MEETING MINUTES
OF THE
PLAN COMMISSION
DECEMBER 2, 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
Anthony Pauletto
Don Sampen
Mark Yohanna

MEMBERS ABSENT:
Steven Jakubowski

STAFF PRESENT:
Timothy M. 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 4 members and called the meeting to order at 7:03 p.m.

II. Pledge of Allegiance

III. Approval of Minutes

Motion to approve the November 4, 2015 Meeting Minutes, as amended, was made by Commissioner Fishman and seconded by Commissioner Yohanna.

Aye: Fishman, Yohanna, and Sampen
Abstained: Pauletto, and Eisterhold
Nay: None
Motion Approved: 3-2

IV. Case #PC-11-15: Public Hearing: Proposed Text Amendment – Short-Term Rental Property
This Public Hearing is a discussion for a proposed Zoning Code text amendment relative to short-term rental property. Mr. Passman stated this is a policy discussion and recommendation that originated from the Village Board. In reviewing this recommendation, the key issues to address are: 1) should this use be regulated; 2) how to define short-term rental property; 3) where should short-term properties be allowed; 4) if this use is permitted, should it be by right or by Special Use; and 5) if allowed, should any conditions or restrictions be written into the Code. Currently, the Zoning Code is unclear and does not expressly differentiate between a regular or traditional residential use. The length of short-term rental properties is what needs to be clarified.

The first topic for discussion was if this use should be licensed. Mr. Passman stated that if the Village goes forward with a licensing process, this would no longer be an amendment to the Zoning Code and not under the jurisdiction of the Plan Commission. Licensing would be more akin to a business license. If a licensing process is preferred, a business license would be required with additional restrictions such as insurance and inspection requirements.

When asked about Chicago’s vacation rental policy, Mr. Passman read into the record the City of Chicago’s requirements pertaining to short-term rental properties. Also discussed was the Village of Lincolnshire’s new regulations in adopting this use.

A short-term rental property can be categorized either as a business, i.e. a hotel/motel or routine property ownership and the ability to rent out your property. To define short-term rental properties, the goal is to determine what is the minimum duration that a single-family home rental continues to be a single-family use. This use differs from a bed and breakfast as this use is not allowed in residential districts. A bed and breakfast is defined as private, owner-occupied business in a single-family residence where overnight accommodations and a morning meal are provided to transients for compensation.

Mr. Clarke stated that this matter came to the Village’s attention from two separate properties that were rented out on a nightly or weekend basis. These properties were advertised on a popular short-term rental property website. The neighbors had safety concerns and a they do not want a business operating in a single-family residential district. Mr. Clarke further stated that a resident who lives by one of these homes was to present testimony at the November 4, 2015 Plan Commission meeting. Unfortunately, this resident was unable to attend this meeting. Commissioner Yohanna spoke with this resident and summarized his concerns for the record.

The Commissioners agreed to move forward with defining short-term rental properties as a text amendment to the Zoning Code and not as a licensing process.

There was a lengthy discussion as to the specific verbiage and the length of time of the proposed definition. The recommended definition reads “A building or portion thereof that is primarily held out for rent on a nightly, weekly, or monthly basis for overnight lodging for transient guests.” The alternative definition reads “A building or portion thereof that is held out for rent on a nightly, weekly, or monthly basis for overnight lodging for transient guests for more than ?? months during a 12-month period.” Once a definition is
established, the next step is to define in what zoning district(s) should this use be considered. After much deliberation, Mr. Passman stated that the agreed-upon language of the proposed definition be “A building or portion thereof that is held out for rent for a period of less than 30 days for overnight lodging for transient guests.”

**Zoning of Short-Term Rental Property**

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<thead>
<tr>
<th>Zoning District</th>
<th>Permitted Use</th>
<th>Special Use</th>
<th>Prohibited Use</th>
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<tbody>
<tr>
<td>R-1 Residential</td>
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<tr>
<td>R-2 Residential</td>
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<tr>
<td>R-3 Residential</td>
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<tr>
<td>R-4 Residential</td>
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<td>X</td>
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<tr>
<td>B-1 Traditional Business</td>
<td></td>
<td>X</td>
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</tr>
<tr>
<td>B-2 General Business</td>
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<td>X</td>
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<tr>
<td>B-3 Village Center PD</td>
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<td>X</td>
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<td>O Office</td>
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<td>X</td>
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<tr>
<td>M-B Light Manufacturing/Business</td>
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All the Commissioners, with the exception of Commissioner Sampen, agreed with the blanket prohibition of short-term rental properties. Commissioner Sampen would like to see short-term rental properties as a Special Use; a blanket prohibition is too restrictive. Mr. Passman replied that if this was a Special Use, the homeowner would have to show hardship as to why they need to rent out their property on a short-term basis, which is not the route that the Plan Commissioners would like to see happen.

Chairman Eisterhold asked if anyone in the audience had any comment regarding this Public Hearing. Mr. Howard Handler of the North Shore Barrington Association of Realtors, 450 Skokie Boulevard, Northbrook, Illinois, spoke of his experience in Evanston regarding short-term rental properties. Mr. Handler believes that the Evanston ordinance is a good model balancing people’s property rights with neighborhood preservation and harmony. The primary concern are the homeowners who continually rent out their property which disrupts the neighborhood.

Mr. Handler mentioned some of the exemptions that Evanston has in place, and there has been no complaints since they adopted their ordinance a couple of years ago. This list of exemptions can be found in the Plan Commission packet as attachment #7 to the staff report. Commissioner Sampen would like to add some of the proposed exemptions to the proposed language.

Mr. Donald Gelfund, 7310 Tripp Avenue, spoke about the possibility of instituting a licensing process which could help alleviate any potential problems due to home and life safety inspections that would be paid for by the homeowner.

**Motion to continue** to the January 6, 2016 Plan Commission meeting was made by Commissioner Yohanna and seconded by Sampen.

Mr. Cook outlined the options for the prohibition of front yard parking. The options to be considered are:

1. **No Change: Retain Existing Prohibitions** which is to continue to prohibit parking between commercial buildings and the front and/or corner side lot line. Any new or expanded off-street parking proposed would require a Variation and proof of a zoning hardship;

2. **Eliminate Prohibition Altogether** which is to remove the prohibition and permit off-street parking in any location on a commercial property. This would not eliminate the landscape requirements for off-street parking (i.e. perimeter landscape areas, landscape islands, etc.);

3. **Modify Prohibition to Allow Parking in Through Lots and Corner Side Yards** which is to allow off-street parking in corner side yards or through lots on commercial property. This would expand opportunities for new/expanded parking on corner lots and through lots. This option would continue to prohibit off-street parking between a commercial building and front lot lines. This would not eliminate the landscape requirements for off-street parking (i.e. perimeter landscape areas, landscape islands, etc.);

4. **Modify Prohibition by Zoning District** which would review each non-residential district and the appropriateness within each district to eliminate the prohibition (Option #2) and/or modify to allow in corner side yards or through lots (Option 3); or

5. **Modify Prohibition to Make Off-Street Parking in Front and/or Corner Side Yard a Special Use** which would modify the review process which would take the consideration from a Variation, requiring zoning hardship and consideration by the Zoning Board of Appeals, and shifting the review to a Special Use and heard by the Plan Commission.

Commissioner Fishman would like to eliminate the prohibition (Option #2 with the exception of the Lincoln Avenue Corridor) altogether citing that almost all of the commercial properties are currently legal nonconforming uses, and a Variation process is burdensome and unfair. Staff replied that the reoccupation of tenant space, as long as the new use is permitted and does not result in the increase in intensity of parking, would be able to retain the current parking use. Commissioners Goldfein, Pauletto, Sampen, and
Eisterhold would like to go forward with the Special Use (Option #5). Commissioner Eisterhold would like to see more landscaping screening.

Chairman Eisterhold asked if anyone in the audience had any comment regarding this Public Hearing. Let the record state that no one came forward.

**Motion to modify** the prohibition to make off-street parking in the front and/or corner side yard a Special Use in non-residential zoning districts was made by Commissioner Sampen and seconded by Commissioner Pauletto.

Aye: Sampen, Pauletto, Goldfein, Fishman, and Eisterhold
Nay: None
Motion Approved: 5-0

**VI. Other Business**

**Motion to approve** the modified 2016 Plan Commission schedule was made by Commissioner Goldfein and seconded by Commissioner Pauletto.

Aye: Goldfein, Pauletto, Fishman, Sampen, and Eisterhold
Nay: None
Motion Approved: 5-0

Commissioner Fishman addressed staff about the updated project list that was included in the packet and would like to be updated on all phases of future projects, not just from a Plan Commission and Village Board level. Staff will expand the list to include building permit status, etc. Commissioner Fishman passed out the Establishment and Conduct and Powers and Duties of the Plan Commission which gives the right to the Plan Commission to initiate studies to present to the Village Board. Additionally, Commissioner Fishman requested staff to recommend modifications to the sign ordinance to allow signage directing customers to available off-site parking.

**Motion to adjourn** was made by Commissioner Pauletto and seconded by Commissioner Sampen. Meeting adjourned at 9:15 p.m.

Aye: Pauletto, Sampen, Goldfein, Fishman, and Eisterhold
Nay: None
Motion Approved: 5-0

Respectfully submitted,

Kathryn M. Kasprzyk
Community Development Coordinator