



**MEETING MINUTES
OF THE
PLAN COMMISSION
June 5, 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, and Village Attorney Greg Smith

I. Call to Order

Chairman Yohanna noted a quorum and called the meeting to order at 7:00 pm

II. Pledge of Allegiance

Commissioner Sampen arrived at 7:01 pm

III. Approval of Minutes

Motion to approve the May 1, 2024, Plan Commission Minutes was made by Commissioner Novoselsky and seconded by Commissioner Kohn.

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

Nay:

Abstain:

Motion Approved: 6-0

IV. Case #PC-05-24: 7244 North Lincoln Avenue – Special Use Related to Permitted Hours of Operation

Planning and Economic Development Manager Doug Hammel went over the details of the case where Onion Lincoln Enterprises (d.b.a. Fat Pour) is pursuing approval to extend the hours of operation past the allowed time of 11 P.M.

Mr. Hammel went over the restaurant's location within the District 1860 development highlighting residential areas near the property and the 299 residential units above the restaurant located in the same mixed-use building. He also noted the history of the property and that shortly after the opening of the restaurant, staff noticed that the hours posted were not in compliance with the ordinance. However, once notified, the Petitioners promptly submitted a request to come into full compliance.

The Petitioners requested a Special Use to operate beyond the permitted hours established in Section 4.07(15) and requested hours of operation from 11:00 AM to 1:00 AM on Friday and Saturday and 11:00 AM to midnight on Monday through Thursday.

Mr. Hammel then reviewed the current dining operations of the restaurant, explaining that their outdoor dining is currently open until 10:00 PM. Staff recommended that as part of any approval, a condition should be included to allow outdoor dining until 11:00 PM. Without a condition, outdoor dining would be allowed for all the allowed hours because the zoning code has no specific regulations regarding outdoor dining.

There was discussion about whether indoor and outdoor dining should be restricted differently.

Petitioners:

Ehren Fournier, Attorney for the petitioner

Arthur Holmer, Executive Chairman of Onion Lincoln Enterprises

Patrick Steinfort, General Manager for Lincolnwood Fat Pour location

Commissioner Sampen asked how long the restaurant has been operating and if they have received complaints from residents. Mr. Steinfort stated that the restaurant has been in operation for 6 weeks and that he has not been aware of any complaints.

Commissioner Novoselsky asked if there was any intention to provide outdoor music. Mr. Steinfort clarified that the restaurant will not have outdoor music as the restaurant does not have outdoor speakers. Commissioner Novoselsky asked if the Petitioners would be open to accepting a condition of approval that no outdoor devices creating amplified sound be allowed.

Mr. Hammel clarified that the restaurant would still be subject to the general nuisance code in which sound at the property line cannot exceed 55 decibels in the evening and night.

Commissioner Sampen asked about the style of the restaurant. Mr. Steinfort explained that the style of the restaurants varies. Parts of it are a sports bar, while other areas can be closed off for customers wanting a finer dining experience.

There was discussion about what level of flexibility under the code is needed and what should be allowed. Commissioner DeAngelis asked if a new entity took over the space, would the special use apply to the new business. Village Attorney Mr. Smith clarified that the special use being requested would only apply to Fat Pour and if a new entity were to take over the space, they

would need to apply for a special use. Commissioner DeAngelis asked the Petitioners their thoughts on a condition restricting outdoor music and if they wanted flexibility for changes in the future or did not care about being restricted. They expressed a preference for flexibility.

Let the record show there was no public comment.

A Motion was made by Commissioner Sampen to recommend approval of the application with the condition that there be no amplified sound outside.

Discussion ensued concerning the addition of a condition that outdoor dining close at 11 P.M. There was also discussion about the different types of outdoor music that could occur and if a restriction is needed or the concerns about sound are already covered by the nuisance ordinance.

A revised Motion was made by Commissioner Sampen to recommend approval of the application for extended hours as requested with the condition that outdoor dining close operations at 11 P.M.

The motion was seconded by Commissioner Auerbach.

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

Nay:

Abstain:

Motion Approved: 6-0

This case will go to the Village Board on June 18th.

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

Planning and Economic Development Manager Doug Hammel explained that the Village Board Committee of the Whole referred a discussion to the Plan Commission for a text amendment regarding “attention-getting devices” such as illuminated signs, string LED lights, and other devices installed to garner attention from motorists or pedestrians on public rights-of-way.

He reviewed how certain attention-getting devices do and do not relate to existing sign regulations by reviewing definitions for signs and lighting. The Village Attorney Mr. Smith confirmed that the sign definition is wide enough to interpret attention-getting devices as signs, but a policy discussion and potential Text Amendment would be warranted if the Village would like to regulate attention-getting devices more explicitly.

There was discussion about how similar examples with signs in the Village have been regulated.

Mr. Hammel reviewed how window signage is currently regulated.

Mr. Hammel reviewed the Trustees' comments from the Committee of the Whole Discussion. Generally, they expressed support for regulating attention-getting devices due to the detrimental impact on the look of properties with these devices.

He reviewed how peer communities (Evanston, Buffalo Grove, and Schaumburg) have regulated attention-getting devices.

There was discussion about the types of signage that should be regulated and what falls under the definition of attention-getting devices.

Mr. Hammel asked the Commissioners to discuss the following policy questions:

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?

Commissioner DeAngelis asked if the Village were to restrict only window strip lighting, could a business put an LED sign near by not touching a window and still fall into compliance? Discussion ensued. Commissioner Auerbach approved of signage or products communicating what the store is selling, but not signs flashing "open" or other attention-getting signs.

Mr. Hammel explained that staff conducted a Village inventory of commercial businesses with attention-getting devices and found that 28 businesses were identified, only 7 of which were vape and tobacco shops.

Some Commissioners expressed a hesitancy to regulate the attention-getting devices and asked what the rationale the Trustees had for wanting to regulate the devices. Mr. Hammel explained that their rationale was related to maintaining a certain aesthetic in the Village. Mr. Smith noted that the U.S. Supreme Court upholds that "aesthetics" is a legitimate component of health, safety, and welfare. Therefore, if the Village imposed rational, aesthetic regulations, they would be upheld in court.

There was discussion on whether the existing attention getting devices could be classified as signs and therefore regulated as such. Mr. Hammel said the code is not explicit enough to protect the Village from a challenge or appeal.

There was discussion as to whether Lincolnwood should regulate attention-getting devices similar to any of the peer committees. Mr. Hammel said that content-based regulation can be difficult. He explained that it may be appropriate to think about devices that do not have communicative value. If there is a sign with communicative value, it would fall under the purview of the sign regulations. While devices like lights around the window, which are not communicative, could be considered an attention-getting device.

Mr. Hammel explained that staff mailed a notice about the public hearing to all 28 businesses in the Village with existing attention-getting devices allowing them the opportunity to express concerns if needed.

Let the record reflect that no one from the public came forward.

A Motion was made by Commissioner Novoselsky that the Village adopt an ordinance similar to Buffalo Grove where the regulation is limited to window trimming.

Author's Note - Buffalo Grove text being referred to: "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."

Mr. Hammel asked for the Commissioners to leave discretion for staff to work with the Village Attorney to decide the best place for the text amendment to fall in the zoning ordinance if the substance of the motion was captured.

The Commissioners agreed to let staff work with the Village Attorney.

The motion was seconded by Commissioner Auerbach.

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

Abstain:

Motion Approved: 5-1

This case will go to the Village Board on June 18th.

VI. Next Meeting

The next meeting of the Plan Commission is scheduled for Monday, July 1, 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 Sampen to adjourn the meeting.

The motion was seconded by Commissioner Auerbach.

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

Nay:

Abstain:

Motion Approved: 6-0

The meeting ended at 8:23 pm.

Respectfully submitted,

Marcos Classen

Community Development Coordinator