



**MEETING MINUTES
OF THE
PLAN COMMISSION
June 1, 2022 – 7:00 P.M.**

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

Present: Chairman Mark Yohanna, Commissioners Steven Jakubowski, Mark DeAngelis, Don Sampen, Henry Novoselsky, and Suzanne Auerbach

Absent: Commissioner Adi Kohn

Staff Present: Community Development Director Scott Mangum, and Planning and Economic Development Manager Doug Hammel, Village Attorney Hart Passman, Community Development Coordinator Marcos Classen

I. Call to Order

Chairman Mark Yohanna noted a quorum and called the meeting to order at 7:03 p.m.

II. Pledge of Allegiance

III. Approval of Minutes

Motion to approve the May 4, 2022, Plan Commission Minutes was made by Commissioner DeAngelis and seconded by Commissioner Auerbach.

Aye: DeAngelis, Auerbach, and Yohanna

Nay: None

Abstain: Novoselsky

Motion Approved: 3-0

Commissioner Jakubowski arrived at 7:06 pm

Commissioner Sampen arrived during the following discussion.

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

This public hearing was previously continued during the April 6 and May 4, 2022 meetings

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 Develop Manager Doug Hammel went over the current Village Code regarding Temporary Structures and different ways the code could be amended or revised. He spoke about how the Village code currently has no definition or provision for temporary structures. He also spoke about a discussion at the Committee of The Whole (COTW) about the same topic that resulted in this being brought to the Plan Commission. He went over the five policy questions considered by staff that should be addressed.

There was some discussion if there should be limits as to how many times a year a temporary structure could be erected.

There was some discussion about current examples of temporary structures being used throughout the Village and the commission discussed Lowes, Lincolnwood Mall among others. There was additional discussion if the time allotted in the staff recommendation was long enough to meet the needs of commercial spaces.

There was discussion about the needs of a commercial space versus that of a residential space and how a permit process would work for each. It was determined that this discussion was primarily to potentially establish an approval process for commercial spaces, where residential spaces would not have a formalized approval process only an informational packet without the need for a permit.

There was discussion about how to define what a temporary structure is. There was also some discussion about accessory structures and how they differ from temporary structures.

There was discussion about if the Village was looking to overregulate commercial spaces.

There was specific discussion about a Sukkah that was installed at a restaurant in 2021 and the concerns that arose around this structure. The discussion around the Sukkah included discussion about its unique nature due to the outdoor dining provisions allowed due to covid provisions and about how temporary structures could impact the right of way.

There was discussion about temporary structures impacting parking spaces and how allowing temporary structures could move a space out of compliance in terms of required parking spaces.

There was discussion about using other provisions (code enforcement, nuisance provisions) to regulate commercial temporary structures and if it was appropriate to use the zoning code for this kind of regulation.

There was additional discussion of defining what a temporary structure as a starting point for updating the Village code.

There was some additional discussion about accessory structures and how the zoning code applies to them.

There was some discussion about bringing this item back based on the discussion from tonight, specifically mention the following items to be covered; How other communities handle temporary structures, how temporary structures impact public safety, a proposed definition of what a temporary structure is, and updating the length of time a structure can be up and still be considered “temporary”.

A call for public comment was made and no member of the public came forward.

Commissioner Jakubowski moved to continue this case until the August 3rd meeting to allow staff to update findings based on this meetings discussion.

The Motion was seconded by Commissioner Novoselsky

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

Nay:

Motion Passed: 6-0

V. Case #PC-11-22: Zoning Code Text Amendment – Fence Regulations Pertaining to Properties Abutting Prominent Street or Arterial Streets

Request: Referral by the Village Board to consider potential Zoning Code Text Amendments related to fence regulations found in Section 3.13(11) for portions of residential properties abutting prominent streets or arterials, specifically focusing on 1) the permissibility of six-foot tall solid fencing in the rear yard, 2) the permissibility of six-foot tall solid fences along corner side yards, and the permissibility of fencing to encroach into the corner side yard. During this Hearing, the Plan Commission may consider any additional Text Amendments related to this case.

Planning and Economic Development Manager Doug Hammel went over the case and spoke about how staff conducted a residential fence compliance survey and there was a subsequent discussion about the findings at a recent COTW meeting. Generally, the COTW is not looking to amend the overall standards and regulations for fences, but they are looking for recommendations for specific situations where residential properties abut prominent streets.

The first scenario specifically spoke about if residential properties be permitted to have six-foot-tall solid fences along rear lot lines that abut prominent roadways. This would affect 19 total parcels.

There was discussion about an existing legal non-conforming fence that goes from Pratt to Spaulding on McCormick that is currently.

There was some discussion about sidewalks along the proposed area on Cicero or on Devon.

There was discussion about any effects these fences would have on line-of-site for vehicular traffic.

There was some discussion of the special fence allowances along the Valley Line Trail.

A call for public comment was made and no member of the public came forward.

A Motion was made by Commissioner Sampen to recommend approval that residential properties that have rear lot lines that abut prominent roadways be permitted to have a six-foot-tall solid fence along the rear lot line. The motion was seconded by Commissioner Novoselsky.

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

Nay:

Abstained:

Motion Passed: 6-0

This will go to the Village Board on June 21th

The second scenario discussed was regarding residential properties with corner side yards that abut prominent roadways being granted additional fence allowances. This would affect up to 64 parcels throughout the Village. There are 3 different policy considerations suggested by staff:

- A. Encroachment for the entire length of the corner side yard
- B. Encroachment into the corner side yard between the rear corner of the home and rear lot line
- C. Keep current regulations as they are

There was discussion about the current allowances for corner side yards.

There was additional discussion about impact where a side yard of one home faces the side yard or another home versus a side yard facing the front yard of another home.

There was discussion about the aesthetics that would be caused by allowing six foot solid fences or slightly increasing the allowed area that a fence can encroach but limiting the height to 4 feet (option B listed above).

A call for public comment was made and no member of the public came forward.

A Motion was made by Commissioner Auerbach to recommend approval that encroachment into the corner side yard between the rear corner of the home and the rear lot line allowing up to a 4ft high semiprivate fence. The motion was seconded by Commissioner Novoselsky.

Aye: Novoselsky, Auerbach, and Yohanna

Nay: Jakubowski, DeAngelis, Sampen

Abstained:

Motion Failed: 3-3

A Motion was made by Commissioner Sampen to recommend approval that Encroachment for the entire length of the corner side yard 6 foot semiprivate. The motion was seconded by Commissioner DeAngelis.

Aye: Jakubowski, DeAngelis, Sampen

Nay: Novoselsky, Auerbach, and Yohanna

Abstained:

Motion Failed: 3-3

A Motion was made by Commissioner Auerbach to recommend the case be continued to the August 3rd meeting to allow staff to update findings based on this meeting's discussion. The motion was seconded by Commissioner Novoselsky

Some discussion before the vote was taken. Commissioner Auerbach stated that she wanted to bring in some examples to support her previous motion. Staff was also directed to bring in some additional pictures and information about neighboring communities.

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

Nay:

Abstained:

Motion Passed: 6-0

VI. Case #PC-10-22: Zoning Code Text Amendment – Permissibility of Certain Use in Various Zoning Districts Throughout the Village

Request: Referral by the Village Board to consider potential Zoning Code Text Amendments related to the permissibility of certain uses in various Zoning Districts throughout the Village, including the B-1, B-2, B-3, O, and M-B districts. Discussion during this hearing may relate to Table 4.01.1 Permitted and Special Uses in All Zoning Districts, Section 2.02 Definitions, and Sections 4.07, 4.08, and 4.09, which pertain to standards and regulations related to uses in those zoning districts. During this Hearing, the Plan Commission may consider any additional Text Amendments related to this case.

Planning and Economic Development Manager Doug Hammel summarized the case including that there have been a number of discussions related to permitted uses in certain zoning districts.

- Zoning Text Amendments considered through the public hearing process
- PUD Amendments applied to certain properties
- Long-range planning processes and plan recommendations
- Policy discussions among the Village Board or Plan Commission

There were 5 categories of uses specifically referenced in previous discussions to be considered by the Plan Commission at this meeting.

Temporary Uses (food truck, weekend markets)

“Ghost” spaces (internet order only with delivery only)

Residential mixed-use

Permitted uses in the M-B district vis-à-vis the NEID TIF Conceptual Redevelopment Plan

Car washes as a special use instead of a permitted use

It was suggested that the commission start if the consideration of a Car Wash should be a special use as opposed to the current classification as a permitted use in the M-B zoning district

A Motion was made by Commissioner Novoselsky to recommend that all car washes be moved from a permitted use to a special use in the M-B district. The motion was seconded by Commissioner Auerbach.

Aye: Jakubowski, Auerbach, Novoselsky, and Yohanna

Nay: DeAngelis, Sampen

Abstained:

Motion Passed: 4-2

This item will go the Village Board at a future meeting

There was discussion about ad hoc committees to lessen impact on staff time for the needed research by staff.

There was discussion about prioritizing the categories for further research/discussion.

A Motion was made by Commissioner Jakubowski to recommend the case be continued to the July 6th meeting to allow staff to update findings based on this meeting's discussion on Ghost Spaces and Residential Mixed use. The motion was seconded by Commissioner Auerbach.

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

Nay:

Abstained:

Motion Passed: 6-0

VII. Staff Update Regarding Past Plan Commission Cases

- a. 3477 West Touhy Avenue – Text Amendment and Special Use to Allow a Craft Cannabis Grower
- b. Zoning Text Amendment Regarding Zoning Variation Standards
- c. Zoning Text Amendment Regarding Short-Term Rentals

Community Development Director Scott Mangum and Planning and Economic Development Manager Doug Hammel gave updates on some recent cases that came through the Plan Commission.

VIII. Next Meeting

The next meeting of the Plan Commission is scheduled for Wednesday, July 6, 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, DeAngelis, Sampen, Novoselsky, Auerbach, and Yohanna
Nay:

Abstained:

Motion Passed: 6-0

Meeting adjourned at 9:21 p.m.

Respectfully submitted,

Marcos Classen
Community Development Coordinator