Village of Lincolnwood
Plan Commission

Meeting
Wednesday, January 3, 2018
7:00 P.M.

in the
Council Chambers Room
Lincolnwood Village Hall - 6900 North Lincoln Avenue

Agenda

1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Approval of Minutes
   December 6, 2017 Minutes
4. Case #PC-08-17: 6530 North Lincoln Avenue – Approval of a Final Plat of Subdivision
   Request: Consideration of a request by property owner Bais Medrash Binyan Olam (BMBO) for Resubdivision of the property commonly known as 6530 North Lincoln Avenue.
   Request: Consideration of a request by Grossprops Associates to eliminate the Preliminary Plat requirement for a Major Subdivision, as authorized by Section 16-4-3 of the Village Code.
   Request: 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.
7. Case #PC-13-17: Continued Public Hearing: Zoning Code Text Amendment for the Permissibility of Auto/Light Truck Sales and Service Uses as Special Uses in the O, Office District (Continued from December 6, 2017 and November 1, 2017)
   Request: Consideration of a Zoning Code Text Amendment to consider permitting Auto/Light Truck Sales and Service Uses as Special Uses in the O, Office District, as well as other potential regulations specifically related to Auto/Light Truck Sales and Service uses in the O, Office District that could be deemed relevant to such permissibility.
   Request: Consideration of a Zoning Code Text Amendment to consider modifying Building Coverage regulations as they relate to the construction of the two-car garage depending on certain property characteristics.
9. Next Meeting
10. Public Comment
11. Adjournment

POSTED: December 29, 2017
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  

I. Call to Order  
Chairman Yohanna noted a quorum of six members and called the meeting to order at 7:05 p.m.  

II. Pledge of Allegiance  

III. Approval of Minutes  
Motion to recommend approval of the November 1, 2017 Plan Commission Minutes was made by Commissioner Sampen and seconded by Commissioner Kohn.  

Aye: Sampen, Kohn, Auerbach, and Yohanna  
Nay: None  
Abstained: Jakubowski and Novoselsky  
Motion Approved: 4-0  

IV. Case #PC-08-17: 6530 North Lincoln Avenue – Two-Lot Resubdivision, Rezoning of One Resubdivided Lot, and Variations for Building Setbacks and Parking Lot Design
Chairman Yohanna announced Case #PC-08-17 for consideration of a request by property owner Bais Medrash Binyan Olam (BMBO) for Resubdivision for the rezoning of one of the resulting lots and amendments for both resulting lots related to building setbacks and parking lot design. Chairman Yohanna swore in the witnesses.

Development Manager Hammel presented background for the proposed development which includes the renovation and reuse for a teacher resource center at the front of the building and a medical transport service at the rear of the building. The project includes façade enhancements, new signage, parking lot resurfacing, site landscaping, and tree plantings.

Requested Regulatory Actions include: 1) Resubdivision from three existing parcels to two new parcels; 2) Rezoning of one parcel from the B-1, Traditional Business Zoning District to the M-B, Manufacturing and Business Zoning District; 3) Special Use to permit parking in the front yard of each resulting parcel; and 4) two Variations related to parking lot design and setbacks. Regarding the Special Use and Variations for Lot A, a six-inch curb is required, but they are proposing none; the ten-foot rear yard setback is not provided; and parking in the front yard requires a Special Use. Regarding the Special Use and Variations for Lot B, a six-inch curb is required, but they are proposing none; the five-foot rear yard setback is not provided; the five-foot side yard setback is not provided; and parking in the front yard requires a Special Use.

Mr. Jordan Matyas, Attorney for BMBO, which is a not-for-profit organization, spoke about the overall vision of the project. The building will be enhanced to make it more attractive. Signage will be minimal. Mr. Matyas said they were asked by the Village to match the aesthetics on the opposite side of Lincoln Avenue.

There was much discussion regarding whether or not the six-foot curb along Lincoln Avenue was required. Commissioner Jakubowski asked if the absence of the curbs would be a safety concern. Commissioner Auerbach asked about the specific hardship for not installing the curbs. Mr. Matyas reiterated the request to mirror the other side of Lincoln Avenue as their hardship.

Mr. Clifford Town, Project Architect, said that as Hatzalah Chicago is a not-for-profit and are doing more landscaping improvements than is required, installing the curbs were cost prohibitive. Commissioner Auerbach said that cost should not be a hardship standard, and granting their request could set a bad precedent. Development Manager Hammel stated that landscaping Variations were not required as they are resurfacing the parking lot, not replacing it.

Mr. Steve Montrose of Hatzalah Chicago, said their ambulances are currently parked at this location for storage. Their medical transport business could be operational within a year. Mr. Montrose explained their business practices whereas they augment existing ambulatory services. They receive calls directly, not through 911. Their geographical area encompasses Lincolnwood, Skokie, Peterson Park, and Rogers Park in Chicago.

Chairman Yohanna said he had reservations about taking a commercial property and turning it into a non-sales tax generating use.

Chairman Yohanna asked if there was anyone from the audience who would like to address the Plan Commission on this matter. Let the record state that no one came forward.
Motion to recommend approval of the Resubdivision from three existing parcels to two new parcels; Rezoning of one parcel from the B-1, Traditional Business Zoning District to the M-B, Manufacturing and Business Zoning District; Special Use to permit parking in the front yard of each resulting parcel; and Variations for Lot A and Lot B, subject to arborist approval, was made by Commissioner Sampen and seconded by Commissioner Jakubowski. Case #PC-08-17 will be heard at the December 19, 2017 Village Board meeting.

Aye: Sampen, Jakubowski, Auerbach, Kohn, Novoselsky, and Yohanna
Nay: None
Motion Approved: 6-0

V. Case #PC-13-17: Text Amendment for the Permissibility of Auto/Light Truck Sales and Service Uses as Special Uses in the O, Office District (Continued from November 1, 2017)

Chairman Yohanna announced the continuation of Case #PC-13-17 for consideration of a Zoning Code Text Amendment to consider permitting Auto/Light Truck Sales and Service Uses as Special Uses in the O, Office District, as well as other potential regulations specifically related to Auto/Light Truck Sales and Service uses in the O, Office District that could be deemed relevant to such permissibility.

Development Manager Hammel reiterated the rationale for the proposed amendment and related policy questions. The definition and usage of “light truck” was clarified and discussed. The minimum lot requirement of 2.5 acres would be required for this type of use, of which there are only four parcels this size in the Village.

Commissioner Novoselsky was opposed to extending the Overlay in the O, Office District that is adjacent to any single-family residential use. It was noted that there are currently several auto uses that are adjacent to residential uses. There was discussion regarding whether or not inventory and employee parking should be on the same property or if the use of “satellite” lots would be allowed, the proposed Ordinance language, and what lots would be acceptable for this use. Commissioner Jakubowski had issue with the wording “greatest extent possible” in Section 4.07(19)e of the proposed Ordinance language. Development Manager Hammel will redraft the proposed language for review at the January 3, 2018 Plan Commission meeting.

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

Motion to continue Case #PC-13-17 to the January 3, 2018 Plan Commission meeting was made by Commissioner Sampen and seconded by Commissioner Jakubowski.

Aye: Sampen, Jakubowski, Auerbach, Kohn, Novoselsky, and Yohanna
Nay: None
Motion Approved: 6-0

Chairman Yohanna announced the continuation of 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.

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

**Motion to continue** Case #PC-10-17, without discussion, to the January 3, 2018 Plan Commission meeting was made by Commissioner Sampen and seconded by Commissioner Auerbach.

**Aye:** Sampen, Auerbach, Jakubowski, Kohn, Novoselsky, and Yohanna  
**Nay:** None  
**Motion Approved:** 6-0

VII. **Case #PC-14-17: Public Hearing: Zoning Code Text Amendment for Building Coverage Related to the Construction of a Two-Car Garage**

Chairman Yohanna announced Case #PC-14-17 for consideration of a Zoning Code Text Amendment to consider modifying Building Coverage regulations as they relate to the construction of the two-car garage depending on certain property characteristics.

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

**Motion to continue** Case #PC-14-17, without discussion, to the January 3, 2018 Plan Commission meeting was made by Commissioner Novoselsky and seconded by Commissioner Sampen.

**Aye:** Novoselsky, Sampen, Auerbach, Jakubowski, Kohn, and Yohanna  
**Nay:** None  
**Motion Approved:** 6-0

VIII. **Further Consideration and Approval of 2018 Plan Commission Schedule**

**Motion to approve** the 2018 Plan Commission schedule was made by Commissioner Sampen and seconded by Commissioner Auerbach.

**Aye:** Sampen, Auerbach, Jakubowski, Kohn, Novoselsky, and Yohanna  
**Nay:** None  
**Motion Approved:** 6-0

IX. **Next Meeting**

The next meeting of the Plan Commission is scheduled for January 3, 2018.

X. **Public Comment**

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

Motion to adjourn was made by Commissioner Auerbach and seconded by Commissioner Novoselsky. Meeting adjourned at 9:05 p.m.

Aye: Auerbach, Novoselsky, Jakubowski, Kohn, Sampen, and Yohanna
Nay: None
Motion Approved: 6-0

Respectfully submitted,

Kathryn Kasprzyk
Community Development Coordinator
Subject Property:  
6530 North Lincoln Avenue

Zoning District:  
B-1, Business/Residential Transition Area

Petitioner:  
Bais Medrash Binyan Olam,  
Property Owner

Nature of Request:  Review of a Final Plat of Subdivision to consolidate three existing parcels and create two new parcels.

Requested Action:  
Approval of the Final Plat of Subdivision for the Shulman Addition, per the requirements of Section 16-4-5, attached.

Notification:  
Notice of the Public Meeting was provided to neighboring properties, within a 250-foot radius of the subject property, and Public Hearing signs installed along arterial roadway frontage of the subject property.

Summary of Request:  
Bais Medrash Binyan Olam (BMBO), Property Owner of 6530 North Lincoln Avenue, wishes to adapt the existing structure on the property for two distinct uses. The northern portion of the building (fronting on Lincoln Avenue) would house an education resource center for teachers to receive training and curriculum support, which is a permitted use in the B-1 Zoning District. The southern portion of the building (fronting on Arthur Avenue) would house a medical transport service with ambulance bays and storage that would be maintained and operated by a not-for-profit, volunteer service provider. This is not a permitted use in the B-1 Zoning District and would require subdivision of the existing lot and rezoning of the resulting southern parcel.

At its December 6, 2017 regular meeting, the Plan Commission unanimously recommended approval of the Preliminary Plat of Subdivision. Additional recommendations of approval were issued related to Rezoning of the southern resulting property, Special Uses, and Variations that would be required to
permit the existing structure to be used once subdivision ultimately occurs. These additional recommendations of approval are not the subject of the request currently before the Plan Commission and will be forwarded to the Village Board along with the Plan Commission’s recommendation related to the Final Plat of Subdivision.

The existing property is made up of three parcels that collectively make up the 1.03-acre zoning lot. In order to accommodate the medical transport service in the southern portion of the building, the property must be subdivided. The new parcel line would bisect the existing building, resulting in portions of the building on each new parcel. For the purposes of this report, “Lot A” would front on Lincoln Avenue and Hamlin Avenue, and “Lot B” would front on Arthur Avenue and Hamlin Avenue.

At the December 6, 2017 Public Hearing, the Plan Commission did not express any specific concerns related to the subdivision of the existing property, as the requested subdivision does not result in any modifications to the exterior building envelope or overall functionality of the property. Since that Public Hearing, the Village Engineer has reviewed the Preliminary Plat of Subdivision and provided minor comments to the Petitioner. 

Due to the holidays, the Petitioner was unable to revise the attached Final Plat of Subdivision to address the Village Engineer’s final set of minor comments (attached). The Petitioner will make all necessary revisions and provide a revised Final Plat of Subdivision which adequately addresses the Village Engineer’s comments, at the January 3, 2018 Plan Commission meeting.

Public Comment
The Community Development Department has received no public comment relevant to this case prior to the distribution of this staff report.

Conclusion
Staff recommends approval of the Final Plat of Subdivision as presented

Documents Attached
1. Final Plat of Subdivision
2. December 6, 2017 Plan Commission Staff Report
3. December 27, 2017 Comments by Village Engineer
4. Village Code Section 16-4-5
SHULMAN ADDITION TO THE VILLAGE OF LINCOLNWOOD

OWNER'S AND SCHOOL DISTRICT CERTIFICATE

STATE OF ILLINOIS
COUNTY OF __________

THIS 11TH DAY OF __________, 19__, A.D., IN THE COURT OF __________, COUNTY OF __________, IN THE STATE OF ILLINOIS, ON THE APPLICANT'S PETITION TO ADD LAND TO THE VILLAGE OF LINCOLNWOOD, WHEREAS, THE APPLICANT OWNS AND HAS FULL RIGHT OF REDEMPTION OF LAND WHICH IS SUBJECT TO MORTGAGE, AND WHOSE ADDRESS IS __________, __________, IL., AND THE VILLAGE OF LINCOLNWOOD, WHEREAS, THE APPLICANT OWNS AND HAS FULL RIGHT OF REDEMPTION OF LAND WHICH IS SUBJECT TO MORTGAGE, AND WHOSE ADDRESS IS __________, __________, IL., THIS __________, 19__, BE IT RESOLVED, THAT THE APPLICANT HAS, BY THE FOLLOWING CERTIFICATE, THE RIGHT TO ADD LAND TO THE VILLAGE OF LINCOLNWOOD.

Dated at __________, __________, IL.

BY: __________

VILLAGE OF LINCOLNWOOD CERTIFICATE

STATE OF ILLINOIS
COUNTY OF __________

THIS __________, 19__, A.D., IN THE COURT OF __________, COUNTY OF __________, IN THE STATE OF ILLINOIS, ON THE APPLICANT'S PETITION TO ADD LAND TO THE VILLAGE OF LINCOLNWOOD, WHEREAS, THE APPLICANT OWNS AND HAS FULL RIGHT OF REDEMPTION OF LAND WHICH IS SUBJECT TO MORTGAGE, AND WHOSE ADDRESS IS __________, __________, IL., AND THE VILLAGE OF LINCOLNWOOD, WHEREAS, THE APPLICANT OWNS AND HAS FULL RIGHT OF REDEMPTION OF LAND WHICH IS SUBJECT TO MORTGAGE, AND WHOSE ADDRESS IS __________, __________, IL., THIS __________, 19__, BE IT RESOLVED, THAT THE APPLICANT HAS, BY THE FOLLOWING CERTIFICATE, THE RIGHT TO ADD LAND TO THE VILLAGE OF LINCOLNWOOD.

Dated at __________, __________, IL.

BY: __________

VILLAGE PLANNING COMMISSION CERTIFICATE

STATE OF ILLINOIS
COUNTY OF __________

APPROVED THE FOLLOWING CERTIFICATE OF THE VILLAGE OF LINCOLNWOOD, WHEREAS, THE APPLICANT OWNS AND HAS FULL RIGHT OF REDEMPTION OF LAND WHICH IS SUBJECT TO MORTGAGE, AND WHOSE ADDRESS IS __________, __________, IL., THIS __________, 19__, BE IT RESOLVED, THAT THE APPLICANT HAS, BY THE FOLLOWING CERTIFICATE, THE RIGHT TO ADD LAND TO THE VILLAGE OF LINCOLNWOOD.

Dated at __________, __________, IL.

BY: __________

VILLAGE ENGINEER CERTIFICATE

STATE OF ILLINOIS
COUNTY OF __________

APPROVED THE FOLLOWING CERTIFICATE OF THE VILLAGE OF LINCOLNWOOD, WHEREAS, THE APPLICANT OWNS AND HAS FULL RIGHT OF REDEMPTION OF LAND WHICH IS SUBJECT TO MORTGAGE, AND WHOSE ADDRESS IS __________, __________, IL., THIS __________, 19__, BE IT RESOLVED, THAT THE APPLICANT HAS, BY THE FOLLOWING CERTIFICATE, THE RIGHT TO ADD LAND TO THE VILLAGE OF LINCOLNWOOD.

Dated at __________, __________, IL.

BY: __________
Subject Property:
6530 North Lincoln Avenue

Zoning District:
B-1, Business/Residential Transition Area

Petitioner:
Bais Medrash Binyan Olam,
Property Owner

Nature of Request: Petitioner seeks approval of subdivision of the property into two parcels, rezoning of one of the resulting parcels, and approval of Variations to allow for two distinct uses to be operated out of attached structures on the resulting parcels.

Requested Actions:

Subdivision: Consolidate and resubdivide three existing parcels into two resulting parcels referred to as “Lot A” and “Lot B” for the purposes of this report with “Lot A” fronting on Lincoln Avenue and Hamlin Avenue, and “Lot B” fronting on Arthur Avenue and Hamlin Avenue.

Subdivision Variation: The requested subdivision requires Variation from Section 16-5-2 of the Village Code which prohibits the consolidation of more than two parcels through subdivision.

Rezoning: Rezone “Lot B” to M-B, Manufacturing and Business zoning district to accommodate a medical transport service and storage facility that staff classifies as a warehouse use.

Zoning Relief for “Lot A”
1. Variation to allow a structure with no setback in the rear yard;
2. Variation to allow a portion of the parking lot to not include a 6” curb; and
3. Special Use approval for parking in the front yard.
Zoning Relief for “Lot B”
1. Variation to allow a structure with no setback in the side yard;
2. Variation to allow a structure with no setback in the rear yard;
3. Variation to allow a portion of the parking lot to not include a six-inch curb; and
4. Special Use approval for parking in the front yard.


Summary of Request
Bais Medrash Binyan Olam (BMBO), Property Owner of 6530 North Lincoln Avenue, wishes to adapt the existing structure on the property for two distinct uses. The northern portion of the building (fronting on Lincoln Avenue) would house an education resource center for teachers to receive training and curriculum support, which is a permitted use in the B-1 Zoning District. The southern portion of the building (fronting on Arthur Avenue) would house a medical transport service with ambulance bays and storage that would be maintained and operated by a not-for-profit, volunteer service provider. This is not a permitted use in the B-1 Zoning District and would require subdivision of the existing lot and rezoning of the resulting southern parcel.

Historically, the building has housed a variety of different businesses, from an auto dealership to a Tribune Publications warehouse and distribution facility. However, it has been vacant for several years. Approximately three years ago, the property was purchased by a bank with the intent to tear down the structure in order to build a new bank facility. The bank proceeded through the zoning process, seeking relief necessary to permit the proposed new bank structure and was granted approval in August, 2014. As part of that approval, the property was rezoned so that the then split-zoned property, with B-1 Zoning on the front half of the property and M-B Zoning on the back half, was united under one B-1 Zoning District. However, the bank invested in a different property for their new facility, and, as a result, this property was sold to the current owner.

BMBO would like to subdivide the building and the property for two specific not-for-profit users. The 1.03- acre property is currently zoned B-1, Traditional Business and is in the Business/Residential Transition Area in the Lincoln Avenue Overlay District which is intended to promote neighborhood commercial uses and pedestrian access. B-1 commercial properties, including commercial service and office uses, are located on either side of this property along Lincoln Avenue.

Rendering of the Proposed Development
Requested Approvals
The proposed development requires the following approvals related to subdivision of the property, rezoning of one of the resulting parcels, and Variations on both of the resulting parcels:

Property Subdivision
The existing property is made up of three parcels that collectively make up the 1.03-acre zoning lot. In order to accommodate the medical transport service in the southern portion of the building, the property must be subdivided. The new parcel line would bisect the existing building, resulting in portions of the building on each new parcel. For the purposes of this report, “Lot A” would front on Lincoln Avenue and Hamlin Avenue, and “Lot B” would front on Arthur avenue and Hamlin Avenue.

Subdivision Variation: Section 16-5-2 of the Village Code states that “no consolidation of more than two lots shall be permitted unless a Variation is granted pursuant to Article 9 of this Chapter 16.” The proposed development triggers this Variation requirement since there are currently three parcels that make up the zoning lot. Such Variation requests fall under the purview of the Plan Commission and can be considered concurrently with other requests for zoning relief.

Rezoning: The proposed medical transport service and storage facility in the southern portion of the existing building (located on the proposed “Lot B”) would classify as a warehouse use according to the Zoning Ordinance. This use is not permitted in the B-1 Zoning District. The permissibility of this use would require a rezoning of “Lot B” to the M-B, Manufacturing and Business Zoning District.

Variations for “Lot A”:
The subdivision of the existing zoning lot into two distinct parcels redefines which lot lines are considered the front, corner side, interior side, and rear lot lines. According to the Zoning Ordinance, front lot lines are defined as “the lot line having the shortest length abutting a street.” while the rear lot line is defined as “the line that most nearly qualifies as the line most distant and opposite from the front lot line.” Currently, the lot’s Lincoln Avenue frontage represents the front lot line. By default, the Arthur Avenue frontage is designated as the rear lot line. However, the proposed subdivision of the lot results in the shorter lot line along a public street for “Lot A” along the Hamlin Avenue frontage. Therefore, the southeast lot line is designated as the rear lot line. The existing structure provides no setback from the new rear lot line, while Section 4.13 of the Zoning Ordinance requires a rear yard setback of ten feet in the B-1 Zoning District. (This proposed scenario, resulting from the requested subdivision, would not be compliant with the Zoning Ordinance.)
subdivision, does not qualify for legal non-conforming status since the existing structure, with its current building and lot configuration, does not include any non-conformities.)

The creation of new parcels and redefinition of lot lines would also result in the existing parking area being located in the new front yard of “Lot A” along Hamlin Avenue. According to Section 7.06(5) of the Zoning Ordinance, parking in the front yard of the B-1 Zoning District requires Special Use approval.

The proposed development includes parking lot landscaping along the edge of the parking area. However, the portion of the parking lot on “Lot A” along Hamlin Avenue does not include a curb. Section 6.14(1)g of the Zoning Ordinance states that “a six-inch continuous poured-in-place concrete curb shall separate all drive and parking surfaces from landscape areas.”

Variations for “Lot B”:
As per Section 4.14 of the Zoning Ordinance, the rezoning of “Lot B” to the M-B Zoning District results in a required interior side yard setback of five feet along the southeast lot line. The existing building is built to the lot line.

The proposed lot line that would divide the existing property into the two resulting lots would be considered the rear lot line for “Lot B.” Section 4.14 of the Zoning Ordinance establishes a minimum rear yard setback of five feet in the M-B District. However, the existing structure will be divided along this “Lot B” rear lot line, and the resulting spaces on each new lot will abut one another with no setback.
The proposed development includes parking lot landscaping along the edge of the parking area. However, the proposed design for the perimeter of the parking lot on “Lot B”, fronting on Hamlin Avenue and Arthur Avenue, does not include a curb. Section 6.14(1)g of the Zoning Ordinance states that “a six-inch continuous poured-in-place concrete curb shall separate all drive and parking surfaces from landscape areas.”

Similar to “Lot A”, the redefinition of lot lines results in parking of the front yard of “Lot B.” According to Section 7.06(5) of the Zoning Ordinance, parking in the front yard of the B-1 Zoning District requires Special Use approval.

### Planning and Zoning Considerations

#### Alignment with the Comprehensive Plan
The Comprehensive Plan suggests this parcel should redevelop with Local/Corridor commercial uses as the preferred future land use. Local/Corridor commercial areas offer the visibility and access desired by office and commercial businesses, including professional offices. The area south and west of this property is envisioned for Light Industrial uses, including warehouses. The uses proposed are consistent with the recommended future land uses with regard to Local/Corridor commercial uses along Lincoln Avenue and light Industrial uses in the area to the south.

The Comprehensive Plan also recommends limiting vehicular access from major streets, relying on side streets and alleys for parking. The proposed site plan concept depicts the two curb cuts closest to the Lincoln/Hamlin intersection being removed to improve traffic safety.

#### Appropriateness of Rezoning
While splitting a property and an existing building into two halves is not ideal from a zoning standpoint, it is not unusual in older commercial corridors. The proposed rezoning would not create a part of the property that is spot-zoned or an inappropriate zoning based on the surrounding uses. In
fact, this property was previously zoned B-1 along Lincoln Avenue and M-B on the rear half of the lot prior to the approved rezoning in 2014 that united the property under the B-1 Zoning District.

**Existing Nature of the Property**
While the proposed subdivision of the property and specific proposed uses for each resulting parcel require special approval and relief as noted in this report, the inherent physical or operational characteristics of the site are remaining generally the same. The only physical change to the property that would impact operations is the removal of two existing curb cuts closest to the Lincoln Avenue/Hamlin Avenue intersection, which is seen as a benefit.

**Public Comment**
The Community Development Department has received no public comment relevant to this case prior to the distribution of this staff report.

**Conclusion**
Bais Medrash Binyan Olam, Property Owner, seeks approval of subdivision of the property into two parcels, rezoning of one of the resulting parcels, and approval of Variations to allow for two distinct uses to be operated out of attached structures on the resulting parcels.

**Subdivision:** Consolidate and resubdivide three existing parcels into two resulting parcels referred to “Lot A” and “Lot B” for the purposes of this report, with “Lot A” fronting on Lincoln Avenue and Hamlin Avenue, and “Lot B” fronting on Arthur avenue and Hamlin Avenue.

**Subdivision Variation:** The requested subdivision requires Variation from Section 16-5-2 of the Village Code, which prohibits the consolidation of more than two parcels through subdivision.

**Rezoning:** Rezone “Lot B” to M-B Manufacturing and Business zoning district to accommodate a medical transport service and storage facility that staff classifies as a warehouse use.

**Zoning Relief for “Lot A”:**
1. Variation to allow a structure with no setback in the rear yard;
2. Variation to allow a portion of the parking lot to not include a 6” curb; and
3. Special Use approval for parking in the front yard.

**Zoning Relief for “Lot B”:**
1. Variation to allow a structure with no setback in the side yard;
2. Variation to allow a structure with no setback in the rear yard;
3. Variation to allow a portion of the parking lot to not include a six-inch curb; and
4. Special Use approval for parking in the front yard.

**Documents Attached**
1. Petitioner Applications
2. Proposed Plat of Subdivision
3. Proposed Site Plan and Engineering
4. Renderings of the Proposed Development
5. Proposed Sign Plans
6. Petitioner Letter Regarding Lights and Sirens
7. Relevant Code Sections
PLAN REVIEW
MEMORANDUM

TO:    Steve McNellis - Community Development Director
       Doug Hammel – Community Development Manager
       Kathy Kasparyzyk - Community Development
       Josie Braovac - Community Development

FROM:  James Amelio, PE - Village Engineer
       Paul Bourke, PE – CBBEL

DATE:  12/27/2017

SUBJECT:  6530 Lincoln Avenue – Plat of Subdivision

We have reviewed the following documents associated with the subject project:

- Final Plat of Subdivision prepared by AES Services, Inc. bearing revision date of October 13, 2017 BUT HAS BEEN REVISED SUBSEQUENTLY

The following should be addressed before we can recommend acceptance to the Village:

Sheet 1
1. The building setback lines per the site’s current zoning shall be depicted on the plan view. We acknowledge that a table with the information has been added, but the actual lines should be drawn on the plan view.
2. A revision block shall be added listing the original submission date (above) as well as subsequent revision dates.

Sheet 2
3. An Authorization to Record Plat Certificate shall be added to the plan sheet. PREVIOUS COMMENT NOT ADDRESSED

If you have questions or need additional information, please call me at (847) 745-4862 or send an e-mail to jamelio@lwd.org.
Chapter 16. Subdivision Regulations

Article 4. SUBDIVISION REVIEW PROCESS

16-4-5. Final plat review.

(A) Filing; deadline; general review.

(1) An application for approval of a final plat of subdivision shall be filed with the Village Director of Community Development, in full compliance with Section 16-3-3 of this Code, at least 30 days before the meeting of the Plan Commission at which it is to be considered.

(2) The Village Director of Community Development shall review the final plat for general completeness, for compliance with requirements of law, including, without limitation, the application requirements established in this Chapter 16, for compliance with the approved preliminary plat, any modifications and conditions imposed on the preliminary plat, and for technical accuracy. Within 15 days after the date of filing of the application, the Director shall notify the applicant either that the application has been accepted for processing or that the application may not be processed because of deficiencies or inaccuracies in it. Every deficient or inaccurate application shall be returned to the applicant. If the Director determines that the application should be accepted for processing, then the Director shall refer the application to all appropriate staff members and committees for review.

(B) Scheduling of public meeting. After receipt of all required information, payment of all required fees, and satisfactory general review pursuant to Section 16-4-5(A) of this Code, the Village Director of Community Development shall notify the applicant of the date that the application will be conditionally scheduled for review at a public meeting of the Plan Commission. Such date shall be determined in light of the Plan Commission's pending docket and the notification deadlines as set forth in this Section 16-4-5.

(C) Notice of public meeting.

(1) When required. Notice of a public meeting of the Plan Commission to review an application for final plat approval shall be required only for those applications for which final review only is required in accordance with Section 16-4-2 of this Code or for which combined preliminary and final review has been allowed or approved pursuant to Section 16-4-3 of this Code. No public notice shall be required for those applications for which notice was provided during preliminary plat review in accordance with and pursuant to Section 16-4-4(B) of this Code.

(2) Notice requirements. When notice of a public meeting of the Plan Commission to review an application for final plat approval is required, the applicant shall, upon the conditional scheduling of a public meeting of the Plan Commission, comply with all notice requirements set forth in Section 16-4-4(B)(2) of this Code.
Rescheduled. If the notices required pursuant to this Section 16-4-5(C) cannot be mailed and posted within the required time periods, then the public meeting of the Plan Commission shall be rescheduled to ensure that such notice periods can be satisfied.

(D) Determination of completeness of application. Provided that the Village Director of Community Development makes a general determination of completeness pursuant to Section 16-4-5(A)(2) of this Code, and provided the notices are timely given in accordance with Section 16-4-5(C) of this Code, then the applicant shall deliver a completed certificate of notice to the Director not later than the date of the scheduled public meeting (and, if delivered sooner, shall be deemed delivered on the date of the scheduled public meeting). The delivery of such completed certificate of notice shall be the final element of the application for final plat approval and shall represent the completion of the applicant's application for purposes of any statutory periods for undertaking and completing the Village's review of an application for final plat approval; provided, however, that any material change to such application after the commencement of the public hearing shall be deemed the filing of a new item in support of the application and shall restart any such statutory review period.

(E) Action by Plan Commission. Within 15 days after the commencement of the public meeting to review the application for final plat approval (or such longer period to which the applicant may agree), the Plan Commission shall recommend whether the final plat should be approved, approved with modifications or conditions, or disapproved; and shall transmit such recommendation to the Board of Trustees. The Plan Commission may recommend approval of a final plat subject to certain conditions or modifications as are deemed necessary in the interests and needs of the community. The failure of the Plan Commission to act within the time period specified in this Section 16-4-5(E), or such further time to which the applicant may agree, shall be deemed to be a recommendation of the Plan Commission to approve the final plat.

(F) Action by Board of Trustees. The Board of Trustees, within 45 days after receipt of the report of the Plan Commission, shall disapprove the final plat or shall approve it by ordinance or resolution duly adopted. Any approval of a final plat may be subject to certain conditions or modifications as are deemed necessary in the interests and needs of the community. If the Board of Trustees disapproves the final plat, then the Village Director of Community Development shall notify the applicant in writing of the reasons stated for such disapproval. The failure of the Board of Trustees to act within the time period specified in this Section 16-4-5(F), or such further time to which the applicant may agree, shall be deemed to be a decision of the Board of Trustees disapproving the final plat. Approval of a final plat shall not entitle the applicant to any other approval or issuance of any permit until after all of the standards and procedures for such other approval or issuance of a permit have been satisfied, and such approval shall be subject in any event to the requirements of Section 16-4-5(G) of this Code.

(G) Final engineering plans. Except as specifically provided otherwise by the Board of Trustees, no final plat of subdivision shall be approved by the Board of Trustees until after all required final engineering plans for the subdivision have been approved in accordance with the provisions of this Chapter 16.
Subject Property:
7080 North McCormick Boulevard

Zoning District:
PUD Planned Unit Development

Petitioner:
Grossprops Associates, Property Owner

Nature of Request:
Waive Requirement of a Preliminary Plat review and proceed to Final Plat review for Resubdivision of one lot into two lots.

Requested Action:
Elimination of Preliminary Plat requirement for a Major Subdivision, as authorized by Section 16-4-3, attached.

Notification: None needed for the requested Waiver. Notice will be provided to neighboring properties for the proposed review of the Final Plat of Resubdivision, tentatively scheduled for the February 7, 2018 Plan Commission meeting, pending approval of the Waiver request.

Background
The subject property is located between the Towncenter Warehouse to the north, North Central Park Avenue to the west, Northeast Parkway to the south, and the Grossinger Autoplex building to the east. This property is part of a grouping of adjacent lots owned by Grossinger Auto Group and utilized as surface parking for storage of vehicles for their dealerships in the Village.

The property is zoned as part of the larger PUD for the Towncenter Mall, approved in 1988. While there is no designated underlying zoning for the property, the default zoning is B-2, General Business. Grossinger was approved for storage of vehicles associated with
the Autoplex as part of a PUD Amendment in 2001. The proposed Resubdivision is being requested by Grossinger for the purpose of complying with manufacturer requirements that cars of one manufacturer be on a lot separate from cars of another manufacturer.

**Summary of Preliminary Plat Waiver Request**
The proposed Resubdivision is considered a Major Subdivision, as it does not meet one of the requirements of a Minor Subdivision. That requirement is that the subdivision be located in a Residential Zoning District. As previously noted, these lots are zoned for a PUD, with an underlying B-2 commercial zoning. This requirement is the difference between designating this Subdivision Major versus Minor. Minor Subdivisions are permitted to proceed directly to a Final Plat, without the necessity of a Preliminary Plat.

Staff notes that the proposed Subdivision is for a property that has been improved with a parking lot and for which there is no proposed building or site improvements envisioned. Preliminary Plats are generally required for larger projects that have not yet been constructed since final engineering is rarely, if ever, completed during the zoning and site plan review process. Preliminary Plat approval, as part of the zoning and site planning process, sets the basic footprint of what will be permitted on a site. However, it is not until the final engineering plan is completed, after the initial zoning and site planning approval, that the true parameters of the plat can be determined. At that time, a Final Plat can be drafted which takes into account any issues that may have arisen between the preliminary engineering and final engineering phases. Staff again notes that this requested Resubdivision is not associated with a construction plan, so no engineering plan will be completed.

**Recommendation**
Petitioner Grossprops Associates (Grossinger Auto Group) seeks a waiver of the requirement for a Preliminary Plat of Subdivision, per Section 16-4-3 of the Subdivision Code, to subdivide one lot into two lots. Given the circumstances detailed above, staff has no objections to this request. Should the Plan Commission agree to this waiver, the Final Plat is anticipated to be before you for review and recommendation at the February 7, 2018 regular Plan Commission meeting.

*Note – a small-scale version of the proposed Plat of Subdivision is attached and to be used for purposes of context only. A full-size Final Plat of Subdivision will be provided for the February 7, 2018 packet.*

**Documents Attached**
1. Subdivision Application
2. Existing Plat and Proposed Draft Plat
3. Village Code Sections Related to Subdivision Process
VILLAGE OF LINCOLNWOOD  Community Development Department

SUBJECT PROPERTY

Property Address: 7080 N. McCormick Boulevard, Lincolnwood, Illinois
Permanent Real Estate Index Number(s): 10-35-204-023-0000, 10-35-204-034-0000
Zoning District: PUD  Lot Area: 4.45 acres

List all existing structures on the property. Include fencing, sheds, garages, pools, etc.
Surface parking lot

Are there existing development restrictions affecting the property? ☑ Yes  ☐ No
(Examples: previous Variations, conditions, easements, covenants) If yes, describe:
PUD requirements and covenants, easements, and dedications set forth on attached title commitment

REQUESTED ACTION

☐ Preliminary Plat of Subdivision  ☐ Plat of Consolidation
☐ Final Plat of Subdivision  ☐ Plat of Vacation
☐ Minor Subdivision  ☐ Subdivision Variation

PROJECT DESCRIPTION

Describe the Request and Project: (1) Waiver of preliminary subdivision approval;
(2) approval of final plat of subdivision. No new construction or engineering.

PROPERTY OWNER/PETITIONER INFORMATION

Property Owner(s):
Address: 6900 N. McCormick Boulevard, Lincolnwood, IL 60712
Telephone: (312) 836-4085  Fax: (312) 966-8583  E-mail: kcamillucci@taftlaw.com

Petitioner (if different from owner):
Name: Grossprops Associates,  Relationship to Property: 
Address: 
Telephone: (____) ______  Fax: (____) ______  E-mail: ______
REQUIRED ATTACHMENTS

Check all Documents that are Attached:

- Plat of Survey  ✔
- Plat of Subdivision  ✔
- Final Engineering (Final Plat Only)  
- Copy of Current Title Policy  ✔
- Copies of Other Applications  
- PDF Files of all Drawings  ✔

*The above documents are required for all applications. The Zoning Officer may release an applicant from specific required documents or may require additional documents as deemed necessary.

COST REIMBURSEMENT REQUIREMENT

The Village requires reimbursement of certain out-of-pocket costs incurred by the Village in connection with applications for zoning approvals and relief. These costs include, but are not limited to, mailing costs, attorney and engineer costs, and other out-of-pocket costs incurred by the Village in connection with this application. In accordance with Section 5.02 of the Village of Lincolnwood Zoning Ordinance, both the petitioner and the property owner shall be jointly and severely liable for the payment of such out-of-pocket costs. Out-of-pocket costs incurred shall be first applied against any hearing deposit held by the Village, with any additional sums incurred to be billed at the conclusion of the hearing process.

Invoices in connection with this application shall be directed to:

Name: Grossprops Associates, L.L.C.
Address: 6900 N. McCormick Boulevard, Lincolnwood, IL 60712
City, State, Zip:  

ATTESTMENT AND SIGNATURE

I hereby state that I have read and understand the Village cost reimbursement requirement, as well as the requirements and procedures outlined in Article V of the Village Zoning Ordinance, and I agree to reimburse the Village within 30 days after receipt of an invoice therefor. I further attest that all statements and information provided in this application are true and correct to the best of my knowledge and that I have vested in me the authority to execute this application.

PROPERTY OWNER: General Manager
Signature: Gross Props Associates, LLC
Print Name: Grossinger Properties, Inc.
Date: 12/13/2017
Village Code Sections related to the Subdivision Process

1. Excerpt from Article 4, Subdivision Review Process, of Chapter 16, Subdivision Regulations:

16-4-3 Discretionary elimination of preliminary review of major subdivisions.
If the proposed subdivision is a major subdivision, the applicant may request that the Plan Commission review the proposed subdivision solely in accordance with and pursuant to the final plat review process set forth in Section 16-4-5 of this Code. No such request shall be granted unless: (a) the applicant files a final plat application in accordance with Section 16-3-3 of this Code; and (b) the Plan Commission determines, in its sole and absolute discretion, that the proposed subdivision can be effectively and fully considered without separate preliminary and final review. If approval is granted by the Plan Commission, the proposed subdivision shall be reviewed by the Plan Commission solely in accordance with and pursuant to the final plat review process set forth in Section 16-4-5 of this Code. If the Plan Commission denies the request, the plat shall be reviewed in accordance with and pursuant to the preliminary plat review process set forth in Section 16-4-4 of this Code.

2. Excerpt from Section 16-1-2, Definitions, of Chapter 16, Subdivision Regulations:

SUBDIVISION, MAJOR
Any subdivision not classified as a minor subdivision.

SUBDIVISION, MINOR
A subdivision that: (a) is located in a residential zoning district; (b) will not contain more than two lots upon approval by the Village; (c) fronts on an existing improved street; (d) does not involve any new right-of-way or the extension or installation of any public improvements; (e) does not adversely affect the development of the remainder of the parcel or adjoining property; (f) does not require a Variation from any provision of this Chapter 16; and (g) is not in conflict with any provision or portion of the Zoning Ordinance or this Chapter 16.
Subject: Continued Consideration of Text Amendments to Modify the Permissibility and Requirements for Natural Screening on and Adjacent to Single-Family Residential Properties


Petitioner: Village Board

Summary:
At the July 5, 2017 and November 1, 2017 Plan Commission meetings, staff introduced background information regarding the permissibility of natural screening, both on single-family residential properties and in the adjacent right-of-way. The Plan Commission considered the location, landscape material types, and height of such materials and analyzed the anticipated impacts of possible amendments to the Zoning Code to increase the permissibility of natural screening.

Following is a list of proposed requirements for which there was a consensus at the November 1, 2017 Plan Commission meeting (the last meeting in which this matter was discussed):

Front Yard
- Natural screening is not permitted in the Right-of-Way, adjacent to the Front Yard. Permission may continue to be granted through the existing Special Fences procedure (detailed in Section 3.13(8) of the Zoning Code).
- Natural screening may not be taller than thirty inches in the Front Yard.
- Natural Screening in the Front Yard of single-family residential properties, across a public Right-of-Way from a property that is zoned other than Residential, may be permitted to up to four feet in height.

Corner Lot Side Yard
- Natural Screening is not permitted in the Right-of-Way, adjacent to the Corner Lot Side Yard. Permission may continue to be granted through the existing Special Fences procedure (detailed in Section 3.13(8) of the Zoning Code).
- Natural Screening is permitted up to (7’ or 8’) in height in the Corner Lot Side Yard, in the area between the rear property line and a line extended parallel to the rear elevation of the principal building on-site.
**General Regulations**

- Line of Sight Triangle, as detailed in Zoning Code Section 3.13(9)(a), must continue to be maintained.
- Landscape vegetation, whether defining a boundary or not, that is located at the base of, or within ten feet of, any façade of a single-family residential building, shall be excluded from these regulations.
- Consider defining the minimum distance Natural Screening may be located from the street curb line or sidewalk.

**Proposed Code Language:**

Following is a list of Code sections that would require revisions to address the direction provided by the Plan Commission at the November meeting:

1. Section 3.13(1)(b)(ii) Natural Screening exclusions;
2. Section 3.13(9)(f & g) Permitted location of Natural Screening;
3. Section 3.13(12)(c) Corner Lot Side Yard Permissibility & Height;
4. Section 3.13(20)(a)(ii) Natural Screening Height in Front Yards;
5. Section 3.13(24)(c)(i) Permissibility of Natural Screening in a Right-of-Way; and
6. Section 3.13(9) Permitted location of Natural Screening, as a Special Fence.

**Note** – In the following section, Code language to be removed shall be shown with a strikethrough. New Code Language shall be shown as highlighted.

1. **Natural Screening Exclusions:**

   Concern had been raised by the Plan Commission that landscaped hedges and plant material in a foundation landscaping bed in close proximity to building facades could be negatively impacted by new regulations. Staff further researched the Zoning Code and found that Section 3.13(1)(b)(ii), which currently excludes certain natural screening from these regulations, would apply in this case. That Code Section excludes the following:

   **Existing Code Language**
   
   Hedges which are adjacent to buildings and which do not act as a barrier or boundary (e.g. Foundation plantings).

   While this Code section is clear that certain plantings are excluded from these regulations, it is unclear how a foundation planting is defined and does not exempt any vegetation that is deemed to form a boundary, regardless of its proximity to a building façade. Staff believes this exemption could be revised, as follows, to allay any concerns regarding Foundation Plantings:

   **Proposed Code Language:**
   
   Hedges which are adjacent to buildings and which do not act as a barrier or boundary (e.g. Foundation plantings). Landscape vegetation, whether defining a boundary or not, that is located at the base of, or within ten feet of, any façade of a single-family residential building.

2. **Permitted Location of Natural Screening:**

   In general, the Plan Commission agreed that natural screening in a Front or Corner Lot Side Yard should not be regulated based upon where the front door to the residence is located. The consensus was that defined “Front Yards” (defined in the Zoning Code) should have lower-
height Natural Screening and a limited part of the Corner Lot Side Yard should be permitted taller natural screening. In addition, staff would suggest that the Plan Commission take this opportunity to clean-up code language that contradicts conditions under which Natural Screening can be permitted in the Right-of-Way. While the Special Fences section of the Zoning Code (Section 3.13(8) allows a specific process for requesting Natural Screening in the Right-of-Way, Section 3.13(9)(g) specifically contradicts this. So, staff is requesting this section also be revised. The existing code sections, for which revisions should be considered, and proposed new Code language are as follows:

**Existing Code Language**
Natural screening which substantially encloses the front facing façade design façade yard area is not permitted.

*A fence or natural screen shall be properly located and shall not encroach upon the property of another, nor on the public right-of-way, including alleyways . . . .*

**Proposed Code Language**
Natural screening which substantially encloses the front facing façade design façade yard area is not permitted.

*A fence or natural screen shall be properly located and shall not encroach upon the property of another, nor on the public right-of-way, including alleyways . . .*

3. **Corner Lot Side Yard Permissibility & Height:**
As in #2, the Plan Commission did not wish to regulate the permissibility of Natural Screening based upon where the front door to the residence is located. In addition, in discussing the appropriate areas in which taller Natural Screening should be permitted, there was a consensus that the rear yard of a Corner Lot should be able to be extended into the Corner Lot Side Yard to create a rear yard that would be comparable in size to interior lots. However, the Plan Commission agreed that such a defined area, with taller Natural Screening, should not extend across the façade of the residence facing the right-of-way. The existing code section, for which revisions should be considered, and proposed new Code language, is as follows:

**Existing Code Language**
Natural screening may be installed on a corner lot side yard, where the front facing design façade of the residence (the side containing the main entrance) faces the corner lot side yard (as opposed to the front yard), but shall be restricted and maintained to no more than four feet in height.

**Proposed Code Language**
Natural screening may be installed on a corner lot side yard, where the front facing design façade of the residence (the side containing the main entrance) faces the corner lot side yard (as opposed to the front yard), but only in the area between the rear property line and a line extended parallel to the rear elevation of the principal building. Natural Screening in this area shall be further but shall be restricted and maintained to no more than (seven or eight) four feet in height.
4. Natural Screening Height in Front Yards:
The Plan Commission discussed and reached a consensus that the maximum height of Natural Screening in the Front Yard should continue to be thirty inches, with one exception. That exception would apply to single-family residential properties that have Front Yards that face non-residential properties across from, and separated by, a public right-of-way. In those cases, the Plan Commission agreed that Natural Screening should be permitted up to four feet in height. The existing code section, for which revisions should be considered, and proposed new Code language is as follows:

Existing Code Language
Following the effective date of this amendment, natural screening hedges may be planted so long as they do not obstruct sidewalks, are planted on private property, not the public parkway, do not exceed 30 inches in maintained height, and are not a safety hazard.

Proposed Code Language
Following the effective date of this amendment, natural screening hedges may be planted so long as they do not obstruct sidewalks; are planted on private property, not the public parkway; are not a safety hazard; and do not exceed 30 inches in maintained height, with the exception of single family residential properties which are located across a public Right-of-Way from a property that is zoned other than Residential, for which natural screening hedges may be permitted up to four feet in height.

Note – The Plan Commission may wish to consider if a four-foot-tall hedge is sufficient to screen a front yard from the more intensive uses that are present in commercial, office, and industrial zoning districts. Staff recommends consideration be given to a six-foot maximum height, given the rare nature of residential Front Yards across from these more intensive Zoning Districts.

5. Permissibility of Natural Screening in a Right-of-Way:
As in #2, staff would suggest that the Plan Commission take this opportunity to clean-up code language that contradicts conditions under which Natural Screening can be permitted in the Right-of-Way. While the Special Fences section of the Zoning Code (Section 3.13(8) allows a specific process for requesting Natural Screening in the Right-of-Way, Section 3.13(24)(c)(i) specifically contradicts this. So, staff is requesting this section be revised also. The existing code section, for which revisions should be considered, and proposed new Code language is as follows:

Existing Code Language
No Variations will be permitted from the requirements of this section: Where the effect of a Variation would be to cause a fence or any portion thereof to encroach in, on, over, under, or above the Public Right-of-Way.

Proposed Code Language
No Variations will be permitted from the requirements of this section: Where the effect of a Variation would be to cause a fence or any portion thereof to encroach in, on, over, under, or above the Public Right-of-Way.

6. Permitted Location of Natural Screening as a Special Fence:
Finally, staff recommends a new Code Section 3.13(9)(h) be added to define appropriate setbacks for a Special Fence in a Right-of-Way. This Code Section would incorporate the setbacks previously discussed and accepted by the Plan Commission.
**Proposed Code Language**

*Natural Screening permitted in a Right-of-Way, per the process and requirements of Sections 3.13(8) and 3.13(25), shall maintain the following minimum setbacks: five feet (5’) from any hydrant, utility pole or similar, three feet (3’) from a sidewalk and five feet (5’) from the curb line of a street.*

**Staff Comments:**

While there was considerable discussion at the last meeting regarding ways to assist homeowners in determining the location at which Natural Screening is permitted, and consideration given to designating the minimum distance Natural Screening should be placed from a curb or sidewalk, staff is concerned that such a measurement would not be consistently accurate. While most parkways (between the residential property line and the street curb line) are approximately 18 feet in width, they tend to vary anywhere from 16.0-18.5 feet, depending on roadway improvements. So, staff is recommending that we utilize an education process, in the bi-monthly newsletter and on the Village website, showing the typical 18-foot property line setback from the roadway in a graphic form, but directing residents to consult with Village staff to confirm the width of the parkway at their home. This information would be presented in lieu of a Code revision, which could not accurately account for all parkway widths.

With the revisions proposed on the previous pages, permissibility of Natural Screening on and adjacent to a typical lot would be as follows:

**Staff Recommendation**

Staff recommends approval of Text Amendments related to Natural Screening, as detailed in numbers 1-6 in this memorandum.

**Documents Attached**

1. November 1, 2017 Plan Commission Memo/Attachments
2. Pertinent Current Code Sections
Plan Commission Staff Report
Case # PC-10-17
November 1, 2017

Subject: Continued Consideration of Text Amendments to Modify the Permissibility and Requirements for Natural Screening on and Adjacent to Single-Family Residential Properties


Petitioner: Village Board

Summary:
At the July 5, 2017 Plan Commission meeting, staff introduced background information regarding the permissibility of natural screening, both on single-family residential properties and in the adjacent right-of-way. The Plan Commission considered the location, landscape material types, and height of such materials and analyzed the anticipated impacts of possible amendments to the Zoning Code to increase the permissibility of natural screening. Following, is a list of areas for which the Plan Commission directed staff to provide additional information and follow up:

1. Ensure that landscaped areas in close proximity to the building facade are exempted from landscape screening regulations;
2. Consider more relaxed regulations in Corner Lot Side Yards (and adjacent Rights-of-Way) than Front Yards (and adjacent Rights-of-Way);
3. Provide photos depicting examples of existing natural screening in Front and Corner Lot Side Yards;
4. Consider a maximum natural screen height similar to the permitted fence height in a Corner Lot Side Yard;
5. Ensure natural screening does not obscure the house number from the street; and
6. Consider whether or not natural screening should be permitted in the Right-of-Way adjacent to the Corner Lot Side Yard by right, with no relief process required.

1. Landscaped Areas Close to Building Façade:
Several Plan Commissioners voiced concern at the July 5, 2017 meeting that landscaped hedges and plant material in a foundation landscaping bed in close proximity to building facades could be negatively impacted by new regulations. Staff further researched the Zoning Code and found that Section 3.13(1)(b)(ii), which currently excludes certain natural screening from these regulations, would apply in this case. That Code Section excludes the following:
Hedges which are adjacent to buildings and which do not act as a barrier or boundary (e.g. Foundation plantings).

While this Code section is clear that certain plantings are excluded from these regulations, it is unclear how a foundation planting is defined, and does not exempt any vegetation that is deemed to form a boundary, regardless of its proximity to a building façade. Staff believes this exemption could be revised, as follows, to allay any concerns regarding Foundation Plantings:

Landscape vegetation, whether defining a boundary or not, that is located at the base of, or within ten feet of, any façade of a single-family residential building.

2. Relaxed Setbacks in Corner Lot Side Yards versus Front Yards:
At the July 5, 2017 meeting, several Plan Commissioners stated an understanding that extending landscape screening into the Corner Lot Side Yard and adjacent Right-of-Way had some merit because corner lots often have smaller defined Rear Yards, leaving those homeowners at a disadvantage compared to other “standard” (i.e. mid-block) lots. It was also noted by several Plan Commissioners that allowing tall natural screening along front lot lines can contribute to the safety concerns of pedestrians after dark by providing a location that is obscured next to a public sidewalk. Such screens can also remove the “eyes on the street” effect that exists in most neighborhoods, where neighbors across the street may spot inappropriate activity in a front yard, of which the homeowner is unaware. Finally, at least one Plan Commissioner stated that screening the front of a residential lot with a tall solid hedge creates “bad neighbors.”

There are several potential options, in the Corner Side Yard, and/or adjacent Right-of-Way, that can provide opportunities to expand smaller Rear Yards:

A. Permit Landscape Screening of a defined height (six-feet high or taller) to extend to the Corner Side Lot Line, from the rear property line to the rear plane of the single-family home. In theory, this allows the same rear yard that a standard lot (mid-block) would be permitted.

B. Permit Landscape Screening of a defined height (six-feet high or taller) to extend to the Corner Side lot Line, from the rear property line to a line even with the edge (closest to the rear yard) of any side-facing front door. This allows the maximum Rear Yard area without obscuring the entire corner façade of the house or the front door.
C. Permit Landscape Screening of a defined height (six-feet high or taller) to extend to the Corner Side Lot Line, from the rear property line to the front plane of the single-family home, only where the main front door to the house is not located on the façade facing the Corner Lot Side Yard.

D. Permit A (above) to extend into the Right-of-Way.
E. Permit B (above) to extend into the Right-of-Way

Should the Plan Commission wish to consider limited screening for the Front Yard, which would define a boundary but not act as a visual barrier between the street and house, here are a few potential options:

A. Permit Landscape Screening, no taller than 36 inches or 4 inches, along the front property line.
B. Permit Landscape Screening, no taller than 36 inches in the Right-of-Way, subject to specific setbacks from sidewalks, curb lines, and above-ground utilities (including, but not limited to: light poles, utility poles, fire hydrants, signs) and 48 inches along the front lot line.

One exception in the Front Yard that staff would recommend be considered as an exception is a case where a residential Front Yard is across a street from a higher intensity use, such as an industrial or commercial property. One example is the homes shown below along the west side of Hamlin Avenue:

In these cases, the Plan Commission may wish to consider whether or not natural screening in front yards should be permitted at an increased height and opacity.
3. Photographic Examples of Existing Natural Screening in Required Yards:
   Attached are photos provided by Commissioner Auerbach and staff, depicting existing natural screening at Lincolnwood homes and at homes in other North Shore communities.

4. Maximum Natural Screening Height Tied to Fence Permissibilities:
   One consideration brought up as part of the July 5, 2017 discussion regarding a proposed text amendment was to treat natural screening in a Corner Side Yard similar to the requirements for a fence. However, the Fence section of the Zoning Code (Section 3.13(11)(h) regulates fences in the Corner Side Yard as follows:

   
   (h) On a corner lot open and semiprivate fences not more than four feet in height may be erected in a corner side yard but only to a line which is perpendicular to the rear façade of the residence and shall align with the front facing façade.

   The long-held interpretation of this requirement is that fences are essentially not permitted in a Corner Side Yard (given the requirement that they must be “perpendicular to the rear façade and aligned with the front façade”), but rather four feet open or semi-private fences are permitted along the line separating the Rear Yard from the Corner Side Yard, as seen below:

   ![Diagram of fence permissibilities]

   Natural screening, however, is currently permitted to be located in a Corner Lot Side Yard, up to four feet in height, as long as there is “sufficient” (undefined) setback from the property line “to allow it to be maintained when in its mature state so as not to obstruct the walking and traveling public upon Village sidewalks.” Natural screening is not, however, currently permitted to be located in a Right-of-Way, without obtaining Special Fence approval, which requires a Public Hearing.

5. House Number Visibility:
   At the July 5, 2017 meeting, there was discussion regarding the importance of ensuring that house numbers are visible from the street for Police and Fire emergency services. As previously discussed, staff recommends that there be a provision requiring any natural screening in a Front or Corner Lot Side Yard be permitted only if there is an appropriate visual line of sight to a house number on the outer façade of a home for identification by emergency services from the street right-of-way. Alternatively, if natural screening is not located in the public Right-of-Way but is set back from the Street Side Lot Line or Front Lot Line, a post with the address could also be placed outside of the Natural Screen “wall”, allowing the address to remain visible.
6. Natural Screening in Right-of-Way by Right:

At the July 5, 2017 Plan Commission meeting, there was discussion regarding whether or not natural screening should be permitted in the Right-of-Way adjacent to private property, by right, with no zoning relief process required. After discussion that leaned more in favor of natural screening standards being relaxed on Corner Lot Side Yards (see point #2 in this memo) rather than Front Yards, the question arose as to whether or not natural screening should be permitted by right in areas adjacent to Corner Lot Side Yards.

Since existing conditions in the field demonstrate that those with Corner Lots already typically plant natural screening into the Right-of-Way adjacent to the Corner Lot Side Yard on their property, staff believes it would be most appropriate (and eliminate the most non-conformities) if natural screening is permitted in those Rights-of-Way, with certain required setbacks, as shown below:

1. Minimum setback from a sidewalk (three feet recommended) to ensure that growth of the natural screen will not impinge on the sidewalk itself;
2. Minimum setback from a curb line (five feet recommended), where there is no sidewalk, to ensure that growth does not impinge upon the street or the ability to enter/exit vehicles parked on the street;
3. Maintain the existing line of sight triangle, as defined in attached Village Code Section 3.13(9)(g);
4. Maintain setback from an above-ground utility, such as a fire hydrant, street light pole, etc. (five feet recommended) to ensure that growth of the natural screen does not impeded the ability to utilize or service those utilities; and
5. Require that any natural screening in a Front or Corner Lot Side Yard be permitted only if there is an appropriate visual line of sight to a house number on the outer façade of a home for identification by emergency services from the street right-of-way.

Staff Recommendation

Staff is seeking direction from the Plan Commission regarding the acceptability of these many potential variants of increased natural screening permissibility. With this direction, staff will prepare proposed Code Language for review by the Plan Commission at the December 6, 2017 meeting.

Documents Attached

1. Natural Screening Photos
2. July 5, 2017 Natural Screening Memo/Attachments
Natural Screening Photos
Lincolnwood Examples
Natural Screening Photos
North Shore Suburbs
Subject: Consideration of Text Amendments to Modify the Permissibility and Requirements for Natural Screening on and Adjacent to Single-Family Residential Properties

Requested Action: Text Amendments to Village Code Section 3.13, Fences and Natural Screening, to modify the permissibility of Natural Screening on Single-Family Residential Properties and adjacent Public Rights-of-Way.

Petitioner: Village Board

Summary:
Natural Screening (Definition)
The use of deciduous trees, deciduous bushes, evergreen trees, evergreen bushes, or other live plantings which are planted or grown in a manner that creates a hedge which acts as a barrier or boundary.

Natural Screening Requirements on Single-Family Residential Property:
The Zoning Code currently permits natural screening to be installed on single-family residential property in any required Yard (Building Setback) with different height permissibility for each Yard. Rear and Side (Interior and Corner Side Yards where the front door to a residence does not face that street) Yards have no restriction on the height of Natural Screening, while the maximum height is four feet (4’) in the Corner Lot Side Yard (adjacent to a street right-of-way, where the front door to the residence does face that street) and thirty inches (30”) in a Front Yard (see attached Code Sections 3.13(12)(C), 3.13(16)(b) and 3.20 (a)(ii). These requirements can be modified only through a Variation process.

The effect of the lower height permissibility in Front and certain Corner Side Yards is that those yards facing a street right-of-way are currently not permitted to install natural screening that acts as a visual “wall” from the street, obscuring the majority of the home’s façade. However, field visits of residential neighborhoods show it is clear that this restricted condition has not been uniformly followed. Whether this is through resident’s lack of knowledge regarding this requirement or simply a disregard for the Code, it is unknown. There are a number of examples throughout the Village of natural screening taller than four feet in Corner Side Yards, and fewer examples of natural screening taller than thirty inches in Front Yards. This discrepancy may often be due to Corner Side Yards being combined with Rear yards to create a larger and more usable space on corner lots. While, in general, most residents do not see the need to fully screen the front of their home from the street.
Natural Screening Requirements in Public Right-of-Way, Adjacent to Single-Family Residential Property:
The Zoning Code currently permits natural screening to be located in public rights-of-way only as what is called a “Special Fence”. Special Fences “are those which have a greater potential than permitted fences to have an adverse impact upon the surrounding neighborhood”. This same section notes that “Special Fences may be appropriate in some locations and inappropriate in other locations”. Natural Screening “on public rights-of-way, utility easements, or Village property installed and maintained by private individuals at their expense” is listed as a type of Special Fence in (Attached) Code Section 3.13(8) of the Village Code. Special Fences require a public approval process and Hearing conducted by the Zoning Board of Appeals, similar to a Variation. Similar to existing natural screening located on single-family residential properties, existing natural screening located in rights-of-way adjacent to those same single-family residential properties can be found throughout the Village’s neighborhoods. Staff has not been made aware of any concerns raised regarding this somewhat common practice.

Staff Analysis:
The arguments in favor of easing the restrictions on natural screening height and location relate primarily to the provision of options to increase the usable outdoor space on smaller lots, especially corner lots, and/or a desire for privacy. It is clear that corner lots generally have less usable space, given the larger setbacks along the Corner Lot Side Yard. This can severely limit the opportunities for a true “private” backyard, shielded from the public roadways, which midblock lots enjoy. Further, there are residents who would rather remove any perceived intrusion into the privacy of their front yards by installing a natural screen. Village Code does not permit a fence to be located anywhere in the Front Yard setback, and further requires that fences in the Interior Side Yard be setback a minimum of three feet behind the front façade of the residence. Therefore, a natural screen would be the only option to screen a single-family residential lot from view of the street.

Should the Plan Commission wish to consider increased permissibility of natural screening on, and adjacent to, single-family residential properties, there are several options in various combinations that could be considered:

A) Location On-site/Off-site – Currently, Natural Screening is permitted on residential property and by special approval (Special Fence) in the public right-of-way. Therefore, locational permissibility can be increased only by permitting natural screening in the public right-of-way by right (with no Special fence approval required). There is also the option of permitting natural screening in the public right-of-way only for that area adjacent to a Corner Lot Side Yard. That area is typically connected to the rear yard of the property which is an area that is most likely to be utilized as private space, as it is not entered through the main front entrance of a residence.

Positive Aspects: Permitting natural screening on and off residential property (with specific limitations to be considered and discussed later in this memo), by right, is to allow what is already occurring in Village neighborhoods to legally continue.
Negative Aspects: Typical wider, more-open street cross-section may end up significantly reduced in many locations.

B) Plant Material Height in Front Yard/Corner Side Yard – Currently, natural screening height is limited in a Corner Lot Side Yard if the front facing design façade (the façade which incorporates the front door – see attached Code Section 2.02) of the house faces that property line. In addition, natural screening currently has the most restrictive height (30” maximum) in the Front Yard. It appears this is at least partially due to the need for emergency service responders to have the ability to see street addresses on homes. However, Code requirements could be amended to remove different permissibilities for a front yard or front façade of a building versus a Corner Side Yard with no front door.

Positive Aspects: The removal of a limitation on natural screening height, tied solely to a front door location or Code designation of a Front Yard, allows flexibility and is not arbitrary. This allows residents the opportunity to determine functionally where the usable part of their yard is located and screen accordingly.

Negative Aspects: The front facades of homes could begin to disappear behind evergreen privacy walls, potentially drastically altering the street cross-section.
C) **Seasonal Opacity** – This refers to whether or not natural screening is opaque year-round, which would be achieved through installation of evergreens, or is opaque only in the spring-fall, which would suggest only deciduous bushes be permitted. There is also the option of permitting a maximum percentage of evergreen plant material in a screen to provide diversity and break up the visual barrier in the colder months when yards are less utilized. So, the options would be as follows:

1) Evergreens permitted for 100% of natural screen;
2) Prohibition on evergreen plant material in a natural screen; or
3) Maximum percentage of evergreens in a natural screen (i.e. 50% or less, 66% or less, etc. with remainder as deciduous).

**Positive Aspects:** Would allow residents an opportunity to install a “privacy wall” of plant material in conjunction with taller plant material height (see below).

**Negative Aspects:** The front facades of homes could begin to disappear behind evergreen privacy walls, potentially drastically altering the street cross-section.
D) **Maximum Plant Material Height** – This refers to the maximum permissible height for plant material in a natural screen at any time, regardless of location. In other words, if heights are to be limited, then plant material must either take a form in which it can be trimmed (hedges) or must be of a shorter species that grows no taller than the maximum height set. So, the options would be as follows:

1) No limitation on natural screen height in any Yard;
2) Maintain low natural screen maximum height in Front and/or Corner Lot Side Yards (i.e. 30”, 36” or 48”); or
3) Maintain mid-size natural screen maximum height in Front and/or Corner Lot Side Yards (i.e. 6’ or 8’).

**Positive Aspects:** Allows evergreen trees or upright hedges (such as Arborvitae) to be planted, and there would be no need to maintain those trees/hedges.

**Negative Aspects:** The front facades of homes could begin to disappear behind evergreen privacy walls, potentially drastically altering the street cross-section.

![Low Natural Screen][1] ![8’ Natural Screen][2]

*The attached checklist has been prepared to help the Plan Commission begin to look at these options and determine if and where limitations on natural screening should be lessened.*

Regardless of the options that could be considered in amending the Village Code regarding the permissibility of natural screening, staff recommends the Plan Commission consider requiring the following specific setbacks:

1. Minimum setback from a sidewalk (3’ recommended) to ensure that growth of the natural screen will not impinge on the sidewalk itself;

2. Minimum setback from a curb line (5’ recommended), where there is no sidewalk, to ensure that growth does not impinge upon the street or the ability to enter/exit vehicles parked on the street;

3. Maintain the existing line of sight triangle, as defined in attached Village Code Section 3.13(9)(g);
4. Maintain setback from an above-ground utility, such as a fire hydrant, street light pole, etc. (5’ recommended) to ensure that growth of the natural screen does not impeded the ability to utilize or service those utilities; and

5. Require that any natural screening in a Front or Corner Lot Side Yard be permitted only if there is an appropriate visual line of sight to a house number on the outer façade of a home for identification by emergency services from the street right-of-way.

## Conclusion
Staff supports an overhaul of certain requirements limiting natural screens on and adjacent to single-family residential properties. Specifically, staff supports additional permissibility for natural screens in Corner Lot Side Yards, including permitting such screens to encroach into the public right-of-way, with the caveat that the four specific setbacks and additional requirement regarding visibility of house numbers noted above be maintained. Staff would not propose limiting these natural screens in the Corner Lot Side Yard, even if the front door of the home is located on that façade. Given that Corner Lot Side Yards on corner lots are back-to-back with other corner lots, these “short blocks” could maintain a smaller street cross-section without compromising the overall character of neighborhoods. Staff would also recommend that natural screening in these Corner Lot Side Yards be permitted to be 100 percent opaque year-round, and that there be no maximum height limitation. Staff would not support extending these permissibilities to Front yards, however. We believe that in order to maintain the open street cross-section and openness between neighbors, the Front Yard is a “public space” of sorts and should be maintained free of natural screening which acts as a barrier.

Staff would recommend that if natural screening that defines a boundary is still desirable in a front yard or on the right-of-way adjacent to a Front Yard, such natural screening should be no taller than thirty inches in height. The one exception staff would recommend is in those locations where the Front Yard of a single-family residential property is across a street right-of-way from a non-residential zoning district. In those instances, an evergreen screen of a greater height could be permitted, with the caveat that an appropriate visual line of sight to a house number on the outer façade of a home for identification by emergency services from the street right-of-way be provided.

## Staff Recommendation
Staff is seeking direction from the Plan Commission regarding the acceptability of these many potential variants of increased natural screening permissibility. With this direction, staff will prepare proposed Code Language for review by the Plan Commission at the August 2, 2017 meeting.

## Documents Attached
1. Pertinent Village Code Sections
2. Checklist
Pertinent Village Code Sections

Natural Screening

(12)
Natural screening in residential districts.

a. Natural screening may be installed in rear and side yards, without restriction to height, provided such screening does not obstruct the Village line of sight distance regulations.

b. Natural screening may be installed on a corner lot side yard, but shall be set back a sufficient distance from the side lot line to allow it to be maintained when in its mature state so as to not obstruct the walking and traveling public upon Village sidewalks.

c. Natural screening may be installed on a corner lot side yard, where the front facing design facade of the residence (the side containing the main entrance) faces the corner lot side yard (as opposed to the front yard), but shall be restricted and maintained to no more than four feet in height.

(8)
Special fences
Special Fences; preexisting masonry fences: landscape terrace walls; decorative wrought iron fences, through lot fences. Special fences are those which have a greater potential than permitted fences to have an adverse impact upon the surrounding neighborhood. Special fences may be appropriate in some locations and inappropriate in other locations. The following fences may be allowed by special fence authorization in accordance with this Section 3.13 where the Zoning Board of Appeals finds that a special fence is appropriate at the location requested. The Zoning Board of Appeals may recommend, and the Board of Trustees may impose conditions, terms and restrictions in addition to those set forth herein as a condition of granting special fence authorization.

a. The following types of fences shall be special fences:

i. Brick walls, masonry fences, and stone walls.

ii. Masonry enclosures.

iii. Landscape terrace walls of stone or masonry construction, over 30 inches in height.

iv. Decorative wrought iron fences.

v. Through lot fences.
vi. Natural screening on public rights-of-way, utility easements, or Village property installed and maintained by private individuals at their expense.

(9). Location and orientation of fences and natural screening.

a. Line of sight distance required. Any person erecting, constructing, installing, or replacing a fence and planting or replacing a natural screen shall ensure that adequate sight distance is provided at the intersection of two alleys, or a street and an alley, or the intersection of two streets. (See Figures x and xx following.)

Line of Sight Triangle for Shrubbery, Hedges and Tree Ordinance at Intersection of Two Streets

Figure 3.x
Line of Sight Triangle for Shrubbery, Hedges and Tree Ordinance at Intersection of a Street and the Alley
(16)
Natural screening in manufacturing districts.

a. Natural screening is encouraged in front yard locations, when screening parking areas on a lot from public view, but such screening shall be restricted to not more than four feet in height. Any such screening shall not create a safety hazard for either drivers or pedestrians, shall comply with the Village line of sight regulations, and shall not obscure sight lines at ingress and egress points, and drive aisles of any lot.

b. Natural screening may be installed in rear, side, and corner lot side yards without restriction to height except that such natural screening shall not create a safety hazard, shall comply with the Village line of sight regulations, and shall not obscure sight lines at the ingress and egress point of any lot. The Zoning Officer shall determine the safety of the location of such screening and a permit shall be obtained prior to installation of natural screening in these locations.
Natural screening material.

a. Natural screening in front yards.

   i. In residential districts bushes in excess of 30 inches in height comprising a hedge forming a natural screen as of the effective date of this Zoning Ordinance and which are located in the front or side corner lot, may remain so long as the bushes do not violate the safety visibility triangle, are in a healthy condition, and are kept maintained. Bushes which are dead, diseased, unsightly or create a safety hazard must be removed from such a hedge, and once removed may not be replaced.

   ii. Following the effective date of this amendment, natural screening hedges may be planted so long as they do not obstruct sidewalks, are planted on private property, not the public parkway, do not exceed 30 inches in maintained height, and are not a safety hazard.

2.02 Definitions:
Front Facing (Design) Facade

Any facade of the principal building which approximately parallels the front lot line and exceeds eight feet in length. (See Diagram E following.)
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<thead>
<tr>
<th>Location</th>
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<tbody>
<tr>
<td>On Private Property Only</td>
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<tr>
<td>On Private Property and in the Public Right-of-Way (adjacent to Corner Lot Side Yard Only)</td>
<td></td>
</tr>
<tr>
<td>On Private Property and in the Public Right-of-Way (adjacent to Front Yard &amp; Corner Lot Side Yard)</td>
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</tbody>
</table>

<table>
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<tr>
<th>Natural Screening Height Restrictions in Front Yard/Front Design Façade (Corner Lot Side Yard with the front door of the house)</th>
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</thead>
<tbody>
<tr>
<td>Lower Height for Front Yard or Corner Lot Side Yard with a Front Door</td>
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<tr>
<td>Same Height for Yards regardless of Front façade or front door location</td>
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<tr>
<th>Natural Screen Opacity</th>
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</thead>
<tbody>
<tr>
<td>Evergreen permitted for 100% of natural screen</td>
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<tr>
<td>No Evergreen permitted in Natural Screen</td>
<td></td>
</tr>
<tr>
<td>Institute a maximum percentage (i.e. 50%, 66%, etc.) of Evergreen versus Deciduous plantings in natural screen</td>
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</table>

<table>
<thead>
<tr>
<th>Maximum Natural Screen Height</th>
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</thead>
<tbody>
<tr>
<td>No Limitation on Height in any Yard</td>
<td></td>
</tr>
<tr>
<td>Maintain low height (i.e. 30”, 36” or 48”) in Front and/or Corner Lot Side Yard</td>
<td></td>
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<tr>
<td>Permit “mid-size” height (i.e. 6’ or 8’) in Front and/or Corner Lot Side Yard</td>
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</tr>
</tbody>
</table>
**Pertinent Code Sections:**

**Related to proposed Code Revisions regulating Natural Screening**

**Section 3.13(1)(b)(ii)**

- **b.**
  Certain natural screening excluded from these regulations.

  - **i.**
    Natural screening existing at the time of the adoption of this Section 3.13 so long as the natural screening is maintained in good health and is well maintained (e.g., wood is properly pruned to remove dead branches and members) and so long as the existing natural screening:
      1. **(a)** Does not present a safety hazard or obstruct vision for the safe ingress and egress from driveways;
      2. **(b)** Does not present a safety hazard or violate the Village's line of sight regulations as set forth in the Village Code of Ordinances;
      3. **(c)** Does not inhibit the movement of pedestrian traffic upon public sidewalks.

  - **ii.**
    Hedges which are adjacent to buildings and which do not act as a barrier or boundary (e.g., foundation plantings).

**Section 3.13(9)(f & g)**

- **f.**
  Natural screening which substantially encloses the front facing design facade yard area is not permitted.

- **g.**
  A fence or natural screen shall be properly located and shall not encroach upon the property of another, nor on the public right-of-way, including alleyways. Owners and installers of fences and natural screens are jointly and severally responsible for installing such materials in the proper location. The Village will not be responsible for any improperly located fence or natural screening.

**Section 3.13(12)(c)**

- **(12)**
  Natural screening in residential districts.

  - **a.**
    Natural screening may be installed in rear and side yards, without restriction to height, provided such screening does not obstruct the Village line of sight distance regulations.

  - **b.**
    Natural screening may be installed on a corner lot side yard, but shall be set back a sufficient distance from the side lot line to allow it to be maintained when in its mature state so as to not obstruct the walking and traveling public upon Village sidewalks.
c.
Natural screening may be installed on a corner lot side yard, where the front facing
design facade of the residence (the side containing the main entrance) faces the corner lot
side yard (as opposed to the front yard), but shall be restricted and maintained to no more
than four feet in height.

**Section 3.13(20(a)(ii)**

(20)
Natural screening material.

a.
Natural screening in front yards.

i. In residential districts bushes in excess of 30 inches in height comprising a hedge
forming a natural screen as of the effective date of this Zoning Ordinance and
which are located in the front or side corner lot, may remain so long as the bushes
do not violate the safety visibility triangle, are in a healthy condition, and are kept
maintained. Bushes which are dead, diseased, unsightly or create a safety hazard
must be removed from such a hedge, and once removed may not be replaced.

ii. Following the effective date of this amendment, natural screening hedges may be
planted so long as they do not obstruct sidewalks, are planted on private property,
not the public parkway, do not exceed 30 inches in maintained height, and are not
a safety hazard.

**Section 3.13(24)(c)(1)**

(24)
Variations from the requirements of this section.

a.
Processing. fence variations shall be processed in the same manner as all other variations
as set forth in Article V of this Zoning Ordinance, except that the following specific
regulations shall apply to fence variations and if in conflict with the procedures
governing variations as set forth in Article V, the regulations set forth in this section shall
prevail for the processing of fence variations.

b.
A fence variation from the provisions or requirements of this section may be
recommended to the Board of Trustees where the Zoning Board of Appeals finds:

i. The literal interpretation and strict application of the provisions and requirements
of this article would cause undue and unnecessary hardship because of unique or
unusual conditions pertaining to the specific building parcel or property in
question or pertaining to some aspect of the proposed fence or in its relation to
other objects;

ii. The granting of the requested Fence Variation would not be materially
detrimental to the property owners in the vicinity;
The unusual conditions applying to the specific property do not apply generally to other properties in the Village;

The granting of the fence variation would not be contrary to the general objective of this section; and

The alleged hardship has not been created by any person presently having a proprietary interest in the subject fence (or property).

No variations will be permitted from the requirements of this section:

Where the effect of a variation would be to cause a fence or any portion thereof to encroach in, on, over, under, or above the public right-of-way.

**Section 3.13(9)**

(9) Location and orientation of fences and natural screening.

a. Line of sight distance required. Any person erecting, constructing, installing, or replacing a fence and planting or replacing a natural screen shall ensure that adequate sight distance is provided at the intersection of two alleys, or a street and an alley, or the intersection of two streets. (See Figures x and xx following.)

b. The front face of a fence shall be directed toward adjacent residential property or streets. However, the back face of a fence may be oriented toward an alley.

c. Fencing shall not be allowed in front yards, except as provided in this section.

d. Permitted interior side yard fencing (not on a corner lot adjacent to a street) shall be set back from the front facing facade of the principal building by three feet or more.

e. On a corner lot, fencing shall be aligned with the front facing facade or any other street-facing facade of the principal building and shall maintain a minimum setback in conformance with the line of sight requirement as set forth herein.

f. Natural screening which substantially encloses the front facing design facade yard area is not permitted.

g. A fence or natural screen shall be properly located and shall not encroach upon the property of another, nor on the public right-of-way, including alleyways. Owners and installers of fences and natural screens are jointly and severally responsible for installing such materials in the proper location. The Village will not be responsible for any improperly located fence or natural screening.

h. (new section to be added)
Subject: Consideration of Text Amendments to Modify the Permissibility and Requirements for Auto/Light Truck Sales and Service Uses in the O, Office District

Requested Action: Text Amendments to Zoning Code Table 4.01.1 Permitted and Special Uses in All Zoning Districts, to modify the permissibility of Auto/Light Truck Sales and Service uses in the O, Office District, Section 4.01(13) to establish a new auto Uses Overlay Zone, a map amendment to designate parcels within the new Auto Use Overlay Zone, and new regulations specifically related to Auto/Light Truck Sales and Service uses in the O, Office District as deemed appropriate through the course of Plan Commission Public Hearings related to this case.

Petitioner: Village Board (referred on September 5, 2017)

Background
On October 2, 2017, the Plan Commission was presented with a staff recommendation related to a Zoning Code text amendment that would allow Auto/Light Truck Sales and Service as a Special Use in the “O” Office District. Subsequently, on December 6, 2017, the Plan Commission considered draft language related to such an amendment. (The minutes, staff reports, and attachments from each of those meetings are attached to this report.)

A summary of the rationale for the proposed text amendment and key considerations is as follows:

Rationale for the Proposed Zoning Amendment
- The “O” Office District currently permits uses that are potentially more impactful than Auto/Light Truck Sales and Service uses. At the same time, the B-1 and B-2 zoning districts permit Auto/Light Truck Sales and Service uses as Special Uses, though properties in those districts are generally less viable for such uses.
• The Village’s Comprehensive Plan identifies parcels in this area of the Village as either Regional Commercial, Light Industrial, or Local/Corridor Commercial future land uses. Auto/Light Truck Sales and Service uses would be generally compatible with the intended use mix.

• The O, Office District includes properties fronting on arterials with close proximity to I-94, providing the opportunity for uses that serve a regional market.

• The sizes of existing lots in the “O” Office District support Auto/Light Truck Sales and Service uses and their related site programming needs.

Planning and Zoning Considerations
• Establishing a minimum lot size for Auto/Light Truck Sales and Service uses could ensure that such uses can appropriately accommodate screening, parking, and other site elements. It could also ensure that they are located away from existing residential areas.

• Requiring service functions to be located away from residential uses could minimize impacts to residents.

• Permitting service uses only as a complementary component to auto sales would ensure that service functions, and their related impacts, do not overwhelm adjacent uses.

• Requiring the on-site management of traffic and parking could minimize peripheral impacts on surrounding uses and arterial roadways.

December 6, 2017 Discussion
The Public Hearing held on December 6, 2017 resulted in three topics for further discussion:

Basic Text Amendment versus Auto Uses Overlay
Staff’s initial recommendation included text amendments that would be applied to the entirety of the O Office District. This change in the permissibility of Auto/Light Truck Sales and Service uses would be supplemented by regulations related to minimum lot size and site design to increase the likelihood that adjacent residential areas were not adversely impacted by such uses. The Plan Commission requested that staff explore an Overlay District as an alternative to more specifically identify the intended locations for Auto/Light Truck Sales and Service uses. This staff report describes that approach and provides a basis for discussion at the January 3, 2018 Public Hearing.
Elimination of Recommended Regulations
During the December 6, 2017 Public Hearing, the Plan Commission requested the striking of some draft regulations presented by staff as part of the recommended text amendment. This staff report reflects these edits, which were based on either redundancy with existing regulations in the current code or regulations that may no longer be needed based on the Overlay District approach presented in this staff report.

New Car Sales versus Used Car Sales
The Plan Commission expressed concerns regarding the permissibility of the sale of used cars. However, staff research indicates that surrounding peer communities do not regulate based on used versus new car sales. At the time of drafting this report, staff is awaiting guidance from the Village Attorney regarding the legal implications of regulating a use based on new car sales versus used car sales.

Proposed Zoning Text Amendments
The following sections outline two distinct approaches to accommodating Auto/Light Truck Sales and Service uses in the O Office District.

Approach #1 - Text Amendment to the Entirety of the O, Office District
The following text amendments reflect the approach discussed and comments provided during the October 2, 2017 and December 6, 2017 Plan Commission meetings. Under this approach, the permissibility of Auto/Light Truck Sales and Service uses would be changed for the entirety of the O, Office District, and regulations would be adopted to minimize impacts on surrounding residential properties. For all proposed amendments, existing regulations are shown in regular font, proposed additions are shown in bold underlined font, and proposed deletions are shown in strikethrough font.

Amendment to Table 4.01.1 Permitted and Special Uses in All Zoning Districts
Staff recommends that the rows related to the “Auto/Light Truck Sales and Service” use category be amended as follows:

<table>
<thead>
<tr>
<th>Use Category</th>
<th>R-1</th>
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Amendment to Section 4.07 Additional use standards for business and office districts
Staff recommends that the following regulations be added as a subsection at the end of Section 4.07. (It should be noted that Auto/Light Truck Sales and Service uses will automatically be subject to other regulations related to transitional yards outlined in Section 4.07(3), included as an attachment to this report.)

(18) Auto/Light Truck Sales and Service uses in the O, Office District. All Auto/Light Truck Sales and Service use located in the O Office District shall comply with the following regulations:

a. Auto/light truck sales and service uses shall occupy lots with a minimum lot size of not less than 2.5 acres; and

b. “Auto service” operations are permitted as a secondary use and only when “auto sales” is the primary use on the property.
**Approach #2 – Auto Uses Overlay District**

This approach includes amendments to the current zoning ordinance in order to establish a new overlay district, and a map amendment to implement the new district within a focused portion of the O, Office District.

**Amendment to Section 4.01. Establishment of Districts to include a new Subsection 13:**

Staff recommends that Section 4.01 be amended to include the following subsection:

13 **Auto Uses Overlay Zone. This district is intended to permit certain auto sales and service uses on specified properties within the O, Office District. The uses permitted within the Auto Uses Overlay Zone are intended to maximize the benefit of regional access and lots that can appropriately accommodate auto dealerships and service centers.**

**Amendment to Table 4.01.1 Permitted and Special Uses in All Zoning Districts**

Staff recommends that the rows related to the “Auto/Light Truck Sales and Service” use category be amended as follows:

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<th>B-2</th>
<th>B-3 PD</th>
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</tbody>
</table>

**Note 11:** For properties within the Auto Uses Overlay Zone, Auto/Light Truck Sales and Service uses shall be permitted only upon issuance of a Special Use permit and only when “auto service” operations are permitted as a secondary use and only when “auto sales” is the primary use on the property.

**Amendment to the Village of Lincolnwood Zoning Map:**

Staff recommends that the Village of Lincolnwood Zoning Map be amended to reflect the implementation of the Auto Use Overlay District. The map to the right illustrates staff’s recommendation for the boundary of the Auto Use Overlay Zone within the O, Office District.

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**Recommended Auto Use Overlay Zone Map Amendment**

- [ ] Current O Office District Boundary
- [ ] Recommended Auto Use Overlay Zone Boundary
Recommendation
Staff recommends continued discussion and selection of a preferred zoning approach as presented in this report, and referral to the Village Board for formal adoption.

Documents Attached
1. December 6, 2017 Plan Commission Meeting Minutes Excerpt (Draft)
2. December 6, 2017 Staff Report
3. November 1, 2017 Plan Commission Meeting Minutes Excerpt
4. October 2, 2017 Plan Commission Staff Report
5. Map of Existing O, Office District Boundaries
V. Case #PC-13-17: Text Amendment for the Permissibility of Auto/Light Truck Sales and Service Uses as Special Uses in the O, Office District (Continued from November 1, 2017)

Chairman Yohanna announced the continuation of Case #PC-13-17 for consideration of a Zoning Code Text Amendment to consider permitting Auto/Light Truck Sales and Service Uses as Special Uses in the O, Office District, as well as other potential regulations specifically related to Auto/Light Truck Sales and Service uses in the O, Office District that could be deemed relevant to such permissibility.

Development Manager Hammel reiterated the rationale for the proposed amendment and related policy questions. The definition and usage of “light truck” was clarified and discussed. The minimum lot requirement of 2.5 acres would be required for this type of use, of which there are only four parcels this size in the Village.

Commissioner Novoselsky was opposed to extending the Overlay in the O, Office District that is adjacent to any single-family residential use. It was noted that there are currently several auto uses that are adjacent to residential uses. There was discussion regarding whether or not inventory and employee parking should be on the same property or if the use of “satellite” lots would be allowed, the proposed Ordinance language, and what lots would be acceptable for this use. Commissioner Jakubowski had issue with the wording “greatest extent possible” in Section 4.07(19)e of the proposed Ordinance language. Development Manager Hammel will redraft the proposed language for review at the January 3, 2018 Plan Commission meeting.

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

Motion to continue Case #PC-13-17 to the January 3, 2018 Plan Commission meeting was made by Commissioner Sampen and seconded by Commissioner Jakubowski.

Aye: Sampen, Jakubowski, Auerbach, Kohn, Novoselsky, and Yohanna
Nay: None
Motion Approved: 6-0
Subject: Consideration of Text Amendments to Modify the Permissibility and Requirements for Auto/Light Truck Sales and Service Uses in the O, Office District

Requested Action: Text Amendments to Zoning Code Table 4.01.1 Permitted and Special Uses in All Zoning Districts, to modify the permissibility of Auto/Light Truck Sales and Service uses in the O, Office District, and new regulations specifically related to Auto/Light Truck Sales and Service uses in the O, Office District as deemed appropriate through the course of Plan Commission Public Hearings related to this case.

Petitioner: Village Board (referred on September 5, 2017)

Background
On October 2, 2017, the Plan Commission was presented with a staff recommendation related to a zoning code text amendment that would allow Auto/Light Truck Sales and Service as a Special Use in the “O” Office District. (The minutes, staff report, attachments, and staff presentation from that meeting are attached to this report.)

A summary of the rationale for the proposed text amendment and key considerations is as follows:

Rationale for the Proposed Zoning Amendment
- The “O” Office District currently permits uses that are potentially more impactful than Auto/Light Truck Sales and Service uses. At the same time, the B-1 and B-2 zoning districts permit Auto/Light Truck Sales and Service uses as Special Uses, though properties in those districts are generally less viable for such uses.

- The Village’s Comprehensive Plan identifies parcels in this area of the Village as either Regional Commercial, Light Industrial, or Local/Corridor Commercial future land uses. Auto/Light Truck Sales and Service uses would be generally compatible with the intended use mix.
• The O, Office District includes properties fronting on arterials with close proximity to I-94, providing the opportunity for uses that serve a regional market.

• The sizes of existing lots in the “O” Office District support Auto/Light Truck Sales and Service uses and their related site programming needs.

Planning and Zoning Considerations

• Establishing a minimum lot size for Auto/Light Truck Sales and Service uses could ensure that such uses can appropriately accommodate screening, parking, and other site elements. It could also ensure that they are located away from existing residential areas.

• Requiring service functions to be located away from residential uses could minimize impacts to residents.

• Permitting service uses only as a complementary component to auto sales would ensure that service functions, and their related impacts, do not overwhelm adjacent uses.

• Requiring the on-site management of traffic and parking could minimize peripheral impacts on surrounding uses and arterial roadways.

During discussion at the November 1, 2017 Plan Commission public hearing, the commission supported the drafting of text amendments that would integrate these considerations.

Definition of “Light Truck”

One specific question raised by the Plan Commission related to the definition of “light truck.” The Village Code does not provide a definition of “light truck”. However, in addition to references to the “Auto/Light Truck Sales and Service”, the Village Code uses the term “light truck” in the following contexts:

• Definition of CAR AND LIGHT TRUCK RENTAL: Rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxi dispatch areas.

• Definition of CAR WASH: Mechanical facilities for the washing or waxing of private automobiles, light trucks and vans, but not commercial fleets.

Neither of these definitions provides a more specific interpretation of the term “light truck.” Research conducted by staff shows that the industry standard for “light trucks” includes vehicles with a payload capacity of 4,000 pounds or less. (For example, this includes the Chevrolet Silverado 1500, Ford F-150, RAM 1500, and Toyota Tundra.) “Heavy trucks” typically include vehicles with a payload capacity of up to 6,500 pounds, such as the Chevrolet Silverado 2500 and 3500, Ford F-250 and F-350, and the RAM 2500 and 3500.
Regardless of the industry standard definitions of “light truck” or “heavy truck,” all the models described above are two-axle vehicles that may typically be used as private vehicles or small commercial vehicles. Staff recommends that these types of vehicles be included under the Village’s interpretation of “light truck.” However, trucks with more than two axles or equipment specifically used for a more intense commercial use, such as tow trucks or specialized commercial vehicles, would not be included under the Village’s interpretation of “light truck.”

**Proposed Zoning Text Amendments**

The following represent the proposed text amendments related to Auto/Light Truck Sales and Service uses in the “O” Office District. For all proposed amendments, existing regulations are shown in regular font, proposed additions are shown in **bold underlined** font, and proposed deletions are shown in strikethrough font.

**Amendment to Table 4.01.1 Permitted and Special Uses in All Zoning Districts**

Staff recommends that the rows related to the “Auto/light truck sales and service” use category be amended as follows:

<table>
<thead>
<tr>
<th>Use Category</th>
<th>R-1</th>
<th>R-2</th>
<th>R-3</th>
<th>R-4</th>
<th>B-1</th>
<th>B-2</th>
<th>B-3 PD</th>
<th>O-1</th>
<th>M-B</th>
<th>P</th>
<th>S</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto/light truck sales and service</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>S</td>
<td>S</td>
<td>--</td>
<td>S</td>
<td>P</td>
<td>--</td>
<td>--</td>
<td>§ 4.07(18)</td>
</tr>
</tbody>
</table>

**Amendment to Section 4.07 Additional use standards for business and office districts**

Staff recommends that the following regulations be added as a subsection at the end of Section 4.07. (It should be noted that Auto/light truck sales and service uses will automatically be subject to other regulation related to transitional yards outlined in Section 4.07(3), included as an attachment to this report.)

(18) **Auto/light truck sales and service uses in the O Office District.** All Auto/light truck sales and service use located in the O Office District shall comply with the following regulations:

a. **Auto/light truck sales and service uses shall occupy lots with a minimum lot size of not less than 2.5 acres.**

b. “Auto service” operations are permitted as a secondary use and only when “auto sales” is the primary use on the property.

c. **To the greatest extent possible, “auto service” operations shall be located and oriented away from adjacent residential properties.**

d. **Special Use approval of an Auto/light truck sales and service use shall be contingent upon the ability of the lot to accommodate all employee parking, sales inventory, vehicles being serviced, and other related vehicles and operations on the same property.**

e. **To the greatest extent possible, access shall be provided from streets, or segments of streets, that minimize commercial traffic circulation in front of or adjacent to residential uses.**
Recommendation
Staff recommends approval of the proposed text amendments as presented, and referral to the Village Board for formal adoption.

Documents Attached
1. November 1, 2017 Plan Commission Meeting Minutes
2. October 2, 2017 Plan Commission Staff Report
3. Map of Existing O Office District Boundaries
4. Current Regulations related to Required Transition Yards
V. Case #PC-13-17: Text Amendment for the Permissibility of Auto/Light Truck Sales and Service Uses as Special Uses in the O, Office District

Chairman Yohanna announced the continuation of Case #PC-13-17 for consideration of a Zoning Code Text Amendment to consider permitting Auto/Light Truck Sales and Service Uses as Special Uses in the O, Office District, as well as other potential regulations specifically related to Auto/Light Truck Sales and Service uses in the O, Office District that could be deemed relevant to such permissibility.

Development Manager Hammel stated that the O, Office District currently includes light manufacturing, general and medical offices and clinics, parking facilities, and parks and playgrounds. Rationale for the proposed amendment includes the similarity of auto truck sales and service, relationship to the Comprehensive Plan, location along prominent arterial corridors, size of existing lots, and greater flexibility for sales tax generating uses.

Key policy questions include: 1) should the Code require a minimum lot size for auto/light truck sales and service uses, 2) should the Code regulate the location of service operations relative to surrounding uses; and 3) should the Code permit service uses without a related auto sales use, and should the Code include requirements related to traffic and parking management.

Requested action includes feedback regarding policy considerations related to a potential Text Amendment permitting Auto/Light Truck Sales as a Special Use in the O, Office District and direction to staff to prepare appropriate code language for consideration at the December 6, 2017 Plan Commission meeting.

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

Motion to continue to the December 6, 2017 Plan Commission meeting was made by Commissioner Pauletto and seconded by Commissioner Auerbach.

Aye: Pauletto, Auerbach, Kohn, and Yohanna
Nay: None
Motion Approved: 4-0
Subject: Consideration of Text Amendments to Modify the Permissibility and Requirements for Auto/Light Truck Sales and Service Uses in the O, Office District

Requested Action: Text Amendments to Zoning Code Table 4.01.1 Permitted and Special Uses in All Zoning Districts, to modify the permissibility of Auto/Light Truck Sales and Service uses in the O, Office District, and new regulations specifically related to Auto/Light Truck Sales and Service uses in the O, Office District as deemed appropriate through the course of Plan Commission Public Hearings related to this case.

Petitioner: Village Board (referred on September 5, 2017)

Background
The Village’s Zoning Map designates a number of parcels, generally located north of Chase Avenue and between Cicero Avenue and Lincoln Avenue, as being in the “O” Office District. The Zoning Ordinance states that the O, Office District has been established to “provide an environment for low-density offices and office parks, as well as limited warehousing, commercial, and industrial uses, that have negligible adverse effects upon the environment and surrounding areas.”

Based on several factors outlined in this memorandum, staff feels it is appropriate to consider amending the permitted uses in the O, Office District to include Auto/Light Truck Sales and Service as a Special Use.

This memorandum includes the following information:
- A summary of six factors that provide the rationale for discussion related to a potential zoning amendment;
- A description of considerations to be discussed as part of the formal amendment process; and
• A description of potential impacts that could be addressed through the amendment process.

Rationale for the Proposed Zoning Amendment
There are several factors that staff believes warrant discussion of Auto/Light Truck Sales and Service being permitted as a special use in the O, Office District. They include:

1. Similarity to Current Permissibility
   Table 4.01.1 of the Zoning Ordinance currently identifies the following non-residential uses as permitted by right or as a Special Use in the O, Office District:

<table>
<thead>
<tr>
<th>Permitted Uses</th>
<th>Special Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office, general or professional</td>
<td>Commercial recreational facility</td>
</tr>
<tr>
<td>Open-air parking lot</td>
<td>Health club</td>
</tr>
<tr>
<td>Parking garage</td>
<td>Catering</td>
</tr>
<tr>
<td>Light manufacturing</td>
<td>Research laboratory</td>
</tr>
<tr>
<td>Child/elderly development center</td>
<td>Support laboratory</td>
</tr>
<tr>
<td>Municipal facility</td>
<td>Wholesale establishment</td>
</tr>
<tr>
<td>Parks and playground</td>
<td>Warehouse</td>
</tr>
<tr>
<td>Postal services</td>
<td>College and university</td>
</tr>
<tr>
<td>Medical clinic</td>
<td>Trade, music or dance school</td>
</tr>
<tr>
<td>Office, medical, outpatient only</td>
<td>Hospital</td>
</tr>
<tr>
<td></td>
<td>Utilities</td>
</tr>
</tbody>
</table>

Several of these uses have impacts similar to what would be present in an Auto/Light Truck Sales and Service use. If referred to the Plan Commission, discussion of this potential amendment should consider what specific impacts may exist and how they can be mitigated.

2. Relationship to the Comprehensive Plan
   The Village’s Comprehensive Plan, adopted in 2016, identifies parcels in this area of the Village as either Regional Commercial, Light Industrial, or Local/Corridor Commercial future land uses. This mix of uses generally reflects the intent of the permitted uses in the O, Office District. Auto/Light Truck Sales and Service uses would be generally compatible with the uses intended by the Comprehensive Plan, especially when considering the additional factors listed below.

3. Location Along Prominent Arterials
   The O, Office District includes property frontage along North Cicero Avenue and North Lincoln Avenue, and is located as close as one quarter-mile from the I-94 Touhy Avenue interchange. This locational advantage is well-suited for Auto/Light Truck Sales and Service uses that rely on a market area that extends beyond the Village boundaries. This would also
support the Village’s economic development goal of aligning viable sites with appropriate uses in order to strengthen the community’s sales tax revenue base.

4. Relationship to Adjacent Uses
The O, Office District is adjacent to the R-3, Residential District to the west and east, and the B-2, General Business, R-3, Residential District, and B-3, Village Center PD Districts to the south. (The Comprehensive Plan shows the current R-3, Residential District on Keating Avenue and Kilpatrick Avenue as “Regional Commercial” in the future land use plan.) Current and potential future uses in the B-2 and B-3 Districts would be compatible with Auto/Light Truck Sales and Service uses. When discussing potential code amendments, specific impacts and potential required buffers may be considered adjacent to the R-3 District.

5. Size of Existing Lots
Existing parcel sizes in the O, Office District vary, but several are more than 2.5 acres in area. The largest lot is more than 5.25 acres. The size of these parcels can accommodate auto sales and service uses without relying on extensive land acquisition and assembly. Code amendment discussions may consider what size lots are appropriate for Auto/Light Truck Sales and Service uses, and determine if a minimum lot size requirement would be appropriate to ensure they are not developed on parcels that cannot adequately accommodate inventory, access, buffering, and other site characteristics.

6. Greater Flexibility for Sales Tax Generating Uses
An important goal of the Village is to ensure there is adequate land to accommodate uses that generate sales tax revenue. To that end, the current Zoning Ordinance permits Auto/Light Truck Sales and Service uses as a Special Use in the B-1, Traditional Business and B-2, General Business Districts. Recently, however, several office or service uses have been established along Lincoln Avenue, Touhy Avenue, and other corridors envisioned as retail streets. Allowing auto sales and service in the O, Office District would provide the opportunity for additional properties that could accommodate revenue generating uses on appropriately sized parcels.

Planning/Zoning Considerations
Staff has identified the following considerations that should be discussed as a part of the amendment process:

**Potential minimum lot size requirement for auto sales and service uses.** A minimum lot size requirement for Auto/Light Truck Sales and Service uses could be an effective way of ensuring they occupy sites that can accommodate parking, screening, and buffering. The map to the right demonstrates how a minimum lot size requirement of 2.5 acres would limit such uses to larger properties between Cicero Avenue and Lincoln Avenue, where few residential properties would be impacted.

![Development Site Areas in the O Office District:](image)
The location of service functions related to surrounding uses. The Zoning Ordinance currently defines “auto service” as “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, but not including major repair work such as motor replacement or rebuilding.” While “auto body and repair” and “automobile wrecking yard” are distinctly different and more intensive uses that would not be permitted in the O, Office District, “auto service” uses still have the potential to have noise, aesthetic and odor impacts on surrounding properties. The permissibility of auto service facilities could be conditional based on their location in the lot relative to major arterials and residential uses, and additional screening that would protect adjacent properties closest to the auto service operations.

Permitting auto service operations only as an accessory use to auto sales. The intent of the proposed amendment is to permit regional commercial uses as described in the Comprehensive Plan. To that end, the proposed amendment could stipulate that auto service operations only be permissible as an accessory use to auto sales. This would ensure that resulting developments reflect the intent of the Comprehensive Plan.

Traffic and parking management. The traffic impacts caused by the regional market and number of employees associated with Auto/Light Truck Sales and Service uses warrant careful consideration. A zoning amendment permitting Auto/Light Truck Sales and Service uses could include requirements related to restricted access from residential streets, on-site employee parking, and/or internal circulation and connections to shared access points.

Recommendation
Staff is recommending Text Amendments to the Village Zoning Code necessary to permit Auto/Light Truck Sales and Service uses in the O, Office District, and to appropriately regulate certain characteristics of such uses according to matters described in this staff report and deliberated as a part of Public Hearings regarding this case. Based on the direction provided by the Plan Commission, and assuming there is consensus regarding this direction, staff will prepare proposed Code Language for review by the Plan Commission at the December 6, 2017 regular Plan Commission meeting.

Documents Attached
1. Map of Existing O, Office District Boundaries
Map of Existing O, Office District Boundaries
MEMORANDUM

TO: Chairman Yohanna
Members of the Plan Commission

FROM: Doug Hammel, AICP
Development Manager

DATE: January 3, 2018

SUBJECT: Case #PC-14-17: Text Amendments to modify Building Coverage Regulations Related to the Construction of Two-Car Garages

At the September 19, 2017 Village Board Committee of the Whole meeting, the above matter was referred to the Plan Commission for consideration. On November 16, 2017, notice of a Public Hearing regarding this matter was published in the Lincoln Review with the intent of holding discussion during the December 6, 2017 Plan Commission meeting. However, staff requested continuation of this matter to the January 3, 2018 regular meeting of the Plan Commission. Due to other matters before the Plan Commission, staff requests continuation of this case to the February 7, 2018 regular meeting of the Plan Commission.

RECOMMENDED MOTION:
Move to continue, without discussion, Case #PC-14-17 to the February 8, 2018 regular meeting of the Plan Commission.