Village of Lincolnwood
Plan Commission

Wednesday, March 1, 2017
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
   February 8, 2017 Minutes
4. Case #PC-03-17: Waiver of Preliminary Plat Requirement – Consolidation and Resubdivision at 6649 North Lincoln Avenue, 6653 North East Prairie Road and 6659 North East Prairie Road
   Request: Consideration to eliminate the Preliminary Plat requirement for a Major Subdivision required by the recent Lou Malnati’s restaurant expansion, as authorized by Section 16-4-3 of the Village Code.
5. Other Business
6. Next Meeting
7. Public Comment
8. Adjournment
MEMBERS PRESENT:
Chairman Mark Yohanna
Patricia Goldfein
Henry Novoselsky
Anthony Pauletto
Don Sampen

MEMBERS ABSENT:
Steven Jakubowski

STAFF PRESENT:
Steve McNellis, Community Development Director
Jim Amelio, Village Engineer
Andrew Letson, Acting Public Works Director
Kathryn M. Kasprzyk, Community Development Coordinator

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

II. Pledge of Allegiance

III. Approval of Minutes
Motion to approve the December 7, 2016 Plan Commission Minutes was made by Commissioner Novoselsky and seconded by Commissioner Pauletto.

Aye: Novoselsky, Pauletto, Goldfein, Sampen, and Yohanna
Nay: None
Motion Approved: 5-0

IV. Case #PC-01-17: Public Hearing: Proposed Text Amendment – First Floor Height Calculation for Single-Family Residential Structures
Chairman Yohanna announced Case #PC-01-17 for consideration of a Text Amendment to Article IV, Sections 4.11 and 4.12 of the Zoning Code to clarify the location from which the finished first floor height of a single-family residential building is calculated in the R-1, R-2, R-3, and R-4 Zoning Districts.
Jim Amelio stated that the Public Works and Engineering Department periodically review Village Code for potential upgrades to improve clarity. The calculation for finished floor height is not clearly defined, lacks clarity, and the calculation method makes it difficult to determine top of curb measurements. This Text Amendment would revise the Bulk Regulations Sections 4.11 and 4.12 defining how to calculate top of curb which, in turn, determines the allowable three-foot maximum finished first floor elevation of a residential home. A sample exhibit of a typical home was presented for review. Since elevations differ along the same lot, it is problematic to calculate first floor height. The recommended language should be modified to read “top of curb elevation at the highest elevation point”. The Village’s attorney is in the process of drafting a new definition to reflect this new language.

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

**Motion to approve** the proposed definition to include the language “top of curb elevation at the highest elevation point” to calculate the three-foot maximum finished first floor elevation of a residential home was made by Commissioner Pauletto and seconded by Commissioner Sampen.

**Aye:** Pauletto, Sampen, Novoselsky, Goldfein, and Yohanna  
**Nay:** None  
**Motion Approved:** 5-0

### V. Other Business

The Plan Commission recognized the resignation and accomplishments of former Commissioner Irving Fishman. Any candidates wishing to be considered for this vacancy should contact the Mayor’s office. Development Director McNellis presented updates on the proposed Hyatt Hotel, the construction status of the Sacred Learning Center, and the Purple Hotel site. Development Director McNellis stated that interviews are underway for the Development Manager position.

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

### VI. Next Meeting

The next meeting of the Plan Commission is scheduled for Wednesday, March 1, 2017.

### VII. Adjournment

**Motion to adjourn** was made by Commissioner Pauletto and seconded by Commissioner Goldfein. Meeting adjourned at 7:35 p.m.

**Aye:** Pauletto, Goldfein, Novoselsky, Sampen, and Yohanna  
**Nay:** None  
**Motion Approved:** 5-0

Respectfully submitted,

Kathryn M. Kasprzyk  
Community Development Coordinator
Subject Property:
6649 North Lincoln Avenue,
6653 North East Prairie Road, and
6659 North East Prairie Road

Zoning District:
B-1 and R-3 Zoning Districts

Petitioner:
The Original Lou’s LLC

Nature of Request:
Waive Requirement of a Preliminary Plat review and proceed to Final Plat review for Consolidation and Resubdivision of nine lots encompassing two distinct properties, one Commercial and one Residential.

Requested Action:
Elimination of Preliminary Plat Requirement for a Major Subdivision (including a Consolidation), 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 Consolidation, tentatively scheduled for the April 6, 2017 Plan Commission meeting, pending approval of the Waiver request.

Background
In 2016, an addition to the north side of the Lou Malnati’s restaurant to accommodate a separate carryout entrance and related parking was recommended through a Special Use and Variation zoning process by the Plan Commission and subsequently approved by the Village Board. A stipulation of that approval was the requirement that a six-foot to seven-foot strip of land owned by the restaurant be transferred to the residential property owner to the north, prior to occupancy of the restaurant addition. This strip is intended to provide
a buffer from the masonry wall that has been constructed as a screen between the new parking lot and this residential property. In order to transfer this property and consolidate parcels, it is necessary to create a two-lot Resubdivision to define the new lot line between the Lou Malnati’s restaurant property and the residential property to the north.

A further stipulation of the Zoning approval for the restaurant and parking expansion was that the parties agree to a Covenant stipulating that the screening wall may not be removed, except upon approval of the Village. This stipulation will be memorialized during the Final Plat review and approval.

**Summary of Preliminary Plat Waiver Request**
This Consolidation and 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. Since one of the two lots to be Resubdivided is in the R-3, Residential Zoning District and the other is in the B-1, Traditional Business Zoning District, it must be treated as a Major Subdivision. This requirement is the difference between designating this Subdivision Major versus Minor. Minor Subdivisions are permitted to go directly to a Final Plat, without the necessity of a Preliminary Plat.

Staff notes that the proposed Subdivision is for a property that is now fully built and that has no proposed additions or changes to the building footprints, other than completion of a few remaining minor items for the current addition. 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 Consolidation and Resubdivision is not associated with a construction plan, so no engineering plan will be completed. Further, the transfer of property necessitating this Consolidation and Resubdivision was a stipulation placed on this expansion by the Village.

**Recommendation**
Petitioner Lou Malnati’s (The Original Lou’s LLC) seeks a waiver of the requirement for a Preliminary Plat of Subdivision, per Section 16-4-3 of the Subdivision Code. 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 April 6, 2017 regular Plan Commission meeting.

**Documents Attached**
1. Request Letter
2. Proposed Draft Plat
3. Village Code Sections Related to Subdivision Process
VIA EMAIL & U.S MAIL

Chairman Yohanna and Plan Commissioners
c/o Mr. Steve McNellis
Village of Lincolnwood
6900 N. Lincoln Avenue
Lincolnwood, IL 60712

Re: The Malnati Organization, Public Hearing Application for Consolidation and Subdivision of Property Located at 6653 N. East Prairie Road and 6659 N. East Prairie Road

Dear Chairman Yohanna and Plan Commissioners:

Please be advised that I represent The Malnati Organization ("Owner"), owner of the Property commonly known as 6653 N. East Prairie Road (the "Malnati Property") in connection with the above-referenced matter. Pursuant to Village of Lincolnwood Ordinance No. 2016-3200 approved April 5, 2016 (the "Ordinance"), Owner is required to transfer a six to seven foot strip of land (the "Strip") to the owner of the property located immediately north of and adjacent to the Property (the "Adjacent Owner"), and commonly known as 6659 N. East Prairie Road (the "Adjacent Property"). In connection with the transfer of the Strip, the Village requires that the Owner and the Adjacent Owner record a Plat of Consolidation and Subdivision pertaining to the Property, the Strip and the Adjacent Property.

Pursuant to Village Code Section 16-4-3, Owner respectfully requests that the Plan Commission review the proposed Plat of Consolidation and Subdivision solely in accordance with and pursuant to the final plat review process set forth in Section 16-4-5 of the Code and that the Plan Commission waive the Preliminary Plat Review Process set forth in Section 16-4-4 of the Code.

Owner is requesting this waiver of the Preliminary Plat Review Process for the following reasons: (1) Owner is not requesting a new project, rather the Consolidation and Subdivision was contemplated by the Ordinance and is required by both the Ordinance and the Village Subdivision Ordinance; (2) the property to be consolidated and subdivided has already been pre-determined by the Ordinance; (3) certain of the documentation required to be submitted for approval of the subdivision and consolidation has already been submitted to and approved by the Village in connection with the passing of the Ordinance; and (4) given the size and nature of the consolidation and subdivision, we believe the proposed Plat of Consolidation and Subdivision can be fully and effectively considered by the Plan Commission with only the final plat review process.

Please contact me should you have any questions or concerns. Thank you very much for your consideration of this request.

Very truly yours,

Debra B. Yale

February 21, 2017
TAMMYLOU SUBDIVISION

OWNER'S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF COOK

THIS IS TO CERTIFY THAT THE ORIGINAL, FFS LLC, IS THE LEGAL OWNER OF THE PROPERTY DESCRIBED HEREIN, 0.92 ACRES, AND THAT IT IS CHOSEN AS THE LEGAL OWNER TO BE SUBDIVIDED AND SUBDIVIDED AS DESCRIBED ABOVE AND SUBDIVIDED AS DESCRIBED ABOVE AND This Certificate is issued to the property owner.

DATED THIS ________________ A.D. 2017.

ATTEST:

NOTARY'S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF COOK

I, ____________________, a Notary Public in and for Said County in and for Said County in and for Said County, do hereby certify that the undersigned subscriber, who was sworn to and subscribed to the premises, personally appeared before me this ________________ day of ________________, 2017, and acknowledged that he signed the above instrument for the purpose of conveying the property described above.

DATED THIS ________________ A.D. 2017.

Attest:

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS
COUNTY OF COOK

This is to certify that the plan commission of the Village of Lincolnwood, Illinois, has reviewed and approved the plan.

DATED THIS ________________ A.D. 2017.

ATTEST:

VILLAGE ENGINEER CERTIFICATE

STATE OF ILLINOIS
COUNTY OF COOK

This is to certify that the Village Engineer of the Village of Lincolnwood, Illinois, has reviewed and approved the plan.

DATED THIS ________________ A.D. 2017.

ATTEST:

BOARD OF TRUSTEES CERTIFICATE

STATE OF ILLINOIS
COUNTY OF COOK

This is to certify that the Board of Trustees of the Village of Lincolnwood, Illinois, has reviewed and approved the plan.

DATED THIS ________________ A.D. 2017.

ATTEST:

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF COOK

This is to certify that I, ____________________, a Professional Land Surveyor No. ________________, certify that the property shown on the plat is in accordance with the plat and that the plat is the original plat of a correct representation thereof. All distances are shown in feet and feet thereof.

DATED THIS ________________ A.D. 2017.

Attest:

TAX BILL RECIPIENTS

THANH HANG TH TROUNG
6509 N. EAST PRAIRIE ROAD
LINDENWOOD, IL 60712
847-614-2929 (OWNER OF LOT 1)

THE ORIGINAL LOUIS LLC
6449 N. LINCOLN AVENUE
LINDENWOOD, IL 60712
847-562-1900 (OWNER OF LOT 2)

AFTER RECORDING MAIL TO:
VILLAGE OF LINCOLNWOOD
6400 N. LINCOLN AVENUE
LINDENWOOD, IL 60712

NOTE:
The screening wall currently located on Lot 2 shall not be removed except with the prior approval of the Village of Lincolnwood.

ANDREW SPIEWAK LAND SURVEYOR, INC.
DBA SPIEWAK CONSULTING

5805 W. HIGGINS AVE., CHICAGO, IL 60630 phone: (773) 853-2672; fax: (773) 736-4616
www.landsurveyorspro andrew@landsurveyorspro
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.
Village Initiates Lincoln-Touhy TIF Redesignation Eligibility Study
The Village Board approved an Ordinance initiating an Eligibility Study for the proposed re-designation of the Lincoln-Touhy Redevelopment Project Area. This is the first step in considering terminating the existing TIF District, with a plan to then initiate a new TIF District in the same location. This would allow the opportunity to start the new TIF at a lower starting EAV, permitting the opportunity for greater tax increment than would be possible continuing with the current TIF, and ultimately providing the funds necessary for the Village to realize its vision in this key area.

Plans Approved for 4320 West Touhy Avenue
The Village Board has approved Special Uses and Variations to permit a new 6,430-square-foot multi-tenant commercial building with a drive-through facility (planned for a Starbuck’s coffee shop) at the site of the former Republic Bank drive-through facility at 4320 West Touhy Avenue. The developer anticipates demolishing the existing building and beginning construction on the site in late spring.

Plans Approved for Big Fish Liquor Distribution Facility at 6428 North Ridgeway Avenue
The Village Board has approved a Special Use and parking Variation to permit a liquor distribution facility for online liquor sales only. This facility will not be open to the public and will serve only as the base of operations and distribution warehouse for a unique online liquor sales business.

PEP Grant Approved for Brickyard Bank at 6676 North Lincoln Avenue
The Village Board has approved the Brickyard Bank PEP request for up to $25,000 for the addition of windows and landscaping along the south façade of the building, as well as an upgrade in the rock base along Lincoln Avenue, with the inclusion of planters, as recommended by the Economic Development Commission at the November 2016 meeting.

Code Amendment Approved Regulating Self-Storage and Warehouse Facilities on Arterial Roadways
The Village Board has approved a Code Amendment to the Zoning Code prohibiting Warehouse and Self-Storage facilities in the M-B and O-1 Zoning Districts on lots with frontage on North Cicero Avenue, West Devon Avenue, North Lincoln Avenue and West Touhy Avenue.
Building Permits
Below is a summary of building permits issued in November 2016, December 2016, and January 2017.

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