MEETING MINUTES
OF THE
PLAN COMMISSION
AUGUST 5, 2015 – 7:00 P.M.

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

MEMBERS PRESENT:
Chairman Paul Eisterhold
Irving Fishman
Patricia Goldfein
Steven Jakubowski (arrived at 7:13 p.m.)
Anthony Pauletto
Don Sampen
Mark Yohanna

MEMBERS ABSENT:
None

STAFF PRESENT:
Timothy E. Clarke, AICP, Community Development Director
Aaron N. Cook, AICP, Community Development Manager
Hart N. Passman, Village Attorney

I. CALL TO ORDER

Chairman Eisterhold noted a quorum of four members and called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

Motion to approve the June 24, 2015 Workshop Meeting Minutes was made by Commissioner Fishman, and seconded by Commissioner Pauletto.

Aye: Fishman, Pauletto, Goldfein, Sampen, Yohanna, and Eisterhold
Nay: None
Motion Approved: 6-0

IV. Case #PC-08-15: Public Hearing: 4495 West Pratt Avenue - Proposed Text Amendment and Special Use for Wireless Communications Facility

Chairman Eisterhold swore in the Petitioner Mr. Ray Shinkle, President of In-Site RE, Inc., 1S660 Midwest Road, Suite 140, Oakbrook Terrace, Illinois 60181.
Mr. Cook presented the proposed Zoning Code Text Amendment language to allow wireless communication facilities within public utility rights of way as a Special Use. If the Plan Commission finds the text amendment to be consistent with the Zoning Code, then T-Mobile would request a Special Use to add antennas and ground equipment within the ComEd right of way south of Pratt Avenue. There are currently two approved co-locations near Touhy Avenue. The Zoning Code currently considers wireless facilities in a Business District as a Special Use. This location is south of Pratt Avenue (approximately 4495 Pratt Avenue) and is surrounded by residential uses, and the existing utility right of way is in the R-3 Residential District. The Zoning Code does not allow wireless communication facilities within Residential Districts. The requested amendment would allow for a co-location for a public utility within a Residential District only.

Chairman Eisterhold questioned why the language did not include “mounted on existing structures” as that would be preferable from a visual standpoint than erecting new poles. It is the goal of the Code is to use existing structures when possible, whether they are poles or buildings.

The dimensions of the antennas are approximately six feet in length and a foot-and-a-half wide. They are mounted to a platform located on top of the ComEd tower which is approximately 97 feet high. There was an antenna installed in 2008 in the ComEd right of way just north of Touhy which is not in a Residential District. The only wireless site that staff could recall is within a Residential District on the rooftop of the residential building at Cicero and Devon Avenues.

Mr. Shinkle was questioned as to the necessity of this antenna co-location. Mr. Shinkle replied that this tower is necessary to T-Mobile’s coverage requirements. Usage has grown tremendously and these sites are very important for their coverage. Co-locating on a utility tower is the only way to address their usage concerns without constructing new towers as well as minimizing the visual impact of these antennas.

There was discussion as to whether there are any revenue generating taxes or fees that can be imposed on these types of installations. Mr. Passman stated that this is not a tax generating use and state law restricts the ability of Villages to impose a tax of any kind, not just on telecommunications.

Staff was asked if the Code was originally written to restrict this type of installation. Staff replied that the current Code did not address existing utility poles regardless of what district they are in. The intent was to prohibit wireless sites in Residential Districts other than the R-4 District on a building five stories or greater. The byproduct of that is a prohibition of wireless sites within a public utility right of way.

For the record, Chairman Eisterhold noted that the Petitioner has supplied answers to both the Text Amendment and Special Use standards.

Chairman Eisterhold asked if anyone in the audience would like to address the Plan Commission regarding this matter. Mr. Stan Wilk, 4830 Chase Avenue, who is a member of the Telecommunications Commission, reiterated Mr. Passman’s remarks about the Village’s inability to collect a fee or tax on these installations. He believes this proposed language should be strongly considered.

**Motion to recommend** to the Village Board to approve the proposed Text Amendment to the Zoning Code and a Special Use to install an antenna on top of existing ComEd structures at 4495 Pratt Avenue was made by Commissioner Pauletto, and seconded by Commissioner Fishman.

Aye: Pauletto, Fishman, Goldfein, Jakubowski, Sampen, Yohanna, and Eisterhold
Nay: None
Motion Approved: 7-0
V. **Case #PC-09-15: Public Hearing: 6850 McCormick Boulevard – Planned Unit Development (PUD) Amendment**

Chairman Eisterhold swore in the following Petitioners for this Public Hearing: Bryan Rishforth, Managing Principal of R&R Global Partners; Kevin Wolfberg, Attorney with Schain Banks Kenny & Schwartz; James R. O’Malley, ALA, Managing Associate at OKW Architects; and Luay R. Aboona, PE, Principal at Kenig, Lindgren, O’Hara, Aboona, Inc.

This matter is a consideration of a Planned Unit Development (PUD) amendment for 6850 McCormick Boulevard, which is the former Dominick’s site. Dominick’s was granted preliminary PUD approval in 1999. Final PUD approval was granted in 2000. Dominick’s closed in 2013. In 2003, the 6810 McCormick medical office building was approved and various amendments to the PUD pertained to signage for Dominick’s and the medical office building.

The plat of survey and the two proposed site plans were presented for review. There are minor differences between the two site plans, both of which contain the same basic redevelopment proposal which is to divide the existing Dominick’s building into three tenant spaces and to construct an outlot building within the existing off-street parking area by McCormick Boulevard and Northeast Parkway.

One of the primary differences between the two plans pertains to off-street parking. The parking summary report was presented for review. Site plan A has a total of 290 required spaces, and 279 spaces are provided. Site plan B has a total of 247 required spaces, and 251 spaces are provided. Staff provided a site plan comparison.

The proposed elevations were presented and are consistent with the architecture and design of the former Dominick’s building which is a PUD provision. The overall landscape plan was presented for review as well.

Staff presented a list of items for consideration. They include the following: 1) List of proposed permitted uses with the PUD; 2) Operation of a 24-hour fitness center; 3) Delivery restriction to the hours of 7:00 a.m. and 10:00 p.m.; 4) Proposed signage (rear and south facing); 5) Traffic impact study; 6) Adequacy of parking supply for proposed uses; 7) Staff recommended sidewalk within PUD along Northeast Parkway; and 8) Staff recommended separation between proposed drive through and parking field.

Commissioner Fishman stated that there is no useful purpose for a sidewalk along Northeast Parkway and would create a safety hazard, especially for the new senior facility that is proposed adjacent to this site. Additionally, the installation of a sidewalk would affect the landscaping along the perimeter. He is strongly opposed to the installation of this sidewalk. Mr. Bryan Rishforth of R&R Global Partners agreed with Commissioner Fishman that the sidewalk would be a visual impairment as well as a costly endeavor. Commissioner Goldfein would like to see the developers get creative in how to make this area safer for pedestrians, otherwise the only alternative is for people to walk through the parking lot.

There was a lengthy discussion regarding the safest route for pedestrian access. One recommendation was to have a pedestrian crosswalk by the proposed senior facility across Northeast Parkway to access the sidewalk on the north side of the street. Pedestrians could then cross back south at McCormick Boulevard. Village Engineer Jim Amelio stated in his memorandum dated July 31, 2015 that it is important to extend the sidewalk from the west property line of the site to the main access drive for the commercial site and then tie it into the sidewalk extension that is already present from the front of the buildings. His revised plan review memorandum was presented to the Commissioners for their review. Historically, the Village has approved many developments without sidewalks, most notably the Lincolnwood Town Center. Staff
also noted that the Village is close to acquiring the land along the old Union Pacific Rail Line for a new bike trail and will essentially hook up to Northeast Parkway and will become a major access point between the new bike trail and the existing Centennial Park bike trail.

Staff outlined the recommended development conditions which include the following: 1) A security plan to be approved by the Police Chief; 2) no wall signs facing Pratt Avenue; 3) No wall signs on rear of main building (except for minor identification for deliveries); 4) One wall sign per tenant facing McCormick Boulevard; 5) Limited 24-hour operation in PUD to Planet Fitness; 6) Repair existing wood fence located along the property line; and 7) Required installation of knox box(es) as directed by the Fire Department. Petitioners have agreed to all of these conditions. Additionally, the Petitioners have agreed to work with the new senior development with regards to a possible pedestrian cross access walkway.

The parking plan requirements were discussed at length relative to the different uses proposed. A list of permitted business uses and their effect on parking was reviewed and approved. Specific comments regarding the list of uses include: 1) auto sales are to be interior sales only; 2) dry cleaning uses with on-site plants would be non-perchloroethylene based; 3) no gaming facilities which are prohibited in the Village; 4) retail postal services would be package delivery and delivery sales, not a U.S. Postal Service facility; and 5) sporting goods facilities would be prohibited from selling firearms.

The Petitioner is seeking a Class 7B tax abatement from Cook County. In order to do that, consent will be needed from the Village Board. The Economic Development Commission has recommended that consent be granted based on the requirement that fifty percent of the space at this development be retail based for the twelve-year period of the tax abatement. The developer has agreed to this provision. The Village Board has essentially concurred with the EDC’s recommendation. The formal consent will be finalized once the recommendation of the Plan Commission on the PUD is forwarded to the Village Board. The Village Attorney has recommended that a development agreement will be established covering the fifty percent requirement.

There was concern about traffic flow and safety issues with regards to the outlot building. Mr. Luay Aboona of KLOA referenced the traffic study that was performed. Mr. Aboona said that the former Dominick’s store generated more traffic collectively than this whole development would generate, and their design would promote safe traffic circulation. The outlot was designed so there would be fire truck and equipment access to all four sides of the building.

Staff referenced the Village Engineer’s review and recommended revisions to the traffic and parking study which has not yet been accepted. The Petitioners have reviewed these comments and are confident they will be able to satisfy these concerns. None of the issues will change the outcome of the study.

The issue of ten parking spaces in Lot 2 which NorthShore University Health System (NUH) has specific easements and rights to were discussed. These ten parking spots should not have been included in the total parking count. There is no cross access to these parking spaces; they are exclusive to NUH. Mr. Ted McKenna, Senior Manager of Colliers International Real Estate Management Services, who is the property manager for NUH, said there is a recorded easement which does specify the ten spaces to the south of the Dominick’s building. These parking spots are not marked for NUH use only.

Mr. Richard Dubin of Dubin Singer, 123 North Wacker Drive, Chicago, Illinois was asked if there were other encumbrances on title that would be detrimental to the parking situation. Mr. Singer replied that the PUD and the declaration are the only two documents that affect parking and access. A copy of the declaration will be provided to the Commissioners.
Mr. Rishforth agreed that they would install a crosswalk across the service drive on Northeast Parkway to if this would move the project forward, even though, in their opinion, it would create a safety hazard. Mr. Clarke reiterated the Village Engineer’s opinion that this sidewalk would not pose a public safety hazard.

Chairman Eisterhold asked if anyone in the audience would like to address the Plan Commission regarding this Public Hearing. Let the record show that no one came forward.

**Motion to recommend** approval of the PUD amendments subject to compliance with staff’s recommendation in relation to the traffic impact study, staff conditions as approved by the Petitioner, installation of an outlot barricade, no requirement for a sidewalk per the Petitioner’s agreement to install an appropriate crosswalk across the service driveway, approval of Site Plan A, and the modification to the business use list was made by Commissioner Sampen, and seconded by Commissioner Pauletto.

**Aye:** Sampen, Pauletto, Fishman, Goldfein, Jakubowski, Yohanna, and Eisterhold  
**Nay:** None  
**Motion Approved:** 7-0

**VI. NEXT MEETING**

Chairman Eisterhold announced that the next Plan Commission meeting will be held on Wednesday, September 2, 2015.

**VII. ADJOURNMENT**

Hearing no further business, **motion to adjourn** was made by Commissioner Fishman, and seconded by Commissioner Sampen. Meeting adjourned at 10:05 p.m.

**Aye:** Fishman, Sampen, Goldfein, Jakubowski, Pauletto, Yohanna, and Eisterhold  
**Nay:** None  
**Motion Approved:** 7-0

Respectfully Submitted,

Kathryn M. Kasprzyk
Community Development Coordinator