



**MEETING MINUTES
OF THE
PLAN COMMISSION
MARCH 4, 2020 – 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
Don Sampen

MEMBERS ABSENT:

Anthony Pauletto

STAFF PRESENT:

Doug Hammel, Community Development Manager
Kathryn Kasprzyk, Community Development Coordinator
Hart Passman, Elrod Friedman LLC, Village Attorney

I. Call to Order

Chairman Yohanna noted a quorum of six members and called the meeting to order at 7:02 p.m.

II. Pledge of Allegiance

III. Approval of Minutes

Motion to recommend approval of the February 5, 2020 Plan Commission Minutes was made by Commissioner Novoselsky and seconded by Commissioner Sampen.

Aye: Novoselsky, Sampen, Jakubowski, Kohn, and Yohanna

Nay: None

Abstained: Auerbach

Motion Approved: 5-0

IV. Case #PC-19-19: Consideration of a Text Amendment to Clarify the Permissibility of Tattoo Parlors in the M-B Zoning District

Chairman Yohanna announced Case #PC-19-19 for consideration of a request by Damien Kardaras, Property Owner of 3940 West Touhy Avenue, and of a related referral by the Village Board, to amend the Zoning Ordinance to allow tattoo parlors as a permitted Special Use in the M-B, Manufacturing and Business Zoning District.

On November 6, 2019, Petitioner Damien Kadaras came before the Plan Commission for approval of a tattoo at 3940 West Touhy Avenue located in the B-2, Business Zoning District. The Plan Commission unanimously approved a motion to amend the definition of “personal service establishments” in Section 2.02 of the Zoning Ordinance to include “dermal pigmentation establishments and amend Section 2.02 to include a definition for “dermal pigmentation establishments” to read *“any establishment, except a hospital or other facility operated by a licensed medical practitioner, where the act of puncturing the skin and inserting indelible colors to create permanent or semi-permanent pigmentation or color, is performed”*.

At the November 19, 2019 meeting of the Village Board, this matter was referred to the Committee of Ordinances, Rules, and Boards (CORB), a subcommittee of the Village Board, for further discussion. Following this meeting, staff received a petition opposing tattoo parlors in the Village.

At the January 23, 2020 CORB meeting, members concurred this use would be most appropriate in the M-B, Manufacturing and Business Zoning District. A motion was passed remanding the case back to the Plan Commission for further discussion. CORB members felt it appropriate to permit microblading and other services related to cosmeticians and salons as a component of “personal service establishments”.

On February 4, 2020, the Village Board remanded the matter to the Plan Commission for further deliberation as a new use in the M-B, Manufacturing and Business Zoning District.

Based on the CORB’s recommendation, staff recommends the Plan Commission consider the following actions:

1. Amend Section 2.02 of the Zoning Ordinance to clarify the following definitions:
 - a. Add a definition for “dermal pigmentation establishment, permanent” to establish a definition, pertinent to tattoo parlors, as follows: *“dermal pigmentation establishment: permanent – any establishment, except a hospital or other facility operated by a licensed medical practitioner, where the act of puncturing the skin and inserting indelible colors to create permanent pigmentation or color is performed, often associated with tattoos”*; and
 - b. Add “dermal pigmentation services, semi-permanent” to establish a definition, pertinent to microblading and other cosmetician-oriented procedures, as follows: *“dermal pigmentation establishment: semi-permanent – any establishment, except a hospital or other facility operated by a licensed medical practitioner, where the act of puncturing the skin and inserting indelible colors to create semi-permanent pigmentation or color is performed, often associated with hair salons or cosmeticians”*.
2. Amend “personal services establishment” to include “dermal pigmentation services, semi-permanent” to permit such uses similarly to personal services establishments; and
3. Amend Table 4.01.1 to include a new line entitled “dermal pigmentation establishment, permanent”, and identify it as permitted as a Special Use in the M-B Zoning District.

The Commissioners discussed their opposition to CORB's direction to allow tattoo parlors only in the M-B District, the distinction between permanent and semi-permanent uses, and if the two definitions should be combined.

Chairman Yohanna swore in the Petitioner Damien Kardaras, 7150 North Karlov Avenue, and owner of the subject property. Mr. Kardaras submitted a petition of neighbors supporting this business.

Village Attorney Passman reiterated the Village Board has not taken any action on this request except for remanding it to CORB for further discussion. The Plan Commission's direction is to specifically opine on CORB's recommendations to add a definition for "dermal pigmentation establishments, permanent", "dermal pigmentation establishments, semi-permanent", amend "personal services establishment" to include "dermal pigmentation services, semi-permanent" to permit such uses similar to personal services establishments, and amend Table 4.01.1 to include "dermal pigmentation establishment, permanent" as a permitted Special Use in the M-B, Manufacturing and Business Zoning District. CORB's request does not preclude the Plan Commission from reiterating their approval to allow this use as a Special Use in the B-1 Zoning District.

Chairman Yohanna swore in Petitioner Kaitlyn Moskowitz, 8044 West Lyons Street, Niles, Illinois. Ms. Moskowitz agreed that microblading should be categorized as semi-permanent and this procedure does not require licensing, unlike tattoo artists. After consulting the Illinois Department of Public Health's website, Mr. Passman replied, for the record and without further research, he is not certain whether microblading is an unlicensed activity.

Mr. Mario Sivric, 6444 North Kolmar Avenue, spoke to his support of this business located in the B-2 District.

In agreement with Commissioner Jakubowski, Chairman Yohanna stated the Plan Commission should send a message to the Village Board, without equivocation, that opposition from over a mile away should not be deemed significant. What is significant is a petition from neighbors, within walking distance, supporting this business. Commissioner Jakubowski said there is no reason to deny this request from a health perspective, and the Village shouldn't put their prejudices into Village Code.

Chairman Yohanna asked if there was anyone from the audience who would like to address the Plan Commission. Let the record state no one came forward. With no further discussion, Chairman Yohanna requested a motion.

Motion to recommend approval of a Text Amendment with no distinction between permanent and semi-permanent "dermal pigmentation establishments" and to include one definition that covers any activity, in any way, that puts a permanent or semi-permanent mark on a person's skin was made by Commissioner Jakubowski and seconded by Commissioner Novoselsky.

Aye: Jakubowski, Novoselsky, Auerbach, Kohn, Sampen, and Yohanna

Nay: None

Motion Approved: 6-0

Motion to recommend approval to allow “dermal pigmentation establishments” as a Special Use in the M-B, Manufacturing and Business Zoning District was made by Commissioner Jakubowski and seconded by Commissioner Novoselsky.

Aye: Jakubowski, Novoselsky, Auerbach, Kohn, Sampen, and Yohanna

Nay: None

Motion Approved: 6-0

Motion to recommend approval for a recommendation, in conjunction with the prior two recommendations, to reaffirm the Plan Commission’s original approval to permit “dermal pigmentation establishments” as a Special Use in the B-2, Business Zoning District, and to keep the prohibition of tattoo parlors in the B-1 Traditional Business Zoning District and Business/Residential Transition Overlay District was made by Commissioner Jakubowski and seconded by Commissioner Auerbach.

Aye: Jakubowski, Auerbach, Kohn, Novoselsky, Sampen, and Yohanna

Nay: None

Motion Approved: 6-0

Following the last motion, there was confusion among the Commissioners regarding the nature and intent of the approved motions. As a result, the Village Attorney recommended a motion to reconsider those motions.

Motion to recommend reconsideration of a Text Amendment to create a new combined definition for permanent and semi-permanent “dermal pigmentation establishment” was made by Commissioner Jakubowski and seconded by Commissioner Auerbach.

Aye: Jakubowski, Auerbach, Kohn, Novoselsky, Sampen, and Yohanna

Nay: None

Motion Approved: 6-0

Motion to recommend approval of a new use definition entitled “dermal pigmentation establishment, permanent” that would have the language set forth in the recommended Text Amendment by staff was made by Commissioner Jakubowski and seconded by Commissioner Novoselsky.

Aye: Jakubowski, Novoselsky, Auerbach, Kohn, Sampen, and Yohanna

Nay: None

Motion Approved: 6-0

Motion to recommend approval to allow “dermal pigmentation establishments” in the B-2, Business Zoning was made by Commissioner Jakubowski and seconded by Commissioner Auerbach.

Aye: Jakubowski, Auerbach, Kohn, Novoselsky, Sampen, and Yohanna

Nay: None

Motion Approved: 6-0

Case #PC-19-19 will be heard at the March 18, 2020 meeting of the Village Board.

V. **Case #PC-01-20: 7001 North Central Park Avenue/7080-7100 North McCormick Boulevard – Amendments to Previously-Adopted Ordinances Granting and Amending a Planned Unit Development to Permit Certain Uses on the Premises**

Chairman Yohanna announced Case #PC-01-20 for consideration of a request by Chris Boutros, Petitioner, on behalf of New Lincoln LLC, Property Owner, to amend Ordinance No. 1988-1801 establishing certain permitted uses, and subsequent Ordinances amending those permitted uses, to permit warehousing, distribution, entertainment, health and fitness, and exhibition uses at the property commonly known as 7001 North Central Park Avenue/7080-7010 North McCormick Boulevard. Chairman Yohanna swore in the witnesses.

The Petitioner is requesting to expand the spectrum of uses to include entertainment, health and fitness, and exhibition space. As the previously-approved PUD Ordinances only permit warehousing and distribution activities, a PUD Amendment is required to allow entertainment, health and fitness, and exhibition uses. Development Manager Hammel provided background on the regulatory history.

Staff noted the requested warehousing, distribution, entertainment, health and fitness, and exhibition uses have already been defined in the Zoning Ordinance as warehouse, manufacturing (light), entertainment venue, commercial recreation facility, health club, and art gallery. On-site parking capacity requires 218 spaces. There are currently 199 on-site parking spaces on the north and south facades and 83 available parking spaces off the northeast portion of the building owned by the Town Center Mall. Staff stated concern about the access of these spaces as there are some gated parking areas and questioned if this gated access would impact new uses or if current tenants already have a commitment to these spaces. Some of the uses the Petitioner is seeking approval for are inherently more parking intensive. Mr. Boutros stated they have a good faith agreement with the Town Center Mall to utilize their parking spaces.

Chris Boutros, 320 West Illinois Street, Chicago, Illinois, leaseholder, stated they would like to open the space up to multiple tenants. This PUD Amendment request is required due to the fact he has two potential clients, both of which would fall under one of the new proposed use definitions. They currently have 16,000-square feet of the space leased and 190,000-square feet of space available.

Chairman Yohanna asked if there was anyone from the audience who would like to address the Plan Commission. Let the record state no one came forward. With no further discussion, Chairman Yohanna requested a motion.

Motion to recommend approval to amend Ordinance No. 1988-1801 establishing certain permitted uses, and subsequent Ordinances amending those permitted uses, to permit warehousing, distribution, entertainment, health and fitness, and exhibition uses at the property commonly known as 7001 North Central Park Avenue/7080-7010 North McCormick Boulevard was made by Commissioner Sampen and seconded by Commissioner Auerbach.

Aye: Sampen, Auerbach, Jakubowski, Kohn, Novoselsky, and Yohanna

Nay: None

Motion Approved: 6-0

Case #PC-01-20 will be heard at the March 18, 2020 meeting of the Village Board.

VI. Case #PC-02-20: Zoning Text Amendment – Consideration of a Text Amendment to Clarify Regulations and Definitions Related to Impervious Surfaces and Materials

Chairman Yohanna announced Case #PC-02-20 for consideration of a referral by the Village Board to amend the Zoning Ordinance to clarify the applicability of certain regulations and definitions related to impervious surfaces, materials, and coverage as they pertain to the maximum permitted impervious coverage of a lot and the maximum permitted coverage with an impervious surface in a front yard.

The Zoning Ordinance specifically includes regulations related to the amount of impervious surfaces allowed on residential properties. The maximum amount of lot coverage that can be covered by impervious surfaces is sixty percent, with a maximum front yard coverage of fifty percent. Impervious coverage is defined as *“any hard-surfaced, man-made horizontal area that does not readily absorb or retain water, including, but not limited to, parking and driveway areas, paving bricks, composed stone, sidewalks, and all detached buildings and structures”*. The issue with this language means someone could cover their entire front yard with permeable pavers, as it allows some water filtration. To rectify this situation, staff recommends approval of a Text Amendment to specifically address front yard coverage.

Staff’s recommendation would be to amend Section 4.11 and 4.12 of the Zoning Ordinance to require a minimum fifty percent of the front yard be covered in landscaping, rather than a maximum coverage of fifty percent of impervious surfaces. The definition of landscaping is *“the modification of the landscape for an aesthetic or functional purpose using a combination of elements including trees, shrubs, ground cover, grass, and flowers”*. This change would ensure fifty-percent green space which, staff believes, is the intent of that standard.

Staff’s second recommendation is a Text Amendment is to amend the definition of driveway to read as *“any impervious surface, permeable, or semi-permeable surface approved by the Zoning Administrator that provides access to parking space”*.

Chairman Yohanna asked if there was anyone from the audience who would like to address the Plan Commission. Let the record state no one came forward. With no further discussion, Chairman Yohanna requested a motion.

Motion to recommend approval to amend the Zoning Ordinance to amend Section 4.11 and 4.12 of the Zoning Ordinance to require a minimum fifty percent of the front yard to be covered in landscaping, rather than a maximum coverage of fifty percent of impervious surfaces and to amend the definition of driveway to read as *“any impervious surface, permeable, or semi-permeable surface approved by the Zoning Administrator that provides access to parking space”* was made by Commissioner Novoselsky and seconded by Commissioner Sampen. For the record, Commissioner Jakubowski requested that the Village consider adding the word “natural elements” to the driveway definition.

Aye: Novoselsky, Sampen, Auerbach, Jakubowski, Kohn, and Yohanna

Nay: None

Motion Approved: 6-0

Case #PC-02-20 will be heard at the March 18, 2020 meeting of the Village Board.

VII. Next Meeting

The next meeting of the Plan Commission is scheduled for Wednesday, April 1, 2020.

VIII. Public Comment

Development Manager Hammel reminded the Commissioners to complete the annual Cook County Statement of Economic Interest form. Chairman Yohanna asked if there was anyone from the audience who would like to address the Plan Commission on any subject. Let the record state no one came forward.

IX. Adjournment

Motion to recommend adjournment was made by Commissioner Sampen and seconded by Commissioner Novoselsky. Meeting adjourned at 9:05 p.m.

Aye: Sampen, Novoselsky, Auerbach, Jakubowski, Kohn, and Yohanna

Nay: None

Motion Approved: 6-0

Respectfully submitted,



Kathryn Kasprzyk

Community Development Coordinator