MEETING MINUTES
OF THE
PLAN COMMISSION
JULY 6, 2016 – 7:00 P.M.
LINCOLNWOOD VILLAGE HALL
COUNCIL CHAMBERS
6900 NORTH LINCOLN AVENUE
LINCOLNWOOD, ILLINOIS 60712

MEMBERS PRESENT:
Chairman Mark Yohanna
Irving Fishman
Patricia Goldfein
Steven Jakubowski
Henry Novoselsky (arrived at 7:20 p.m.)
Anthony Pauletto
Don Sampen

MEMBERS ABSENT:

STAFF PRESENT:
Steve McNellis, Community Development Director – Please note that Development Director McNellis was not present for all of Case #PC-10-16 – 4320 West Touhy Avenue
Aaron N. Cook, AICP, Community Development Manager
Kathryn Kasprzyk, Community Development Coordinator

I. Call to Order
Chairman Yohanna noted a quorum of four members and called the meeting to order at 7:05 p.m.

II. Pledge of Allegiance

III. Approval of Minutes
Motion to approve the June 15, 2016 Plan Commission Minutes, as amended, was made by Commissioner Fishman and seconded by Commissioner Sampen.

Aye: Fishman, Sampen, Pauletto, and Yohanna
Nay: None
Motion Approved: 4-0

IV. Case #PC-10-16: Public Hearing: 4320 West Touhy Avenue – Special Uses and Variations
Chairman Yohanna announced Case #PC-10-16 to consider approvals for a multi-tenant retail building with drive-through and off-street parking. Chairman Yohanna swore in the Petitioners, Mr. John Hague and Mr. Lawrence Radler.
Development Manager Cook outlined the requested Special Uses and Variations for 4320 West Touhy Avenue which is in the B-3 General Business District. The proposed development is for an approximately 32,787-square-foot multi-tenant building with frontage on Touhy, Kildare, and Lowell Avenues with parking to the front of the building and the menu board and vehicle stacking to the rear. The proposed rendering, elevations, site plan, and landscaping plan were presented for review.

The two requested Special Uses are to allow off-street parking between Touhy, Kildare, and Lowell Avenues and to allow a drive-through facility. The four Variations requested are to allow a drive-through to face a public street, to allow less than the minimum perimeter landscaping, to allow less than the minimum interior landscaping, and to allow than the minimum foundation landscaping.

The first requested Special Use is to allow off-street parking between the proposed building and streets. All of the proposed parking would require a Special Use. The second Special Use request is to allow a drive-through facility for a proposed coffee shop. It was noted that all drive-through facilities require a Special Use, and a list of current drive-throughs were presented for review.

The first Variation request is for the location of the drive-through facility which prohibits drive-throughs facing the street. The proposed drive-through faces Lowell Avenue. Entrance to the property will be off of Kildare or Lowell Avenues utilizing the same curb cuts. There will be no ingress or egress to the alley.

The second Variation request pertains to the minimum perimeter landscaping for off-street parking lots. The north perimeter area abuts an alley. Along this area, the Petitioner is proposing one foot of landscaping and an eight-foot masonry screening wall. The Zoning Code requires a minimum of five feet of landscaping with an eight-foot masonry screening wall. The east perimeter area is proposed to have a three-foot-wide landscape area with low growing plants. The Zoning Code requires an eight-foot-wide continuous densely planted hedges or massing of shrubs resulting in a 75% semi-opaque screening within one year of installation.

The third Variation request pertains to the interior landscaping for off-street parking lots. The Petitioner is proposing landscape islands that are substandard in size and plantings and do not meet the nine-foot by eighteen-foot size requirement. The Petitioner is proposing no landscaping at the island end caps.

The last Variation request pertains to the minimum foundation landscaping for off-street parking lots. The Zoning Code requires a six-foot landscape area at the foundation of the building. The Petitioner proposes a 5-foot-wide landscape area along the east foundation area and 4.4-foot-wide landscape area along the west foundation.

The Development Review Team’s Recommended Conditions include the submission of a traffic/parking study for Village Engineer review and approval, submission of a security plan for Police Chief approval prior to the issuance of a Certificate of Occupancy, and installation of a Fire Department Knox Box. The traffic/parking study should specifically address concerns with utilizing the existing curb cuts located along Kildare and Lowell Avenues due to the proximity to Touhy Avenue. This traffic/parking study should address traffic movement conflicts and any safety concerns.

Development Manager Cook identified, for the record, that letters of opposition were submitted regarding this application and are included in the Plan Commission packet.
Mr. John Hague, the project architect, outlined the redevelopment process. The proposed drive-through tenant was identified as a Starbucks who would require ample parking and stacking requirements which is necessitating the landscape Variations. Mr. Hague believes that their plan resolves vehicle stacking and traffic flow issues. The Zoning Code requires a minimum of 34 parking spaces, and the Petitioners are proposing 44 spaces, of which Starbucks would require 20 of these spaces. The other two tenants would be low traffic users and should not negatively affect the proposed parking plan. It was noted that the Petitioners could comply with the Zoning Code with no landscaping Variations as their plan does meet the minimum parking requirements.

Commissioner Sampen inquired if Mr. Hague has reached out to the community to address their concerns. Mr. Hague said they were not aware of any concerns until they received the letters of opposition in the Plan Commission packet. Mr. Hague said they would be happy to work with the neighbors. Alley traffic was one of the major concerns cited in the letters, and the proposed plan offers no access from the alley.

Property Manager Lawrence Radler stated a letter of intent from Starbucks would be forthcoming if the drive-through was approved, and it was Mr. Radler’s understanding that the store in David’s Square would close. Dunkin’ Donuts was also identified as a potential user.

There was discussion regarding reconfiguring the parking spaces to accommodate more landscaping. There was concern about the lack of landscaping along the east side of the property and perimeter landscaping requirements. Commissioner Goldfein stated she would not be in favor of this proposal unless the landscaping plan is enhanced. Mr. Hague agreed to work on improving the landscaping plan.

Chairman Yohanna asked if there was anyone in the audience who would like to address the Plan Commission regarding this Public Hearing. Listed below are comments from members of the audience.

Ms. Barbara Walsh, 4256 West Touhy Avenue, had concerns about children and senior safety as a drive-through would increase traffic and cause further congestion on the side streets.

Mr. Jerry Altman, 4351 West Chase Avenue, said the proposed drive-through would compound the traffic problems on Lowell and Touhy Avenues as well as trash issues.

Mr. Ira Kudish, 7226 North Tripp Avenue, agreed that with the other residents that a traffic study should be done before approval of this project.

Mr. Mike Bagban, 7240 North Lowell Avenue, agreed that traffic congestion and trash are an issue.

Mr. Branko Sajic, 7227 North Kildare Avenue, emphasized the traffic congestion on Touhy Avenue and this proposal will make traffic on the side streets worse.

Mr. David Lynn, 7226 North Kildare Avenue, stated that a drive-through is going to cause more problems with traffic, noise, and crime.

Ms. Mary Jane Hlepas, 7214 North Tripp Avenue, commented on the number of accidents that happen at the intersection of Touhy and Tripp Avenues. New businesses are encouraged, but the residents need to be protected.

Development Manager Cook stated that a traffic study would be reviewed by the Village Engineer who would then provide recommendations to alleviate any potential problems. The interior traffic flow design would be reviewed as well.
Chairman Yohanna asked if there was anyone in the audience who would like to address the Plan Commission regarding this Public Hearing. Let the record state that no one came forward.

**Motion to continue** to the August 3, 2016 Plan Commission meeting with the condition that a traffic study be provided, including an interior traffic flow design, was made by Commissioner Pauletto and seconded by Commissioner Novoselsky.

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

V. **Case #PC-08-16: Proposed Text Amendment – Residential Fence Regulations**

Chairman Yohanna announced Case #PC-08-16 for consideration and review of a Text Amendment to consider establishing regulations for residential fences along rear and side lot lines adjacent to public recreation paths and/or ComEd utility rights-of-way.

Development Manager Cook presented the proposed Zoning Code Text Amendment concerning residential fence regulations adjacent to recreation paths and/or ComEd utility rights-of-way. A map of the public recreation paths for review which include the Union Pacific Bicycle Path Trail to the east and the Valley Line Trail to the west as well as photographs of both trails. The Valley Line Trail is a continuation of the trail which connects the Chicago and Skokie trail. Skokie has recently completed their portion of the trail. Staff noted that the Village will ultimately maintain this portion of the trail which is scheduled to be completed by the end of this summer.

Recommended regulations to discuss include a maximum height of eight feet and a solid fence design with all currently permitted fence materials. Additional recommended regulations up for discussion is to require uniformity of the fence design and to allow similar allowances for residential properties abutting ComEd rights-of-way. As a result of the installation of these paths where previously there were none, consideration is for adoption of fence regulations that are unique and specific to these properties. A uniform design style was unanimously deemed unreasonable and not feasible.

Chairman Yohanna asked if there was anyone in the audience who would like to address the Plan Commission regarding this Public Hearing. Listed below are comments from members of the audience.

Ms. Maggie Weiss, 6521 North Kilbourn Avenue, would like approval of a fence of up to eight feet. This would afford residents more privacy and security.

Dr. David Weiss, 6521 North Kilbourn Avenue, said that since the height of path varies greatly, ten feet would be an appropriate height.

Ms. Rita Bresler, 4540 West Lunt Avenue, agreed that ten feet would be an appropriate height.

Mr. Howard Bernstein, 6541 North Kilbourn Avenue, did not know what the appropriate height should be, but the fence should be high enough to screen the view of the path.

Mr. Mark Turrell, 6741 North Kolmar Avenue, suggested that fences that abut the paths should be allowed to be six feet higher than the elevation of the path behind their property.
It was deemed that this proposal would be too hard to enforce from a building permit perspective. Mr. Cook agreed that a height to grade relationship would be more problematic to enforce than a flat standard from grade to the top of the fence. The burden is placed on the homeowner to provide this information.

Chairman Yohanna asked if there was anyone in the audience who would like to address the Plan Commission regarding this Public Hearing. Let the record state that no one came forward.

**Motion to approve** a Text Amendment to the Zoning Code to allow up to a ten-foot solid fence, with all currently permitted fence materials for rear and side lots adjacent to the Union Pacific Bicycle Path Trail and the Valley Line Trail was made by Commissioner Sampen and seconded by Commissioner Fishman.

_Aye: Sampen, Fishman, Novoselsky, Pauletto, and Yohanna_  
_Nay: Goldfein and Jakubowski_  
_Motion Approved: 5-2_

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**VI. Case #PC-09-16: Proposed Text Amendment – Drive-Through Regulations**

Chairman Yohanna announced Case #PC-09-16 to consider a Text Amendment to the Zoning Code to consider the elimination of the prohibition of fast-food/carry-out restaurant with drive-throughs in the B-3 Village Center Planned Development District and review of regulations for drive-through facilities throughout the Village.

Development Director McNellis stated that this is a continued discussion pertaining specifically to the standards for drive-throughs in the B-1, B-2, B-3, and M-B Retail Overlay Districts. The removal of the prohibition on drive-throughs in the B-3 Village Center Planned Development District in favor of a Special Use process was considered and approved at the June 15, 2016 Plan Commission meeting, by a 4-3 vote. In general, most nearby communities surveyed require drive-through locations be regulated by a Special Use.

There are specific design requirements related to a Special Use which include the limitation of number of lanes (one is permitted), sufficient vehicle stacking (four vehicles), and to ensure that no interference with other business/residential uses, affecting traffic and its impacts. Currently drive-through facilities are prohibited from facing a public street. All drive-through facilities shall be located on the side or rear of the structure that is facing the site’s parking area or internal drive aisle.

A drive-through facility is interpreted by staff, utilizing the Zoning Code definition, as a drive-through window and menu board. The definition for facing a public street is interpreted as a primary visibility to a street or located between a building wall and a public street. In the absence of a menu board, such as the case for pharmacies and banks, the window would be used for definition.

Removing the location prohibition would impact only those drive-through facilities already requiring a Special Use. The staff report inaccurately stated that the proposed text amendment would result in “by right” facilities no longer having drive-through locations regulated. That is not the case, as these locations are not regulated now. The Plan Commission may consider if the B-3 District should be amended to require “by right” facilities to seek Special Use approval, thereby regulating all drive-through facilities equally throughout the Village.

The requested action is to eliminate the prohibition on drive-through facilities facing a public street, in favor of consideration for drive-through siting and appropriate site layout, on a case-by-case basis, as part of a Special Use process instead of an outright prohibition or a Variation process.
Chairman Yohanna asked if there was anyone in the audience who would like to address the Plan Commission regarding this Public Hearing. Listed below are comments from members of the audience.

Ms. Debra Silver, 4545 West Touhy Avenue, stated that if the drive-through prohibition is eliminated, please continue to be mindful of the residents’ concerns.

Chairman Yohanna asked if there was anyone in the audience who would like to address the Plan Commission regarding this Public Hearing. Let the record state that no one came forward.

Motion to approve the elimination of the locational prohibition of drive-throughs facing a public street for those that require special uses, and to establish a new requirement for a special use for all drive-through facilities currently permitted by right in the B3 Zoning District was made by Commissioner Jakubowski and seconded by Commissioner Pauletto.

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

VII. Case #PC-11-16: Moratorium on Warehouse or Self-Storage Uses on Commercial Arterial Roadways

Chairman Yohanna announced Case #PC-11-16 to consider establishing a moratorium on warehouse or self-storage uses on properties with frontage on Cicero Avenue, Devon Avenue, Lincoln Avenue, or Touhy Avenue.

Development Director McNellis stated that warehouses and self-storage facilities are permitted in the M-B and O-1 Zoning Districts. There are three self-storage facilities in the Village which are all on commercial arterial roadways. This issue arose due to the possibility that a new self-storage facility has expressed interest for a new facility. These uses do not generate sales tax, generate minimal activity associated with commercial buildings, and have limited design interest. This moratorium is an opportunity for the Village to look at these uses and possibly propose a one-year moratorium limited to properties in the M-B and O-1 Zoning Districts that front Touhy, Lincoln, Devon, and Cicero Avenues.

Chairman Yohanna asked if there was anyone in the audience who would like to address the Plan Commission regarding this Public Hearing. Listed below are comments from members of the audience.

Mr. Robert Soudan, owner of the Lock-Up Self Storage, said he is for the moratorium but wanted to make sure there was no impact on existing facilities. Development Director McNellis assured him that the proposed moratorium would only affect new facilities.

Chairman Yohanna asked if there was anyone in the audience who would like to address the Plan Commission regarding this Public Hearing. Let the record state that no one else came forward.

Motion to recommend a one-year moratorium on property used primarily for the establishment of new warehouse and self-storage facilities, in M-B and O-1 zoned property that fronts Cicero, Devon, Lincoln, or Touhy Avenues, was made by Commissioner Sampen and seconded by Commissioner Fishman.

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

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VIII. Other Business

Development Manager Cook informed the Commissioners that a Development Update Report will be forthcoming.

Chairman Yohanna asked if anyone in the audience would like to address the Plan Commission regarding this agenda item. Let the record state that no one came forward.

IX. Next Meeting

The next meeting of the Plan Commission is scheduled for Wednesday, August 3, 2016.

X. Adjournment

Motion to adjourn was made by Commissioner Sampen and seconded by Commissioner Fishman. Meeting adjourned at 9:45 p.m.

Aye: Sampen, Fishman, Goldfein, Jakubowski, Novoselsky, Paletto, and Yohanna
Nay: None
Motion Approved: 7-0

Respectfully submitted,

[Signature]

Kathryn M. Kasprzyk
Community Development Coordinator