MEETING MINUTES OF THE
PLAN COMMISSION
APRIL 2, 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 (arrived at 7:07 p.m.)
Mark Yohanna

MEMBERS ABSENT:
Steven Jakubowski
Don Sampen

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

I. CALL TO ORDER

Chairman Eisterhold noted a quorum of five members and called the meeting to order at 7:04 p.m.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

Motion to Approve the February 26, 2014 Meeting Minutes was made by Commissioner Yohanna, and Seconded by Commissioner Auerbach.

Aye: Yohanna, Auerbach, Goldfein, and Eisterhold
Nay: None
Abstained: Fishman
Motion Approved: 4-0-1

IV. Public Hearing: Health Club or Private Recreation and Firearms Shooting Ranges – Zoning Code Text Amendment
Commissioner Fishman directed the Village Attorney to change the words monetary lenders to secured or unsecured lenders in Section (5)(b)iii.C.iv. Commissioner Fishman also believed that the $10,000,000 insurance requirement is too excessive and asked Staff to investigate the availability of these kinds of policies.

Commissioner Yohanna agreed that the $10,000,000 amount is arbitrary and exorbitant and would like to see the amount reduced to $5,000,000. Commissioner Yohanna would also like to delete the driver’s license requirement from Section (5)(b)i.

There was a discussion pertaining to personal information on the application and whether or not it can be disclosed under a Freedom of Information request or on the Special Use application. Staff indicated that personal information on a FOIA request can be redacted but cannot on a Public Hearing application.

Commission Goldfein asked if a separate information sheet that would not be made available to the public would be an option.

Commissioner Yohanna agreed with Commissioner Goldfein and would like to see that provision be added to Section (5)(b)i.

Commissioner Yohanna also questioned the word governance in Section (5)(b)iii. which can be open to interpretation and confusion.

Commissioners Fishman and Yohanna agreed that the language in Section (5)(h) regarding drugs or alcohol needed to be expanded upon. Commissioner Yohanna stated that this language is vague and would like to add the word illicit or illegal to the drug reference.

Commissioner Yohanna also requested to modify the off-street parking space requirement from two spaces per shooting range station to one space per station, and in Section (5)(i) regarding the requirement of a FOID Card, add the language except for persons identified in subparagraph (5)(g).

Commissioner Goldfein disagreed with the decrease in the off-street parking requirement and would like to keep the parking area isolated and confined to a certain area.

Commissioner Yohanna asked Village Attorney Hart Passman for clarification to Section (5)(f) pertaining to the definition of prohibited assault weapons. Mr. Passman stated that the definition is similar to Cook County’s definition.

Chairman Eisterhold asked in anybody in the audience would like to address the Plan Commission in this matter. Let the record state that no one came forward.

**Motion to Recommend Approval** of the Zoning Code Text Amendment pertaining to Firearms Shooting Ranges was made by Commissioner Yohanna.

A discussion ensued with minor amendments to the original motion.

**Motion to Withdraw** made by Commissioner Yohanna.
Motion to Amend the language in Section (5)(b)iii.C.iv. to change the words monetary lenders to secured or unsecured lenders by Commissioner Yohanna, and Seconded by Commissioner Fishman.

A discussion ensued regarding the second motion.

Motion to Withdraw made by Commissioner Yohanna.

Motion to Recommend Approval of the Zoning Code Text Amendment pertaining to Firearms Shooting Ranges was made by Commissioner Yohanna, and Seconded by Commissioner Fishman with the following changes to the language Staff presented:

- Eliminate the requirement for a driver’s license number in Section (5)(b)i.;
- Define description of the words ownership and governance in Section (5)(b)ii.;
- Reduce insurance requirement to $5,000,000 from $10,000,000 in Section (5)(d);
- Insert the illegal before the word drugs in Section (5)(h); and
- Exempt from the requirements of Section (5)(i) persons identified under Section (5)(g).

Motion to Amend the parking requirements to 1.5 spaces per shooting range station from 2 spaces per station, plus 2 spaces per 1,000 square feet of floor space not devoted to indoor shooting ranges by Commissioner Yohanna, and Seconded by Commissioner Fishman.

Aye: Yohanna, Fishman, Auerbach, and Eisterhold
Nay: Goldfein
Motion Approved: 4-1

V. Public Hearing: Accessory Structures – Zoning Code Text Amendment

Staff restated the Plan Commission’s previous recommendation that terraces and patios be defined separately and be subject to different requirements. It was concluded that an additional bulk regulation relative to terraces would be to allow them to be forty percent of the depth of the rear yard and from the rear elevation to the rear lot line.

Staff presented the definition for a terrace or open patio as being in excess of one foot above grade in a residential district provided that they are at least four feet from all side and rear property lines, not over four feet above the average level of the adjoining ground, and do not project over ten feet from the front façade, excluding covered porches. Mr. Cook also pointed out that there is a terrace definition in the fencing section of our Ordinance which is in conflict with the existing and new language. Mr. Cook indicated that this conflict can be addressed and cleaned up at a later date.

The next discussion related to the definition and obtrusiveness of balconies. The communities researched included Morton Grove, Park Ridge, and Wilmette whose definitions are nearly identical to Lincolnwood’s. Currently, balconies on front elevations require Special Use approval.
This is the only accessory feature that requires Special Use approval. The standards for granting a Special Use are not as harsh as they are for a Variation due to the hardship requirement. The discussion included where balconies can and cannot be placed. Staff recommended that balconies only be allowed in the front and rear yard of the house and not on the side yard.

Commissioner Auerbach proposed that the Village allow a three-foot balcony in the front yard and four-foot balcony in the rear yard, be a fixed dimension from the structure, and not encroach into a required yard.

Staff presented the working definition for porches which is a structure that can be enclosed or unenclosed, projects from the exterior wall of a building, has direct access to the street level of the building, and is covered by a roof or eaves. Staff recommended that the definition exclude the word enclosed. An enclosed porch would count toward the floor area ratio (FAR) and may be confusing to include this definition in an accessory section.

The current code allows porches to extend from the rear elevation of a home and not be closer than four feet to side and rear lot lines and comply with the sixty percent lot coverage requirements. Staff sought general consensus that there is no need to change the provision that porches are permitted to be up to four feet from all side and rear property lines. Porches shall not permitted in the required front yard.

Chairman Eisterhold asked in anybody in the audience would like to address the Plan Commission in this matter. Let the record state that no one came forward.

**Motion to Continue** to May 7, 2014 by Commissioner Fishman, and Seconded by Commissioner Yohanna.

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

**Nay:** None

**Motion Approved:** 5-0

Commissioner Yohanna left at approximately 9:30 p.m.

**VI. Public Hearing: Definitions – Zoning Code Text Amendment**


Staff reviewed the definitions and off-street parking requirements relative to full-service, carryout, and limited-service restaurants. The one change is the increase to five seats for carryout restaurants.

Commissioner Fishman recommended the word immediate be taken out of the definition for carryout restaurants.

In regards to off-street parking requirements, there are two proposed changes. For carryout restaurants, there will be 1 parking space for each 300-square feet of floor area. For limited-
service and full-service restaurants, the off-street parking requirement is 1 parking space for each 100-square feet of floor area.

Staff did not recommend any action in regards to banquet facilities.

Staff concurred with the Plan Commission’s change to the fence definition.

There were some minor changes to the definition of façade. The proposed language change reads “the exterior wall of a building that is exposed to public view.” The change to the elevation language now reads “the external face of a building or structure”.

Chairman Eisterhold asked in anybody in the audience would like to address the Plan Commission in this matter. Let the record state that no one came forward.

**Motion to Approve** by Commissioner Goldfein, and Seconded by Commissioner Auerbach.

Aye: Goldfein, Auerbach, Fishman, and Eisterhold
Nay: None
Motion Approved: 4-0

**VII. Public Hearing: Lincoln Avenue Plan – Amendment to Comprehensive Plan**

**Motion to Continue** Item #7, Public Hearing: Lincoln Avenue Plan – Amendment to Comprehensive Plan to April 23, 2014 by Commissioner Fishman, and Seconded by Commissioner Auerbach.

Aye: Fishman, Auerbach, Goldfein, and Eisterhold
Nay: None
Motion Approved: 4-0

**VIII. Public Hearing: Commercial Masonry Requirements – Zoning Code Text Amendment**
*(Continued from February 5, 2014, November 6, 2013, September 11, 2013 and Remanded by Village Board and Committee on Ordinances, Rules, and Buildings)*

**Motion to Continue** Item #8, Public Hearing: Commercial Masonry Requirements – Zoning Code Text Amendment to April 23, 2014 by Commissioner Fishman, and Seconded by Commissioner Auerbach.

Aye: Fishman, Auerbach, Goldfein, and Eisterhold
Nay: None
Motion Approved: 4-0

**IX. Public Hearing: Medical Cannabis Dispensaries and Cultivation Centers – Zoning Code Text Amendment**
Motion to Continue Item #9, Medical Cannabis Dispensaries and Cultivation Centers – Zoning Code Text Amendment to May 7, 2014 by Commissioner Fishman, and Seconded by Commissioner Auerbach.

Aye: Fishman, Auerbach, Goldfein, and Eisterhold
Nay: None
Motion Approved: 4-0

X. NEXT MEETING:

Chairman Eisterhold declared that the next Plan Commission Meeting will be held on Wednesday, April 23, 2014.

XI. ADJOURNMENT:

Hearing no further business, Motion to Adjourn was made by Commissioner Auerbach, and Seconded by Commissioner Goldfein. Meeting adjourned at 9:45 p.m.

Aye: Auerbach, Goldfein, Fishman, and Eisterhold
Nay: None
Motion Approved: 4-0

Respectfully Submitted,

[Signature]

Kathryn M. Kasprzyk
Community Development Coordinator