



Village of Lincolnwood Plan Commission

Meeting
Wednesday August 7, 2013
7:00 P.M.

in the
Council Chambers Room
Lincolnwood Village Hall - 6900 Lincoln Avenue
Amended Agenda

1. **Call to Order/Roll Call**
2. **Pledge of Allegiance**
3. **Approval of Minutes**
July 10, 2013 Meeting Minutes
4. **Public Hearing: Definitions - Zoning Code Text Amendment**
(Continued from June 5, 2013, May 1, 2013, March 6, 2013 and February 6, 2013)
Request: Text Amendment to Definition Section to consider Modifying and Adding Certain Definitions Including but Not Limited to Banquet Facility, Banquet Hall, Façade, Fence, Semi-Private or Semi-Private Fence, Restaurant and Restaurants, Fast-Food or Carryout
5. **Public Hearing: Illumination/Glare Requirements for Signs - Zoning Code Text Amendment**
(Continued from June 5, 2013, May 1, 2013, March 6, 2013 and February 6, 2013)
Request: Text Amendment to Organize or Modify References to Glare Reduction Regulations for Signs
6. **Public Hearing: Voting Requirements - Zoning Code Text Amendment**
(Continued from June 5, 2013, May 1, 2013, March 6, 2013 and February 6, 2013)
Request: Text Amendment to Consider Modifying or Eliminating Voting Deadlines for Plan Commission and Zoning Board of Appeals
7. **Public Hearing: Driveway Requirements - Zoning Code Text Amendment**
(Continued from June 5, 2013, May 1, 2013, March 6, 2013 and February 6, 2013)
Request: Text Amendment to Consider Residential Driveway Requirements

8. **Public Hearing: Final Approval Procedure of Planned Unit Development - Zoning Code Text Amendment**
(Continued from June 5, 2013, May 1, 2013, March 6, 2013 and February 6, 2013)
Request: Text Amendment to Consider Requiring Public Hearing for Final Approval of Planned Unit Developments
9. **Other Business: Public Hearing Procedures**
10. **Next Meeting**
11. **Public Comment**
12. **Adjournment**

**MEETING MINUTES OF THE
PLAN COMMISSION
July 10, 2013
7:00 P.M.**

**LINCOLNWOOD VILLAGE HALL
COUNCIL CHAMBERS
6900 NORTH LINCOLN**

MEMBERS PRESENT:

Chairman Paul Eisterhold
Irving Fishman
Don Sampen
Mark Yohanna
Patricia Goldfein
Sue Auerbach
Steve Jakubowski

MEMBERS ABSENT:

STAFF PRESENT:

Community Development Manager Aaron N. Cook, AICP
Community Development Coordinator Lauren Wolf

VILLAGE COUNSEL:

Hart Passman

OTHERS PRESENT:

Mayor Turry

I. CALL TO ORDER

Chairman Eisterhold noted a quorum of six members present and called the meeting to order at 7:06 p.m. Chairman Eisterhold notified the public that Commissioner Jakubowski would be late.

II. APPROVAL OF MINUTES

Motion to approve the June 5, 2013 Plan Commission minutes was made by Commissioner Fishman and Seconded by Commissioner Yohanna with minor grammatical changes. Motion approved 5-0-1 with Commissioner Auerbach abstaining.

**III. Public Hearing: Final Plat of Consolidation – 3700 West Pratt Avenue
Request: Review of Final Plat of Consolidation and Certain Variations from the
Subdivision Ordinance**

Chairman Eisterhold swore in petitioners present, Mr. Leo Budzik and Mr. Thomas Budzik.

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Development Manager Cook explained that the request is to consolidate eleven parcels and combine them into one parcel. The property owners indicated that no work and no improvements will occur on the property, it is simply to consolidate the property. Variations are being sought because the subdivision ordinance treats all requests the same. Mr. Cook explained the subdivision ordinance requires street lights, sidewalks, and other landscaping requirements to be installed. Five technical variations are required; lot shapes, consolidations, landscaping, streetlights, and sidewalks are being sought for relief.

Commissioner Jakubowski explored having the installation of sidewalks in front of the property along Pratt Avenue. However, the parkway trees are too close to the street and property to install proper sidewalks.

Mr. Leo Budzik explained that years ago street lights, and landscaping were installed on the property per the request of the Village. The only reason they are seeking this is to alleviate receiving eleven tax bills and only want to receive one.

Chairman Eisterhold noted that the Trim-Tex building has made many upgrades and modifications to the property and over all made it a very clean campus. All the landscaping is fairly new. They definitely made that area more attractive.

Mr. Leo Budzik indicated this request has no impact on the easements and it will remain the same as it is now.

Mr. Passman explained that they would need approval from the easement holder. The easement is enforced regardless of the lot lines.

Commissioner Goldfein questioned if this would have an impact on the tax bill amounts. Mr. Passman indicated that he was unaware of that happening in this case.

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none.

Commissioner Yohanna made a motion to approve the Final Plat of Consolidation and five subdivision ordinance variations; lot shapes, consolidations, landscaping, streetlights and sidewalks to consolidate eleven parcels into one lot of record. Seconded by Commissioner Auerbach. Motion carried 7-0.

IV. PUBLIC HEARING: Health Club or Private Recreation and Firearms Shooting Ranges – Zoning Code Text Amendment (*Continued from May 1, 2013, March 6, 2013 and February 6, 2013*)

Request: Text Amendment to Definition Section to consider Modifying and Adding Certain Definitions Including but Limited to Health Club or Private Recreation and Firearms Shooting Ranges, Consideration of Firearms Shooting Ranges as a Special Use in M-B District Subject to Certain Restrictions, and the Addition or

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Modification of Off-Street Parking Requirements for Firearms Shooting Ranges, Commercial Recreation Facility, or Other Similar Uses

Development Manager Cook explained that the current definition needs to be clarified. Consideration to modify and/or add certain definitions including but not limited to Health Club or Private Recreation and Firearms Shooting Ranges. The consideration of Firearms Shooting Ranges as a Special Use in the M-B District subject to certain restrictions. Lastly, the addition or modification of off-street parking requirements for Firearms Shooting Ranges, Commercial Recreation Facility, or other similar uses. Staff proposed three new definitions for the commission to consider for Firearms Shooting Range, Health Club and Commercial Recreational Facility.

Chairman Eisterhold noted that the proposed Firearms Shooting Range definition is lacking and needs to have specified what is principal use. Should add language for recreational, sport, educational or training for proficiency.

Mr. Passman explained to the Commission that the Village Board wants the Plan Commission to formally codify Shooting Ranges.

Commissioner Jakubowski stated that there is no harm in clarifying a definition to create a standard for a Special Use. Define it in broad terms that promotes firearms, then during the Special Use the Commission and Village Board can place restrictions. Any establishment that promotes the use of Firearms for any purpose excluding municipalities should be placed in the definition of Special Use.

Mr. Passman suggested that if the Commission wants to see updated text and work with Staff to put it in the right format is a great starting point. Could take input tonight and update the text and bring back to the next discussion.

Commissioner Auerbach stated that the definition should describe the use and not the facility, sound proof should not be included.

Commissioner Fishman explained that all requests should come before the Commission and Village Board for special use approval. Then can determine how many parking spaces should be, and the special provisions there should be, why does this need to be defined now. In respect to allowed places within the Village, a small sliver of the Village in the M-B District could even be considered.

Development Manager Cook created a power point presentation specific to parking requirements. With the addition of a separate listed use in the Use Table for Firearms Shooting Ranges, staff recommends the addition of a parking standard for this use. Previously, based on research, staff recommended a parking standard for shooting ranges as follows; Two parking spaces per shooting range station plus three spaces per 1,000 square feet of floor space not devoted to indoor shooting range. Should the Plan Commission concur with the separation in the Use Table for "Health Club" and "Commercial Recreation Facility", staff would also like to review appropriate parking

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standards for these uses for possible amendment. Currently, the parking standard for “Health Club or Recreation Facility, Private: is 1 space per 3 persons+ 1 space per /2 full time employees. Note that currently a separate parking standard already exists for bowling alleys is five spaces per lane.

Discussion ensued.

Development Manager Cook had a short presentation on additional conditions. An 800 foot minimum distance between use and park zoned property or residentially zoned property. Performance Standards included; range design must conform to US Department of Energy’s Range Design Criteria, dated June 4, 2012 or subsequent editions, range must conform to US Department of Labor Occupational Safety and Health Administration (OSHA) requirements, range must be in conformance with established range and safety plan approved with Chief of Police, security plan approved by Chief of Police, and lead and noise restrictions.

Commissioner Jakubowski wanted to add the phrase “at a minimum”. Give Village some flexibility, but have minimum criteria for what we would consider for a Firearms Shooting Range approval.

Mr. Passman agreed. It is good to identify minimums, but with a Special Use you can look at all aspects and leave room for any additional conditions the Village may impose.

Commissioner Yohanna suggested dropping the minimum feet away standard. How low would we consider. Development Manager Cook indicated that our GIS system can give a new map showing 75-100 feet for residential properties, and 250-500 feet for all non-residential and including office.

Discussion ensued.

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. Mr. Charles Halevi from 4224 Pratt Avenue. Spoke in favor of allowing Shooting Ranges in Lincolnwood.

Motion was made by Commissioner Yohanna to continue to September 11, 2013. Seconded by Commissioner Sampen. Motion approved 7-0 Aye.

Commissioner Sampen left the Plan Commission Meeting.

V. PUBLIC HEARING: Appeals of Administrative Order or Zoning Officer – Zoning Code Text Amendment (Continued from May 1, 2013, March 6, 2013, & February 6, 2013)

Request: Text Amendment to Consider Modification Concerning the Zoning Board of Appeals as the Final Administrative Determination Body for the Village

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Development Manager Cook explained that the Village received its first appeal of Zoning Officer consideration of Zoning Board of Appeals Final Administrative Determination recently. Staff researched nearby communities and seven of the eight surveyed review appeals the same as Lincolnwood.

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none.

Motion to make no amendment to this provision of the code made by Commissioner Yohanna. Seconded by Commissioner Auerbach. Vote 6-0 Aye.

VI. PUBLIC HEARING: Accessory Structures – Zoning Code Text Amendment
(Continued from May 1, 2013, March 6, 2013 & February 6, 2013)

Request: Text Amendment to Permitted Obstructions in Required Yards Section to consider Modifying Regulations Including but Not Limited to Open Balconies, Porches, and Open Patios or Terraces

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none.

Motion to continue to September 11, 2013 made by Commissioner Yohanna and Seconded by Commissioner Goldfein. Motion approved 6-0.

VII. OTHER BUSINESS:

Public Hearing Procedures will discuss at a future meeting.

VIII. PUBLIC COMMENT: None.

IX. ADJOURNMENT:

The next Plan Commission public hearing will be held on August 7, 2013. Hearing no further business, Motion to adjourn made by Commissioner Yohanna. Seconded by Commissioner Fishman. Motion approved unanimously 6-0. Meeting adjourned at 9:52 PM.

Respectfully submitted,

Lauren Wolf
Community Development Department Coordinator

Agenda Item #4



**Staff Report
Plan Commission
August 7, 2013**

*Continued from June 5, 2013, May 1, 2013,
March 6, 2013 & February 6, 2013*

Subject Property: N/A (Text Amendment)

Zoning District: Subject text amendment is applicable to all zoning districts

Requested Action: Text amendment to the Definitions Section Article II, Part A, 2.02, relative to Fence, Semi-Private, or Semi-Private Fence; Banquet Facility, Façade, and Restaurant/Restaurant, Fast-Food or Carryout

Nature of Request: Certain text amendments are proposed to eliminate unnecessary/confusing references and to clarify certain definitions.

Petitioner: Village Board

Summary

Note: Below is the summary provided at the June 5, 2013 and at this meeting this matter was continued.

Banquet Facility, Banquet Hall: Initially staff sought consideration of a potential issue of the Zoning Ordinance defining Banquet Facility, Banquet Hall which is not listed in the Land Use Table. Staff recommended clarifying that such uses are not permitted by eliminating the definition from the Zoning Ordinance. In further reviewing the matter staff recommends no action on this item.

Fence, Semi-Private, Or Semi-Private Fence: Section 2.02 of the Zoning Ordinance defines semi-private fence as:

“FENCE, SEMI-PRIVATE, OR SEMI-PRIVATE FENCE: A Fence which is not a Solid Fence nor an Open Fence. These types of fences are restricted to board-on-board and shadow box types. The open space between vertical fence boards shall not exceed 85% of the width of the boards on the same side of the Fence.”

This definition refers to both board-on-board and shadow box as fence types. However, board-on-board and shadow box are the same type of fence. To clarify the definition the Plan Commission may consider removing one of the references.

Façade

The generally accepted definition of façade is, “Any side of a building facing a public way or space and finished accordingly.” For purposes of applying certain Zoning regulations, communities often narrow the definition to state that facades are any side of the building facing a street and/or public right-of-way. This definition is important because there are greater design standards that apply to facades than other building elevations. As a result, it is clear that the intent is to require higher quality design and materials on those portions of a building that will be most likely visible to the general public. Conversely, there is an acknowledgement that not all elevations are required to have the same high quality finishes.

Staff believes the definition adopted and found in the Zoning Ordinance can be unclear. It reads:

FAÇADE: The exterior wall of a building that is exposed to public view.

The challenge with this definition is that all exterior walls of a building can be exposed to public view. Is it the intent of the Zoning Ordinance to require high quality materials on all building elevations or is it the intent to require high quality materials on those building elevations facing a street. By defining façade as the Zoning Ordinance currently does there is very little differentiation between building elevation and façade. As such,

Staff recommends the definition be clarified to read that a façade is that portion of a building that faces a public street. This would align with the more commonly used definition of façade as well as staff’s interpretation on the intent.

Restaurants & Restaurants, Fast-Food or Carryout

The definitions section of the Zoning Ordinance defines “Restaurant” and “Restaurant, Fast-Food or Carryout” separately. The reference and consideration that these are different types of uses are repeated in Section VII Table 7.01.1 the Off-Street Parking Schedule. However, the Permitted and Special Uses Table 4.01.1 lists only “Restaurant” with no reference to “Restaurant Fast-Food or Carryout”. It has been staff’s interpretation that the Permitted and Special Uses Table considers “Restaurant” and “Restaurant Fast-Food or Carryout” to be the same use only differentiated by floor area. Recently, staff was questioned on this interpretation. In order to remedy any confusion or mis-interpretation staff believes that the definition of “Restaurant” and “Restaurant, Fast-Food or Carryout” can be modified.

RESTAURANT: A place of business in which food, drinks or refreshments are prepared and sold to customers primarily for consumption on the premises, and for which carryout services and facilities are clearly subordinate to the principal use of providing prepared foods for consumption on the premises. The term “restaurant” **in the Permitted and Special Uses Table** includes, without limitation, establishments such as cafes, lunch counters, cafeterias, **carryout** or other similar businesses, ~~but does not include fastfood restaurants.~~

RESTAURANT, FAST-FOOD or CARRYOUT: Any business in which the principal part of the business is providing food or meals for compensation in disposable wrappers or containers for consumption within the principal building or off the premises at which it is prepared. **This definition shall be used for purposes of determining the required off-street parking for this sub-type of Restaurant Use.**

Attachments

1. Zoning Code Excerpt: Definitions, Semi-Private Fence, Façade, Restaurants/Restaurants, Fast-Food or Carryout

FENCE PANEL: That portion of a Fence that is between the Fence posts.

FENCE, REAR or BACK FACE: The face side of a Fence which shows the most amount of structural supports.

FENCE REPAIR: Any action in which a person fixes, mends, restores, or removes that portion of a Fence which provides its opacity (e.g., vertical boards, individual post replacement, slats, pickets, chain link) and/or associated horizontal supports. Repair shall include any action to an existing Fence within a calendar year not specifically included within the definition of "Fence Replacement" or "Fence Maintenance".

FENCE REPLACEMENT: Any action in which a person removes and replaces more than twenty-five percent (25%) of the number of posts or horizontal or vertical members in a Fence within a calendar year.

FENCE, SEMI-PRIVATE, OR SEMI-PRIVATE FENCE: A Fence which is not a Solid Fence nor an Open Fence. These types of fences are restricted to board-on-board and shadow box types. The open space between vertical fence boards shall not exceed 85% of the width of the boards on the same side of the Fence.

FENCE, SOLID, OR SOLID FENCE: A Fence which is not open over fifty percent (50%) of the surface area. Examples include, but are not limited to: stockade, board and batten, basket weave, chain link with woven slat inserts, and brick, except as otherwise provided.

FENCE MATERIAL, UNACCEPTABLE: Materials such as concrete block, cinder block, plank lumber over six inches (6") in width, scrap lumber, scrap materials, barbed wire (except at the top of a Fence in an "M" District where not abutting a residential Lot or in any zoning district where used to enclose utility or telecommunications facilities), pallet lumber, plastic pipe, plastic or synthetic materials, exterior insulation finish systems, combinations of materials, "chicken wire mesh" (except as allowed immediately around compactly planted vegetable gardens, as seasonally needed in Rear and Side Yards only, square wire farm fence, in residential zones welded wire fence with members less than ½" in diameter, fabric, burlap, plastic sheets (except approved synthetic composite materials), wood and plastic snow fence, rubble and debris and Open Fences with obstructions.

FINISHED FIRST FLOOR: The finished surface of the floor level above the basement or cellar of a structure or building, or the upper surface of the floor of the first story of a structure or building.

FINISHED FIRST FLOOR HEIGHT: The vertical distance from the grade elevation at the top of the curb to the top of the finished first floor.

FLAG: A construction of fabric, plastic, paper or other synthetic or natural material depicting through symbols, characters, design or letters, a nation, political subdivision, institution or business.

FLASHING SIGNS: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source.

ENTERTAINMENT VENUE: An outdoor or indoor area, building, or part of a building, devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

ESTABLISHMENT, BUSINESS: A place of business, the ownership or management of which is separate and distinct from those of any other place of business located on the same or other lot.

FAA: The Federal Communications Aviation Administration.

FAÇADE: The exterior wall of a building that is exposed to public view.

FACILITY WITH DRIVE-THROUGH: (see DRIVE-THROUGH ESTABLISHMENT)

FALLOUT SHELTER: An accessory building and use which incorporates the fundamentals for fallout protection-shielding mass, ventilation and space to live-and which is constructed of such materials, in such a manner, as to afford to the occupants substantial protection from radioactive fallout.

FAMILY: An individual, or two or more persons related by blood, marriage or adoption, living together in a dwelling unit, or a group of not more than five persons who need not be related by blood or marriage or adoption, living as a single housekeeping unit in a dwelling unit, and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage, or adoption, in either case exclusive of servants.

FCC: The Federal Communications Commission.

FENCE: An accessory structure, assembled using cut or formed natural materials or artificial materials, which is used as a barrier, boundary, decorative accessory, means of protection or confinement enclosing or dividing a piece of land, and which is over twelve inches (12") in height above the ground level. Examples include, but are not limited to, Open Fences, Solid Fences, masonry and stone walls. For the purposes of this Chapter, a Fence shall not include naturally growing shrubs, bushes and other foliage.

FENCE HEIGHT: All sections of fence (excluding the post) in any Lot may have a total height that shall not exceed the prescribed maximum Fence Height; provided that the space between the bottom of a section of Fence and the ground beneath it shall not exceed three (3) inches. A Fence post may extend no more than a maximum of three (3) inches above the section of Fence.

FENCE, LEGAL NONCONFORMING, OR LEGAL NONCONFORMING FENCE: Any Fence which was erected pursuant to a permit and is maintained in good condition and existing prior to the passage of the regulation, but which does not conform to the regulations set forth in this Zoning Ordinance.

FENCE MAINTENANCE: The painting, staining, sand scraping, nailing, screwing, riveting, welding, tie-wiring, or clamping so as to restore the like new appearance, restore the safe condition, or maintain the condition of what would generally be considered a good functioning Fence.

FENCE, OPEN, OR OPEN FENCE: A Fence including gates, which has, over its entirety, no less than fifty percent (50%) of the surface area in open space as viewed from an angle of ninety degrees (90°), from the Fence line. Examples include, but are not limited to: chain link; wrought iron; picket; Kentucky rail; split rail.

Conversion Vans are not Recreational Vehicles for purposes of this Zoning Ordinance.

RECREATIONAL VEHICLE TRAILER: Any Trailer as defined herein and shall also include any vehicle on wheels, skids, rollers or blocks, either self propelled or propelled by any other means, which is used or designed to be used primarily for residential, living, sleeping purposes or for the transportation of boats or any other recreational equipment, or for other similar purposes.

RELIGIOUS INSTITUTION: A place of worship or religious assembly with related facilities such as: rectory; private school; meeting hall; offices for administration of the institution; licensed child or adult care, playground, cemetery.

RESEARCH LABORATORY: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

RESTAURANT: A place of business in which food, drinks or refreshments are prepared and sold to customers primarily for consumption on the premises, and for which carryout services and facilities are clearly subordinate to the principal use of providing prepared foods for consumption on the premises. The term "restaurant" includes, without limitation, establishments such as cafes, lunch counters, cafeterias, or other similar businesses, but does not include fast-food restaurants.

RESTAURANT, FAST-FOOD or CARRYOUT: Any business in which the principal part of the business is providing food or meals for compensation in disposable wrappers or containers for consumption within the principal building or off the premises at which it is prepared.

RETAIL SALES AND SERVICES: A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street or related facilities, public path or trail, railroad, electric line, oil or gas pipeline, water main, sanitary or storm sewer, communication line, or for other special uses.

ROADWAY: That portion of a street which is used or intended to be used for the travel of motor vehicles.

ROOF SIGN: A sign erected, constructed and maintained on or above the roof of any building.

ROOFLINE: The top of the parapet of a building with a flat roof, the deck line of a building with a mansard roof, or the eaves line of a building with a gable, gambrel or hip roof.

ROOFTOP FLAGPOLE: Structures which are used for displaying flags which are affixed to the rooftop of any building or structure.

SCHOOL, PUBLIC: A building operated and maintained for educational purposes and such other community uses as deemed necessary and desirable.

Agenda Item #5



**Staff Report
Plan Commission**

August 7, 2013

*Continued from June 5, 2013, May 1, 2013,
March 6, 2013 & February 6, 2013*

Subject Property: N/A (Text Amendment)

Requested Action: Text amendment to the Article XI of the Zoning Ordinance pertaining to Glare Reduction for Signs.

Nature of Request: A text amendment to consider re-organizing the Glare Reduction requirements pertaining to all signs in the Village into one Section of the Sign Chapter of the Zoning Ordinance for easier use and understanding of the requirements relative to Sign Glare.

Petitioner: Village Board

Summary

In 2011, the Village amended the sign regulations to incorporate glare reduction standards. The regulations were added to various section of Section XI of the Zoning Ordinance. Staff has found in using the Sign Chapter that there are several pre-existing references to glare/sign design that contain regulations based on the now eliminated requirement for dark backgrounds. The first such reference is in Section 11.07 General Regulations and is found below (along with staff recommended deleted language in ~~strikethrough~~):

“Section 11.07(5): Illumination onto residential districts. No illuminated freestanding sign may be located within 75 feet of any residential zoning district. The illumination of any sign shall be diffused or indirect and nonflashing. ~~Internally lit signs shall be designed with light letters on dark or opaque backgrounds so as not to emit rays of light onto adjacent residences.~~ Illumination of all signs shall be so arranged that there will be no glare directed onto nearby properties or any public right-of-way.”

The second regulation which staff believes is based on the eliminated requirement for dark backgrounds are the Legibility regulation of Section 11.08 Sign Design.

“Section 11.08(13)ix: Legibility. To maintain legibility, the illumination of letters and graphics shall be substantially brighter than the illumination of the background on a sign face.”

This section requires the letters to be substantially brighter than the illumination of the background on a sign face. Given the elimination of the requirement for dark sign faces, staff believes this section is no longer appropriate. As a result, staff recommends this section be eliminated.

Agenda Item #6



**Staff Report
Plan Commission**

August 7, 2013

*Continued from June 5, 2013, May 1, 2013,
March 6, 2013 & February 6, 2013*

Subject Property: N/A (Text Amendment)

Requested Action: Text amendment to Section 5.12, 5.14, 5.15, 5.16, and 5.17 of the Zoning Ordinance to amend the voting requirement deadlines.

Nature of Request: A text amendment to consider modifying or eliminating voting/recommendation deadlines on the Plan Commission and/or Zoning Board of Appeals for Public Hearings and Appeals.

Petitioner: Village Board

Summary

Note: Below is the summary provided at the June 5, 2013, May 1, 2013, March 6, 2013 & February 6, 2013 Plan Commission meeting. This matter was continued.

In administering the Zoning Ordinance staff has concerns with the voting/recommendation deadlines placed on the Plan Commission and Zoning Board of Appeals. The purpose of this consideration is to discuss the self-imposed deadlines relative to the Plan Commission and Zoning Board of Appeals voting. An example of the deadline is found below:

Section 5.15(5)d

The ZBA shall conduct a public hearing to review the proposed variation in accordance with the notices mailed and published pursuant to Section 5.20 of this Zoning Ordinance. Within 90 days after the completion of the application for the proposed variation, the ZBA shall make findings and recommend whether the variation should be approved, and shall transmit such recommendation in writing to the Board of Trustees.

Also included in this consideration is how failure to act is treated. Currently, if the Plan Commission or Zoning Board of Appeals fails to act within the identified deadline, the Zoning Ordinance states that such failure to act constitutes a recommendation to approve the application.

Section 5.12(2)

(2) Failure to Act: The failure of the Plan Commission or the ZBA, as the case may be, to act within the relevant time period set forth in this Zoning Ordinance for the relief requested, or such further time to which the Applicant may agree, shall be deemed to be a recommendation of the Plan Commission or the ZBA, as the case may be, to approve the requested relief.

Staff seeks discussion from the Plan Commission on whether these deadlines are a concern or if modifications should be considered. The deadlines are also vague as to when the "clock" starts. Additionally, staff seeks consideration on modifying Section 5.12(2), "Failure to Act"?

Agenda Item #7



**Staff Report
Plan Commission**

August 7, 2013

*Continued from June, 5, 2013, May 1, 2013,
March 6, 2013 & February 6, 2013*

Subject Property: N/A (Text Amendment)

Requested Action: Text amendment to Section 6.03(2)b and Table 6.03.01 of the Zoning Ordinance to incorporate driveway requirements found in the Municipal Code into the Zoning Ordinance.

Nature of Request: A text amendment to consider incorporating the driveway requirements found only in the Municipal Code into the Zoning Ordinance.

Petitioner: Village Board

Summary

Note: Below is the summary provided at the June 5, 2013, May 1, 2013, March 6, 2013 & February 6, 2013 Plan Commission meeting. This matter was continued.

Currently, the driveway requirements for the Village are partially located in the Municipal Code as well as the Zoning Ordinance. Staff recommends that the standards currently only found in the Municipal Code also be incorporated into the Zoning Ordinance. Staff believes that this action will result in better customer service for those seeking information on driveway standards.

This action will also benefit the community by formalizing the process in which people seek a waiver or relief from these standards. All driveway relief will be subject to the review and recommendation of the Zoning Board of Appeals upon completion of a public hearing with the Village Board making the final vote.

Attached is the Zoning Ordinance Section pertaining to driveways as well as the Municipal Code sections pertaining to driveways.

Attachments:

1. Zoning Ordinance Section 6.03(2)b and Table 6.03.01
2. Municipal Code Section 6-1-5

PART B: NON-RESIDENTIAL AND MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS

6.03 GENERAL DEVELOPMENT STANDARDS

(1) Traffic, Off-Street Parking, and Pedestrian Circulation

- a. Site plans shall minimize dangerous traffic movements and congestion, while achieving efficient traffic flow and providing the minimum number of off-street parking spaces required by Article VII (Off-street Parking and Loading).
- b. Off-street parking shall not be permitted to dominate the visual image of any development site. Where practical, parking shall be located in side and rear yards. Parking located in any yard shall be screened with landscaping as required in Part D of this Article (Landscape Standards).
- c. Sidewalks. Pedestrian sidewalks, not less than five feet in width, shall be incorporated into the site plan and are required: 1) along all sides of a lot that abut a public street and 2) along all sides of a building visible from a public right-of-way or accessible from an off-street parking area. The Zoning Officer may otherwise determine that additional landscaping is preferred in lieu of a sidewalk not abutting a public street.
- d. Crosswalks, designated by striping or alternate paving material, are required across vehicular driveways to connect off-street parking with building entrances, where practical. To enhance pedestrian safety and comfort, and increase the attractiveness of the walkway, pedestrian paths shall be clearly distinguished from vehicular drives with landscaping, paving materials, or architectural elements.
- e. Traffic studies may be required by the Village Zoning Officer or Village Engineer. Such studies may include: a projection of the number of motor vehicles to enter or leave the site, estimated daily and peak hour traffic levels based on the Institute of Transportation Engineers' Trip Generation, 3rd Edition (as may be updated from year to year), projected traffic flow patterns, impact of development on vehicular movement at major intersections and upon abutting roads capacities, combined traffic impact of approved, but not yet fully developed projects within the Village, safety and appropriateness of site design and circulation, and any foreseen traffic hazards or circulation conflicts.

A traffic study shall be required when the development site is:

- i. Within five hundred (500') feet from the nearest point of an elementary, junior or senior high school, playground or park, or
- ii. Within one-quarter mile ($\frac{1}{4}$) mile of an elementary, junior or senior high school, playground or park, when the proposed use is located along the same street right-of-way as the school.

- (2) Access Points, Driveways and Parking. Points of vehicular ingress and egress from any site shall be limited to the adjacent major and/or secondary thoroughfares only and

shall be reviewed by the Zoning Officer and Village Engineer for location and design of curb cuts and driveways and for layout of parking and loading areas.

- a. Where practical, cross-access between sites is encouraged and shall be granted through cross-access easement agreements.
- b. Minimum widths and distances of driveways shall be provided as follows:

Table 6.03.01 - Minimum Driveway and Access Standards	
Driveway Width (One-Way, Min.)	12-16'
Drive Width (Two-Way, Min.)	24'
Number of Driveways for each property:	Not more than 2 in the first 100 ft of frontage and one per additional 100 ft of frontage.
Distance between Driveways (measured from the two closest driveway curb cuts, Min.)	30'
Distance of a Driveway from a Street Intersection (measured from the intersection of the street ROW to the nearest end of the curb radius, Min.)	30'
Distance from the end of the driveway curb cut to the nearest crosswalk (Min)	10'
Curb radius of all Driveways	5'-15'
Angle between the Curb Line of a Street and the Center Line of a Driveway (Min.)	60 Degrees

- c. Vehicles used in conjunction with any permitted business may be parked only on the building owner's property.
- (3) Site Improvements – Service/Utility Areas. All service and utility areas – including but not limited to – loading docks, exterior storage areas, trash enclosures, dumpsters, HVAC and mechanical equipment shall be screened from view. Service/utility areas shall meet the following standards:
- a. All service or utility areas shall not be located near public right-of-ways, building entrances, and pedestrian areas.
 - b. All utility meters shall be located either inside the building or in a recessed area within the rear or interior side yard façade of the building. Utility metering and exterior mounted telecommunication junction boxes shall be screened from view along a public right-of-way by walls, fences, landscaping or other such elements in accordance with applicable building codes and other agencies having jurisdiction.
 - c. Trash, Refuse, and Recycling Areas: Suitable areas for the storage of trash, refuse and recyclables shall be provided and designed to: 1) be fully screened from view; 2) prevent waste from blowing around the site or onto adjacent properties or public rights-of-way; and 3) permit safe, easy removal of trash,



Text Size:



Village of Lincolnwood, IL
Friday, February 1, 2013

6-1-5. Driveways and driveway approaches.

- (A) Definitions. The following definitions shall apply in the interpretation and enforcement of this Section 6-1-5:

DRIVEWAY

A place on private property for the operation of automobiles and other vehicles.

DRIVEWAY APPROACH

That portion of a right-of-way that provides vehicular access from the roadway to an adjoining lot.

ROADWAY

That portion of a right-of-way improved, designed or ordinarily used for vehicular travel; provided, however, that the term "roadway" shall not include the berm, shoulder, or parkway, if any. In the event that a right-of-way includes two or more separate roadways, the term "roadway" shall refer only to each separate roadway, and not to all roadways collectively.

- (B) Permit fee. No permit authorizing a driveway approach shall be issued until the fee therefor has been paid to the Village pursuant to Article 2 of this Chapter **6**.

- (C) Construction regulations.

- (1) It shall be unlawful to construct any curb or driveway approach or break out or remove any curb without first securing a permit as required pursuant to Article 2 of this Chapter **6**.
- (2) No driveway approach shall be constructed or used so as to impede the flow of surface water in the street gutter or a drainage ditch.
- (3) No driveway approach to residential properties shall be constructed or used for the sole purpose as a parking space.
- (4) A minimum lot frontage of 60 feet is required for any circular driveway.
- (5) A maximum driveway width of 12 feet and a maximum driveway approach width of 14 feet shall be allowed for circular driveways.

- (D) Approaches; location. No driveway approach shall be located so as to interfere with municipal or public utility facilities such as poles, traffic signals, signposts, catch basins, fire hydrants, crosswalks, or other street structures. Driveway approaches shall be located so as to avoid parkway trees. Removal of any parkway trees shall be subject to the Village Parkway Landscaping Ordinance set forth in Article 5 of this Chapter **6**.

- (E) Construction standards. Driveway approaches shall be constructed to the following standards:

- (1) Surface. All driveway approaches which give access to an improved street with curb and gutters shall be surfaced with a permanent dustproof surface: either concrete (six inches) over five inches CA-6, crushed stone aggregate, bituminous surface (eight inches CA-6, crushed stone aggregate, and three-inch asphalt), brick (over six inches of concrete) or other material approved by the Village.
 - (2) Widths. The total width of driveways measured at the property line on a parcel of property used for residential purposes shall not exceed 1/3 the lot frontage, and no single driveway shall exceed 20 feet measured at the property line. The total width of driveways measured at the property line on a parcel of property used for nonresidential purposes shall not exceed 1/2 the lot frontage, and no single driveway approach shall exceed 30 feet measured at the property line. The width of the driveway approach measured at the curb shall in no case be greater than five feet more than the width measured at the property line.
 - (3) Location of drives. On a parcel of property used for residential purposes, a driveway shall not be located closer than one foot from the property line, and no driveway approach or driveway flare shall extend over the property line extended to the curb; provided, however, where the Board of Trustees finds that there is a particular hardship to the owner, a driveway that has been in existence in excess of 25 years may be reconstructed in its present location even if the driveway is closer than one foot from the property line or if the driveway approach or driveway flare extends over the property line extended to the curb. On a parcel of property used for nonresidential purposes, no driveway approach shall be located within five feet of the property line, or within 10 feet of any other driveway approach as measured at the property line.
- (F) Restoration by Village. In the event that the Village removes any portion of a driveway approach constructed pursuant to this Section 6-1-5 in connection with any maintenance, construction, or repair activities within the right-of-way, the Village shall only be required to replace the driveway approach with one or more materials approved pursuant to Section 6-1-5(E)(1) of this Code.

Agenda Item #8



**Staff Report
Plan Commission**

August 7, 2013

*Continued from June 5, 2013, May 1, 2013,
March 6, 2013 & February 6, 2013*

Subject Property: N/A (Text Amendment)

Requested Action: Text amendment to Section 8.05 of the Zoning Ordinance pertaining to procedure for approval of a Planned Unit Development.

Nature of Request: A text amendment to consider requiring applications for Final Planned Unit Development to be heard by the Plan Commission at a public hearing.

Petitioner: Village Board

Summary

Note: Below is the summary provided at the June 5, 2013, May 1, 2013, March 6, 2013 & February 6, 2013 Plan Commission meeting. This matter was continued.

Section 8.05 of the Zoning Ordinance outlines the full procedure for review of Planned Unit Development applications. The current process is as follows:

1. Step 1: Pre-Application Procedure – A mandatory process that include a Pre-Application Conference with the Board of Trustees. This is to take place at a public meeting however it is not a fully noticed public hearing.
2. Step 2: Conceptual Plan Procedure – An optional process in which the Plan Commission conducts an informal review at a regularly scheduled public meeting. Public meetings are not a fully noticed public hearing.
3. Step 3: Preliminary Approval Procedure – A mandatory process which is the public hearing held by the Plan Commission to consider the Preliminary PUD application. This meeting is held in accordance with all the requirements of notification for a public hearing.
4. Step 4: Final Approval Procedure – A required process to consider the Final PUD application to ensure consistency with the Preliminary PUD approval. Consideration of the Final PUD application is made by the Plan Commission at a regularly scheduled public meeting. Public meetings are not fully noticed public hearings.

Staff seeks consideration of a text amendment to modify the Final PUD approval process to require a fully noticed public hearing. Final PUD review is not necessarily routine in nature and as a result staff seeks the Plan Commission's input on requiring Final PUD approval to be a public hearing. If requested, staff will conduct research of nearby communities to determine best practice.