed to the public, except for necessary security lighting, the lighting of parking areas and the parking setback area shall be prohibited.

<u>Security Lighting</u>. Hours of security lighting are dawn to dusk.

Noise. Petitioner guarantees that there shall be no amplified noise from the speaker discernable at residential property lines at any time of day or night. The decibel level of the sound emitted from the intercom/speaker unit to be located on the west side of the new building shall be adjusted as needed to prevent sound spillage at the property line of the adjacent Opal Avenue residence and the adjacent Ozanam Avenue residence. No noise contour line on the Speaker Sound Diagram shall encroach onto any residential property line from the Subject Property. The Revised and Final Speaker Sound Diagram SP.4 shall show zero decibel level from the speaker at all residential property lines. There shall be no sound amplification used at the pickup window to be located on the east side of the new building on the Subject Property.

<u>Truck Noise</u>. There shall be no noise generated on the Subject Property by delivery trucks (subject to truck delivery hours) or other vehicles outside of the business hours approved in this ordinance.

<u>Light Poles and Standards</u>. Petitioner shall not install any light poles or light standards in the parking set back area.

<u>Product and Product Delivery</u>. No baking or cooking shall take place on the premises. Product will be delivered to the premises for sale to customers. Only warming of products is permitted.



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<u>Loading</u>. Loading and unloading shall take place only at the area designated on the Revised and Final Site plan and only between 7:00 A.M. and 10:00 P.M. seven days per week. There shall be no on street loading or unloading at any time.

<u>Parking And Employee Parking</u>. Employee parking will be self-contained onsite. At times when the business is closed to the public, parking shall be prohibited on the Subject Property. Construction of parking spaces shall be in accordance with the Revised and Final Site Plans and the zoning and building regulations of the Village.

<u>Fences</u>, <u>Setback for Fences</u>, <u>Walls and Barriers</u>. All fencing, walls and barriers erected on the Subject Property that are adjacent to residential property lines shall be erected to Village 3-foot minimum setback code requirements.

<u>Landscaping Maintenance</u>. Landscaping shall be maintained and replaced in a first-class manner during the term of the special use period. All landscaping shall be shown on the Revised and Final Site Plan and Revised and Final Site Plan Landscaping Plan.

Garbage And Refuse. One refuse container will be onsite in the area shown on the Revised and Final Site Plan. Garbage will be first bagged and then deposited into the container. The refuse container area shall be enclosed by a 6-foot-high masonry wall with a composite or wood gate at the access point. Garbage pickup shall occur only between the hours of 7:00 A.M. to 7:00 P.M. and shall occur no less than 3 times per week.

<u>Traffic</u>, <u>Stacking On and Off Site</u>, <u>Traffic Signage</u>. Vehicular ingress and egress to the drive-through lanes shall be one way in and one way out as shown on the Revised and Final Site Plan.

The existing curb cut on Ozanam Avenue shall be permanently closed.

Onsite traffic signage shall be shown on the Revised and Final Site Plan or Revised and Final Sign Plan.

IDOT approval is needed regarding traffic and stacking on Lawrence Avenue and IDOT approval is required regarding traffic and curb cut relocation. Petitioner shall provide IDOT with any required traffic studies and shall provide the Village



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with a copy of any traffic study prepared for IDOT. In the event that IDOT requires modification of the Site Plan and Project, Petitioner shall notify the Village and if in the determination of Building Commissioner that a material change is required to the Project on Lot 1 and Lot 2, a hearing before the Zoning Board of Appeals shall be required. In that event, Petitioner shall follow the procedures set forth in Article XV of the Zoning Ordinance.

<u>Signs.</u> All signs must be in accordance with the Village's Sign Ordinance and signage may be subject to review by the Village Appearance Review Commission. Any signage needing a variance shall be reviewed by the Zoning Board of Appeals and approved by Village Board of Trustees. In that instance a hearing before the Zoning Board of Appeals shall be required and Petitioner shall follow the procedures set forth in Article XV of the Zoning Ordinance.

<u>Property Maintenance</u>. The Subject Property, including but not limited to all walls, fences, and all landscaping, shall be maintained by the Petitioner in first class condition at its sole cost and expense.

MWRD and Water Detention. There shall be no flooding or drainage from Lot 1 and Lot 2 onto neighboring and adjacent properties. Petitioner to obtain MWRD permits or waiver of storm water retention on the Subject Property prior to applying for a building permit. The building permit process shall include Village Engineer review and approval of flooding and drainage issues. Petitioner shall provide the Village with a copy of any study prepared for MWRD. If MWRD requires storm water detention on the Subject Property then Petitioner shall notify the Building Commissioner who will then determine whether the MWRD requirement has a material effect on the Special Use permit or the Variation or the conditions governing the Subject Property. If so, the Petitioner shall be required to appear before the Zoning Board of Appeals for a hearing to determine whether the previously granted Special Use or Variation or the General Conditions thereto, should be changed, modified or repealed. In that event, Petitioner shall follow the procedures set forth in Article XV of the Zoning Ordinance.

<u>Limitations On Special Use</u>. Zoning Ordinance Article XV Sections 4.3, 4.4 and 4.5 regarding the authority, conditions on special uses and limitations on Special Use Permit shall apply unless otherwise stated herein or as determined by the Village Board of Trustees.

<u>Immediate Go Dark – Exception to Zoning Ordinance</u>. The Special Use Permit is limited to the Dunkin Drive-Through Retail Coffee and Donut Establishment described and set forth in the application and testimony for so long as the Dunkin



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remains open for business at 7801 West Lawrence Avenue. The Special Use Permit will immediately terminate by operation of law if the Dunkin Drive-Through Retail Coffee and Donut Establishment ceases doing business at the location granted in any ordinance. This immediate "go dark" provision is an exception to Zoning Ordinance Article XV 4.5(C).

<u>Prior Approval of Map Amendment</u>. A map amendment rezoning the Subject Property from R-1 to B-2 Article IX "B-2" Restricted (Shopping Center) District shall be approved by the Village Board of Trustees prior to a special use or variation being considered by the Village Board of Trustees.

Agreement. The Petitioner, Owner, Operator of Dunkin shall understand and agree to all of the Conditions required by the Village Board of Trustees stated in the applicable Ordinances and that shall be evidenced by the Petitioner's execution of any and all applicable Ordinances affecting this Project. All Ordinances governing this Project and the Subject Property shall be timely recorded against the Subject Property at Petitioner's cost and expense.

A short recess took place at 10:01 P.M.

Meeting resumed at 10:04 P.M.

#### **General Conditions**

<u>IDOT</u>. Petitioner shall petition Illinois Department of Transportation ("IDOT") for approval regarding traffic issues and proposed curb cut relocation for the Subject Property. Petitioner shall timely provide the Village with a copy of any traffic study it prepares for IDOT. In the event that IDOT requires modification of the Site Plan and Project, Petitioner shall notify the Village. If the Building Commissioner determines that a material change to the Project is necessary, a hearing before the Zoning Board of Appeals shall be required. In that event, Petitioner shall follow the procedures set forth in Article XV of the Zoning Ordinance.

MWRD. Petitioner shall seek Metropolitan Water Reclamation District ("MWRD") approval of water detention and drainage issues. Petitioner to timely provide a copy of all such submissions to the Village. MWRD requirements for the Subject Property will control including watershed and water detention issues unless a review by the Village Engineer determines otherwise. All deficiencies from MWRD requirements or stipulations by the Village Engineer shall be rectified by Petitioner.



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<u>Plat of Consolidation</u>. Petitioner shall have a Plat of Consolidation for Lot 1 and Lot 2 prepared and presented to the Village Board of Trustees for approval at or before applying for building permit for the Project and this is a condition of obtaining a building permit. The Plat of Consolidation is to be recorded with Cook County prior to the issuance of building permits for the Project.

<u>Petitioner Agreement</u>. Petitioner (Owner/ Operator) shall understand and agree to all conditions placed on the Subject Property by the Village Board of Trustees. The Petitioner (Owner/Operator) shall be required to execute all ordinances affecting the Subject Property. Ordinances will be recorded against the Subject Property at Petitioner's cost and expense.

<u>Required Conditions</u>. If Petitioner does not meet and comply with the conditions to the Special Use and Variation Petitioner will not receive a permit to operate.

Assignment and Ownership. There shall be no transfer or assignment of the Special Use or Variation granted by the Village Board of Trustees to any entity or party (unless as an intrafamily transfer for estate planning purposes as specified herein). In the event that the signatory owner of Lot 1 and Lot 2 and the Subject Property wishes to change ownership of Dunkin, the prospective purchaser or contract purchaser shall apply for zoning relief for the Subject Property pursuant to the requirements of Article XV of the Village of Norridge Zoning Ordinance - 1962.

Transfers, Successors and Assigns – Immediate Family Members – Estate Planning Purposes. There shall be no transfer or assignment of the Variation or Special Use for the Subject Property (excepting for intra family transfers for estate planning purposes only). In the event that Petitioner seeks to transfer or assign the Special Use or Variation to an immediate family member for estate planning purposes, Petitioner shall provide prior written notification to the Village. This provision applies in situations including for a change in the managing member of the Petitioner's LLC, or a change in the ownership structure of the Subject Property to another immediate family member, or a change in the ownership structure of the Dunkin business to another immediate family member (Petitioner's immediate family members are limited to spouse, father, mother, adult children, siblings) for estate planning purposes. In any of these events, the new immediate family member once approved by the Village, shall be substituted as the Petitioner, required to provide a sworn statement that the managing member or authorized signatory of the new entity will abide by all terms and conditions of all ordinances governing Lot 1, Lot 2, the Subject Property and the



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Project. Failure to provide this sworn statement shall cause the immediate termination by operation of law of any special use or variation previously granted for the Subject Property by the Village Board of Trustees.

<u>Plats and Plans</u>. Petitioner shall provide the Village with revised and final site plans for the Subject Property and the Project. Approval of the Plats and Plans shall be a condition of any ordinance granted by the Village Board of Trustees governing the Subject Property and the Dunkin Project.

#### **End of Conditions**

The hearing was unable to be completed on this date. The petitioner's continuance was granted. It was continued to May 6, 2024 at 7 P.M. in our normal meeting space, the Village Hall Board Room. All in attendance was informed of the continuance and location.

#### **MOTION**

To continue case # 664 to May 6, 2024 at 7:00 P.M. in the Village Board room was made by Mr. Giacalone, seconded by Mr. Straughn. A roll call vote was taken:

Yes – Magnuson, Budnik, O'Leary, Giacalone, Straughn, DiPiero, Berardi No – None Abstained - None

#### MOTION CARRIED

The Court reporter was released at this time



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### May 6, 2024

Case # 664 was re-opened from the initial start date of January 8, 2024, continued to February 5, 2024, continued to March 4, 2024, continued to April 1, 2024 and then continued to May 6, 2024.

The Zoning Board re-opened the case and the architect Peter Paraskis asked for a continuance based on the fact that they have submitted to MWRD and IDOT and do not have the results. They are also considering other options for the 30' set back. They think they could be ready for June.

Mr. Budnik commented that he does not believe his or other board members position will change in one month as everyone has said and heard everything already. He stated that the need for a public hearing has been met and the Zoning Board has put in a substantial amount of time into this case to protect the residences in the Village while giving the business a chance to thrive.

Mr. Straughn stated he agreed with Mr. Budnik and asked if they are thinking about alternates, what did they submit? If there really was going to be a different design presented, then a continuance would be warranted. If not, then we should proceed.

Attorney Cherry said that she was concerned about us approving without complete documents and approval.

Mr. Straughn stated that we do that all the time and we would say contingent on all the approvals which was already in the set of conditions.

A long discussion took place about moving forward with the case or whether to continue it.

Attorney Cherry stated that the board would have to approve or deny the drawings that were to be re-worked for the Board of Trustees.

Chairperson Magnuson suggested we agree to the continuance with the condition that if they are not ready for the June meeting then we automatically deny the requests.

Mr. Budnik said that he did not see why we could not proceed as long as we set the conditions and suggested we enter the list of conditions into the record as Exhibit # 1 that were finalized last meeting and sent to the petitioner.



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Mr. Straughn asked if the copy of the conditions that the Zoning Board received on April 11, 2024 is the final copy.

Mr. Gorski stated that there was a final copy of them that was the one sent to the petitioner on April 12, 2024.

Although the board did not receive it, it was confirmed that copies were sent to both the petitioner as well as the people that have spoken against the petitioner.

Mr. Straughn stated that he would like to get a copy of that at this time along with copies for the board so that we all knew what was being entered into the record as an exhibit.

We agreed that we could not accept a document as an exhibit unless we all had a chance to review it.

Chairperson Magnuson stated we will take a short recess so that copies could be made and distributed.

Recess at 7:40 P.M.

The hearing resumed at 7:57 P.M.

Everyone on the board had a copy of the conditions along with anyone in the audience that wanted one.

### MOTION

Motion to enter the list of proposed recommended conditions drafted on April 12, 2024 as "Exhibit # 1" was made by Mr. Budnik and seconded by Mr. Straughn. A voice vote was taken:

Yes – Magnuson, Budnik, O'Leary, Straughn, DiPiero, Berardi No – None Abstained - None

MOTION CARRIED



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Chairperson Magnuson moved to the Findings.

### Findings – (For Map Amendments)

The proposed recommended conditions were read from Exhibit # 1 pertaining to the rezoning request.

- a.) Existing uses of property within the general area of the property in question and their relationship to one another.
- b.) The zoning classification of property within the general area of the property in question and their relationship to one another.
- c.) The suitability of the property in question for the uses permitted under the existing zoning classification.
- d.) The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was placed in its present zoning classification and that the trend is consistent with the proposed amendment.
- e.) Where applicable, the length of time the property in question has been vacant or unutilized as currently zoned.

And the Board of Appeals recommends and the Board of Trustees finds that the proposed amendment is reasonably necessary to the promotion of the public health, safety or general welfare of the Village.

There were no absolutes against the Findings

### **MOTION**

To recommend to the Village Board to APPROVE the request for a text and map amendment with conditions listed in Exhibit # 1 was made by Mr. Straughn, seconded by Mr. Berardi. A roll call vote was taken:

Yes – Magnuson, Budnik, O'Leary, Straughn, DiPiero, Berardi No – None Abstained - None

MOTION CARRIED



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### **Findings** – (For Variations)

The proposed recommended conditions were read from Exhibit # 1 pertaining to the variation request.

- (a) Will not impair an adequate supply of light and air to adjacent property.
- (b) Will not increase the hazard from fire and other dangers to said property.
- (c) Will not diminish the taxable value of land and buildings throughout the village.
- (d) Will not increase the congestion of the public streets.
- (e) Will not otherwise impair the public health, safety, comfort, morals, and welfare of the inhabitants of said Village.
- (f) The purpose of the variation is not based exclusively upon a desire to make more money out of the property.

There were no absolutes against the Findings.

### MOTION

To recommend to the Village Board to APPROVE the request for variations with conditions listed in Exhibit # 1 and with the condition of site plans and permit approval by the Building Commissioner was made by Mr. Straughn, seconded by Mr. O'Leary. A roll call vote was taken:

Yes – Magnuson, Budnik, O'Leary, Straughn, DiPiero, Berardi No – None Abstained - None

MOTION CARRIED



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Findings – (For Special Use – Drive Thru)

The proposed recommended conditions were read from Exhibit # 1 pertaining to the special use request.

- (a) The proposed special use will be in harmony with the general and specific purposes for which this Zoning Ordinance was enacted and for which the regulations of the district in question were established.
- (b) The proposed special use will not have a substantial or undue adverse effect upon adjacent property, the character of the area or the public health, safety and general welfare.
- (c) The proposed special use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district.
- (d) The proposed special use will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries and schools, or the applicant will provide adequately for such services.
- (e) The proposed special use complies with all additional standards imposed on it by the particular provision of this Zoning Ordinance authorizing such use.

There were no absolutes against the Findings.

### MOTION

To recommend to the Village Board to APPROVE the request for special use (drive-thru) with conditions listed in Exhibit # 1 and with the condition of site plans and permit approval by the Building Commissioner was made by Mr. Straughn, seconded by Mr. DiPiero. A roll call vote was taken:

Yes – Magnuson, Budnik, O'Leary, Straughn, DiPiero, Berardi No – None Abstained - None

### MOTION CARRIED

The case was closed and will be forwarded to the Village Board for the June meeting. The Court Reporter was released at this time and all were thanked for their efforts.



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**Discussion** - Updates to the proposed new zoning ordinance was given to the board. The initial timeline of getting this document through the process has been delayed as zoning cases take precedence.

Public Comment - None

### **MOTION**

Motion to Adjourn the meeting was made by Mr. O'Leary and seconded by Mr. DiPiero. A voice vote was taken:

Yes – Magnuson, Budnik, O'Leary, Straughn, DiPiero, Berardi No – None Abstained - None

MOTION CARRIED

MEETING ENDED at 8:18 P.M.

Allan Budnik

Secretary

Janice Magnusor

Chairperson

### **REZONING CONDITIONS**

- 1. REZONING MAP CHANGE / AMENDMENT FROM R-1 TO B-2 CONDITIONS GOVERNING THE REZONING. IF APPROVED BY THE VILLAGE BOARD THESE CONDITIONS WILL BE PART OF ANY ORDINANCE.
- A. No <u>Light Spillage</u>. There shall be no light spillage at residential property line at any time.
- B. <u>No Amplified Noise</u>. There shall be no amplified noise from speaker at residential property lines at any hour.
- C. <u>Truck Deliveries</u>. Any loading or unloading of product must be contained within the Subject Property, not at any time in the public way, and shall be done only during permitted business hours Truck delivery hours at the Subject Property shall only occur during permitted business hours, 7:00 A.M. to 10:00 P.M. daily.
- D. <u>Masonry Walls and Barriers</u>. Petitioner shall install an 8-foot masonry wall on the Subject Property adjacent to residential property lines. The masonry wall shall be stepped down as necessary for traffic safety including appropriate height plantings. Petitioner shall provide a 3-foot high barrier on the east perimeter of the Subject Property to block light spillage from the Subject Property.

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### 2. VARIATION CONDITIONS

# VARIATION – PARKING AREA SET BACK – CONDITIONS. IF APPROVED BY THE VILLAGE BOARD THESE CONDITIONS WILL BE PART OF ANY ORDINANCE.

- A. <u>Employee Parking</u>. Parking in the parking area setback shall be for employee parking only and only in the two designated parking spaces in the parking setback area and shall be designated as such on the Revised and Final Site Plan.
- B. <u>Masonry Walls and Barriers</u>. Petitioner shall install an 8-foot high masonry wall along the perimeter of the Subject Property on south and west sides only at adjacent residential property lines. The masonry wall is to be stepped down where necessary for traffic safety sight lines including appropriate height plantings. Petitioner shall install a 3-foot high light barrier at various places on the east perimeter of the Subject Property as shown on the Revised and Final Site Plan. The setback in this location shall not interfere with the public way. Masonry wall and barrier details to be shown on the Revised and Final Site Plan.
- C. Landscaping. Petitioner shall install minimum 10-foot high arborvitae all season evergreen trees to be planted at the south, southwest and west property line. These trees shall be set close enough to one another to block light and sound from the Subject Property. The trees shall be installed at or before the Petitioner commences business on the Subject Property. The trees shall be 10-foot to 12-foot arbor vitae at the time of planting or replanting (if necessary to be replanted at any time). The trees shall be installed adjacent to the 8-foot masonry wall along the south perimeter of Lot 2, in the southwest corner of Lot 2 in the area adjacent to the Opal Avenue residence, and on the west perimeter of Lot 2 (including, but not limited to, in the 30-foot parking area setback) to be continued north to the end of the residential property line. All season landscaping shall be installed along the B-2 property line up to the adjacent neighboring building in the B-2 zoning district. In any area where the masonry wall is stepped down for traffic safety reasons all plantings shall be of an appropriate height and shall not interfere with sight lines. Petitioner shall specify these plantings on the Revised and Final Landscape Plan.
- D. <u>Site Lighting</u>. There shall be no light spillage from the Subject Property at the residential property lines. Petitioner shall provide shielding protocol for all lighting on the Subject Property. Lighting details and shielding shall be shown on the Revised and Final Photometric and Revised and Final Site Plans.
- E. <u>Light Pole Location.</u> No light pole or standards shall be erected in the parking area set back.
- F. <u>Setback for Fences, Walls and Barriers</u>. All fencing, walls and barriers erected on the Subject Property that are adjacent to residential property lines shall be erected to Village 3-foot minimum setback code requirements.

- G. <u>Water Detention</u>. There shall be no flooding or drainage from Lot 1 and Lot 2 onto neighboring and adjacent properties. Petitioner to obtain MWRD permits or waiver of storm water retention on the Subject Property prior to applying for a building permit. The building permit process shall include Village Engineer review and approval of flooding and drainage issues. Petitioner shall provide the Village with a copy of any study prepared for MWRD. If MWRD requires storm water detention on the Subject Property then Petitioner shall notify the Building Commissioner who will then determine whether the MWRD requirement has a material effect on the Special Use permit or the Variation or the conditions to either for the Subject Property, If so, the Petitioner shall be required to appear before the Zoning Board of Appeals for a hearing to determine whether the previously granted Special Use or Variation or the General Conditions thereto, should be changed, modified or repealed. Petitioner shall follow the procedures set forth in Article XV of the Zoning Ordinance.
- H. <u>Traffic</u>. Petitioner shall seek IDOT approval regarding traffic issues and curb cut relocation prior to applying for a building permit for the Subject Property. Petitioner shall provide the Village with a copy of any traffic study prepared for IDOT. In the event that IDOT requires modification of the Site Plan and Project, Petitioner shall notify the Village and if in the determination of Building Commissioner that a material change to the Project is then required to the Project on Lot 1 and Lot 2, a hearing before the Zoning Board of Appeals shall be required. In that event, Petitioner shall follow the procedures set forth in Article XV of the Zoning Ordinance.
- I. <u>Limitations on Variations</u>. Article XV Sections 3.3, 3.4, 3.5 of the Village of Norridge Zoning Ordinance 1962 regarding the authority, conditions on variations and limitations on variations shall apply unless waived or modified by the Village Board of Trustees.
- J. <u>Limitation on Article XV Sec. 3.4</u>. This Variation from the provisions of the Village of Norridge Zoning Ordinance 1962 is limited to the Project defined as the Dunkin Drive-Through Retail Coffee and Donut Establishment described and set forth in the application and testimony ("Dunkin") for so long as the Dunkin remains open for business at 7801 West Lawrence Avenue. The Variation will immediately terminate by operation of law if the Dunkin drive-through retail coffee and donut establishment ceases doing business at the location granted herein. This immediate "go dark" provision is a condition of this Variation under Article XV Sec. 3.4.
- K. <u>Conditions Required</u>. If Petitioner does not meet the Conditions imposed for the rezoning of the Property and those imposed on the Special Use and Variation the Dunkin Project will not receive a permit to operate from the Village.
- L. <u>Agreement</u>. The Petitioner, Owner, Operator of Dunkin shall understand and agree to all of the Conditions required by the Village Board of Trustees stated in the applicable Ordinances and that shall be evidenced by the Petitioner's execution of any and all applicable Ordinances affecting this Project. All Ordinances governing this

### REVISED CONDITIONS UPDATED WITH SITE PLANS RECEIVED MAY 16, 2024

Project and the Subject Property shall be timely recorded against the Subject Property at Petitioner's cost and expense.
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# 3. SPECIAL USE - CONDITIONS FOR DRIVE-THROUGH IN B-2 ZONING DISTRICT. IF APPROVED BY THE VILLAGE BOARD THESE CONDITIONS WILL BE PART OF ANY ORDINANCE.

- A. <u>Hours of Operation</u>. Business hours shall be 5:00 A.M. to 10:00 P.M. seven days per week. Any change in business hours will require review by the Zoning Board of Appeals and approval by Village Board of Trustees.
- B. Masonry Wall and Barriers. There shall be an 8-foot high masonry wall at the south and south west property line of the Subject Property in the parking lot set back area at the property lines of the adjacent residential properties. The masonry wall shall continue north along the west perimeter of Lot 2 (including, but not limited to, in the 30-foot parking area setback) to be continued past the residential property line and then along the B-2 property line up to the adjacent neighboring commercial building in the B-2 zoning district. The masonry wall shall be stepped down where necessary so as not to interfere with traffic safety sight lines and that shall be shown on the Revised and Final Site Plan. Petitioner shall install a 3-foot high barrier on the east side of the Subject Property to block light emanating from the Subject Property as shown on the Revised and Final Site Plan. The setback in this location shall not interfere with the public way.
- C. <u>Landscaping</u>. Petitioner shall install minimum 10-foot high arborvitae all season evergreen trees to be planted at the south, southwest and west property line. These trees shall be set close enough to one another to block light and sound from the Subject Property. The trees shall be installed at or before the Petitioner commences business on the Subject Property. The trees shall be 10-foot to 12-foot high at the time of planting or replanting (if necessary to be replanted at any time) the trees shall be installed adjacent to the 8-foot masonry wall along the south perimeter of Lot 2, in the southwest corner of Lot 2 in the area adjacent to the Opal Avenue residence, and on the west perimeter of Lot 2 (including, but not limited to, in the 30-foot parking area setback) to be continued north to the end of the residential property line. All season landscaping shall be installed along the B-2 property line up to the adjacent neighboring building in the B-2 zoning district. All trees and other landscaping shall be installed so as not to interfere with traffic safety sight lines. Petitioner shall specify these plantings on the Revised and Final Landscape Plan.
- D. <u>Site Lighting</u>. There shall be no light spillage from the Subject Property at the residential property lines Petitioner shall provide shielding protocol for all lighting (including security lighting) on the Subject Property. Lighting details and shielding shall be shown on the Revised and Final Photometric and Revised and Final Site Plans. When the business is closed to the public, except for necessary security lighting, the lighting of parking areas and the parking setback area shall be prohibited.
- E. Security Lighting. Hours of security lighting are dawn to dusk.
- F. <u>Noise</u>. Petitioner guarantees that there shall be no amplified noise from the speaker discernable at residential property lines at any time of day or night. The decibel

level of the sound emitted from the intercom/speaker unit to be located on the west side of the new building shall be adjusted as needed to prevent sound spillage at the property line of the adjacent Opal Avenue residence and the adjacent Ozanam Avenue residence. No noise contour line on the Speaker Sound Diagram shall encroach onto any residential property line from the Subject Property. The Revised and Final Speaker Sound Diagram SP.4 shall show zero decibel level from the speaker at all residential property lines. There shall be no sound amplification used at the pickup window to be located on the east side of the new building on the Subject Property.

- G. <u>Truck Noise</u>. There shall be no noise generated on the Subject Property by delivery trucks (subject to truck delivery hours) or other vehicles outside of the business hours approved in this ordinance.
- H. <u>Light Poles and Standards</u>. Petitioner shall not install any light poles or light standards in the parking set back area.
- I. <u>Product and Product Delivery</u>. No baking or cooking shall take place on the premises. Product will be delivered to the premises for sale to customers. Only warming of products is permitted.
- J. <u>Loading</u>. Loading and unloading shall take place only at the area designated on the Revised and Final Site plan and only between 7:00 A.M. and 10:00 P.M. seven days per week. There shall be no on street loading or unloading at any time.
- K. <u>Parking And Employee Parking</u>. Employee parking will be self-contained onsite. At times when the business is closed to the public, parking shall be prohibited on the Subject Property. Construction of parking spaces shall be in accordance with the Revised and Final Site Plans and the zoning and building regulations of the Village.
- L. <u>Fences, Setback for Fences, Walls and Barriers</u>. All fencing, walls and barriers erected on the Subject Property that are adjacent to residential property lines shall be erected to Village 3-foot minimum setback code requirements.
- M. <u>Landscaping Maintenance</u>. Landscaping shall be maintained and replaced in a first class manner during the term of the special use period. All landscaping shall be shown on the Revised and Final Site Plan and Revised and Final Site Plan Landscaping Plan.
- N. <u>Garbage And Refuse</u>. One refuse container will be onsite in the area shown on the Revised and Final Site Plan. Garbage will be first bagged and then deposited into the container. The refuse container area shall be enclosed by a 6-foot high masonry wall with a composite or wood gate at the access point. Garbage pickup shall occur only between the hours of 7:00 A.M. to 7:00 P.M. and shall occur no less than 3 times per week.

O. <u>Traffic, Stacking On and Off Site, Traffic Signage</u>. Vehicular ingress and egress to the drive-through lanes shall be one way in and one way out as shown on the Revised and Final Site Plan.

The existing curb cut on Ozanam Avenue shall be permanently closed.

Onsite traffic signage shall be shown on the Revised and Final Site Plan or Revised and Final Sign Plan.

IDOT approval is needed regarding traffic and stacking on Lawrence Avenue and IDOT approval is required regarding traffic and curb cut relocation. Petitioner shall provide IDOT with any required traffic studies and shall provide the Village with a copy of any traffic study prepared for IDOT. In the event that IDOT requires modification of the Site Plan and Project, Petitioner shall notify the Village and if in the determination of Building Commissioner that a material change is required to the Project on Lot 1 and Lot 2, a hearing before the Zoning Board of Appeals shall be required. In that event, Petitioner shall follow the procedures set forth in Article XV of the Zoning Ordinance.

- P. <u>Signs.</u> All signs must be in accordance with the Village's Sign Ordinance and signage may be subject to review by the Village Appearance Review Commission. Any signage needing a variance shall be reviewed by the Zoning Board of Appeals and approved by Village Board of Trustees. In that instance a hearing before the Zoning Board of Appeals shall be required and Petitioner shall follow the procedures set forth in Article XV of the Zoning Ordinance.
- Q. <u>Property Maintenance</u>. The Subject Property, including but not limited to all walls, fences, and all landscaping, shall be maintained by the Petitioner in first class condition at its sole cost and expense.
- R. <u>MWRD and Water Detention</u>. There shall be no flooding or drainage from Lot 1 and Lot 2 onto neighboring and adjacent properties. Petitioner to obtain MWRD permits or waiver of storm water retention on the Subject Property prior to applying for a building permit. The building permit process shall include Village Engineer review and approval of flooding and drainage issues. Petitioner shall provide the Village with a copy of any study prepared for MWRD. If MWRD requires storm water detention on the Subject Property then Petitioner shall notify the Building Commissioner who will then determine whether the MWRD requirement has a material effect on the Special Use permit or the Variation or the conditions governing the Subject Property. If so, the Petitioner shall be required to appear before the Zoning Board of Appeals for a hearing to determine whether the previously granted Special Use or Variation or the General Conditions thereto, should be changed, modified or repealed. In that event, Petitioner shall follow the procedures set forth in Article XV of the Zoning Ordinance.
- S. <u>Limitations On Special Use</u>. Zoning Ordinance Article XV Sections 4.3, 4.4 and 4.5 regarding the authority, conditions on special uses and limitations on Special Use

### **REVISED CONDITIONS UPDATED WITH SITE PLANS RECEIVED MAY 16, 2024**

Permit shall apply unless otherwise stated herein or as determined by the Village Board of Trustees.

- T. Immediate Go Dark Exception to Zoning Ordinance. The Special Use Permit is limited to the Dunkin Drive-Through Retail Coffee and Donut Establishment described and set forth in the application and testimony for so long as the Dunkin remains open for business at 7801 West Lawrence Avenue. The Special Use Permit will immediately terminate by operation of law if the Dunkin Drive-Through Retail Coffee and Donut Establishment ceases doing business at the location granted in any ordinance. This immediate "go dark" provision is an exception to Zoning Ordinance Article XV 4.5(C).
- U. <u>Prior Approval of Map Amendment</u>. A map amendment rezoning the Subject Property from R-1 to B-2 Article IX "B-2" Restricted (Shopping Center) District shall be approved by the Village Board of Trustees prior to a special use or variation being considered by the Village Board of Trustees.
- V. <u>Agreement</u>. The Petitioner, Owner, Operator of Dunkin shall understand and agree to all of the Conditions required by the Village Board of Trustees stated in the applicable Ordinances and that shall be evidenced by the Petitioner's execution of any and all applicable Ordinances affecting this Project. All Ordinances governing this Project and the Subject Property shall be timely recorded against the Subject Property at Petitioner's cost and expense.

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# 4. GENERAL CONDITIONS. IF APPROVED BY THE VILLAGE BOARD THESE CONDITIONS WILL BE PART OF ANY ORDINANCE.

- A. <u>IDOT</u>. Petitioner shall petition Illinois Department of Transportation ("IDOT") for approval regarding traffic issues and proposed curb cut relocation for the Subject Property. Petitioner shall timely provide the Village with a copy of any traffic study it prepares for IDOT. In the event that IDOT requires modification of the Site Plan And Project, Petitioner shall notify the Village. If the Building Commissioner determines that a material change to the Project is necessary, a hearing before the Zoning Board of Appeals shall be required. In that event, Petitioner shall follow the procedures set forth in Article XV of the Zoning Ordinance.
- B. <u>MWRD</u>. Petitioner shall seek Metropolitan Water Reclamation District ("MWRD") approval of water detention and drainage issues. Petitioner to timely provide a copy of all such submissions to the Village. MWRD requirements for the Subject Property will control including watershed and water detention issues unless a review by the Village Engineer determines otherwise. All deficiencies from MWRD requirements or stipulations by the Village Engineer shall be rectified by Petitioner.
- C. <u>Plat of Consolidation</u>. Petitioner shall have a Plat of Consolidation for Lot 1 and Lot 2 prepared and presented to the Village Board of Trustees for approval at or before applying for building permit for the Project and this is a condition of obtaining a building permit. The Plat of Consolidation is to be recorded with Cook County prior to the issuance of building permits for the Project.
- D. <u>Petitioner Agreement</u>. Petitioner (Owner/ Operator) shall understand and agree to all conditions placed on the Subject Property by the Village Board of Trustees. The Petitioner (Owner/Operator) shall be required to execute all ordinances affecting the Subject Property. Ordinances will be recorded against the Subject Property at Petitioner's cost and expense.
- E. <u>Required Conditions</u>. If Petitioner does not meet and comply with the conditions to the Special Use and Variation Petitioner will not receive a permit to operate.
- F. <u>Assignment and Ownership</u>. There shall be no transfer or assignment of the Special Use or Variation granted by the Village Board of Trustees to any entity or party (unless as an intrafamily transfer for estate planning purposes as specified herein). In the event that the signatory owner of Lot 1 and Lot 2 and the Subject Property wishes to change ownership of Dunkin, the prospective purchaser or contract purchaser shall apply for zoning relief for the Subject Property pursuant to the requirements of Article XV of the Village of Norridge Zoning Ordinance 1962.
- G. <u>Transfers, Successors and Assigns Immediate Family Members Estate</u>
  <u>Planning Purposes</u>. There shall be no transfer or assignment of the Variation or Special Use for the Subject Property (excepting for intra family transfers for estate planning purposes only). In the event that Petitioner seeks to transfer or assign the Special Use

### **REVISED CONDITIONS UPDATED WITH SITE PLANS RECEIVED MAY 16, 2024**

or Variation to an immediate family member for estate planning purposes, Petitioner shall provide prior written notification to the Village. This provision applies in situations including for a change in the managing member of the Petitioner's LLC, or a change in the ownership structure of the Subject Property to another immediate family member, or a change in the ownership structure of the Dunkin business to another immediate family member (Petitioner's immediate family members are limited to spouse, father, mother, adult children, siblings) for estate planning purposes. In any of these events, the new immediate family member once approved by the Village, shall be substituted as the Petitioner, required to provide a sworn statement that the managing member or authorized signatory of the new entity will abide by all terms and conditions of all ordinances governing Lot 1, Lot 2, the Subject Property and the Project. Failure to provide this sworn statement shall cause the immediate termination by operation of law of any special use or variation previously granted for the Subject Property by the Village Board of Trustees.

H. <u>Plats and Plans</u>. Petitioner shall provide the Village with revised and final site plans for the Subject Property and the Project. Approval of the Plats and Plans shall be a condition of any ordinance granted by the Village Board of Trustees governing the Subject Property and the Dunkin Project.

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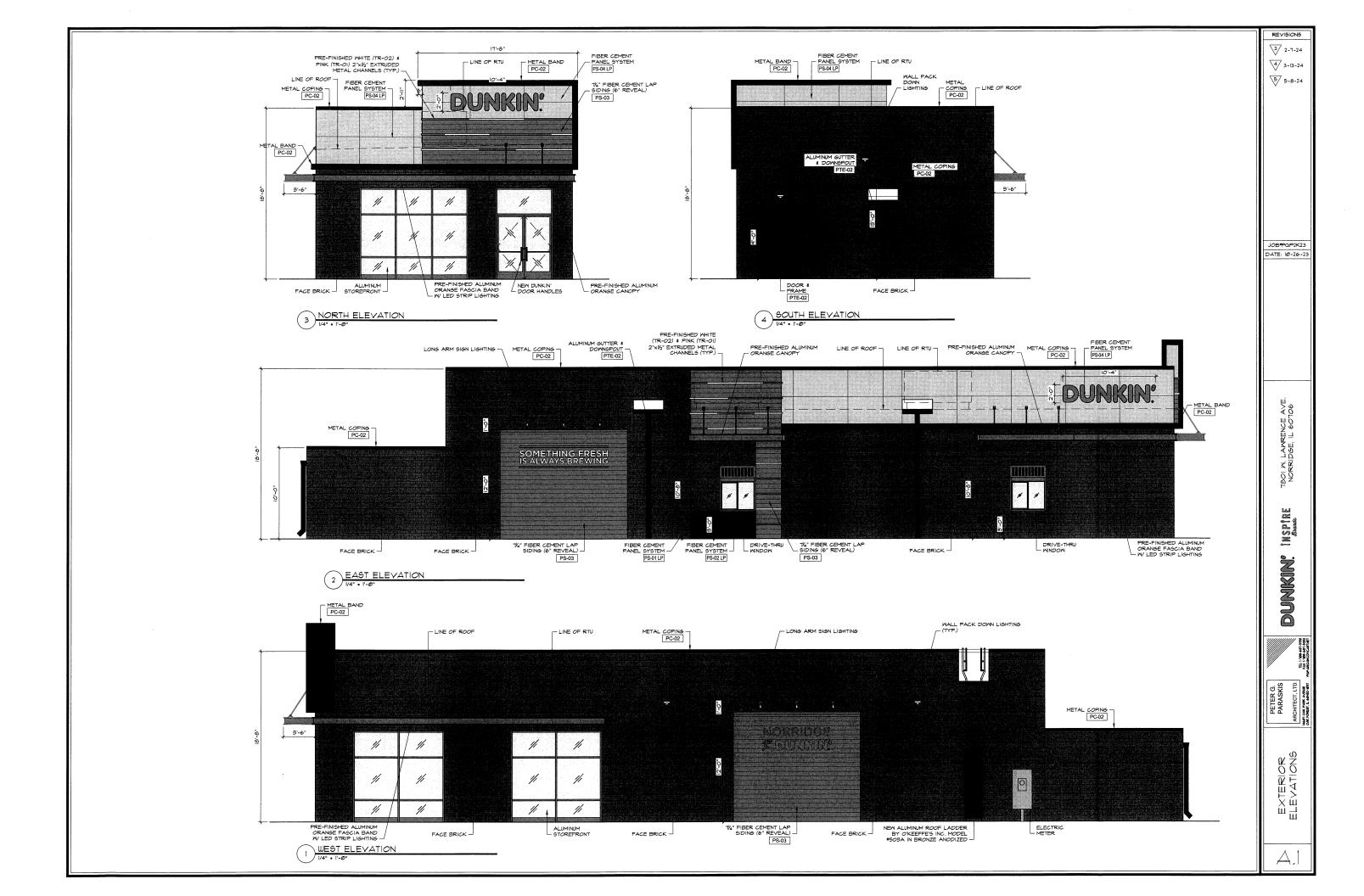
### 5. PLATS AND PLANS

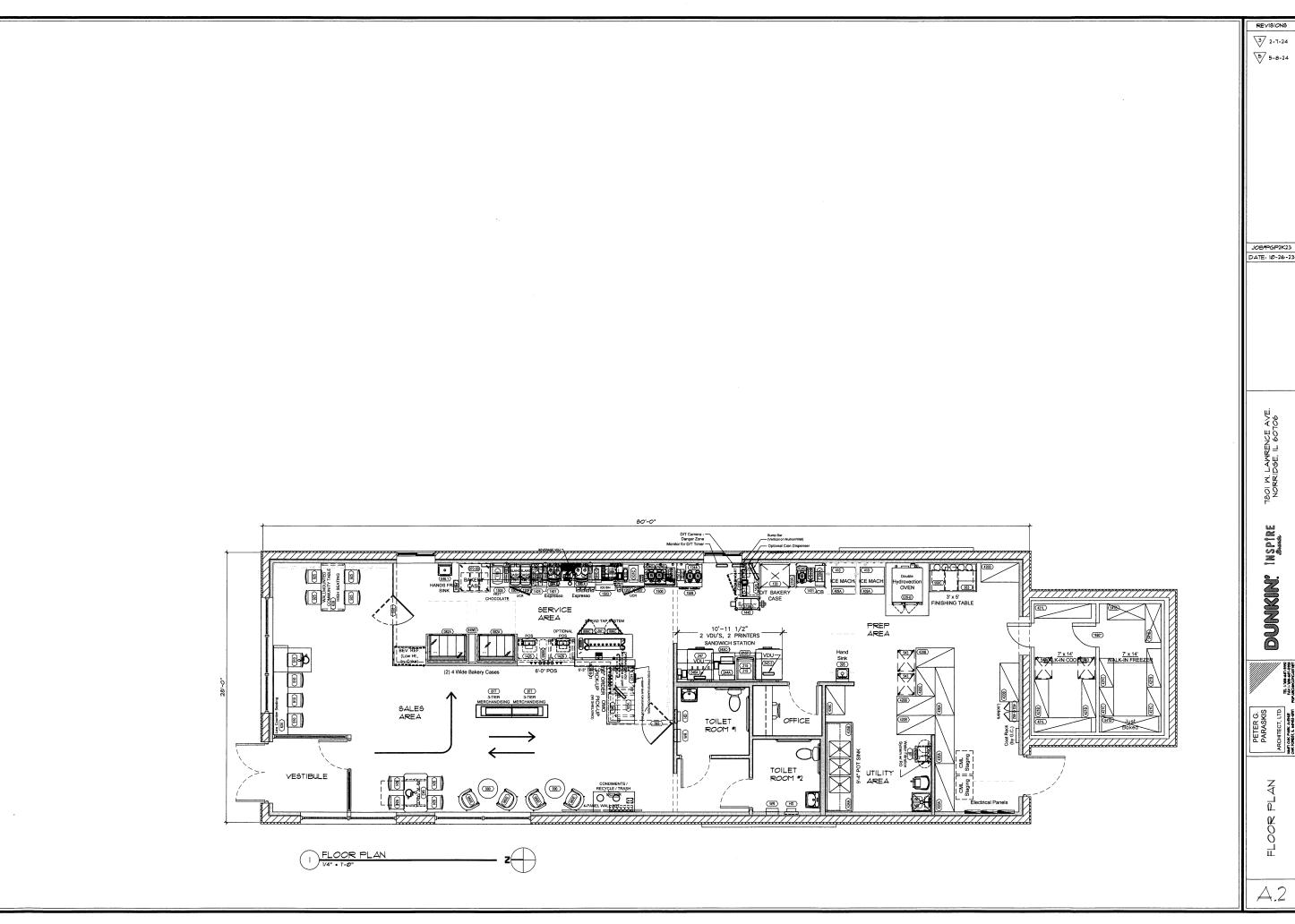
PETITIONER SHALL PROVIDE THE VILLAGE WITH THE MOST RECENT REVISIONS OF SITE PLAN AND ELEVATIONS. THESE DOCUMENTS WILL BE ENTERED UPON THE RECORD WITH THE ZBA MINUTES AND THEN IN ANY FINAL ORDINANCE IF APPROVED BY THE VILLAGE BOARD.

### APPROVAL OF PLATS AND PLANS.

- A. Site Plan ("SP.1") prepared by Architect Peter Paraskis revision dated May 8, 2024, with any further revisions only as approved by the Building Commissioner.
- B. Site Signage Plan and Details ("SP.2") prepared by Architect Peter Paraskis revision dated May 8, 2024, with any further revisions only as approved by the Building Commissioner.
- C. Photometric Site Plan ("SP.3") prepared by Architect Peter Paraskis revision dated May 8, 2024, with any further revisions only as approved by the Building Commissioner.
- D. Exterior Elevations ("A.1") prepared by Architect Peter Paraskis revision dated May 8, 2024, with any further revisions only as approved by the Building Commissioner.
- E. Floor Plan ("A.2") prepared by Architect Peter Paraskis revision dated May 8, 2024, with any further revisions only as approved by the Building Commissioner.
- F. Landscape Plan ("L-1") prepared by Ives Ryan Group, Inc. Landscape Architects revision dated May 15, 2024, with any further revisions only as approved by the Building Commissioner.
- G. Landscape Plan ("L-2") prepared by Ives Ryan Group, Inc. Landscape Architects revision dated May 15, 2024, with any further revisions only as approved by the Building Commissioner.
- H. Speaker Sound Diagram ("SP.4") prepared by Architect Peter Paraskis revision dated May 8, 2024, with any further revisions only as approved by the Building Commissioner.

THE PLAT AND PLANS APPROVAL IS A CONDITION THAT WILL BE PART OF ANY VILLAGE BOARD ORDINANCE

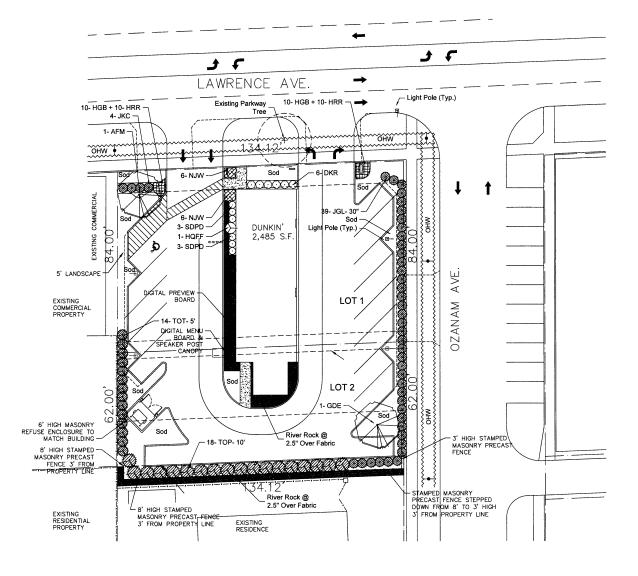




3 2-7-24 5 5-8-24

DATE: 10-26-23

**REVISIONS** 



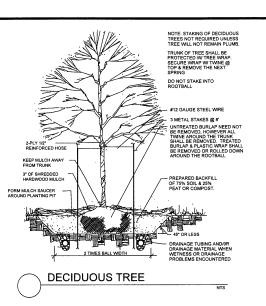
### PLANT LIST : DUNKIN, Norridge, IL

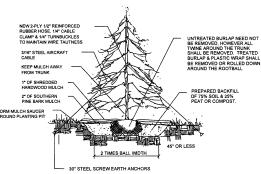
	AN BOTANICAL NAME US SHADE TREES	COMMON NAME S	SIZE/TYPE		
AFM 1	Acer f. 'Marmo'	Marmo Freeman Maple	2.5"BB		
GDE 1	Gymnocladus d.'Espresso'	Espresso Ken. Coffeetree	2.5"BB		
DECIDUO	OUS SHRUBS				
DKR 6	FF 1 Hydrangea p.'SMNHPM' Quick Fire Fab Hydrangea #5				
HQFF 1	Hydrangea p.'SMNHPM'	Quick Fire Fab Hydrangea	#5		
SDPD 6	Spirea j.'NCSX2'	Double Play Doozie Spirea			
EVERGR	EN SHRUBS				
JGL 39	Juniperus c.'Gold Lace'	Gold Lace Juniper	30"		
TOP 18	Thuja o. 'Pyramidalis'	Pyramidal Arborvitae	10'BB		
TOT 14	Thuja o. Bailjohn'	Technito Arborvitae	5′BB		
PERENNI	ALS & GROUNDCOVERS				
HGB 20	Hemerocallis 'Going Bananas'	Going Bananas Daylily	#1(18"OC)		
HRR 20	Hemerocallis 'Rosey Returns'	Rosey Returns Daylily	#1(18"OC)		
NJW 12	Nepetax f.'Novanepjun'	Junior Walker Catmint	#1(24"OC)		

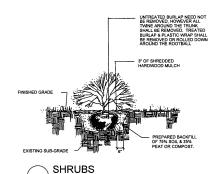
- 300 SY Sod (Kentucky Bluegrass Blend-mineral base-per Specs)
- 19 CY Mulch (Shredded non-dyed Hardwood)
- 19 CY Compost (Mushroom or Yard Waste)
- 127 SF River Rock @ 2.5" over Fabric

MATERIALS LIST:

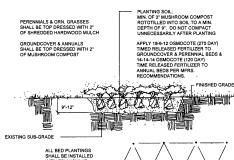
NOTE: THE QUANTITIES ABOVE ARE PROVIDED AS A CONVENIENCE. HOWEVER ALL BIDDERS AND THE INSTALLING CONTRACTOR SHALL BE RESPONSIBLE FOR CALCULATING ALL QUANTITIES AND SHALL INSTALL ALL MATERIALS AS NEEDED TO REFLECT THE ILLUSTRATED AND SPECIFIED MATERIALS ON THIS LANDSCAPE PLAN.

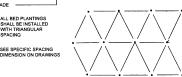






**EVERGREEN TREE** 





CERTAIN BULBS/PERENNIALS MAY REQUIRE OTHER PLANTING DEPTHS. CONSULT BULB DISTRIBUTOR FOR PRECISE DEPTHS.

BED PLANTING DETAIL

(PERENNIALS, ORNAMENTAL GRASSES VINES GROUNDCOVER & ANNUALS)

GENERAL NOTES:

Plant material shall be nursery grown and be either balled and bur-lapped or container grown. Sizes and spreads on plant list represent minimum requirements.

The requirements for measurement, branching and ball size shall conform to the latest addition of ANSI 260.1, AMERICAN STANDARD OF NURSERY STOCK by the American Nursery & Landscape Association.

Any materials with damaged or crooked/disfigured leaders, bark abrasion, sun scald, insect damage, etc. are not acceptable and will be rejected. Trees with multiple leaders will be rejected unless called for in the plant list as multi-stem or clump (cl.).

If any mistakes, omissions, or discrepancies are found to exist with the work product, the Landscape Architect shall be promptly notified so that they have the opportunity to take any steps necessary to resolve the issue. Failure to promptly notify the Landscape Architect and the Owner of such conditions shall absolve them from any responsibility for the consequences of such failure.

Under no circumstances should these plans be used for construction purposes without examining actual locations of utilities on site, and reviewing all related documents mentioned herein, including related documents prepared by the project Civil Engineer and Architect.

Civil Engineering or Architectural base information has been provided by others. The location of various site improvements on this set of drawings is only illustrative and should not be relied upon for construction purposes.

Quantity lists are supplied as a convenience. However, Bidders and the Installing Contractor should verify all quantities. The drawings shall take precedence over the lists. Any discrepancies shall be reported to the Landscape Architect.

Actions taken without the knowledge and consent of the Owner and the Landscape Architect or in contradiction to the Owner and the Landscape Architect's work product or recommendations, shall become the responsibility not of the Owner and the Landscape Architect, but for the parties responsible for the taking of such action.

Refer to Civil Engineering documents for detailed information regarding size, location, depth and type of utilities, as well as locations of other site improvements, other than landscape improvements,

Plant symbols illustrated on this plan are a graphic representation of proposed plant material types and are intended to provide for visual clarity. However, the symbols do not necessarily represent actual plant spread at the time of installation

All plant species specified are subject to availability. Material shortages in the landscape industry may require substitutions. All substitutions must be approved by the Village, Landscape Architect and Owner.

The Landscape Contractor shall verify location of all underground utilities prior to digging by calling "J.U.L.I.E." (Joint Utility Location for Excavators) 1-800-892-0123 and any other public or private agency necessary for utility location.

All bed lines and tree saucers shall require a hand spaded edge between lawn and mulched areas.

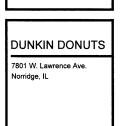
Grading shall provide slopes which are smooth and continuous. Positive drainage shall be provided in all areas.

Sod shall be mineral base only.

Seed mixes shall be applied mechanically so that the seed is incorporated into the top one-half inch (1/2") of the seed bed. The seed shall then be covered with the specified blanket (installed per manufacturer's. specs) or Hydro-mulch

All plant material shall be guaranteed for one (1) year from the date of acceptance.

All completed planting beds and tree saucers, except for groundcover beds, shall be mulched with three (3) inches of un-dyed shredded hardwood bark. All groundcover beds shall be mulched with three (3) inches of pine bark fines





IRG Ives/Ryar Group, Inc. 1741 S. WIESBROOK ROAD WHEATON, IL 60189 PHONE: 630.738.0726

Landscape Architecture Park & Recreation Design Municipal Consulting

www.ivesryangroup.com

LANDSCAPE	
PLAN	

PROJECT NO.: JOB NO. L724 - 4415

DATE: 2024-05-15

SCALE: 1"=20'

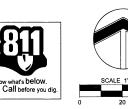
PLANNER: JAMR

DRAWN BY: RP

CHECKED: \_\_\_\_\_\_

SHEET

L-1



### PLANT MATERIAL

### PART 1 - GENERAL

### 1.1 SCOPE OF WORK

The work includes furnishing of all materials, and the performance of all operation in connection with the planting of deciduous & evergreen trees, deciduous & evergreen shrubs, shrub roses, perennials, ornamental grasses, groundcover, bulbs (if any) and annual flowers (if any) in strict conformance with the project secretaries and policiable forework within an sublice to the terms and conditions of the Contract.

### 1,2 GENERAL REQUIREMENTS

All plant material shall comply with the State of ILLINOIS and FEDERAL laws with respect to inspection for plant diseases and insect infestation. An inspection certificate required by law to this effect shall accompany each shipment. The Landscape Architect reserves the right to inspect the plant material at the place of growth but such respects shall not preclude the right of repection at the site.

### 1.3 APPLICABLE STANDARDS

- American National Standards for Tree Care Operations, ANSI A300, American National Standards Institute, 11 West 42nd Street, New York, N.Y. 10036.

  American Standard for Nursery Stock, ANSI 260.1, American Nursery & Landscape Association, 1000 Vermont Avenue NW, Suite 300, Washington, D.C.
- uous. Cortus Third, The Staff of the L.J. Bailey Hortorium, 1976, MacMillan Publishing Co., New York. Ul standards shall include the latest additions and amendments as of the dated of advertisement for bids.

### PART 2 - MATERIALS

### 2.3 OUALITY AND SIZE

Plants shall have a habit of growth that is normal for the species and shall be sound, healthy, vigorous, and free from insect pests, their eggs or larvae, plant Plints shall have a habit of growth that is normal for the species and shall be sound, healthy, vigorous, and free from insect peats, their eggs or fairwee, plant is discusses, and injuries. All plants shall be unusery grown under climatic conditions similar to those which would not six in the locality of the sife for all easts two (2) years and equal or exceed the measurements specified in the plant list. They shall be measured before pruning with branches in formal position. All necessary pounting shall be performed only at the time of planting. Trees will not be excepted which have their leaders disarded so that cutting is necessary. Plants larger in size than specified may be used with the approval of the Landscape Architect but the use of larger plants will make no change in the contract price. Requirements for the measurement, branching, quality, being, and butanging of plants on the plant list shall follow the Code of Standards (2001-invost current edition) by the AMERICAN NURSERY's LANDSCAPE ASSOCIATION, formerly known as the AMERICAN ASSOCIATION OF Surrainza (zeu)-mons cutrerie essum) by the American's funcional and a Christopher Association (zeu)-mons cutrerie essum) by the American's funcional and fu

The Contractor shall take all precausions that are demanded by good trade practice to insure arrival of the plant material at the stated delivery point in good condition and without injury of any nature. Plants shall be covered properly to prevent drying, transit disease, or injury.

Incomplexed 5 increases. Incomplex the contractor shall protect the unplanted stock from sun and drying winds at all times. All balled and burdspeed plants shall be shaded from the sun, have their ball set off the ground and healed in with saedust, peet, soil or other moisture-holding material and shall be kept moist. Plants should not remain unplanted for longer than three (3) days if in leaf. On-site storage shall be only in area(s) designated by the Owner.

Substitutions may be permitted only upon submission of written proof that the specified plant is not obtainable locally. Such substitution may be made only upon

SELECTION

All plants shall be obtained from nurseries licensed by the State of Illinois and approved by the Landscape Architect. The Landscape Architect reserves the right to accompany the Contractor to the nurseries for the purpose of selecting (tagging) material. Plant sources located outside the State of Illinois must be approved by the Landscape Architect.

### The soil, to be acceptable topsoil, shall meet the following criteri

- CHEMICAL ACTIVITY: The topsoil (on-site & imported) shall be free from any toxins or chemical residue which could result in any form of plant growth damage.

The Contractor shall provide a soil analysis report submittal containing test results and soil scientist recommendations based on a minimum of one (1) sample taken from each proposed imported topsoil stock pile. The testing shall cover macro nutrients and pH, soluble salts, organic content/mechanical analysis and Bio assay.

Mulch shall consist of the following:

MUSHKNOM CHAPTUSI

MINISTRUCTION AND THE BEAUTY OF THE MINISTRUCTION OF

Fertilizer shall be commercial fertilizer which shall be a complete fertilizer with the following approximate analysis

### ace (14-3-3) slow-release briquettes or acceptable equivalent approved by Landscape Architect

- uses
  Woodace (14-3-3) slow-release briquettes
  Superthrive liquid or acceptable equivalent approved by Landscape Architect
  rennials, Groundcover, Ornamental Grasses & Vines
- Perennias, Subulidove, Ontaniental Grasses & Vinese Canada, Canada (18-6-12) 8-9 month controlled release, or acceptable equivalent approved by the Landscape Architect Annual Flowers

  Ontanocial (14-14-14) 3-4 month controlled release or acceptable equivalent approved by the Landscape Architect Canada (18-14-14) 3-4 month controlled release or acceptable equivalent approved by the Landscape Architect (18-14-14) 3-4 month controlled release or acceptable equivalent approved by the Landscape Architect (18-14-14) 3-4 month controlled release or acceptable equivalent approved by the Landscape Architect
- and Bulb Booster (9-9-6) or acceptable equivalent approved by the Landscape Architect

- Whap shall be Breathable synthetic fabric tree wrap. White in color, delivered in 75 mm (3 in.) wide rolls. Specifically manufactured for tree wrapping. Tree wrap shall be 'Breathable Fabric Tree Wrap' as manufactured by the Dewitt Company, Inc., Sikeston, MO, or approved equal. Submit manufacture literature for
- Tape for securing the wrap shall be bio-degradable tape suitable for nursery use and which is expected to degrade in sunlight in less than two (2) years after

## 2.12 WATER

Potable water shall be supplied by the Owner at no cost to the Contractor by way of an imigation system, quick coupler system, hose bibs, hydrant meter or a designated fit-up source on site.

### PART 3 - EXECUTION

Planting operations shall be conducted under favorable weather conditions during the season stated in the Contract. Before excavations are made the surrounding but (if existing) shall be covered in a manner that will satisfactionly protect all but areas that are to be trucked or hauled over and upon which soil is to temporarily soleced. The Contractor shall be responsible for the restoration of all damaged existing but. All restorations hall be sodded.

indiscaping shall be performed during the season or seasons which are normal for such work as determined by weather conditions and by accepted practice, anting may be performed under unseasonable conditions without additional compensation, but such work must have the prior approval of the Landscapes thinked antifor Owner in writing as to the fine of work and methods of operations. Approval to plant under such conditions shall in no way relieve the

1 SPRING a. From time soil is workable to June 15 with the following exception:

### Bare root materials (if any) shall cease on May 31

- Evergreen Shrub planting to cease Oct. 31 Evergreen Tree planting to cease Oct. 15

All plants shall receive a thorough watering immediately after installation. During times of extreme heat, all evergreen and deciduous trees shall receive a minimum of 10 gallons of water per tree per watering up to two (2) additional waterings shall be performed as needed. The use of drip irrigation tree bags

ance shall be performed by the Contractor as follows:

TEMPORARY MAINTENANCE

The Contractor bath be responsible for the total maintenance of all plant material until such a date as all landscape operations have received
Preliminary Acceptance. Temporary maintenances chall begin immediately after each plant is installed and shall include up to thre (0) year
after increasing varieties in statistics of the present of the present plant in the pla

CONTINUED MAINTENANCE
For the duration of the guarantee period the Contractor shall be responsible for the resetting of settled plants, the straightening of plants which are not plumb and the sightening of tree guys (if utilized). All other maintenance is the responsibility of the Owner. However, it is the Contractor's responsibilit occasionally inspect the quality of the Owner's maintenance.

Priliminary planting acceptance shall be given for completed planting operations for the purpose of the Contractor becoming eligible for payment for this portion of the Contract work. In order to obtain Preliminary Acceptance, the Contractor shall notify the Owner and/or Owner's Representative by phone is portion of the Contract work. In order to obtain Preliminary Acceptance, the Contractor shall notly the Owner and/or Owner's Representative and are not of the Contractor shall notly the Owner and/or Owner's Representative and are as the accepted on a preliminary base, it shall conform to the following:

All plant materials shall be in conformance with the Divanies with respect to quality, size, species and location, except those flems accepted or revises in the field by the Landscape Architect.

All plant materials shall be in an officience of the Contractor of

FINAL PLANTING ACCEPTANCE
Final planting acceptance shall be granted after the completion of all replacement operations required fulfilling the guarantee stated below.
On or about the expiration of the one-year (1 year) guarantee, a follow-up inspection will be made by the Owners and/or Owner's Representative to determine replacements required to be made by the Contractor in accordance with the provisions of these specifications. The singentor will document his/
findings in a field report. Upon completion of the replacement program, the Owner and/or Owner's Expresentative shall conduct an inspection to determine y of the required replacements. If all is found to be acceptable as defined by item A above, the Contractor and the G

QUARANTEE
The Contractor shall guarantee for a period of one (1) year the replacement of any permanent plant which has died, or is in a dying condition, or which has failed to flourish in such a manner that its usefulness or appearance has been impaired. Any tree with a dead main leader or with a crown which is tweety-five percent (25%) or more dead shall be replaced. These guarantees shall be in accordance with the following:

### ONE YEAR PERIOD

iod shall begin on the date of Preliminary Acceptance of all plant material.

The decisions of the Owner and/or Owner's Representative for required replacements shall be conclusive and binding upon the Contractor. The Contractor shall also be responsible for repairing damage to persons and property also caused by defective workmanship and materials.

### GUARANTEE PERIOD INSPECTION

SUAVAN LEF PERIOD INSPECTION

During the guarantee period, the Contractor shall, from time to time, inspect the watering, cultivation, and other maintenance operations carried on by the 
Owner with respect to such work, and promptly report to the Owner any methods, practices or operations which he considers unsatisfactory, and not in 
accord with his interests or good horticultural practices. The failure of the Contractor to so inspect or report shall be construed as an acceptance by him of 
the Owner's maintenance operations, and he shall not thereafter claim or assert that any defects which may later develop are the result of such methods or

### TURF GRASS

### PART 1 - GENERAL

The work includes finish grading, furnishing fertilizer, seed and/or sod as specified and performance of all operations in connection with seeding and/or sodding in strict accordance with the applicable Drawings and subject to the terms and conditions of the Contract.

The Contractor shall provide and maintain equipment suitable for the execution and completion of the work specified in accordance with (IDOT) Standard Specifications. All equipment shall be operated by personnel trained in the operation of such equipment.

### PART 2 - PRODUCTS

Topsoil for planting operations shall be obtained from an on-site stockoile generated from site stripping. In the event that none is available, needed topsoil shall be imported from an off-site source. All imported tippsoil, used for any portion of the work, shall be fertile, friable, natural loam containing a libera amount of humus. It shall be relatively free from weeds, large roots, plants, sticks, stones larger than one (1) inch, waste, debris or other extraneous matter. The installing Contractor shall be responsible for root piction, and/or debris removal as needed to meet this specification.

### The soil to be acceptable topsoil, shall meet the following criteria

- ORGANIC MATTER: Not less than 1.5 percent no more than 10.0 percent,
  pht: No lower than 5.0 nor higher than 8.0.
  TEXTURE: No more than 1.5 percent clay.
  SOLUBLE SALT: No more than 1.5 percent clay.
  SOLUBLE SALT: No more than 1.500 pp.m.
  CHEMICAL ACTIVITY: The topsoil (on-site & imported) shall be free from any toxins or chemical residue which could result in any form of plant

The Contractor shall provide a soil analysis report submittal containing test results and soil scientist recommendations based on a minimum of one (1) sample taken from each proposed imported topsoil stock pile. The testing shall cover macro nutrients and pH, soluble salts, organic contentimechanical analysis and illo soil.

### 2.2 COMMERCIAL FERTILIZER AND DELIVERY

Fertilizer shall be delivered to the site in unopened, original containers, each bearing name and address of the manufacturer, name brand, or trademark, and manufacturer's guaranteed analysis. Any fertilizer which becomes caked or otherwise damaged, making it unsuitable to use, will not be accepted. Fertilizer shall not have been exposed to weather prior to delivery on the site and after delivery until used. It shall be completely protected at all times and shall not be stored in direct contact with the ground.

A. FERTILIZER STRENGTH

2. AFTER SEEDING AND/OR SODDING 26-0-4

a) One-quarter of the nitrogen shall be in the form of nitrates, one-quarter in the form of ammonia salts, and one-half in the form of organic nitroger

## he balance of the fertilizer shall be made up of materials usually present in such a product. It shall be free from dust, sticks, sand, stone, or other ebris.terials usually present in such a product. It shall be free from dust, sticks, sand, stone, or other debris.

PROPORTION BY WEIGHT TYPE OF GRASS 

### (Apply at 7 lbs./1,000 S.F. for mechanical seeding) SALT TOLERANT MIX (if specified) 10% "FULTS' ALKALI GRASS (PUCCINELLIA DISTANS)

The percentage of hard seed included as a part of the germination percentage of any lot of seed, shall not exceed twenty. Kentucky bluegrass seed shall weigh a minimum of 28 pounds to the nearest measured bushel. Wend seed content shall not exceed 0.25%.

### 1. PACKING AND MARKETING

All seeds shall be delivered in suitable bags in accordance with standard commercial practice. Each bag shall be tagged or labeled as required by the law of the STATE OF ILUNOIS. The vendor's name shall show on or be attached to each tag together with a statement signed by the vender showing: a) by the did of seed contained, b) the percentage of purity and germination, c) the percentage of that seed, if any, d a statement conforming to the laws of the STATE OF ILUNOIS hereinbefore mentioned showing percentage of weed seeds, if any. Seed which has become wet, moldy, or otherwise damaged will

### 2.4 EROSION CONTROL BLANKET

- STRAW/COCONUT BLANKET (if specified)
  - SC-150 Straw/Cocnut Blanket (North American Green)
     AEC Premier Straw/Cocnut Blanket (American Excelsior Company
- HYDROMULCH (if specified)
  SoilCover Hydraulic Wood Mulch by Profile distributed by ERO-TEX (866)437-6839

SOD (if pendies)

SOD the prompty with State and Federal laws with respect to inspection for plant diseases and insect infestation. It shall be fresh cut, live, nursery grown sod, not less than one and one half (1 1/2) inches this his his pendies of the form that the property of the pr

The Owner and/or Landscape Architect, reserves the right to inspect the sod at the source before cutting and areas that fall to meet with his approval shall not be out for the purpose of supplying material under the contract. The Owner and/or Landscape Architect shall be permitted to take such samples as he may select. All sod shall be fresh and green when placed. Any sod that is dried out, burned, inferior in quality to said samples, or in any way falling to meet the requirements of these specifications will be rejected and the Contractor shall immediately remove such rejected material from the premises of the project and supply suitable material in its place.

- 1, BLUEGRASS SOD shall be a blend of at least three (3) cultivars of Kentucky bluegrass grown on a mineral base
- 2. SALT SOD (if specified) shall be a blend of Kentucky Bluegrass, Fulls' Alkalie Grass (Puccinellia Distans), Perennial Ryegrass and other types as

The Owner shall provide at no cost, sufficient water for the Contractor to maintain plant materials and seeded and sodded areas in accordance with the requirements of the applicable technical specifications. Postale water shall be supplied by the Owner by way of a personant underground irrigation system, quick output system, both soft, for hydrants or a designated fillips source for mobile tanks. When water is provided by way of the fyndams, it shall be the Contractor's exponsibility to be completely familiar with all local ordinances concerning the use of this water source, if a moter is required, it is contractor's exponsibility to be contractor. The meter, all fees incurred by the Contractor's repossibility to other water and utilizing the water supply

In the event that the on-site water supply is curtailed or terminated by the Owner or by ordinance during the period the Contract is in effect, or that there is no on-site sources of water, the Contractor shall supply water from off-site in sufficient quartities to complete the job. Compensation for this additional isams will be in accordance with a solicited price quote. If authorization to supply off-site water is not given to the Contractor state of the Owner, when the Owner is unable to supply the water in sufficient quantities, the Contractor shall not be left responsible for damage to reverplantings (plant materials & soc) or failure

### PART 3 - EXECUTION

3.1 SEED - The accepted seasons for sowing seed in lawn areas shall be defined as follows

PLANTING SEASONS SPRING

Seeding during other time periods shall require the approval of the Owner and/or Landscape Architect. All sowing of seed shall be completed after all trees and shrubs have been installed, if any,

SPRING SODDING shall be performed from the time the soil becomes workable and unfrozen sod becomes available to June 15. FALL SODDING shall be performed from August 15 to October 31.

Sodding during the summer season, defined as June 16 to August 14, will be acceptable if the area is served by an operational irrigation system. Sodding after November 1 shall be considered unseasonable and will require the approval of the Landscape Architect or Owner.

# The Contractor shall be responsible for maintaining all newly seeded and sodded areas until such a time as these areas are granted acceptance by the Owner andor Landscape Architect. Maintenance during this time period shall and consist of watering, mowing, fertilization and herbicide application, as well as any other horizolizativily practices moreosary to establish an acceptable stand of grass.

The Contractor shall water all newly seeded areas once immediately upon completion. Additional watering shall be performed as needed in the absence of adequate mindful. All water should be applied as a pray or dispersion to prevent run-off or damage. The Contractor shall be responsible for watering until turil is established and accepted. If the Owner supplies an in-ground rigidation system, the Contractor shall be responsible for monitoring the effectiveness of the system and shall report any problems with the system to the Owner immediately, followed up in writing. If the Owner does not provide an irrigation system, then additional watering shall be performed in accordinace with the Supplemental water all instance watering prices shall be quoted. If this work item is not included as part of the original Contract, it must be authorized. Compensation shall be in accordance with the Supplemental Bid Prices. If the Owner fails to supply water or authorize suppl Contractor's warranty for providing an established stand of turf will be voided.

# The Contractor shall water all newly installed sed immediately. The Contractor shall remain responsible for watering through three (3) applications. If the Owner supplies an in-ground irrigation system included in the scope of these improvements, the Contractor shall be responsible for monitoring the effectiveness of the system and shall report any problems with the system to the Owner investible, followed up in writing. If the Owner shall be reported in accordance with the Supplemental Bids where alternate watering shores shall be quoted. If this work them is not included as part of the original Contract, it must be adviced. Origination shall be in accordance with the Supplemental Bid Frices. If the Owner fails to supply water or authorize supplemental watering the Contractor's warranty for providing an stabilished stand of full will be voided. Watering after the required three (3) waterings shall be the responsibility of the Owner, or in accordance with authorized supplemental watering.

- The Contractor shall mow all seeded areas three (3) times. The three (3) mowings shall be performed once the turf has reached a height of three inches (3") and shall maintain the turf at 2-21%. At no time should more than 1/3 of the leaf blade be removed by any mowing.
- The Contractor shall mow all sodded areas once. The one (1) mowing shall be performed once the turf has reached a height of three inches (3").

  At no time should more than 1/3 of the leaf blade be removed by any mowing.

- Seeded areas after completion of the second required mowing, the Contractor shall apply an 18-5-9 commercial fertilizer at the rate of 15 pounds of 1,000 square (set (650 lbs/ac.) to all turf areas using a mechanical spreader and by making two (2) passes at right angles to each

### D. HERBICIDE

The Contractor shall be responsible for one (1) application of a weed control product no sooner than the second mowing with the areas seeded. The product shall reflect the specific weed problem which may exist.

Acceptance of seeded areas will be determined by the Owner and/or Landscape Architec

### The Contractor shall not be held liable for damage incurred to the seed areas caused by deicing compounds, toxic substances, fertilizers, pesticides and other materials not specified or not applied by him or under his supervision, nor those damages caused by vandalism or acts of nature.

The Contractor shall guarantee the provision of a green, healthy relatively weed free turf at the time of acceptance

### TEMPORARY WATERING

Temporary watering shall be performed via a temporary above ground irrigation system from the building water supply and/or from water trucks.

### A. Kentucky Bluegrass Sod

- 1. Immediately subsequent to sod installation all areas shall be watered to a depth of one (1) inch Additional watering shall be performed to a total of fifteen (15) times approximately every other day for a minimum of a one (1) month period. During extremely hot periods, often between June 15th and August 31st, watering daily may
- 2. Newly laid sod must be kept moist, but not water logged. The moisture should extend into the soil below the sod to encourage root development. A general rule-of-thumb is to apply one (1) inch of water every other day in the absence of adequate rainfall. Early morning watering is preferred and should not be performed after 1:00 PM. Watering personnel shall routinely probe the sodded areas in multiple locations to determine moisture levels and the watering program should be adjusted as needed. Newly laid sod should not be allowed to dry out as during the initial 2-3 weeks subsequent to laying, dryness will cause shrinkage leaving unwanted open
- 3. Depending on conditions, sod may take 1-3 weeks to root into the soil. Once the sod takes root, watering frequency can be gradually reduced. One (1) inch of water applied once a week is generally acceptable except during hot periods.

### B. Seed Mixes with Straw Blanket (if any)

C. Plant Material Watering

five (5) continuous days each.

- 1. Immediately after the completion of seeding operations, all seed & blanket areas shall be watered to a depth of two (2) inches. Additional watering shall be performed to a total of fifteen (15) times.
- 2. During the seed germination period, seeded areas shall be kept moist in the absence of adequate rainfall to a depth of one (1) inch. A fine spray should be utilized to avoid seed bed disturbance/erosion. Watering personnel shall routinely probe the seeded areas in multiple locations to determine moisture levels and the watering program should be adjusted accordingly. A five to ten (5-10) minute watering duration is generally adequate. During the germination period, daily watering may be required during extremely hot periods.
- 3. Once the seed has fully germinated (not just the cover crop) the watering shall be increased to a two (2) inch depth. The soil should be allowed to dry out between waterings and generally every other day watering during this stage is adequate, depending on rainfall.

including a minimum of four (4) additional waterings when needed.

2. During times of extreme heat, all evergreen and deciduous trees shall receive a minimum of ten (10) gallons of water per tree per watering. Hand injection probe watering or slow release watering bags are the preferred methods for effectively applying water to trees. The use of 20-gallon slow-release irrigation tree bags is highly encouraged and may be substituted for the above mentioned injection waterings. Such watering bags shall be kept operational for a minimum of five (5) continuous days. If this watering method is used in lieu of injection waterings, they shall be provided, as weather conditions dictate, for three (3) watering periods of

1. All plants shall receive a thorough watering immediately subsequent to installation

REVISIONS

© 2024 Ives/Ryan Group, Inc. The drawings, specifications, design ideas,

### DUNKIN DONUTS

7801 W. Lawrence Ave. Norridae, IL



Landscape Architecture Park & Recreation Design Municipal Consulting

www.ivesryangroup.com

IRG Ives/Ryar

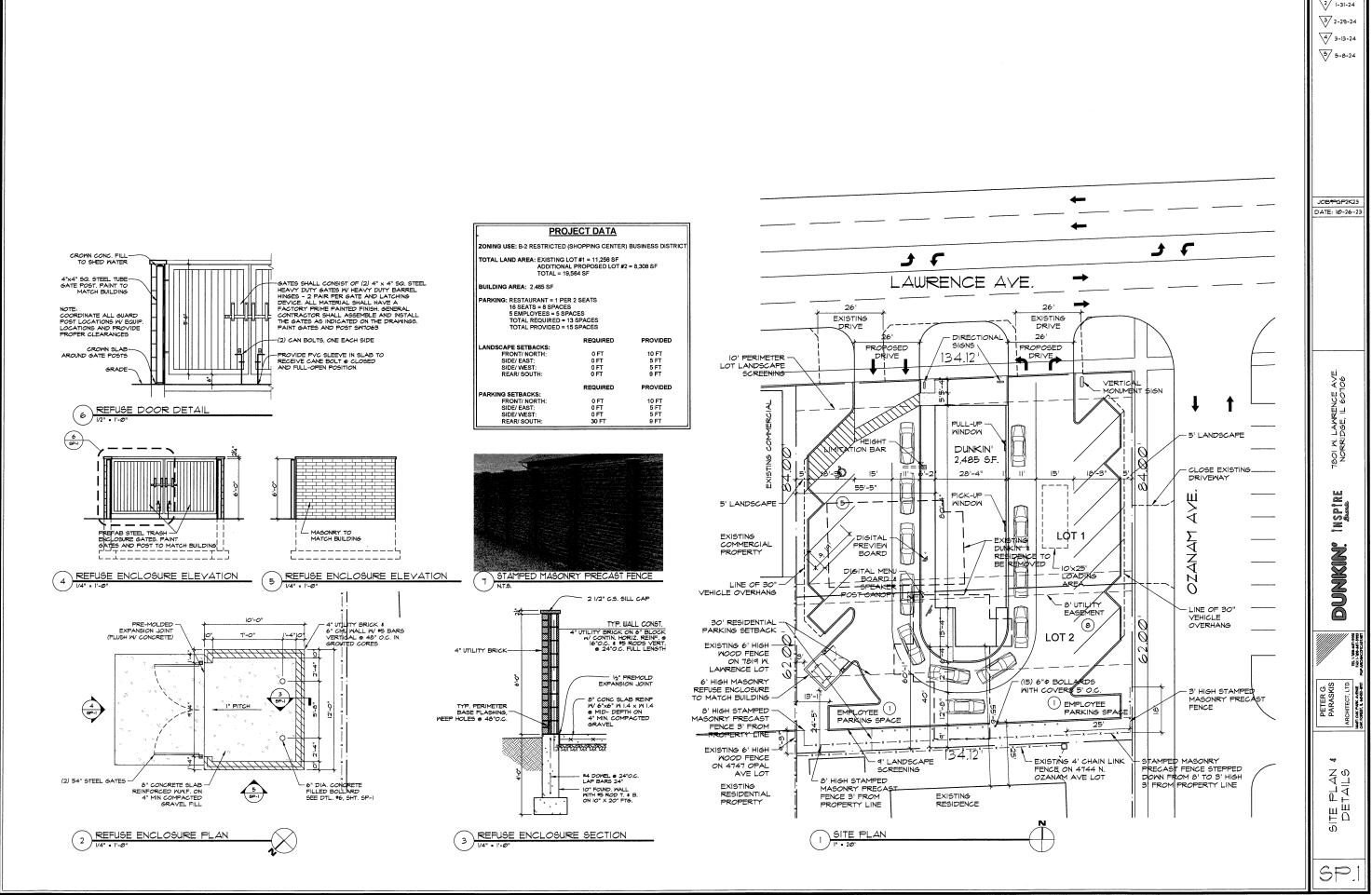
### LANDSCAPE **SPECIFICATIONS**

PROJECT NO - JOB NO L724 - 4415

DATE: 2024-05-15 SCALE: PLANNER: JMR DRAWN BY: RP

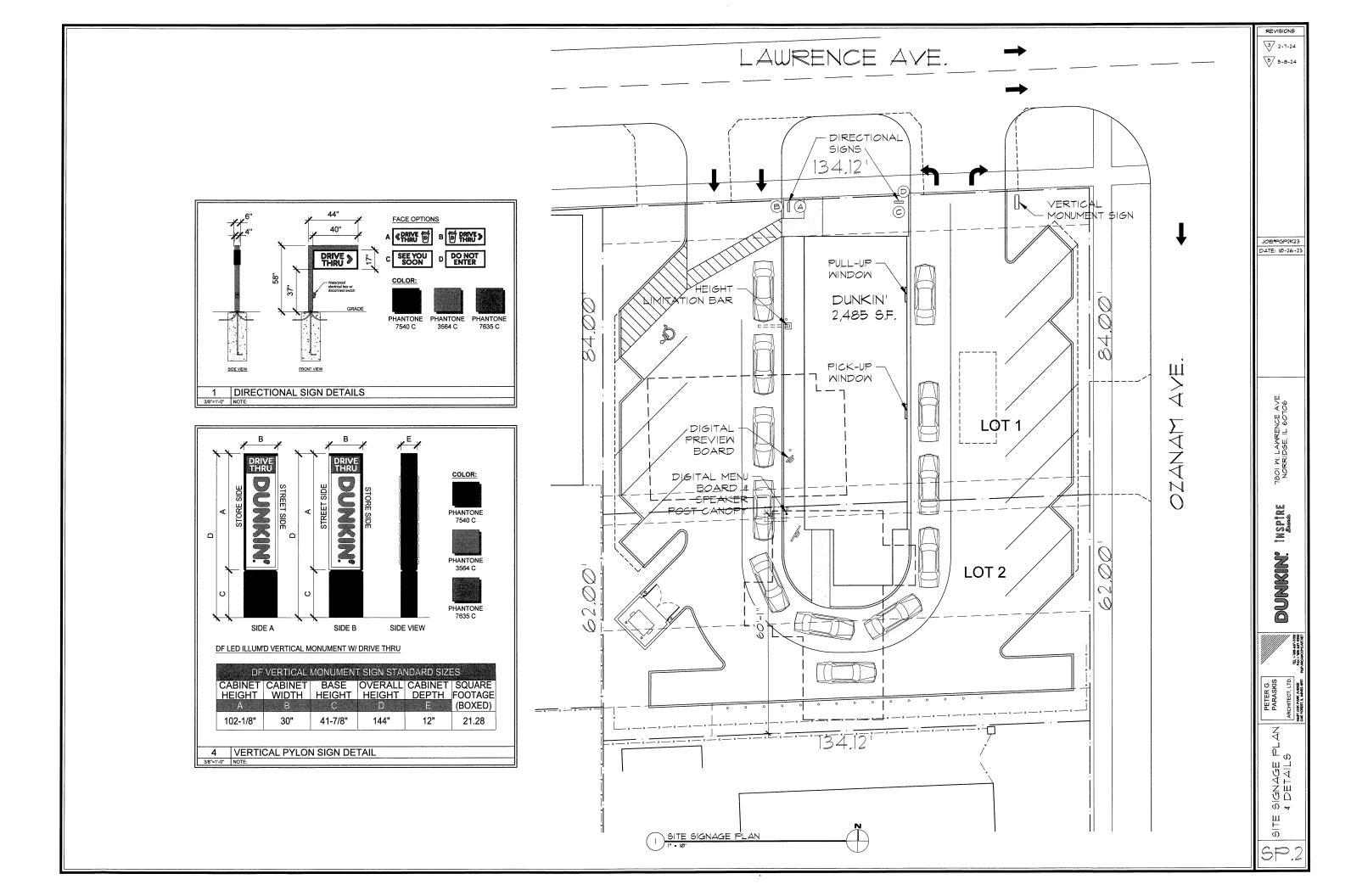
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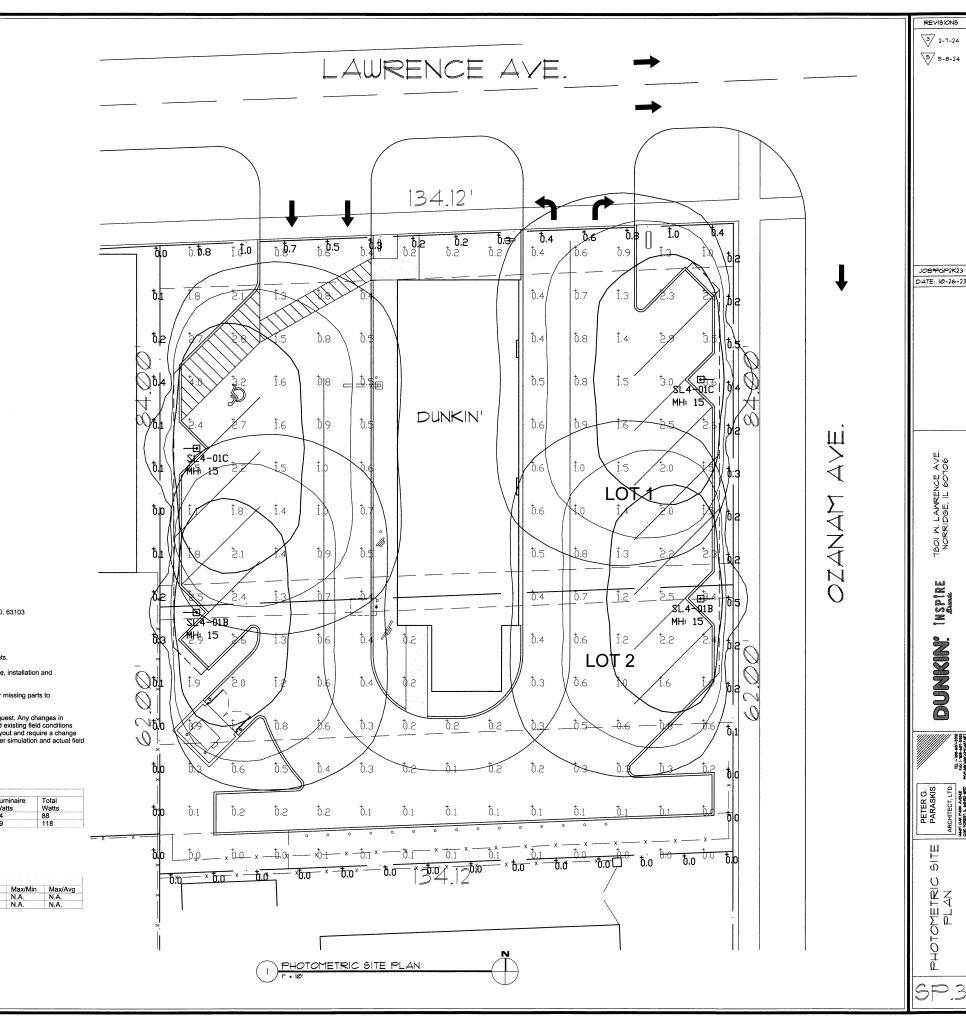
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REVISIONS





1801 M. LAWRENCE NORRIDGE, IL 60

**DUNKIN** 

Luminaires & Lamps Furnished By Villa Lighting Inc. St Louis, MO. 63103 (800)325-0693

GC to field verify ceiling heights for stem/cord mounted fixtures.

Refer to architectural interior elevations for fixture mounting heights.

The electrical contractor shall be responsible for receiving, storage, installation and

The electrical contractor shall report any damaged light fixtures or missing parts to Villa Lighting within 48 hours of receipt of light fixture package.

Design is based on current information provided at the time of request. Any changes in mounting height, mounting location, lamp wattage, lamp type, and existing field conditions that effect any of the previously mentioned will void the current layout and require a change request and recalculation. Calculations are based upon a computer simulation and actual field calculations may vary.

Fixtures mounted on 12' pole & 3' base Light level calculated on the ground

Luminaire Sched								
Symbol Qty	Qty	Label	Arrangement	Description	LLF	Luminaire	Luminaire	Total
			_			Lumens	Watts	Watts
[3]	2	SL4-01B	Single	GLEON-SA1B-740-U-SL4-HSS	0.850	4857	44	88
(*)	2	SL4-01C	Single	GLEON-SA1C-740-U-SL4-HSS	0.850	6011	59	118

Calculation Summary							
Label	CalcType	Units	Avg Ma	x Min	Avg/Min	Max/Min	Max/Avg
PARKING LOT	Illuminance	Fc	1.02 4.0	0.0	N.A.	N.A.	N.A.
PROPERTY LINE	Illuminance	Fc	0.21 1.0	0.0	N.A.	N.A.	N.A.

