



**MEETING MINUTES
OF THE
PLAN COMMISSION
SEPTEMBER 2, 2015 – 7:00 P.M.**

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

MEMBERS PRESENT:

Acting Chairman Mark Yohanna
Irving Fishman
Patricia Goldfein
Steven Jakubowski
Don Sampen

MEMBERS ABSENT:

Chairman Paul Eisterhold
Anthony Pauletto

STAFF PRESENT:

Timothy M. Clarke, AIA, Community Development Director
Aaron N. Cook, AICP, Community Development Manager
Hart N. Passman, Village Attorney

I. CALL TO ORDER

Acting Chairman Yohanna noted a quorum of four members and called the meeting to order at 7:05 p.m.

II. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES

Motion to approve the August 5, 2015 Meeting Minutes was made by Commissioner Sampen, and seconded by Commissioner Jakubowski.

Aye: Sampen, Jakubowski, Fishman, Goldfein, and Yohanna

Nay: None

Motion Approved: 5-0

IV. Case #PC-10-15: Public Hearing: 6733-6735 North Lincoln Avenue – Proposed Special Use and Variations for Mixed-Use Development

Acting Chairman Yohanna swore in the Petitioners, Ms. Rebeka Hoxha and Ms. Sue Auerbach.

The property is a one-story, two-tenant commercial building which has parking in the front across the entirety of the property located at 6733-6735 North Lincoln Avenue in the B-1 Business District. Immediately adjacent to the rear of the property is an area that is zoned residential but is being used as a parking lot for the neighboring restaurant. Photographs, site plans, elevations, and project renderings were presented for review and discussion. The proposed building is positioned approximately 25 feet from the front lot line, and there are two proposed off-street parking spaces to the front. There is a pass-through or driveway that runs underneath through the second and third floors to the south of the property which leads to the rear parking lot. Seven parking spaces are planned for the rear lot with two spaces located underneath an overhang of the building. The rear of the property will have a dumpster and landscape area which will include a proposed masonry wall.

The floor plans submitted include a first floor commercial use, the second floor will have office space and a two-bedroom residential unit of approximately 1,670-square feet, and the third floor will have a one-bedroom residential unit of approximately 1,190-square feet and a two-bedroom 1,670-square foot residential unit. There will also be an accessible rooftop terrace. Even though the landscape issues will interfere with the parking, landscape areas have been identified as well as perimeter landscaping on the rooftop with an irrigation system. The Petitioner's plan is to make this as green as possible within the limitations of the irregular lot size.

As part of this proposal, a Special Use is being requested to allow residential uses above first floor commercial. The Zoning Code was amended in January 2015 to require a Special Use for residential uses along Lincoln Avenue.

The Petitioner is requesting seven Variations. The first Variation is relief from the five-foot build-to line. The proposed building setback is 25 feet. The second Variation pertains to drive aisle width. The minimum two-way drive aisle width is 24 feet, and the Petitioner is seeking a proposed width of 12 feet. The third Variation is a reduction in off-street parking spaces. The Zoning Code requires 12 off-street parking spaces, and the proposed site plan provides 9 off-street parking spaces; 2 to the front and 7 to the rear. The fourth Variation pertains to the two parking spaces in the front of the building. The Zoning Code prohibits parking in the front of a building. The Village Board has referred this regulation, specifically as it relates to commercial property, to be heard by the Plan Commission in the near future. The fifth Variation is relief from the minimum perimeter landscape area requirement. If this Variation is not granted, it would result in the loss of three parking spaces. The Zoning Code requires a minimum eight-foot landscape area with landscape screening required. No landscape or screening is provided. The sixth Variation is relief from the minimum interior landscape requirement. The Zoning Code requires landscape islands at the end of parking rows and no landscape islands or landscaping will be provided at the ends of the parking row. The last Variation is relief from the eight-foot screening between common lot lines between residential and commercial areas. The proposed plan calls for a six-foot masonry wall.

The building use will be mainly used as a showroom for their business. They will have tile, cabinets, etc. on display. This is not a retail establishment and is not intended to be a high-volume business.

The Petitioners stated that there are a lot of issues with the lot, mainly the build-to line and the front parking. The surrounding businesses on the south side of Lincoln Avenue do have parking in the front. If the building was placed at the five-foot build-to line, they believe the building would be a nuisance and a hazard which would block the view as you drive up Lincoln Avenue. If the only parking is in the rear of the property, this would be a detriment to the Petitioner's business.

There was discussion as to the feasibility and placement of the 38-foot masonry wall. Sue Auerbach, architect for the Petitioner, said that this Variation request would be removed from their proposal; an eight-foot wall would be built if required. In reality, this wall would be screening an existing parking lot which is owned by Great Beijing. The Petitioners have tried to contact the owner regarding a cross access agreement, but have been unsuccessful. The owner is out of the country and rents out the restaurant to a family member. According to the Zoning Code parking regulations, Great Beijing requires all the parking spots they have.

It was noted that there could be a residential building built in this parking area in the future no matter how remote it may seem. Great Beijing uses this lot for parking, and the Petitioners believe that if any other use moved into that space, they would need this area for parking as well, diminishing the possibility of this being used for a residential use even though it zoned residential.

When asked what purpose this wall would serve, the Petitioners stated that this wall serves no purpose at all. The Petitioners are willing to install this wall and the five-foot landscaping barrier at any time in future if the property is ever developed as residential. The Commissioners agreed that this wall is not necessary and commended the Petitioners on their creativity. It was suggested that the Petitioners try to obtain an easement agreement for ingress and egress. With no wall, they can include a five-foot landscape barrier. Commissioner Goldfein said that landscaping should be flexible and fit the property and the proposed landscaping is reasonable.

Safety issues were discussed due to the narrowness of the drive aisle. Some suggestions included warning lights or mirrors and a speed bump could be installed for additional safety. With regards to fire safety issues, the Fire Department has stated that this is not an ideal situation, but there are other properties in town which do not have complete access as well.

The Commissioners discussed the Special Use and Variations individually. They all agreed with granting the Special Use for residential uses above commercial.

Mr. Clarke reminded the Commissioners that there needs to be a hardship with regard to the Variations. These hardships need to be identified for the Village Board. The hardship is that the property is not feasible to develop with bringing it up to the lot line. It renders the property useless.

Acting Chairman Yohanna asked if anyone in the audience had any comment regarding this Public Hearing. Let the record stated that no one from the audience came forward.

Motion to approve the requested Special Use and Variations at 6733-6735 North Lincoln Avenue to authorize the demolition of the existing structure and for construction of a new mixed-use structure and off-street parking area that would be comprised of the following items was made by Commissioner Jakubowski and seconded by Commissioner Fishman:

- A Special Use to allow the residential units to be built above the first-floor commercial and to approve the following seven Variations:
- Approve the building setback to be up to 25 feet instead of the 5-foot build-to line;
- Approve a drive aisle which would function as a two-way drive aisle which would be less than the minimum width of no less than 12 feet and that would require electronic eyes or motion detectors on both sides and a speed bump at the entrance to the drive through aisles;
- Permit less than the minimum required number of off-street parking spaces, but no less than nine;

- Permit the location of off-street parking to the front of the proposed building for not more than two spots;
- Allow no perimeter landscaping areas on the north and south sides;
- Permit less than the required interior landscape for the parking area in the back, moving the dumpster area to the back, and build a narrow landscape area on each end of the parking area to set off the property lines from the adjacent areas if the wall is not built;
- Eliminate the need for a wall and replace it with landscaping. If a building permit is issued for a residential building, the property owners would have to install an eight-foot wall;
- Finding that absent the Variations with respect to the setback, the ability to create a drive through aisle, minimum off-street parking spaces, allowing off-street parking to the front of the proposed building, and no requirement for any perimeter landscaping given the size of the property, if these Variations are not granted, the property cannot be developed and would impose conditions that would render the property useless causing an extreme hardship to the Petitioner;
- The special hardship is to the residents and to the Village should there be inadequate access which this landlocked property provides; and
- Staff recommended conditions include a security plan submitted to the Police Chief and Knox box(es) installed as per the Fire Department.

Aye: Jakubowski, Fishman, Goldfein, Sampen, and Yohanna

Nay: None

Motion Approved: 5-0

V. Case #PC-11-15: Public Hearing: Public Hearing: Proposed Text Amendment – Short-Term Rental Property

This matter is a consideration of a proposed text amendment which was referred to the Plan Commission from the Village Board concerning regulation of short-term rental property. The Zoning Code does not have a definition for this use. The Village has received calls regarding several single-family residential properties that have been used as short-term rentals. The purpose of this discussion is to clarify the intent of these types of uses specifically in residential areas. The requested review and possible action by the Plan Commission is to identify the preferred definition of the term short-term rental property, to concur with recommended modifications to other definitions to distinguish from short-term rental property, and to identify this use as a Permitted Use, Special Use, or Prohibited Use in the Village's Zoning Districts. The Village Attorney has also presented an alternative action which would be to regulate this use through a licensing process. The licensing process would be part of the Municipal Code which is not under the direct purview of the Plan Commission. In the event the Plan Commission deems the licensing process to be most appropriate, the zoning action would be to recommend no change to the Zoning Code which would then be forwarded to the Village Board for a licensing agreement. Staff does not feel the licensing process is appropriate.

Staff presented the recommended definition of short-term rental property which is "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". An alternative definition was given as "A building or portion thereof that is held out for rent on a nightly, weekly, or monthly basis for overnight lodging for transient guest for more than ?? months during a twelve-month period". The alternative definition would be

difficult to prove. As a result, the first definition is recommended. This use does not include the renting of a room in which the homeowners are in residence. Mr. Clarke said that there have been two cases of housing units that have only been used for this purpose. The owners do not live in the homes and are being used as a business. The neighbors are very concerned about these homes being used essentially as a hotel.

Mr. Passman stated that this is a new issue that municipalities are dealing with. There are numerous websites on the internet that advertise this kind of use. The proposed definition has been prepared to start a conversation as how to regulate this use. Discussion points could include how long is long enough which is why the definition includes the language nightly, weekly, or monthly rental. The Village Board would like some direction as to how these kinds of uses should be restricted and defined. Once a definition has been established, the next step is to determine what Zoning Districts would this use be allowed in and would this use be a Permitted Use, a Special Use, or a Prohibited Use.

To Mr. Passman's knowledge, Lincolnwood is one of the first communities to actively regulate this issue by proceeding with a text amendment focusing on short-term rental property. Staff stated that Skokie considers this use a bed and breakfast. Wilmette will be discussing the issue, but no details are yet available. A bed and breakfast is not allowed in any Residential Zoning District.

Motion to continue to the November 4, 2015 Plan Commission meeting was made by Commissioner Fishman, and seconded by Commissioner Sampen.

Aye: Fishman, Sampen, Goldfein, Jakubowski, and Yohanna

Nay: None

Motion Approved: 5-0

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

Motion to adjourn by was made by Commissioner Fishman, and seconded by Commissioner Sampen. Meeting adjourned at 9:05 p.m.

Aye: Fishman, Sampen, Goldfein, Jakubowski, and Yohanna

Nay: None

Motion Approved: 5-0

Respectfully Submitted,

Kathryn M. Kasprzyk
Community Development Coordinator