



**MEETING MINUTES
OF THE
PLAN COMMISSION
MAY 6, 2020 – 7:00 P.M.**

**LINCOLNWOOD VILLAGE HALL
VIRTUAL MEETING HELD VIA GOTO MEETING
6900 NORTH LINCOLN AVENUE
LINCOLNWOOD, ILLINOIS 60712**

MEMBERS PRESENT:

Chairman Mark Yohanna
Sue Auerbach
Steven Jakubowski (arrived after roll)
Adi Kohn
Henry Novoselsky
Don Sampen

MEMBERS ABSENT:

Anthony Pauletto

STAFF PRESENT:

Doug Hammel, Community Development Manager
Kathryn Kasprzyk, Community Development Coordinator
Hart Passman, Village Attorney
Charles Meyer, Assistant Village Manager

I. Call to Order

Chairman Yohanna noted a quorum of four members and called the meeting to order at 7:06 p.m.

II. Chairman Yohanna stated there will be no Pledge of Allegiance

III. Approval of Minutes

Motion to recommend approval of the March 4, 2020 Plan Commission Minutes was made by Commissioner Novoselsky and seconded by Commissioner Auerbach.

Aye: Novoselsky, Auerbach, Kohn, and Yohanna

Nay: None

Motion Approved: 4-0

Development Manager Hammel stated due to Governor Pritzker's executive order barring public gatherings, tonight's meeting will be accessed remotely and provided direction for public comment.

IV. Case #PC-03-20: 7000 North McCormick Boulevard – Planned Unit Development Amendment and Zoning Modifications Related to the Number, Location, Size and Landscaping Associated with Certain Signs

Chairman Yohanna announced Case #PC-03-20 for consideration of a request by Parvin-Clauss Sign Company, on behalf of GA HC REIT II Lincolnwood CCRC, LLC, Property Owner, to approve an Amendment to Ordinance No. 1988-1801 establishing a Planned Unit Development (PUD) and certain subsequent Ordinances amending that PUD, to further amend the PUD and approve Zoning Modifications to allow the following: 1) replacement and installation of an off-premise sign; 2) up to four monument signs on the property; 3) two monument signs with an area greater than 48-square feet; 4) four monument signs without the required amount of decorative landscaping; 5) three new wall signs in various locations on the property; 6) one wall sign with an area greater than the permitted sign area; and 7) three directional signs with an area greater than five-square feet.

Development Manager Hammel reviewed the proposed signage package consisting of 14 signs located throughout the property. The specifics of each sign and considerations for approval were presented for review and discussion. Hardship standards do not apply in this instance as the property is governed by a PUD. Requested actions for approval include the following:

1. An Amendment to Ordinance No. 1988-1801 to accommodate new signage on the property that has not been otherwise approved;
2. A Zoning Modification from Section 11.04(1)i of the Zoning Code to permit four monument signs on the property;
3. A Zoning Modification from Section 11.04(2)i of the Zoning Code to permit four wall signs on the property;
4. A Zoning Modification from Section 11.04(1)iii to allow Sign #2 to have an area of 92-square feet;
5. A Zoning Modification from Section 11.04(1)x to waive the requirement for landscaping for Signs #1-4, with the staff recommendation that such landscaping be required for these signs;
6. A Zoning Modification from Section 11.04(2)ii allow Sign #9 to have an area of 96-square feet, with the staff recommendation that the Petitioner demonstrate the need for this sign and that the Plan Commission discuss the appropriateness of a sign if this size within close proximity to a circulator roadway and private property;
7. A Zoning Modification from Section 11.05(2) allow directional Signs #10-12 to have an area of 20-square feet; and
8. A Zoning Modification from Section 11.06(4) to allow Sign #1 to be an off-premise sign, with the staff recommended condition that any approval require the written authorization of the owner who owns the property on which that proposed sign would lie.

Commissioner Auerbach believes the size of Sign #9, at 96-square feet, is appropriate in relation to the size of the parking lot and would like to see as much landscaping plantings as possible. Petitioner Mary Clauss said removal of the landscaping was due to overgrown bushes which were encroaching into the sign. Ms. Clauss further stated the property owner has no issue installing new landscaping according to Code. The Petitioner will discuss with staff regarding the Town Center Mall's approval for the sign located on their property.

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 an Amendment to Ordinance No. 1988-1801 to accommodate new signage and recommended Zoning Modifications was made by Commissioner Auerbach and seconded by Commissioner Jakubowski.

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

Nay: None

Abstained: Novoselsky

Motion Approved: 5-0

Case #PC-03-20 will be heard at the May 19, 2020 meeting of the Village Board.

V. Case #PC-04-20: 4320 West Touhy Avenue – Special Use to Allow Commercial Hours of Operation Before 7:00 a.m.

Chairman Yohanna announced Case #PC-04-20 for consideration of a request by Starbucks, on behalf of 4320 Touhy LLC, Property Owner, to approve a Special Use for the operation of a commercial use beginning each day at 4:00 a.m. rather than 7:00 a.m.

In 2017, the Village approved the development of a new commercial building which included a Starbucks. This approval did not consider or approve a Special Use related to hours of operation. The Petitioner is seeking a Special Use to open for business at 4:30 a.m. with employees arriving at 4:00 a.m. It was brought to the Village's attention Starbucks has been opening before 7:00 a.m. and this request, if approved, would bring them into compliance.

Development Manager Hammel presented the Standards for Granting a Special Use for review and discussion. No comments were received from the public regarding this request.

Chairman Yohanna swore in Starbucks' Development Manager Tom Hanrahan and Property Owner Larry Radler. Mr. Hanrahan confirmed the previous Starbucks location did open at 4:30 a.m.

There was much discussion regarding early operating hours, parking lot illumination, drive-thru noise, and car stacking issues. Mr. Radler said parking lot lighting is required at 4:00 a.m. to ensure employee safety. The lighting is zoned to address different areas of the property to minimize early morning impact to surrounding residents. Mr. Radler stated they are working with Village Engineers to finalize an approved lighting plan. Trustee Nickell commented there have been complaints about traffic and stacking cars. In some instances, cars are backed up onto Lowell Avenue. Assistant Village Manager Chuck Meyer said the Village is aware of the problem which can be attributed in part to the current pandemic, as well as peak customer hours occurring between 7:30 a.m. and 9:30 a.m. Trustee Patel mentioned the Dunkin Donuts on Touhy Avenue opens at 4:30 a.m. and Schlegel's Bakery opens at 6:00 a.m. Staff said the Petitioners have been responsive to Village concerns.

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 Special Use for the operation of a commercial business beginning at 4:00 a.m. was made by Commissioner Sampen and seconded by Commissioner

Novoselsky. This motion is subject to approval of a parking lot lighting plan, drive-thru sound level compliance, and no customer sales before 4:30 a.m.

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

Nay: None

Motion Approved: 6-0

Case #PC-04-20 will be heard at the May 19, 2020 meeting of the Village Board.

VI. Case #PC-05-20: Zoning Text Amendment – Consideration of a Text Amendment to Permit Gas Stations in the B-1 Zoning District as a Special Use

Chairman Yohanna announced Case #PC-05-20 for consideration of a request by Kim Ward, on behalf of Vequity, and a referral by the Village Board, to amend the Zoning Ordinance to permit gas stations as a Special Use in the B-1 Traditional Business District.

Before staff's presentation, Development Manager Hammel provided the link where the public may view the public comment memorandum regarding Case #PC-05-20 and Case #PC-06-20 that was received after posting of the meeting packet. An additional email was received after distribution of the memorandum which will be read into the public record.

Allowing gas stations in the B-1 Zoning District would require a Text Amendment to Table 4.01.1 *Permitted and Special Uses in All Zoning Districts* and an Amendment to Section 2.02 to clarify the definition of "auto service or gas station" to include properties where both the sale or dispersal of automotive fuels occurs and the presence of a convenience store.

The B-1 District is intended to create neighborhood commercial districts and emphasizes pedestrian access. "Auto/light truck sales and service" is the only auto service use permitted in the B-1 District. The 2016 Comprehensive Plan designates lots within the B-1 District as "local/corridor commercial" as it relates to future land use. According to the Comprehensive Plan, this area is envisioned to include office and commercial businesses including banks, restaurants, professional offices, and convenience retail such as salons, cleaners, and service stations. There are nine gas stations in the Village; three are located in the B-1 District which is considered legal nonconforming.

The B-1 District includes three Overlay Districts; Business/Residential Transition Overlay Area, Business Transition Area, and Mixed-Use Hub. The Business/Residential Transition Overlay Area includes the Lincoln Avenue Corridor between Crawford and Devon Avenues. The Business Transition Area includes the Lincoln Avenue Corridor between Crawford Avenue and Proesel Park. The Mixed-Use Hub Overlay includes properties on Lincoln Avenue around the intersection of Crawford and Devon Avenues. Generally, the Mixed-Use Hub Overlay District is considered to be the most commercial intensive of the three Overlay Districts.

The Village Board first discussed this request during the May 21, 2019 Committee of the Whole meeting. Trustees noted the Lincoln Avenue Corridor has not developed in the way it was envisioned and thought it appropriate to consider auto-oriented uses. Trustees also discussed if a combination gas station/convenience store should be considered a "convenience store" or "auto service or gas station" or if the idea of gas stations should even be considered in the B-1 District.

Requested action includes:

1. Amend Table 4.01.1 to designate “auto service or gas station” as a Special Use in the B-1 Traditional Business Zoning District;
2. Amend Section 2.02 to revise the definition of “auto service or gas station” as follows: AUTO SERVICE or GAS STATION: Any building or land used primarily for the dispersal, sale, or offering for sale of automotive fuels, oils, or accessories, including lubrication of automobiles and replacement of minor parts and accessories, or a convenience store or retail use as an accessory use, but not including major repair work such as motor replacement or rebuilding”.
3. Amendment to the definition of “*auto service or gas station*” can be forwarded to the Village Board regardless of a recommendation regarding the permissibility of that use in the B-1 Zoning District.

Staff noted there were numerous public comments received against approving this type of use. Six emails were included in the packet expressing concerns related to the proximity of gas stations to the library and school campus, traffic, impact on residential districts, and a perception of increased crime related to gas stations and convenience stores. As previously stated, after distribution of the packet, staff received 23 correspondences which are included in the memorandum provided to the Plan Commission before tonight’s meeting and also available on the link provided by staff at the start of this Case which reiterated many of the same concerns as well as the need for another gas station. Additionally, staff received a petition signed by 101 people objecting to the proposed use. Since the start of this presentation, staff received an additional email which was read into the public record.

Chairman Yohanna asked if there was anyone from the audience who would like to address the Plan Commission, and requested comments should be limited to three minutes. Public comment consisted of the following:

Mr. Matthew Holmes, attorney representative for 6677 Lincoln Avenue, Incorporated, who owns a Lincoln Avenue gas station, reiterated the Comprehensive Plan specifically states auto oriented or auto related businesses should be prohibited altogether or kept to a minimum throughout the Lincoln Avenue Corridor. Mr. Holmes said there are already three gas stations within a half-mile radius of the property.

Mr. Syed Ahmed stated he was concerned about this use located too close to the school campus, harmful gas fumes, and the abundance of stations in the Village.

Lawrence Freedman, attorney for the Petitioner, stated despite the goals of the Comprehensive Plan, this area did not develop as pedestrian user friendly. Mr. Freedman asked if the Text Amendment should be limited to only the Mixed-Use Overlay District and as a Special Use.

Commissioner Auerbach is not in favor of a gas station at this location and stated this is not the direction the Village should pursue. Commissioner Jakubowski agreed with Commissioner Auerbach and said with the new District 1860 project soon to be underway, Lincoln Avenue, as a whole, will benefit. Commissioner Sampen is not in favor of this Text Amendment in general.

Commissioner Novoselsky is in favor of amending the definition of auto gas or service station where the gas station is an ancillary use to the convenience store. Any Text Amendment should include any type of ancillary sale of gasoline be considered a gas station and not a convenience store and further stated this use is inappropriate in any portion of the B-1 District. Development Manager Hammel noted the legal nonconforming stations already in operation would not be forced to close if this Text Amendment was approved, but if operations were vacated or discontinued for over a six-month period, those businesses could not be able to legally reopen. Chairman Yohanna agreed with Commissioner Novoselsky the sale of gasoline would be considered an ancillary use. Commissioner Kohn agreed with Commissioner Novoselsky.

Development Manager Hammel read Ms. Nasir's objection into the public record. Mr. Hammel asked the Chairman to recognize additional public comment from Mr. Freedman. Mr. Freedman asked if their Text Amendment request could be continued so they may reassess and amend their application. Commissioner Novoselsky said if the Village were to bifurcate the Mixed-Use Overlay District, he would only entertain the area along Devon Avenue and Lincoln Avenue, but not at Lincoln Avenue and Pratt Avenue.

Chairman Yohanna asked if there was anyone from the audience who would like to address the Plan Commission. Public comment has been concluded. With no further discussion, Chairman Yohanna requested a motion.

Motion to 1) recommend denial of a Zoning Text Amendment to permit gas stations as a Permitted Special Use in the B-1 District and ***2) recommend approval*** of an Amendment to the definition of "gas station" to include an associated convenience retail use by made by Commissioner Novoselsky and seconded by Commissioner Sampen.

Aye: Novoselsky, Sampen, Auerbach, and Kohn

Nay: Jakubowski and Yohanna

Motion Approved: 4-2

After the vote, there was some discussion as to the validity of continuing Case #PC-06-20 in light of the Plan Commission's denial of the proposed Text Amendment. Mr. Passman stated if the Village Board agrees with the Plan Commission and denies approval of the Text Amendment at its May 19, 2020 meeting, then Case #PC-06-20 will be moot.

VII. Case #PC-06-20: 6734 North Lincoln Avenue – Consideration of a Special Use and Zoning Variations for a Gas Station and Retail Use

Chairman Yohanna announced Case #PC-06-20 for consideration of a request by Kim Ward, on behalf of Christopher Ileki, Property Owner, to approve a Special Use for a gas station and a commercial use that would operate 24 hours per day/7 days a week, as well as Zoning Variations to allow: 1) an accessory structure less than 60 feet from the front lot line; 2) an accessory structure with a height of more than 17 feet; 3) a waiver of the required transition yard abutting a residentially zoned property; 4) illumination levels above what is permitted; 5) a waiver of the required landscape island at the north end of the parking aisle; 6) a reduction in the amount of window area provided along the Crawford Avenue façade; 7) a second wall sign, located on the southeast façade of the building; 8) a waiver of the requirement to provide pedestrian-scaled

elements on facades fronting on a public right-of-way; and 9) a modular, eight-foot-tall pre-cast fence abutting the residential property to the south.

Motion to recommend continuation to the June 3, 2020 meeting of the Plan Commission was made by Commissioner Novoselsky and seconded by Commissioner Jakubowski.

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

Nay: None

Motion Approved: 6-0

VIII. Next Meeting

The next meeting of the Plan Commission is scheduled for Wednesday, June 3, 2020.

IX. Public Comment

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. Development Manager Hammel reminded the Commissioners that Statements of Economic Interests are due by June 1, 2020.

X. Adjournment

Motion to recommend adjournment was made by Commissioner Sampen and seconded by Commissioner Auerbach. Meeting adjourned at 10:15 p.m.

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

Nay: None

Motion Approved: 6-0

Respectfully submitted,



Kathryn Kasprzyk

Community Development Coordinator