



Village of Lincolnwood Plan Commission

Meeting
Wednesday December 3, 2014
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**
November 5, 2014 Meeting Minutes
4. **Public Hearing: Lincoln Avenue Plan – Amendment to Comprehensive Plan**
(Continued from October 22, 2014, September 3, 2014, August 27, 2014, July 23, 2014, June 25, 2014, April 23, 2014, April 2, 2014, February 26, 2014, January 22, 2014, December 4, 2013, and October 23, 2013)
Request: An Amendment to Comprehensive Plan Concerning the Lincoln Avenue Subarea Including but Not Limited to Multi-Family Housing
5. **Public Hearing: Painting Exterior Brick Façades – Zoning Code Text Amendment**
Request: Text Amendment Concerning the Current Prohibition of Painting Exterior Brick Façades of Buildings and Structures within the Village.
6. **Next Meeting**
7. **Public Comment**
8. **Adjournment**



**DRAFT MEETING MINUTES
OF THE
PLAN COMMISSION
NOVEMBER 5, 2014 – 7:00 P.M.**

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

MEMBERS PRESENT:

Chairman Paul Eisterhold
Irving Fishman
Patricia Goldfein
Anthony Pauletto
Don Sampen

MEMBERS ABSENT:

Steven Jakubowski
Mark Yohanna

STAFF PRESENT:

Aaron N. Cook, AICP, Community Development Manager

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

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

Motion to approve the October 22, 2014 Meeting Minutes was made by Commissioner Fishman, and seconded by Commissioner Goldfein.

Aye: Fishman, Goldfein, Pauletto, Sampen, and Eisterhold

Nay: None

Motion Approved: 5-0

III. Public Hearing: Residential Uses in Lincoln Avenue Corridor – Zoning Code Text Amendment

Mr. Cook presented background information regarding the Lincoln Avenue Task Force report of the Comprehensive Plan. The Plan Commission reviewed and recommended a text amendment to the Comprehensive Plan which modified the recommendation relative

to residential uses. The Comprehensive Plan is the document which provides the long range vision and planning for the village. The Plan Commission recommended to the Village Board a Zoning Code Text Amendment to consider residential uses within the Lincoln Avenue Corridor as a Special Use. The definitions of the Special Use Standards were presented.

The Village Board adopted a moratorium on the issuance of building permits for residential developments for property located along Lincoln Avenue within the B-1 Business District. This Ordinance was adopted in July 2014 and will expire on January 12, 2015.

The discussion revolved around the consideration of residential uses within the Lincoln Avenue Corridor. The land use table defines permitted residential uses as residential units above first floor commercial, townhouses, and multiple-family dwellings. In the Business/Residential Transition area, ground floor residential is permitted as is upper floor residential. In the Lincoln-Pratt-Crawford Hub and the Devon-Lincoln Hub, upper floor residential is permitted.

The Plan Commission initially agreed that residential uses within the Lincoln Avenue Corridor do have merit and should not be prohibited in all instances. As a result, there was discussion that perhaps residential uses along Lincoln Avenue be changed from Permitted Uses to Special Uses. The Village Board had also asked the Plan Commission to consider residential uses be prohibited for property adjacent to Lincoln Avenue, south of Pratt Avenue, and the east side of Lincoln Avenue.

The Commissioners discussed the east side of Lincoln Avenue and the shallowness of the lots on that side of the street. Due to the odd shape of the lots, the Commissioners believe that a Special Use makes more sense. There is also the option of combining lots to make them more effective for developing.

Ronald Cope, a Trustee for the Village, spoke regarding the concerns of the families who live along Lawndale regarding the lack of privacy they now endure because of the multi-story residential development at Lawndale and Lincoln Avenues. Trustee Cope also believes that multi-family housing units should not be built along Devon Avenue on the Whistler's Restaurant site. It is not a suitable location for multi-story, multi-family housing units.

Trustee Cope agreed with the Plan Commissioners that due to the shallowness of the lots, the Village needs to be careful what to build there. Trustee Cope doesn't believe that the residential uses envisioned by the Lincoln Avenue Task Force between Pratt and Devon can be accommodated. Trustee Cope mentioned that maybe north of Pratt or the west side of Lincoln Avenue would be more suitable. Trustee Cope agreed that a Special Use provision would be appropriate which would give the surrounding neighbors an opportunity to voice their concerns.

When questioned by Commissioner Fishman, Trustee Cope explained that he has visited the sites between Pratt and Devon and these sites would not be suitable for a residential

development. Per IDOT estimates, Trustee Cope stated that there are over 30,000 vehicles that travel on Lincoln Avenue between Devon and Touhy on a daily basis. A multi-family residential development so close to a major arterial road is not an ideal setting and is not suitable for the health and welfare of residents who would live there. Trustee Cope believes that there are some small independent commercial uses that would fit on these lots.

Commissioner Sampen questioned Trustee Cope whether the Special Use provision should be limited only to multi-family dwellings. Trustee Cope does not believe that any residential uses should be built on these lots.

Commissioner Fishman did not agree that there aren't any lots that wouldn't be suitable for residential development. He agreed with Commissioner Sampen that it is up to developers and users to determine whether or not the traffic is or is not appropriate for their use. Commissioner Fishman expressed that the Village should not block out that possibility. Trustee Cope countered with what would be the advantage to the residents of Lincolnwood to live on tiny lots located on Lincoln Avenue. Commissioner Fishman believes that vacant boarded up stores along Lincoln Avenue is a blight on the community.

Commissioner Sampen asked if the current Permitted Uses for the different business hubs would stay intact. Mr. Cook reiterated that the Plan Commission is leaning toward any residential project along Lincoln Avenue would be a Special Use whether they are either on the ground floor use or upper floor uses. The Commissioners discussed the Special Use Standards and how they are applied and if some developments would be excluded from the Special Use process.

Commissioner Goldfein asked staff what the building height requirements are. Mr. Cook answered that the maximum height is 38 feet or three stories is applicable to all developments along Lincoln Avenue.

Chairman Eisterhold asked if anyone in the audience would like to address the Plan Commission regarding this Public Hearing.

Jackie Boland, Chamber of Commerce Director, said that the Village needs to keep their options as flexible as possible and to have a Special Use provision would be easier to work with. The Village needs to work with developers to find creative uses for these lots due to the uniqueness of Lincoln Avenue.

Motion to approve that residential uses along the Lincoln Avenue Corridor will require a Special Use was made by Commissioner Pauletto, and seconded by Commissioner Sampen.

Aye: Pauletto, Sampen, Fishman, Goldfein, and Eisterhold

Nay: None

Motion Approved: 5-0

IV. Approval of 2015 Plan Commission Schedule

Motion to approve the revised 2015 Plan Commission Workshop Schedule was made by Commissioner Pauletto, and seconded by Commissioner Goldfein.

Aye: Pauletto, Goldfein, Fishman, Sampen, and Eisterhold

Nay: None

Motion Approved: 5-0

V. NEXT MEETING

Chairman Eisterhold declared that the next Plan Commission meeting will be held on Wednesday, December 3, 2014.

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

VI. ADJOURNMENT

Hearing no further business, **motion to adjourn** was made by Commissioner Fishman, and seconded by Commissioner Sampen. Meeting adjourned at 8:40 p.m.

Aye: Fishman, Sampen, Goldfein, Pauletto, and Eisterhold

Nay: None

Motion Approved: 5-0

Respectfully Submitted,

Kathryn M. Kasprzyk
Community Development Coordinator\



MEMORANDUM

TO: Chairman Eisterhold
Members of the Plan Commission

FROM: Aaron N. Cook, AICP
Development Manager

DATE: November 26, 2014

SUBJECT: **Comprehensive Plan Amendment – Review of Lincoln Avenue Task Force Report** (*Continued from October 22, 2014, September 3, 2014, August 27, 2014, June 25, 2014, April 23, 2014, April 2, 2014, February 26, 2014, January 22, 2014, December 4, 2013, October 23, 2013, and September 11, 2013*)

Below is the summary that was distributed in advance of the October 22nd Plan Commission meeting. This matter was continued without discussion.

At the September 3rd meeting, the Commission considered the recommendations of the Lincoln Avenue Task Force (LATF) Report to establish business district hubs. The Report established three unique areas:

Lincoln-Touhy Business Hub

“This business hub is envisioned as the downtown for the community.”

Lincoln-Pratt-Crawford Business Hub

“This business hub is near the geographic center of the Village and the crossroads for Village residents...”

Devon-Lincoln Business Hub

“This business hub is an entryway into the community and a major gateway from Chicago.”

At this meeting, Commissioner’s volunteered to review certain Hubs in order to make observations and recommendations. Below and attached is information that relates to each Hub that may be of assistance to each Commissioner in reviewing the Hubs.

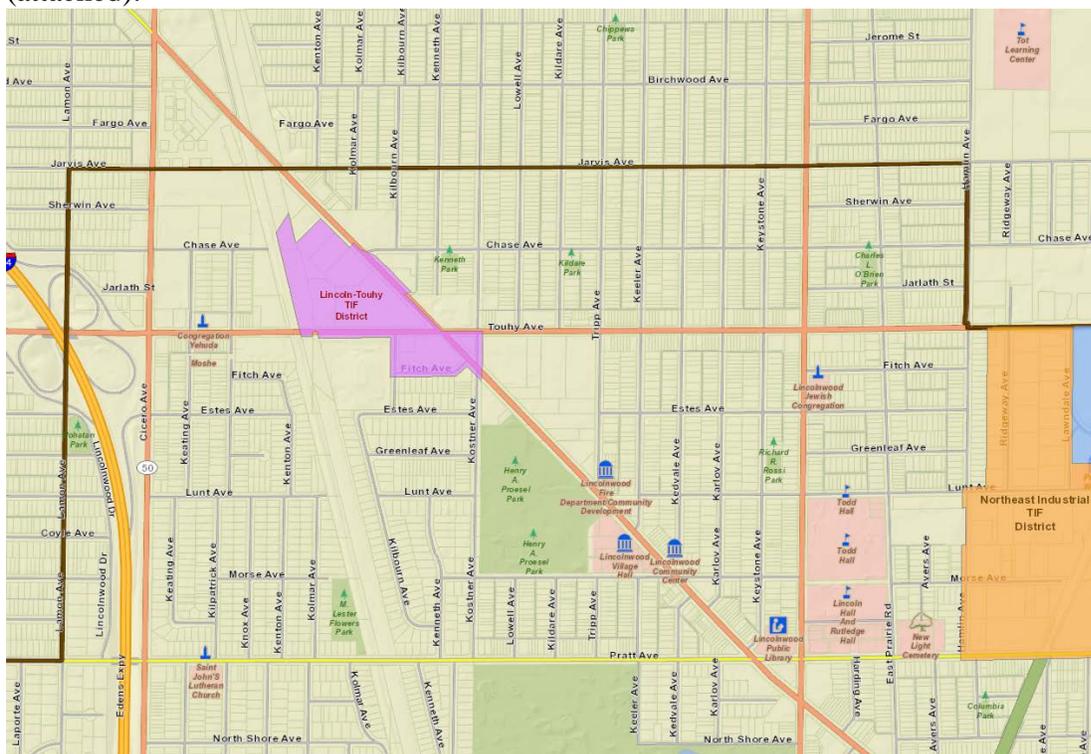
Lincoln-Touhy Business Hub

Below is an excerpt from the Comprehensive Plan relative to the Lincoln-Touhy Business Hub:

“This business hub, centered on the intersection of Lincoln and Touhy Avenues, would include the Purple Hotel, Bank of Lincolnwood and Lincolnwood Produce sites, as well as nearby adjoining properties. This business hub is envisioned as the downtown for the community. Building height in this area is recommended to be limited to 5 floors, exceeding the 3 floor limitation recommended for the remainder of the corridor. Ground floor retail including restaurants, some with alfresco dining, would be a predominant ground floor use, with upper floors of residential and/or office space. Uses which encourage the public to gather, as well as strong or unique retail anchors, a boutique hotel or family entertainment venues, should be incorporated into specific parcel development plans. In addition, sculptures, fountains and plazas with outdoor seating should be designed into parcel redevelopments in this hub. It is envisioned that this business hub would have the highest development intensity in the corridor and potentially would require either underground parking, parking decks or a combination of both. Any parking structure should be well designed with public safety in mind and located so as to be unobtrusive to the primary use activities. For building sides located along Touhy Avenue, we suggest an exception to the recommended corridor build-to line of 5 feet. For such building sides, we recommend a build-to line of 15 feet or greater from the public right of way to account for high traffic volume on Touhy Avenue and pedestrian safety.”

Recent/Relevant Activity within Lincoln-Touhy Business Hub: Attached are the approved Preliminary Planned Unit Development documents for the redevelopment of the former Purple Hotel Property. These plans were approved in February 2014.

The Lincoln-Touhy Tax Increment Financing (TIF) District is within this Hub (TIF area shown in purple below). This TIF was approved by Ordinance No. 2011-2930 (attached) in 2011. The TIF area has been amended this year to expand the area of the TIF by Ordinance No. 2014-3101 (attached).



Lincoln-Pratt-Crawford Business Hub

Below is an excerpt from the Comprehensive Plan relative to the Lincoln-Pratt-Crawford Business Hub:

“This business hub is near the geographic center of the Village and a crossroads for Village residents. Functionally, this business area is expected to serve the more immediate area and provide shopping convenience for residents. This area is recommended to include mixed use buildings having ground level retail, including such uses as book stores, bistros, drug stores, coffee shops, restaurants, dry cleaners and the like, as well as small outdoor gathering spaces. Two floors of residential units above the ground floor are also suggested for this area. Off street parking should be located toward the rear of properties.”

Recent Activity within Lincoln-Pratt-Crawford Business Hub: Meatheads Restaurant recently opened within this business hub. The new building and off-street parking area has been constructed in a manner generally consistent with the Form-Based Development Regulations as also recommended by the Lincoln Avenue Task Force. Walgreens was developed in a manner also consistent with the LATF Recommended Form-Based Development Regulations. More specifically, the recommendation of the LATF relative to Form-Based Development is found below:

“The following form-based provisions are recommended for the corridor (additional recommendations are contained in the addendum to this report).

Build-to Line: *instead of a traditional setback line, where buildings are required to be setback from the front property line by a minimum distance, we recommend institution of a “Build-to line” that would require new buildings to be built-to. We suggest that this build-to line should be no greater than 5 feet from the public right of way line. This recommendation would result in new buildings located very near the public sidewalk. For residential-only buildings this build-to line should be no greater than 10 feet from the right of way line, with a 4 foot wrought iron style fence, located 5 feet from the right of way.*

Building Orientation: *Because Lincoln Avenue travels through the Village at an angle, the orientation and facades of buildings in the corridor are critical and should be parallel to the street. Only in exceptional situations should the orientation of buildings and facades be at an angle to the Lincoln Avenue right-of-way line.*

Building Height: *Except for the Lincoln/Touhy Avenue Hub, the maximum height in the corridor should be 3 floors or 38 feet. In the Lincoln/Touhy downtown hub, a maximum height of 5 floors or 65 feet is recommended. Any building which is permitted to exceed 3 stories in height is recommended to have a building façade setback of 10 feet for all floors above 3 stories.*

Building Corner Towers: *Buildings located at corners, particularly at major intersections, should incorporate a turret or tower feature in harmony with the building’s architecture. This tower feature component of the building may exceed the maximum height indicated, so as to give the building a distinctive form and focal point.*

Façade Windows: *Building facades fronting onto Lincoln Avenue, or onto major adjoining public streets or which otherwise are highly visible from the public right-of-way, should*

incorporate windows in their facades, particularly at the street level. Walls facing the public right of way which lack windows should be prohibited.”

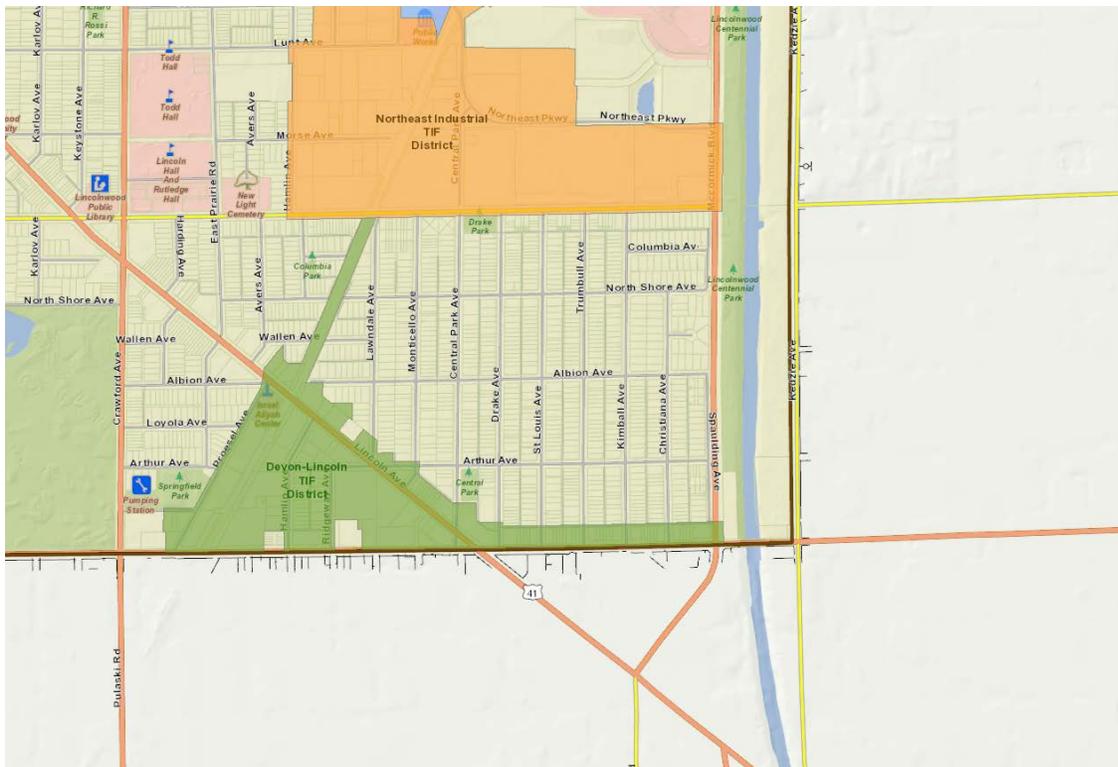
Devon-Lincoln Business Hub

Below is an excerpt from the Comprehensive Plan relative to the Devon-Lincoln Business Hub:

“This business hub is an entryway into the community and a major gateway from Chicago. Uses in this business hub are recommended to be primarily retail uses on the ground level, with off street parking located toward the rear. Any development of 2nd or 3rd floors should be for office uses. Good building design, site planning and quality architecture, important throughout the corridor, is paramount in this gateway area for establishing the ambiance of the corridor. New developments in this hub should include strong anchors to provide identity and a sense of place.”

Recent Activity within Devon-Lincoln Business Hub: The Urban Land Institute (ULI) provided a Technical Assistance Panel which met on September 10-11, 2013. This group studied the Devon Avenue Corridor located between McCormick Boulevard and Lincoln Avenue. A summary of key recommendations from ULI is attached for your review as part of the Devon-Lincoln Business Hub was included in the study area.

The Hub also comprises a portion of the larger Devon-Lincoln Tax Increment Financing (TIF) District shown in green below.



This TIF District was adopted by Ordinance No. 2014-3109 (attached) this year.

Attachments:

1. Excerpt of Approved Preliminary Planned Unit Development Documents – North Capital Group, LLC Mixed Use Development
2. Ordinance No. 2011-2930 Adopting Lincoln-Touhy TIF
3. Ordinance No. 2014-3101 Amending Lincoln-Touhy TIF
4. Devon Avenue Corridor Summary of Key Recommendations
5. Ordinance No. 2014-3109 Adopting Devon-Lincoln TIF



The Shoppes at Lincoln Point



The Shoppes at Lincoln Point

North Capital Group · Antunovich Associates ©

Conceptual Rendering

Lincolnwood, Illinois | November 4, 2013



The Shoppes at Lincoln Point

North Capital Group · Antunovich Associates ©

Conceptual Rendering

Lincolnwood, Illinois | November 4, 2013



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Lincolnwood, Illinois | December 20, 2013



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Conceptual Rendering

Lincolnwood, Illinois | December 20, 2013

VILLAGE OF LINCOLNWOOD

ORDINANCE NO. 2011-2930

**AN ORDINANCE APPROVING A TAX INCREMENT REDEVELOPMENT PLAN AND
PROJECT FOR THE LINCOLN-TOUHY REDEVELOPMENT PROJECT AREA**

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LINCOLNWOOD
THIS 17th DAY OF FEBRUARY, 2011.

Published in pamphlet form by the authority
of the President and Board of Trustees
of the Village of Lincolnwood, Cook County, Illinois
this 17th day of February, 2011.

ORDINANCE NO. 2011-2930

AN ORDINANCE APPROVING A TAX INCREMENT REDEVELOPMENT PLAN AND PROJECT FOR THE LINCOLN-TOUHY REDEVELOPMENT PROJECT AREA

WHEREAS, the Village of Lincolnwood is a home rule municipality in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village depends upon the success and vibrancy of its commercial areas to maintain the fiscal integrity of the Village; and

WHEREAS, certain areas of the Village that are appropriate for commercial development, including but not limited to the properties generally located at the northwest, southwest, and southeast corners of the intersection of Lincoln Avenue and Touhy Avenue, are not reasonably anticipated to be developed or redeveloped without the Village's investment in infrastructure improvements adequate for commercial needs; and

WHEREAS, the Village has examined the conditions of the properties generally located at the northwest, southwest, and southeast corners of the intersection of Lincoln Avenue and Touhy Avenue (the "*Redevelopment Project Area*"), which examinations have identified extensive improvements that are necessary or appropriate to sustain and enhance commercial development in the Redevelopment Project Area specifically and in the Village generally; and

WHEREAS, the Village has explored various sources of revenue to pay for the expense of the improvements needed to sustain, enhance, and preserve the viability of the Village's commercial development within the Redevelopment Project Area; and

WHEREAS, one means by which the Village could raise sufficient revenue for undertaking necessary and appropriate improvements of the Redevelopment Project Area is the use of tax increment financing ("*TIF*") and the establishment of a redevelopment project area (a "*TIF District*") as authorized under 65 ILCS 5/11-74.4-1 *et seq.* (the "*TIF Act*"); and

WHEREAS, in 2010, the Village President and Board of Trustees ("*Corporate Authorities*") commissioned a study by Kane, McKenna and Associates, Inc. ("*KMA*") to determine whether the Redevelopment Project Area meets the qualifications for establishing a TIF District; and

WHEREAS, on October 18, 2010, after extensive review of the Redevelopment Project Area, KMA delivered to the Village a report in which KMA concludes that the Redevelopment Project Area qualifies as a TIF District under the TIF Act (the "*Eligibility Report*"); and

WHEREAS, in light of its review of the Redevelopment Project Area and pursuant to extensive discussions with Village officials and stakeholders in the Redevelopment Project Area, KMA has also prepared a plan for the redevelopment of the Redevelopment Project Area (the "*Redevelopment Plan and Project*"); and

WHEREAS, the Eligibility Report and Redevelopment Plan and Project set forth the qualification factors that make the Redevelopment Project Area eligible for consideration as a "blighted area" under Section 11-74.4-3 of the TIF Act; and

WHEREAS, the Eligibility Report and the Redevelopment Plan and Project have been on file and available at the Village Hall as of October 21, 2010; and

WHEREAS, pursuant to Section 11-74.4-5 of the TIF Act, the Corporate Authorities convened a meeting of the joint review board on December 2, 2010; and

WHEREAS, at its meeting on December 2, 2010, the joint review board: (i) reviewed the public record, planning documents, and proposed ordinances approving the Redevelopment Plan and Project; and (ii) approved a resolution recommending to the Corporate Authorities the establishment of a TIF District for the Redevelopment Project Area (the "**JRB Resolution**"); and

WHEREAS, pursuant to Section 11-74.4-5 of the TIF Act, the Corporate Authorities held a public hearing relative to the Redevelopment Plan and Project and Redevelopment Project Area on January 20, 2011 (the "**Public Hearing**"), at which hearing the Corporate Authorities: (i) reviewed the Redevelopment Plan and Project, the information contained in the Eligibility Report, and the JRB Resolution; (ii) heard testimony and received written information concerning the Redevelopment Plan and Project; and (iii) reviewed other information, documentation, and studies so as to be generally informed about the conditions of the Redevelopment Project Area; and

WHEREAS, the Corporate Authorities have reviewed the information concerning the factors presented at the Public Hearing and are generally informed of the conditions in the proposed Redevelopment Project Area that cause the Redevelopment Project Area to be a "blighted area" as defined in the TIF Act; and

WHEREAS, the Corporate Authorities have reviewed the conditions pertaining to real property in the proposed Redevelopment Project Area to determine whether contiguous parcels of real property and improvements thereon in the proposed Redevelopment Plan and Project would be substantially benefited by the proposed Redevelopment Plan and Project improvements; and

WHEREAS, the Corporate Authorities have reviewed the proposed Redevelopment Plan and Project and the existing comprehensive planning process for development of the Village as a whole to determine whether the proposed Redevelopment Plan and Project conform to the existing comprehensive planning process of the Village; and

WHEREAS, all notices required pursuant to the TIF Act were provided in accordance with the TIF Act; and

WHEREAS, pursuant to the findings and determinations as provided in this Ordinance, the Corporate Authorities have determined that it is desirable and in the best interest of the public and the Village to approve the Redevelopment Plan and Project;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LINCOLNWOOD, COOK COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. FINDINGS. The Corporate Authorities hereby find that the following facts have been established by the preponderance of the evidence:

- A. The Redevelopment Project Area is legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance. The general street location for the Redevelopment Project Area is described in **Exhibit B** attached to and, by this reference, made a part of this Ordinance. The map of the Redevelopment Project Area is depicted on **Exhibit C** attached to and, by this reference, made a part of this Ordinance.
- B. There exist conditions that cause the Redevelopment Project Area to be subject to designation as a redevelopment project area under the TIF Act and to be classified as a blighted area as defined in the TIF Act.
- C. The proposed Redevelopment Project Area on the whole has not been subject to growth and development through investment by private enterprise and would not be reasonably anticipated to be developed without the adoption of the Redevelopment Plan and Project.
- D. The Redevelopment Plan and Project conform to the existing comprehensive planning process for the development of the Village as a whole.
- E. As set forth in the Redevelopment Plan and Project, it is anticipated that all obligations incurred to finance redevelopment project costs, if any, as defined in the Redevelopment Plan and Project, shall be retired no later than December 31st of the year in which the payment to the Village Treasurer, pursuant to the TIF Act, is to be made with respect to the ad valorem taxes levied in the twenty-third calendar year after the Redevelopment Project Area is designated.
- F. The parcels of real property in the proposed Redevelopment Project Area are contiguous, and only those contiguous parcels of real property and improvements thereon that will be substantially benefited by the proposed Redevelopment Plan and Project improvements are included in the proposed Redevelopment Project Area.
- G. All other findings and certifications set forth in the Redevelopment Plan and Project are hereby adopted as the findings and certifications of the Corporate Authorities as if fully set forth in this Ordinance.

SECTION 3. ADOPTION OF REDEVELOPMENT PLAN AND PROJECT. The Redevelopment Plan and Project, which were the subject matter of the Public Hearing, are

hereby adopted and approved. A copy of the Redevelopment Plan and Project is set forth in **Exhibit D** attached to and, by this reference, made a part of this Ordinance.

SECTION 4. AUTHORIZATION FOR TRANSMITTALS AND OTHER ACTION. The President and Board of Trustees hereby authorize and direct the Village Administrator to take any and all other statutorily required steps in connection with the approval of a Redevelopment Plan and Project, including, without limitation, the transmission of a certified copy of this Ordinance to the County Clerk of Cook County, Illinois.

SECTION 5. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED this 17th day of February, 2011.

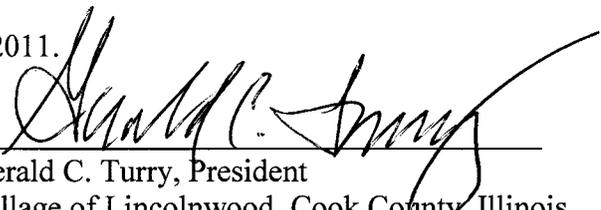
AYES: Trustees Froman, Heidtke, Leftakes, Elster, Sprogis-Marohn, Patel

NAYS: None

ABSENT: None

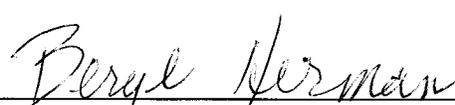
ABSTENTION: None

APPROVED by me this 17th day of February, 2011.



Gerald C. Turry, President
Village of Lincolnwood, Cook County, Illinois

ATTESTED and FILED in my office the
17th day of February, 2011.



Beryl Herman, Village Clerk
Village of Lincolnwood, Cook County, Illinois

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VILLAGE OF LINCOLNWOOD

ORDINANCE NO. 2014-3101

**AN ORDINANCE ADOPTING TAX INCREMENT ALLOCATION FINANCING FOR
THE AMENDED LINCOLN-TOUHY REDEVELOPMENT PROJECT AREA**

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LINCOLNWOOD
THIS 3rd DAY OF JUNE, 2014.

Published in pamphlet form by the authority
of the President and Board of Trustees
of the Village of Lincolnwood, Cook County, Illinois
this 3rd day of June, 2014.

ORDINANCE NO. 2014-3101

AN ORDINANCE ADOPTING TAX INCREMENT ALLOCATION FINANCING FOR THE AMENDED LINCOLN-TOUHY REDEVELOPMENT PROJECT AREA

WHEREAS, the Village of Lincolnwood is a home rule municipality in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, on February 17, 2011, the President and the Board of Trustees of the Village ("*Corporate Authorities*") adopted: (i) Ordinance No. 2011-2930, approving a redevelopment plan and project prepared by Kane, McKenna and Associates, Inc. ("*Lincoln-Touhy Redevelopment Plan and Project*") for an area generally including the properties located at the northwest, southwest, and southeast corners of the intersection of Lincoln Avenue and Touhy Avenue in the Village ("*Lincoln-Touhy Redevelopment Project Area*"); (ii) Ordinance No. 2011-2931, designating the Lincoln-Touhy Redevelopment Project Area as a redevelopment project area pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et seq.* ("*TIF Act*"); and (iii) Ordinance No. 2011-2932, adopting tax increment allocation financing for the Lincoln-Touhy Redevelopment Project Area, pursuant to the TIF Act; and

WHEREAS, the real property generally located immediately west and north of the Lincoln-Touhy Redevelopment Project Area, along the north side of Touhy Avenue and the west side of Lincoln Avenue, all as more fully described in **Exhibit A** and depicted in **Exhibit B**, attached to this Ordinance ("*Adjacent Redevelopment Area*"), is located in part in the B-3 Village Center Planned Development Zoning District and in part in the O-1 Office Zoning District of the Village; and

WHEREAS, on June 3, 2014, the President and the Board of Trustees of the Village ("*Corporate Authorities*") adopted Ordinance No. 2014-3099, amending the Lincoln-Touhy Redevelopment Plan and Project to add the Adjacent Redevelopment Area to the Lincoln-Touhy Redevelopment Plan and Project ("*Amended Redevelopment Plan and Project*"); and

WHEREAS, the Amended Redevelopment Plan and Project, including the Lincoln-Touhy Redevelopment Project Area and the Adjacent Redevelopment Area as provided therein, were the subject of: (i) extensive consideration by a properly convened joint review board; and (ii) a public hearing held by the Corporate Authorities on May 6, 2014; and

WHEREAS, on June 3, 2014, the President and the Board of Trustees of the Village adopted Ordinance No. 2014-3100, amending the Lincoln-Touhy Redevelopment Project Area to include the Adjacent Redevelopment Area pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et seq.* ("*TIF Act*"); and

WHEREAS, the Corporate Authorities have found and determined that it is desirable and in the best interests of the public and the Village for the Corporate Authorities to approve tax increment allocation financing for the Adjacent Redevelopment Area to carry out the terms and conditions of the Amended Redevelopment Plan and Project;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LINCOLNWOOD, COOK COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. TAX INCREMENT FINANCING ADOPTED. Tax increment allocation financing is hereby adopted to pay for redevelopment project costs ("**Project Costs**") as defined in the TIF Act and as set forth in the Amended Redevelopment Plan and Project within the Adjacent Redevelopment Area. The Adjacent Redevelopment Area is legally described in **Exhibit A** attached to and incorporated into this Ordinance. The map of the Adjacent Redevelopment Area is depicted on **Exhibit B** attached to and incorporated into this Ordinance. The general street location for the Adjacent Redevelopment Area is described in **Exhibit C** attached to and incorporated into this Ordinance.

SECTION 3. ALLOCATION OF AD VALOREM TAXES. Ad valorem taxes, if any, arising from the levies upon taxable real property in the Adjacent Redevelopment Area by taxing districts and tax rates determined in the manner provided in Section 11-74.4-9(c) of the TIF Act each year after the effective date of this Ordinance until the Project Costs and obligations issued in respect thereto have been paid are to be divided as follows:

- A. That portion of taxes levied upon each taxable lot, block, tract, or parcel of real property that is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the Adjacent Redevelopment Area are to be allocated to and when collected shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.
- B. That portion, if any, of such taxes that is attributable to the increase in the current equalized assessed valuation of each lot, block, tract, or parcel of real property in the Adjacent Redevelopment Area is to be allocated to and when collected is to be paid by the county collector to the municipal treasurer of the Village, who is hereby directed to deposit said taxes into a special fund, hereby created, and designated the "Lincoln-Touhy TIF Redevelopment Project Area Special Tax Allocation Fund" of the Village and such taxes are to be used for the purpose of paying Project Costs and obligations incurred in the payment thereof.

SECTION 4. AUTHORIZATION FOR TRANSMITTALS AND OTHER ACTION. The President and Board of Trustees hereby authorize and direct the Village Manager to take any and all other statutorily required steps in connection with the adoption of tax increment allocation financing, including, without limitation, the transmission of a certified copy of this Ordinance to the County Clerk of Cook County, Illinois.

SECTION 5. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are

to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 6. EFFECTIVE DATE. This Ordinance will be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED this 3rd day of June, 2014.

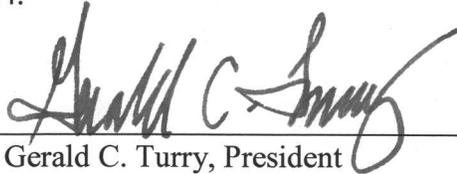
AYES: Trustees Patel, Sprogis-Marohn, Elster, Klatzco, Leftakes

NAYS: None

ABSENT: Trustee Cope

ABSTENTION: None

APPROVED by me this 3rd day of June, 2014.



Gerald C. Turry, President
Village of Lincolnwood, Cook County, Illinois

ATTESTED and FILED in my office the
3rd day of June, 2014.



Beryl Herman, Village Clerk
Village of Lincolnwood, Cook County, Illinois

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Devon Avenue Corridor

Summary of Key Recommendations

by the

Urban Land Institute –Chicago

Technical Assistance Panel

On September 10-11, 2013, a Technical Assistance Panel from the Urban Land Institute-Chicago (ULI) met and undertook an intensive study of the Devon Avenue Corridor located between McCormick Blvd. and Lincoln Avenue. On October 28, 2013 ULI presented its recommendations at a Public Meeting held in Village Hall. Below is a summary of the key recommendations being made by ULI for the Corridor. These key recommendations relate to Redevelopment, Transportation and Streetscape, along with recommendations concerning financing these improvements. A full written report by ULI of these findings and recommendations is currently being prepared and is expected to be provided in December.

Redevelopment Opportunities in Area

Recommendation #1: Focus Redevelopment Efforts on four Sites

ULI recommends that the Village focus on four key redevelopment sites. These are:

- 1) NW corner of Devon/McCormick;*
- 2) Whistler's Restaurant site;*
- 3) NW corner of Lincoln/Devon; and*
- 4) Vacant lot on Drake*

RECOMMENDATION 2: Focus on Service/Commercial Uses

ULI recommends that the Village focus on attracting service businesses such as dentist, physical therapy, real estate offices and similar uses, rather than traditional retail. However, the key sites at the intersections with McCormick and Lincoln should have a retail component.

RECOMMENDATION 3: Consider Market-Rate Senior Living

ULI recommends that the Village consider senior housing and/or independent living uses for the corridor.

RECOMMENDATION 4: Build Relationships with Property Owners

ULI recommends that the Village build strong relationships with current property owners in the corridor and to secure pertinent information to have on-hand (such as vacancy rates, lot sizes and prices).

RECOMMENDATION 5: Collaborate with City on Theater Site

ULI recommends that the Village collaborate with the City of Chicago's 50th Ward in an effort to spur re-use of this site.

Transportation: Creating a More Walkable, Pedestrian Friendly Corridor

RECOMMENDATION 1: Improve pedestrian safety

ULI recommends that the Village take steps to improve pedestrian safety in the area and recommends that the Village consider the following enhancements:

- 1) Create Refuge Islands in the street median*
- 2) Add a crosswalk with pedestrian activated flashing beacons near Devon-and Kimball;*
- 3) Create Bump-outs at street intersections to shorten pedestrian walking distance across the street; and,*
- 4) Install sidewalk in corridor where currently none exist*

RECOMMENDATION 2: Create bike lanes and a median

ULI recommends that the Village consider adding bike lanes and landscaped median in the corridor to slow vehicle traffic and increase transportation alternatives in corridor

RECOMMENDATION 3: Improve parking options

To improve area parking, ULI recommends that the Village consider creating end-caps for on-street parking, adding angled parking on adjoining intersecting streets and to investigate shared parking opportunities, especially with MB Financial.

Streetscape and Beautification

RECOMMENDATION 1: Clean up the Area

ULI recommends that the Village encourage property owners to invest in their buildings to make them more attractive to leasing and also to have Public Works undertake a clean-up of the public right of way.

RECOMMENDATION 2: Create Gateways

ULI recommends that the Village create attractive gateways to the Community in the corridor especially at the northeast corner of Devon and McCormick (MWRD property).

RECOMMENDATION 3: Install Public Art

ULI recommends that public art be installed and displayed along the Devon Avenue Corridor, especially at the northeast corner of Devon and McCormick, in order to extend and link existing public art on display in Centennial Park.

RECOMMENDATION 4: Unify Corridor with Streetscape Design Elements

ULI recommends creation and implementation of a Streetscape Plan, similar to that adopted for Lincoln Avenue, which would provide under a unifying design, such items as trees, benches, lighting and signage. Lincolnwood should coordinate with the City of Chicago to ensure that both sides of Devon Avenue have a cohesive streetscape.

Financing the Recommended Improvements

ULI believes that the key to a successful revitalization of the Corridor is establishment of a TIF District. ULI recommends establishment of a TIF District as the best funding option available. ULI believes that establishment of a TIF District for the area is one of the immediate actions that should be taken by the Village.

ULI also encourages the Village to reach out to local businesses to assist in beautifying the corridor and suggests that the Village target PEP funds for the Corridor.

ULI further recommends that IDOT Highway Safety Improvements Program funds be sought for pedestrian and bike-safety improvements.

The ULI panel also recommended that major planned infrastructure improvements along the corridor be coordinated with planned work by other agencies such as MWRD as a way to “dig once: and save money.

VILLAGE OF LINCOLNWOOD

ORDINANCE NO. 2014-3109

**AN ORDINANCE APPROVING A TAX INCREMENT REDEVELOPMENT PLAN AND
PROJECT FOR THE DEVON-LINCOLN REDEVELOPMENT PROJECT AREA**

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LINCOLNWOOD
THIS 24th DAY OF JUNE, 2014.

Published in pamphlet form by the authority
of the President and Board of Trustees
of the Village of Lincolnwood, Cook County, Illinois
this 24th day of June, 2014.

ORDINANCE NO. 2014-3109

AN ORDINANCE APPROVING A TAX INCREMENT REDEVELOPMENT PLAN AND PROJECT FOR THE DEVON-LINCOLN REDEVELOPMENT PROJECT AREA

WHEREAS, the Village of Lincolnwood is a home rule municipality in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village depends upon the success and vibrancy of its commercial and industrial areas to maintain the fiscal integrity of the Village; and

WHEREAS, certain areas of the Village that are appropriate for commercial, industrial, and mixed-use development, including but not limited to the properties generally located along the north side of Devon Avenue between McCormick Boulevard and Proesel Avenue, and the properties generally located in the adjacent areas to the north of such property along Devon Avenue, are not reasonably anticipated to be developed or redeveloped without the Village's investment in infrastructure improvements adequate for commercial, industrial, and mixed-use needs; and

WHEREAS, the Village has examined the conditions of the properties generally located along the north side of Devon Avenue between McCormick Boulevard and Proesel Avenue, and the properties generally located in the adjacent areas to the north of such property along Devon Avenue (the "**Redevelopment Project Area**"), which examinations have identified extensive improvements that are necessary or appropriate to sustain and enhance commercial, industrial, and mixed-use development in the Redevelopment Project Area specifically and in the Village generally; and

WHEREAS, the Village has explored various sources of revenue to pay for the expense of the improvements needed to sustain, enhance, and preserve the viability of the Village's commercial, industrial, and mixed-use development within the Redevelopment Project Area; and

WHEREAS, one means by which the Village could raise sufficient revenue for undertaking necessary and appropriate improvements of the Redevelopment Project Area is the use of tax increment financing ("**TIF**") and the establishment of a redevelopment project area (a "**TIF District**") as authorized under 65 ILCS 5/11-74.4-1 *et seq.* (the "**TIF Act**"); and

WHEREAS, in 2012, the Village President and Board of Trustees ("**Corporate Authorities**") commissioned a study by Kane, McKenna and Associates, Inc. ("**KMA**") to determine whether the Redevelopment Project Area meets the qualifications for establishing a TIF District; and

WHEREAS, on November 30, 2012, after extensive review of the Redevelopment Project Area, KMA delivered to the Village a report in which KMA concludes that the Redevelopment Project Area qualifies as a TIF District under the TIF Act (the "**Eligibility Report**"); and

WHEREAS, in light of its review of the Redevelopment Project Area and pursuant to extensive discussions with Village officials and stakeholders in the Redevelopment Project Area,

KMA has also prepared a plan for the redevelopment of the Redevelopment Project Area (the "**Redevelopment Plan and Project**"); and

WHEREAS, the Eligibility Report and Redevelopment Plan and Project set forth the qualification factors that make the Redevelopment Project Area eligible for consideration as a "blighted area" under Section 11-74.4-3 of the TIF Act; and

WHEREAS, the qualification factors identified in the Eligibility Report and the Redevelopment Plan and Project remain present as of the date of this Ordinance; and

WHEREAS, the Eligibility Report and the Redevelopment Plan and Project have been on file and available at the Village Hall as of November 30, 2012; and

WHEREAS, pursuant to Section 11-74.4-5 of the TIF Act, the Corporate Authorities convened a meeting of the joint review board ("**Joint Review Board**") on January 15, 2013; and

WHEREAS, at its meeting on January 15, 2013, and at a subsequent meeting on February 6, 2013, the Joint Review Board reviewed the public record, planning documents, and proposed ordinances approving the Redevelopment Plan and Project; and

WHEREAS, after consideration of said matters, the Joint Review Board on February 6, 2013 adopted a "**Recommendation and Report**" by which it issued its provisional disapproval of the proposals, and encouraged collaboration among the affected taxing bodies to resolve all outstanding issues concerning the proposals; and

WHEREAS, following the adoption of the Recommendation and Report, and pursuant to Section 11-74.4-5(a) of the TIF Act, representatives of the Village and the Joint Review Board met and conferred over several meetings to resolve the issues raised by the Joint Review Board; and

WHEREAS, pursuant to Section 11-74.4-5 of the TIF Act, the Corporate Authorities held a public hearing relative to the Redevelopment Plan and Project and Redevelopment Project Area on February 19, 2013, April 16, 2013, June 18, 2013, September 3, 2013, November 19, 2013, January 21, 2014, March 4, 2014, and April 1, 2014 (the "**Public Hearing**"), at which Public Hearing the Corporate Authorities: (i) reviewed the Redevelopment Plan and Project, the information contained in the Eligibility Report, and the JRB Resolution; (ii) heard testimony and received written information concerning the Redevelopment Plan and Project; and (iii) reviewed other information, documentation, and studies so as to be generally informed about the conditions of the Redevelopment Project Area; and

WHEREAS, the Corporate Authorities have reviewed the information concerning the factors presented at the Public Hearing and are generally informed of the conditions in the proposed Redevelopment Project Area that cause the Redevelopment Project Area to be a "conservation area" as defined in the TIF Act; and

WHEREAS, following the conclusion of the Public Hearing, and after consideration of the issues raised by the Joint Review Board in its Recommendation and Report, the Village made changes to the Redevelopment Plan and Project, which changes do not add additional parcels of

property to the proposed Redevelopment Project Area, do not substantially affect the general land uses proposed in the Redevelopment Plan and Project, do not substantially change the nature of or extend the life of the Redevelopment Plan and Project, and do not increase the number of inhabited residential units to be displaced from the Redevelopment Project Area ("**Revised Redevelopment Plan and Project**"); and

WHEREAS, on June 18, 2014, the Joint Review Board convened an additional meeting to further review and consider the public record, planning documents, and proposed ordinances approving the Revised Redevelopment Plan and Project; and

WHEREAS, at the conclusion of its meeting on June 18, 2014, the Joint Review Board approved a resolution favorably recommending to the Corporate Authorities the establishment of a TIF District for the Redevelopment Project Area, and repealing its prior provisional disapproval (the "**JRB Resolution**"); and

WHEREAS, the Corporate Authorities have reviewed the conditions pertaining to real property in the proposed Redevelopment Project Area to determine whether contiguous parcels of real property and improvements thereon in the proposed Revised Redevelopment Plan and Project would be substantially benefited by the proposed Revised Redevelopment Plan and Project improvements; and

WHEREAS, the Corporate Authorities have reviewed the proposed Revised Redevelopment Plan and Project and the existing comprehensive planning process for development of the Village as a whole to determine whether the proposed Revised Redevelopment Plan and Project conform to the existing comprehensive planning process of the Village; and

WHEREAS, all notices required pursuant to the TIF Act were provided in accordance with the TIF Act; and

WHEREAS, pursuant to the findings and determinations as provided in this Ordinance, the Corporate Authorities have determined that it is desirable and in the best interest of the public and the Village to approve the Revised Redevelopment Plan and Project;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LINCOLNWOOD, COOK COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. FINDINGS. The Corporate Authorities hereby find that the following facts have been established by the preponderance of the evidence:

- A. The Redevelopment Project Area is legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance. The general street location for the Redevelopment Project Area is described in **Exhibit B** attached to and, by this reference, made a part of this Ordinance. The map of the Redevelopment

Project Area is depicted on **Exhibit C** attached to and, by this reference, made a part of this Ordinance.

- B. There exist conditions that cause the Redevelopment Project Area to be subject to designation as a redevelopment project area under the TIF Act and to be classified as a conservation area as defined in the TIF Act.
- C. The proposed Redevelopment Project Area on the whole has not been subject to growth and development through investment by private enterprise and would not be reasonably anticipated to be developed without the adoption of the Revised Redevelopment Plan and Project.
- D. The Revised Redevelopment Plan and Project conform to the existing comprehensive planning process for the development of the Village as a whole.
- E. As set forth in the Revised Redevelopment Plan and Project, it is anticipated that all obligations incurred to finance redevelopment project costs, if any, as defined in the Redevelopment Plan and Project, will be retired no later than December 31st of the year in which the payment to the Village Treasurer, pursuant to the TIF Act, is to be made with respect to the ad valorem taxes levied in the twenty-third calendar year after the Redevelopment Project Area is designated.
- F. The parcels of real property in the proposed Redevelopment Project Area are contiguous, and only those contiguous parcels of real property and improvements thereon that will be substantially benefited by the proposed Revised Redevelopment Plan and Project improvements are included in the proposed Redevelopment Project Area.
- G. All other findings and certifications set forth in the Revised Redevelopment Plan and Project are hereby adopted as the findings and certifications of the Corporate Authorities as if fully set forth in this Ordinance.

SECTION 3. ADOPTION OF REVISED REDEVELOPMENT PLAN AND PROJECT.

The Revised Redevelopment Plan and Project is hereby adopted and approved. A copy of the Revised Redevelopment Plan and Project is set forth in **Exhibit D** attached to and, by this reference, made a part of this Ordinance.

SECTION 4. AUTHORIZATION FOR TRANSMITTALS AND OTHER ACTION.

The President and Board of Trustees hereby authorize and direct the Village Manager to take any and all other statutorily required steps in connection with the approval of the Revised Redevelopment Plan and Project, including, without limitation: (a) the transmission of a certified copy of this Ordinance to the County Clerk of Cook County, Illinois; and (b) the delivery of notice of the changes reflected in the Revised Redevelopment Plan and Project, by mail and by publication in a newspaper of general circulation within the Village, within 10 days after the adoption of this Ordinance, and as required pursuant to Section 11-74.4-5(a) of the TIF Act..

SECTION 5. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are

to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 6. EFFECTIVE DATE. This Ordinance will be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED this 24th day of June, 2014.

AYES: Trustees Patel, Sprogis-Marohn, Cope, Elster, Leftakes

NAYS: None

ABSENT: None

ABSTENTION: Trustee Klatzco

APPROVED by me this 24th day of June, 2014.



Gerald C. Turry, President
Village of Lincolnwood, Cook County, Illinois

ATTESTED and FILED in my office the
24th day of June, 2014.



Beryl Herman, Village Clerk
Village of Lincolnwood, Cook County, Illinois

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Staff Report Plan Commission December 3, 2014

Subject Property: N/A (Text Amendment)

Requested Action: Text amendment to Section 2.02 of the Zoning Code pertaining to definition of “Brick” and “Manufactured Stone”; and Section 6.04(6), Section 6.05(8), and Section 6.09(1) all prohibits the painting of brick façades.

Petitioner: Village Board

Summary

At its October 15, 2014 meeting, the Zoning Board of Appeals (ZBA) considered an application for a variation to permit the brick façade of the single-family home at 6557 North Keating Avenue to remain painted. The ZBA recommended by a 4-3 vote approval of the requested variation. The Village Board during deliberation of the requested variation referred to the Plan Commission consideration of a possible Text Amendment relative to the prohibition of painting brick. The Board continued the variation requested by the property owner of 6557 North Keating Avenue in order to allow the Plan Commission an opportunity to conduct the public hearing on the matter.

The Zoning Code currently prohibits the painting of exterior facades of the following:

- Commercial buildings,
- Institutional buildings,
- Civic buildings,
- Multi-family buildings, and
- Single-family buildings.

Research

The prohibition of painting brick first appears as part of the Zoning Code after the comprehensive update adopted on November 6, 2008. This prohibition as well as other new design guidelines was incorporated into the Zoning Code after several years of discussion. A general timeline and summary of these discussions are found below:

- **November 2005:** Report and Recommendations of the Lincoln Avenue Task Force (LATF) Report adopted. The LATF Report suggested building design guidelines within the Lincoln Avenue corridor. LATF Report envisioned a separate user friendly, heavily illustrated architectural design guideline handbook.

- The LATF Report was incorporated in May 2006 into the Village's Comprehensive Plan by Ordinance No. 2006-2710.
- **May 2006**: Committee of the Whole (COTW) discussed a staff report generated by the Assistant Village Administrator regarding Appearance Review Commissions. The staff report and COTW discussion was in response to a Strategic Planning goal established by the Village Board to, "Improve the Aesthetics of Private Development". The COTW indicated that before considering the appropriateness of establishing an Appearance Review Commission, the Village should review and establish design guidelines. The COTW directed staff to compile appearance review guidelines for consideration at a future meeting.
 - **September 2006**: COTW reviewed draft Appearance Standards and Guidelines prepared by staff (Assistant Village Administrator, Building Commissioner, and Building Administrative Intern). The first documented references to prohibit painting appear in the draft Appearance Standards and Guidelines. In this document, the prohibition reads, "Masonry façades shall not be painted." The COTW discussion did not appear to be specific in regards to the prohibition of painting masonry façades, however direction was given to move forward with more formal adoption of design standards.
 - **September 2006 - July 2007**: Discussion ensued regarding new design standards. Staff could not find documentations of discussions specific to the prohibition of painting masonry.
 - **July 2007**: Plan Commission/Zoning Board of Appeals (PC/ZBA) discussed draft Zoning Code Article VI – Site Development Standards. The PC/ZBA during deliberation at their July 25, 2007 meeting to modify the regulation to prohibit the painting of brick rather than prohibiting the painting of masonry as had been suggested previously. Unfortunately, the minutes of the meeting did not reveal why "masonry" was changed to "brick".
 - **November 2008**: Comprehensive update of the Zoning Code including design standards and the prohibition of painting brick façades is adopted.

Staff reviewed the Zoning Code requirements of nine neighboring communities that are often reviewed when matters of Text Amendments are considered (Des Plaines, Evanston, Glenview, Morton Grove, Niles, Park Ridge, Skokie, Wilmette, and Winnetka). Staff found that no other community prohibits the painting of exterior brick.

As previously indicated, the Village Board deliberated a variation request at 6557 North Keating Avenue to permit exterior brick façade to remain painted. Trustee Sprogis-Marohn, who could not attend the November 4, 2014 meeting, submitted a written letter supporting the painting of brick. This letter is attached for your review. Trustee Sprogis-Marohn identifies within the letter some benefits of permitting the painting of brick.

The current Zoning Code refers to painting of fences and wireless communications facilities. More specifically the context pertains to maintenance of such structures. These sections do not stipulate how these structures should be painted (i.e. process, application, type of paint, etc.).

At the December 3, 2014 meeting staff seeks a discussion on the appropriateness of painting brick. If the desire is to continue prohibiting the painting of brick the motion to the Village Board is to recommend no change; if however, the desire is to permit painting of exterior brick façades the Plan Commission should discuss if eliminating the prohibition in some or all of the following:

- Commercial buildings,
- Institutional buildings,
- Civic buildings,
- Multi-family buildings, and
- Single-family buildings.

Documents Attached

1. Letter of Support Dated November 3, 2014 from Trustee Sprogis-Marohn, AIA
2. Excerpt of November 4, 2014 Village Board Minutes
3. Excerpt of October 15, 2014 Zoning Board of Appeals Minutes

Sprogis Marohn architecture

November 3, 2014

Jerry Turry
Tim Wiberg
Village of Lincolnwood

Re: Painted Masonry

Jerry and Tim,

As I have already informed you, I have a conflict on November 4th that precludes me from attending the Board Meeting. However, I wanted to make sure you shared my views with the other board members with regards to painted masonry.

We have done a great deal to shore up our ordinances in the past few years, most recently with regards to the considerations regarding the definition of masonry and its use on our residences. Obviously there are still a few holes to plug – specifically with regards to the appropriateness of painted brick.

I am not sure what the genesis is for disallowing painted brick, but I am a proponent of the application. For one thing, there are numerous homes throughout the Village today that have painted brick – and I am sure that they did not apply for permit in order to do this. The applicant in question should not be punished for submitting for permit, and clearly there is implied acceptance of painted brick throughout the Village today.

There have been concerns in the past that paint does not allow masonry to “breathe” and it creates potential water damage to the brick and mortar. This is no longer the case as there are several products on the market today that are designed for a painted brick application. Additionally, painting the brick on a home can allow the home owner to “knit” together patched brick, or unite parts of the building that may have been built over time and do not match. It can freshen and modernize a tired or dated looking home, and overall, is common practice throughout the north and northwest side of Chicago.

As we have discussed, Lincolnwood does not have design standards or an appearance review board for such matters – and our view in the past has been that this type of process is subjective and is not quantifiable, and therefore is not appropriate for this Village. I struggle to understand why a home with oversized and ostentatious limestone in the Towers is acceptable, but painting the brick of a modest home in the Estates is considered wrong. If the Village is going to apply appearance review standards and painted brick is considered a non-desirable masonry application – then all masonry products and applications need to go under the microscope for review. I think that our ordinance requires review, and painted brick should be allowed by the Village.

Again, I apologize for my absence tonight and look forward to hearing what the Board considers appropriate next steps on this matter.

Sincerely,

Renee Sprogis-Marohn, AIA
Village Trustee

smarchitecture@aol.com
6900 North Kilpatrick,
Lincolnwood, Illinois 60712
Phone 847.674.8084 Fax 847.674.8082

Dick, Carrie

From: Wiberg, Tim
Sent: Tuesday, November 04, 2014 9:04 AM
To: Elster, Lawrence; jp-patelrealty.com Autoforward; Craig Klatzco; Nleftakes Autoforward; Renee Sprogis-Marohn; Ron; Turry, Gerald
Cc: Steven Elrod; Dick, Carrie
Subject: FW: Painted Masonry
Attachments: 20141103 Masonry Letter.doc

Good Morning,

Please find attached a letter from Trustee Sprogis-Marohn concerning the item on tonight's agenda concerning painted brick. Renee cannot be at the meeting tonight and she wanted to make her view known. A hard copy of this letter will be available at your seat at the dais tonight.

Thanks.

Tim

From: smarchitecture@aol.com [mailto:smarchitecture@aol.com]
Sent: Monday, November 03, 2014 11:30 PM
To: Wiberg, Tim; jerryturry Autoforward
Subject: Painted Masonry

Jerry and Tim - Please find attached my letter on the topic of painted masonry. I would appreciate it if you could share my views with the other Board members - thank you.

Renee

Upon a Roll Call vote the results were:
AYES: Trustees Patel, Klatzco, Cope, Leftakes, Elster
NAYS: None

The motion passed

Regular Business

2. **Consideration of a Recommendation by the Zoning Board of Appeals to Approve a Variation from Section 6.09 of the Zoning Code to Permit the Exterior Brick Façade to be Painted at 6557 North Keating Avenue**

This item was presented by Mr. Cook who provided background information.

Single Family Residential Design Standards

*6.09 Design Standards

1. The exterior surface of a masonry wall shall consist of a textured finished surface, shall not have a flat surface and shall not be constructed of concrete block or cinder block having a plain, flat surface. **Brick facades shall not be painted.**

Background

*Property at 6557 North Keating located in R2 Single Family Zone

*Owner New Resident

*Matter Originated with Citizen Complaint

An aerial view of the area, site plan and photos of the building and close up of painted brick were presented.

ZBA Deliberations

*Public Hearing

- Held October 15, 2014

*Related Cases

- Since November 2008 (new code) no similar requests for relief from painted brick prohibition

*Petitioner Testimony Received

- Petitioner indicated paint was applied to eliminate color and texture inconsistencies
- Submitted letters of support from neighborhood residents

*Public Testimony Received

- Judy Abelson, 6337 North Keating testified in favor of variation

*Reviewed Building Inspector comments – Identified common methods for removing paint

- Sand Blasting – Very hard on surface being cleaned and difficult to completely remove paint
- Paint Stripper – Not necessarily safe on brick applications, may carry environmental issues and difficult to completely remove paint

*Commissioner O'Brien opined on purpose of prohibition

- Brick can trap moisture which may lead to deterioration of brick and mortar

*By 4-3 Vote ZBA recommends approval of Variation to permit painted brick façade at single-family home located at 6557 North Keating Avenue

- Majority found hardship – Associated with removing paint from brick which may cause damage

- Minority did not find a demonstrated hardship

President Turry read into the record, a letter from Trustee Sprogis-Marohn:

“As I have already informed you, I have a conflict on November 4th that precludes me from attending the Board meeting. However, I wanted to make sure you shared my views with the other Board members with regards to painted masonry.

We have done a great deal to shore up our ordinances in the past few years, most recently with regards to considerations regarding the definition of masonry and its use on our residences. Obviously there are still a few holes to plug – specifically with regards to the appropriateness of painted brick.

I am not sure what the genesis is for disallowing painted brick, but I am a proponent of the application. For one thing, there are numerous homes throughout the village today that have painted brick – and I am sure they did not apply for permit in order to do this. The applicant in question should not be punished for submitting for permit, and clearly there is implied acceptance for painted brick throughout the village today.

There have been concerns in the past have been that paint does not allow masonry to “breathe” and it creates potential water damage to the brick and mortar. This is no longer the case as there are several products on the market today that are designed for a painted brick application.

Additionally, painting the brick on a home can allow the home owner to “knit” together patched brick or unite parts of the building that may have been built over time and do not match. It can freshen and modernize a tired or dated looking home, and overall, is common practice throughout the north and northwest side of Chicago.

As we have discussed, Lincolnwood does not have design standards or an appearance review board for such matters – and our view in the past has been that this type of process is subjective and is not quantifiable, and therefore is not appropriate for this village. I struggle to understand why a home with oversized and ostentatious limestone in the towers is acceptable, but painting the brick of a modest home in the Estates is considered wrong. If the Village is going to apply appearance review standards and painted brick is considered a non-desirable masonry application – then all masonry products and applications need to go under the microscope for review. I think our ordinance requires review, and painted brick should be allowed by the Village.

Again, I apologize for my absence tonight and look forward t hearing what the Board considers appropriate next steps on this matter.”

Discussion ensued with clarification by Attorney Elrod and Mr. Cook.

Trustee Patel moved to 1) postpone to a date uncertain for Board review 2) refer the prohibition to the Plan Commission for review 3) recommend that the Village Manager suspend enforcement of the provision. Trustee Klatzco seconded the motion.

Upon a Roll Call vote the Results were:

AYES: Trustees Patel, Klatzco, Leftakes, Elster, Cope

NAYS: None

The motion passed.

Motion to continue the Public Hearing for 6529 North Central Park Avenue to the November 19, 2014 Zoning Board of Appeals meeting was made by Commissioner O'Brien, and seconded by Commissioner Gordon.

Aye: O'Brien, Gordon, Grant, Ikezoe-Halevi, Keller, Nickell, and Theisen

Nay: None

Motion Approved: 7-0

V. Public Hearing: 6755 North Kostner Avenue – Residential Side Yard Setback Variation

Chairman Theisen asked if the applicant was present. Mr. Cook indicated that he does not believe they were present.

Motion to continue the Public Hearing for 6755 North Kostner Avenue to the November 19, 2014 Zoning Board of Appeals meeting was made by Commissioner O'Brien, and seconded by Commissioner Nickell.

Aye: O'Brien, Nickell, Gordon, Grant, Ikezoe-Halevi, Keller, and Theisen

Nay: None

Motion Approved: 7-0

VI. Public Hearing: 6557 Keating Avenue – Residential Variation

Chairman Theisen swore in the Petitioner and homeowner, Mr. Patrick Kaniff.

This Variation request is for relief from the prohibition on painting brick facades. The property is in the R-2 Residential Zoning District. Mr. Cook showed before and after photographs for comparison. A detailed photograph of the brick taken by the Village's building inspector was also shown. The Zoning Code prohibits the painting of bricks in residential and commercial districts. There have been no similar requests for relief from this prohibition. The Petitioner is requesting that the brick remain painted.

The Petitioner, Mr. Kaniff, explained that they are new to the Village and they have been renovating the home that has been vacant for six years. He was unaware that painting the exterior brick was prohibited. Mr. Kaniff stated that only the face brick was painted due to irregularities and mismatched bricks due to repairs. Mr. Kaniff further stated that he had letters from neighbors who had no objection to the brick. Mr. Kaniff submitted copies of these letters to staff for the file.

Mr. Theisen inquired as to Mr. Kaniff's hardship. Mr. Kaniff replied that due to the texture of the brick, taking off the paint would be a very difficult and expensive process.

Chairman Theisen asked if anyone in the audience would like to speak regarding this Public Hearing.

Ms. Judy Abelson of 6537 North Keating Avenue was sworn in. Ms. Abelson asked the Zoning Board to explain why painting brick was prohibited. Commissioner O'Brien explained to her that masonry is a porous material and by painting it, it traps moisture and will deteriorate the brick over time and can lead to structural failure. Ms. Abelson stated that even with that explanation, she has no objection to this Variation request.

Commissioner Gordon asked the Petitioner about what his future plans would be if the paint started to peel or compromise the brick façade? Mr. Kaniff said that he is committed to maintaining the brick in its present state.

Chairman Theisen explained that the Zoning Board does not want to set a precedent that makes it acceptable for people to violate the Zoning Ordinance because they were not aware beforehand. Chairman Theisen further explained that by voting to approve this Variation, The Zoning Board is allowing anyone to paint their brick which is something the Village would like to avoid. Mr. Kaniff agreed that ignorance of the codes is no excuse, but explained that they have friends in other nearby communities that do allow exterior façade painting and it didn't occur to them that this would be prohibited in Lincolnwood.

Commissioner O'Brien confirmed with Mr. Cook that staining brick is allowed.

Commissioner Ikezoe-Halevi asked Mr. Cook if these regulations are readily available on the Village website. Mr. Cook replied that these regulations are found on the website within the Zoning Ordinance and residents should call the Village if they have any questions regarding what does or does not require permits.

Mr. Kaniff said that he received permits for the majority of the work they have done and that painting does not require a permit. Mr. Cook confirmed that interior and exterior painting does not require a permit; however, standards for prohibiting the painting of brick remain.

Commissioner Grant asked Mr. Cook to reiterate the comments made by the Village's building inspector with regards to removing the paint. Mr. Cook summarized the negative impact of removing the paint from the façade.

Motion to deny approval of this Variation request was made by Commissioner O'Brien, and seconded by Commissioner Nickell.

Aye: O'Brien, Nickell, and Grant

Nay: Gordon, Ikezoe-Halevi, Keller, and Theisen

Motion Failed: 4-3

The members of the ZBA concluded that the motion to deny failed and that their recommendation should be forwarded to the Village Board as a recommendation to approve the variation. This recommendation will be forwarded to the Village Board for their consideration at the Tuesday, November 4, 2014 meeting at 7:30 p.m. The Petitioners will have an opportunity to address the Village Board at that time.