



# Village of Lincolnwood Plan Commission

*Public Meeting*  
**Wednesday, June 5, 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**  
May 1, 2024, Meeting Minutes
4. **Case #PC-05-24: 7244 North Lincoln Avenue – Special Use Related to Permitted Hours of Operation**  
**Request:** Consideration of a request by Onion Lincoln Enterprises (doing business as Fat Pour Tap Works Lincolnwood), Petitioner, on behalf of Touhy Lincoln B405, property owner, to approve a Special Use pursuant to Section 4.07(15) to allow hours of operation for a restaurant within 150 feet of a residentially zoned property beyond the permitted hours of 7:00 AM to 11:00 PM. The requested approval would allow for the restaurant, located at the address commonly known as 7244 North Lincoln Avenue, to be open to the public until midnight after shifts starting on Mondays through Thursdays, 1:00 AM after shifts starting on Fridays and Saturdays, and 11:00 PM on shifts starting on Sundays. The subject use is located at the northern corner of the mixed-use building in the development commonly known as District 1860, and fronts on Lincoln Avenue and the Village Green. The Plan Commission

may consider any additional amendments to other relevant provisions of the Zoning Ordinance discovered during this case.

**5. Case #PC-04-24: Zoning Text Amendment – Attention-Getting Devices in Commercial Zoning Districts**

**Request:** Consideration of a referral by the Village Board for potential Zoning Text Amendments regarding attention-getting devices in commercial zoning districts. Potential amendments could relate to Section 2.02 Definitions; Article VI, Part B Nonresidential and Multi-Family Residential Design Standards; and Article IX Signs. The intent of this hearing is to determine if characteristics intended to gain attention for commercial uses, other than objects regulated as signs, should be more strictly regulated or prohibited. The Plan Commission may consider any additional amendments to other relevant provisions of the Zoning Ordinance discovered during this case.

**6. Next Regular Meeting: Monday, July 1, 2024**

**7. Public Comment**

**8. Adjournment**

Posted: May 31, 2024



***Draft MEETING MINUTES  
OF THE  
PLAN COMMISSION  
May 1, 2024 – 7:00 P.M.***

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

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

**Absent:** Commissioners Steven Jakubowski

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

**I. Call to Order**

Chairman Yohanna noted a quorum and called the meeting to order at 7:03 pm

**II. Pledge of Allegiance**

**III. Approval of Minutes**

*Motion to approve the April 3, 2024, Plan Commission Minutes was made by Commissioner Sampen and seconded by Commissioner Auerbach.*

*Aye: Chairman Yohanna and Commissioners DeAngelis, Sampen, and Auerbach*

*Nay:*

*Abstain: Commissioner Novoselsky*

*Motion Approved: 4-0*

**Commissioner Kohn arrived at 7:05 pm.**

**IV. Discussion: Scope of Work for a Potential Update to the 2016 Comprehensive Plan**

Planning and Economic Development Manager Doug Hammel spoke about the existing comprehensive plan that was adopted in 2016 and briefly spoke about how circumstances have changed in the last ten years. Mr. Hammel touched on the discussion the EDC had about this topic recently.

Mr. Hammel spoke about the process involved with adopting the 2016 Comprehensive Plan. He also spoke about how the 2016 plan was implemented.

Mr. Hammel explained that staff had inventoried all the recommendations from the 2016 plan and designated them as “complete”, “not complete”, or “ongoing.” He summarized the main recommendations and their status.

Mr. Hammel presented a proposed scope of work. He went over the types of items that could be continued from the last plan. He then suggested new items that could be considered and asked for new ideas or areas that staff hadn’t considered.

New items that were presented for consideration:

An Increase in Public Outreach.

Subarea plans for potential development where he suggested 3 areas, Devon-Lincoln industrial district, Touhy Ave Corridor, and the Pratt-Lincoln area.

Technical area recommendations and strategies related to a comprehensive parking plan, an affordable housing study, environmental development study, and strategies to strengthen economic development.

An implementation program establishing short, medium, and long-term actions, implementation partners, and funding sources.

Mr. Hammel requested that the Commissioners discuss how the comprehensive plan could provide them with the tools they need to perform their role as the Plan Commission.

Chairman Yohanna stated that he was concerned about parking, but most interested in what would benefit the Village long-term.

Commissioner Auerbach expressed interest in a bridge over Pratt Ave. and preparing for the infrastructure despite the City of Chicago being the driver of the project.

Commissioner Novoselsky wanted to focus on sub-area planning to focus on areas of the Village that have not had detailed analysis or planning guidance. For instance, the Touhy area corridor from District 1860 to McCormick Blvd. He also expressed the need for a parking plan.

Commissioner Auerbach mentioned that driving habits have changed, yet we still calculate parking needs for prospective projects based on old criteria.

Commissioner DeAngelis suggested that a focus on reviewing and updating the Village Code annually should be a priority.

Commissioner Sampen noted that he felt a disconnect between the Plan Commission duties and the Comprehensive Plan. Mr. Hammel clarified that the Comprehensive Plan should mainly provide guidance in situations of a zoning change or a map change.

Attorney Hart Passman noted that in the past the Plan Commission has not used the Comprehensive Plan for guidance; however, they should strongly consider it. He explained that the plan is a standard and therefore should be a factor of consideration. Additionally, in the event of a challenge to a decision by the Village, the extent to which a decision is consistent with the plan is a factor the Village Attorney would consider. He also noted that developers look at community plans to determine if the area is well planned and fits their project needs.

There was discussion about how the plan applies to unique sites, versus larger sub-area plans.

Mr. Hammel clarified that the main objective of the discussion would be to determine the best way Village funds can be spent on the plan and related add-ons. He explained that staff would take feedback from the meeting and other commissions to identify themes to bring to the Village Board.

Commissioner Auerbach spoke about needing to look at the types of materials required for buildings. She spoke about a disconnect between the standards for residential versus commercial buildings. Further she stated that masonry should remain the standard for residential but materials for commercial may need to be reassessed. Discussion ensued.

There was discussion about a vision for the Village and code issues that Commissioners would like to be addressed.

Commissioner Sampen left at 8:00 pm.

Commissioner DeAngelis suggested an ad-hoc committee that would review the zoning and building codes with members across multiple commissions.

Commissioner Novoselsky stressed the need for the comprehensive plan to have sub-area plans. He pointed to the example of the 2000 Comprehensive Plan planning for development at the purple hotel property and its contribution to a now very successful development with District 1860.

Let the record show there was no public comment.

#### **V. Discussion: Update Regarding Past Plan Commission Cases**

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

The requested residential subdivision case on the 6600 Central Park block was approved by the Village Board. The applicant has started the permit process.

#### **VI. Next Meeting**

The next meeting of the Plan Commission is scheduled for Wednesday, June 5, 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 Kohn.*

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

*Nay:*

*Abstain:*

*Motion Approved: 5-0*

The meeting ended at 8:10 pm.

Respectfully submitted,

Marcos Classen  
Community Development Coordinator



## Plan Commission Staff Report

Case # PC-05-24

June 5, 2024

**Subject Property:**

7244 North Lincoln Avenue

**Zoning District:**

B-3 Village Center PD, Lincoln-Touhy PUD

**Petitioner:**

Union Lincoln Enterprises (d.b.a. Fat Pour), on behalf of Touhy Lincoln B405, property owner

**Nature of Request:**

Approval of a Special Use related to permitted hours of operation



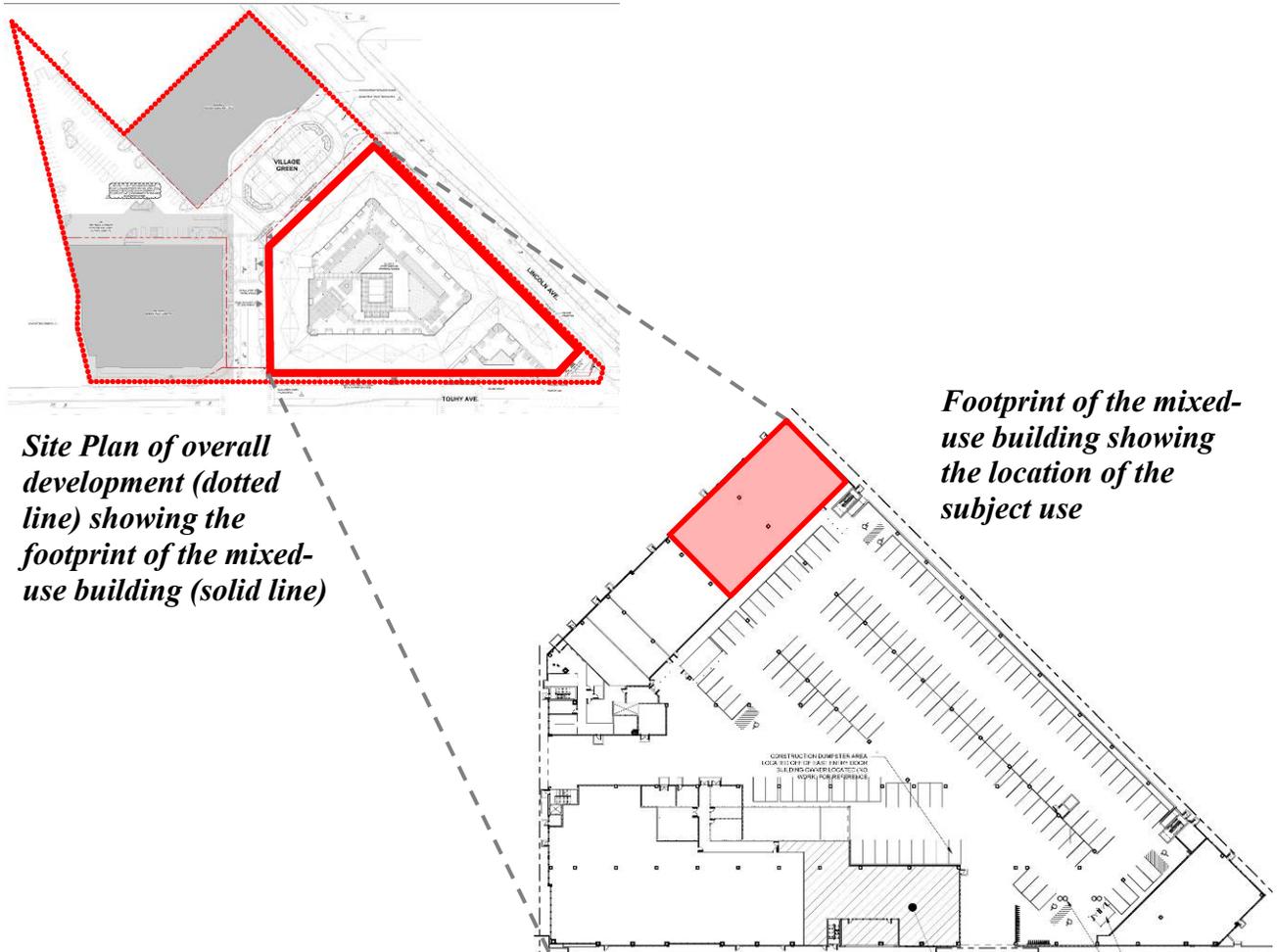
**Notification:** Notice was published in the Chicago Tribune on May 20, 2024, Public Hearing Signs were installed at the subject property, and mailed legal notices dated May 17, 2024, were sent to properties within 250 Feet.

**Background**

Union Lincoln Enterprises (d.b.a. Fat Pour), on behalf of Touhy Lincoln B405, property owner, seeks approval of a Special Use to allow for hours of operation beyond what is generally permitted for non-residential uses located within 150 feet of any residentially-zoned property. The property is located in the B-3 Village Center PD zoning district, and is governed by the Planned Unit Development (PUD) Ordinance applicable to the entire District 1860 development. That larger development plan includes three structures, a central street, public open space, and public parking area. The Petitioner is acting on behalf of a restaurant that is operating in the mixed-use building located near the intersection of Lincoln Avenue and Touhy Avenue.

The overall development fronts on Touhy Avenue, Lincoln Avenue, and District Avenue, an internal street created through the redevelopment of the property. The subject use is a restaurant that is located at the northern corner of the mixed-use structure, at the intersection of Lincoln Avenue and District Avenue. The restaurant is served by a parking

and delivery area on the interior of the ground floor of the mixed-use building. Due to the subject use being located along Lincoln Avenue, it has little or no direct relationship to office and multi-family uses directly south of the larger District 1860 development. The restaurant is, however, directly across Lincoln Avenue from an office building at 7257 North Lincoln Avenue, and is proximate to a multi-family development at 7201 West Touhy Avenue. Within the District 1860 development, the restaurant fronts on the Village Green and, beyond that, a five-story hotel that is currently under construction.



### Relevant Property History

The larger District 1860 development is governed by a Planned Unit Development (PUD) Ordinance. That PUD was originally established in 2019 and includes approvals of various Special Use or Variations related to the overall framework of the development. It is important to note that the PUD approval did not include zoning approvals related to the operation of individual tenants within the mixed-use building. Development of the infrastructure, site elements, and two structures (mixed-use building at Lincoln Avenue and Touhy Avenue and a grocery building immediately to the west of Touhy Avenue) has taken place over the last two years. The third building, a five-story hotel, is currently under

construction. The mixed-use building, within which the subject use lies, was completed in the early part of summer 2023.

Separately, and as the mixed-use building was being completed, a Building Permit was issued for the buildout of the subject use. That construction was completed in May 2024 and the subject use (a restaurant) has been operating since that time. Once it opened, staff noticed that the advertised hours of operation are beyond what is permitted for a use in this location. As a result, the Petitioner is seeking a Special Use to be in full compliance with the Zoning Ordinance.

### **Requested Approval**

Section 4.07(15) of the Zoning Ordinance states that *“no business located within 150 feet of any residentially- zoned or residentially-used property shall be open to the public, or allow the arrival or departure of delivery vehicles, before 7:00 a.m. or after 11:00 p.m. on any day, except upon issuance of a special use permit issued pursuant to...this Zoning Ordinance.”* Because the subject use lies within a mixed-use building that includes 299 residential units, the Petitioner is seeking a Special Use to operate beyond the permitted hours established in Section 4.07(15). The Petitioner’s application states that they are seeking approval for hours of operation from 6:00 AM to 1:00 AM.

### **Considerations**

The Plan Commission may consider the following when deliberating the appropriateness of the requested Special Use.

### **Recent Zoning Text Amendment related to hours of operations**

In December 2023, the Village Board approved an Ordinance amending Section 4.07(15) of the Zoning Ordinance. Previously, that section made no distinction between hours when a business is open to the public versus hours when other activities may be taking place prior to or after hours open to the public. The Text Amendment, which resulted in the language noted in the section above, clarified that the restricted hours of operation apply only to hours open to the public and times when delivery vehicles can be arriving or departing the property. Therefore, for the purposes of this request, only those activities are subject to the scrutiny of the Special Use hearing.

### **Proposed hours of operations**

A Statement of Operations submitted by the Petitioner indicates that the business would be opened to the public based on the following hours:

- For shifts starting on Sundays: 11 AM – 11 PM;
- For shifts starting on Mondays through Thursdays: 11 AM – Midnight; and
- For shifts starting on Fridays and Saturdays: 11 AM -1 AM.

### **Other operational considerations**

In addition to hours of operation open to the public, the Petitioner’s Statement of Operations indicates the following:

- Deliveries and garbage services typically take place Monday through Saturday, between 7 AM and 5 PM;

- Both delivery and garbage services are located in the parking garage in the interior of the ground floor behind the subject use;
- Outdoor seating is offered adjacent to the Village Green along the northwest façade of the restaurant from 11 AM to 10 PM, seven days a week;
- There is no music or amplified sound for the outdoor seating area; and
- There are accordion windows along the northwest façade fronting on the Village Green. The petitioner has indicated to staff that those windows are closed during inclement weather and at 10 PM once outdoor seating is closed.

*Photos of accordion windows on the northwest façade of the subject use*



**Special Use standards**

Section and 5.17 establish standards to be considered when determining the appropriateness of requested Special Uses. Those standards are included in the “relevant regulations” attachment of this report.

**Public Comment**

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

**Requested Action**

The Petitioner requests approval of a Special Use pursuant to Section 4.7(15) of the Zoning Code to permit the following hours of operation:

- For shifts starting on Sundays: 11 AM – 11 PM;
- For shifts starting on Mondays through Thursdays: 11 AM – Midnight; and
- For shifts starting on Fridays and Saturdays: 11 AM -1 AM.

If the Plan Commission is inclined to consider any conditions related to a recommended approval, the following reflect the proposed operation of the use and may be appropriate to include in an ordinance granting the requested Special Use:

- That no outdoor music or amplified sound be permitted; and
- That all outdoor dining, including the opening fo the accordion doors, be permitted after 10 PM.

**Documents Attached**

1. Petitioner Response to Special Use Standards
2. Petitioner Statement of Operations
3. Plat of Survey
4. Photos of the Subject Use Submitted by the Petitioner
5. Relevant Regulations
6. Commissioner Checklist for Special Use Standards

## SPECIAL USE STANDARDS

*To be approved, each Special Use request must meet certain specific standards. These standards are listed below. After each listed standard, explain how the Special Use request satisfies the listed standard. Use additional paper if necessary.*

1. Please explain how the Special Use is necessary for the public convenience at this location and the subject property is deemed suitable for the use. (Please explain in detail)

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2. Please explain how the Special Use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.

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3. Please explain how this Special Use would not cause substantial injury to the value of other property in the neighborhood in which it is located.

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**SPECIAL USE STANDARDS (Continued)**

4. The Special Use is consistent with the goals and policies of the Comprehensive Plan.

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5. The Special Use would not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the underlying Zoning District.

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6. Please explain how the Special Use is so designed to provide adequate utilities, access roads, drainage, or necessary facilities.

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7. Please explain how the Special Use is so designed to provide ingress and egress to minimize traffic congestion on public streets.

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**APPLICATION FOR SPECIAL USE**

**APPLICANT: ONION LINCOLN ENTERPRISES, LLC D/B/A FATPOUR TAP WORKS LINCOLNWOOD**

**7244 N. LINCOLN AVE., UNIT A110 BUILDING A, LINCOLNWOOD, IL 60712**

**STATEMENT OF OPERATIONS**

The Applicant proposes to operate a restaurant at the above-referenced premises before 7:00 AM and 11:00 PM. Pursuant to Section 4.07(15) of the Lincolnwood Zoning Ordinance, no business located within 150 feet of any residentially zoned or residentially used property shall be open to the public, or allow the arrival or departure of delivery vehicles, before 7:00 a.m. or after 11:00 p.m. on any day, except upon issuance of a special use permit issued pursuant to Section 5.17 and the other applicable sections of this Zoning Ordinance. The premises is located within 150 of a residentially zoned or residentially used property. The restaurant is a modern restaurant and sports bar featuring 200+ beers, delicious eats. The Village has issued a liquor license to the business.

Hours of Operation

Sunday: 11 AM – 11 PM

Monday-Thursday: 11 AM – 12 AM

Friday and Saturday: 11 AM -1 AM

Deliveries and Garbage Service

Deliveries and garbage services typically take place Monday-Saturday: between 7am – 5pm

Both delivery and garbage services are located in the parking garage directly behind our facility.

Outdoor Seating/Open Façade

We offer both outdoor seating and an open façade between 11am – 10pm, 7 days a week.

External Music/Sound Systems

There is no external music or amplified sound system outdoors.

**NOTES REQUIRED BY LENDER**

- 1) ALL UTILITIES SERVING THE PREMISES ENTER THROUGH ADJOINING PUBLIC STREETS AND/OR EASEMENTS OF RECORD AND ARE SHOWN ON THE SURVEY.
- 2) EXCEPT AS SHOWN, THERE ARE NO VISIBLE OR APPARENT EASEMENTS OR RIGHTS OF WAY ACROSS THE PREMISES.
- 3) THE PROPERTY DESCRIBED HEREON IS THE SAME AS THE PROPERTY DESCRIBED IN CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. CCH2107035LD WITH AN EFFECTIVE DATE OF SEPTEMBER 24, 2021 AND THAT ALL EASEMENTS, COVENANTS AND RESTRICTIONS FOR EXCEPTIONS P22, R23, S24, Y25, Y26, AA29 AND AC30 REFERENCED IN SAID TITLE INSURANCE COMMITMENT, OR EASEMENTS WHICH THE UNDERSIGNED HAS BEEN ADVISED OR HAS KNOWLEDGE, HAVE BEEN LISTED AND PLOTTED HEREON OR OTHERWISE NOTED AS TO THEIR EFFECT ON THE SUBJECT PROPERTY.
- 4) THE SURVEY SHOWS THE LOCATION OF ALL VISIBLE STORM DRAINAGE APPURTENANCES FOR THE COLLECTION AND DISPOSAL OF ALL ROOF AND SURFACE DRAINAGE.
- 5) ANY DISCHARGE INTO STREAMS, RIVERS OR OTHER CONVEYANCE SYSTEM IS SHOWN ON THE SURVEY.
- 6) THE PREMISES HAS DIRECT PHYSICAL ACCESS TO LINCOLN AVENUE AND TOUHY AVENUE, A DEDICATED PUBLIC STREET OR HIGHWAY.
- 7) PROFESSIONAL LIABILITY INSURANCE POLICY IS OBTAINED BY THE SURVEYOR IN THE MINIMUM AMOUNT OF \$2,000,000 IN THE AGGREGATE OR MORE. THE CERTIFICATE OF INSURANCE TO BE FURNISHED TO THE CLIENT.
- 8) THERE IS NO VISIBLE EVIDENCE OF USE OF PREMISES AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
- 9) THERE IS NO EVIDENCE OF WETLANDS OBSERVED.
- 10) THERE IS NO VISIBLE EVIDENCE OF CEMETERIES OR BURIAL GROUNDS FOUND.
- 11) ROADWAY IMPROVEMENTS AS SHOWN ON THE DISTRICT 1860 TOUHY AVENUE AND US 41 (LINCOLN AVENUE) OFF-SITE ROADWAY IMPROVEMENTS PREPARED BY GEWALT HAMILTON ASSOCIATES, INC. ARE KNOWN TO BE PROPOSED ON OUTLOT A. THE SURVEYOR HAS NO OTHER KNOWLEDGE OF ANY PROPOSED STREET WIDENING.
- 12) THE PARCELS ARE CONTIGUOUS WITHOUT ANY GAPS OR GORES.

# ALTA/NSPS LAND TITLE SURVEY

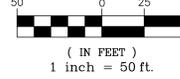
OF

LOTS 1, 3, 4 AND OUTLOT A OF LINCOLN-TOUHY SECOND ADDITION TO LINCOLNWOOD, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT PARTS TAKEN AND/OR DEDICATED FOR HIGHWAY PURPOSES), ACCORDING TO THE FINAL PLAT OF SUBDIVISION RECORDED OCTOBER 29, 2021 AS DOCUMENT 2130219032, IN COOK COUNTY, ILLINOIS.

**LOCATION MAP**



**GRAPHIC SCALE**



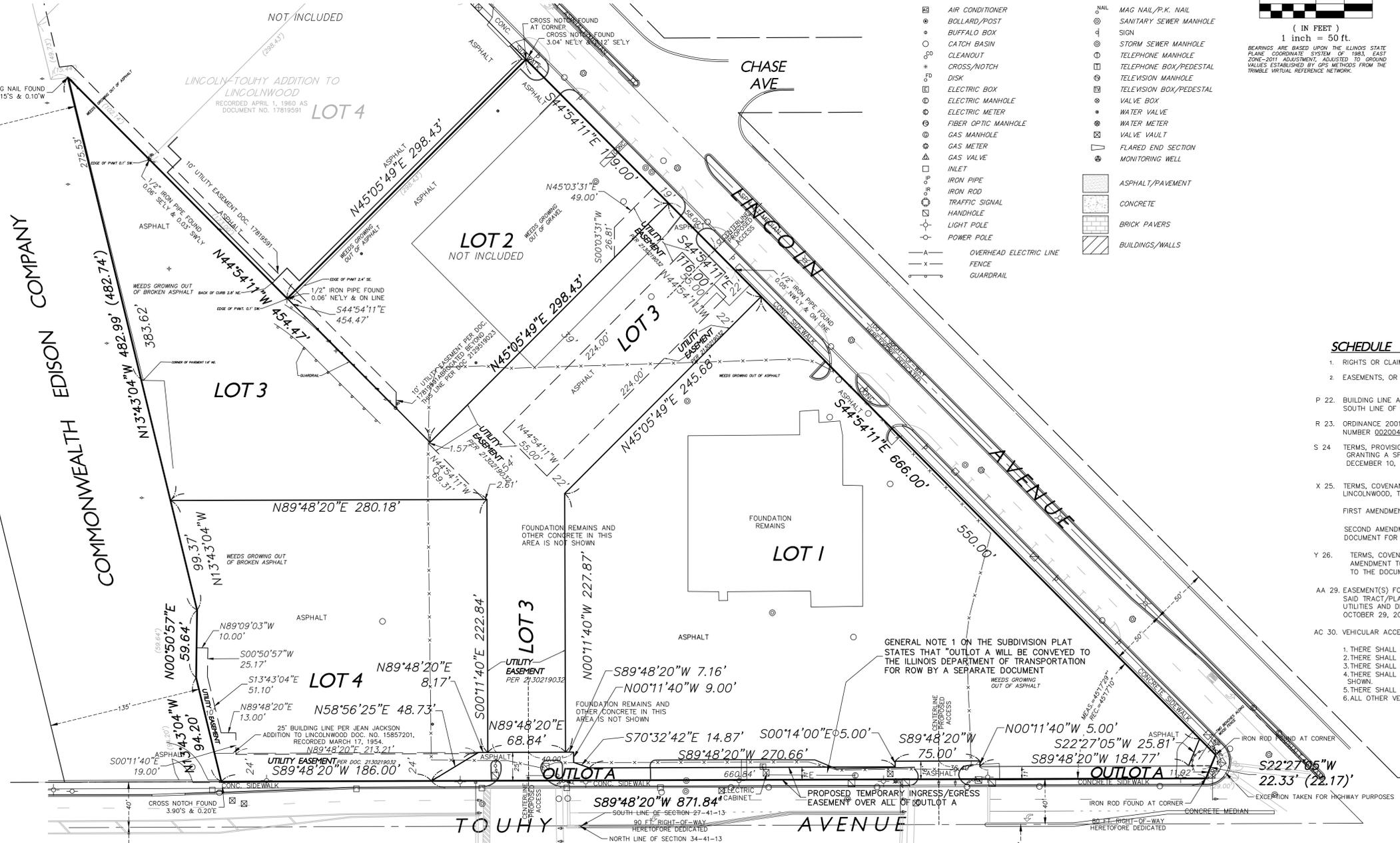
BEARINGS ARE BASED UPON THE ILLINOIS STATE PLANE, COORDINATE SYSTEM OF 1983, EAST ZONE-2011 ADJUSTMENT, ADJUSTED TO GROUND VALUES ESTABLISHED BY GPS MEASUREMENT FROM THE TRIMBLE VIRTUAL REFERENCE NETWORK.

**SURVEYOR'S NOTES**

1. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS SHOWN HEREON, REFER TO COMMITMENT FOR TITLE INSURANCE ISSUED BY CHICAGO TITLE INSURANCE COMPANY, FILE NO.: CCH2107035LD EFFECTIVE DATE SEPTEMBER 24, 2021.
2. COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY APPARENT DIFFERENCES AT ONCE.
3. DO NOT SCALE DIMENSIONS FROM THIS PLAT.
4. DIMENSIONS ON THIS PLAT ARE EXPRESSED IN US SURVEY FEET AND DECIMAL PARTS THEREOF, UNLESS OTHERWISE NOTED.
5. MONUMENTS WERE FOUND AND NOTED IN RELATIONSHIP TO THE TRUE CORNER. WHERE NO MONUMENTS WERE FOUND A 1/2" PIPE, CROSS IN CONCRETE OR MAG NAIL WERE SET.
6. REGARDING ITEM 2 OF TABLE A PROPERTY ADDRESS: (4500 WEST TOUHY AVENUE, LINCOLNWOOD, IL)
7. REGARDING ITEM 3 OF TABLE A ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP, INDEX PANEL NO. 17031C0265J, EFFECTIVE DATE AUGUST 19, 2008, THE PROPERTY IS LOCATED IN A ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).
8. REGARDING ITEM 4 OF TABLE A OUTLOT A 9,555 SQ. FT. 0.2194 AC.  
LOT 1 AREA: 141,531 SQ.FT. 3.2491 AC.  
LOT 3 AREA: 101,159 SQ.FT. 2.3223 AC.  
LOT 4 AREA: 63,199 SQ.FT. 1.4508 AC.  
TOTAL AREA: 315,444 SQ. FT. 7.2416 ACRES
9. REGARDING ITEM 13 OF TABLE A THE ADJOINING PROPERTIES ARE OWNERS OF 10-27-317-047 AND 048 IS LINCOLN TOUHY LLC, PER PUBLIC RECORD. COMMONWEALTH EDISON COMPANY IS OWNER OF 10-27-307-017.
10. REGARDING ITEM 16 OF TABLE A THERE IS NO OBSERVABLE EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS. THE SITE WAS CLEARED OF ALL IMPROVEMENTS LONG AGO. WEEDS ARE GROWING ON ALL PAVEMENT.
11. REGARDING ITEM 17 OF TABLE A NO INFORMATION WAS PROVIDED BY CLIENT. THERE WAS NO OBSERVABLE EVIDENCE OF ANY CHANGE IN STREET RIGHT OF WAY. THERE WAS NO EVIDENCE OF RECENT SIDEWALK OR STREET CONSTRUCTION OR REPAIRS AT THE TIME THE FIELD CREW WAS ON SITE. ROADWAY IMPROVEMENTS AS SHOWN ON THE DISTRICT 1860 TOUHY AVENUE AND US 41 (LINCOLN AVENUE) OFF-SITE ROADWAY IMPROVEMENTS PREPARED BY GEWALT HAMILTON ASSOCIATES, INC. ARE KNOWN TO BE PROPOSED ON OUTLOT A.
15. THE LOCATION OF THE PROPERTY LINES SHOWN ON THE FACE OF THIS PLAT ARE BASED UPON THE DESCRIPTION AND INFORMATION FURNISHED BY THE CLIENT, TOGETHER WITH THE TITLE COMMITMENT, THE PARCEL, WHICH IS DEFINED MAY NOT REFLECT ACTUAL OWNERSHIP, BUT REFLECTS WHAT WAS SURVEYED. FOR OWNERSHIP, CONSULT YOUR TITLE COMPANY.
16. CALL J.U.L.I.E. AT 811 FOR FIELD LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO ANY DIGGING OR CONSTRUCTION.

**LEGEND**

- AIR CONDITIONER
- BOLLARD/POST
- BUFFALO BOX
- CATCH BASIN
- CLEANOUT
- CROSS/NOTCH
- DISK
- ELECTRIC BOX
- ELECTRIC MANHOLE
- ELECTRIC METER
- FIBER OPTIC MANHOLE
- GAS MANHOLE
- GAS METER
- GAS VALVE
- INLET
- IRON PIPE
- IRON ROD
- TRAFFIC SIGNAL HANDHOLE
- LIGHT POLE
- POWER POLE
- OVERHEAD ELECTRIC LINE
- FENCE
- GUARDRAIL
- MAG NAIL/P.K. NAIL
- SANITARY SEWER MANHOLE
- SIGN
- STORM SEWER MANHOLE
- TELEPHONE MANHOLE
- TELEPHONE BOX/PEDESTAL
- TELEVISION MANHOLE
- TELEVISION BOX/PEDESTAL
- VALVE BOX
- WATER VALVE
- WATER METER
- VALVE VAULT
- FLARED END SECTION
- MONITORING WELL
- ASPHALT/PAVEMENT
- CONCRETE
- BRICK PAVERS
- BUILDINGS/WALLS



**SCHEDULE B - PART II EXCEPTIONS:**

1. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY PUBLIC RECORDS.
2. EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS.
- P 22. BUILDING LINE AS SHOWN ON PLAT OF SAID SUBDIVISION RECORDED MARCH 17, 1954 AS DOCUMENT 15857201, AS FOLLOWS: 25 FEET ALONG THE SOUTH LINE OF UNDERLYING LOTS 7 AND 9 ALONG TOUHY AVENUE. (SHOWN)
- R 23. ORDINANCE 2001-2525, BY THE VILLAGE OF LINCOLNWOOD ADOPTING A REVISED COMPREHENSIVE PLAN, RECORDED JANUARY 10, 2002 AS DOCUMENT NUMBER 0020043899, AND THE TERMS AND PROVISIONS THEREOF. (NOT PLOTTABLE. REFER TO THE DOCUMENT FOR PARTICULARS)
- S 24. TERMS, PROVISIONS AND CONDITIONS OF ORDINANCE NO. 2019-3432, AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT RECORDED DECEMBER 10, 2019, AS DOCUMENT NUMBER 1934417100. (NOT PLOTTABLE. REFER TO THE DOCUMENT FOR PARTICULARS)
- X 25. TERMS, COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THE REDEVELOPMENT AGREEMENT BETWEEN AND AMONG THE VILLAGE OF LINCOLNWOOD, TOUHY & LINCOLN LLC AND FIRST LWD, LLC RECORDED AS DOCUMENT NUMBER FIRST AMENDMENT TO THE REDEVELOPMENT AGREEMENT RECORDED AS DOCUMENT NUMBER SECOND AMENDMENT TO THE REDEVELOPMENT AGREEMENT RECORDED AUGUST 31, 2021 AS DOCUMENT 2124315025. (NOT PLOTTABLE. REFER TO THE DOCUMENT FOR PARTICULARS)
- Y 26. TERMS, COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN THE VILLAGE OF LINCOLNWOOD, ORDINANCE NO. 2021-3542, APPROVING AN AMENDMENT TO THE DISTRICT 1860 PLANNED UNIT DEVELOPMENT RECORDED AUGUST 31, 2021 AS DOCUMENT 2124315026. (NOT PLOTTABLE. REFER TO THE DOCUMENT FOR PARTICULARS)
- AA 29. EASEMENT(S) FOR THE PURPOSE(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS DELINEATED OR AS OFFERED FOR DEDICATION, ON THE MAP OF SAID TRACT/PLAT; FOR PURPOSE A PERPETUAL, NON-EXCLUSIVE EASEMENT, DESIGNATED FOR OVERHEAD, UNDERGROUND AND SURFACE PUBLIC UTILITIES AND DRAINAGE, AFFECTS PART OF THE UNDERLYING LAND ON THE PROPOSED LINCOLN-TOUHY SECOND ADDITION TO LINCOLNWOOD RECORDED OCTOBER 29, 2021 DOCUMENT NO. 2130219032. (SHOWN)
- AC 30. VEHICULAR ACCESS NOTES DISCLOSED ON THE PROPOSED PLAT OF LINCOLN-TOUHY SECOND ADDITION TO LINCOLNWOOD:
  1. THERE SHALL BE, AT MOST, ONE VEHICULAR ACCESS FROM LOT 3 TO TOUHY AVENUE, AS SHOWN.
  2. THERE SHALL BE, AT MOST, ONE VEHICULAR ACCESS FROM LOT 1 TO TOUHY AVENUE AS SHOWN.
  3. THERE SHALL BE NO VEHICULAR ACCESS FROM LOT 4 TO TOUHY AVENUE.
  4. THERE SHALL BE, AT MOST, ONE RESTRICTED (RIGHT IN, RIGHT OUT, LEFT IN) VEHICULAR ACCESS FROM LOT 3 TO US 41 (LINCOLN AVENUE), AS SHOWN.
  5. THERE SHALL BE NO VEHICULAR ACCESS FROM LOT 1 OR 2 TO US 41 (LINCOLN AVENUE).
  6. ALL OTHER VEHICULAR ACCESS SHALL BE VIA INTERNAL CIRCULATION.

STATE OF ILLINOIS  
COUNTY OF LAKE) S.S.

ACEF 1860 MEMBER LLC, A DELAWARE LIMITED LIABILITY COMPANY  
TD 1860 MEMBER LLC, A DELAWARE LIMITED LIABILITY COMPANY  
ACEF - TD 1860 HOLDCO LLC, A DELAWARE LIMITED LIABILITY COMPANY  
TUCKER DEVELOPMENT CORPORATION, AN ILLINOIS CORPORATION  
AECOM CAPITAL, INC.  
AECOM  
TOUHY & LINCOLN LLC, A DELAWARE LIMITED LIABILITY COMPANY  
ACEF - TD 1860 LLC, A DELAWARE LIMITED LIABILITY COMPANY  
PACIFIC WESTERN BANK, A CALIFORNIA STATE-CHARTERED BANK, ITS SUCCESSORS AND ASSIGNS  
CHICAGO TITLE INSURANCE COMPANY

GEWALT HAMILTON ASSOCIATES, INC., HEREBY CERTIFIES THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 13, 16, 17 AND 19 OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON THE GROUND ON AUGUST 23, 2021.  
DATED THIS 2ND DAY OF NOVEMBER, A.D. 2021.

GEWALT HAMILTON ASSOCIATES, INC.  
PROFESSIONAL DESIGN FIRM LICENSE NO. 184-000922

*Edward A. Hedge*  
EDWARD A. HEDGE  
PROFESSIONAL ILLINOIS LAND SURVEYOR NO. 3026  
MY LICENSE EXPIRES NOVEMBER 30, 2022



**GHA GEWALT HAMILTON ASSOCIATES, INC.**  
625 Forest Edge Drive ■ Vernon Hills, IL. 60061  
TEL 847.478.9700 ■ FAX 847.478.9701

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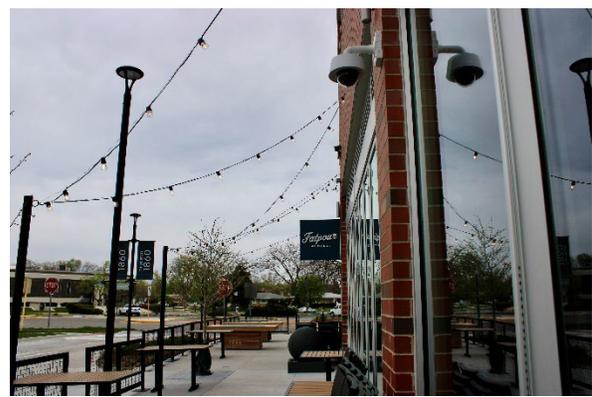
**LINCOLN - TOUHY DEVELOPMENT**  
LINCOLNWOOD, ILL

NO. BY DATE REVISION

|                         |               |
|-------------------------|---------------|
| FILE: 5432.300_ALTA.dwg | SHEET NUMBER: |
| DRAWN BY: EAH           | GHA PROJECT # |
| DATE 10-08-21           | 5432.200      |
| CHECKED BY: JFP         | SCALE:        |
| DATE 10-29-21           | 1"=50'        |
|                         | OF 1 SHEETS   |

Attachment #4. Photos of the Subject Use Submitted by the Petitioner







## Attachment #5. Relevant Regulations

### 4.07 Additional use standards for business and office districts.

(15) Hours of operation. No business located within 150 feet of any residentially zoned or residentially used property shall be open to the public, or allow the arrival or departure of delivery vehicles, before 7:00 a.m. or after 11:00 p.m. on any day, except upon issuance of a special use permit issued pursuant to Section 5.17 and the other applicable sections of this Zoning Ordinance

### 5.17 Special uses.

(4) Decisions. The Board of Trustees, upon report and recommendation of the Plan Commission and without further hearing, may approve or deny an application for a special use, or may refer it back to the Plan Commission for further consideration. In determining whether to approve or deny an application for a special use, there shall be taken into consideration the extent to which the following facts are established:

- a. The special use is necessary for the public convenience at that location, and the subject property is deemed suitable for the use;
- b. The special use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;
- c. The special use would not cause substantial injury to the value of other property in the neighborhood in which it is located;
- d. The special use is consistent with the goals and policies of the Comprehensive Plan;
- e. The special use would not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the underlying zoning district;
- f. The special use is so designed to provide adequate utilities, access roads, drainage, or necessary facilities; and
- g. The special use is so designed to provide ingress and egress to minimize traffic congestion on public streets.

**Village of Lincolnwood Plan Commission: Special Use Standards Checklist**

## Plan Commission Worksheet for Special Use Requests

Commissioners can separate this worksheet from their packet and make their own notes in advance of the hearing. This is intended to assist in the establishment of findings of fact that may support a recommendation to be forwarded to the Village Board.

### How the Standards Should Be Applied

Section 5.17(4) states that *“in determining whether to approve or deny an application for a special use, there shall be taken into consideration the extent to which the following facts are established...”*

### Special Use Standards Worksheet

Address: 7244 North Lincoln Avenue

Case #: PC-05-24

Proposed Use/Development: Permitted hours of operation for an existing restaurant use

| <b>Standards</b>  | <b>Comments/Additional Questions for Discussion</b> |
|---|---|
| A. The special use is necessary for the public convenience at that location, and the subject property is deemed suitable for the use                                    |   |
| B. The special use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected                                     |   |
| C. The special use would not cause substantial injury to the value of other property in the neighborhood in which it is located   |   |
| D. The special use is consistent with the goals and policies of the Comprehensive Plan  |   |
| E. The special use would not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the underlying zoning district |   |
| F. The special use is so designed to provide adequate utilities, access roads, drainage, or necessary facilities  |   |
| G. The special use is so designed to provide ingress and egress to minimize traffic congestion on public streets  |   |



## Plan Commission Staff Report

### Case # PC-04-24

June 5, 2024

#### **Nature of Request:**

Consideration of a referral by the Village Board for potential Zoning Text Amendments regarding attention-getting devices in commercial zoning districts. Potential amendments could relate to Section 2.02 Definitions; Article VI, Part B Nonresidential and Multi-Family Residential Design Standards; and Article IX Signs.

**Notification:** Notice was published in the Lincolnwood Review on May 16, 2024, and letters dated May 15, 2024, were sent to certain commercial properties based on a staff inventory of uses with attention-getting devices that may be the subject of this hearing.

#### **Background**

Throughout the spring of 2024, staff received questions from Village officials regarding certain types of retailers that often utilize illuminated signs, string LED lights, or other devices installed to garner attention from motorists or pedestrians on public rights-of-way. As part of a larger discussion regarding those types of retailers, the Village Board Committee of the Whole referred to the Plan Commission for a public hearing the matter of attention-getting devices and possible Zoning Text Amendments that could restrict or prohibit their use. This report sets forth the following:

- Current Village regulations regarding the use of signage, lighting, and other attention-getting devices;
- Feedback and direction from the Village Board Committee of the Whole;
- Examples of other communities that have enacted regulations specifically focused on attention-getting devices; and
- Policy questions regarding this topic to guide Plan Commission discussion.

#### **Regulatory Context**

For the purposes of this discussion, it is important to make a distinction between different types of façade treatments that commercial uses may implement, and how each is currently regulated. Throughout this document, relevant terms apply as follows:

- Signs: The term “sign” is specifically defined in the Zoning ordinance as “*a name, identification, description, illustration, display or device which is affixed to,*

*painted or represented upon a building, structure or land and which directs attention to a product, place, activity, message, person, institution or business. For the purpose of this definition, a sign structure may have a single face or multiple faces.*” For the purposes of this discussion, this definition has been interpreted to apply to elements that are typically used to advertise a business or a product, but not elements that would be considered façade enhancements without any specific relations to a use or product.

- **Lighting:** For the purposes of this discussion, the term “lighting” refers to permanent fixtures that are generally subject to permitting and standards related to a photometric plan and levels of illumination established in Section 6.07 of the Zoning Ordinance.
- **Attention-getting devices:** For the purposes of this discussion, the term “attention-getting devices” refers to minor improvements or enhancements to the façade that may not be subject to permitting but are intended to draw attention to a commercial building or use. Generally, these types of devices include LED ribbon lights, applied window treatments, banners, flags, inflatable devices, or other similar types of elements. This term does not include murals or other permanent applications to the façade of a structure. (Murals, such as the artwork on the west side of the façade of the grocery building at District 1860, are not specifically addressed or prohibited the Zoning Ordinance, so long as they are not deemed to fall under the definition of a “sign”.)

As context to the terms above and the discussion of this matter, prior to the Committee of the Whole discussion staff sought the opinion of the Village Attorney as to whether attention-getting devices meet the definition of “signs”. The Village Attorney stated that it’s possible to come to that interpretation, but that a policy discussion and potential Text Amendment are warranted if the Village seeks to regulate attention-getting devices more explicitly.

Regulations regarding window signs are found in Article 11 of the Zoning Ordinance. Because attention-getting devices are often applied to window areas, staff is providing the following summary of sign regulations related to window signs:

- A maximum of 20% of the window area of a storefront may be covered with permanent window signs;

#### *Photo Examples of Commercial Uses with Attention-Getting Devices*



- A maximum of four permanent window signs per business establishment may be illuminated;
- Temporary window signs (installed for a period of less than 30 days) are permitted so long as the total area covered by permanent and temporary window signs does not exceed 20%;
- Animated and flashing signs are prohibited;
- Signs consisting of a string, cluster or series of lights are prohibited; and
- Illuminated signs are subject to certain maximum levels of illumination and permitted times of illumination.

### **Village Board Committee of the Whole Discussion**

On May 7, 2024, the Village Board Committee of the Whole held a discussion on attention-getting devices as part of a larger conversation about certain types of retailers. Trustees expressed the following opinions regarding attention-getting devices:

- They stated support for regulations pertaining to lights that aim to bring attention to the building or use.
- They stated that ribbon lights are detrimental to the look of properties and commercial corridors in the Village.
- They stated that flashing lights should not be allowed.

### **Sample Regulations from Other Communities**

Staff research identified three communities in the north or northwestern suburbs that specifically regulate attention-getting devices:

- Evanston’s sign regulations include a definition of “attention gathering device”, as “a display that utilizes motion or flashing lights to attract attention of passers-by. Examples include strings of pennants, banners or streamers, advertising flags, clusters of flags, strings of twirlers or propellers, flares, balloons, strobe lights, and sequential flashing "runner" lights.” Their regulations then prohibit these “attention gathering devices” as something distinct from a “flashing sign”.
- Buffalo Grove’s sign regulations include a provision that states “Window trimming: Rope lighting, flexible lighting, series lighting and other similar applications window trimming are prohibited if visible from a public way. This section is not intended to prohibit seasonal lights.”
- Schaumburg’s sign regulations include a provision that states “Window Trimming/Lighting in Windows: Rope lighting, flexible lighting, neon lighting, series lighting, lighting arranged in patterns, lighting unrelated to communicating the name of the business and other similar applications of window trimming or lighting on any part of a window are prohibited.”

### **Policy Questions**

Based on the direction provided by the Village Board, staff seeks the opinion from the Plan Commission regarding the following policy questions. The Plan Commission may then seek to make a motion recommending Zoning Text Amendments in accordance with its discussion and findings.

- Policy Question #1: Does the Plan Commission concur with the Village Board that attention-getting devices are detrimental to the character of commercial buildings and corridors within the Village?
- Policy Question #2: What types of attention-getting devices are most detrimental to the character of the Village?
- Policy Question #3: What types of restrictions or prohibitions should be enacted to mitigate the impact of detrimental attention-getting devices?

### **Potential Zoning Text Amendments**

If the Plan Commission is inclined to recommend Zoning Text Amendments that would restrict or prohibit the use of attention-getting devices, it is worth considering the following:

- An Amendment to Section 2.02 Definitions, to establish a definition for the term “attention-getting devices” as a separate category of improvements from signs;
- An Amendment to Article 6, Part B Nonresidential and Multi-Family Residential Design Standards, to restrict or prohibit attention-getting devices to the extent deemed appropriate by the Plan Commission; and
- If necessary, an Amendment to Article 11 Signs to clarify any distinction between signs and attention-getting devices.

It is worth noting that, while the discussion of attention-getting devices stemmed from concerns about certain types of retailers, it is anticipated that any newly enacted regulations would apply to all non-residential and multi-family uses.

### **Public Comment**

It is worth noting that, at the direction of the Village Board, staff conducted an inventory of all businesses that currently use what may be considered attention-getting devices. Mailed notice of this hearing was sent to those businesses identified through that inventory. A total of 28 businesses were identified. The uses of those businesses include general retailers, tobacco retailers, beauty salons, personal service establishments, restaurants, and gas stations.

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

# Attachment #1. Relevant Regulations

## 2.02 Definitions.

SIGN: A name, identification, description, illustration, display or device which is affixed to, painted or represented upon a building, structure or land and which directs attention to a product, place, activity, message, person, institution or business. For the purpose of this definition, a sign structure may have a single face or multiple faces.

## 6.07 Outdoor lighting standards.

All outdoor lighting, except as provided in Section 6.07(6) of this article, shall be subject to the following general requirements:

(1) Photometrics plan required. A photometrics plan with lighting details is required for all nonresidential and multifamily residential development (Article V, Part B).

(2) Outdoor parking lot fixtures.

a. All outdoor parking lot lighting fixtures shall be fully shielded with a total cut-off angle of not more than 90°, so that no glare shall be cast onto adjacent properties.

b. Total height of light fixtures, including the pole and supports, shall be limited to a maximum of 24 feet.

c. Light intensity at a property lines abutting a residential property shall not exceed 0.5 footcandle.

d. Parking lot fixtures shall be protected from vehicles by curbed landscape islands and shall meet the following minimum and maximum illumination levels:

| Type of Development     | Minimum IES* Illumination Level (FC) | Maximum IES* Illumination Level (FC) | Maximum to Minimum Ratio | Average to Maximum Ratio |
|-------------------------|--------------------------------------|--------------------------------------|--------------------------|--------------------------|
| Multifamily residential | 0.1                                  | 1.5                                  | 15.0:1                   | 4:1                      |
| Commercial              | 0.2                                  | 2.1                                  | 10.5:1                   | 3:1                      |
| Industrial              | 0.2                                  | 3.0                                  | 15.0:1                   | 4:1                      |
| Institutional           | 0.2                                  | 2.1                                  | 10.5:1                   | 3:1                      |

(3) Exterior building lighting fixtures.

a. Wall lighting, where used, shall be full cutoff and fully shielded.

b. Flood or spotlights must be fully shielded and aimed no higher than 45° above grade when the source is visible from any off-site residential property or public roadway.

(4) Spillover prohibited. Light spillover or direct glare onto adjacent properties and rights-of-way is prohibited. All illumination level readings shall be measured at ground level.

(5) Overnight lighting prohibited. All outdoor lighting, with the exception of security lighting, for commercial, industrial and any other nonresidential activities, shall be extinguished between 11:00 p.m. (or whenever the business closes, whichever is later) and sunrise.

(6) Exceptions. This Section 6.07 shall not apply to: (a) streetlights: or (b) transit shelter signs installed pursuant to Section 11.05(23) of this Zoning Ordinance.

#### 11.04 Permitted on premises signs.

(6) Permanent window signs. Permanent window signs may be affixed or applied to window glass, provided that the area of permanent window signs does not exceed 20% of the window surface area. A maximum of four permanent window signs per business establishment may be illuminated.

#### 11.05 Exempt signs.

The following signs, while subject to any other Village ordinance which may apply, are exempt from the permit requirements set forth in this article.

(19) Temporary window signs: in business establishments, temporary window signs which announce a specific sale or product price and which are posted for not longer than 30 days, provided the total area of permanent and temporary window signs occupies no more than 20% of the window surface area.