MEETING MINUTES
OF THE
PLAN COMMISSION
AUGUST 2, 2017 – 7:00 P.M.
LINCOLNWOOD VILLAGE HALL
COUNCIL CHAMBERS
6900 NORTH LINCOLN AVENUE
LINCOLNWOOD, ILLINOIS 60712

MEMBERS PRESENT:
Chairman Mark Yohanna
Sue Auerbach
Steven Jakubowski
Adi Kohn
Henry Novoselsky
Anthony Pauletto
Don Sampen

MEMBERS ABSENT:

STAFF PRESENT:
Steve McNellis, Community Development Director
Kathryn Kasprzyk, Community Development Coordinator

I. Call to Order
Chairman Yohanna noted a quorum of seven members and called the meeting to order at 7:03 p.m.

II. Pledge of Allegiance

III. Approval of Minutes
Motion to approve the July 5, 2017 Plan Commission Minutes was made by Commissioner Sampen and seconded by Commissioner Novoselsky.

Aye: Sampen, Novoselsky, Auerbach, Kohn, and Pauletto
Nay: None
Abstained: Jakubowski and Yohanna
Motion Approved: 5-0

Chairman Yohanna recommended that Case #PC-12-17 – 6755 North Cicero Avenue be heard first, to which was unanimously approved by the Plan Commission.
IV. **Case #PC-12-17: 6755 North Cicero Avenue – Amendment to Approved Special Use Permits and Approval of New Variations Related to the Required Landscape Setback and Screening Area Between Zoning Districts**

Chairman Yohanna announced Case #PC-12-17 for consideration to amend previously-approved Special Use permits and for two new Variations to allow a six-foot-tall wood fence in place of an eight-foot-tall masonry wall as an alternative to meeting the minimum ten-foot-wide landscape setback and screening area between commercial and residential zoning districts; and a landscape setback and screening area that is five feet in width to contain a single row of densely-planted landscaping rather than the required double row in a ten-foot-wide landscape setback and screening area between commercial and residential zoning districts. Chairman Yohanna swore in Mr. Ken Nyenhuis, Vice President of Northern Builders and General Contractor for the Stefani Osteria & Bar.

Development Director McNellis stated the Petitioner is requesting two Variations to replace the previously-approved eight-foot-tall masonry screening wall with a combination of a six-foot-tall wood fence and six-foot-tall evergreens. The Petitioner recently met with the impacted property owners and have since revised their proposal to include an eight-foot-tall wood fence along the east property line, from the southeast corner of Stefani’s lot, north to the front façade of the home at 4741 West Pratt Avenue, along with six-foot-tall columnar Arborvitae’s along the entire east property line. Aerial views of the four affected properties (4741 West Pratt Avenue, 6742 West Keating Avenue, 6738 West Keating Avenue, and 6730 West Keating Avenue) were shown for review and discussion.

The first Variation is for an eight-foot-tall wood fence versus an eight-foot masonry wall within a five-foot landscape setback area. The Village prefers masonry walls because they are durable and typically maintenance free. The second Variation is for the landscape setback width/density. A ten-foot landscaped setback is required, whereas the Petitioner is requesting a five-foot-wide landscape area without the required double hedge row. The only area affected by this Variation is a 36-foot area in front of the home at 4741 West Pratt Avenue, from the front plane of that home, north a total of 36’ to the North property line.

Development Director McNellis restated the staff-recommended Conditions to increase the height of the wood fence to eight-feet tall and to increase the height of the proposed evergreen trees to eight-feet tall at the time of planting. He noted the fence height increase was now being proposed as part of the revised plan. The eight-foot evergreen tree height would only apply to the above-mentioned 36-foot area adjacent to 4741 West Pratt Avenue.

Mr. Nyenhuis reviewed photographs of the residential rear yards adjacent to Stefani’s property and noted the impact a masonry wall would have on these neighbors. Mr. Nyenhuis stated the four affected neighbors do not want the masonry wall as it would
require the removal of their existing hedges and entail disruption from the wall construction. Two of the four homeowners were in attendance and confirmed they preferred a wood fence instead of a masonry wall.

Commissioner Auerbach stated she would like to see the masonry wall built so as to screen the neighbors from animals. Chairman Yohanna swore in property owner, Mr. Phil Stefani. Mr. Stefani said the garbage enclosure would be in the service yard (behind the restaurant) and would be enclosed on all sides and sealed with a metal lid.

There was discussion regarding the viability of planting eight-foot evergreens versus six-foot evergreens. Mr. Nyenhuis and Development Director McNellis agreed that larger evergreens tend to fail at a higher rate due to shock and the size of the root ball. Village Code requires that evergreens be six-feet tall at the time of planting.

Chairman Yohanna asked if a composite material would be a more attractive and easier to maintain type of fence and stated he is opposed to the idea of a wood fence as they are not durable and need regular maintenance. There was much discussion regarding the type of fence material, other than wood, that should be considered. Mr. Nyenhuis replied the fence will be between two rows of evergreens so the fence will not even be visible once the evergreens are grown in. Commissioner Sampen agreed with Commissioner Jakubowski that the residents and owner are satisfied with the proposed wood fence and are confident that Mr. Stefani will maintain the fence.

Development Director McNellis stated that if the Plan Commission was considering a motion, it should take into consideration if the Variation Standards have been met. Commissioner Novoselsky stated the hardship is on the neighbors, which would justify granting the Variations. Commissioner Auerbach understood the hardship regarding installing a masonry wall, but is not committed to a wood fence.

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 recommend approval** of amendments to the approved Special Uses and two new Variations to permit an eight-foot-tall wood fence and six-foot-tall evergreens along the entire east property line of 6755 N. Cicero Avenue, except adjacent to the area in front of the front plane of 4741 West Pratt Avenue which will consist only of eight-foot-tall evergreens, was made by Commissioner Pauletto and seconded by Commissioner Novoselsky. Commissioner Pauletto read the Special Use Standards into the record, and stated he believed the hardship standards had been met. The Plan Commission agreed these Standards have been met. Case #PC-12-17 will be heard at the August 15, 2017 meeting of the Village Board.

**Aye:** Jakubowski, Novoselsky, Pauletto, and Sampen

**Nay:** Auerbach, Kohn, and Yohanna

Motion Approved: 4-3
Commissioner Jakubowski asked the “Nay” voters if they could state why they did not support the proposal, to which Chairman Yohanna stated he could not agree with wood as the fence material, and Commissioner Auerbach stated she had concerns about the garbage enclosure and rodents getting under a wood fence.

V. Case #PC-06-17: 6733-6735 North Lincoln Avenue – Special Use and Variations for a Mixed-Use Project in the B-1, Traditional Business District and Mixed-Use Hub Overlay

Commissioner Auerbach recused herself from the Plan Commission panel as she is the architect of record.

Chairman Yohanna announced Case #PC-06-17 for consideration of a Special Use to allow residential units above a commercial use and six Variations to permit a new mixed-use building to be set back greater than required five-foot build-to line; a drive aisle functioning as a two-way drive aisle to be less than the minimum width; less than the minimum required number of off-street parking spaces; the location of off-street parking to the front of the proposed building; less than the required eight-foot perimeter landscape for the parking area; and a six-foot masonry wall as screening between zoning districts rather than the required eight-foot masonry wall.

Case #PC-06-17 was continued, without discussion, at the July 5, 2017 meeting and was originally heard on June 7, 2017.

Chairman Yohanna swore in Mr. Allen Perl of Perl & Goodsnyder, attorney for the Petitioners. Commissioner Auerbach and Ed and Rebeka Hoxha, property owners, were previously sworn in.

Development Director McNellis restated the Requested Action for the Special Use and six Variations which include the following: a Special Use to permit residential units above first floor commercial; a Variation to permit the new mixed-use building to be set back greater than required five-foot build-to line; a Variation to permit a drive aisle functioning as a two-way drive aisle to be less than the minimum width; a Variation to permit less than the minimum required number of off-street parking spaces; a Variation to permit the location of off-street parking to the front of the proposed building; a Variation to permit less than the required eight-foot perimeter landscape for the parking area; and a Variation to permit a six-foot masonry wall as screening between zoning districts rather than the required eight-foot masonry wall.

A key consideration is the parking area that includes seven parking spaces which can only be accessed from neighboring properties. There is a licensing agreement with the property owner at 6747 North Lincoln Avenue (Great Beijing), but this agreement can be terminated at any time. The property owners have had discussions with both neighboring properties to provide access from their property, but are unwilling to formalize an agreement.
The utility easement in question was an alley that was vacated in 1962. It was determined that this is a utility easement only and not for vehicular access. This utility easement does not provide for physical access to the subject property, and the Village cannot force cooperation from the adjacent properties for access.

Potential actions by the Village could be to consider regulatory relief for seven rear parking spaces lacking permanent access and to consider special permission to count on-street spaces on Harding Avenue toward the parking requirement which would result in only two legal parking spaces. This action would grant relief of 13 parking spaces. If access is eliminated, several residential and/or office/commercial uses will be left without parking. If access is eliminated, this action could impact residential parking on Harding Avenue and other business parking near Lincoln Avenue. Chairman Yohanna stated the Village has been steadfast that dedicated parking be required.

Potential actions by the Petitioner include modifying the initial design concept to allow viable access from Lincoln Avenue, continue to pursue an access agreement with the adjacent property owners, or pursue additional property acquisition to create a more viable project site.

There was discussion between Mr. Perl and the Commissioners regarding the legality of using the easement for access. Commissioner Novoselsky asked Mr. Perl if the property owners are willing to go forward with this project without a licensing agreement from the adjacent property owners for access or are the property owners asking the Village for relief or permission now to count on-street parking spaces on Harding Avenue toward their parking requirement. Ms. Auerbach replied that the property owners are asking to move forward with two parking spaces in front and the rest as public parking. There was much discussion whether on-street parking could be included as “public” parking and if the same principal applies to public parking lots versus public street parking.

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.

Development Director McNellis again stated that any recommendation to approve this proposal should take into consideration the Variation Standards. The Plan Commissioners have agreed that the Standards have been met. Case #PC-06-17 will be heard at the August 15, 2017 meeting of the Village Board.

**Motion to recommend approval** of a Special Use to allow residential units above a commercial use and Variations to permit a new mixed-use building to be set back greater than required five-foot build-to-line; a drive aisle functioning as a two-way drive aisle to be less than the minimum width; less than the minimum required number of off-street parking spaces; the location of off-street parking to the front of the proposed building; and less than the required eight-foot perimeter landscape for the parking area. The Variation for the six-foot masonry wall has been removed from consideration. But if, at any time, residential uses are built adjacent to the property, the eight-foot masonry wall must be erected. The motion includes two parking spaces instead of the required fifteen spaces, but the property owner will build seven spaces in the rear of the building.
Aye: Pauletto, Novoselsky, Jakubowski, Kohn, and Sampen
Nay: Yohanna
Abstained: Auerbach
Motion Approved: 5-1

VI. Case #PC-10-17: Zoning Code Text Amendment – Natural Screening on Residential Properties

Chairman Yohanna announced Case #PC-10-17 for consideration of a Zoning Code Text Amendment to modify the permissibility and requirements for Natural Screening on residential properties and adjacent Natural Screening defined as a Special Fence due to its location on public rights-of-way and utility easements.

Development Director McNellis stated that further information is required and requested Case #PC-10-17 be continued, without discussion.

Motion to recommend approval to continue Case #PC-10-17, without discussion, was made by Commission Sampen and seconded by Commissioner Pauletto.

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

VII. Case #PC-11-17: Zoning Code Text Amendment – West Devon Avenue Manufacturing/ Business Retail Overlay Zone

Chairman Yohanna announced Case #PC-11-17 for consideration of a Zoning Code Text Amendment to permit establishment of a Retail Overlay Zone over M-B zoned properties between West Devon Avenue, North Lincoln Avenue, and the former Union Pacific property (also known as the Lincolnwood Union Pacific Recreation Path).

Development Manager McNellis restated the positive impacts of the Retail Overlay Zone. The Plan Commission previously recommended approval of a Zoning Map Amendment to establish a Retail Overlay Zone over M-B zoned properties between West Devon Avenue, North Lincoln Avenue, and the Village’s Union Pacific Recreation Path at the July 5, 2017 meeting. Such an Overlay Zone would add the permissibility of B2 uses without requiring a Rezoning. Further action was required as the Village attorney brought to staff’s attention that existing language describing the M-B Retail Overlay Zone prohibits Retail Overlay Zones anywhere other than M-B zoned property on Touhy Avenue. A text amendment is needed to essentially remove the words “and in the vicinity of Touhy Avenue”.

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 recommend approval for a Zoning Code Text Amendment for the West Devon Avenue Manufacturing/Business Retail Overlay Zone was made by Commissioner Sampen and seconded by Commissioner Auerbach. Case #PC-11-17 will be heard at the August 15, 2017 meeting of the Village Board.

Aye: Sampen, Auerbach, Jakubowski, Kohn, Pauletto, Sampen, and Yohanna
Nay: None
Motion Approved: 7-0

VII. Other Business

Commissioner Jakubowski suggested the Plan Commission ask the Village Board to recommend the masonry wall requirement be reviewed to determine if it is still meeting its goals. No other Plan Commissioner responded to this recommendation.

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

VIII. Next Meeting

The next meeting of the Plan Commission is scheduled for Wednesday, September 6, 2017.

IX. Adjournment

Motion to adjourn was made by Commissioner Sampen and seconded by Commissioner Pauletto. Meeting adjourned at 8:40 p.m.

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

Respectfully submitted,

[Signature of Kathryn M. Kasprzyk]
Kathryn M. Kasprzyk
Community Development Coordinator