



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

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

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

**Absent:** Commissioner Suzanne Auerbach

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

**I. Call to Order**

Chairman Mark Yohanna noted a quorum and called the meeting to order at 7:09 p.m.

**II. Pledge of Allegiance**

**III. Approval of Minutes**

Commissioner DeAngelis stated that he wanted to amend the language used to describe the reason for the proposed ad hoc committee on page eight (in section 7) of the minutes.

After some discussion the proposed amended language is

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

***Motion to approve August 3<sup>rd</sup> Plan Commission Minutes as amended was made by Commissioner DeAngelis and seconded by Commissioner Kohn.***

***Aye: DeAngelis, Kohn, and Jakubowski***

***Nay: Novoselsky***

***Abstain: Sampen, Yohanna***

***Motion Approved: 3 -1***

**IV. Potential September 28, 2022 meeting**

*Motion made to convert September 28 workshop meeting date to a full Plan Commission meeting made by Commissioner DeAngelis and seconded by Commissioner Novoselsky.*

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

*Nay:*

*Abstain:*

*Motion Approved: 6-0*

**V. 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**

*This public hearing was previously continued during the August 3, 2022 meeting*

**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.

Chairman Yohanna swore in the members representing the applicant:

- Petitioner: Nadeem Meherally
- Architect: Steve Kolber
- Traffic Engineer: Justin Opitz

Planning and Zoning Manager Doug Hammel gave a recap of the case. The subject location is at 4010 W Touhy Ave. Since the last meeting more information was obtained about the materials that are proposed for the project and that has resulted in a 12<sup>th</sup> item being added to the list of variations and special uses needed.

12. Variation from Section 6.04(3) to reduce the required percentage of “high-quality” materials on the south and west facades.

Mr. Hammel went over the Traffic Parking Study that was received from the petitioner a few days before the August 3<sup>rd</sup> meeting. Since the last meeting the peer review from the Village Engineer was received and was included in the meeting packet.

Mr. Hammel went over the responses from the Village Engineer including the recommendation of a gap study being performed along Touhy Avenue at both Keystone Avenue and at the site access driveway.

There was discussion about a preliminary IDOT review and a resulting email thread between the petitioner and IDOT that was forwarded to the Village on August 29<sup>th</sup>. There was some uncertainty about the preliminary comments provided by IDOT as the comments state that the Touhy egress point would continue to be allowed but there was no clarification as to if both left and right turns would be allowed from that exit point. As currently configured the only entrance would be off Keystone while vehicles would be able to exit from either Touhy Ave or Keystone Ave.

Commissioner Novoselsky asked if there has been any discussion about creating a left turn lane on eastbound Touhy to allow access to northbound Keystone

Mr. Opitz spoke on behalf of the petitioner about getting clarification from IDOT reiterating that the left or right egress on Touhy would still be allowed since the preliminary review was not clear.

There was some discussion about the timeline for an IDOT review.

Mr. Opitz stated that for the preliminary review it took about a month, however, for a formal review it usually takes three to four months.

Mr. Hammel stated that it is normal for Zoning approval to be given prior to full IDOT approval and if the IDOT approval does not cause significant changes once received the project would then be able to move forward.

Commissioner Novoselsky asked if the creation of a left turn lane on eastbound Touhy Ave at Keystone Ave was under IDOT’s purview, to which Mr. Hammel stated that yes that would fall under IDOT’s jurisdiction.

Commissioner Novoselsky asked if the petitioner has requested that a left turn lane be installed on eastbound Touhy Ave at Keystone Ave.

Mr. Opitz stated that the petitioner would make that request to IDOT.

There was some discussion about the current median on Touhy Ave at Keystone and the history surrounding when they were initially installed.

Mr. Hammel then reviewed the new variation required for this project: Variation from Section 6.04(3) to reduce the required percentage of “high-quality” materials on the south and west facades.

Mr. Hammel went over four considerations regarding the Variation request:

- Requirements imposed on the Petitioner by the corporation granting its franchise agreement.
- The durability of the proposed materials that do not qualify as “high-quality” as per Section 6.04(3) of the Zoning Code;
- Potential revisions to the façade design that may reduce the need for or magnitude of the relief being requested; and
- Consistency with the general intent of the Zoning Code as it relates to the aesthetic character of commercial properties in the Village.

Mr. Hammel stated that the Village has recently approved alternative materials being used due to franchise requirements. He also spoke about the perceived durability of the proposed materials versus the material listed on the Villages “high quality” material list.

Mr. Hammel went over the staff recommendations for the proposed development.

- Prohibit northbound turns from the subject property onto Keystone Avenue using both curb configuration and signage.
- If Touhy Avenue curb cut is permitted to continue to allow eastbound and westbound egress, install signs directing motorists from the drive-thru window to Touhy Avenue to minimize commercial traffic on Keystone Avenue
- Use pavement markings or different pavement materials to designate pedestrian walkways across vehicular drive aisles (these are shown in the revised site plan)

Commissioner Novoselsky asked if staff had a recommendation on left hand turn lane being installed on eastbound Touhy Ave at Keystone Ave.

Mr. Hammel stated that from a traffic management standpoint he believes the Village Engineer thinks it would be a good idea. He also stated he believes that a left turn lane on Touhy would make sense from a business standpoint but discussions about removing the median have not taken place.

Petitioner Nadeem Meherally and Steven Kolber spoke about and showed the commissioners sample cementitious panels planned to be used in the proposed development.

Commissioner DeAngelis asked is this was the preferred material of the franchisor.

Mr. Kolber stated that it is a cement based panel that is pre-finished that allows the material to be more durable and last longer and has been a standard for many years in newer built chain franchises.

Commissioner Novoselsky asked about preferred signage of the franchisor.

Mr. Kolber indicated that there are certain aesthetics that the Dunkin brand try to have across all of their locations, but does state that materials used are dependent on the specific location

Commissioner DeAngelis asked about the manufacturing of the panels and stated that he believed that the way the panels are treated during production alleviates many of the issues traditionally attributed to the types of materials being used. Mr. Kolber agreed with this statement, he stated that the way the panels come out of the box is how they go on the building. Commissioner DeAngelis stated that the way it is finished makes it a higher end product than a traditional Hardie Board.

Commissioner Sampen stated that even though the proposed materials has characteristics of a higher end version of a Hardie board, which is not on the list of “high quality” materials, and he asked how the request would be consistent of what the Village code requires.

Mr. Hammel stated that objectively if the petitioner is able to show that the proposed materials would be durable and have similar aesthetic characteristics as the other materials on the “high quality” material list, then the Commission may find that the proposed materials is consistent with the materials on the “high quality” material list.

There was some discussion about how fire retardant the cementitious panels are. Mr. Kolber stated that cementitious panels are noncombustible but are only a skin for the building, any internal fires would more than likely be due any wood finishing used inside the building.

Commissioner Novoselsky asked the petitioner if they would you agree to as a condition of approval that they would make a request through IDOT for a left turn lane on eastbound Touhy Ave at Keystone Ave. Mr. Meherally stated that they would make that request to IDOT.

Chairmen Yohanna opened the floor to public comment

Ms. Connie Jens spoke about negatively the area was affected by the COVID facility that was most recently at the proposed location. She also spoke about the increase in traffic in the area and how it made navigating the area difficult. She stated that people already use Keystone Ave as an outlet for Touhy Ave traffic and that this would only increase the issues. She feels the proposed development is not a good fit for the neighborhood.

Mr. Marc Jens spoke about all the issues that the COVID facility caused for them. He spoke about how traffic would be impacted. He stated that he observed an increase in traffic and that vehicles would ignore the speed limit on the block. He feels it would cause the area to be unsafe.

Ms. Susan Pfandt talked about how she is against this development. Stated that she thinks it could make the area unsafe by increasing the foot traffic in the area. That there would be no benefit to the neighborhood.

Mr. Hammel also wanted the record to reflect some written comments provided by resident’s show could not make the meeting. He stated that all the commissioners were provided the written statements at the beginning of the meeting.

Commissioner Sampen asked if petitioner has spoken with nearby residents

Mr. Meherally spoke about how they have made attempts to reduce impact to nearby residents, but that they did not speak to nearby residents about this proposal.

Commission DeAngelis spoke about how he believes the bad experience with the short term COVID facility should not be held against this development. He believes that the two business are different enough that the experience with the COVID facility won't translate to the operations at a Dunkin.

Chairman Yohanna confirmed that no other members of the public wished to speak.

Commissioner DeAngelis stated that he believes that most of the issues with this development are Village issues and not directly on the petitioner to fix, he stated that he is in favor of development.

There was some discussion about some operational procedures for the proposed development, including the refuse enclosure location, more clarification on when deliveries would be made, and hours of operation. It was determined that there would be daily deliveries between 4:00 and 4:30 am for food items by a smaller truck, and weekly deliveries by a semi-truck typically during the day, normally after 10 am, but with no actual set time.

There was some discussion about the impact of the drive thru and any lights that would come off the vehicles in the drive thru.

The discussion went to how the proposed development would affect the traffic on Keystone Ave.

Mr. Hammel talked about recommended signage for the location as well as recommending a curb cut that would direct traffic towards Touhy Ave and attempt to limit northbound traffic onto Keystone.

There was discussion about the potential need for speed bumps on Keystone and who would make the determination if they were needed.

There was more discussion about the procedures for requesting speed bumps and who would be responsible for requesting speed bumps.

There was discussion about the recent Starbucks development on the 4300 block of Touhy and if any speed bumps were placed in the neighborhood as a result.

Commissioner Novoselsky sought to add a provision to any motion that the three requirements from staff be included and to add a requirement that they apply for a left turn lane onto Keystone from Touhy through IDOT.

There was some discussion about if the signage prohibiting right turns onto Keystone from the development would be enforceable.

Attorney Hart Passman spoke about how any signage for right turn on to Keystone Ave would be enforceable by Lincolnwood Police.

Village Engineer Mike Zeigler spoke about the recommended gap study and why the Village would want that study to be completed. While it is understood that the previous use here allowed a left turn onto Touhy Ave. the proposed new use would help determine the gaps in traffic that would allow for vehicles to not only cross Touhy but to successfully be able to enter east bound lanes of traffic. Mr. Zeigler also believes the study would more than likely be needed to get final IDOT approval.

***A Motion to recommend approval made by Commissioner DeAngelis. That motion included the conditions recommended by staff as well as a requirement that the petitioner apply for a left turn lane onto northbound Keystone from eastbound Touhy. The motion was seconded by Commissioner Kohn.***

***Aye: Jakubowski, DeAngelis, Kohn, Novoselsky, and Yohanna***

***Nay: Sampen***

***Abstain:***

***Motion Approved: 5 – 1***

Will go to village board on September 20, 2022.

**VI. 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, and August 3, 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 and going over the proposed zoning concepts and ordinance updates.

Mr. Hammel went over a proposed regulatory framework including two proposed amendments:

- Amendment to Section 2.02 to establish a definition of “structures, temporary”
- Addition of a new Section 3.09 Temporary Structures to establish applicability of zoning code and standards for temporary structures

Temporary structures would be able defined as a structure to be erected for a duration less than 14 days.

Mr. Hammel also went the proposed standards that temporary structures would be subject to.

For Residential properties there would be no formal application process or approval required, though the Village would have certain standards that would need to be followed.

In addition to the 14-day maximum time allotment, structures would be needed to be removed within 3 days of the event ending and properties would be limited to 3 temporary structure events per 365-day period.

Commissioner DeAngelis asked if there was a required gap in time between temporary structure events. Mr. Hammel stated it was considered but not included in the proposed standards, though it is something that the Commission could add if they deemed it appropriate.

For properties with a non-residential use, there would be a formal administrative application process.

There was some discussion about the term “properties with a non-residential use”. Mr. Hammel spoke about not limiting the provision to specific zoning districts and wanting to capture non-residential uses that are in residential zoning districts. Community Development Manager Scott Mangum suggested using the term principal use of the property instead of properties with a non-residential use.

Village attorney Hart Passman gave a summary of the intended proposal to identify properties regardless of zoning district whose primary use is non-residential and that these properties would be subject to review prior to erecting a temporary structure.

Commissioner DeAngelis asked about how current temporary structures are handled at commercial properties. Mr. Hammel stated that staff is looking to craft regulation that are in line with current practice, which would allow staff to make sure that no one is creating a potentially dangerous situation.

Commissioner DeAngelis asked the Village attorney about how these types of structures are litigated in other municipalities. Mr. Passman stated that he didn't have any specific examples of temporary structures but did note how many municipalities are trying to determine the new normal after many temporary provisions were granted for outside access during the COVID pandemic.

Mr. Hammel then went over the proposed administrative process.

Commissioner Jakubowski thinks that proposed language is almost there but is not quite ready. He also stated that he isn't sure how accessibility requirements are covered by this process. Mr. Passman spoke about how accessibility regulations are state regulations and they would be followed in any proposed amendments

Chairman Yohanna asked if there was any public comment regarding this matter. Let the record show that no one came forward.

***A Motion was made by Commissioner Jakubowski to continue this case until September 28, 2022, to allow for updating the recommendations based on tonight's meetings discussions***



*the motion was seconded by Commissioner Kohn.*

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

*Nay:*

*Abstain:*

*Motion Approved: 6-0*

**VII. 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 and August 3, 2022, meetings*

**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 Jakubowski to continue this case until September 28, 2022. The motion was seconded by Commissioner Kohn.*

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

*Nay:*

*Abstain:*

*Motion Approved: 6-0*

**VIII. 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 and July 6, 2022, Plan Commission meeting*

*A Motion was made by Commissioner Jakubowski to continue this case until September 28, 2022. The motion was seconded by Commissioner Novoselsky.*

*Aye: Kohn, Novoselsky, Sampen, Jakubowski, and Yohanna*

*Nay: DeAngelis*

*Abstain:*

*Motion Approved: 5-1*

**IX. Discussion: Plan Commission Rules and Regulations**

*A Motion was made by Commissioner Sampen to continue this case until September 28, 2022. The motion was seconded by Commissioner Jakubowski.*

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

*Nay: DeAngelis and Novoselsky*

*Abstain:*

*Motion Approved: 4-2*

**X. Next Meeting**

The next meeting of the Plan Commission is scheduled for Wednesday September 28, 2022.

**XI. Public Comment**

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

**XII. Adjournment**

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

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

*Nay: DeAngelis*

*Abstain:*

*Motion Approved: 5 - 1*

*Meeting adjourned at 9:54 p.m.*

Respectfully submitted,

Marcos Classen  
Community Development Coordinator