



## Village of Lincolnwood Plan Commission

*Meeting*  
**Wednesday June 11, 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**  
May 7, 2014 Meeting Minutes
4. **Public Hearing: 6700 North Lincoln Avenue – Special Use and Variation**  
**Request:** Special Use for Personal Service Establishment Greater than 2,000 Square Feet in Area and Off-Street Parking Variation
5. **Public Hearing: 7366 North Lincoln Avenue – Special Use and Variation for Wireless Communication Facility**  
**Request:** Special Use Consideration for a New Wireless Communications Facility on an Existing Office Building and Variation to Exceed Maximum Permitted Panel Height
6. **Public Hearing: Accessory Structures – Zoning Code Text Amendment**  
(Continued from April 2, 2014, February 26, 2014, January 22, 2014, December 4, 2013, September 11, 2013, July 10, 2013, June 5, 2013, May 1, 2013, March 6, 2013 and February 6, 2013)  
**Request:** Text Amendment to Permitted Obstructions in Required Yards Section of Code to Consider Modifying Regulations Pertaining to and Including but Not Limited to Open Balconies, Porches, and Open Patios or Terraces

**7. Public Hearing: Medical Cannabis Dispensaries and Cultivation Centers – Zoning Code Text Amendment**

**Request:** Text Amendment to Definitions Set Forth in Article II Concerning Medical Cannabis Dispensaries and Cultivation Centers, and Similar Uses; Consideration of Medical Cannabis Dispensaries and Cultivation Centers as a Special Use in the O-1, B-1, B-2, B-3, and M-B Districts, Subject to Certain Restrictions; and Establishing Off-Street Parking Requirements for Medical Cannabis Dispensaries and Cultivation Centers, or Other Similar Uses

**8. Next Meeting**

**9. Public Comment**

**10. Adjournment**

**DRAFT MEETING MINUTES OF THE**  
**PLAN COMMISSION WORKSHOP**  
**MAY 7, 2014 – 7:00 P.M.**

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

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

Steve Jakubowski

**STAFF PRESENT:**

Aaron N. Cook, AICP, Community Development Manager  
Hart Passman, Village Attorney, Holland & Knight

**I. CALL TO ORDER**

Chairman Eisterhold noted a quorum of five members and called the meeting to order at 7:05 p.m.

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF MINUTES**

**Motion to Approve** the April 23, 2014 Meeting Minutes was made by Commissioner Fishman, and Seconded by Commissioner Sampen.

**Aye: Fishman, Sampen, Goldfein, Yohanna, and Eisterhold**

**Nay: None**

**Abstained: Auerbach**

**Motion Approved 5-0-1**

**IV. Public Hearing: 7177 North Lincoln Avenue – Special Use for Liquor Store**

Chairman Eisterhold swore in the Petitioners Bill Assimakopoulos of 4456 West Greenleaf, and Kathy O'Brien of 3837 West Fitch Avenue.

Mr. Cook presented an aerial of the subject property which is between Lincolnwood Produce and CVS. The Petitioners are requesting a Special Use to be allowed to move the liquor store from

inside Lincolnwood Produce to the empty tenant space next door. Mr. Cook also presented the 4,000-square foot floor plan, of which 3,500-square feet would be devoted to retail.

There was a previous application made in May 2008 for a liquor store at this site which was denied by the Plan Commission/Zoning Board of Appeals by a vote of 4-3. The recommended denial was based upon how to handle property improvements that were made as a condition of the approval, including landscaping and parking requirements. The Village Board has since removed these property improvement requirements as a condition for a Special Use.

The conditions placed on Lincolnwood Wines & Spirits, according to Ordinance No. 2012-3055, include minimum linear footage of shelving space devoted to bottled wine, prohibiting the sale of lottery tickets, and prohibiting the display of cigarettes. The Petitioner's plan calls for a lottery machine near the entrance and a cigarette display within the cashier space. Staff reiterated that the standards placed on Lincolnwood Wines & Spirits are not part of the Village's Zoning Code.

Petitioner Kathy O'Brien began her presentation stating that Lincolnwood Produce obtained their liquor license three years ago. Currently, they have 800-square feet of store space and a lottery machine. They would like to move the liquor and lottery areas to the empty tenant space next door so Lincolnwood Produce could utilize the floor space for grocery uses. They believe a standalone facility would generate more traffic.

A discussion revolved around the extensive restrictions already in place for liquor stores and whether or not they should be lifted somewhat.

Commissioner Sampen thought that the Village should be consistent with their standards and, in fact, the Village should ease the restrictions that are in place. Commissioner Sampen asked the Petitioner how they feel regarding the current restrictions and why they shouldn't be held to the same conditions as Lincolnwood Wines & Spirits.

Commissioner Goldfein questioned the Petitioner on why they felt the need for a freestanding store.

Petitioner O'Brien explained that their goal is to have them be separate businesses. A major barrier to knocking down walls and adding space is that they would have to close part of the grocery store during the remodeling process which would be detrimental to their business.

Commissioner Goldfein also inquired as to what the business hours would be. Petitioner O'Brien said that the hours would essentially be the same as the grocery store.

Mr. Passman noted that all liquor stores are held to the same standards that are present in the current liquor license requirements.

Chairman Eisterhold asked if anyone in the audience would like to speak on this Special Use. He noted that no one came forward.

**Motion to Approve** a Special Use for a Liquor Store in the space commonly known as 7177 North Lincoln Avenue was made by Commissioner Fishman, and Seconded by Commissioner Yohanna.

**Aye: Fishman, Yohanna, Auerbach, Goldfein, and Eisterhold**

**Nay: Sampen**

**Motion Approved 5-1**

**V. Public Hearing: 7017 North Central Park Avenue – Special Use for Wireless Communication Facility on an Existing Tower**

Chairman Eisterhold swore in the Petitioner, Wanchay Itmis of Verizon Wireless/ATC, 10700 West Higgins Road, Suite 240, Rosemont, Illinois.

Mr. Cook presented an overview of Verizon Wireless' Special Use in order to install three new antennas and ground equipment. The tower, which is owed by American Tower, is adjacent to the Village's water tank and the equipment will be placed 30 feet above ground on a 100-foot tower. Staff noted that there has been four of these facilities since 2009.

The Petitioner stated that the new equipment is needed in order to improve coverage and quality of service to their customers. The equipment will be installed 30 feet above grade on the existing 100-foot tower. These towers were chosen to provide better coverage and will provide little impact on the character of the property nor will it devalue the property. This improvement will not affect the structure with this addition. The site is in compliance with all federal, state, and Village ordinances.

In response to Chairman Eisterhold's inquiry as to why this equipment is only thirty-feet high, the Petitioner explained that Verizon utilizes small cell technology and, by utilizing smaller equipment, it can help alleviate dropped calls, etc. in areas where they cannot build high towers and the capacity can be enhanced with these smaller cells at a lower height.

Chairman Eisterhold swore in Mr. Stan Wilk, 4830 Chase Avenue, who is also a member of the Telecommunications Board, had no comments regarding this application.

Chairman Eisterhold asked if anyone in the audience would like to speak on this Special Use. He noted that no one came forward.

**Motion to Approve** a Special Use for a Wireless Communications Facility was made by Commissioner Yohanna, and Seconded by Commissioner Sampen.

**Aye: Yohanna, Sampen, Auerbach, Goldfein, and Eisterhold**

**Nay: None**

**Motion Approved 6-0**

**VI. Public Hearing: Bank, Credit Union, Savings and Loans and Legal Nonconforming Uses – Zoning Code Text Amendment**

The policy discussion focused around the nonconforming section of the Zoning Code. An existing nonconforming use is not allowed to move within the community and, to allow a move, a possible text amendment would be needed to allow for that use. Banks and savings and loans are not currently allowed in the B-1 District. This text amendment, as proposed, would not allow new banks to operate in the B-1 Zoning District. The proposed amendment would only allow existing legal nonconforming banks, credit unions, and savings and loans, which are currently located in the Business/Residential Transitional Overlay area, to move within this same area which is located between Monticello and Harding Avenues.

Commissioner Sampen asked why we are making an exception for banks. Mr. Cook stated that banks are currently prohibited along Lincoln Avenue. The Village is not adding additional banks, just the opportunity to move to another site. This text amendment is the process for them to move.

Commissioner Auerbach asked if any bank can move to Lincoln Avenue. There are only three banks that can apply to move within that District; the three banks are Brickyard Bank, Liberty Bank, and Charter One Bank.

Chairman Eisterhold swore in the Petitioner Mimi Sallis, President and CEO of Brickyard Bank. Petitioner Sallis presented the reasons for moving to another facility. The building is one that they own; the space they are in now is leased. Another reason for moving is that they would like to add a one-lane drive thru.

Mr. Passman brought to the Commission's attention that if this text amendment is approved, Brickyard Bank would have to come before the Plan Commission again for a Special Use for a drive thru and a variation for off street parking.

Chairman Eisterhold asked if anyone in the audience would like to speak on this Special Use. He noted that no one came forward.

**Motion to Approve** a Special Use for Banks, Credit Unions, Savings and Loans, and Legal Nonconforming Uses – Zoning Code Text Amendment made by Commissioner Yohanna, and Seconded by Commissioner Fishman.

**Aye: Yohanna, Fishman, Auerbach, Goldfein, Sampen, and Eisterhold**

**Nay: None**

**Motion Approved 6-0**

## **VII. Public Hearing: Medical Cannabis Dispensaries and Cultivation Centers – Zoning Code Text Amendment** *(Continued from April 2, 2014)*

Mr. Passman stated that as of January 1, 2014, the State of Illinois now allows the use of medical marijuana for more than 30 illnesses. Outright prohibitions are not allowed. Cultivation centers are where it is grown and harvested and then sells to the dispensary which is the retail operation. There will only be one in Cook County. Nowhere in Lincolnwood could a cultivation center be located, but a dispensary might be permitted. One dispensary, in either Evanston Township or

Niles Township, may be selected. Dispensaries may not be located within 1,000 feet of any pre-existing childcare facilities, school, day care center, group day care home, or child care facility. They may also not be located with a house, apartment, condominium, or areas zoned for residential use.

Mr. Passman stressed the fact that the Village needs to have the code language in order before the State approves their regulations in the fall. There was discussion as to whether what type of entities will be administering the marijuana.

Commissioner Sampen left the meeting at 9:16 p.m.

Commissioner Eisterhold recognized Trustee Cope who spoke regarding federal policy regarding the sale of marijuana. At the present time, the federal government does not permit the sale of marijuana. Trustee Cope questioned whether the Village is in violation of federal law if a dispensary is located in the Village and asked Mr. Passman for his guidance on this matter.

Commissioner Yohanna left the meeting at 9:30 p.m.

Commissioner Auerbach left the meeting at 9:37 p.m.

Chairman Eisterhold made notice that the Plan Commission has lost their quorum and the meeting was declared over.

**VIII. NEXT MEETING:**

Chairman Eisterhold noted that the next Plan Commission Meeting will be on Wednesday, May 23, 2014.

**IX. ADJOURNMENT:**

Respectfully Submitted,

Kathryn M. Kasprzyk  
Community Development Coordinator