



**MEETING MINUTES
OF THE
PLAN COMMISSION – Special Meeting
September 30, 2024 – 7:00 P.M.**

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

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

Absent: Commissioner Sue Auerbach

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

I. Call to Order

Call to order at 7:04 pm

II. Pledge of Allegiance

III. Approval of Minutes

A motion to approve the September 3, 2024, Plan Commission Minutes was made by Commissioner Sampen and seconded by Commissioner DeAngelis

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

Nay:

Abstain:

Motion Approved: 6-0

A motion to approve the September 4, 2024, Plan Commission Minutes was made by Commissioner Sampen and seconded by Commissioner Kohn

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

Nay:

Abstain: Commissioner Novoselsky

Motion Approved: 5-0

IV. Case #PC-08-24: Zoning Text Amendment – Zoning Text Amendment Regarding the Permissibility Retail Tobacco Stores in All Zoning Districts

Planning and Economic Development Manager Doug Hammel gave a recap of the previous discussion regarding this case from August 7, 2024.

Commissioner Novoselsky spoke about independent research he did, summarizing that he feels that there is no fundamental difference between Vape shops and Tobacco retailers.

Mr. Hammel spoke about differentiating cigar shops from the type of business the Village is looking to regulate.

Mr. Hammel went over different types of tobacco products to spur potential discussion into what type of limits or prohibitions the commission may want to look at.

Mr. Hammel presented definitions for the proposed text amendments including the following:

Definition of “retail tobacco store”: “a retail establishment that dedicates more than 20% of the gross floor area of the use to the display or inventory of tobacco products or tobacco accessories and in which the sale of other products is merely incidental”

Definition of “tobacco products”: To be crafted based on PC preference of qualifying nicotine-based products

Definition of “tobacco accessories”: “any devices or products intended for the processing, packaging, or consumption of tobacco products”

DeAngelis asked about using the same term “retail tobacco store” but having different criteria in different sections of the code and if that could cause problems down the road.

Mr. Hammel noted that the term “retail tobacco store” is being used as a placeholder currently and that the Plan Commission could look to amend the term. He also noted that fundamentally it is how that term is defined that will be most important.

Mr. Hammel went over various classifications of Nicotine-Based products as defined by the FDA to use as a potential framework to establish the products determining the zoning use in Lincolnwood.

There was discussion about not including cigars from any restricted list. Commissioner Sampen noted some confusion as the intent of the Village Board and if it made sense to exclude cigars.

Chairman Yohanna asked the liaison to the Plan Commission Village Trustee Atour Sargon about the previous discussion that the Village Board had.

Trustee Sargon noted that the discussion primarily focused on the proliferation of vape shops in the Village and the potential detrimental impacts that these businesses may have on the neighboring community. She also spoke about the proliferation of vape use among underage users.

Mr. Hammel provided evidence that Lincolnwood has two to five times the number of establishments per capita than surrounding communities.

Commissioner DeAngelis noted that the Village should be looking at why we are attracting this type of use and not a use of a “higher quality”. He noted that the Village should be looking at the underlying reasons for the proliferation of these types of businesses in the Village.

There was some discussion about the definition of “retail tobacco store” and if the 20% threshold referred to sales of floor area. Mr. Hammel indicated that the language used in the presented definition refers to floor area.

Village attorney Hart Passman spoke about how the intent of this hearing is to create a new use that would differentiate this type of business from a general retail store. Once the new use type is established, this new use would be added to the Zoning Use Table and indicated as prohibited in all zoning districts.

There was discussion about how to include the smoking of non-tobacco products and how to include those types of devices in any definition. The discussion also included potentially excluding both cigarettes and cigars from the list of items used to determine the 20% gross floor area and have the definition only focus on the delivery devices.

There was a consensus to focus on the delivery systems as opposed to the types of products that could be consumed. There was consensus to remove cigars from the definition of tobacco products while maintaining the list presented by staff.

The discussion then turned to how to rename the term “retail tobacco store”. A few different permutations were discussed including smoke and vape shop.

No Public comment.

A motion was made by Novoselsky to continue this hearing to the next scheduled November 7.

No second for that motion

A motion made by Commissioner Jakubowski as follows:

- 1) That a definition be established for the term “tobacco products” that includes all tobacco and nicotine products, such as cigarettes, loose tobacco, e-cigarettes, pipe tobacco, etc., with the exception of cigars;***

- 2) *That a definition be established for “tobacco accessories” that includes all instruments used for the processing, packaging, and consumption of “tobacco products”;*
- 3) *That a definition be established for “smoke and vape shop” that includes any retail establishment where more than 20% of the gross floor area is dedicated to the display or inventory of “tobacco products” or “tobacco accessories”;* and
- 4) *That Table 4.01.1 (Permitted and Special Uses in All Zoning Districts) be amended to add a new line item for “smoke and vape shops” prohibit that use in all zoning districts.*

Motion seconded by Commissioner Sampen

Aye: Commissioners Jakubowski, Kohn, DeAngelis, and Sampen

Nay: Chairman Yohanna and Commissioner Novoselsky

Abstain:

Motion Approved: 4-2

This item will go to the board on October 15, 2024

V. **Case #PC-10-24: Zoning Text Amendment – Zoning Text Amendment Regarding Permitted Access to Parking Spaces in the M-B Light Manufacturing and Business Zoning District**

Planning and Economic Development Manager Doug Hammel gave an updated presentation building on the discussion from the September 3rd meeting.

Mr. Hammel reviewed the previously presented stacked parking zoning concept where a parking plan would need to be submitted by a property owner for approval by the Community Development Director. He noted some of the thresholds that would need to be met for a stacked plan to be approved. He also noted that during the previous discussion Commissioners asked about whether curbside parking in the public right-of-way could be used as part of a stacked parking scheme. He stated that if this concept is to include such parking in the public right-of-way, it would also require changes to regulations in both Chapter 6 and Chapter 7 of the Village Code.

An amendment to Chapter 6 of the code would be needed since that section currently prohibits the reserving of parkway parking for specific users and requires a public hearing process to authorize modifications to the right-of-way related to installation of parkway parking.

In Chapter 7 the code currently contemplates restricted and prohibited parking areas, but not on-street areas that may be restricted based on them being part of a stacked parking configuration.

After the public posting of the agenda packet, staff received input from the Police Chief. Chief Parrot expressed concerns over the proposed concept when it would rely on reserved parking in the public right-of-way, noting that it is not standard practice to allow private properties to reserve parking spaces in the public right-of-way.

Taking those reservations into account Mr. Hammel noted that the Plan Commission could look to only recommend approval of stacked parking concept on fully private parking instead of on both private and parkway parking.

Commissioner DeAngelis asked if the Fire Department had commented on the proposal. Mr. Hammel noted that he hadn't had the opportunity to go over the concept directly but stated that he believes they'd have similar reservations to that of the Police Department.

Chairman Yohanna asked if this was viewed as a short-term resolution and if a time limit can be instituted for any recommended ordinance.

Mr. Hammel noted that it would be difficult to move forward with a time limit attached directly to the ordinance but noted that a time limit could be added to each approval where they need to be renewed so that staff could look at the any resulting impacts from an approved stacked plan.

Commissioner DeAngelis asked why this type of plan was not just permissible on all private properties.

Mr. Hammel noted that the access to these potential parking spaces is not conventional. He also noted that codifying an approval process would allow these types of spaces to be included in zoning calculations toward required parking limits.

Commissioner DeAngelis stated that the property owner should have the ability to make this determination without Village input. This type of solution should be allowed as a right.

There was discussion about getting additional input from the Fire Department as they may have different access needs than the Police Department and may raise additional concerns.

No Public comment

A Motion was made by Commissioner Sampen to recommend the parked stacking concepts for the M-B zoning districts as proposed by staff for private parking areas only, with the approval of the fire department and to be renewable for each application every 2 years.

There was some discussion about which portions of the M-B district are affected by this issue.

Commissioner DeAngelis stated that he believes the sub-section of village code (7.06 (3)) that restricts the parking in the M-B zoning district should just be removed from the code and that this type of use should be permitted as a right.

The motion was seconded by Commissioner Novoselsky

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

Abstain:

Motion Approved: 5-1

This item goes to the Village Board October 15th.

VI. Case #PC-07-24: 3420 West Devon Avenue – Approval of Special Uses, Zoning Variations, and Parkway Parking for the Proposed Redevelopment of 3420 West Devon Avenue

The hearing regarding this case was initially held on September 4, 2024, and was continued to September 30, 2024. During the September 30, 2024, meeting, this matter will be continued without discussion to the regularly scheduled meeting on November 7, 2024

Motion to continue without discussion by Commissioner Novoselsky

The motion was seconded by Commissioner DeAngelis

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

Nay:

Abstain:

Motion Approved: 6-0

VII. Discussion: Restructuring of the Plan Commission and Zoning Board of Appeals

Community Development Director Scott Mangum spoke about a discussion at the Committee of the Whole where there was a consensus on combining the Plan Commission and the Zoning Board of Appeals into one entity. He noted that at the October 1st Village Board meeting there would be a discussion on more of the logistics regarding how the two entities would be combined. If formally referred to the Plan Commission, a special meeting of the Plan Commission would be held on October 21st to discuss and necessary Text Amendments.

Chairman Yohanna talked about how the two boards were combined in the past and were split due to the workload of the combined commission.

Commissioner DeAngelis spoke about how increasing the power of the ZBA to give some final approval power instead of just being a recommending board could impact the workload of the commission for the better.

Commissioner Novoselsky asked about the potential new combined commission having earlier start times and if the new commission would meet more often.

VIII. Staff Update

Mr. Hammel noted that he has taken a position in a different community (Glenview) and that this would be his last meeting with the Plan Commission.

There was a consensus among all the commissioners that Mr. Hammel's expertise and thoroughness would be missed and they wished him the best on his future endeavors.

IX. Next Meeting

The next meeting of the Plan Commission is a special meeting scheduled for Monday October 21, 2024.

Chairman Yohanna noted that there were some errors in the meeting minutes from September 4th that he failed to mention earlier.

Mr. Passman noted that the commission would need to pass a motion to reconsider the minutes to have the previously approved minutes amended.

A Motion to reconsider meeting minutes for September 4th minutes was made by Sampen

The motion was seconded by Commissioner Novoselsky

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

Nay:

Abstain:

Motion Approved: 6-0

There was discussion about some of the fixes including updating the header to reflect the correct meeting date in the header, and to amend the wording of two motions on page 13 and 14 of the minutes.

A Motion to amend the meeting minutes for September 4th minutes to reflect the conversation was made by Sampen

The motion was seconded by Commissioner Novoselsky

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

Nay:

Abstain:

Motion Approved: 6-0

X. Public Comment

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

XI. Adjournment

A Motion was made by Commissioner Novoselsky to adjourn the meeting.

The motion was seconded by Commissioner Kohn.

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

Nay:

Abstain:

Motion Approved: 6-0

The meeting ended at 9:01 pm.

Respectfully submitted,

Marcos Classen
Community Development Coordinator