

**MEETING MINUTES OF THE
PLAN COMMISSION**

August 1, 2012

7:00 P.M.

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

MEMBERS PRESENT:

Chairman Paul Eisterhold
George Touras
Don Sampen
Steve Jakubowski
Mark Yohanna
Patricia Goldfein

MEMBERS ABSENT:

Sue Auerbach

STAFF PRESENT:

Community Development Director Timothy M. Clarke, AICP
Community Development Manager Aaron N. Cook, AICP
Community Development Coordinator Lauren Wolf

VILLAGE COUNSEL

Hart Passman

I. CALL TO ORDER

Chairman Eisterhold noted a quorum of five members present and called the meeting to order at 7:07 p.m.

II. APPROVAL OF MINUTES

Motion to approve the July 11, 2012 Plan Commission minutes was made by Commissioner Jakubowski and seconded by Commissioner Touras. Motion approved 6-0.

III. PUBLIC HEARING: 6501 N. Longmeadow Avenue – Reasonable Accommodation

Request: Reasonable Accommodation to Establish and Operate a Community Residence (Group Home) in R1 Residential District (Continued from June 6, 2012 and July 11, 2012)

Chairman Eisterhold read into the record an opening statement: This hearing is a continuance of a Plan Commission meeting held on 7/11/2012. At this hearing we will allow statements from those residents not addressing us at our previous meeting. If anyone who has not spoken before has any new information, you may have up to 2 minutes. At 30 seconds remaining you will see a green placard. This means 'wrap it up' or make your close in the 30 seconds remaining. At the 2 minute mark you will see a red placard. At the meeting of the 11th of last month contained some disruptive behavior by a number of attendees. That meeting at its close served as the time for venting. Tonight's

August 1, 2012

meeting will adhere to a stricter following of decorum. Thus if there are any outbursts from the audience at any time, you will be immediately ejected from the building. These proceedings are going to be civil and also conducted with fairness. I hope that we do not need to eject anyone from the building for misconduct. Those comments tendered at the last meeting along with documents submitted have become part of the official record. The applicant will have as much time as needed to make their summation or to call witnesses. Remember this is a public hearing. Each speaker does not need to use the entire allotted time. I do request that speakers identify themselves for the record with their name and address. If your points have been covered already, then come forward state your name and address and your position as for or against, the petitioners request for a reasonable accommodation at this location. After Misericordia's summation and speakers (if any), the commission will deliberate on this issue. You will not be allowed to address the board during this process unless a board member asks the chair to have you address the commission. At that time you may come forward to speak. To all the commission members: You do not need to comment on any speakers address. You must be careful not to engage in debate, only clarification. To the audience and commission members, as the chair I may cut off any comments or discussion, thus be judicious with any comments being made, as it may be your last allowed.

Village Attorney Passman reminded everyone of the standards that were set forth at the previous July 11, 2012 hearing: the Commission is here to hear and accept testimony considering the pending request and the standards set forth by the Village Board in the Zoning Ordinance for consideration of a Reasonable Accommodation any information presented beyond those standards are recommended not relevant and do not consider information that is not relevant to the standards in the Zoning Code. Any statements that were made on July 11, 2012 or made tonight by the applicant or by the public are not to be considered statements by the Plan Commission or by the Village. Any statements by the applicant or by the public are to be considered only those by the person or persons making the statement. If members of the Commission or village staff or representatives do not specifically respond to a statement that silence should not be interpreted by approval or disapproval.

Chairman Eisterhold opened the meeting for public comment.

The following Village residents offered testimony and comments concerning the application:

In Support:

Alan Goldstein – 7044 Kenton

John Vodopic – 6915 East Prairie

Judy Abelson – 6537 Keating

Margie Weinstein – 7010 Keystone

Against:

Marcie Ruben - 6511 Longmeadow

Stephen Ruben - 6511 Longmeadow – Submitted 101 Petitions Against into record.

Robert Stulac – 6481 Longmeadow

August 1, 2012

Irene Dominelli – 6648 Sauganash
Jerry O’Neill - 6610 Tower Circle Drive

Peter Moy – 7001 Kilpatrick- Spoke in a general nature, neither for or against the application.

Village Attorney Passman clarified the time line of facts. The issue of the proposed group home at 6501 Longmeadow was first raised to the Village’s attention in 2011, through a letter sent by Misericordia to Staff asking whether or not it was permissible to open a group home at the subject property. The Village Attorneys reviewed the Zoning Code and at that time determined under the then-applicable Zoning Code that the use was prohibited. The Village Attorneys expressed concerns to the Village Board that the then-existing Zoning Code may have not been consistent with the Fair Housing Act. The Village Board asked the Attorneys to expand upon their research and investigate more fully the legal options the Village had. The Village Attorneys researched numerous options for potential Zoning Code amendments - including the option to make no amendment and to leave the then-existing Code as it was. The public hearings concerning proposed Zoning Code amendments began in August 2011 and continued between the Plan Commission and Board of Trustees through March 2012. At that meeting the Village Board adopted the now-current Reasonable Accommodation Ordinance.

Ms. O’Keefe, attorney for Misericordia, concluded testimony with a PowerPoint presentation. The proposed group home complies with the standards with the Village of Lincolnwood Reasonable Accommodation Ordinance. Ms. O’Keefe addressed an earlier public comment that the group home is not a licensed facility under the Illinois Community-Integrated Living Arrangements Licensure and Certification Act (“CILA”). It will be a licensed CILA before opening operation. Expert testimony that proposed group home is therapeutically necessary to allow optimum environment for disabled residents. Expert testimony that there are no alternative accommodations available in Lincolnwood to provide equivalent benefit. Expert testimony that proposed reasonable accommodation is consistent with the purpose and intent of the underlying R-1 residential district. Based on 16 years of experience with other Misericordia group homes, expert testimony that the proposed use would not impose an undue financial or administrative burden on the Village. Expert testimony that the proposed use will not adversely affect parking or traffic on the adjacent streets or within the surrounding neighborhood. Expert testimony that residents are developmentally disabled and members of a protected class. Expert testimony that the proposed use will not require a fundamental alteration from the regulations governing the underlying R-1 Zoning district. Expert testimony given there are no alternative reasonable accommodation alternatives because there are no other group homes. Expert testimony that there will only be a positive effect on the physical attributes of the subject property. The factual evidence presented shows the proposed group home meets all the standards for the Village of Lincolnwood Reasonable Accommodation Ordinance. Even though the standards do not address property values, expert testimony was given from Mary Wagner stating that a group home does not have an adverse effect on property values.

August 1, 2012

Chairman Eisterhold suggested that the Traffic Commission review the neighbors' concerns about parking on Longmeadow Avenue and related safety concerns on five other cul-de-sacs.

Commissioner Yohanna questioned Attorney Passman regarding Section 4.06(3)(i)(i) of the Reasonable Accommodation Ordinance. Attorney Passman stated that the intent of this paragraph is to prohibit operation of a Community Residence until the Residence is licensed pursuant to CILA. Attorney Passman stated further that Section 4.06(3)(o) reflects the need for a Community Residence to maintain its CILA licensure.

Commissioner Sampen questioned the petition that was submitted. He asked about the basis for the objection to eight residents within the proposed Community Residence. Ms. O'Keefe stated that the state allows eight residents and additional support staff. She explained that there are five bedrooms and four bathrooms in the home.

Commissioner Touras stated that by adding bedrooms it changes the home into more of a dormitory living. This violates the spirit of R-1 zoning. It would be reasonable to allow six adults and support staff. Must protect the integrity of the Zoning Code. Misericordia Home is the owner of record, but the CILA license is Misericordia Mercy. Ms. O'Keefe clarified for the record legal name is Misericordia Home, but go by Misericordia Heart of Mercy, and that it is the same organization.

The Commission then considered the following factors that are to be considered pursuant to the Reasonable Accommodation Ordinance:

- i. Whether the housing that is the subject of the request will be used by an individual or a group of individuals considered disabled or handicapped under the FHA – Commission agreed.
- ii. Whether the accommodation requested is financially, therapeutically, or otherwise necessary to make specific housing available to the individual or group of individuals with a disability or handicap under the FHA – Commissioner Jakubowski stated this is necessary because without the disability they would have been able to have access to the benefits desired. The Commission agreed.
- iii. Whether there are alternative reasonable accommodations available that would provide an equivalent level of benefit – Commission agreed that there were no such alternatives.
- iv. Whether alternative accommodations would be suitable based on the circumstances of the particular application – Commission agreed that there were no such alternatives.
- v. Whether the requested reasonable accommodation would be consistent with the general purpose and intent of the zoning district in which the property is located – The majority of the Commissioners agreed that the request would be consistent with the underlying zoning district. Commissioner Touras disagreed.
- vi. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the Village – The Commission agreed that any burden imposed by the requested reasonable accommodation would be minor.
- vii. Whether the requested reasonable accommodation will adversely affect vehicular traffic or parking on the subject property or on the streets adjacent to the subject property, or in the neighborhood in which the subject property is located – Commissioner

August 1, 2012

Jakubowski stated that the Commission had heard testimony on this issue and that there are no prohibitions affecting any neighbors' rights to park in the area. The Commission agreed, and suggested again that the Traffic Commission review parking conditions in the neighborhood.

viii. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of the regulations set forth in this Zoning Ordinance – Commission agreed that the request would not require such a fundamental alteration.

ix. Whether the requested reasonable accommodation substantially affects the physical attributes of the subject property – The Commission agreed that the proposed improvements to the residential structure on the property would improve the property.

Commissioner Jakubowski made a motion to recommend approval to grant a Reasonable Accommodation to establish and operate a Community Residence at 6501 Longmeadow Avenue, conditioned upon receipt by Misericordia of a CILA license before opening and operating the home. The motion was seconded by Commissioner Goldfein. Motion approved 5-1. This case will be heard by the Village Board on August 21, 2012 at 7:30 PM.

**IV. PUBLIC HEARING: Restaurant Parking – Zoning Code Text Amendment
(Continued from July 11, 2012 June 6, 2012 & May 2, 2012)**

**Request: Text Amendment to Modify the Minimum Off-Street Parking
Requirements for Eating & Drinking Establishments**

Commissioner Sampen made a motion to continue this Public Hearing to a date certain of September 5, 2012 at 7:00 PM and seconded by Commissioner Goldfein. Motion passes 5-0.

**V. PUBLIC HEARING: Commercial Masonry Requirements – Zoning Code Text
Amendment**

**Request: Text Amendment to Modify the Commercial Design Standards Relative to
Masonry Requirements and to Consider Definition of “Masonry”**

Commissioner Sampen made a motion to continue this Public Hearing to a date certain of September 5, 2012 at 7:00 PM and seconded by Commissioner Touras. Motion passes 5-0.

VI. PUBLIC COMMENT: None.

VII. ADJOURNMENT:

The next Plan Commission meeting is scheduled for August 22, 2012 at 7:00 PM. Hearing no further business, Motion to adjourn made by Commissioner Jakubowski. Seconded by Commissioner Sampen. Motion approved unanimously 5-0. Meeting adjourned at 9:05 PM.

Respectfully submitted,

Lauren Wolf
Community Development Department Coordinator