



**MEETING MINUTES
OF THE
PLAN COMMISSION
August 3, 2022 – 7:00 P.M.**

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

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

Absent: Chairman Mark Yohanna, Commissioner Don Sampen

Staff Present: Community Development Director Scott Mangum, Planning and Zoning Manager Doug Hammel, Village Attorney Hart Passman, Community Development Coordinator Marcos Classen, Village Board Trustee Atour Sargon

I. Call to Order

Commissioner Steven Jakubowski noted a quorum and called the meeting to order at 7:01 p.m.

Motion to appoint Commissioner Jakubowski as acting Chairman for tonight's meeting made by Commissioner DeAngelis and seconded by Commissioner Novoselsky.

Aye: Auerbach, DeAngelis, Kohn, and Novoselsky,

Nay: None

Abstain: Jakubowski

Motion Approved: 4 - 0

II. Pledge of Allegiance

III. Approval of Minutes

Motion to approve the July 6, 2022, Plan Commission Minutes was made by Commissioner DeAngelis and seconded by Commissioner Auerbach.

Aye: Auerbach, DeAngelis, Kohn, and Novoselsky

Nay: None

Abstain: Jakubowski

Motion Approved: 4 - 0

IV. Case #PC-13-22: 4010 West Touhy Avenue – Approval of Special Uses and Variations Related to the Development of a Restaurant Use with a Drive-Through Facility

Request: Consideration of a request by Meherally Property Holdings LLC, on behalf of Stanley and Sophia Bazianos, property owner, to approve the following for the development of a restaurant use with a drive-through facility at the property commonly known as 4010 West Touhy Avenue: 1) Special Use approval for the operation of a drive-through facility; 2) Special Use to allow the operation of a commercial use prior to 7:00 AM and/or after 11:00 PM; 3) Special Use to permit parking in the front yard; 4) Special Use for the construction of a masonry fence/wall; 5) Variation to allow a fence in the front yard; 6) Variation to allow the drive-through menu and canopy to be located within the required building setback buffer; 7) Variation to allow a portion of the required transition yard setback buffer to be used for vehicular circulation; 8) Variation to reduce the amount of required on-site parking from 21 parking spaces to 12 spaces; 9) Variation to permit the “Lincolnwood runs on Dunkin” and “Something fresh always brewing” signs; 10) Variation to permit wall signs with an area greater than 1/3 of the signable wall area; 11) Variation to waive the requirement for two parking lot islands and to reduce the required width of one parking lot island; and 12) Variation to waive the requirement for foundation landscaping along the north and east building facades. During this Hearing, the Plan Commission may consider any additional relief that may be discovered during the review of this case.

Acting Chairman swore in the members representing the applicant:

Petitioner: Nadeem Meherally

Architect: Steve Kolber

Traffic Engineer: Justin Opitz

Planning and Zoning Manager Doug Hammel went over the case. The subject location is 4010 W Touhy Ave, this location was a former bank and more recently has been used as a COVID testing site.

Mr. Hammel noted that the Traffic Study was only received from the applicant on July 28, 2022. While the traffic study was included in the packet and made available for public viewing however, and the Village engineer has not had a chance to review traffic study and provide a peer review.

There are eleven special use and variations considerations for this case.

Acting Chairman Jakubowski suggested going through each special use/variation individually

1. Special use for operation of a drive through facility

Commissioner Novoselsky noted that this is difficult to discuss without peer review from engineer.

The commission discussed the recently approved and constructed (2019) Starbucks located at 4320 W Touhy. There was discussion about the similarities between that case and this one, specifically about the noise from the ordering board, and any traffic issues. Mr. Hammel also noted that a follow up traffic study is being worked on as a requirement of that development.

2. Special Use for hours of operation prior to 7 am

The proposed hours for this business are 7 days a week, with employees starting at 4 am, opening to the public at 4:30 am. The business would close at 10:30 pm and employees should be off the premises by 11:00 pm.

Mr. Meherally talked about operations at other Dunkin's location and how it relates to the proposed location. He spoke about how the stacking is oriented differently from the Starbucks, with the current configuration allowing for up to 11 car stacking and how the ordering station is oriented to be pointing away from residences, where the Starbucks ordering station faces the nearby residences. No overnight deliveries.

3. Special Use for parking in the front yard

Because of the way the building is oriented the area where the parking lot is located is considered the front yard of the property.

No comments from commission

4. Special Fence approval for the constriction of a masonry fence/wall

An 8-foot masonry wall, minimum 10'' thick wall, running along the northern lot line of the property would be installed.

No comments from the commission

5. Variation to allow a fence in the front yard

Because of the way the building is oriented the area where a majority of the wall would be located is considered the front yard of the property.

No comments from the commission

6. Variation to allow the drive-through menu and canopy to be located within the required building setback buffer

There was some discussion about the alley, between masonry wall and residential properties and how it impacts the requirements and created the need for this variation.

7. Variation to reduce the amount of required on-site parking from 21 parking spaces to 12 spaces

Per code this is not a quick service restaurant and due to that classification 21 spaces are required by code.

The restaurant classification is made based on the number of chairs located inside the restaurant. Mr. Meherally said that there would typically be between 3 and 5 employees during peak times. There was talk about where these employees would park and how it may impact neighborhood parking.

Commissioner Novoselsky asked if there were any projection about how many customers would eat their meals inside the restaurant

Mr. Optiz compared this site to other Dunkin' locations (location on Dempster, in Skokie). He spoke about the similarities between that location, and this proposed location and how they observed that there were never more than 8 vehicles parked in that lot, and never more than 10 stacked vehicles in the drive through.

Acting Chairman Jakubowski asked some clarifying questions about a quick service restaurant vs a limited service restaurant as defined by Lincolnwood code.

Commissioner DeAngelis noted that it may be worth looking into comparing our code to neighboring towns codes and looking to adapt restaurant classifications, based on the type of restaurant as opposed to strictly being based on the number of chairs.

Commissioner Auerbach noted that in the past people would often use coffee shops as de facto offices for longer periods of time and asked if the petitioners have noticed that the behaviors of customers have changed

Mr. Meherally stated this hasn't been an issue in any of the Dunkin' locations that he's owned.

8. Variation to waive the requirement for two parking lot islands and to reduce the required width of one parking lot island

There was discussion about how the parking lot islands would not be eliminated, only that the proposed sizes are smaller than what is required by the code. There was also clarification that the petitioner would include landscaping at the space would allow.

Acting Chairman Jakubowski asked about the street parking regulations on Touhy Ave and on Keystone Ave. There was some discussion about considering allowing parking on Keystone for staff.

9. Variation to waive the requirement for foundation landscaping along the north and east building facades

No comments from the commission.

10. Variation to permit additional wall signs
11. Variation to permit wall signs with an area greater than 1/3 of the signable wall area

Commissioner Auerbach asked how sign on the north façade is going to be illuminated.

Mr. Kolber stated that the sign itself would not be illuminated but would have lighting that pointed towards the ground and not project out towards the residential area. He also stated that the signage on the West façade would operate the same way.

There was discussion about how wall signage area is determined as it relates to Variation 11. There was a consensus that the unique design of the signage is causing the wall signage area to

Acting Chairman Jakubowski noted that he was worried that allowing this signage could set some sort of precedent going forward.

Village Attorney Hart Passman stated that there would be no precedent based on this decision, each public hearing case is based on its own merits and circumstances.

Mr. Meherally and Mr. Kolber spoke about how these are general Dunkin branded signage

There was some discussion about the egress onto Touhy Ave. Currently this access point is configured as an exit only allowing turns that would access either eastbound (left turn) or westbound (right turn) access to Touhy Ave.

Mr. Opitz spoke about how the current design was to give the most possible flexibility to patrons.

If it is determined that the Touhy egress should only allow for westbound Touhy Ave access, then eastbound Touhy Ave. access would only be available via Keystone Ave.

There was some discussion about what traffic issues this could cause, including limiting the impact of vehicles using Keystone as a through street, and preventing access to use the alley behind the facility to access Crawford Ave.

Mr. Meherally spoke about how the design is consistent with other businesses at the intersection which currently allow access to both eastbound and westbound traffic (Shell, Jiffy Lube, etc.)

There was some discussion about potential IDOT approval and how that could impact any Plan Commission recommendations.

Commissioner DeAngelis asked if the Plan Commission could give a conditional approval without seeing the Village engineer's peer review.

Mr. Passman stated that if the Commission were to offer a conditional approval, then that would be it for the Commission as that would close the public hearing portion of this case, any further review would be done by the Village Board and would not be subject to any further review from the Plan Commission.

Commissioner Kohn asked why an IDOT review was necessary since it doesn't appear that any of the curb cuts are changing.

Mr. Hammel noted that the change in use for the property is what triggered the need for an IDOT review.

There was discussion about how pedestrians would be able to safely navigate the space, not only moving to and from the parking lot and the outdoor patio.

Mr. Kolber wanted to discuss the potential building materials.

Mr. Hammel stated that the proposed building materials were not submitted prior to the meeting and that there was not enough information to make a staff recommendation yet.

Mr. Kolber spoke about the how the materials would be different from the petitioner's previous application, where this site would be using actual bricks as part of the façade.

Acting Chairman Jakubowski asked if a variation would be needed for the proposed materials.

Mr. Hammel stated that he did not have enough information to make that determination yet.

There was discussion about the timing of future meeting relative of any potential IDOT approvals and the majority believed that continuing this case would not cause any delays as it is unlikely that the IDOT review would be received before the next Plan Commission meeting.

No public comment for this item.

A Motion was made by Commissioner Auerbach to continue this case to the September 7. The motion was seconded by Commissioner Novoselsky.

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

Nay: None

Abstain:

Motion Approved: 5 - 0

- V. **Case #PC-07-22: Zoning Code Text Amendment – Temporary Structures**
This public hearing was previously continued during the April 6, May 4, and June 1, 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 Zoning Manager Doug Hammel went over history of this case, including summarizing previous discussions from the Plan Commission at previous meetings, including a number of staff recommendations from the June 2022 meeting. As a part of the previous discussion Commissioners generally agreed that it is appropriate to establish a definition distinguishing between temporary and permanent structures, they also requested additional information regarding other communities' approaches to regulating temporary structures. Tonight's discussion is geared towards going over those findings made by staff.

Acting Chairman Jakubowski asked how the review process would be administered, and how long staff believes it would take for a review.

Mr. Hammel stated that he believes staff could conduct the review within 3 to 5 business days and this review would only be required for non-residential properties. Residential properties would not be subject to this procedure. The intent of the ordinance is also define what a temporary structure is and any structures that are at a site for longer than 14 days, regardless of if it's a residential or non-residential property, would be considered a permanent structure.

Mr. Passman clarified the intention of the staff recommendations:

- 1) Temporary Structure – Structure that is erected for less than 14 days
- 2) Non-Residential Properties looking to erect a temporary structure would be subject to an administrative review
- 3) Residential properties looking to erect a temporary structure would not be subject to an administrative review
- 4) If a structure is erect for 14 or more days, it would be considered a permanent structure and would be subject to all relevant Village codes.

There was discussion about any potential impact to parking space requirements.

Acting Chairman Jakubowski asked if there were any provisions about how many times a temporary structure could be applied for.

Mr. Hammel stated that there is no provision for this in the current version of the ordinance.

There was consensus from the commission that staff should present the proposed process for the administrative review of temporary structures for the Plan Commission to review.

No public comment

A Motion was made by Commissioner Novoselsky to continue case to Sept 7, the motion was seconded by Commissioner Kohn.

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

Nay: None

Abstain:

Motion Approved: 5 -0

VI. Case #PC-11-22: Zoning Code Text Amendment – Fence Regulations Pertaining to Properties Abutting Prominent Street or Arterial Streets
This public hearing was previously continued during the June 1, 2022 meeting

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.

A Motion was made by Commissioner Auerbach to continue case to Sept 7, the motion was seconded by Commissioner Kohn.

Aye: Auerbach, Kohn, Novoselsky, and Jakubowski

Nay: DeAngelis

Abstain:

Motion Approved: 4 - 1

VII. Discussion: Plan Commission Rules and Regulations

No discussion about this item, discussion moved to next month

Commissioner DeAngelis spoke about wanting to set up an Ad Hoc Committee to expand the permitted uses of housing in the Village

VIII. Staff Update Regarding Past Plan Commission Cases

- a. 7080 North McCormick Boulevard – Kiwi Kids Food Distribution Use

No updates provided.

IX. Next Meeting

The next meeting of the Plan Commission is scheduled for Wednesday, September 7, 2022.

X. Public Comment

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

XI. Adjournment

Motion to recommend adjournment was made by Commissioner Auerbach and seconded by Commissioner Kohn.

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

Nay: None

Abstain:

Motion Approved: 5 - 0

Meeting adjourned at 9:37 p.m.

Respectfully submitted,

Marcos Classen
Community Development Coordinator