MEETING MINUTES
OF THE
PLAN COMMISSION
MAY 3, 2017 – 7:00 P.M.

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

MEMBERS PRESENT:
Chairman Mark Yohanna
Patricia Goldfein
Henry Novoselsky
Anthony Pauletto

MEMBERS ABSENT:
Steven Jakubowski
Don Sampen

STAFF PRESENT:
Steve McNellis, Community Development Director
Doug Hammel, AICP, Community Development Manager
Kathy Kasprzyk, Community Development Coordinator

I. Call to Order

Chairman Yohanna 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 April 6, 2017 Plan Commission Minutes was made by Commissioner Novoselsky and seconded by Commissioner Goldfein.

Aye: Novoselsky, Goldfein, Pauletto, and Yohanna
Nay: None
Motion Approved: 4-0

IV. Case #PC-05-17: 6435 North Christiana Avenue – Reasonable Accommodation

Chairman Yohanna announced Case #PC-05-17 for consideration of a Reasonable Accommodation from the strict application of the Zoning Ordinance to permit a community residence in a residential district located at 6435 North Christiana Avenue.
Development Manager Hammel provided background on the property at 6435 North Christiana Avenue which is in the R-4, Residential Zoning District. Approval of a community residence is subject to the Standards for a Reasonable Accommodation. A Reasonable Accommodation is to provide relief from the strict application of the zoning regulations and in order to ensure compliance with the Fair Housing Act. This residence would accommodate 24-hour care for two residents with disabilities.

The nine Recommended Standards for a proposed Reasonable Accommodation were presented for review and discussion. If this Reasonable Accommodation is approved, follow up reporting and inspections conducted by the Village, in accordance with the Petitioner, would occur on a yearly basis to ensure compliance.

Staff has reviewed the Petitioner’s documentation including original application, required service provider documentation, and description of relevance to the Standards for a Reasonable Accommodation. There were two public inquiries regarding this Reasonable Accommodation. One inquiry had no objection and the other inquiry concerned on-street parking from a resident at 6451 North Christiana Avenue.

It is Staff’s conclusion that the Petitioner has not provided adequate information to demonstrate that all Zoning Standards have been met. It is recommended that the Plan Commission entertain additional information from the Petitioner regarding the nature of their services and potential impacts on the subject property or neighboring properties. There would be no financial, administrative, or social services burden on the Village. This Petitioner is in no way affiliated with Misericordia.

Chairman Yohanna swore in the Petitioners, Ms. Andreea Bordeianu, a registered nurse and a Qualifying Disability Professional and Director of Residential Services for Diane Home Care, 4121 West Oakton Street, Skokie, Illinois; Mr. Virgil Tiran, 4121 West Oakton Street, Skokie, Illinois and Executive Director of Diane Home Care; and Mr. Scott Nelson, 7311 Keystone Avenue, Lincolnwood, Illinois, an independent contractor with 26 years’ experience in the field and is an independent contractor working for Diane Home Care.

Diane Home Care operates homes in Skokie, Des Plaines, and Chicago. Development Manager Hammel stated that there have been minimal complaints about these properties in Skokie. They are inspected twice annually, and there are no issues of note.

Diane Home Care is a family-run business of which Mr. Tiran is the Executive Director. The Board of Directors include Virgil Tiran, his sister Adina, brother Mike, father John, and mother Florica. Chairman Yohanna asked Mr. Tiran to explain the citations issued in Chicago in his name and other family member’s names. The addresses in questions were residences and businesses that they no longer own or are affiliated with and were never part of Diane Home Care. Ms. Bordeianu said that Mr. Tiran has been with Diane Home Care since 2009, and his history before then has no impact on Diane Home Care.
Mr. Tiran said there would be two employees per shift with two shifts per day. A primary care physician is on call 24 hours a day and sees the patients twice per month in their administrative offices. The psychiatrist sees patients in the Skokie office once a week. There is a team of three full-time licensed practical nurses. All their patients have been diagnosed with intellectual disabilities and some may have some physical disabilities, but not at the house on Christiana Avenue. The residents they serve are as young as 18 year’s old and their oldest resident is close to 80 year’s old.

Commissioner Goldfein asked the Petitioners about their professional backgrounds. Ms. Bordeianu is a registered nurse and received her Associate’s Degree from Harper Community College and will graduate from Northern Illinois University with her Bachelor’s Degree. This fall, Ms. Bordeianu will attend the Psychiatric Nursing Program at the University of St. Francis. Mr. Tiran’s background is in real estate development before working with Diane Home Care. Mr. Nelson graduated from Northeastern Illinois University with a Bachelor’s Degree in Psychology. Mr. Nelson became a Qualified Intellectual Disability Professional and then became a QIDP Supervisor. Mr. Nelson is currently a Level II Behavioral Specialist.

Diane Home Care is reviewed by the State of Illinois Department of Human Services Bureau of Accreditation and Licensing on an as-needed basis. Their review from the state this past August passed with a 99 percent rating. Licenses are good for three years unless complaints are made. They are also reviewed by the Bureau of Quality Management on an as-needed basis but no less than once a year. The pre-admission placement screening agency Diane Home Care uses is Community Alternatives Unlimited in Chicago who has a case manager to assist in placement as well as monitors the resident’s progress.

The residents see a psychiatrist once a week as many of the residents take psychiatric medicine. If a resident refuses their medication three consecutive times, Diane Home Care’s policy is the resident would be taken to the emergency room. The procedure for deteriorating life threatening emergencies is to call 911. If the condition was not life threatening, the resident would be evaluated in the physician’s office.

Mr. Nelson created the behavior programs used for residents on psychotropic medications. Mr. Nelson evaluates and reviews the resident’s medications on a six-month basis. The key is to effectively train staff. If there is a case of mental deterioration, the resident would be in a controlled setting if their medications need adjustment. Decisions are made by the whole team.

Ms. Bordeianu stated that no staff members have ever been disciplined by the state. Employment requires fingerprint checks through the Illinois State Police, healthcare registry checks, Illinois and national sex offender registry checks, and Office of Inspector General checks for abuse and neglect are all required once a year, but their organization checks the employees every six months. Mr. Tiran further said that their policy states that if there is a leave of absence of 30 days or more for any reason, all the stated checks are redone before they are allowed to come back to work.
They are looking for a place in Lincolnwood as the parents of one of the residents live in Lincolnwood, and it is hard for them to travel. Chairman Yohanna asked the Petitioners what a typical day at this location would include. Mr. Nelson answered that the residents go to their day training site or work training site. Their day is like any family’s day; they go to work or training, have hobbies, leisure and goal activities, and volunteer in the community. The focus is medication, community, economic, independent and daily living goals. Staff works with them to achieve these goals. Every home has a minivan which takes them to their workplace, or residents can take a bus or walk to their jobs.

Ms. Bordeianu explained that the proposed residents are classified as “crisis cases.” Commissioner Novoselsky asked the Petitioners to explain this designation. Ms. Bordeianu explained that with state cutbacks, most of their residents have no other place to go. Some of the residents have been in the hospital, are homeless, come from other agencies that have shut down due to the budget crisis, and some have elderly parents who have passed away and have no one to take care of them. The state does provide funding for placement and other various services through Medicaid as their primary insurance. At the present time, Diane Home Care has a total of 64 residents. Their length of stay is indefinite, as it is anticipated that care will be required through their remaining life span. One hundred percent of the residents are involved in off-site programs. Approximately half of their residents have court-appointed legal guardians.

Chairman Yohanna asked if there was anyone in the audience who would like to speak regarding this Public Hearing. Below are comments from the audience.

Mr. John Murphy, 6441 North Christiana Avenue, asked about the nature of the complaints in Skokie. Development Manager Hammel replied they were minor complaints and quickly resolved. Ms. Bordeianu said the complaints were minor noise and miscellaneous complaints. They have never been fined or ticketed by the Village. Mr. Murphy asked if there will be additional individuals living at this residence. Ms. Bordeianu answered they have no plans for expansion. Mr. Murphy asked if they would be administering psychiatric medicines. The only injections they would anticipate administering are B-12 vitamin supplements and needles are placed in a Sharps container which are taken to the hospital for disposal.

Mr. Khalid Mahmood, 6422 North Christiana Avenue, stated that the streets are very crowded and have limited parking. Ms. Bordeianu said that the residents do not have cars. The Petitioners agreed to park their van in the garage and not on the street.

Ms. Peggy Franklin, 6441 North Christiana Avenue, commented that parking is already a problem and where will the staff and visitors park.

Ms. Florence Yun, 6444 North Christiana Avenue, stated her concerns about parking. A profit center should not be in a residential area. In addition Ms. Yun had concerns about biohazard containment. Ms. Bordeianu replied that a Sharps container is used for needles.

Ms. Alice Shant, 6451 North Christiana Avenue, stated her concern about the lack of parking.
Ms. Lara Leader, 6445 North Christiana Avenue, commented that parking is an issue and felt this residence could affect their home values and asked why the Village does nothing about the parking situation.

Ms. Lidia Chis, 6427 North Christiana Avenue, does not want a business on a residential street.

Development Director McNellis stated to the residents that he would speak to the Police Chief about the parking problem. Commissioner Goldfein stated that there have been no problems with the Misericordia residence on Longwood Avenue. Commissioner Novoselsky said that their concerns should be taken to the appropriate Village agency. Commissioner Novoselsky asked if permit parking could be an answer.

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

Development Director McNellis reminded the Commissioners that any recommendation should mention that the Standards for a Reasonable Accommodation have been met.

**Motion to approve** the Reasonable Accommodation for a community residence at 6435 North Christiana Avenue, having met the Standards for a Reasonable Accommodation, with the following conditions: 1) the residence will be limited to two people and two on-site primary caregivers; 2) all biohazard material will be handled according to standard medical practices; 3) this residence will not impose an undue financial or administrative burden on the Village; and 4) the garage will be used to the maximum capacity available was made by Commissioner Pauletto and seconded by Commissioner Goldfein. It was also recommended that Village study any potential traffic problems.

**Motion to table** the above motion was made by Commissioner Novoselsky for discussion as to whether all the Standards for a Reasonable Accommodation have been met; specifically Standard #5 which states “Be consistent with the general purpose and intent of the zoning district in which the property is located”. Commissioner Novoselsky asked what the criteria are to meet this Standard. The issue is whether this is a residential use of the premises. Chairman Yohanna agreed that this is a vague statement, but did believe this Standard has been met. Commissioner Novoselsky agreed.

**Motion to table** this item was made by Commissioner Novoselsky and asked that the motion be supplemented to require that the applicant maintain all of the expenses of the residence at its own expense according to Standard #6. This item was added to Commissioner Pauletto’s motion to approve.

**Aye:** Pauletto, Goldfein, Novoselsky, and Yohanna

**Nay:** None

**Motion Approved:** 4-0
V. **Other Business**

Commissioner Goldfein asked if the Plan Commission should review and revise the Duties of a Commissioner packet she received in 2009. Development Director McNellis noted that a presentation by the Village Attorney will be scheduled to go over the procedural duties of an Advisory Board member. Development Director McNellis also noted that Sue Auerbach was reappointed to the Plan Commission to fill the vacancy left by former Commissioner Irving Fishman at the Tuesday, May 2, 2017 Village Board meeting.

Commissioner Goldfein suggested that projects with a large number of Variations should go through a Plan Commission Workshop process to resolve issues before a Public Hearing is scheduled. Development Director McNellis agreed that this standard could be recommended to future Petitioners of large projects or projects that require multiple Variations.

The Hyatt Hotel has not submitted plans to date, but they are anticipated. 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.

VI. **Next Meeting**

The next meeting of the Plan Commission is scheduled for Wednesday, June 7, 2017.

VII. **Adjournment**

**Motion to adjourn** was made by Commissioner Pauletto and seconded by Commissioner Novoselsky. Meeting adjourned at 8:37 p.m.

**Aye:** Pauletto, Novoselsky, Goldfein, and Yohanna  
**Nay:** None  
**Motion Approved:** 4-0

Respectfully submitted,

Kathryn M. Kasprzyk  
Community Development Coordinator