VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS

ORDINANCE NO. 25 - 12

AN ORDINANCE CONDITIONALLY APPROVING A SPECIAL USE PERMIT REQUESTED BY THE OWNER, CONTRACT PURCHASER AND PROSPECTIVE TENANT OF 4715 N. RONALD STREET, PROVIDING FOR THE OPERATION OF A WAREHOUSE IN AN M1 ZONING DISTRICT

(Tomato Mountain Farm)

Passed by the Board of Trustees, August 28, 2025

Printed and Published August 28, 2025 in Pamphlet Form
By Authority of the Village Board of Trustees

VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS

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properly published in pamphlet form
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Village Clerk

VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS

ORDINANCE NO. 25-12

AN ORDINANCE CONDITIONALLY APPROVING A SPECIAL USE PERMIT REQUESTED BY THE OWNER, CONTRACT PURCHASER AND PROSPECTIVE TENANT OF 4715 N. RONALD STREET, PROVIDING FOR THE OPERATION OF A WAREHOUSE IN AN M1 ZONING DISTRICT

(Tomato Mountain Farm)

WHEREAS, the Village of Harwood Heights (the "Village") is an Illinois municipal corporation organized and operating pursuant to authority granted by the Constitution and Laws of the State of Illinois; and

WHEREAS, the Village is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution; and

WHEREAS, pursuant to its home rule power, the Village may exercise any power and perform any function relating to its government and affairs; and

WHEREAS, the Corporate Authorities have a duty pursuant to Section 17.56.010(A)(4) and Section 17.56.210(D) of the Village of Harwood Heights Code of Ordinances to act as the final decision-making body for special use permit requests; and

WHEREAS, 4715 Ronald, LLC ("Owner") owns 4715 N. Ronald Street, which is a 20,400 square foot property with tax identification number 13-18-100-035-0000 (the "Property"), legally described as follows:

LOT 3 (EXCEPT THE NORTH 95 FEET THEREOF) ALL OF LOT 4 AND THE NORTH 5 FEET OF LOT 5 IN GUNNISON STREET SUBDIVISION BEING A RESUBDIVISION OF LOT 3 (EXCEPT EAST 5 ACRES THEREOF) IN C. R. BALL'S SUBDIVISION OF THE NORTH ½ OF THE NORTH WEST ¼ OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT SCHOOL LOT) AND THE NORTH 25.4 ACRES OF THE NORTH EAST ¼ OF THE NORTH EAST ¼ OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINICIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

WHEREAS, the Property is improved with an approximately 11,000 square foot single-story existing brick building; and

WHEREAS, the Property is zoned M1 – Manufacturing ("M1"), and a warehouse is a specially permitted use in the M1 District; and

WHEREAS, the Owner is under contract to sell the Property to contract purchaser Peregrine Perch LLC ("Contract Purchaser"), which would in turn lease the premises to Tomato Mountain Farm ("TMF"); and

WHEREAS, Contract Purchaser and TMF are under the same ownership; and

WHEREAS, Owner, Contract Purchaser and TMF ("Applicant" or "Petitioner") have jointly applied for a special use permit allowing TMF to operate a warehouse use at the Property in connection with its regionally-grown farm-fresh produce and food subscription-based delivery service to Chicagoland residents and businesses; and

WHEREAS, pursuant to powers granted to it by Section 17.56.020 of the Village Code, the Planning and Zoning Commission has jurisdiction to hold a public hearing to consider special use permit requests and, in its capacity as an advisory body, make recommendations thereon to the Village Board, and the Village Board has final authority to approve or deny the requested special use permit pursuant to Sections 17.56.010(A)(4) and 17.56.210(D) of the Village Code; and

WHEREAS, the Planning and Zoning Commission convened a duly noticed public hearing (Hearing 25-02) on August 27, 2025 to consider Petitioner's application for a special use permit (the "Hearing"); and

WHEREAS, the Planning and Zoning Commission made certain factual findings and recommendations at the conclusion of the Hearing ("PZC Findings and Recommendation"), a true and correct copy of which is attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the Corporate Authorities have reviewed Petitioner's application for a special use permit and other supporting materials, the PZC Findings and Recommendation, the legal standards and criteria by which the requested special use permit is to be judged as set forth in the Village Code and other governing law; and

WHEREAS, the Village Board concurs with the PZC Findings and Recommendation and hereby adopts such findings as its own;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Harwood Heights, County of Cook, Illinois, as follows:

SECTION I. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. Title. This Ordinance shall be known and may hereafter be referred to as the *Ordinance Approving the 4715 N. Ronald Special Use Permit.*

SECTION 3. Conditional Grant of Special Use Permit.

A. Special Use Approval. Pursuant to the authority granted to it by Sections 17.56.010(A)(4) and 17.56.210(D) of the Village Code, the Corporate Authorities hereby grant Petitioner a special use permit authorizing TMF to operate a warehouse use with at 4715 N. Ronald

Avenue, Harwood Heights, Cook County, IL, consistent with the plans and specifications provided in Petitioner's special use application materials.

B. Conditions. The special use permit approved in Subsection 3(A) of this Ordinance will be and is hereby expressly subject to and contingent upon each and every of the terms, conditions, and restrictions specified in this Subsection 3(B). Upon failure or refusal of the Petitioner to comply with the conditions, restrictions, or provisions set forth herein, the special use approved in Subsection 3(A) will, at the sole discretion of the Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Board of Trustees will not revoke the special use permit herein granted unless it first provides Petitioner with an opportunity to be heard at a regular or special meeting of the Board of Trustees. The conditional approval of the special use permit provisionally granted in Subsection 3(A) is premised on full compliance by Petitioner with the following conditions:

1) The development, use, operation, and maintenance of the Property shall be in strict conformance with all applicable Village, County, State, and Federal codes, statutes, ordinances, rules, and regulations from which no relief has been granted; and

2) That TMF obtain all building and development permits which may be required by any governmental entity with jurisdiction over the Property prior to initiating any renovation or other site development activities.

C. No Authorization of Work. This Ordinance does not authorize the commencement of any work or other site development activities on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced upon the Property until all conditions precedent set forth in this Ordinance for

such work to proceed have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable laws.

SECTION 4. RESOLUTION OF CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. SAVING CLAUSE. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

VOTES

AYES: Trustee Brutto, Steiner, Brzezniak-Volpe, Brzozowski-Wegrecki, Zerillo, Lewandowski

NAYS:

ABSENT:

ABSTAIN:

Passed and Approved this 28th day of August, 2025.

Mayor Arlene Jezierny

ATTEST:

Marcia L. Pollowy, Village Clerk

VILLAGE OF HARWOOD HEIGHTS. COOK COUNTY. ILLINOIS
PLANNING AND ZONING COMMISSION

In Re the Matter of:	}	
4715 Ronald, LLC / Peregrine Perch, LLC /	}	
Tomato Mountain Farm's Application for a Special Use	}	**No. 25-02**
Permit Authorizing A Warehouse Use	}	
at 4715 N. Ronald Street	}	

REPORT OF FINDINGS OF FACT AND RECOMMENDATION
TO THE VILLAGE BOARD OF TRUSTEES
TO GRANT SPECIAL USE PERMIT

I. BACKGROUND

4715 Ronald, LLC ("Owner") owns 4715 N. Ronald Street, which is a 20,400 square foot property with tax identification number 13-18-100-035-0000 (the "Property"). A single-story brick building is located on the Property (the "Building"). The present application for zoning relief is jointly tendered by the Owner, the prospective purchaser Peregrine Perch LLC ("Contract Purchaser") and the proposed occupant of the Property, lessee Tomato Mountain Farm ("TMF") Owner, Contract Purchaser, and TMF (cumulatively, "Applicant") are joint applicants for a special use permit, seeking permission for TMF to operate a warehouse use at the Property in connection with its regionally-grown farm-fresh produce and other food packaging and delivery service. TMF primarily operates on a subscription model, with members receiving periodic, recurring deliveries of fresh, locally-sourced foods in amounts and varieties that vary based on online orders and preferences. Food products are delivered to the Property for storage, packaging and order fulfillment via delivery to restaurants and residents throughout Chicagoland. Contract Purchaser and TMF are both owned by Christopher Covelli.

The Property is zoned M1 – Manufacturing ("M1"), in which a warehouse use is a specially permitted use. Applicant is seeking a special use permit to operate its proposed warehouse pursuant to Section 17.56.210 of the Village Code.

The Property is legally described as follows:

LOT 3 (EXCEPT THE NORTH 95 FEET THEREOF) ALL OF LOT 4 AND THE NORTH 5 FEET OF LOT 5 IN GUNNISON STREET SUBDIVISION BEING A RESUBDIVISION OF LOT 3 (EXCEPT EAST 5 ACRES THEREOF) IN C. R. BALL'S SUBDIVISION OF THE NORTH ½ OF THE NORTH WEST ¼ OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT SCHOOL LOT) AND THE NORTH 25.4 ACRES OF THE NORTH EAST ¼ OF THE NORTH EAST ¼ OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 12, EAST OF THE THIRD PRINICIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Section 17.20.010(A) of the Village Code describes the purposes of the M1 Manufacturing district, as follows:

Intent of M1 Manufacturing District. The M1 manufacturing district is designed to provide an environment suitable for industrial activities that require a pleasant and nuisance-free environment and will be compatible with adjacent residential and business uses.

The Planning and Zoning Commission is the recommending body for special use permits pursuant to §17.56.020(A)(4) of the Village Code. In order to obtain a special use permit to authorize the operation of its warehouse, Applicant must demonstrate that its proposal fulfills each of the criteria for a special use set forth in Section 17.56.210(C) of the Village's Zoning Code.

The purpose of special use permit review is to study the proposal to ensure that it will not be detrimental to other permitted uses in the area/zoning district. "A special use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses." (§17.56.210(A)). Criteria for special use approval are set out in Section 17.56.210(C), as follows:

A. Special use complies with the goals, policies and recommendations in the Comprehensive Plan.

B. Proposed use complies with the M1 District standards, or with authorized deviations.

C. Complies with the Village's regulations governing similar uses – *e.g.* parking and signage.

D. Complementary uses are available, such as business, commercial and transportation facilities.

E. Proposed use is compatible with adjoining properties:

- Privacy protection is offered to neighbors (buffers such as fences, walls, and landscaping reduce noise and visual intrusion on neighboring properties).
- Site plans minimize negative impacts of the proposed use on surrounding properties.
- Site design is compatible with nearby properties, including scale of building, building materials, building coverage, landscaping, lighting, signage, and noise.

F. Parking, loading and vehicle/pedestrian circulation is designed to make safe and efficient movement onsite and to minimize negative impacts on nearby streets and properties. Also, safe access to streets provided.

G. Adequate public facilities and services are available concurrent with the projected impact of the use.

After reviewing the application for a special use permit, the Harwood Heights Planning and Zoning Commission conducted a properly noticed public hearing on August 27, 2025 to consider Applicant's special use application. The Village properly published notice of the public hearing in the *Chicago Sun Times* on August 11, 2025, in fulfillment of 65 ILCS 5/11-13-1.1 and 65 ILCS 5/11-13-6. In addition, the Village mailed notice of the hearing to all property owners of parcels within 250 feet of the Property was transmitted on in accordance with the Village Code and 65 ILCS 5/11-13-7.

At the public hearing, the Planning and Zoning Commission listened to testimony and evidence presented by TMF General Manager Kristin Richmond in support of the requested special use permit, asked questions, invited questions and comments from members of the public generally, and deliberated on the merits of Applicant's request for a special use permit. No testimony was offered or questions asked by any public attendees at the hearing.

The Planning and Zoning Commission is the recommending body for special use permits pursuant to §17.56.020(A)(4) of the Village Code.

After reviewing all application materials, hearing testimony, receiving evidence, and listening to public comment at the public hearing conducted on August 27, 2025, the Harwood Heights Planning and Zoning Commission finds as follows:

II. FINDINGS OF FACT & LEGAL CONCLUSIONS

1. The foregoing recitals shall be and are hereby incorporated into and made a part of the Findings and Conclusions as if fully set forth herein.

2. All exhibits, testimony and evidence presented at the public hearing is made a part of the official record of proceedings and is hereby incorporated into and made a part of the Findings and Conclusions as if fully set forth herein.

3. Specially permitted uses in the M1 – Manufacturing District ("M1 District") include warehouses.

4. Applicant's respective roles as owner, contract purchaser and prospective tenant of the Property make them appropriate applicants for the requested zoning relief.

5. TMF has been in continuous operation since 1993. It began as a Brooklyn, Wisconsin farm that grew organic food for co-ops and restaurants throughout Chicagoland. In 2010, the business expanded to also allow residential households to subscribe to a customizable box of local produce and provisions from the Brooklyn, Wisconsin farm, which is a certified organic producer, and also sourced from a growing roster of other local farms and producers, which are then boxed and delivered throughout Chicagoland. TMF presently operates a warehouse facility in Niles.

6. TMF currently operates out of an Elgin location, but the growing business requires a larger facility and believes that the Property is suitable for its needs.

7. The proposed warehouse would serve as TMF's lone workspace in Illinois for food storage and packaging, order fulfillment and delivery.

8. The business would operate Monday through Saturday from 7 a.m. to 3 p.m. and remain closed on Sundays. The operation on Saturdays is minimal, with outgoing delivery staff only on-premises. TMF delivers 48 weeks per year, taking a break from mid-December to mid-January.

9. TMF has 15 – 20 employees and anticipates hiring more workers as they expand.

10. TMF receives fifteen to twenty (15 - 20) incoming deliveries throughout the week via two box trucks and vans. No semi-trailers are utilized in the business. The PZC listened to testimony that the delivery trucks idle.

11. TMF delivers to its customers via a fleet of eight (8) Transit-Connect vans and several minivans owned by TMF that would be parked on site. One van is refrigerated. They utilize coolers for the other deliveries.

12. The Property features seventeen (17) off-street parking spaces.

13. No on-site sales are conducted, so there is no foot-traffic or vehicular customer traffic generated on or near the Property.

14. In the event that on-site parking demand from employees and delivery vehicles exceeds the available number of spaces on the Property, street parking is available for overflow.

15. Due to the on-site food storage, TMF contracts with Rose Pest Control to prevent and minimize rodents. At the current facility, they have ongoing services on a monthly basis, but are prepared to have the pest control contractor visit as frequently as necessary. TMF testified that Rose Pest Control is a certified organic pest control company.

16. TMF relies on regular waste removal service and claim to generate very little waste on site. Spoilage is contained and stored in coolers. They sort and primarily store the produce at their ten-acre home farm in Wisconsin and only bring in the amount of product that they anticipate delivering during the week, such that there is little long-term storage or garbage. Excess food that goes unused is generally returned to its home farm for composting purposes. They are a "zero-waste" facility.

17. TMF uses a subscriber-based model for its residential customers. Subscriptions can be tailored as to size of deliveries, varieties of food, and frequency of deliveries.

18. Minor exterior maintenance is contemplated, including repair of the existing fence and tuckpointing the masonry façade. These exterior renovations are forecast for the first two years of occupancy.

19. The interior will be retrofitted for TMF's operational needs, including the installation of refrigerator, cooler and freezer equipment- and the smoothing and repair of a pitted interior floor.

20. All operations, other than loading and unloading of delivery vans is performed inside the Building.

21. The proposed warehouse use is a specially permitted use in the M1 – Manufacturing District ("M1 District").

22. The Property is depicted as "Industrial" in the Land Use Plan (Figure 8 of the Comprehensive Plan) of the Village's Comprehensive Plan. The Property is located on the east side of Ronald Street, along the two-block industrial corridor that is Ronald Street between Gunnison to the north and Wilson Avenue on the south.

23. The Gunnison corridor is exclusively industrial, except for a post office on the west side of Ronald Street just south of Gunnison.

24. The Planning and Zoning Commission finds that the Property is depicted within the "Low Intesity/Incubator Business" strip in the Framework Plan (Figure 7 of the Comprehensive Plan) of the Village's Comprehensive Plan, which area is designated "for less intense commercial service and industrial activities" in light of the relatively small size of the parcels and notes that it is ideal for small-scale businesses that "accommodate a variety of uses that serve local residents and the needs of the larger regional consumer service base." (Comp. Plan, ppg. 34 – 35.)

25. The Planning and Zoning Commission finds and determines that the proposed use complies with the goals, policies and recommendations set forth in the Comprehensive Plan insofar as it is consistent with the Comprehensive Plan's expressed preference for light industrial usage in the area.

26. The warehouse is self-contained, is the type of use contemplated for and intended in the M1 District, and the proposed business would be compatible with the primarily industrial use of surrounding properties and not injurious to the surrounding properties, including the residential lots to the east of the Property along the west side of Sayre.

27. In addition, the Planning and Zoning Commission determines that Applicant's proposed use would fulfill the Comprehensive Plan's edict that the Village encourage the improvement and rehabilitation of older and underutilized buildings.

28. The Planning and Zoning Commission finds and determines that Applicant is not seeking any deviations from the M1 District standards, and further, that the proposed use

complies with the dimensional, bulk, parking, configuration and other standards required in the M1 District.

29. Warehouses require four spaces plus an additional space for every 1,500 square feet of gross floor area over 4,500 square feet.

30. The Building on the Property is approximately 11,000 square feet, triggering a need for five spaces in addition to the four "base" spaces for warehouses.

31. As applied to the Property, the Village Code therefore requires at least nine parking spaces for TMF's operations. There are seventeen parking spaces on the Property. As such, the off-street parking on the Property is compliant with the Village Code.

32. It is beyond the scope of the Planning and Zoning Commission's review process to make a determination as to the adequacy of the single handicapped accessible parking space. The Planning and Zoning Commission notes that, per Section 17.28.120 of the Village Code, Applicant must comply with the minimum applicable requirements set forth in the Illinois Accessibility Code, Title 17, Chapter 400 of the Illinois Administrative Code (71 Ill. ADC §400.001, *et al*).

33 The Planning and Zoning Commission finds and determines that complementary uses are available to serve the Property, which primarily consists of ready access to the Village's street network for deliveries.

34. The Planning and Zoning Commission finds that the proposed use is compatible with adjoining and nearby properties. No material changes to the exterior façade, Property, or landscaping are proposed.

35. TMF will not generate significant negative environmental externalities (noise, noxious odors, or oversized truck traffic). The pace of deliveries is typical for a light industrial warehouse use in the host M1 industrial zoning district and the absence of customer traffic and semi traffic will further minimize traffic impacts.

36. The Planning and Zoning Commission further finds and determines that the proposed use is largely self-contained and that no noise or light pollution is anticipated to affect adjacent properties.

37. The Planning and Zoning Commission finds that adequate public facilities and services are available concurrent with the projected impact of the use.

38. The Planning and Zoning Commission notes that the purpose of the Village's industrial zoning under the Zoning Code is to "provide an environment suitable for industrial activities that require a pleasant and nuisance-free environment and will be compatible with adjacent residential and business uses." TMF is anticipated to be a low-impact neighbor suitable for an industrial corridor in a multi-use, close-proximity urban area.

39. The Planning and Zoning Commission concluded that TMF does not present any significant impediment to the suitability of the area for other unrelated or compatible activities and provides a "pleasant and nuisance-free environment" that is compatible with adjacent industrial, residential, public service and business uses.

40. Based on the foregoing, the Planning and Zoning Commission finds and determines that the proposed use of the vacant Building on the Property would constitute an improvement to the Village.

III. RECOMMENDATION

NOW THEREFORE, following a public hearing hosted by the Village of Harwood Heights Planning and Zoning Commission, held on August 27, 2025 (Hearing No. 2025-02), the Planning and Zoning Commission hereby recommends by a 9-0 vote that the Village Board grant a special use permit to Applicant, authorizing TMF to operate a warehouse use at 4715 Ronald Street as described hereinabove, in accordance with the testimony, plans and specifications submitted to the Village and presented to the Planning and Zoning Commission at the aforementioned public hearing, for the reasons more fully set forth in the foregoing Findings of Fact and Recommendation.

By: _____

Chris White, Planning and Zoning Commission Chair
On Behalf of and with the Approval
of the Village of Harwood Heights Planning and Zoning Commission

Date: August 27, 2025

STATE OF ILLINOIS

COUNTY OF COOK

CERTIFICATION

I, Marcia L. Pollowy, do hereby certify that I am the duly elected and acting Clerk of the Village of Harwood Heights, County of Cook, State of Illinois.

I do further certify that the foregoing Ordinance 25-12 entitled:

AN ORDINANCE CONDITIONALLY APPROVING A SPECIAL USE PERMIT REQUESTED BY THE OWNER, CONTRACT PURCHASER AND PROSPECTIVE TENANT OF 4715 N. RONALD STREET, PROVIDING FOR THE OPERATION OF A WAREHOUSE IN AN M1 ZONING DISTRICT

(Tomato Mountain Farm)

Is true and correct copy of an Ordinance adopted by the Board of Trustees of the Village of Harwood Heights at a meeting held on the 28th day of August, 2025.

I do further certify that the original of which the foregoing is a true copy is entrusted to my care and safekeeping, and that I am keeper of the same.

I do further certify that I am the keeper of the records, ordinances, and resolutions of said Village of Harwood Heights, Cook County, Illinois.

In witness whereof I have hereunto set my official hand and seal this 29th day of August, 2025.

Corporate Seal

Marcia L. Pollowy
Village Clerk