

**VILLAGE OF LINCOLNWOOD
PRESIDENT AND BOARD OF TRUSTEES
REGULAR MEETING.
VILLAGE HALL COUNCIL CHAMBERS
DECEMBER 16, 2014**

Call to Order

President Turry called the Regular Meeting of the Lincolnwood Board of Trustees to order at 7:42 P.M., Tuesday, December 16, 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 Klatzco, Elster, Cope, Patel.

ABSENT: Trustees Sprogis-Marohn, Leftakes.

A quorum was present. Also present: Timothy Wiberg, Village Manager; Douglas Petroschius, Assistant Village Manager; Charles Meyer, Assistant to the Village Manager; Steven Elrod, Village Attorney; Amanda Williams, Management Analyst; Charles Greenstein, Village Treasurer; Timothy Clarke, Director of Community Development.

Approval of Minutes

The minutes of the December 2, 2014 regular Village Board meeting had been distributed in advance and were examined. Trustee Elster moved to approve the presented minutes. The motion was seconded by Trustee Cope.

The motion passed with a Voice Vote.

Warrant Approval

Trustee Klatzco moved to approve Warrants in the amount of \$641,664.54. Trustee Elster seconded the motion.

Upon a Roll Call by the Village Clerk the results were:

AYES: Trustees Klatzco, Patel, Elster, Cope

NAYS: None

The motion passed

Village President's Report

1. President Turry announced that tonight is the first night of Chanukah and wished a Happy Holiday to all who celebrate. On Monday night, December 22, there will be a Chanukah party in the Community Center from 5:30 to 7:30PM.
2. President Turry wished a Merry Christmas to all who celebrate.
3. President Turry wished a Happy New Year to all.

Consent Agenda

President Turry read the following item on the Consent Agenda:

- 1. Approval of Recommendations by the Zoning Board of Appeals to: 1) Approve a Variation from Section 4.11 to Permit a One-Story Addition to Encroach Into the Required Side Yard Setback for the Property at 6755 North Kostner Avenue; and 2) to Refer to the Plan Commission Consideration of a Text Amendment Concerning Existing Nonconforming**
- 2. Approval of a Recommendation by the Traffic Commission to Amend Chapter Seven, Article Two, Section Twelve of the Village Code Pertaining to Prohibiting Vehicular Parking at all Times on the North Side of Lunt Avenue between a Point 205 Feet East of the East Curb Line of Ridgeway Avenue and a Point 230 Feet East of Such Curb Line**
- 3. Approval of a Resolution to Extend the Professional Janitorial Services Contract with Best Quality Cleaning, Inc. for \$39,660 for One Year**

Items 1 and 2 will be removed from the Consent Agenda and placed as Items 6 and 7 under Regular Business per requests from Trustees Patel and Elster.

Trustee Patel moved to approve the Consent Agenda as amended. Trustee Elster seconded the motion.

Upon Roll Call the Results Were:

AYES: Trustees Patel, Cope, Elster, Klatzco

Regular Business

- 4. Consideration of Recommendations by the Zoning Board of Appeals to: 1) Deny a Variation from Section 3.13 of the Zoning Code, Sought to Permit a Solid Fence in the Rear Yard at 6529 North Central Park Avenue; and 2) to Refer a Text Amendment to the Plan Commission for Public Hearing to Clarify the Definition of Semi-Private Fence**

This item was presented by Mr. Clarke, in Mr. Cook’s absence, using PowerPoint.

Subject Property

- *Property at 6529 North Central Park Avenue
- *Located in R3 Single Family Zone
- *New single-family home under construction

Arial view and Plat of Survey were exhibited.

Petitioner’s Initial Request

- *Six foot solid fence in both side and rear yards
 - Different designs for side and rear yard fences
 - Both designs defined as solid fences per Zoning Code

Solid Fences

Examples include, but are not limited to:

- Stockade
- Board and batten
- Basket weave
- Chain link with woven slat inserts
- Brick, except as otherwise provided

Photo examples of solid fences were exhibited

Current Regulation Residential Solid Fences Prohibited

Zoning Code does not permit solid fences in residential districts (Section 3.13(11)a) except:

- Immediately surrounding and enclosing recreational water tub or swimming pool
- Abutting an alley
- Abutting a lot in a business district
- Abutting a lot in a residential district used for nonresidential uses
- In a rear or side yard along a lot line which abuts a lot in a manufacturing district

The property at 6529 N. Central Park does not meet any of these exceptions

Photo examples of permitted rear yard fences were exhibited.

ZBA Deliberations

*Public Hearing

- September 17, 2014 – Began deliberation. Continued hearing to allow petitioner to revise proposed fence design
- October 15, 2014 – Continued without discussion
- November 19, 2014 – Concluded deliberation

*Related Cases

- Since November 2008 (new code) two similar requests, ZBA found these cases to not have direct relevance

*Petitioner Testimony Received

- Petitioner indicated privacy and security are primary concerns

*No Public Testimony Received

Revised Fence Designs Submitted for November 19th ZBA Meeting

*Proposed six foot wrought iron fence in side yard

*Proposed six foot solid fence design in rear yard

Revised Site Plan was exhibited, as well as Revised Rear Yard Fence Design

ZBA Deliberations

*Proposed six foot wrought iron fence permitted in side yard- Section 3.13(11)c

- Fence height variation in side yard eliminated

*Proposed six foot fence design in rear yard

- Proposed fence design considered solid fence and does not eliminate the need for Variation to permit a solid fence in rear yard (due to horizontal boards). Section 3.13(11)a

ZBA Recommendations

By 5 – 1 Vote

Recommends denial of Variation to permit solid fence in rear yard at 6529 North Central Park Avenue – Majority did not find a demonstrated hardship

By separate 6 – 0 vote

Recommends referral of a Text Amendment to review fence definitions and related fence regulations as necessary

Permitted Fences in Rear Yard

“Fence, Semiprivate or semiprivate fence – A fence which is not a solid fence or an open fence: These types of fences are restricted to board-on-board fences (also known as “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.”

Section 3.13(11)g of the Zoning Code (underline added for emphasis):

open and semiprivate fences not more than six feet in height may be erected in a rear yard, but only to a line which is perpendicular to the rear face of the residence.”

Architect Julie de Leon addressed the board regarding solid fence definition.

Discussion ensued.

Mr. Cook’s absence leaves doubt as to the variation needed. It was suggested that this be postponed until January 6, to find out all the facts

Trustee Cope moved to remand this item to the Village Board meeting of January 6, 2015, seconded by Trustee Elster.

The motion passed with a Voice Vote.

5. Consideration of Recommendations by the Economic Development Commission Concerning Residential Uses in the Devon Avenue Corridor and Residential Parking Standards for Multi-Family Development

This item was presented by Mr. Clarke who provided background and current status by PowerPoint.

Attorney Elrod stated that this item has nothing to do with proposed or current TIFs.

Consideration of Recommendations by the Economic Development Commission

- 1) Residential Use on Devon Avenue Corridor
- 2) Guest Parking for Multi-Family Developments

Background and Current Status

- *Devon Corridor is Zoned B2 General Business
 - Prohibits any type of Residential Use including Assisted Living Facility, Independent Living for Seniors, Nursing Facility
- *Current Proposal for Mixed Use Development of Whistler's Restaurant Site (includes 18 Residential Units)
- *Village Board Requested EDC Review as to whether housing should be allowed in corridor

Arial Site photos were exhibited.

Current Policies and Plans

- *Existing Comprehensive Plan (2001)
 - Property within Devon Corridor identified as "Potential Redevelopment Areas"
 - Preferred Land Use in Devon Corridor is Commercial
 - Where retail not practical, consideration would be given to multi-family residential
- *Urban Land Institute (ULI) Study 2014
 - Whistler Property – Key site for redevelopment restaurant/multi-use retail
 - Senior Housing (3-4 story) or possibly multi-family suggested as alternative use – toward west end of corridor
- *Devon Lincoln TIF District/Intergovernmental Agreement (2014)
 - Requires Declaration of TIF Fund Surplus equal to incremental revenue from residential minus required TIF school payments
 - Prohibits TIF Fund use to support residential development

Proposed Whistler's Site Redevelopment Concept

- *3 Story, 38 foot tall building (toward Devon)
(Height complies with B2 Zoning which allows buildings of 3 stories at a maximum of 38 feet)
- *5,173 sf ground level commercial space
- *18 residential units (2nd and 3rd floors)
- *Ground level enclosed parking (towards rear)
 - 36 parking spaces for residential
 - 7 parking spaces for commercial

A rendering of the proposed building and a site plan were exhibited as well as individual floor plans for ground level to third floor and roof. Unit plans and elevations were presented.

In attendance were Laszlo Simovic, Architect and Chris Dimas, owner of Whistler's Restaurant.

Commission Recommendations (7 -0 Vote)

- *Allow Residential Use above ground floor as Special Use in Devon Avenue Corridor
 - Implement through overlay zone technique
- *Create an "open air" off street parking requirement for Multi-family developments in the Village
 - Specific recommendations not made

Reasons for Recommendation

- *Mixed Use Development could spur Beneficial Revitalization of Devon Avenue Corridor
 - *Much Developer Interest in Mixed Use development
 - *Special Use mechanism would allow specific review of each proposed Mixed Use development
- Proposed Whistler Development Attractive

Recommended Technique - Residential Overlay Zone

- *Would be Applicable to Business Property between McCormick Boulevard and Drake Avenue
 - Would not affect other areas of Village Zoned B2
- *Would allow for present B2 Uses and Via the Overlay, Residential Units above ground level as Special Use
- *Overlay Zone technique Used for Retail Use in MB District along Touhy Avenue

Concurring with the Economic Development Commission

Refer Matters to Plan Commission for Public Hearing

Discussion and questions ensued.

Trustee Klatzco moved to remand this item to the Village Board meeting of January 20, 2015, when the full Board may be in attendance, seconded by Trustee Elster.
The motion passed with a Voice Vote.

6. Moved as Item 1 on the Consent Agenda at the request of Trustee Patel.

Approval of Recommendations by the Zoning Board of Appeals to: 1) Approve a Variation from Section 4.11 to Permit a One-Story Addition to Encroach Into the Required Side Yard Setback for the Property at 6755 North Kostner Avenue; and 2) to Refer to the Plan Commission Consideration of a Text Amendment Concerning Existing Nonconforming Setbacks and Proposed Building Additions

Trustee Patel requested clarification of two items:

- Encroaching – when portion is being demolished and rebuilt
- Change to size of set back

Mr. Clark responded:

Village has a long history of this type of Variation. Mr. Cook has suggested to ZBA that this section of the Code be changed.

Trustee Patel moved to direct preparation of an Ordinance granting the Variation, seconded by Trustee Klatzco.

Upon Roll Call the Results were:

AYES: Trustees Patel, Klatzco, Cope, Elster

NAYS: None

The motion passed

7. Moved as Item 2 on the Consent Agenda at the request of Trustee Elster.

Approval of a Recommendation by the Traffic Commission to Amend Chapter Seven, Article Two, Section Twelve of the Village Code Pertaining to Prohibiting Vehicular Parking at all Times on the North Side of Lunt Avenue between a Point 205 Feet East of the East Curb Line of Ridgeway Avenue and a Point 230 Feet East of Such Curb Line

Trustee Elster moved that the item be postponed until the Village Board Meeting of January 6, 2015 and that the petitioner be present, seconded by Trustee Cope.

The motion passed with a Voice Vote

Manager's Report

1. Crawford roadwork is winding down, and the street should be open by the end of this week.
2. Work at Pratt and Central is completed, waiting for the new signal.
3. Village offices will be closed on Wednesday, December 24 and Thursday December 25.

Board and Commissions Report

None

Village Clerk's Report

None

Trustees Report

None

Public Forum

Resident Herb Root of 4545 W. Touhy spoke regarding the proposed bridge across Touhy Avenue which is planned as part of a continuing bike path. Mr. Root spoke against the plan for a bridge at this location and provided a number of "negatives" if the bridge is put in.

Adjournment to Executive Session

At 9:22p.m. Trustee Klatzco moved to adjourn the Regular meeting to Executive Session for the purpose of discussion of land acquisition and review of executive session minutes, seconded by Trustee Cope.

Upon Roll Call the Results were:

AYES: Trustees Klatzco, Cope, Patel, Elster

NAYS: None

The motion passed

Reconvention

At 10:01 President Turry reconvened the Regular Board meeting.

Adjournment

At 10:02 PM Trustee Klatzco moved to adjourn the Regular Board meeting, seconded by Trustee Elster.

The motion passed with a voice vote.

Respectfully Submitted,



Beryl Herman
Village Clerk