



**MEETING MINUTES
OF THE
PLAN COMMISSION
May 4, 2022 – 7:00 P.M.**

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

Present: Chairman Mark Yohanna, Commissioners Adi Kohn, Steven Jakubowski, Mark DeAngelis and Don Sampen

Absent: Henry Novoselsky, Suzanne Auerbach

Staff Present: Community Development Director Scott Mangum, and Planning and Economic Development Manager Doug Hammel, Deputy Chief of Police Travis Raypole, Village Attorney Steven Elrod, Community Development Coordinator Marcos Classen

I. Call to Order

Chairman Mark Yohanna noted a quorum and called the meeting to order at 7:06 p.m.

II. Pledge of Allegiance

III. Approval of Minutes

Motion to approve the April 6, 2022 Plan Commission Minutes was made by Commissioner Sampen and seconded by Commissioner Jakubowski.

Aye: Jakubowski, DeAngelis, Sampen, and Yohanna

Nay: None

Abstain: Kohn

Motion Approved: 4-0

Motion to approve the April 27, 2022 Plan Commission Workshop Minutes was made by Commissioner Sampen and seconded by Commissioner Jakubowski.

Aye: DeAngelis, Kohn, Sampen, and Yohanna

Nay: None

Abstain: Jakubowski

Motion Approved: 4-0

IV. Case #PC-08-22: 3477 West Touhy Avenue – Approval of a Special Use for a Cannabis Craft Grower

Request: Consideration of a request by Alex Zats, property owner, to approve a Special Use for a Cannabis Craft Grower at the property commonly known as 3477 West Touhy Avenue, within the M-B Zoning District. During this Hearing, the Plan Commission may consider any additional relief that may be discovered during the review of this case

Community Development Director Scott Mangum went over the request for a special use for a cannabis craft grower at 3477 W. Touhy including how the related text amendment case from April (PC-04-22) that was recommended for approval by the plan commission had not been heard by the Village Board and would be heard at the same time as this case if it was approved by the Plan Commission.

David Fettner of Trade Secret LLC gave a presentation on behalf of the applicant to address concerns about Odor Mitigation that were discussed during the Text Amendment case in April 2022. Mr. Fettner spoke about the three main aspects of odor mitigation that include

1. System Strategies/Design
2. Odor Mitigating Equipment
3. Personnel Policies and Procedures

There was discussion about the System Strategies/Design aspect that includes the use of negative pressure and creating a room within a room.

There was discussion about the exhaust system that would be used in the facility.

There were questions about if this system has been used in other facilities that Mr. Fettner had been involved with designing. Mr. Fettner stated that of their 4 completed they have received no complaints as it pertains to odor.

There was some discussion about how the Lincolnwood site compares to other facilities that Mr. Fettner has been involved with designing. Mr. Fettner stated that it's one of the more accommodating facilities due to the room size and roof height.

There was discussion about the air filter system and the fog exhaust systems.

The discussion shifted to how maintenance of the equipment would be handled. Mr. Fettner stated that there should be weekly maintenance checks of all equipment and that his company would train staff at the proposed location on how to perform the required maintenance on site.

There was talk about keeping a log of any odor incidents.

Applicant Adam Zats owner of Bee Zee's Auto (along with his father) spoke about how the space would be managed using a Cultivation Manager who would be trained in how to perform maintenance on all of the equipment.

There was discussion about the reduced environmental impact of moving from an auto repair shop to a cannabis craft grower facility.

Previously Mr. Zats spoke about having a craft grower location in Bangor, Michigan and there was discussion about if logs regarding odor complaints were kept there. Mr. Zats stated there were not because of a couple factors including different laws in Michigan and the smaller town.

***Commissioner DeAngelis moved to recommend approval of granting a special use subject to there being no odor impact caused by the facility and conditional on the fact that the Village Board approves the recommended text amendment from case #PC-04-22
The Motion was seconded by Commissioner Sampen.***

Aye: Kohn, Sampen, DeAngelis, Jakubowski, and Yohanna

Nay:

Motion Passed: 5-0

This item will go to the Village Board on May 17, 2022.

V. Case #PC-02-22: Zoning Text Amendment – Standards Related to Requests for Zoning Variations

Request: Referral by the Village Board to consider potential Text Amendments related to Sections 5.14(5) and 5.15(7) of the Zoning Code, pertaining to the language and application of standards used to determine the appropriateness of Minor Variations (Section 5.14(5)) or Major Variations (Section 5.15(7)). During this Hearing, the Plan Commission may consider any additional Text Amendments related to the review of this case

Planning and Economic Development Manager Doug Hammel went over the case and spoke about how this topic was previously discussed by the Plan Commission but one item from that discussion required further discussion.

Currently Minor Variations and Major Variations utilize the same standards. While Minor Variations are administered by Village staff, Major Variations are subject to a public hearing.

The suggestion from Commissioner DeAngelis would be to make a distinction in the code between Minor and Major Variations and to determine how the standards should be applied to each.

For Minor Variations, the amendment would broaden the applicability of Variations to include a finding of hardship based on inconvenience or financial burden to the property owner, which is not currently done.

There was discussion about what the difference between a Minor Variation and a Major Variation are, and what types of improvements are eligible for Minor Variation approval. Mr. Hammel stated that approving the suggested language would not allow staff to apply the Minor Variation process to types of relief not listed in the code as eligible for that process.

Village Attorney Steven Elrod stated that this is a creative way for the Village and that it would be a relief based on what he's seen in other communities.

A Motion was made by Commissioner Jakubowski to recommend approval of the proposed ordinance language as set forth in the staff report with the removal of the word simply from 5.14(1) proposed language. The motion was seconded by Commissioner DeAngelis.

Aye: DeAngelis, Jakubowski, Sampen, Kohn, and Yohanna

Nay:

Abstained:

Motion Passed: 5-0

This item will go to the Village Board May 17, 2022.

VI. Case #PC-06-22: Zoning Code Text Amendment – Permissibility of Short-term Rentals in All Residential and Business Zoning Districts

Request: Referral by the Village Board to consider potential Zoning Code Text Amendments to Table 4.01.1 and Sections 4.06(4) and 4.07(17) related to the permissibility of, or certain limitations related to, the use of properties as of short-term rentals. During this Hearing, the Plan Commission may consider any additional Text Amendments related to this case.

Planning and Economic Development Manager Doug Hammel summarized how in 2016 the Village adopted regulations in regards to short term rentals and how this case was to help determine if any changes were needed to how the Village regulates Short Term Rentals. Current regulations established that no property can be used for more than one short-term rental event per calendar year.

Mr. Hammel also went over how enforcement of short term rentals work and spoke about an increase of minimum fines approved by the Village Board 2020 for nuisance violations related to the illegal operation of short-term rentals. He also spoke about a recent Committee of the Whole discussion where Trustees spoke about potentially prohibiting short term rentals in Lincolnwood, or potentially further restricting short term rentals to allow one short term rental over a 365 day span.

There was discussion about current enforcement and how the administrative hearing process works for these types of cases.

Attorney Steven Elrod spoke about how tightening the current ordinance would be recommended.

There was discussion about how much of an impact in reducing allowed short term rentals from one per year to none would have.

There was also talk about creating a more robust short term rental program that the Village could monetize.

Ultimately, Plan Commissioners generally agreed that the zoning regulations related to short-term rentals do not need to be amended, but support the more proactive enforcement and penalizing of illegal activities as a means of curbing non-compliant operations of residential properties.

A Motion was made by Commissioner DeAngelis to recommend that no changes be made to the current short term rental ordinance. The motion was seconded by Commissioner Kohn.

Aye: DeAngelis, Jakubowski, Sampen, Kohn, and Yohanna

Nay:

Abstained:

Motion Passed: 5-0

VII. Case #PC-07-22: Zoning Code Text Amendment – Temporary Structures

Request: Referral by the Village Board to consider potential Zoning Code Text Amendments related to the establishment of a definition of “temporary structures”, as well as related standards for the approval and installation of temporary structures on residential and commercial properties. During this Hearing, the Plan Commission may consider any additional Text Amendments related to this case.

Planning and Economic Development Manager Doug Hammel went gave a staff presentation.

Chairman Yohanna acknowledged that this conversation may need more time so suggested continuing this case to the June Plan Commission meeting.

A Motion was made by Commissioner Jakubowski to defer consideration of this case until the next scheduled Plan Commission meeting. The motion was seconded by Commissioner Sampen.

Aye: Jakubowski, Sampen, Kohn, and Yohanna

Nay: DeAngelis

Abstained:

Motion Passed: 4-1

VIII. Next Meeting

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

IX. Public Comment

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

X. Adjournment

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

Aye: Jakubowski, Sampen, Kohn, and Yohanna

Nay: DeAngelis

Abstained:

Motion Passed: 4-1

Meeting adjourned at 9:03 p.m.

Respectfully submitted,

Marcos Classen

Community Development Coordinator