



**MEETING MINUTES
OF THE
PLAN COMMISSION
August 7, 2024 – 7:00 P.M.**

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

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

Absent: Chairman Mark Yohanna

Staff Present: Planning and Economic Development Manager Doug Hammel, Community Development Director Scott Magnum, Community Development Coordinator Marcos Classen, and Village Attorney Hart Passman

I. Call to Order

Commissioner Jakubowski noted a quorum and called the meeting to order at 7:02 pm.

There was discussion to nominate Commissioner Jakubowski as Acting Chairman for tonight's meeting.

A Motion was made by Commissioner Novoselsky to appoint Commissioner Jakubowski as Acting Chairman for tonight's meeting.

The motion was seconded by Commissioner DeAngelis.

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

Nay:

Abstain: Commissioner Jakubowski

Motion Approved: 5-0

II. Pledge of Allegiance

III. Approval of Minutes

Motion to approve the June 5, 2024, Plan Commission Minutes was made by Commissioner DeAngelis and seconded by Commissioner Novoselsky.

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

Nay:

Abstain: Acting Chairman Jakubowski

Motion Approved: 5-0

- IV. **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**
- V. **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 explained that there was an issue with the public notice and the properties that should have been notified about the case by the Village were not mailed a notification letter. As a result, the meeting cannot move forward until proper notices are mailed out. It is currently planned for this item to return at next month's meeting.

A Motion was made by Commissioner Sampen to continue both cases to the next regular scheduled meeting on September 4th.

The motion was seconded by Commissioner Novoselsky.

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

Nay:

Abstain:

Motion Approved: 6-0

- VI. **Case #PC-08-24: Zoning Text Amendment – Zoning Text Amendment Regarding the Permissibility Retail Tobacco Stores in All Zoning Districts**

Planning and Economic Development Manager Doug Hammel presented background about recent discussions and actions by the Village Board regarding the appropriateness of tobacco retailers throughout the Village. The Village Board is undertaking a series of actions to limit the number of such retailers and ultimately prohibit them as a distinct use.

Currently in the there is no distinction between a tobacco retailer and other general retailers in the Zoning Code. With the current definition tobacco retailers are permitted in the B-1, B-2, and B-3 districts, and in the portions of the M-B district within the Retail Overlay Zone.

Mr. Hammel spoke about changes the Village Board has taken outside of the Zoning Code to help regulate tobacco retailers throughout the Village. In Chapter 10 of the Village Code a “retail tobacco store” is defined as “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.” Based on this definition there are currently 8 tobacco retailers in Lincolnwood.

Commissioner DeAngelis asked if the 80% of its gross revenue included online revenue.

Mr. Hammel stated that he did not have that information at this time.

Mr. Hammel went over data that staff collected comparing the number of tobacco retailers in Lincolnwood versus the other local municipalities. Based on the data researched by staff it showed that Lincolnwood has close to twice as many retail tobacco stores per capita than the next closest community and between three and five times as many per capita than Skokie, Park Ridge, Glenview and Niles.

Mr. Hammel spoke about why the Village Board referred this matter to the Plan Commission with the intent that a Zoning Text Amendment could be enacted that would a) distinguish retail tobacco stores from other types of general retail uses, and b) prohibit retail tobacco stores throughout the community.

Mr. Hammel went over the proposed text amendment language which would affect section 2.02 zoning code by adding definitions for “Alternative Nicotine Products” as well as adding a definition for “Retail Tobacco Stores” which would build upon the definition in Section 10-3-2 of the Village Code by adding a 10% of floor space threshold. Definitions for “Tobacco Accessories” and “Tobacco Products” would also be created.

Mr. Hammel also went over the proposed amendment of Table 4.01.1 of the Zoning Code to add a line item for “retail tobacco stores” and indicate that “retail tobacco stores” are prohibited in all zoning districts

There was discussion of distinguishing between a retail tobacco store and a cigar shop. There was additional discussion about the perceived intended use of “Tobacco Accessories”.

There was discussion about taxes and whether different taxes could be applied to this type of product. Attorney Hart Passman stated that Illinois State law only allows for tobacco to be taxed separately if the tax existed prior to January 1, 1993. Staff was not able to find any record of a tax existing prior to that date so no new tax can be created.

There was discussion about how the steps the Village Board was the first step in regulating these types of businesses and how Zoning Ordinances is often a way that villages and municipalities regulate the types of businesses allowed in their jurisdictions. Defining the terms associated with “Retail Tobacco Stores” allows the Village to properly regulate not only if a business of this type can move forward but which zoning districts they would be allowed to operate.

Commissioner DeAngelis pointed out that this is similar to how the Village currently defines businesses that sell liquor that the proposed text amendment would create language on how to identify and regulate “Retail Tobacco Stores”.

There was discussion about the impact the text amendment would have on existing “Retail Tobacco Stores”.

There was discussion about making the process to open a “Retail Tobacco Stores” subject to a Special Use approval as part of any text amendment.

Acting Chairman Jakubowski took a poll of the Commissioners to gauge if the Commissioners felt that “Retail Tobacco Stores” needed to be defined differently from other general retailers. All the commissioners agreed with this except for Commissioner DeAngelis.

There was discussion of differentiating between using tobacco or nicotine to define these types of businesses. There was also discussion about how to include paraphernalia used to ingest tobacco/nicotine.

Mr. Hammel suggested that the name may not be as important as determining the definition. Once there is a set definition then there could be a discussion about the proper terminology.

There was discussion about the intent of tonight’s meeting and there was no consensus from the commissioners about the actual item up for discussion tonight.

Commissioner DeAngelis suggested that the terms being used are outdated and not sufficient to accurately describe the intent if the proposed text amendment.

Mr. Passman suggested that the language was derived from what is currently in the village code in the tobacco section. So rather than focusing on that the Commission should figure how to define “these stores” going forward.

There was discussion about how the Village handled the recent Video Gaming text amendment.

Acting Chairman Jakubowski took a poll to determine if the definition for “these stores” should include more than just tobacco products. All the commissioners agreed except for Commissioner Sampen.

There was discussion about the intent of the Village Board to prohibit “these stores” in the Village of Lincolnwood. There was additional discussion about what impacts that would have on existing stores.

A Motion was made by Commissioner Novoselsky to amend the text of the zoning ordinance to prohibit vape shops on the use table, noting that any existing businesses would be able to continue as legal non-conforming.

The motion was seconded by Commissioner Auerbach.

No public comment.

Acting Chairman Jakubowski asked for clarification if the motion was intended to use the definition for “these stores” created by the commission as the basis for prohibiting them on the use table. Commissioner Novoselsky agreed with that assessment.

Commissioner DeAngelis stated that it doesn’t make sense to vote when we don’t have a definition yet.

It was noted that this motion would reflect the general consensus of the Commission that vape shops should be prohibited, but that specific definition of that terms is yet to be vetted by the Plan Commission.

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

Nay: Commissioner DeAngelis

Abstain:

Motion Approved: 5-1

A Motion was made by Commissioner Sampen for staff to compile a definition for the commission to consider.

The motion was seconded by Commissioner Novoselsky

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

Nay: Commissioner DeAngelis

Abstain:

Motion Approved: 5-1

A Motion was made by Commissioner Sampen to continue this case to the September 30th meeting.

The motion was seconded by Commissioner Novoselsky.

Prior to the role call for this motion, it was noted that staff would withhold the Plan Commission’s previous recommendation regarding the prohibition of vape shops until a definition for the nature of the use being prohibited is established.

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

Nay:

Abstain: Commissioner DeAngelis

Motion Approved: 5-0

VII. Next Meeting

The next meeting of the Plan Commission is scheduled for Tuesday, September 3, 2024.

VIII. Public Comment

Acting Chairman Steven Jakubowski 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 Auerbach to adjourn the meeting.

The motion was seconded by Commissioner Kohn.

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

Nay:

Abstain:

Motion Approved: 6-0

The meeting ended at 8:23 pm.

Respectfully submitted,

Marcos Classen
Community Development Coordinator