

**VILLAGE OF LINCOLNWOOD
PRESIDENT AND BOARD OF TRUSTEES
REGULAR MEETING
VILLAGE HALL COUNCIL CHAMBERS
MAY 6, 2014**

Call to Order

Village President Gerald Turry called the Regular Meeting of the Lincolnwood Board of Trustees to order at 7:45PM, Tuesday, May 6, 2014 in the Council Chambers of the Municipal Complex, 6900 North Lincoln Avenue, Village of Lincolnwood, County of Cook, and State of Illinois.

Pledge to the Flag

The Corporate Authorities and all persons in attendance recited the Pledge of Allegiance to the flag of our country.

Roll Call

On roll call by Village Clerk Beryl Herman the following were:

PRESENT: President Turry, Trustees Sprogis-Marohn, Cope, Leftakes, Klatzco, Elster, Patel

ABSENT: None

A quorum was present.

Also present: Timothy Wiberg, Village Manager; Douglas Petroschius, Assistant Village Manager; Chuck Meyer, Assistant to the Village Manager; Charles Greenstein, Village Treasurer; Paul Eisterhold, Plan Commission Chair; Aaron Cook, Community Development Manager; Timothy Clarke, Director of Community Development; Donald Gelfund, Traffic Commission Chair.

Approval of Minutes

The minutes of the April 17, 2014 regular Village Board meeting had been distributed in advance and were examined. Trustee Elster moved to approve the minutes, Trustee Sprogis-Marohn seconded the motion.

The motion passed by Voice Vote.

Warrant Approval

Trustee Klatzco moved to approve Warrants in the amount of \$1,223,383.63, Trustee Leftakes seconded the motion.

Upon Roll Call by the Village Clerk the results were:

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

NAYS: None

The motion passed

Village President's Report

1. Presentation of the Vehicle Sticker Award

President Turry presented this award to Chloe Babcock and her family. The family will also receive one vehicle sticker at no charge. Congratulations to Chloe and thanks to Andy MacCrimmon, Lincoln Hall Art teacher.

2. President Turry announced these upcoming meetings:

- Board of Fire and Police Commission Meetings – Wednesday, May 7th and Thursday, May 8 at 5PM – Village Board Conference Room
 - Human Relations Commission – Monday, May 12 at 7PM in Village Hall Council Chambers
 - Park and Recreation Board Meeting – Tuesday, May 13 at 7PM in Village Hall Council Chambers
 - Village Board Meeting – Tuesday, May 20 at 7:30PM in Council Chambers
- Committee of the Whole will commence at 6:30

Please check the Village Calendar on the Village Website for any Possible Changes

Consent Agenda

1. **Approval of a Resolution Accepting the Village Board's Strategic Plan for 2014 – 2016**
2. **Approval of a Resolution to Award a Bid for the Purchase of 800 Tons of Bulk Rock Salt in the Amount of \$60,688 to Cargill, Inc.**
3. **Approval of a Resolution Awarding a Bid for Sidewalk Replacement Services in the Amount of \$4.18 Per Square Foot of Existing Sidewalk, \$13.00 Per Linear Foot of Curb and \$160.00 Per ADA Tile to Suburban Concrete**

Trustee Klatzco moved to approve the Consent Agenda as presented. Trustee Leftakes seconded the motion.

Upon Roll Call the results were:

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

NAYS: None

The motion passed

Regular Business

4. A Public Hearing Concerning a Proposed Amendment to the Lincoln-Touhy Tax Increment Finance (TIF) District

President Turry opened the Public Hearing.

This item was presented by Mr. Clarke.

Proposed Amendment – Lincoln Touhy TIF District

*Requested by Developer of Proposed Shoppes at Lincoln Pointe to Include Entire Development within TIF District

*Recommended Unanimously by Economic Development Commission

*Recommended Unanimously by Intergovernmental Joint Review Board

Proposed Amendment

*Modifies TIF Boundary to Add:

- Two Lincoln Avenue Office Properties to the North
- Adjacent Commonwealth Edison Property to the West

*No Change to TIF Budget

No Change to TIF Duration

Diagrams of the TIF area were exhibited with proposed additions

Qualification of Proposed Area

*Kane McKenna and Associates Report finds that the area qualifies for TIF designation under "Conservation Area" criteria

- At least 50% of structures 35 years or older
- At least three of 13 qualifying factors must be present

Qualification of Proposed Amendment Area

*Seven of 13 Qualifying Factors Found Present:

- Excessive Vacancies
- Obsolescence
- Lagging EAV
- Deleterious Layout
- Lack of Community Planning
- Deterioration
- Inadequate Utilities

Notice of Public Hearing

- *Published Twice – Lincolnwood Review
- *Certified Mail – All Property Owners in district and proposed areas
- *Regular Mail – All Residents within 750 feet of proposed boundary
 - Lincolnwood and Skokie
- *Certified Notice to all overlapping Tax districts

Draft Amended Plan/Qualification Report

- *Document available for public review since February 19, 2014
 - Available in person at Village Hall
 - Available on Village Website
- *Distributed to all overlapping taxing districts
- *Considered by Intergovernmental Joint Review Board

Next Steps

- *Receive Public Comment
- *Close Public Hearing
- *Consider Adoption of Amendment
 - Three ordinances must be introduced no sooner than 14 days, but not later than 90 days after conclusion of Public Hearing
 - Majority vote of Village Board needed to adopt Ordinances to approve amendment

Questions from Trustee Cope, Mr. Clarke provided clarification.
Costs incurred will be absorbed by North Capitol.

Trustee Leftakes moved to close the Public Hearing, seconded by Trustee Patel.

The motion passed with a Voice Vote.

The Village Attorney will work to have documents prepared within time parameters required.

Trustee Cope moved to have the attorney prepare said documents, seconded by Trustee Leftakes.

The motion passed with a Voice Vote.

5. Consideration of an Ordinance Eliminating Certain Conditions Contained in Ordinance 95-2199 that Prohibits Parking along the Keystone Side of the Airoom Building at 6825 North Lincoln Avenue and in the Adjacent Keystone Avenue Right-Of-Way

This item was presented by Mr. Clarke who reviewed background.

The Zoning Board of Appeals recommended by a 4 to 3 vote that the Village Attorney be directed to prepare an Ordinance. Recent revision to the Ordinance was presented. The Village Attorney made changes as needed. This elimination of conditions would now allow an applicant to come before the Board.

Trustee Patel moved to approve the Ordinance, as amended per counsel, seconded by Trustee Klatzco.

Upon Roll Call the Results were:

AYES: Trustees Patel, Klatzco, Sprogis-Marohn, President Turry

NAYS: Trustees Leftakes, Elster Cope

6 Consideration of a Recommendation by the Plan Commission Regarding Certain Zoning Ordinance Text Amendments to Section 2.02 (Definitions), Table 4.01.1 (Permitted and Special Uses in All Zoning Districts), Section 4.07 (Additional Use Standards for Business and Office Districts), Section 4.08 (Additional Use Standards for M-B Light Manufacturing/Business District), and Table 7.10.01 (Off-Street Parking Schedule) of the Zoning Code all to Modify the Existing Definition of "Health Club or Private Recreation" and to add a Definition and Off-Street Parking Requirements for Firearms Shooting Range and to add Firearms Shooting Range as a Special Use in Certain Zoning Districts

This item was presented by Mr. Cook using PowerPoint.

Proposed

*November 9, 2012

- Village Board Refers Matter to Plan Commission via Resolution No. R2012-1710

*February 6, March 6 and May 1, 2013

- Plan Commission continues matter without discussion

*July 10, November 6, 2013, February 5 and April 2, 2014

- Plan Commission Discusses Matter Concluding with a Recommendation to Amend Code

*Specific Purpose of Text Amendment Referral

- Exclude Firearms Shooting Ranges from existing definition of "Health Clubs and Private Recreation"
- Establish "Firearms Shooting Range" as a Special Use in the M-B Zoning District

Public Testimony Received During Hearing

*Testimony Received from Residents

- Charles Halevi (July 10, 2013)
- Zvie Lieberman (November 6, 2013)

July 10, 2013 – Plan Commission Hearing

*Commission Reviewed Draft Definition of "Firearms Shooting Range"

- Expressed Desire for More Clarity
- Expressed Desire to Develop Additional New Standards for Firearms Shooting Ranges

*Commission Reviewed Previously Proposed 800 Foot Minimum Separation from Park Zoned and Residential Zoned Property

- Some Commissioners Advocated Elimination of Separation Requirement
- Some Commissioners Advocated Lesser Separation Distance

November 6, 2013 – Plan Commission Hearing

*Plan Commission Reviewed and Concurred with Revised Definitions

- "Firearms Shooting Range" "Health Club" and "Private Recreation"

*Some Commissioners Advocated Expanding “Firearms Shooting Range” as a Special Use in B-1, B-2, B-3, O-1 Districts as well as M-B District

- One Member Objected to Proposal
- No Consensus Reached on Appropriate Districts

*Commission Reviewed and Commented on 1st Draft of Additional Standards

February 5, 2014 – Plan Commission Hearing

*Plan Commission Reviewed Shooting Range Separation Requirements

- Concluded Minimum 250 Foot Distance Between “Firearms Shooting Range” and Park Zoned and Residential Zoned Property
- Concluded Minimum One Mile Separation Between any Two “Firearms Shooting Range” Uses

*Commission Revised Draft Additional Standards Requirements

*Commission Reviewed Proposed Off Street Parking Requirement for “Firearms Shooting Range”

Residential and Park Separation maps were exhibited.

April 2, 2014 – Plan Commission Hearing

*Commission

- Modified Proposed Off –Street Parking Requirement
- Finalized New Additional Standards for Shooting Ranges
- Completed Public Hearing and Formed Recommendation

Commission Recommendation

By 4-1 Vote Commission Recommends Zoning Code Text Amendments to

*Section 2 Definitions

- To add definitions for “Commercial Recreational Facility”, “Firearms Shooting Range” and revised definition for “Health Club”

*Table 4.01.1 Land Use Table

- To add Firearm Shooting Range as Special Use in B-1, B-2, B-3,O-1 and M-B Zoning Districts

*Section 4.08 and 4.09 Additional Standards

- To add new standards for Firearm Shooting Ranges

*Table 7.10.1 Off-Street Parking Requirements

- To add new parking standard for Firearm Shooting Ranges

Recommended New Definitions

Section 2.02 Definitions – Add the following new definitions

*Commercial Recreational Facility:

A privately owned for-profit commercial facility designed and equipped to provide customary leisure time or recreational activities, such as bowling, swimming, miniature golf, paintball, indoor go-karts, ice skating, tennis, racquetball and similar activities. For purposes of this Ordinance, a Firearms Shooting Range is not a Commercial Recreational Facility.

***Firearms Shooting Range:**

A specialized indoor facility used in whole or in part for the safe shooting practice of firearms (as that term is defined pursuant to the Illinois Firearm Owners Identification Card Act, 4:30 ILCS 65/0.01 et seq., as may be amended)

Recommended New Definitions

Section 2.02 Definitions:

*Health Club – A business establishment which: (i) promotes physical fitness; (ii) contains equipment and gymnasias for body exercising or other facilities intended to improve physical fitness, diet weight control and/or health; and (iii) is generally utilized by members who pay a periodic fee for facility access and use. For purposes of this Ordinance, a Firearms Shooting Range is not a Health Club.

Current existing definition to be deleted.

Recommended Amendments to Land Use Table were presented.

Recommended Amendments to Off-Street Parking Schedule were presented.

Recommended Additional Standards for Firearms Shooting Ranges (Summary)

- 250 Foot Distance Between “Firearms Shooting Range” and Park Zoned and Residential Zoned Property
- 1 Mile Separation Between Any 2 “Firearms Shooting Ranges”
- Range design standards must conform with requirements of US Department of Energy’s Range Design Criteria
- Range must conform with requirements of US Occupational Safety and Health Administration
- Must operate under a Safety Plan, approved by Police Chief, which contains specific range safety requirements
- Must comply with a Security Plan approved by the Police Chief
- Must comply with all applicable federal, state and Village Noise requirements
- Must comply with all EPA and IEPA lead requirements
- Supervision of the range required at all times by a certified Range Safety Officer
- Assault Weapons are prohibited
- Drugs and Alcohol prohibited from Range
- Minors prohibited except when in custody of parent, grandparent, legal guardian, firearms instructor or another adult age 18 or older with supervisory authority over minor
- FOID Card required to operate firearm within shooting range, unless participating in a training course or is a minor as otherwise permitted
- \$5 million general liability and property insurance required with Village as an additional insured
- Various application requirements concerning statements of ownership and past experience with shooting ranges

Plan Commission Recommendation

By 4-1 Vote, Commission Recommends Zoning Code Text Amendments to

*Section 2 Definitions

- To add definitions for “Commercial Recreational Facility”, “Firearms Shooting Range” and Revised Definition for “Health Club”

*Table 4.01.1 Land Use Table

- To add Firearm Shooting Range as Special Use in B-1, B-2, B-3, O-1 and M-B Zoning Districts

*Section 4.08 and 4.09 Additional Standards

- To add new standards for Firearm Shooting Ranges

*Table 7.10.1 Off-Street Parking Requirements

- To add new parking standard for Firearm Shooting Range

Trustee Klatzco moved to direct the Village Attorney to prepare an Ordinance consistent with the recommendation of the Plan Commission with two exceptions: Firearms Shooting Ranges limited to the M-B District and a distance of one mile required between ranges, seconded by Trustee Patel.

Upon Roll Call the Results were:

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

NAYS: None

The motion passed.

7. Consideration of a Recommendation by the Plan Commission Regarding Various Zoning Ordinance Text Amendments and Off-Street Parking Requirements

This item was presented by Mr. Cook.

Proposed Zoning Text Amendment

Concerning various definitions and off-street parking requirements
Amendment to Sections 2.02 and Table 7.10.1

Public Hearing Process

*December 4, 2012

- Village Board referred matter to Plan Commission

*February 6, March 6, May 1 and June 5, 2013

- Plan Commission continued matter without discussion

*August 7, October 2, 2013 January 22 and April 2, 2014

- Plan Commission discussed matter concluding with a recommendation to amend Code

*Intended Purpose of Text Amendments

- Clarify and eliminate redundant or confusing Text within Definitions for “Banquet Facility”, “Banquet Hall”, “Fence, semi-private or private fence” and “Façade”
- Clarify and make consistent “Restaurant” and “Restaurant, Fast Food or Carryout”

August 7, 2013 Plan Commission Hearing

*Testimony received from Trustee Cope

- Draft Modification to Restaurant Definitions Would Not Provide Desired Clarity

- “Restaurant, Fast-Food and Carryout Restaurant” Uses Should be Made Special Uses

*Plan Commission Directed Staff to Survey nearby Communities for Definitions Concerning Restaurant Uses

October 2, 2013 Plan Commission Hearing

Commission Reviewed Restaurant Research

Commission preferred definitions used in Skokie Zoning Ordinance

- Carryout Restaurant
- Limited Service Restaurant
- Full Service Restaurant

Requested Staff to Review Lincolnwood Restaurants Using Skokie Definitions

Concurred with Skokie Off-Street Parking Requirements

Carryout Restaurant: One space/300SF

Limited Service and Full Service Restaurants: One space/ 100 SF

Commission Reviewed "Banquet Facility, Banquet Hall" and Staff Recommendation to Eliminate Except for Definition, Term not found elsewhere in Code

- Commission concluded no change or elimination needed

Commission Reviewed "Fence, Semi-Private or Semi-Private Fence" Definition

- Commission Recommended Minor Modification to Clarify Style of Fence Permitted

Commission Reviewed "Façade" Definition

- Staff Noted Current Definition Unclear/Confusing When Applying Design Requirements
- Commission Directed Staff to Prepare Definition for "Elevation" to Clarify

January 22, 2014 Plan Commission Hearing

- Commission Reiterated Preference to Adopt Skokie Zoning Definitions for Restaurants
- Commission Reviewed and Finalized Off-Street Parking Requirements for Restaurant Types
- Commission Expressed No Desire to Review/Change Treatment of Restaurant Types (Permitted vs. Special Use)
- Hearing Continued for Staff to Finalize Proposed Language for Amendments

April 2, 2014 Plan Commission Hearing

By 4-0 Vote, Commission Recommends Text Amendments to:

Section 2 Definitions

*Modify definitions for

- Fence, Semi-Private or Semi-Private Fence
- Façade
- Restaurants

*Add definition for

- Elevation

Table 7.10.1 Off-Street Parking Schedule

- Modify off-street parking requirements for restaurants

Recommended Definitions

Section 2.02 Definitions:

- 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 also known as 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
- Façade: The exterior wall of a building facing a public or private street and public access drives but shall exclude alleyways
- Elevation: The external face of a building or structure

Recommended Restaurant Definitions

Section 2.02 Definitions

- “Restaurant, carryout: Any establishment where the primary purpose of the operation is the preparation and service of food and/or beverages for immediate consumption off the premises; however, up to five seats may be provided for patrons”
- “Restaurant, limited service: An establishment that provides food and/or beverage services (except carryout restaurants) where patrons order or select items and pay before eating/drinking. Includes cafeterias, which use cafeteria style serving equipment, a refrigerated area, and self-service beverage dispensing equipment, and which display food and drink items in a continuous cafeteria line.”
- Restaurant, full-service: An establishment that provides food services to patrons who order and are served while seated and pay after eating.”

Discussion ensued regarding parking requirements.

Trustee Cope moved to direct the Village Attorney to draft an Ordinance consistent with the Plan Commission recommendation, seconded by Trustee Leftakes.

Upon Roll Call the Results were:

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

NAYS: None

The motion passed.

Manager's Report

None

Board and Commissions Report

None

Village Clerk's Report

None

Trustees Report

Trustee Klatzco announced that the Human Relations Commission is still looking for a new member.

Public Forum

None

Adjournment to Executive Session

Trustee Leftakes moved to adjourn the Regular Meeting to Executive Session for the purpose of discussion of land acquisition at 9:30PM, seconded by Trustee Elster

Upon Roll Call the Results were:

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

NAYS: None

The motion passed

Reconvention

President Turry reconvened the Regular Board Meeting at 10:43PM.

Adjournment

At 10:44 Trustee Elster moved to adjourn the Regular Board Meeting, seconded by Trustee Leftakes.

The motion passed with a Voice Vote

Respectfully Submitted,

Beryl Herman

Beryl Herman

Village Clerk