



Village of Lincolnwood Plan Commission

Meeting
**Wednesday August 6, 2014
7:00 P.M.**

in the
**Council Chambers Room
Lincolnwood Village Hall - 6900 North Lincoln Avenue**

Agenda

- 1. Call to Order/Roll Call**
- 2. Pledge of Allegiance**
- 3. Approval of Minutes**
- 4. Public Hearing: 6755 North Cicero Avenue – Map Amendment**
Request: Map Amendment to Rezone a Portion of the Property from R-4 Residential District to the B-2 General Business District
- 5. Next Meeting**
- 6. Public Comment**
- 7. Adjournment**



Staff Report Plan Commission August 6, 2014

Subject Property:
6755 North Cicero Avenue

Zoning District:
B-2 General Business District
And
R-4 Residential District

Petitioner:
Village of Lincolnwood

Nature of Request: Village Board seeks consideration of rezoning south portion of Kow Kow property from R-4 Residential District to the B-2 General Business District.



Requested Action: Zoning Map Amendment to remap a portion of the Kow Kow property from the R-4 Residential District to B-2 General Business District. The action would result in the entirety of the Kow Kow property at 6755 North Cicero Avenue in to the B-2 General Business District.

Notification: Notice in Lincolnwood Review dated July 17, 2014, Public Hearing Sign Installed at 6755 North Cicero Avenue, and Mailed Legal Notices Dated July 17, 2014 to Properties within 250 Feet.

Summary of Request

In 1997, via Ordinance 97-2333, the property located at 6711-6719 North Cicero Avenue was approved for the construction of nine townhomes. As part of this approval, a Zoning Map Amendment was granted changing the Zoning District of these properties from the B-2 District to the R-4 District.

Recently, an apparent zoning map error was discovered concerning the adjoining Kow Kow property located at 6755 North Cicero Avenue. As currently illustrated on the Village Zoning Map, part of this property is shown as B-2 and part of this property is shown as R-4. Staff

believes that the current R-4 designation on a portion of the Kow Kow property to be a mapping error caused at the time the adjoining property was rezoned in 1997 from B-2 to R-4.

To correct this error, the Village Attorney recommended that the Village Board direct the Plan Commission to convene a Public Hearing to consider a Map Amendment to return the entire Kow Kow property to B-2 designation. Attached is the approved Resolution directing the Plan Commission to convene the Public Hearing (Resolution No. R2014-1806).

The only matter before the Plan Commission is the Map Amendment. This application does not include any development or redevelopment proposal. The Village Board seeks to correct the apparent Zoning Map error, more specifically bring the entire Kow Kow property in to the B-2 District as it was pre-1997. To the right is an excerpt from GIS showing the Kow Kow property (outlined in red) within both the B-2 District (pink) and the R-4 District (yellow).



There have been several inquiries from the public relative to this Public Hearing. The majority were curious and/or concerned if the application included any development. Others were concerned with the status of Kow Kow. The majority of callers did not express concern with the correction of the Zoning Map. One resident of the townhomes to the south however, did have reservations about the entirety of the property returning to the B-2 District.

Documents Attached

1. Resolution No. R2014-1806 (Initiating and Referring Zoning Map Amendment)
2. Ordinance No. 97-2333 (Granting a Map Amendment for Construction of Townhomes)

VILLAGE OF LINCOLNWOOD

RESOLUTION NO. R2014-1806

**A RESOLUTION INITIATING AND REFERRING TO
THE PLAN COMMISSION A PROPOSED ZONING MAP AMENDMENT
REGARDING THE PROPERTY LOCATED AT 6755 NORTH CICERO AVENUE**

WHEREAS, the Village of Lincolnwood is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village of Lincolnwood Official Zoning Map ("**Zoning Map**") depicts the real properties located on the east side of Cicero Avenue, between North Shore Avenue and Pratt Avenue, as located within the B-2 General Business District ("**B-2 District**") and R-4 Residential District ("**R-4 District**") of the Village; and

WHEREAS, upon investigation, Village Staff has determined that those certain five lots commonly known as 6755 North Cicero Avenue, and legally described and depicted in **Exhibit A** to this Resolution ("**Subject Properties**"), are incorrectly depicted in the Zoning Map as being located within the R-4 District; and

WHEREAS, the Village Board now desires to initiate an amendment to the Zoning Map to rezone the Subject Properties into the B-2 District ("**Proposed Amendment**"); and

WHEREAS, pursuant to Sections 5.16(2) and 5.16(3) of "The Village of Lincolnwood Zoning Ordinance," as amended ("**Zoning Ordinance**"), the Village Board has determined that it is appropriate and in the best interest of the Village to initiate the Proposed Amendment and forward it to the Plan Commission for a public hearing and a report and recommendation back to the Village Board;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LINCOLNWOOD, COOK COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Resolution are found to be true and correct and are hereby adopted as part of this Resolution.

SECTION 2. INITIATION AND REFERRAL OF PROPOSED AMENDMENT TO PLAN COMMISSION. Pursuant to Sections 5.16(2) and (3) of the Zoning Ordinance, the Village Board of Trustees hereby initiates the Proposed Amendment and refer it to the Plan Commission for a public hearing and a report and recommendation back to the Village Board. The Village Staff is hereby directed to provide the appropriate notice for a public hearing, and to provide notice to the owner(s) of the Subject Properties.

SECTION 3. EFFECTIVE DATE. This Resolution will be in full force and effect from and after its passage and approval as provided by law.

PASSED this 24th day of June, 2014.

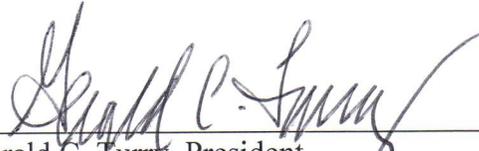
AYES: Trustees Patel, Sprogis-Marohn, Cope, Elster, Klatzco, Leftakes

NAYS: None

ABSENT: None

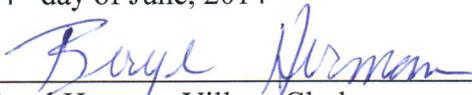
ABSTENTION: None

APPROVED by me this 24th day of June, 2014.



Gerald C. Turry, President
Village of Lincolnwood, Cook County, Illinois

ATTESTED and FILED in my office this
24th day of June, 2014



Beryl Herman, Village Clerk
Village of Lincolnwood, Cook County, Illinois

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Additions are bold and double-underlined; ~~deletions are struck through.~~

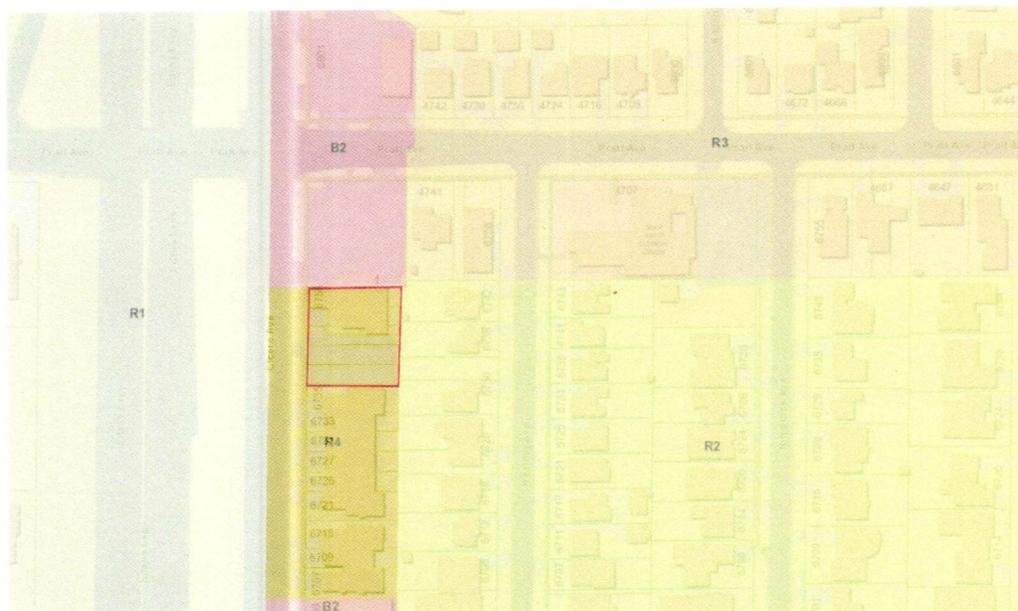
Exhibit A

Description and Depiction of Subject Properties

Description and Depiction of Subject Properties

LEGAL DESCRIPTION

PARCEL 3: LOT 31 TO 35, BOTH INCLUSIVE, TOGETHER WITH THE WEST HALF (1/2) OF THE NORTH AND SOUTH VACATED ALLEY LYING EAST OF AND ADJOINING SAID LOTS 31 TO 35, INCLUSIVE, IN BLOCK 7 IN GOODSON AND WILSON'S PRATT BOULEVARD AND CICERO AVENUE HIGHLANDS. BEING A SUBDIVISION OF THAT PART LYING NORTH OF THE SOUTH 35 ACRES OF THE WEST HALF (1/2) OF THE SOUTH WEST QUARTER (1/4) OF SECTION 34, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THAT PART OF THE WEST HALF (1/2) OF THE NORTH EAST QUARTER (1/4) OF THE SOUTH WEST QUARTER (1/4) LYING WEST OF THE SOUTHWESTERLY LINE OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY IN SECTION 34, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.



VILLAGE OF LINCOLNWOOD

ORDINANCE NO. 97-2333

AN ORDINANCE GRANTING A MAP AMENDMENT
AND FRONT AND REAR YARD SETBACK VARIATIONS
FOR THE CONSTRUCTION OF NINE TOWNHOMES AT
6711-6719 NORTH CICERO AVENUE

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF LINCOLNWOOD
THIS 3rd DAY OF April, 1997.

Published in pamphlet form
by the authority of the President
and Board of Trustees of the
Village of Lincolnwood, Cook
County, Illinois this 3rd
day of April, 1997.

ORDINANCE NO. 97-2333

AN ORDINANCE GRANTING A MAP AMENDMENT
AND FRONT AND REAR YARD SETBACK VARIATIONS
FOR THE CONSTRUCTION OF NINE TOWNHOMES AT
6711-6719 NORTH CICERO AVENUE

WHEREAS, application has been made by Petitioner John R. Thomas on behalf of Owners Walter G. Hodgkinson and Audrey R. Hodgkinson for a Map Amendment and Front and Rear Yard Setback Variations for the construction of nine (9) townhouses on the property located at 6711 through 6719 North Cicero Avenue; and

WHEREAS, a Public Hearing was held on March 12, 1997 and March 26, 1997 before the Lincolnwood Plan Commission and Zoning Board of Appeals pursuant to proper notice and in compliance with the laws of the State of Illinois and the ordinances of the Village of Lincolnwood; and

WHEREAS, the Lincolnwood Plan Commission and Zoning Board of Appeals, having heard testimony and examined evidence as set forth in its March 31, 1997 Report and Recommendation of the Plan Commission and Zoning Board of Appeals, has voted 6 to 1 to recommend approval of the Petitioner's request by the Board of Trustees of the Village of Lincolnwood; and

WHEREAS, the Board of Trustees concurs with and hereby adopts, the recommendations of the Plan Commission/Zoning Board of Appeals as presented in its Report dated March 31, 1997, and finds that the amendment to the Zoning Ordinance and the Variations would be beneficial to the Village of Lincolnwood and will have no detrimental impact on the health, welfare and safety of the public in general;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LINCOLNWOOD, COOK COUNTY, ILLINOIS, as follows:

SECTION 1: That the Preamble to this Ordinance and all reports and exhibits of the Plan Commission and Zoning Board of Appeals related to the application leading to this Ordinance are hereby adopted herein by reference as if fully set forth herein.

SECTION 2: That a Map Amendment to rezone the subject property to R-4 from B-2 and variations of approximately 4 ft. and 10 ft. to the front and rear yard setbacks respectively are hereby granted on the property which is the subject of this ordinance, provided that all construction is in accordance with exhibits which have been adopted herein by reference; and with the building regulations and ordinances of the Village of Lincolnwood, subject to the following conditions:

(a) Curb cuts must be approved by the Illinois Department of Transportation.

(b) All applicable Village Ordinances, including the Storm Water Management Ordinance, shall be complied with.

(c) Landscaping shall be installed as approved by the Building Commissioner and maintained thereafter by the Applicant, and after sale and establishment of a Townhome Association, then by the Townhome Association.

(d) Fencing along the rear lot line shall be maintained or improved as required by the Building Commissioner.

(e) There shall be included in the Townhome Covenants a provision satisfactory to the Village Attorney giving to the Village the right to enforce the Covenants as to the maintenance of landscaping, fence, and any other requirements of the Ordinance granting said rezoning and Variations, should the Townhome Association fail to do so in a manner reasonably satisfactory to the Village.

(f) Lighting shall be as approved by the Building Commissioner, so that it shall not glare at or otherwise annoy homeowners to the rear or vehicles passing on Cicero Avenue.

SECTION 3: That the property which is the subject of this Ordinance is legally described as follows:

Lots 20 to 30, both inclusive, together with the West 1/2 of the North and South vacated alley lying East of and adjoining said Lots 20 to 30, inclusive, in block 7 in Goodson and Wilson's Pratt Boulevard and Cicero Avenue Highlands, being a subdivision of that part lying North of the South 35 acres of the West half of the Southwest quarter of Section 34, Township 41 North, Range 13 East of the Third

Principal Meridian and that part of the West half of the Northeast Quarter of the Southwest half lying West of the Southwesterly line of the Chicago and Northwestern Railroad right of way in Section 34, Township 41 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois commonly known as 6711-6719 North Cicero Avenue.

SECTION 4: That any person violating the terms and conditions of this Ordinance shall be subject to a fine not exceeding \$750.00 with each and every day that the violation is allowed to exist constituting a distinct and separate offense under the terms of this Ordinance. In addition, the Village of Lincolnwood may take whatever action it deems appropriate to enforce the terms of this Ordinance, including an action for injunction. All attorneys' fees and costs incurred by the Village of Lincolnwood in enforcing the terms of this Ordinance shall be paid by the violator.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage, by the favorable vote of two-thirds of the Trustees, approval and publication in pamphlet form as required by law.

PASSED this 3rd day of April, 1997.

AYES:

Trustees Schwartz, Moy, Abelson and Turry

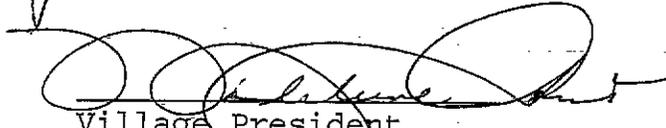
NAYS:

Trustee Kadota recused herself
none

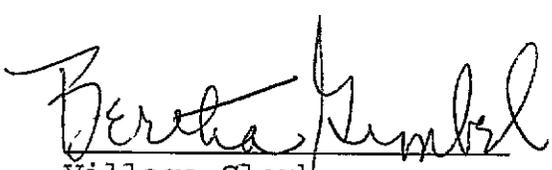
ABSENT:

Trustee Angarola

APPROVED this 23rd day of April, 1997.


Village President

ATTEST:


Village Clerk

I, Walter G. Hodgkinson, on behalf of Owners Walter G. Hodgkinson and Audrey R. Hodgkinson being the Petitioner or other party in interest of the property legally described within this ordinance, having read a copy of this ordinance, and having the authority to agree and to execute this ordinance, do hereby accept, concur and agree to develop and use the subject property in accordance with terms of this ordinance.

Walter G. Hodgkinson
(Signature)

DATED:

April 17, 1997