

**MEETING MINUTES OF THE
PLAN COMMISSION
August 7, 2013
7:00 P.M.**

DRAFT

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Steve Jakubowski

STAFF PRESENT:

Community Development Manager Aaron N. Cook, AICP
Community Development Coordinator Lauren Wolf

VILLAGE COUNSEL:

None.

OTHERS PRESENT:

Trustee Cope

I. CALL TO ORDER

Chairman Eisterhold noted a quorum of six members present and called the meeting to order at 7:03 p.m. Chairman Eisterhold notified the public that Commissioner Jakubowski would be absent.

II. APPROVAL OF MINUTES

Motion to approve the July 10, 2013 Plan Commission minutes with minor amendments was made by Commissioner Fishman and Seconded by Commissioner Yohanna. Motion approved 6-0.

III. Public Hearing: Definitions – Zoning Code Text Amendment

(Continued from June 5, 2013, May 1, 2013, March 6, 2013 and February 6, 2013)

Request: Text Amendment to Definition Section to consider Modifying and Adding Certain Definitions Including but Not Limited to Banquet Facility, Banquet Hall, Façade, Fence, Semi-Private or Semi-Private Fence, Restaurant and Restaurants, Fast-Food or Carryout

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Chairman Eisterhold noted that this agenda item will be continued until Trustee Cope arrives to speak on the matter.

IV. PUBLIC HEARING: Illumination/Glare Requirements for Signs – Zoning Code Text Amendment

(Continued from June 5, 2013, May 1, 2013, March 6, 2013 and February 6, 2013)

Request: Text Amendment to Organize or Modify References to Glare Reduction Regulations for Signs

Development Manager Cook explained the matter for consideration is for the sign chapter of the zoning code. This Text Amendment is for possible re-organization to group all glare requirements in one location. Staff found the sign chapter is effective in providing these types of regulations. Staff doesn't believe that re-organizing is needed but, should modify the prior action taken by the Plan Commission and the Village Board with the concern of the sign code in 2011. Glare reduction was added with a maximum level of foot-candles. In section 11.07.5 it still makes reference to the language of a dark background and light lettering which had been previously eliminated and needs to be removed from the zoning code. Similarly section 11.08(13)IX had been drafted based upon the prior eliminated requirement and Staff notes this should also be removed.

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none.

Motion to eliminate the requirements in the sign code in section 11.07(5) and 11.08(13)IX as presented by Staff was made by Commissioner Fishman. Seconded by Commissioner Sampen. Motion approved 6-0 Aye.

V. PUBLIC HEARING: Voting Requirements – Zoning Code Text Amendment

(Continued from June 5, 2013, May 1, 2013, March 6, 2013, & February 6, 2013)

Request: Text Amendment to Consider Modifying or Eliminating Voting Deadlines for Plan Commission and Zoning Board of Appeals

Development Manager Cook explained in administering the Zoning Ordinance staff has concerns with the voting/recommendation deadlines placed on the Plan Commission and Zoning Board of Appeals. The purpose of this consideration is to discuss the self-imposed deadlines relative to the Plan Commission and Zoning Board of Appeals voting. Basically, after 90 days of the completion of the application for the proposed variation the Commission shall make findings and recommend whether the variation, special use or otherwise should be approved and shall transmit such a recommendation in writing to the Board of Trustees. Currently, if the Plan Commission or Zoning Board of Appeals fails to act within the identified deadline, the Zoning Ordinance states that such failure to act constitutes a recommendation to approve the application. The deadlines are also vague as when the clock starts, when will the 90 day period begin and end.

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Commissioner Goldfein questioned whether the 90 day period should be extended to something like 120 days. Development Manager Cook responded that the amount of days is not the concern, however, when the 90 day period begins.

Commissioner Fishman indicated that the 90 days should begin at the start of the first scheduled hearing date.

Commissioner Yohanna stated that he doesn't have a problem leaving this section the way it is, there has not been any problems.

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none.

Motion to make a recommendation of no change to this provision of the code made by Commissioner Yohanna. Seconded by Commissioner Auerbach. Vote 6-0 Aye.

VI. PUBLIC HEARING: Public Hearing: Definitions – Zoning Code Text Amendment

(Continued from June 5, 2013, May 1, 2013, March 6, 2013 and February 6, 2013)

Request: Text Amendment to Definition Section to consider Modifying and Adding Certain Definitions Including but Not Limited to Banquet Facility, Banquet Hall, Façade, Fence, Semi-Private or Semi-Private Fence, Restaurant and Restaurants, Fast-Food or Carryout

Trustee Cope joined the Plan Commission meeting.

Development Manager gave a short PowerPoint presentation on the matter. The definitions are vague and may raise some questions. How does the Village want to define these uses. Currently, the village code defines Restaurants and Restaurant Fast-Food or Carryout separately. The reference and consideration that these are different types of uses are repeated in Section VII Table 7.01.1 the Off-Street Parking Schedule. However, the Permitted and Special Uses Table 4.01.1 lists only Restaurant with no reference to Restaurant Fast-Food or Carryout. Staff has interpreted that the Permitted and Special Uses Table considers Restaurants and Restaurants Fast-Food or Carryout to be the same use only differentiated by floor area. The Land Use Table allows for all Restaurants not specific on the type of Restaurant, it is based off square footage if it is 5000 Square Feet or less then you are allowed in the B1, B2, B3 and a Special Use in MB. Recently, Staff has been questioned on this interpretation and in order to remedy any confusion Staff believes these definitions need to be modified.

Trustee Cope was welcomed to speak on the matter. Trustee Cope indicated that this issue has not been thought through by Staff. The proposed definition and Land Use Table is not good. Defining Restaurant and including Carryout is not a way to solve the problem. They need to all be defined separately. The approach is not proper, need to clarify and designate. Trustee Cope also indicated that Fast-Food and Carryout should

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always be defined as a Special Use. Neighboring communities such as Evanston, Wilmette and Skokie all define Restaurants separately by use.

Chairman Eisterhold indicated that the Plan Commission should review other communities before any recommendation is made.

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none.

Motion to continue to October 2, 2013 made by Commissioner Fishman and Seconded by Commissioner Auerbach. Motion approved 6-0.

Informal request by Chairman Eisterhold to place on the Agenda Fence Requirements.

VII. Driveway Requirements – Zoning Code Text Amendment

(Continued from June 5, 2013, May 1, 2013, March 6, 2013 and February 6, 2013)

Request: Text Amendment to Consider Residential Driveway Requirements

Commissioner Sampen left the meeting.

Development Manager Cook indicated that driveway regulations are split between the Zoning Code and Municipal Code. Staff wants to bring the Municipal Code requirements into the Zoning Code. Therefore, all driveway requirements would be in one document. If relief is sought for Village requirements currently, petitioner would need to go to the Zoning Board of Appeals and Village Board. If this changes then petitioner would only need to seek relief from the Village Board and a public hearing is not needed. All relief requests for driveways would follow the same process.

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none.

Motion to incorporate the driveway requirements found only in the Municipal Code into the Zoning Ordinance as to be determined by the Village Attorney per best practice made by Commissioner Auerbach. Seconded by Commissioner Goldfein. Motion approve 5-0.

VIII. PUBLIC HEARING: Final Approval Procedure of Planned Unit Development – Zoning Code Text Amendment

(Continued from June 5, 2013, May 1, 2013, March 6, 2013 and February 6, 2013)

Request: Text Amendment to Consider Requiring Public Hearing for Final Approval of Planned Unit Developments

Development Manager Cook explained all public hearing approvals require a full application. Including, notices, letters, applications, payments and hearings. The full PUD process has no notifications, letters, or notice in the paper. Staff seeks consideration of a text amendment to modify the Final PUD approval process to require a fully noticed public hearing. Final PUD review is not necessarily routine in nature and as a result staff

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seeks the Plan Commission's input on requiring a Final PUD approval to be a public hearing. If requested, staff will conduct research of nearby communities to determine best practice.

Commissioner Fishman indicated he would like to see best practice and information from other communities.

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none.

Motion to continue to November 6, 2013 made by Commissioner Yohanna. Seconded by Commissioner Auerbach. Motion approved 5-0 Aye.

IX. OTHER BUSINESS:

Public Hearing Procedures will discuss at a future meeting.

X. PUBLIC COMMENT: None.

XI. ADJOURNMENT:

The next Plan Commission public hearing will be held on September 11, 2013. Hearing no further business, Motion to adjourn made by Commissioner Yohanna. Seconded by Commissioner Fishman. Motion approved unanimously 5-0. Meeting adjourned at 9:40 PM.

Respectfully submitted,

Lauren Wolf
Community Development Department Coordinator