



**MEETING MINUTES  
OF THE  
PLAN COMMISSION  
February 22, 2023 – 7:00 P.M.**

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

**Present,** Acting Chairman Steven Jakubowski, Commissioners, Adi Kohn, Mark DeAngelis, Henry Novoselsky, Don Sampen and Suzanne Auerbach

**Absent:** Chairman Mark Yohanna; Commissioner, Adi Kohn

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

**I. Call to Order**

Planning and Economic Development Manager Doug Hammel note that Chairman Yohanna would not be available

A vote was called to select an Acting Chairman.

*Motion for Steven Jakubowski as acting Chairman for tonight's meeting was made by Commissioner Novoselsky and seconded by Commissioner Auerbach.*

*Aye: DeAngelis, Novoselsky, Sampen, Auerbach and Jakubowski*

*Nay:*

*Abstain:*

*Motion Approved: 5-0*

Acting Steven Jakubowski noted a quorum and called the meeting to order at 7:03 p.m.

**II. Pledge of Allegiance**

**III. Approval of Minutes**

*Commissioner Kohn joined the meeting at 7:06 pm*

*Auerbach wants to amend minutes to note that gates not be allowed in residential districts. Motion to approve amended February 1<sup>st</sup> Plan Commission Minutes was made by Commissioner Auerbach and seconded by Commissioner Sampen.*

*Aye: Kohn, DeAngelis, Novoselsky, Sampen, Auerbach and Jakubowski*

*Nay:*

*Abstain:*

*Motion Approved: 6-0*

**IV. Case #PC-15-22: Zoning Code Text Amendment – Regulations Related to Required Transition Yards, Setback Buffers, and Landscape Screening on Commercial Properties Abutting Residential Properties**

Planning and Economic Development Manager Doug Hammel gave a summary of previous discussion about this topic and presented new information since the last discussion about his item at the January 7, 2023, meeting. The zoning concepts for required transition yards presented by staff included the following:

- 1) When no alley or right-of-way exists, the current regulations would apply.
- 2) Amend the code to specify that the presence of a street (as opposed to an alley or other type of right-of-way) exempts the requirements related to transition yards and setback buffers.
- 3) Various changes to the code when an alley exists between properties.

Commissioner Auerbach suggested about requiring solid fences when the business handled foodstuffs. She also stated that she thinks that a 2-foot setback from side yard would be too low, and that there should be a minimum 5-foot setback.

Acting Chairman Jakubowski asked about legal notice requirements and asked if the ramifications of this case were addressed with how this case was noticed. Village Attorney Greg Smith went over legal notice requirements and stated that the Village has followed any rules in this regard. Community Development Director Scott Mangum stated that the notice requirements used by Lincolnwood is consistent with what he's seen used in other communities.

Commissioner Sampen asked if there are any current developments that would be affected by these changes. Mr. Hammel stated that there are none currently, but recent cases could have benefitted from these types of changes which is what started this discussion internally. These are the types of cases that are challenging the Village. The commercial spaces overall are not big enough to accommodate all of the zoning regulations, this is a first step to give some space back to potential developers and potentially attract developers to build in Lincolnwood.

Commissioner Sampen asked about giving staff the authority to make determinations like this. Mr. Hammel stated that to even get to that point the Village Code would need to be modified via a text amendment.

Commissioner DeAngelis noted that when a developer is looking at prospective sites in various communities they are going to go with the path of least resistance and currently, for the most part, Lincolnwood doesn't fit that.

Commissioner Auerbach noted that if you look at the typical cases that we see, most of them are seeking a variation for parking, or landscaping, or other variables that this provision might help with.

Mr. Hammel went over an example of how the changes would affect a property. He also talked about the added change that would allow businesses to use the transition yard area for support functions (parking, loading, storage, or servicing) if a solid fence with a height of six feet along the shared lot line is installed.

Mr. Hammel went over the proposed sliding scale setbacks and how it differs from the current regulations. The change would affect buildings that are taller than 30 feet in height. For every foot taller than 30' and the required setback would be increased by 2 feet.

Commissioners DeAngelis and Jakubowski both expressed that they didn't feel that this provision was needed as with the current height restrictions in the B1 and B2 districts this would hurt potential developers by being more restrictive. Commissioner DeAngelis went on to say that the Village needs to look for ways to incentivize developers as opposed to limiting development options.

Commissioner Novoselsky brought up privacy concerns for residents if larger building were allowed closer a given lot line.

There was some discussion comparing these requirements to residential development and looking at sight line provisions in the Village code.

Commissioner DeAngelis brought up the option of the Village vacating alleys as an incentive for developers not being viable with these proposed changes.

Chairman Jakubowski asked if there was anyone from the public who wished to make a comment. Let the record show that no one came forward.

Commissioner Novoselsky stated his support for the sliding scale provision.

Commissioner Auerbach brought up the concern for fences for food service uses and with the removal of the requirement to have a 6-foot solid fence she is worried of the impact this may have. Mr. Hammel stated that a dumpster enclosure would still need to have a solid fence around it.

***A Motion to recommend approval of zoning concepts recommended by staff except for the sliding scale provision was made by Commissioner Sampen and seconded by Commissioner Novoselsky.***

***Aye: Kohn, DeAngelis, Novoselsky, Sampen, Auerbach and Jakubowski***  
***Nay:***

***Abstain:******Motion Approved: 6-0***

Commissioner DeAngelis stated that he thinks that the setback is far enough given there is an alley. He doesn't feel the sliding scale provision is needed.

Commissioner Novoselsky stated that the offset of a larger building should require an additional setback and is in favor of the sliding scale.

Commissioner DeAngelis asked how the traditional 30-foot setback in Lincolnwood compares to other communities.

Mr. Hammel stated that the 30-foot setback seemed consistent for residential properties.

Mr. Mangum stated that he did see instances where the setback was set differently for commercial spaces regardless of what the setback was for an adjacent residential property.

***A motion was made to recommend the sliding scale zoning concept proposed by staff made by Commissioner Novoselsky and seconded by Commissioner Auerbach.***

***Aye: Kohn, Novoselsky, and Auerbach***

***Nay: DeAngelis, Sampen, and Jakubowski***

***Abstain:***

***Motion Approved: 3-3***

***The motion did not pass so no official action was taken by the Commission regarding the sliding scale provision.***

Amendments recommended for approval will go to Village board March 7, 2023

**V. Case #PC-10-22: Zoning Code Text Amendment – Permissibility of Certain Use in Various Zoning Districts Throughout the Village  
*This matter is continued from the June 1, July 6, September 7, and September 28, 2022, meetings.***

Planning and Economic Development Manager Doug Hammel spoke about the history case and briefly went over aspects of the case that have already been vetted by the Plan Commission. Tonight's discussion is being geared toward the two remaining items that have not been fully vetted by the Commission. The discussion is looking to cover "Ghost" Spaces and Various Uses in the M-B Manufacturing and Business zoning district.

Mr. Hammel started by going over what "ghost" spaces and defined them as primarily spaces occupied by production and delivery, but not in-person services or retail. He spoke about a business currently on Devon (Getir) that started operating during Covid and there was some discussion about how they got approved and why they chose their current location. Mr. Hammel went on to explain that while this business was approved the business type itself does not

currently conform to current zoning definitions in the Village Code. Staff is looking for direction on how and where in the Village these types of business make sense.

Commissioner Jakubowski specifically asked about how sales tax was collected for these type of business. Attorney Greg Smith stated that sales tax is calculated and collected at the point of sale so if the sale is from a delivery business it would be collected where the “register” for the business is located at the retail location.

Commissioner DeAngelis stated that if the business owner of a ghost space wants to rent a space in a commercial district instead of an industrial or M-B area then there is a reason they are doing that. A property shouldn't sit vacant for additional months just in case a new traditional commercial business may want to move there in the future. The Village shouldn't be looking to limit what businesses landlords can rent their spaces.

Commissioner Auerbach stated if the goal is to have an active pedestrian street allowing too many ghost spaces in an area limits the ability to achieve this. It could change the nature and footprint in a given area and threatens to make an area less desirable to live in.

Commissioner DeAngelis stated that the Village shouldn't be looking to limit what businesses landlords can rent their spaces. Instead, the Village should be looking to incentivize the types of businesses they want to use these vacant spaces by creating enterprise zones or offering incentives to minority owned businesses or other like measures.

Commissioner Auerbach stated that she could see “ghost” spaces working if it was a percentage of a given area. For example, in a strip mall a percentage of the commercial spaces would be allowed to operate as a “ghost” space.

Acting Chairman Jakubowski noted that the Village needs to look at why more traditional commercial spaces are failing and how these new business models can inhabit these vacancies.

There was some discussion about how parking requirements for these types of businesses may need to be adjusted as there aren't as many if any patrons physically going to the business. There was also discussion about the hours of operation for these types of businesses.

There was some discussion of why businesses would chose a more prominent commercial space with potentially higher rent over a place in a more industrial area. It was noted that some “ghost” space users may be looking to take advantage of existing infrastructure (the example given was a “ghost” restaurant taking advantage of an existing commercial kitchen at a vacant location.).

Acting Chairman Jakubowski asked if the intended use of these “ghost” spaces would be companies that are delivering consumer good locally? Mr. Hammel stated that this is the type of business staff is targeting.

There was discussion about how other communities are handling these types of businesses and Mr. Smith noted that Lincolnwood is one of the first communities engaging in these types of discussions as far as he's seen.

There was consensus among the Commission that staff should do some research and come back with findings about the following:

- 1) What needs to be done to allow for “ghost” spaces to legally operate.
- 2) Which zoning districts they should be allowed in.
- 3) How to address current parking requirements for commercial spaces.

Commissioner DeAngelis suggests treating “ghost” spaces as a regular commercial use customer and if they request a change in current requirements (a reduction in parking for example) then they would need to apply for a special use.

The commission moved on to the second item for this case:

#### M-B District and the NEID TIF Conceptual Development Plan

Mr. Hammel went over the NEID TIF Conceptual Development Plan from 2020 and the 2022 Lincolnwood Town Center Concept Plan. The discussion at this meeting is look to create a more vibrant and active industrial district around the Lincolnwood Mall area with the knowledge that the mall is for sale and the Village is looking at redevelopment options for that PUD.

Mr. Hammel stated that staff is looking to tweak to the land use table and is looking for feedback on three specific possible zoning approaches:

- 1) Amending the current Zoning Use Table to permit defined uses to allow uses that support the Plan’s vision for a more active and vibrant area:
- 2) Identifying new uses in the Zoning Use Table that explicitly respond to the Plan’s vision:
- 3) Amending the Zoning Use Table to prohibit uses that don’t foster a more active and vibrant district:

Staff is looking for feedback from the Commission on how they think this this area should be developed.

Acting Chairman Jakubowski spoke about how the Village should be looking to update the use table regardless of if the use is intended for the M-B district.

Commissioner DeAngelis suggested only limiting a few uses and letting the market determine what is the best use for these properties. The Village could look to control the design and elements that would be allowed, and you could then let developers come to the table with what they see is the best use for the properties in each area.

Mr. Hammel stated that based on the conversation tonight that staff would be able to come back to the Plan Commission with varying options for the area.

No Public Comment.

***A Motion to continue to this case to the April 3 meeting was made by Commissioner Sampen and seconded by Commissioner Kohn.***

***Aye: Kohn, DeAngelis, Novoselsky, Sampen, Auerbach and Jakubowski***

*Nay:*

*Abstain:*

*Motion Approved: 6-0*

**VI. Next Meeting**

The next meeting of the Plan Commission is scheduled for Wednesday March 1, 2022.

**VII. Public Comment**

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

**VIII. Adjournment**

*Motion to recommend adjournment was made by Commissioner Novo and seconded by Commissioner Sampen.*

*Aye: Kohn, DeAngelis, Novoselsky, Sampen, Auerbach and Jakubowski*

*Nay:*

*Abstain:*

*Motion Approved: 6-0*

*Meeting adjourned at 9:02 p.m.*

Respectfully submitted,

Marcos Classen  
Community Development Coordinator