



# Village of Lincolnwood Plan Commission

*Public Meeting*  
**Wednesday, September 30, 2024**  
**7:00 P.M.**

*in the*  
**Gerald C. Turry Village Board Room**  
**Lincolnwood Village Hall - 6900 North Lincoln Avenue**

## Meeting Agenda

1. **Call to Order/Roll Call**
2. **Pledge of Allegiance**
3. **Approval of Minutes**  
September 3, 2024, Special Meeting Minutes  
September 4, 2024, Meeting Minutes
4. **Case #PC-08-24: Zoning Text Amendment – Zoning Text Amendment Regarding the Permissibility Retail Tobacco Stores in All Zoning Districts**  
*The hearing regarding this case initially held on August 7, 2024, and was continued to September 30, 2024.*  
  
**Request:** Consideration of a referral by the Village Board Committee of the Whole to 1) amend Section 2.02 Definitions of the Zoning Ordinance to establish a definition for a term intended to describe retailers whose predominant revenue is derived from the sale of tobacco, tobacco-related products, alternative nicotine products, or electronic smoking devices and 2) amend Table 4.01.1 Permitted and Special Uses in All Zoning Districts to prohibit such uses in all zoning districts. The Plan Commission may consider any additional amendments to other relevant provisions of the Zoning Ordinance discovered during this case.
5. **Case #PC-010-24: Zoning Text Amendment – Zoning Text Amendment Regarding Permitted Access to Parking Spaces in the M-B Light Manufacturing and Business Zoning District**  
*The hearing regarding this case was initially held on September 3, 2024, and was continued to September 30, 2024.*  
  
**Request:** Consideration of a referral by the Village Board Committee of the Whole to amend Section 7.06 of the Zoning Ordinance to allow the stacking of parking spaces in the M-B Light manufacturing and Business zoning district, without each space having direct access to a drive aisle or right-of-way. The Plan Commission may consider any additional amendments to other relevant provisions of the Zoning Ordinance discovered during this case.
6. **Case #PC-07-24: 3420 West Devon Avenue – Approval of Special Uses, Zoning Variations, and Parkway Parking for the Proposed Redevelopment of 3420 West Devon Avenue**  
*The hearing regarding this case was initially held on September 4, 2024, and was continued to September 30, 2024. During the September 30, 2024, meeting, this matter will be continued without discussion to the regularly schedule meeting on November 7, 2024.*

**Request:** Consideration of a request by the Hebrew Theological College, Petitioner and contract purchaser, on behalf of 3420 Devon Building LLC, property owner, to approve certain Special Uses, Zoning Variations, and parkway parking in order to accommodate the development of a college or university at the address commonly known as 3420 West Devon Avenue. Requested Special Uses include those pursuant to a) Section 4.01.1 to allow a college or university in the B-2 General Business zoning district (assuming the Plan Commission recommends approval of a Text Amendment as a result of case #PC-06-24) and b) Section 7.06(5) to allow parking in the corner side yard abutting the east lot line of the subject property. Requested Zoning Variations include relief from a) Section 3.13(13)e to allow a masonry fence in the corner side yard abutting the south and east lot lines of the subject property; b) Section 4.07(3) to waive the requirement for a setback of thirty feet when abutting the rear yard of a residential property, allow the required buffer yard to be used for parking, and waive the required landscape screening when windows exist more than 20 feet above grade; c) Section 4.07(5) to allow for outdoor operations to accommodate an open-air courtyard and second story terrace; d) Section 4.13 to allow a building with a height greater than 35 feet to accommodate a building with a height of 47' to predominant parapet, 51' to the secondary parapet; e) Section 6.03(c) to waive the requirement for a 5'-foot wide sidewalk along the rear façade of the building to accommodate on-site parking; f) Section 6.04(3)b to allow a building that does not incorporate specified high-quality materials into at least 75% of each elevation; g) Section 6.14(1) to waive or reduce the width of landscape screening along the west, east and north sides of the parking lot; h) Section 6.14(2) to waive or reduce the width of required landscape islands at each end of parking aisles in the parking lot and rear parking area; i) Section 6.16(1) to waive the required transition yard setback and landscape screening requirements; j) Section 7.10 to reduce the amount of required off-street parking; and k) Section 7.10 to waive the requirement for a loading space. The Petitioner also seeks approval to install parkway parking in the public right-of-way on the east side of Trumbull Avenue adjacent to the subject property in accordance with Chapter 6 Public Parks, Ways, and Properties, Article 5 Parkway Landscaping and Maintenance, Section 17 of the Village Code, and one Parkway Parking Variation from Section 6-5-18-A to allow the removal of a portion of a sidewalk in the public right-of-way. The Plan Commission may consider any additional relief discovered during this case.

- 7. Discussion: Restructuring of the Plan Commission and Zoning Board of Appeals**
- 8. Staff Update**
- 9. Next Meeting: November 7, 2024**
- 10. Public Comment**
- 11. Adjournment**

Posted: September 26, 2024



*Draft* MEETING MINUTES  
OF THE  
PLAN COMMISSION – Special Meeting  
September 3, 2024 – 7:00 P.M.

LINCOLNWOOD VILLAGE HALL  
6900 NORTH LINCOLN AVENUE  
LINCOLNWOOD, ILLINOIS 60712

**Present:** Chairman Mark Yohanna and Commissioners Adi Kohn, Mark DeAngelis, Henry Novoselsky, Don Sampen, and Sue Auerbach

**Absent:** Commissioner Steven Jakubowski

**Staff Present:** Planning and Economic Development Manager Doug Hammel, Community Development Director Scott Magnum, Village Manager Anne Marie Gaura, Village Trustee Artour Sargon, Community Development Coordinator Marcos Classen, and Village Attorney Caitlyn Culbertson

**I. Call to Order**

Call to order at 7:01 pm

**II. Pledge of Allegiance**

Commissioner Sampen and arrived at 7:02

**III. Approval of Minutes**

*Motion to approve the August 7, 2024, Plan Commission Minutes was made by Commissioner DeAngelis and seconded by Commissioner Novoselsky.*

*Aye: Commissioners DeAngelis, Novoselsky, Sampen and Auerbach*

*Nay:*

*Abstain: Chairman Yohanna*

*Motion Approved: 4-0*

Commissioner Kohn arrived at 7:03 pm

**IV. Case #PC-09-24: 6850 North McCormick Boulevard – Amendment to an Existing Planned Unit Develop to Designate Auto Sales and Service with Outdoor Display and Storage as a Permitted Use**

Planning and Economic Development Manager Doug Hammel reviewed the history of the property and noted that it is a part of a Planned Unit Development (PUD). The petitioner is looking to build an auto sales and services use with exterior storage. Mr. Hammel gave a summary of PUD amendments related to this property, specifically mentioning a 2015 ordinance that resulted in allowing auto sales in this PUD district, however that ordinance specifically called out that there be no outside storage or display. This meeting is only to discuss potentially changing this specific part of the ordinance with the actual development to follow at a future meeting if the amendment is ultimately adopted by the Village Board.

There was some discussion about other car dealerships in the area and why there were currently able to have outdoor storage and display, and Mr. Hammel noted that the other area dealerships are a part of a different PUD district, so the restrictions are different for those locations. The request tonight is to allow for a new development to be able to have the same characteristics of other area dealerships.

There was additional discussion about what may have caused this restriction to be added as a part of the 2015 Ordinance. Mr. Hammel noted that he was not a part of that process but he noted that this PUD district is adjacent to a residential area and that may have been a factor in the restriction being added.

Petitioners:

Betsy Alfold – Attorney for Petitioner

Nick Butuc – Representative for AutoCanada

The petitioners spoke about their existing three dealerships in Lincolnwood and spoke about the new dealership they are hoping to add to the area. This would be to relocate a Honda dealership (North City Honda) from Chicago to Lincolnwood. The location in Chicago currently works out of multiple locations and this is an effort to consolidate those locations into one location. The plan for the subject property would be to remodel the former Walmart site while maintaining the second tenant (Planet Fitness) through the term of their current lease.

***A Motion was made by Commissioner DeAngelis to approve the request to amend the PUD district to allow outside storage and use as presented by staff***

***The motion was seconded by Commissioner Novoselsky***

***Aye: Chairman Yohanna and Commissioners Kohn, DeAngelis, Novoselsky, Sampen and Auerbach***

***Nay:***

***Abstain:***

***Motion Approved: 6-0***

This item will go to the board on September 17, 2024

V. **Case #PC-010-24: Zoning Text Amendment – Zoning Text Amendment Regarding Permitted Access to Parking Spaces in the M-B Light Manufacturing and Business Zoning District**

Planning and Economic Development Manager Doug Hammel presented details of research staff has conducted and analysis related to parking capacity and design in the M-B Light Manufacturing zoning district. Mr. Hammel spoke about two separate occasions this topic has been discussed at the Committee of the Whole and highlighted the direction given by the board and the steps taken by staff as a result.

Mr. Hammel noted there are two main M-B Districts included in the research done by staff, the Northeast Industrial District (NEID) and the South Industrial Triangle.

In the NEID District, on-street parking is heavily used to the point where two-way private vehicle traffic and truck traffic is impacted, also some private properties utilize stacked parking to increase off-street or curbside parking capacity

In the South Industrial Triangle on-street parking is utilized enough to impact two-way truck traffic, but not to the same extent as in the NEID.

Mr. Hammel went over the requested action which would be to consider a Proposed Zoning Concept pertaining to a potential Text Amendment to Section 7.06(3) created by staff including the following:

- Stacked parking could be approved by the Director of Community Development, with advice or direction being provided by the Fire Chief, Chief of Police, and Public Works Department, provided that...
- Stacked parking plan would be submitted by a property owner to the Community Development Department
- The parking plan would be required to indicate the spaces eligible for stacking versus those that cannot be obstructed from safe and efficient access to a drive aisle or public street
- The parking plan would describe the nature of the use and demonstrate that arrival and departure patterns for occupants using the stacked spaces will not create regular conflict of those spaces are blocked by other vehicles
- The approval could be subject to certain conditions or required improvements, including but not limited to signage, the painting of curbs, or modifications to curb cuts to clearly identify spaces eligible for stacking

Commissioner Auerbach asked about potential issues with public parking blocking stacked parking locations. Mr. Hammel noted that general public parking cannot be reserved for a particular use so any plans would need flexible thinking when coming up with various site plans.

Commissioner Sampen asked if staff was looking to create an amendment to regulate parking on private property. Mr. Hammel stated that proposed parking plans would be more relevant when directly addressing private parking, but that the Village may need to look at additional impacts on public parking when looking to approve individual parking plans.

Commissioner DeAngelis stated that the approach from staff is a little disjointed. He suggested that the Village look at moving the sidewalk locations in these areas closer to the buildings while introducing stacked diagonal parking to allow for more overall parking spaces.

Mr. Hammel noted that these types of concepts were discussed but the Village Board and staff looked at the constraints of any potential capital expenditure and time it would take for redevelopment and determined that looking for short term solution could help alleviate issues now and would allow for a potential redesign of the areas to be considered by the Village down the road.

There was discussion about whether parking regulations could be used to change the parking behaviors of the area. Mr. Hammel stated that he believes the intent of the proposed changes is to give the businesses more flexibility when trying to meet the current parking requirements for a given use. Currently if on street parking is blocking a private parking area, these private spaces can't be used in any zoning calculations to determine if parking requirements are being met. The intent of the zoning concept for the area is to align how the parking is being used with how the Zoning Ordinance is enforced.

Chairman Yohann conducted a straw poll of the commissioner and there was consensus among the commissioners that staff should bring this item back with more specific language.

No public comment

Commissioner DeAngelis asked if the Village considered conducting a highest and best use analysis of the area.

Mr. Hammel noted that there hasn't been a formal analysis of the area but stated that the Village has looked to increase the types of businesses allowed in the zoning district by passing various text amendments.

*A Motion was made by Commissioner DeAngelis to continue this item to the September 30<sup>th</sup> meeting to allow staff to update the language for a proposed text amendment.*

*The motion was seconded by Commissioner Kohn*

*Aye: Chairman Yohanna and Commissioners Kohn, DeAngelis, Novoselsky, Sampen and Auerbach*

*Nay:*

*Abstain:*

*Motion Approved: 6-0*

**VI. Case #PC-011-24: Zoning Text Amendment – Zoning Text Amendment Regarding Minimum Drive Aisle Clearance Width for All Parking Spaces**

Planning and Economic Development Manager Doug Hammel presented background about Section 7.06(3) of the zoning code which states that *“Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.”* there is currently no minimum set width stated in the code.

Earlier this year there was a permit application for the installation of a 6-foot-wide garage door at a residential property. The zoning officer denied the application as it would have eliminated “safe and efficient access” to a space required to meet zoning requirements. This decision resulted in zoning appeal hearing conducted by the Zoning Board of Appeals in June and July of this year. The result of the hearing was that both the ZBA and Village Board supported the Zoning Officer’s finding that a 6’-wide door is inadequate.

The Village Board referred the matter to the Plan Commission for a public hearing regarding a potential Text Amendment to establish a minimum clear dimension for residential garages.

Mr. Hammel went over staff research that that showed that the standard minimum width of a one car garage is 8 feet. Research also showed that the actual clear dimension (when accounting for mounting and trim) is as narrow as 7 feet 6 inches

Staff proposed that language be added to Section 7.06(3) text amendment that reads: *“All residential garages shall provide a finished opening with a minimum width of 7.5 feet when the garage door is in its open position.”*

The Chairman asked if anyone from the public wished to provide comment, Let the record show that no one came forward.

Commissioner DeAngelis asked for clarification on parking requirements for residential properties. He asked if both garage parking and driveway parking are counted towards the off-street parking requirements.

Mr. Hammel stated that currently open-air parking spaces are currently not allowed to be counted toward zoning parking requirements, so driveway parking cannot officially be counted towards the off-street parking requirements. He did note that there have been ongoing conversations at the Village Board level about open-air parking spaces and potentially amending the code in relation to these regulations.

There was some discussion about why the Village is looking to regulate garage door widths. Commissioner Auerbach stated that when someone buys a property there is an assumption that their vehicle will fit in their garage. Commissioner DeAngelis stated its not up to the Village to make sure a prospective resident does their due diligence. Commissioner DeAngelis further stated that with the potential change to the code where open-air parking may be allowed the size of a garage door will no longer be relevant as the garage space will not be needed to accommodate off street parking requirements.

*A Motion was made by Commissioner Auerbach to adopt the proposed language from staff stating that the minimum garage door width while open be at least 7.5 feet.*

*The motion was seconded by Commissioner Sampen*

*Aye: Chairman Yohanna and Commissioners Kohn, Novoselsky, Sampen and Auerbach*

*Nay: Commissioner DeAngelis*

*Abstain:*

*Motion Approved: 5-1*

This item will go to the Village Board on September 17<sup>th</sup>, 2024

#### **VII. Next Meeting**

The next meeting of the Plan Commission is scheduled for Wednesday, September 4, 2024.

#### **VIII. Public Comment**

Chairman Yohanna announced the opportunity for additional comments from the public. Let the record show that no one came forward.

#### **IX. Adjournment**

*A Motion was made by Commissioner Sampen to adjourn the meeting.*

*The motion was seconded by Commissioner Auerbach.*

*Aye: Chairman Yohanna and Commissioners Kohn, DeAngelis, Novoselsky, Sampen and Auerbach*

*Nay:*

*Abstain:*

*Motion Approved: 6-0*

The meeting ended at 8:07 pm.

Respectfully submitted,

Marcos Classen

Community Development Coordinator



***Draft MEETING MINUTES  
OF THE  
PLAN COMMISSION – Special Meeting  
September 4, 2024 – 7:00 P.M.***

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

**Present:** Chairman Mark Yohanna and Commissioners Steven Jakubowski, Adi Kohn, Mark DeAngelis, Henry Novoselsky, Don Sampen, and Sue Auerbach

**Absent:**

**Staff Present:** Planning and Economic Development Manager Doug Hammel, Community Development Director Scott Magnum, Public Works Director John Welch, Village Manager Anne Marie Gaura, Village Trustee Atour Sargon, Community Development Coordinator Marcos Classen, and Village Attorney Hart Passman

**I. Call to Order**

Call to order at 7:04 pm

**II. Pledge of Allegiance**

Commissioner Jakubowski and arrived at 7:06

Chairman Yohanna announced that due to the nature of the two items on the docket for this meeting that both items would be called at the same time.

**III. Case #PC-06-24: Zoning Text Amendment – Zoning Text Amendment Regarding the Permissibility of a College or University in the B-2 General Business Zoning District**

**IV. Case #PC-07-24: 3420 West Devon Avenue – Approval of Special Uses, Zoning Variations, and Parkway Parking for the Proposed Redevelopment of 3420 West Devon Avenue**

Planning and Economic Development Manager Doug Hammel gave some background about the request. The initial presentation went over the text amendment necessary to allow the proposed use (College) in the B-2 zoning District. The second half of the presentation went over the

various zoning approvals being requested as well as the Parkway Parking relief that is typically not under the purview of the Plan Commission.

Mr. Hammel stated the presentation for PC-06-24 by giving some background on the history of the property at 3420 W. Devon noting that the property has been vacant for quite some time. The new proposed use would be for a college with onsite lodging for up to 42 people.

For the text amendment there are three sections that would require amendments:

Section 2.02: zoning definition for “college or university” as the current definition of “college or university” does not contemplate on-site lodging

Table 4.01.1: Establishes “colleges or universities” as allowed by Special Use in O Office and M-B Manufacturing/Business zoning districts, prohibited in all other districts

Section 7.10: Establishes minimum off-street parking requirement of 1 space for every 5 students, based on capacity, plus 2 spaces per 3 employees.

Mr. Hammel went over the discussion of the Committee of the Whole about the proposed development highlighting the overall support of the proposed development but also noting some of the concerns the Village Board feel needed to be addressed.

Mr. Hammel went over the proposed Zoning Text Amendments which would look to meet the following objectives:

Allow the proposed use at the subject property through Special Use approval

Limit the potential for proliferation

Differentiate on-site lodging from traditional dwelling units

Consider whether minimum off-street parking standards are needed for on-site lodging

The amendments to Table 4.01.1 Permitted and Special Uses in All Zoning Districts would be to:

Amend the current “college or university” line item with an “S (see note 13)” under the B-2 column to indicate that it is an allowable use through Special Use approval in that district

Add new notes #13 stating “colleges and universities are only allowed within that portion of the B-2 District extending along Devon Avenue between Lincoln Avenue and McCormick Boulevard, and only on sites with a minimum lot area of at least one-half acre and a minimum lot frontage of 250 feet.”

The Amendments to Section 2.02 Definitions include:

Amend the current definition for “college or university” to read “an educational institution either authorized by the State of Illinois to award associate, baccalaureate, or higher degrees, or operated by a local school district to provide post-high school training related to employment and life skills. A college or university may also include lodging in the same structure as the primary use for occupancy by faculty, staff, or students actively involved in the operation of the use.”

Amend the current definition of “dwelling” to read “a building or portion thereof designed or used exclusively for non-transient residential purposes, including single-family, two-family and multiple-family dwellings, but not including lodging rooms in hotels, motels, rooming houses, colleges or universities, or short-term rental properties.”

There was some discussion of this type of development being proposed in a TIF district versus it not being in a TIF district.

Finally for the potential amendment to Section 7.10 Off Street Parking Schedule. Mr. Hammel noted that staff was not able to find a generally utilized or recommended approach, but he did share staff research showing how other local municipalities account for dwelling parking requirements.

Mr. Hammel transitioned to presenting case PC-07-24 again noting that without an approval of PC-06-24 that the second case couldn't even be considered.

Mr. Hammel went over some of the physical characteristics of the proposed development. He noted that the building would have a primary height of 47 feet, but portions of a decorative façade material would extend to a height of approximately 51 feet and mechanical and elevator towers would extend to a height of 54 feet.

Mr. Hammel spoke about the various setbacks of the proposed development including:

Located immediately adjacent to the front lot line along Devon Avenue

Majority of the structure would be set back 19 feet from the north lot line along the alley, with only a small loading/trash area being approximately 11 feet from that lot line

West façade would be set back 6.7 feet from the Trumbull Avenue lot line. A new sidewalk, accessible to the public, would be located between the building and the proposed parkway parking on the east side of Trumbull Avenue

Mr. Hammel went over the proposed vehicular access noting that three existing curb cuts would be removed, and vehicular access to the site would be provided exclusively through the alley north of the property. Ten parking spaces would be accessed with the alley serving as the drive aisle

Mr. Hammel went on to speak about some of the operational characteristics of the proposed development. He noted that the design capacity account for 42 people to lodge on site but that the petitioner expects the actual number of on-site lodgers to be around 25-30 people most school years. He further stated that the overall number of students to be around 120 with 30 administration, staff, and faculty. Classes would be held Sunday through Thursday, year round (three semesters). Mr. Hammel also noted that a loading/trash area would be located at the northwest corner of the building and accessed from the alley north of the building. This area would house a 10-yard dumpster that would be serviced two to three times per week, with servicing vehicles idling in the alley adjacent to the proposed loading/trash area.

For the proposed development there are two special uses required, along with eleven variations, and two parkway parking approvals:

Required Special Uses include those pursuant to:

1. Section 4.01.1 to allow a college or university in the B-2 General Business zoning district (assuming the Plan Commission recommends approval of a Text Amendment as a result of case #PC-06-24)
2. Section 7.06(5) to allow parking in the corner side yard abutting the east lot line of the subject property.
  - A. The proposed development includes on-site parking spaces in the parking lot at the east end of the property and along the north lot line
  - B. The interpretation of yards is ambiguous for this property, but based on the orientation of the lot along Devon Avenue and adjacency to two side streets, staff feels it is appropriate to consider the Kimball Avenue frontage a corner side yard
  - C. Based on that interpretation, a Special Use pursuant to this provision is required

Required Variations include relief pursuant to:

1. Section 3.13(13)e to allow a masonry fence in the corner side yard abutting the south and east lot lines of the subject property
  - A Variation is required to allow a masonry fence that encroaches into the corner side yard, meets the zoning definition of a “solid fence”, and has a height of seven feet
2. Section 4.07(3) to waive the requirement for a setback of 22 feet when abutting the rear yard of a residential property, allow the required buffer yard to be used

for parking, and waive the required landscape screening when windows exist more than 20 feet above grade.

A Variation is required to waive the requirements of Section 4.07(3)

3. Section 4.07(5) to allow for outdoor operations to accommodate an open-air courtyard toward the center of the site.

A Variation is required to allow these outdoor spaces

4. Section 4.13 to allow a building with a height greater than 35 feet to accommodate a building with a height of 47' to predominant parapet, 51' to the secondary parapet.

Based on the proposed building height of 51 feet, a Variation from this provision is required.

5. Section 6.03(1)c to waive the requirement for a 5'-foot wide sidewalk along the rear façade of the building to accommodate on-site parking. The proposed spaces along the north façade of the building result in no space for a sidewalk

A Variation from this provision is necessary to waive the requirement for a sidewalk along the north façade of the building

6. Section 6.04(3)b to allow a building that does not incorporate specified high-quality materials into at least 75% of each elevation. The north elevation of the structure includes concrete blocks that comprise 78% of that elevation

A Variation is required to waive the requirements of Section 6.04(3)

7. Section 6.14(1) to waive or reduce the width of landscape screening along the west, east and north sides of the parking lot. The proposed spaces along the north façade of the building result in no space for a sidewalk. The proposed spaces along the north façade of the building result in no space for a sidewalk

A Variation from this section is necessary to waive the requirement for the landscape area

8. Section 6.14(2) to waive or reduce the width of required landscape islands at each end of parking aisles in the parking lot and rear parking area. The islands at the north end of the parking lot provide the required area and landscape elements. The islands at the south end of the parking lot do not comply with the required minimum area. There are no landscape islands proposed at either end of the parking spaces along the north side of the building

A variation from this section is required to a) reduce the area of the islands at the south end of the parking lot and b) waive the requirement for islands at either end of the parking spaces along the north end of the building

9. Section 6.16(1) to waive the required transition yard setback and landscape screening requirements. Due to the proposed building setback and parking spaces along the north lot line, no landscape buffer or screening is proposed

Variation is necessary to waive compliance with this requirement

10. Section 7.10 to reduce the amount of required off-street parking. Based on the floor plans submitted by the Petitioner, staff estimates the maximum capacity to be 183 students and 13 faculty at peak capacity. That assumed maximum capacity results in a total required parking capacity of 45 spaces. The proposed site plan includes a total of 28 parking spaces.

A Variation is necessary to reduce the amount of required parking by 17 spaces

There were some clarifying questions by the Commissioners to understand how staff calculated the number of required spaces. The key point in calculating the number of spaces is based on peak capacity. It was noted that the parkway parking on Devon and Trumbull could not be included in the Zoning Calculation but that the Plan Commission can take those spaces into consideration when looking at this variation.

11. Section 7.08(2) to waive the required loading space. The proposed 35,000-square foot building requires one loading space with a minimum width of ten feet and a minimum depth of 55 feet. The proposed loading/trash area in the northwest corner of the building is substantially smaller than these dimensions and would be obstructed by dumpsters and possibly other elements. It is also proposed that vehicles would idle in the alley and would not enter the loading/trash space

A Variation from Section 7.10 is necessary to waive the requirement of one off-street loading space

Mr. Hammel noted that for this proposed development that the Plan Commission has been given the authority to offer a recommendation about Parkway Parking Approvals. Typically, this type of relief would be heard by the Traffic Commission but the Village Board referred this request to the Plan Commission so it could be considered within the context of the overall development.

Required parkway parking approvals include:

1. Approval of parkway parking, pursuant to Sections 6-5-17 through 6-5-23 of the Village Code, to allow for the installation of seven spaces on the east side of

Trumbull Avenue. This would be a net gain of 5 spaces and as a result two mature trees would be removed, and one new tree would be planted.

2. Approval of a Parkway Parking Variation from Section 6-5-18-A to allow the removal of a sidewalk in the public right-of-way as part of a parkway parking improvement. The proposed configuration would relocate a sidewalk in the public right-of-way onto the Petitioner's private property. Staff recommends approval of a Parkway Parking Variation from Section 6-5-18 based on Petitioner's proposal including a new sidewalk on their private property

Mr. Hammel then spoke about the potential traffic impacts that the proposed development may create with some considerations that the Plan Commission could add to a recommendation to limit egress north into residential areas. There was some discussion about how a similar stipulation for the Starbucks development, Mr. Hammel noted that while similar due to the egress being in a public alley, the petitioner is limited in adding a physical deterrent to do north.

Mr. Hammel spoke about the Parking Capacity of the site and about how staff determined the required spaces. He noted that the public spaces could not be used in any calculations because public spaces are not under the full control of the petitioner. Mr. Hammel also went over the Village Engineers peer review.

Mr. Hammel went over staff recommendations regarding parking capacity:

That at any point within 12 months of the initiation of the active operation of the proposed use, the Village may request with 30 days' notice that the Petitioner contract with a third-party consultant and deliver to the Village the results of a survey of on-street parking on the 6400 blocks of Trumbull Avenue and Kimball Avenue, or a geographic area to be determined by the Village, with the intent of gathering data to determine whether the standards related to resident-only parking restrictions are being met

That the Petitioner cannot object to any resident-only parking restrictions that may be applied for (by either adjacent residents or the Village) on the 6400 blocks of Trumbull Avenue and Kimball Avenue, or a geographic area to be determined by the Village

That the Petitioner provide a minimum of 15 days' advance notice of any special events at the subject property that exceed the capacity of the normal day-to-day operation of the use for educational instruction, and present to the Director of Community Development a parking plan for the event that may include valet parking in accordance with Chapter 9, Article 18 of the Village Code, agreements with nearby properties for remote parking, or other strategies as deemed appropriate by the Village.

There was some discussion and clarifying questions about the recommendations from the Village Engineer.

There was discussion about the needed height variations and the accompanying shadow impact study that was conducted.

There was discussion about the variation needed due to the façade design of the building.

There was discussion about the reliance on the alley access. Mr. Hammel noted that when a proposed development would have this level on impact on an alley, typically the Village would look to have the developer improve the alley. This alley may be included in a planned program from the Village to install green alleys. As a result, staff deems that it would be impractical to rebuild the alley as a part of the proposed development and the standard payment could be made by the petitioner to go towards the green alley development.

Commissioner DeAngelis asked if there were discussions about vacating this alley. Mr. Hammel noted that this idea was not a part of this proposed development.

There was discussion about the Parkway Parking along Trumbull Ave. As a part of the proposed development, the current sidewalk would be relocated onto the petitioner's private property. Staff would recommend that the Petitioner enter into an agreement, to the satisfaction of the Village Attorney, ensuring that the portion of that sidewalk located on the Petitioner's property will remain available to the public and providing direct connections to adjacent segments of the public sidewalk network.

There was discussion about proposed bike parking in the public right-of-way. Mr. Hammel also noted the Special Use and Variation Standards that need to be considered.

Mr. Hammel went over public comment that was received prior to this meeting.

Petitioners:

Hal Francke – Attorney

Rabbi Shmuel Schuman – Director

Dr. Chani Tessler – Dean

David Hartman – Family Representative

Michael Thompson – Architect

Peter Lemmon – Traffic Engineer

Alexa Falbo - Civil Engineer

Brenden Penny - Attorney

Mr. Francke gave an opening statement that highlighted what the petitioner's presentation would go over.

Rabbi Schuman gave a history of the Hebrew Theological College (HTC) and spoke about the current location and the vision for moving the women's college (Sarah Hartman Women's College of Touro at HTC) to Lincolnwood.

Dr. Tessler spoke about the curriculum of the college and the culture of the students who attend.

There was some discussion about the current number of students and the anticipated growth in students. Rabbi Shuman stated that they do expect growth and hope to see the number of student rise over the first five years. He hopes that the number of students may approach 120 in the first 5 years. There was discussion about current students and Dr. Tessler spoke about the amount of people that she's observed parking at their current location.

Mr. Hartman gave history about his grandmother whom the college was named in honor of.

Mr. Thompson spoke about the goals when designing the proposed development.

There was some discussion about the proposed materials and why these specific materials were chosen.

Mr. Thompson showed some mockups of how the finished building would look.

Commissioner Auerbach asked if they considered building over the proposed parking lot instead of adding a third level. She noted that the proposal calls for a lot of variations but feels that as developed the designers left a lot of options on the table.

Mr. Thompson stated that while building over the parking area was considered it was ultimately not included in this plan for a few reasons. It wasn't desirable to create a covered parking lot (aesthetics, maintenance), they wanted to highlight the center courtyard as part of the design, and the budgetary impact of that sort of design.

Commissioner DeAngelis noted that the current height restrictions in the Zoning Code are lower than neighboring communities and if Lincolnwood wants to be able to compete with these communities, then we need to look at updating our restrictions to match those of our neighbors.

Commissioner Auerbach also asked about the high ceilings on the first floor. Instead of a 17-foot-high ceiling maybe reduce that height slightly.

Mr. Thompson stated that this is an aspect that the design team is willing to take another look at.

Mr. Lemmon addressed the Commission to speak about traffic evaluation and parking study. He spoke about the uniqueness of this development. The typical university usually accounts for enrollment in the thousands of students where this development in capped at no more than 200. The normal scale is thrown off as a result. So, they used the existing campus in Chicago as a basis for their parking study. Based on the peak usage over the three-day study, they determined that the peak parking need would be 27 spaces based on current enrollment.

Mr. Lemon also addressed the plan to deal with special events and how parking would be addressed. It was noted that some off-street parking has been secured with 19 spaces for special events at nearby Bais Chaim Dovid. Mr. Lemmon also went over a parking management plan that was a result of the parking study.

Ms. Falbo went over the grading and drainage plan for the proposed development. Ms. Falbo also went over the current Landscape plan.

There was some discussion about the upcoming Green Alley plan. Public Works director gave some overview of the project as well as explained how funding was received.

Mr. Penny gave a summary of what the petitioner is looking for, going over the requested special uses, variations, and parkway reliefs.

The Chairman opened up the discussion for Public Comment.

Matthew Stanton – 6400 block of Trumbull – Spoke about how he is not against the development but feels that the lack of onsite parking is absurd. He feels that there wasn't a lot of thought into the potential growth. He feels that too much of the burden of this development falls on the residents of the area. He presented a petition that was signed by 19 area neighbors stating their objection to the project.

Steve Sfikus – 6400 block of Kimball – Stated that the area parking is already congested due to the post office across the street. He also spoke about the height of the building.

Linda Lampert – 6400 block of Kimball – Overall is against this development, she feels that it would better fit in a bigger space somewhere else in the Village.

Marla Lampert – 6400 block of Kimball – Overall is against this development, she feels that it would better fit in a bigger space somewhere else in the Village. Also raised questions about property taxes and decrease in tax revenue.

Rita Liptschitz – Assistant Dean for Sarah Hartman Women's College spoke in favor of the project.

Ahuva Guttman – Alumnus of Sarah Hartman Women's College spoke in favor of the project.

Mr. Markovits – 6700 block of Trumbull – Spoke in favor of the proposed development, thinks it would be a benefit to the community as a whole.

Joel Gordon – 6500 block of Central Park – Spoke in favor of the project. He is looking forward to the site being developed after so long.

Mark Hartman – 6600 block of Central Park – Spoke in favor of the project, thinks it would be a benefit to the community.

The commissioners then began their discussion about the cases.

Commissioner Novoselsky spoke about the first case PC-06-24 stating that he strongly opposes adding a college use to the B-2 zoning district. He feels that the proposed plan works against the

2016 Comprehensive Plan. Further he states that the Village should not even consider this proposal because the use itself should not be allowed in this zoning district.

Commissioner DeAngelis spoke in opposition of Commissioner Novoselsky's comments stating that the Comprehensive Plan is not law and that it encourages both religious institutions and schools, maybe not in this specific area of the Village.

Commissioner Sampen is in favor of this type of development in the Village. But he does wonder if the location of the proposed development fits.

Commission Kohn spoke about being in favor of this project. Feels that this would help revitalize the abandoned space. She feels that there the petitioner seems to be willing to work with the Village to adapt the proposed plan

Commissioner Auerbach hopes that her earlier comments didn't skew others about the project in a negative way. She spoke about how she feels that the use would be a good fit and use for the long-abandoned site. She feels that with some tweaks to the plans that this could be a viable plan. She reiterated that she feels that the first-floor height can be lowered to a twelve-foot height to alleviate some of the height concerns.

Commissioner Jakubowski spoke about how he didn't feel that Commissioner Novoselsky's comments were accurate. He also stated agreed with the comments of Commissioner Auerbach and feels that the petitioner didn't fully take into account the impact that some aspects of the project would have on the neighbors. He feels that the approach was a little to insular and that some aspects of the project should be reconsidered. He recommends that the petitioner scales back the project slightly and bring it back.

It was determined that the Commission would vote on PC-06-24 first.

***A Motion was made by Commissioner Novoselsky to deny the request for a text amendment to allow for a college in the B-2 zoning district.***

***The motion was seconded by Commissioner Sampen***

***Aye: Chairman Yohanna and, Commissioners Novoselsky, and Sampen***

***Nay: Commissioners Jakubowski, Kohn, DeAngelis, and Auerbach***

***Abstain:***

***Motion Failed: 3-4***

***A Motion was made by Commissioner Auerbach to approve the request for a text amendment as presented by staff to allow for a college/university in the B-2 zoning district.***

***The Motion was seconded by Commissioner Jakubowski.***

Commissioner DeAngelis asked the Village Attorney when adding an amendment to an open motion would be appropriate.

Mr. Passman stated that any amendment should be made prior to the vote on the original motion.

***Commissioner DeAngelis made a motion to amend the motion made by Commissioner Auerbach to increase the allowed height for new buildings to 45 feet to match that of other nearby municipalities.***

There was discussion about the validity of the motion.

Mr. Passman noted that while the motion does follow Robert's Rules, the subject of the amendment was not noticed for tonight's meeting and an amendment like that could have unforeseen repercussions.

***Commissioner DeAngelis rescinded his amendment to the motion.***

The commissioner then voted on the original motion made by Commissioner Auerbach

***Aye: Commissioners Jakubowski, Kohn, DeAngelis, and Auerbach***

***Nay: Chairman Yohanna and, Commissioners Novoselsky, and Sampen***

***Abstain:***

***Motion Approved: 4-3***

***This item will go to the board in conjunction a recommendation regarding Case PC-07-24.***

The commission then moved to discuss PC-07-24

Commissioner Jakubowski stated that the number of sought reliefs are not out of the norm in his opinion. He did note some concern over two of the requested reliefs regarding the building setback and the building height. He feels that the petitioner should rework the plans and bring it back to the commission.

Commissioner Auerbach also feels that the plans should be altered and brought back to the Commission.

Commissioner Kohn overall feels that the plan is a sound one. She does concur with the previous commissioners that the petitioners can work on the building height and then come back to the Commission.

Commissioner Sampen concurs with the other commissioners that the plans should be reworked and brought back to the Commission.

Commissioner DeAngelis stated that he thinks that the Village needs to look at the height regulations independent of this case as a separate topic. He feels that these types of regulations make it difficult for Lincolnwood to complete with neighboring communities for these types of projects. He stated that he believes that height should be 45 feet. He went on to state that he doesn't believe that parking will be an issue at all at the site.

Commissioner Novoselsky reiterated his earlier statements that the proposed development is too big and too tall for the lot and that the proposed rear setback is too short and will have a large impact on the residents of the area. He also stated that the hardship threshold hasn't been reached.

Chairman Yohanna stated that he agrees with Commissioner Novoselsky. He stated that he doesn't believe that the standards have been met to approve the requested variations. Further he feels the development is too big for the proposed lot.

***A Motion was made by Commissioner Novoselsky to deny all the special uses and variations.***

***The motion was seconded by Commissioner Sampen***

This motion does not include the Parkway Parking reliefs.

Before the vote the attorney for the Petitioner stated that the petitioner would be agreeable to revise the proposed plans and bring it back to the commission if given the opportunity to.

There was discussion about the impacts of continuing this case to a future meeting.

***Commissioner Novoselsky withdrew his motion***

***Commissioner DeAngelis moved to continue this case to the September 30, 2024 meeting***

***The motion was seconded by Commissioner Kohn***

Chairman Yohanna left the meeting 11:18 pm

There was discussion if a new Chairman needed to be appointed before continuing.  
A vote was taken to appoint an acting Chairman

***Motion by Commissioner DeAngelis to recommend Commissioner Jakubowski be appointed Temporary Chairman of the Plan Commission for the duration of this meeting***

***The Motion was seconded by Commissioner Auerbach***

***Aye: Commissioners Jakubowski, Kohn, DeAngelis, Sampen and Auerbach***

***Nay: Commissioner Novoselsky***

***Abstain:***

***Motion Denied: 5-1***

The commission voted on the motion to continue the hearing to September 30, 2024.

***Aye: Commissioners Jakubowski, Kohn, DeAngelis, Sampen and Auerbach***

***Nay:***

*Abstain: Commissioner Novoselsky*  
*Motion Denied: 5-0*

**V. Next Meeting**

The next meeting of the Plan Commission is scheduled for Wednesday, September 30, 2024.

**VI. Public Comment**

Temporary Chairman Jakubowski announced the opportunity for additional comments from the public. Let the record show that no one came forward.

**VII. Adjournment**

*A Motion was made by Commissioner DeAngelis to adjourn the meeting.*

*The motion was seconded by Commissioner Sampen.*

*Aye: Acting Chairman Jakubowski and Commissioners Kohn, DeAngelis, Novoselsky, Sampen and Auerbach*

*Nay:*

*Abstain:*

*Motion Approved: 5-0*

The meeting ended at 11:24 pm.

Respectfully submitted,

Marcos Classen  
Community Development Coordinator



## Plan Commission Staff Report

### Case # PC-08-24

September 30, 2024

#### **Nature of Request:**

Consideration of a referral by the Village Board Committee of the Whole to 1) amend Section 2.02 Definitions of the Zoning Ordinance to establish a definition for a term intended to describe retailers whose predominant revenue is derived from the sale of tobacco, tobacco-related products, alternative nicotine products, or electronic smoking devices and 2) amend Table 4.01.1 Permitted and Special Uses in All Zoning Districts, to prohibit such uses in all zoning districts.

**Notification:** Notice was published in the Lincolnwood Review on July 18, 2024. The hearing regarding this matter was originally held on

#### **Background**

During its regular meeting held on August 7, 2024, the Plan Commission initiated a public hearing regarding potential Text Amendments intended to limit or prohibit the future establishment of “retail tobacco stores” (as opposed to general retail stores that sell tobacco and tobacco-related products as incidental products). During that hearing, staff presented information related to:

- Current regulations in the Zoning ordinance and other chapters of the Village Code that relate to the permissibility and licensing of retail tobacco stores;
- Research regarding the number of retail tobacco stores in the Village relative to other surroundings communities;
- Actions already taken by the Village Board to cap the number of retail tobacco store Business Licenses, limit their transferability, and increase fees associated with their annual renewal;
- Direction provided by the Village Board Committee of the Whole regarding its desire to prohibit additional retail tobacco stores in the future; and
- Potential zoning language that would establish a definition for “retail tobacco stores” in the Zoning Ordinance and make that use prohibited.

During discussion on August 7, the Plan Commission made the following findings:

- Commissioners discussed the differences between retail tobacco stores and other uses that offer tobacco products as an incidental line of merchandise;

- Commissioners discussed their own interpretation of the intent of the Village Board and their intent to prohibit retail tobacco stores;
- A majority of Commissioners agreed that it is appropriate to establish a zoning definition of “retail tobacco stores” so that they can be regulated differently from other types of retail uses;
- Commissioners stated that the definition presented by staff does not clearly define the types of products that should be used to determine whether a use is a “retail tobacco store”;
- Commissioners had different opinions about what those products should be that would be used to determine whether a use is a “retail tobacco store”; and
- Commissioners noted that some types of tobacco retailers (such as cigar stores) convey a different type of image than the type of retailers that the Village Board is seeking to prohibit.

At the end of the discussion, Commissioners passed a motion (5-1 vote) recommending that Table 4.01.1 of the Zoning Ordinance be amended to prohibit vape and smoke shops, though it was noted that a definition for that term must be established before the recommended amendment is considered by the Village Board. Commissioners requested that staff provide additional information regarding the types of products that could potentially be subject to a definition that would be used to determine whether a proposed retailer qualifies as a prohibited use.

### **Additional Staff Research**

Staff conducted web-based research regarding categories of nicotine-based products, as well as a review of smoke and vape shops to understand the predominance of those products in retail spaces. The intent of this research is to provide the Plan Commission with the context necessary to answer two questions:

1. What types of products should be used to determine if a retailer meets the threshold to be considered a prohibited use; and
2. What is the threshold that should be used?

### **Types of Nicotine-Based Products**

The Food and Drug Administration (FDA) provides information on the following categories of nicotine-based products (more specific types of products are included under each category):

- Packaged tobacco-based products
  - Cigarettes, cigars/cigarillos/filtered cigars, hookah/waterpipe tobacco/maassel/shisha/narghile/argileh
- Loose leaf tobacco
  - Pipes, roll-your-own tobacco

- Smokeless tobacco
  - Dip, snuff, snus, chewing tobaccos
- Electronic nicotine delivery systems (ENDS)
  - Vapes, vaporizers, vape pens, hookah pens, electronic cigarettes (e-cigarettes or e-cigs), e-cigars, and e-pipes are some of the many tobacco product terms used to describe electronic nicotine delivery systems (ENDS)
- Non-Tobacco Nicotine (NTN) products
  - Synthetic nicotine
- Other nicotine products
  - Nicotine pouches, gels, dissolvable nicotine products

Much of the August Plan Commission discussion focused on identifying what types of products should be used to determine whether a retail use exceeds a permitted threshold of “tobacco products” or “tobacco accessories”. (Staff offered draft definitions of each of those terms.) Given the categories provided above, staff is seeking the opinion of the Plan Commission regarding which overall categories, or which specific products, should be captured by the definitions of “tobacco products” and “tobacco accessories”, and conversely which ones may be explicitly excluded from those definitions. Those terms would then be used in the definition of “retail tobacco store” discussed in the next section of this report.

### **Definition of “Retail Tobacco Store”**

It should be noted that there was some discussion regarding the appropriateness of “retail tobacco store” as the term used to differentiate general retailers that may offer tobacco products and paraphernalia as incidental products versus those that offer them as a primary product line. Staff is seeking the Plan Commission’s preference regarding the actual term to be used, but for the purposes of this report is using “retail tobacco store” to make that distinction.

Staff previously presented the following draft definition of “retail tobacco store”: *“a retail establishment that derives more than 80% of its gross revenue from, or dedicates more than 10% of the gross floor area of the use to, the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental.”* The Plan Commission noted two key concerns regarding this definition:

- That it will be impossible to monitor the percentage of sales revenue related to tobacco products; and
- That the 10% threshold for gross floor area should be examined to ensure it is appropriate for making the distinction between general retailers and retail tobacco stores.

In terms of the 10% threshold, staff observed several smoke and vape shops and determined that the majority of their display area is dedicated to tobacco products or tobacco-related paraphernalia (as opposed to general retail products like soft drinks, snacks, etc.) Therefore, in order to ensure that small retailers that offer tobacco as an incidental product (i.e. gas stations or small convenience stores) are not inadvertently and adversely impacted by a zoning definition, staff recommends that the definition for “retail tobacco store” read as follows:

“Retail tobacco store”: *“a retail establishment that dedicates more than 20% of the gross floor area of the use to the display or inventory of tobacco products or tobacco accessories and in which the sale of other products is merely incidental.”*

The definition above would be supplemented by the definitions of “tobacco products” and “tobacco accessories” described in the previous section of this report.

### **Public Comment**

At the time of the drafting of this report, staff had not received any public comment regarding this matter. Any comments received after the distribution of this report will be provided to the Plan Commission during the public hearing.

### **Requested Action**

Staff requests feedback from the Plan Commission regarding the information presented in this report. Specifically, staff requests that the Plan Commission seek to establish language regarding the following proposed Zoning Text Amendments:

- A definition of “tobacco products” based on staff’s research of categories of nicotine-based products and the Commission’s preference for what categories should be included or excluded from that definition;
- A definition of “tobacco accessories” that encompasses instrument related to the processing or delivery of tobacco products;
- A definition of “retail tobacco store” establishing a certain threshold of floor area that can be dedicated to the display and inventory of tobacco products or accessories before it is considered such a use; and
- An Amendment to Table 4.01.1 of the Zoning Ordinance to establish “retail tobacco stores” as a prohibited use in all zoning districts.

### **Documents Attached**

1. Relevant Regulations

# Attachment #1. Relevant Regulations

## Chapter 10: Liquor and Tobacco

### Article 3: Comprehensive Regulation of Tobacco Products

#### 10-3-2 Definitions.

The following words, terms and phrases, when used in this Article 3, shall have the meanings ascribed to them in this Section 10-3-2, except where the context clearly indicates a different meaning.

**E-CIGARETTE:** An electronic device that typically includes a mouthpiece, a heating element or atomizer, a battery, and electronic circuits; provides a gas derived from a liquid that includes nicotine, propylene glycol, or similar substance and perhaps other substances; and is inhaled by a user in a manner that simulates or resembles smoking. The term "e-cigarette" includes all manner of these devices, regardless of the details of a device's appearance or marketed name, that are manufactured to resemble a cigarette, cigar, pipe, or other smoking device. The term "e-cigarette" includes the cartridges and component parts of an e-cigarette, individually or in any combination.

**RETAIL TOBACCO STORE:** A retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental.

**TOBACCO ACCESSORIES:** Cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines and other items, designed primarily for the smoking or ingestion of tobacco products or of substances made illegal.

**TOBACCO PRODUCTS:** Any substance containing tobacco leaf, including, but not limited to, cigarettes, e-cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and dipping tobacco.

#### 10-3-11 Proximity to certain institutions.

It shall be unlawful for any licensed cigarette-tobacco dealer to locate a retail premises within 200 feet of any school, child-care facility or other building used for the education or recreational programs for persons under the age of 18 years, measured at the lot line and excluding streets and alleys, unless at least 90% of the floor area of cigarette-tobacco dealer retail premises is devoted to the sale of nontobacco products and accessories.



## Plan Commission Staff Report

### Case # PC-10-24

September 30, 2024

#### **Nature of Request:**

Consideration of a referral by the Village Board Committee of the Whole to amend Section 7.06 of the Zoning Ordinance to allow the stacking of parking spaces in the M-B Light manufacturing and Business zoning district, without each space having direct access to a drive aisle or right-of-way.

**Notification:** Notice was published in the Lincolnwood Review on August 15, 2024. The public hearing regarding this matter was originally initiated on September 3, 2024, and was continued to September 30, 2024.

#### **Background**

On September 3, 2024, the Plan Commission initiated a public hearing related to potential Zoning Text Amendments that would allow properties in the M-B Light Manufacturing & Business zoning district to stack parked vehicles under certain circumstances in order to increase parking capacity. As part of that hearing, staff presented the following information:

- A summary of observed parking scenarios on private properties and public rights-of-way in various portions of the M-B zoning district;
- A summary of various actions discussed by the Village Board Committee of the Whole related to possible parking solutions and public outreach; and
- Potential zoning concepts aimed at providing greater flexibility for property owners who seek to maximize parking capacity through the use of stacked parking configurations.

During discussion, the Plan Commission provided the following comments:

- Commissioners generally agreed that property owners should be provided a greater level of flexibility to address a significant challenge in the M-B zoning district;
- Commissioners discussed the possibility of a reconfigured right-of-way that would provide greater opportunities for on-street parking;
- Commissioners noted that cars parked along the public curb could have an impact on vehicles accessing and egressing private parking areas; and
- The Plan Commission continued the matter to allow staff to address their comments and questions.

The remainder of this report provides additional information regarding potential amendments to the Zoning Ordinance as well as other portions of the Village Code that would be necessary to achieve the goal of greater parking capacity.

### **Previously Proposed Zoning Text Amendment**

Staff previously presented a zoning concept that, if supported, could be the foundation of language amending Section 7.06(3) of the Zoning Ordinance. That section currently states that *“each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.”* Based on this language, the stacked parking configurations observed in the M-B zoning district are not permitted because the designated on-site spaces are not provided a safe and efficient means of access to the public street.

Staff’s previously proposed zoning concept would include additional language to this section that would allow stacked parking configurations on properties located in the M-B zoning district in the following circumstances:

- Stacked parking plan would submitted by a property owner to the Community Development Department;
- The parking plan would be required to indicate which spaces are eligible for stacking versus those that cannot be obstructed from safe and efficient access to a drive aisle or public street;
- The parking plan would have to describe the nature of the use and demonstrate that arrival and departure patterns for occupants using the stacked spaces will not create regular conflict of those spaces are blocked by other vehicles;
- The approval would be subject to the discretion of the Director of Community Development, with advice or direction being provided by the Fire Chief, Chief of Police, and Director of Public Works; and
- The approval could be subject to certain conditions or required improvements, including but not limited to signage, the painting of curbs, or modifications to curb cuts to clearly distinguish between spaces that are eligible for stacking and others where stacking is prohibited.

### **Proposed Supplemental Code Amendments**

The bullet points in the section above can stand on their own for stacked parking entirely on private property. However, as noted earlier in this report, one key shortcoming identified by the Plan Commission is that this language does not address a scenario where on-site parking spaces are not stacked, but they would be obstructed by cars parked in the public right-of-way along the adjacent curb. Parking on the public right-of-way is regulated by



Sections 6-5-16 through 6-5-23 (for designated parkway parking) and Sections 7-2-12 through 7-2-15 (restricted and prohibited parking) of the Village Code. Those sections could be amended as needed to accommodate the following:

- To allow the designation of “stacked parking” only along portions of the curb adjacent to a property seeking to implement stacked parking (as opposed to prohibited, restricted, or unrestricted parking areas);
- To allow those property owners to reserve those stacked parking spaces along the curb for use by their own occupants; and
- To allow staff to authorize certain nominal improvements to the public right-of-way in order to maximize the effectiveness of stacked parking along a curb in the public right-of-way.

Generally, Section 6-5 prohibits an individual property owner from reserving spaces in the public right-of-way for their own use. However, spaces intended for stacked parking operate differently because, short of approval for stacked parking, vehicles shouldn't be parked along those portions of the curb because they would restrict access to otherwise legal parking spaces on private property. Therefore, allowing the curbside spaces to be reserved would not limit on-street parking capacity, but rather would increase it through the lawful allowance of stacked parking.

### **Text Amendment Process**

The Text Amendments described in the previous section of this report are found in three separate chapters of the Village Code. The Plan Commission has purview over Chapter 15 Zoning of the Village Code, and has the authority to recommend approval of language related to the zoning concepts described by the bullet points on page 2 of this report. However, the Plan Commission does not have formal purview over Chapters 6 and 7 of the Village Code, which are the chapters that would need to be amended to implement the bullet points near the top of this page 3.

If the Plan Commission is inclined to recommend approval of zoning concepts set forth in this report, staff would seek a motion to:

- Recommend approval of a Text Amendment to Section 7.06(3) of the Zoning Code to establish the authority of the Director of Community Development to authorize stacked parking configurations on private properties under certain circumstances; and
- Recommend to the Village Board that Text Amendments be considered to Chapters 6-5 and 7-2 of the Village Code to facilitate the intended configuration of stacked parking involving vehicles parked in the public right-of-way.

The amendment to Section 7.06(3) of the Zoning Code could stand on its own and offer benefits to property owners in some situations. Then, if the Village Board is supportive of amendments to Chapters 6-5 and 7-2 of the Village Code, it could refer those amendments to the appropriate advisory commission along with the Plan Commission's record of this discussion.

**Public Comment**

At the time of the drafting of this report, staff had not received any public comment regarding this matter. Any comments received after the distribution of this report will be provided to the Plan Commission during the public hearing.

**Requested Action**

Staff requests feedback from the Plan Commission regarding the proposed zoning concepts set forth in this report (including potential amendments to both Chapter 15 Zoning and Chapters 6 and 7 of the Village Code). Should the Plan Commission conclude that any Zoning Text Amendments are appropriate, staff requests a recommendation regarding the nature of such Amendments.

**Documents Attached**

1. Photos of parking conditions in the M-B Light Manufacturing and Business zoning district
2. Relevant Regulations

Attachment #1. Photos of Parking Conditions in the MB Zoning District



## Attachment #2. Relevant Regulations

### Chapter 15 Zoning: Article 7 Off-Street Parking and Loading

#### 7.06 General standards for off-street parking facilities.

Off-street parking facilities shall be provided in accordance with regulations hereinafter set forth.

(3) Access. Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

### Chapter 6 Public Parks, Ways, and Properties: Article 5 Parkway Landscaping and Maintenance

#### 6-5-16 Parking limited to approved designated areas.

Parking of vehicles on Village parkways is prohibited except in specially designated parking areas that are specifically designed for parking as may be approved by the Village Board. In designating parking areas and parking spaces in Village parkways, the Village Board may:

- (A) Designate sections of Village parkways for parking spaces that are available to the general public, which may be free of charge, metered or otherwise controlled or used for a fee.
- (B) Designate sections of Village parkways for designated parking that may be used for a fee by an adjoining property owner.

#### 6-5-17 Application for designated parkway parking.

Any property owner may petition the Village to designate and approve portions of an adjoining parkway for restricted parking use. Applications requesting such designated parkway parking shall be made on forms approved by the Village Manager and shall include the following information and documents:

- (A) A description of the proposal, including the proposed number of parking spaces and the layout of requested parking.
- (B) The intended user(s) of the spaces.
- (C) A statement indicating that the proposal would meet the design standards contained in Section 6-5-18 of this Code, or absent full compliance, a statement as to what design standards would and would not be met by the proposal.
- (D) The requested term or arrangement with the Village for utilizing the designated parking area.
- (E) An acknowledgement that: (1) the affected parkway is and will remain the property of the Village; and (2) the Village will retain the right to utilize the parkway for purposes other than parking.

#### 6-5-18 Parkway parking design standards.

The use of any Village parkway for parking of vehicles shall be designed with the following features:

- (A) The location, design and layout of parkway parking areas and spaces shall not encroach upon, obstruct or interfere with pedestrian sidewalks or access, street traffic flow, off-street loading operations, drainage, fire hydrants, streetlighting, trees or any utilities that may exist in the public way.
- (B) Parkway parking areas shall include areas for installation of parkway trees to be installed at the sole cost and expense of the permittee that shall be located no less than every 50 feet apart. Such areas for trees shall be sufficient in size for long-term tree survival as determined by the Village Arborist.
- (C) A continuous nonmountable six-inch concrete curb shall separate parkway tree areas from parkway parking spaces.
- (D) A continuous nonmountable six-inch curb shall be installed between any adjoining sidewalk and any parking space. The use of concrete wheel stops for this purpose is prohibited.
- (E) No parkway parking space shall be located in any sight triangle of any street or driveway intersection or within 10 feet of any street or driveway apron, whichever is greater. Such sight triangle areas shall be installed and maintained with vegetative ground cover, grass, or sod.
- (F) Parking stall size shall be no less than nine feet by 18 feet, or as may be approved by the Village Engineer.

#### 6-5-19 Designated parkway parking considerations.

In considering any request for designated parkway parking, the Village Board shall consider the following:

- (A) Existing area parking demand and off-street parking availability.
- (B) On-street parking demand and availability.
- (C) Existing or prior use of the parkway for parking.
- (D) Compliance of the applicant with the Village's Landscape Ordinance.
- (E) Compliance of the parking proposal with the parking design standards of Section 6-5-18 of this Code.
- (F) The effect of compliance by the applicant with Section 6-5-13 of this Code and the elimination of continuous curb cuts and continuous driveway aprons on the parkway.
- (G) The comments of citizens and property owners, particularly those in close proximity to the proposed parking area.
- (H) The effect of the proposal on: street traffic flow, pedestrian access, and public safety; drainage and utilities; and fire, police, and emergency response.



## Plan Commission Staff Report

### Case # PC-07-24

September 30, 2024

**Subject Property:**

3420 West Devon Avenue

**Zoning District:**

B-2, General Business

**Petitioner:**

Hebrew Theological College, on behalf of 3420 Devon Building LLC, property owner

**Nature of Request:**

Approval of Special Uses, Zoning Variations, and Parkway Parking related to the development of a college



**Notification:** Notice was published in the Lincolnwood Review on July 18, 2024, Public Hearing Signs were installed at the subject property, and mailed legal notices dated July 15, 2024, were sent to properties within 250 Feet. The public hearing regarding this matter was initiated on September 4, 2024, and the Plan Commission continued it to September 30, 2024.

**Background**

On September 4, 2024, the Plan Commission initiated a public hearing regarding the approval of a proposed college with on-site lodging at 3420 West Devon Avenue, During that discussion, the Petitioner requested a continuance of the hearing to allow them to consider revisions that might address concerns expressed by Commissioners. As a result, the hearing was continued with a recommendation to September 30, 2024.

Since the September 4th discussion, the Petitioner has been working to revise plans. However, they were unable to submit plans in advance of the September 30, 2024, Plan Commission meeting and have requested that this matter be continued to allow additional time. Staff requests that the Plan Commission continue this case, without discussion, to the November 7, 2024, regularly scheduled meeting of the Plan Commission.