MEETING MINUTES OF THE
PLAN COMMISSION
October 2, 2013
7:00 P.M.

LINCOLNWOOD VILLAGE HALL
COUNCIL CHAMBERS
6900 NORTH LINCOLN
LINCOLNWOOD, IL

MEMBERS PRESENT:
Chairman Paul Eisterhold
Irving Fishman
Don Sampen
Mark Yohanna
Patricia Goldfein
Sue Auerbach
Steve Jakubowski (at 7:18pm)

MEMBERS ABSENT:
None

STAFF PRESENT:
Community Development Manager Aaron N. Cook, AICP

I. CALL TO ORDER
Chairman Eisterhold noted a quorum of six members present and called the meeting to order at 7:05 p.m.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES
Motion to approve the September 11, 2013 Plan Commission minutes was made by Commissioner Fishman and Seconded by Commissioner Goldfein with minor changes. Motion approved 5-0-1 (Commissioner Auerbach abstained).

IV. Public Hearing: Definitions – Zoning Code Text Amendment
Chairman Eisterhold indicated that the matter had been continued most recently from the August 7, 2013 Plan Commission meeting. Chairman Eisterhold indicated that at the last meeting the Commission directed staff to research the restaurant definitions from other communities.

Mr. Cook presented the matter as it relates to the definition of restaurants. Mr. Cook explained that staff reviewed other communities to determine how restaurants are not only defined but categorized. Mr. Cook presented the information from nearby communities. Mr. Cook indicated that there is no standardized manner to define and
categorize restaurants. Mr. Cook reviewed the current categories and definitions for restaurants, restaurant and fast-food or carry-out restaurant.

Chairman Eisterhold indicated that while he reviewed the materials gathered from other communities he thought of many examples of restaurants that did not fit into the definitions and categories used in other communities. Chairman Eisterhold explained the list he prepared which identified multiple different potential restaurant types. Chairman Eisterhold stated that he did not get in to the parking side of the consideration but rather focused on how the different restaurant types operate. Mr. Cook cautioned the Plan Commission against trying to establish many different restaurant types as too many categories can be ineffective.

Commissioner Fishman stated that he is less concerned with the definitions than he is concerned about what is realistic. Commissioner Fishman stated that rather than looking at other communities he would like to know what is realistic property to property within Lincolnwood. Commissioner Fishman asked if restaurants have experienced problems with parking and if so what the problems were. Commissioner Fishman indicated that many of the restaurants he visits do not appear to have problems.

Commissioner Auerbach agreed and stated that trying to organize definitions and parking requirements are difficult. Commissioner Auerbach indicated that the problem is when parking occurs on residential streets. Commissioner Auerbach observed that most businesses resolve potential problems by establishing valet and finding extra parking elsewhere. Commissioner Auerbach stated that it is her opinion that most businesses do not want their customers to park on residential parking.

Mr. Cook stated that the matter before the Plan Commission is not a matter of regulating existing restaurants but rather the regulations that new restaurants must comply with. Mr. Cook reminded the Plan Commission that in 2011 the Commission considered and made recommendations to reduce the requirement number of off-street parking for sit-down restaurants. Mr. Cook stated that the existing definitions are not clear enough on the differentiation between the two restaurant types within the Village. Mr. Cook explained that the matter up for discussion is the category/types of restaurants and how to define such restaurants given the potential confusion of the existing definitions. Mr. Cook indicated that the Plan Commission’s task is to clarify the definitions. If during the consideration it is believed that additional restaurant types should be identified the Plan Commission may take the information gathered from other communities and use it as a guide.

Commissioner Goldfein asked if the Illinois State Health Code defines restaurants in a manner that may be useful. Mr. Cook indicated he did not review the codes but that he believes those codes regulate the service of food which applies equally to all restaurant types. Commissioner Goldfein asked how many restaurants are in Lincolnwood. Mr. Cook stated that there is not a complete inventory of all restaurants in the community.

Commissioner Sampen asked what the current off-street parking requirements are for both restaurant categories. Mr. Cook indicated that the sit-down restaurant parking requirement is 10 spaces per 1,000 square feet and carry-out restaurants are 1 space per
seat plus 3 spaces per cashier station plus one space per employee. Commissioner Sampen asked if there have been any problems in administering the requirements and if any restaurants have not opened because of the off-street parking requirements. Mr. Cook stated that there have not been many inquiries for new restaurants in the community in the past one year. Mr. Cook added that Meatheads opened in the community under the parking requirements. Mr. Cook used Meatheads as an example on the lack of clarity in the definitions of sit-down and carry-out restaurants. Mr. Cook explained that Meatheads could fit into either category.

Commissioner Fishman stated that he would like to know if Skokie has experience any problems with parking around the area of Sanders on Touhy Avenue. Commissioner Fishman indicated that he doesn’t believe that aside from one restaurant that there are any parking problems associated with restaurants in Lincolnwood.

Commissioner Goldfein asked if there can be two different parking standards for restaurants that are both sit-down and carry-out restaurant. The Commission continued to discuss different examples of restaurants and how they fit within the two existing restaurant definitions.

Commissioner Goldfein stated that it is appropriate to introduce a third restaurant category that can accommodate some of the “hybrid” type of restaurants that have been given as examples. Commissioner Goldfein suggested that for the third “hybrid” restaurant category it may be appropriate to have a parking requirement be the higher of the per-square-foot determination or the operational standard. Mr. Cook indicated that the standards can be drafted that way.

Commissioner Sampen agreed with adding a third category with discretion given to the Zoning Officer to make determination in cases of a restaurant type that may not fit clearly into one of the three definitions. Commissioner Sampen suggested that staff prepare draft definitions of the three restaurant types discussed.

Commissioner Fishman stated that he is not in favor of simply accepting standards from other communities. Commissioner Fishman indicated that it is more important in his opinion to understand if there are any problems at existing restaurants in Lincolnwood. Mr. Cook explained that it is common practice to research communities in the area to understand how other communities regulate a given item. Commissioner Goldfein indicated that without paying for a parking study a review of existing conditions will be unscientific.

Commissioner Auerbach asked the range of restaurant types that would fall into the middle new “hybrid” definition. Mr. Cook stated that the middle definition may include everything that does not fit neatly into either carry-out restaurant or sit-down restaurant.

Chairman Esterhold stated that it may be beneficial for staff to identify the restaurant types with definitions and then using those categories place the existing restaurants in Lincolnwood into the proposed categories.
Commissioner Fishman asked how many more restaurants will open in Lincolnwood. He wondered if the Village should be spending as much time on this issue. Mr. Cook indicated that the regulations would apply to new restaurants including the re-use of spaces previously used as restaurants.

Commissioner Goldfein asked what other sections of the Zoning Code of Municipal Code will need to be reviewed if the definitions are amended. Mr. Cook stated that the subject matter is strictly a zoning matter. Mr. Cook added that staff will ensure that if any changes are made to the Zoning Code that other sections are consistent as needed and that possibly the business license section would need to be reviewed.

Chairman Eisterhold reiterated the direction to have staff prepare draft definitions as well as list the existing restaurants in the community under each proposed restaurant type.

Chairman Eisterhold discussed the Banquet facilities definition item. He indicated that the term is defined however it is not found in the land use table. Mr. Cook stated that is the reason staff included this as an item for discussion. He further explained that defining a use that is not included in the land use table is an uncommon practice but it is not necessarily inappropriate. Mr. Cook indicated that staff has conferred with the Village Attorney and recommend no change to the Zoning Code relative to the definition of banquet facilities.

The Plan Commission recessed at 8:05pm for five minutes.

The Plan Commission discussed the appropriateness of permitting banquet facilities in Lincolnwood. Mr. Cook indicated that the legal notice for the item did not include a review of where banquet facilities may be permitted but rather a review of the definition only. Commissioner Fishman indicated that the former Purple Hotel had a banquet facility. Mr. Cook indicated that hotels with a banquet facility as an accessory use is part of the land use table but stand-alone banquet facilities are not.

The Commission discussed the definition of board-on-board fence. The consensus was to not remove the two references to shadow box and board-on-board fences. The Commission preferred that the definition be slightly modified to read “board-on-board aka shadow box fence”.

The Plan Commission discussed the definition of façade. Mr. Cook indicated that most of staff’s concern with the current definition is being addressed as part of the commercial design standards discussion. Mr. Cook recommends that the definition of façade is best addressed as part of the commercial design standards. Chairman Eisterhold stated that as part of the definition there is a reference to public street however there are several private streets in the community which should still receive the same treatment as a public street. Chairman Eisterhold recommended that staff prepare a definition of façade and elevation.

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

**Motion to Continue** the matter to the December 4, 2013 regularly scheduled meeting.
by Commissioner Yohanna and Seconded by Commissioner Sampen.
Aye: Yohanna, Sampen, Jakubowski, Goldfein, Auerbach, Fishman, and Eisterhold
Nay: None
Motion Carried 7-0.

V. OTHER BUSINESS: Public Hearing Procedures

Commissioner Sampen indicated that he requested a discussion on the procedures for public hearings particularly in light of several recent contentious hearings. Commissioner Sampen stated that the hearings continue for a long period of time. Commission Sampen indicated that while listening to the testimony of both the applicants and objectors raised concerns. Commissioner Sampen indicated that he was not certain the PC needs to provide unlimited time to an applicant to make their case in order to avoid unnecessarily lengthy hearings. Commissioner Sampen stated that establishing time limits at the beginning can be beneficial and being reasonable if an applicant needs more time. Commissioner Sampen also expressed concerned if an applicant receives unlimited time but an objector is given limited time. Commissioner Sampen described that such a format may give an appearance of unfairness. Commissioner Sampen stated that he believes there should be rough parody between applicant and group of objectors.

The Plan Commission discussed the concerns raised and methods to hold a public hearing to address the concerns while also effectively hold a hearing. The Commission generally agreed with Commissioner Sampen however there was not specific consensus on needing a change in the format of the public hearing identifying that applicants have a case to make with many facts. The Commission agreed that the Chairman exercised proper discretion during the recent cases and believes that the Chair’s discretion is appropriate moving forward.

XI. NEXT MEETING
Staff reminded the Commission of a Public Hearing/Workshop meeting scheduled for Wednesday October 23, 2013.

XII. PUBLIC COMMENT
None.

XIII. ADJOURNMENT:
Hearing no further business, Motion to adjourn made by Commissioner Yohanna and Seconded by Commissioner Goldfein. Motion approved unanimously 7-0. Meeting adjourned at 9:00 PM.

Respectfully submitted,

Aaron N. Cook, AICP
Development Manager