



Village of Lincolnwood Plan Commission

Public Meeting
Wednesday, March 6, 2024
7:00 P.M.

in the
Gerald C. Turry Village Board Room
Lincolnwood Village Hall - 6900 North Lincoln Avenue

Meeting Agenda

1. **Call to Order/Roll Call**
2. **Pledge of Allegiance**
3. **Approval of Minutes**
February 7, 2024, Meeting Minutes
4. **Case #PC-02-24: Zoning Text Amendment – Regulations Regarding Air-Conditioning Condensers and Backup Electrical Generators**
Request: Consideration of a referral by the Village Board of potential Zoning Text Amendments related to 1) the permitted location in yards and minimum required setbacks (Section 3.10), and 2) maximum permitted noise levels and applicability of noise level regulations (Section 6.20) related to the installation of air-conditioning condensers and equipment and backup electrical generators for properties in R Residential zoning districts. The Plan Commission may also consider any additional related text Amendment that may be discovered during the review of this case.
5. **Discussion: Update Regarding Past Plan Commission Cases**
6. **Next Regular Meeting: Wednesday, April 3, 2024**
7. **Public Comment**
8. **Adjournment**

Posted: March 1, 2024



Draft **MEETING MINUTES
OF THE
PLAN COMMISSION
February 7, 2024 – 7:00 P.M.**

**LINCOLNWOOD VILLAGE HALL
6900 NORTH LINCOLN AVENUE
LINCOLNWOOD, ILLINOIS 60712**

Present: Chairman Mark Yohanna, Commissioners Adi Kohn, Mark DeAngelis, Henry Novoselsky, Don Sampen and Sue Auerbach

Absent: Commissioner Steven Jakubowski

Staff Present: Planning and Economic Development Manager Doug Hammel, Community Development Director Scott Magnum, Community Development Coordinator Marcos Classen, Village Trustee Atour Sargon, and Village Attorney Greg Smith

I. Call to Order

Chairman Yohanna noted a quorum and called the meeting to order at 7:02 pm

II. Pledge of Allegiance

III. Approval of Minutes

Motion to approve the January 10, 2024, Plan Commission Minutes was made by Commissioner Novoselsky and seconded by Commissioner Sampen

Aye: Chairman Yohanna and Commissioners Kohn, DeAngelis, Novoselsky, Sampen, and Auerbach

Nay:

Abstain:

Motion Approved: 6-0

IV. #Case #PC-14-23: 4517 West North Shore Avenue, 4525 West North Shore Avenue, and 6647 North Kolmar Avenue – Final Plat of Subdivision and Consolidation

Planning and Economic Development Manager Doug Hammel reviewed the Preliminary Plat of Subdivision case that was recommended for approval by the Plan Commission on December 6, 2023 and was approved by the Village Board on December 19, 2023. The Petitioners (owners of

4525 West North Shore Avenue, 4517 West North Shore Avenue, and 6647 North Kolmar Avenue) sought approval of a Final Plat of Subdivision.

It was discussed that an additional approval, not originally discussed as part of the previous Plan Commission hearing, was added at the request of the Village Attorney. The additional approval was a subdivision variation related to Section 16-5-2(D)(2). The section states “*no consolidation of more than two lots shall be permitted unless a variation is granted pursuant to Article 9 of this Chapter 16.*” Therefore, because three properties would be impacted by the proposed subdivision and consolidation, a Variation from the provision would be required.

Mr. Hammel then explained some of the considerations discussed during the Preliminary Review. He reiterated the staff recommendation that the existing structure at 6647 North Kolmar Avenue would have to be demolished before the executed Plat could be recorded with Cook County. He stated that the Petitioner had already initiated the demolition permit process for the home, indicating their intention of following that condition.

Mr. Hammel reminded the Commissioners that there would be a change to some of the setbacks as new parcel lines were drawn. It was discussed that ComEd was agreeable to the action the Petitioners proposed.

There was some discussion about future development including either relocating or burying the utility lines. Commissioner DeAngelis asked if the Petitioners were seeking relief from the easements. Mr. Hammel explained that the current case was to approve the Final Plat of Subdivision in its current state (with a variation for the utility lines to remain above ground), but with the Village understanding that a relief for the relocation of the easement could be considered in the future. If the petitioner wanted to move the easement in the future, that request would require Village approval.

Mr. Hammel informed the Commissioners that the Village Engineer had reviewed and approved the Final Plat of Subdivision.

Chairman Yohanna asked if the Plan Commission were to deny approval of the Variation to allow the utility lines to remain above ground, would the Petitioners be required to bury the utility lines. Mr. Hammel clarified that, yes, the Petitioners would need to bury the lines, but the engineering considerations about the feasibility of that action were unknown.

Mr. Hammel briefly explained the discussion and approval of the Preliminary Plat of Subdivision by the Village Board.

Actions since the Approval of the Preliminary Plat by the Village Board included the removal of the word “preliminary” from the Final Plat of Subdivision and a confirmation from the Village Attorney that relevant utility companies would not need to be signatories on the Final Plat of Subdivision since their rights as granted by the original easement would not change in either location or substance.

Mr. Hammel reviewed the requested actions for approval of a Final Plat of Subdivision in accordance with Section 16-4-5 of the Subdivision Ordinance, and for:

- Approval of a Subdivision Variation related to Section 16-5-2(B) to allow a subdivision that would result in a lot that does not have a four-sided lot;
- Approval of a Subdivision Variation related to Section 16-5-6(B)(1) to allow overhead utilities to remain as installed and not be buried; and
- Approval of a Subdivision Variation related to Section 16-5-2(D)(2) to allow a consolidation involving more than two lots

Petitioners:

Ayowale Alao

Damilola Ajayi

Chairman Yohanna asked Mr. Alao about his interactions with ComEd and the status of burying utility lines. Mr. Alao stated that ComEd would not provide a final determination on the feasibility of burying the utility lines until their field engineer assessed the property. Ms. Ajayi stated that a visit from the engineer would occur in three to five business days.

There was some discussion about the relevance of the Commissioners discussing the burying of utility lines as it was not staff's recommendation to condition approval on the Petitioners ability to bury the lines.

There was no public comment.

A Motion to approve the Final Plat of Subdivision with the three associated variations and staff's recommended condition that the existing structure at 6647 North Kolmar Avenue be demolished was made by Commissioner Sampen.

The motion was seconded by Commissioner DeAngelis.

Aye: Chairman Yohanna and Commissioners Kohn, DeAngelis, Novoselsky, Sampen, and Auerbach

Nay:

Abstain:

Motion Approved: 6-0

This matter will go to the Village Board on February 20th, 2024.

V. Discussion: Update Regarding Past Plan Commission Cases

Planning and Economic Development Manager Doug Hammel gave updates on recent cases.

VI. Next Meeting

The next meeting of the Plan Commission is scheduled for Wednesday, March 6, 2024.

VII. Public Comment

Chairman Yohanna announced the opportunity for additional comments from the public. Let the record show that no one came forward.

VIII. Adjournment

A Motion was made by Commissioner Novoselsky to adjourn the meeting.

The motion was seconded by Commissioner Auerbach.

Aye: Kohn, DeAngelis, Novoselsky, Sampen, Auerbach, and Yohanna

Nay:

Abstain:

Motion Approved: 6-0

The meeting ended at 7:33 pm.

Respectfully submitted,

Marcos Classen
Community Development Coordinator



Plan Commission Staff Report

Case # PC-02-24

March 6, 2024

Nature of Request:

Consideration of a referral by the Village Board of potential Zoning Text Amendments related to 1) the permitted location in yards and minimum required setbacks (Section 3.10), and 2) maximum permitted noise levels and applicability of noise level regulations (Section 6.20) related to the installation of air-conditioning condensers and equipment and backup electrical generators for properties in R Residential zoning districts.

Notification: Notice was published in the Lincolnwood Review on February 15, 2024

Background

Community Development staff regularly answers questions or provides comments to applicants regarding the permitted locations of air-conditioning (AC) units or emergency backup generators. Questions regarding AC units arise most frequently for projects that include an addition to an existing home, as the new footprint may require the relocation of an existing unit or installation of an additional unit to increase the capacity for the added building volume. Questions regarding generators typically arise as residents seek to install a new unit to provide emergency electricity during outages.

In some instances, applicants may have to locate these units in portions of the property that have other amenities, such as patios or decks, in order to meet setback requirements. This has led some applicants to seek flexibility from setback regulations. However, staff cannot offer relief without a Variation being granted, and applicants generally decide to revise plans instead of undertaking the public hearing process. (It is worth noting that the



Sample photographs of a residential emergency backup generator (top) and air conditioner condenser unit (bottom)

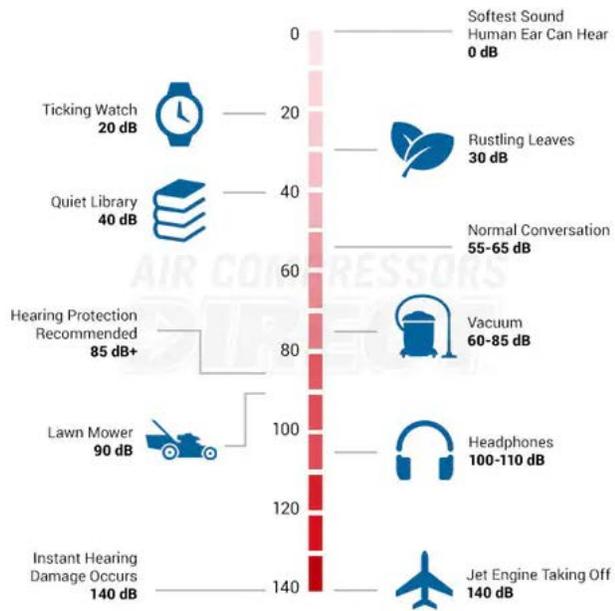
in-kind replacement of existing units in the same location is not subject to setback requirements referenced in this report.)

This report presents current regulations, performance characteristics of modern AC units and generators, peer community research, and policy questions regarding potential amendments to the Zoning Ordinance that would create more flexibility for homeowners seeking to install AC units and emergency backup generators. It should be noted that staff is presenting this issue primarily through the perspective of residential properties. Therefore, the information and policy questions summarized in this report focus on residential properties, and it is assumed that regulations related to non-residential properties will remain as currently written unless specifically directed by the Committee of the Whole.

Regulatory Context

Zoning regulations related to residential AC units and backup generators are as follows:

- Section 3.10 establishes setback requirements as follows:
 - AC units are permitted in the rear and corner side yards (but are prohibited in the front and interior side yards) and must be at least 10 feet from side property lines and at least 20 feet from an adjoining residential property owner's window.
 - Backup electrical generators are only permitted in rear yards and must be at least 10 feet from all property lines.
- Section 6.20 establishes maximum permitted noise levels for residential districts. Generally, a property is not allowed to generate noise levels at a nearby residential lot line of more than 45 db(A). However, from 7 AM to 6 PM on Monday through Friday, and from 7 AM to noon on Saturdays and Sundays, the maximum permitted level is 50 db(A).



Visual scale comparing decibel levels to regular environmental experiences (source: Air Compressors Direct)

Relevant History of Variations

Over the past several years, staff is aware of only one case involving a Variation request related to the required setback for an AC unit or backup generator. In that case, which was heard in 2017, a property owner sought approval to reduce the required setback for a generator from ten feet to five feet along his interior side lot line, noting that meeting the requirements of the Zoning Ordinance would disrupt the usable backyard area of the property. The petitioner argued that the decibel level when exercising the unit would be 58 db(A), which is higher than the permitted noise level of 50 db(A) during weekdays. When operating at full capacity during an emergency, the unit would create 66 db(A). The ZBA recommended denial of the request. The Village Board decided not to grant the Variation, but directed staff not to enforce the regulation at this property, as it may be appropriate to consider whether current regulations are appropriate.

Policy Discussion

This section of the staff report sets forth policy questions for consideration by the Plan Commission. For each question, additional information is provided related to technical information about AC units and generators, peer community research, comments from the Village Board Committee of the Whole, and potential considerations or concerns identified by staff. (A summary of peer community research is provided as an attachment to this report.)

Policy Question #1: Should AC units or backup generators be permitted in other areas of a residential property?

Section 3.10 allows AC units in the rear and corner side yard and backup generators in the rear yard only. Trustees were interested in exploring whether AC units should be permitted in the interior side yard. Some stated that it would give additional flexibility to place the units in a portion of the property where residents often have their garbage bins and other similar objects. For many properties in the Village, minimum setback requirements could provide enough of a side yard setback that the current 10' setback for AC and generator units could be met. (Many other properties could accommodate a reduced setback if the requirement were to be reduced.)

Trustees noted, however, that many residents have their primary entrance on the side of the house, and a neighbor's AC unit in the adjacent side yard could be disruptive. Also, staff research shows that the placement of AC units between structures can result in a "canyon effect" where the sound of a unit is exaggerated by the close proximity of exterior walls.

Allowing AC units in the interior side yard could result in a scenario where two adjacent property owners each install an AC unit in close proximity to one another. This could further exacerbate any concerns related to a possible canyon effect.

Some Trustees were interested in considering allowing AC units in the front yard if they are screened. However, other Trustees felt this would have a detrimental impact on the character of residential areas.

Several other peer communities researched by staff allow AC units in the rear yard and interior side yards. Morton Grove and Arlington Heights restrict the location of AC units to

the rear yard, but Wilmette, Barrington, Skokie, Niles, Des Plaines, Libertyville, Grayslake, Evanston, and Park Ridge allow them in interior side yards.

Generally, backup generators are permitted only in rear yards, though Wilmette, Des Plaines, Morton Grove, Evanston, and Mount Prospect allow them in interior side yards under certain conditions.

Policy Question #2: Should the required setbacks for AC units or backup generators be reduced?

The Zoning Ordinance currently requires that AC units and backup generators be at least 10 feet from side lot lines, and that AC units be at least 20 feet from windows on a neighboring property. For AC units, some other communities, including Wilmette and Barrington, have a similar required side yard setback. However, communities with residential lot characteristics similar to those in Lincolnwood have lesser setback requirements. Skokie and Niles have a minimum setback of six feet, while Des Plaines, Grayslake and Libertyville require minimum setbacks of five feet. Evanston establishes a minimum setback of eight feet from an interior side lot line, four feet from a corner side lot line, and three feet from a rear lot line. Arlington Heights requires that AC units be setback from the side lot line to a distance equal to 10% of the lot width.

For backup generators, some communities require a setback consistent to those of AC units. However, several allow for a lesser setback or do not specify a minimum setback.

Trustees were interested in exploring a reduced setback for AC units and backup generators. They felt a setback of five feet could be appropriate, especially if sound-dampening unit were provided. Trustees also stated that the required 20-foot setback from the window on an adjacent property should be removed.

Policy Question #3: Should property owners be required to screen AC units or backup generators from neighboring properties or public rights-of-way?

The Zoning Ordinance currently does not require any screening for residential AC units. Trustees were skeptical regarding the benefit of screening related to sound dampening.

Some communities, including Wilmette, Barrington, Libertyville, Grayslake, Evanston, Park Ridge and Mount Prospect require the screening of AC units from adjacent properties or public streets in some or all circumstances. Some of those same communities require the screening of backup generators, while others (typically those with no specific regulations regarding backup generators) do not require such screening.

Policy Question #4: How should current noise regulations be applied to AC units and backup generators?

Section 6.20 establishes maximum permitted noise levels for residential districts. Generally, a property is not allowed to generate noise levels at a nearby residential lot line of more than 45 db(A). However, from 7 AM to 6 PM on Monday through Friday, and from 7 AM to noon on Saturdays and Sundays, the maximum permitted level is 50 db(A).

Trustees discussed whether the maximum permitted noise levels should either be adjusted for AC units and generators, or whether AC units and generators should be exempt from meeting those requirements. While there was no clear consensus, it is a question they raised as part of their referral to the Plan Commission.

In addition to considering the applicability of current noise regulations, Trustees discussed a requirement that backup generators can only be exercised during normal business hours in order to ensure they are not creating noise and more impactful times of the day.

Staff conducted additional research regarding industry tests related to noise levels produced by AC units and backup generators. The accompanying tables summarize those

results for AC units and backup generators. (It should be noted that there is no standard methodology for the testing for AC units. Therefore, it may be difficult to compare information collected by staff. Backup generators, however, are tested at a consistent distance of seven meters. This allows for a better comparison of data, but it does not reflect the distance these units would typically be setback from lot lines on residential properties throughout the Village.)

Table 1: Average Decibel Range for Air-Conditioning Units Across Popular Brands		
Brand	High Average	Low Average
American Standard	75	55
Blueridge	80	62
Bryant	-	51
Daikin	-	74
Goodman	77	74
Heil	75	56
Lennox	74	59
Rheem	76	58
Trane	73	57

Due to the limited times of use relative to AC units, some communities have applied different standards for backup generators. Skokie establishes a maximum noise level of 70 db(A) for generators operating at full capacity as per information provided by the manufacturer. Evanston establishes a standard of 55 db(A) to be generally applied to outdoor appliances and equipment, but exempts backup generators from that standard.

Table 2: Average Decibel Range for Backup Generator Units Across Popular Brands		
Generator Brands	Decibel Level(s)	Testing Distance (meters)
Briggs & Stratton	65 dB	7
Generac Guardian	67 dB	7
Kohler	62 – 64 Test (63-69 Run) dB	7
Winco	66 – 76 dB	7
Honeywell	58 Test (64-68 Run) dB	7

Public Comment

At the time of the drafting of this report, staff had not received any public comment regarding this matter. Any comments received after the distribution of this report will be provided to the Plan Commission during the public hearing.

Requested Action

Staff requests feedback from the Plan Commission regarding the policy questions set forth in this report. Should the Plan Commission conclude that any Zoning Text Amendments are appropriate, staff requests a recommendation regarding the nature of such Amendments.

Documents Attached

1. Relevant Regulations
2. Summary of Peer Community Research

Attachment #1. Relevant Regulations

3.10 Permitted obstructions in yards.

(1) Table 3.10.01 below (Permitted Obstructions in Yards) list items which are permitted in yards and the location (e.g. front yard) where they are permitted. A "P" denotes that an obstruction is permitted; a "—" denotes that the obstruction is prohibited.

Table 3.10.01 Permitted Obstructions in Yards				
Item	Front	Rear	Side	Corner Side
Air-conditioning condensers and equipment, other than window units, provided they are at least 10 feet from side property lines and at least 20 feet from an adjoining residential property owner's window	—	P	—	P
Backup electrical generator, provided they are at least 10 feet from all property lines	—	P	—	—

6.20 Noise and vibration.

(1) No land use or other activity within the Village shall be conducted in such a manner that it generates a level of sound on another property greater than that allowed under the Noise Regulations of the State of Illinois, adopted by the State Pollution Control Board pursuant to the Environmental Protection Act, 415 ILCS 5/1 et seq., as amended, and appearing in Title 35, Subtitle H, of the Illinois Administrative Code, as amended.

(2) In addition to the standards set forth above, no land use or other activity within the Village, other than those specified in Subsection 6.20(3) below, shall be conducted in such a manner that it generates a level of sound on another property which is greater than the sound level set forth in Table 6.20.01.

(3) Sound levels shall be measured with a sound level meter manufactured according to the standards prescribed by the American National Standards Institute or its successor body.

The limits set forth in Table 6.20.01 shall not apply to the following: noises not directly under the control of the owner or occupant of the property; noises emanating from construction, repair, and maintenance activities conducted between the hours of 7:00 a.m. and 6:00 p.m.; noises emanating from safety signals, warning devices, and emergency pressure relief valves; and transient noises emanating from moving sources, such as trucks, automobiles, airplanes, and railroads.

Table 6.20.01

A-Weighted Sound Level Limits		
District Classification	Time of Day	Maximum A-Weighted Sound Level db(A)
Monday to Friday		
Residential districts	7:00 a.m. to 6:00 p.m.	50
	6:00 p.m. to 7:00 a.m.	45
All others	7:00 a.m. to 11:00 p.m.	60
	11:00 p.m. to 7:00 a.m.	55
Saturday to Sunday		
Residential districts	7:00 a.m. to 12:00 p.m.	50
All others	7:00 a.m. to 11:00 p.m.	60

(4) No land use or other activity within the Village shall cause or create earthborne vibrations on another property in excess of the displacement values set forth in this Section 6.20.

Attachment #2. Summary of Peer Community Research

	Air-Conditioning Units				Generators			
Community	Setback from the Lot Line	Yard Placement Requirements	Ground-level Screening	Roof Screening	Setback from the Lot Line	Yard Placement Requirements	Ground-level Screening	Roof Screening
Lincolnwood	10 Ft.	Allowed in rear and corner yards.			10 Ft.	Allowed in rear yard.	Not listed.	
Wilmette	10 Ft.	Allowed in rear yard and interior side yard.	All ground-based mechanical equipment that is located between the principal building and a street must be screened from the street by non-deciduous landscaping or conforming fencing. Double-stacked mechanical equipment, i.e., condenser units stacked vertically, is prohibited in a residential district.	Any mechanical equipment located on the roof of any structure must be located at least six (6) feet from any supporting wall of the building to permit safe access to the roof and must be screened by an architectural element of the roof.	5 Ft.	Allowed in side and rear yards.	Not listed.	
Barrington	10 Ft.	Allowed in rear yard and interior side yard.	Only in the R-7 and R-8 districts should units be fully screened from public view by landscaping equal in height to the tallest piece of ground-based equipment.	Not listed.	10 ft.	Rear yard.	Not listed.	
Skokie	6 Ft.	Cannot be in the front or side yard facing a street.	Not listed.		6 Ft.	Allowed in the rear yard. Prohibited in the front or side yard facing a street.	Not listed.	
Niles	6 Ft.	Allowed in rear yard and interior side yard.	Not listed.		3 Ft. from dwelling unit	Allowed in the rear yard.	Not listed.	
Des Plaines	5 Ft.	Allowed in rear and side yards.	Not listed.		5 Ft.	Allowed in side and rear yards.	Not listed.	

Attachment #2. Summary of Peer Community Research

	Air-Conditioning Units				Generators			
Community	Setback from the Lot Line	Yard Placement Requirements	Ground-level Screening	Roof Screening	Setback from the Lot Line	Yard Placement Requirements	Ground-level Screening	Roof Screening
Libertyville	5 Ft.	Allowed in rear and side yards.	Heating and air-conditioning equipment shall be screened from view from all locations off the zoning lot.	Not listed.	Not listed.	Allowed in rear yard.	Not listed.	
Grayslake	5 Ft.	Any required yard or beyond the building setback line.	Air conditioner compressor pads or air conditioner units shall have landscape screening to screen the unit from the street and the nearest adjoining property.	Not listed.	Not listed.			
Morton Grove	Permitted within 10 feet of principal structure.	Allowed in rear yard.	Not listed.	Not listed.	Not listed.	Allowed in side yard.	Not listed.	
Evanston	Interior side yard: 8 ft; street side yard: 4ft; and rear yard: 3 ft	Allowed in interior side yard, street side yard, and rear yard.	Units in side yards (interior and street) need to be obscured from view by screening methods such as landscaping.	Not listed.	Not listed.	Allowed in side and rear yards.	Not listed.	
Arlington Heights	Min. distance of 10% of the lot width from the side property line.	Allowed in rear yard.	Not listed.	Not listed.	Min. distance of 10% of the lot width from the side property line.	Allowed in the rear yard.	Not listed.	

Attachment #2. Summary of Peer Community Research

	Air-Conditioning Units				Generators			
Community	Setback from the Lot Line	Yard Placement Requirements	Ground-level Screening	Roof Screening	Setback from the Lot Line	Yard Placement Requirements	Ground-level Screening	Roof Screening
Park Ridge	Not listed.	Allowed in front yard, corner side yard, and rear yard.	All approved ground-based mechanical, including, but not limited to, HVAC units, shall be completely screened from public view. Screening materials may be masonry, wood, landscaped hedges or other opaque material.	Any HVAC units located on the roof of any structure in any zoning district shall be screened either by an architectural element of the roof and at least six (6) feet from any supporting wall of the building to permit safe access to the roof.	5 Ft.	Allowed in rear yard.	All approved ground-based emergency electrical generators shall be screened. Screening materials may be masonry, wood, landscaped hedges or other opaque material, and shall screen the generators so no portion is visible from a street, sidewalk or the ground level of an adjoining lot.	Not listed.
Mount Prospect	Not listed.	Allowed in rear yard and upon conditions, side yards.	All ground mounted mechanical and utility equipment that must be screened from view with an enclosure that is constructed to be consistent with the material of the principal structure, as determined appropriate by the community development director.	All rooftop mechanical equipment shall be hidden when viewed from ground level as viewed from the public right of way or property line of any adjacent residentially zoned property.	Not listed.	Allowed in rear yard and upon conditions, side yards.	All ground mounted mechanical and utility equipment that must be screened from view with an enclosure that is constructed to be consistent with the material of the principal structure, as determined appropriate by the community development director.	All rooftop mechanical equipment shall be hidden when viewed from ground level as viewed from the public right of way or property line of any adjacent residentially zoned property.