

PUBLIC NOTICE

In accordance with the Statutes of the State of Illinois and the Ordinances of the City of Highland Park, the next regular meeting of the Plan & Design Commission of the City of Highland Park is scheduled to be held at the hour of 7:00 P.M. on Tuesday, March 21, 2023, at City Hall, 1707 St Johns Avenue, Highland Park, Illinois, during which meeting it is anticipated that there will be a discussion of the following items.

Individuals with questions or feedback about an agenda item may email Karl Burhop, Senior Planner, with the Community Development Department, at kburhop@cityhpil.com. All emails and comments submitted for the Commission will be made public.

The City, in compliance with the Americans with Disabilities Act, requests that persons with disabilities who require certain accommodations to allow them to observe and/or participate in this hearing, or who have questions about the accessibility of the meeting facilities, contact the City's ADA coordinator Emily Taub at etaub@cityhpil.com or 847.926.1005.

The City encourages individuals to sign-up for its eNews for important information from the City and its government partners. The City updates its web site daily and also posts on social media daily. To sign-up for the eNews, visit www.cityhpil.com.

At the meeting, it is anticipated that there will be a discussion of the following items:

City of Highland Park
Regular Meeting of the Plan and Design Commission
Highland Park City Hall, 1707 St Johns Avenue

March 21, 2023

7:00 P.M.
MEETING AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes
 - a. Consideration of Plan and Design Commission Minutes
 - i. Regular Meeting on March 7, 2023
- IV. Scheduled Business
 - a. Public Hearing #2023-SPE-001 for a Special Exception and Design Review application for a proposed parking lot, with relief to off-street parking regulations, landscaping, lighting, and other variations (700 Park Avenue W, 678-696 Park Avenue W, and 668-670 Park Avenue W)
 - b. Public Hearing #2023-ZTA-001 for a Chapter 150 Zoning Code text amendment to amend or to prohibit, or otherwise regulate, the use of property for Tobacco Shops, and for other principal and accessory uses for the sale or use of tobacco products, e-cigarettes, smoking, vaping and all related paraphernalia intended for smoking or vaping of any kind regardless of products, in the various zoning districts of the City, and specifically as well as such other regulations as may be necessary, important, or beneficial to the City and its residents
- V. Other Business
 - a. Legal Training by the City's Corporation Counsel

- b. Administrative Design Review Update
- c. Next Regular Meeting – April 4, 2023
- d. Case Briefing

VI. Business from the Public

VII. Adjournment

MEMORANDUM – PLAN & DESIGN COMMISSION

TO: Plan and Design Commission

FROM: Friday, March 17, 2023

RE: **Public Hearing #2023-SPE-001 for a Special Exception and Design Review application for a proposed parking lot, with relief to off-street parking regulations, landscaping, lighting, and other variations (700 Park Avenue W, 678-696 Park Avenue W, and 668-670 Park Avenue W)**

PROJECT SUMMARY

The Applicant Larry Hillman (“*Applicant*”) proposes to construct a new off-street parking lot, approximately 4,129 sq. ft. of new Vehicular Use Area and with 17 proposed parking spaces (revised down from 19).

The property is located at 700 Park Avenue W, 678-696 Park Avenue W, and 668-670 Park Avenue W (“the *Property*”). The existing use is multi-family.



In order to proceed with their request the Applicant requests the following considerations:

1. A Special Exception (Plan and Design Commission [*“PDC”*] is a recommendation body), requesting relief to the off-street parking requirements of Article 8 of the Zoning Code; and
2. Design Review (PDC is authority / decision maker) for exterior changes related to the off-street parking lot and landscaping.

No fee-in-lieu is not necessary, as the parking relief requested as part of the Special Exception is not for quantity relief but for relief to the Article 8 design and dimension standards¹.

The standards of approval for Special Exceptions are found in [Section 150.1606](#).

- Per Section 150.1609, the concurring vote of five members of the Plan and Design Commission shall be necessary to recommend approval of a request for a special exception.

At the Applicant’s request, Findings of Fact recommending approval are included in the packet as **Attachment 1**. The Applicant’s revised site plan with new parking layout is included in **Attachment 2**, along with their narrative addressing Staff and PDC comments. Tree information was included in **Attachment 3**, and the City Forester responds in their memo in **Attachment 4**.

PDC CONSIDERATION

The PDC considered this application at its February 21, 2023 meeting and provided comments to the Applicant. That meeting packet, minutes (if available), and video are available online [here](#). The PDC continued the item to its March 21 meeting by vote 7-0. No public spoke at the meeting, nor have submitted any written comments. In summary the PDC discussed the following (non-exhaustive list and not meant to be verbatim):

1. Discussion of bumper stops.

¹ The payment-in-lieu requirement, per [Section 150.807.B.2](#), is that the Applicant must provide a fee for each such parking space not so provided. In this instance the buildings and use already exist and any additional parking brings the property more into compliance with the off-street parking requirement for number of spaces.

2. Discussion of distance to east driveway.
3. Consider fencing versus landscaping screening on the front.
4. Must show full-size car turning movements.
5. Need more space for parallel parking spaces.

APPLICANT CHANGES AND RESPONSE

The Applicant has changed the site plan from a single entrance, two-way driveway aisle with turnarounds, and 19 total 90 degree parking spaces (see Attachment 2 from the February 21 packet) to the proposed site plan in **Attachment 2**. The project now depicts 14 sixty degree parking spaces and three 90 degree parking spaces, or 17 total spaces, with a one-way in and one-way out entrance/exit setup (with one-way drive aisle). A landscaping island is proposed. Turning movements for compact and full size car are depicted on the site plan.

The site plan includes bumper stops. The 60' distance requirement of Chapter 93 is met, both onsite and to the eastern school driveway, no fencing is depicted (Applicant has maintained bush plantings along the north buffer), movements are depicted included full-size car, and parallel parking spaces are 4.5' longer in projection than those submitted at the February 21 PDC meeting (and not included in the PDC packet)².

SUMMARY OF RELIEF REQUESTED

For the Special Exception to the Article 8 Off-Street Parking Regulations (additional review is provided further in the report) – PDC is a recommendation body on these requests:

1. [Section 150.805.B](#). **RELIEF REQUESTED.** ~~11~~ 14 off-street parking spaces encroaching within a required front yard. Revised from 11 spaces and increased to 14, per different layout.
2. [Section 150.808](#) design and dimension requirements:
 - a. Section 150.808.D.1 & 2: **RELIEF REQUESTED.** ~~Applicant proposes 8' width parking spaces and 16' long projections. The aisle width is 14'.~~
 - i. UPDATED: Applicant needs dimension relief for parking space width and length projections and drive aisle. See further in report for specific review on dimensions.

Design Review Relief (PDC is authorized to grant or deny these requests):

1. Article 22 Landscaping:
 - **RELIEF REQUESTED.** A 5' buffer is required abutting the perimeter of the parking lot within the front 25' of the property. ~~Only a 2' buffer is identified between the spaces and the north property line.~~
 - UPDATED: Applicant indicates an un-dimensioned buffer between the parking spaces and property line.
 - **RELIEF REQUESTED.** The Applicant should provide an inventory and landscaping plan to verify what shrubs and trees are being planted, the species, and install heights (to comply with [Section 150.2230](#)).
 - UPDATED: The Applicant's revised Site Plan in **Attachment 2** depicts 50 42" (inches) tall bushes and five new trees. No caliper, height, or species information is provided for the trees. No species information is provided for the bushes. See the review of landscaping further in this report.
2. Article 6 Lighting:

² Note that three site plan iterations have been submitted for PDC review: a first iteration included in the February 21 packet, an 'intermediate' iteration presented at the February 21 meeting, and the third and current revised plan in this packet for the March 21 PDC packet and meeting.

- o **RELIEF REQUESTED:** The parking lot must have 0.2 foot candles minimum but cannot exceed 0.5 foot candles within the front yard setback.

EXISTING CONDITIONS

See previous link to February 21 PDC packet and staff report.

OFF-STREET PARKING REVIEW & SPECIAL EXCEPTION

Quantity review – included in February 21 packet – refer to that link for staff report. Again, no change to the use or building is proposed, so constructing additional off-street parking brings the property more into compliance with this Section 150.851 quantity requirement.

Off-street parking facilities must also meet the design and dimension requirements of Article 8 of the Zoning Code. The following is a code review:

1. [Section 150.805.B](#). (Paraphrasing): required off-street parking spaces cannot be located in a required front yard (though, surplus off-street parking spaces can be, with a 10' setback and dense landscape buffer). Click on the link for exact language. The Applicant is proposing 14 required off-street parking spaces within the RM2 zoning district's 25' required front yard.
 - a. **RELIEF REQUESTED.** 14 off-street parking spaces encroaching within a required front yard.
2. [Section 150.808](#) design and dimension requirements:
 - a. **RELIEF REQUESTED.** ~~Applicant proposes 8' width parking spaces and 16' long projections. The aisle width is 14'.~~
 - i. UPDATED: Applicant proposes 14 sixty degree parking spaces with 8.25' widths and 15.4' projections. The 8.25' width is acceptable if the off-street parking lot is lower-turnover, per Section 150.808.D.2 Note 4.b. Note that the regular requirement for width, without the exception, is 9.83'. The 15.4 projection does not meet the 18.75' projection required – **relief of 3.35' for 14 sixty degree parking spaces.**
 - ii. UPDATED: Applicant proposes three parallel parking spaces with 7.5' widths and 21' projections. That does not meet the 8.5' width and 22' projection requirement – **relief of 1' for width and 1' for project for three parallel parking spaces.**
 - iii. UPDATED: The drive aisle for 60 degree parking must be 16.5', with a one foot reduction allowed per Section 150.808D.2. Note 4.b., or 15.5' requirement. The Applicant proposes 15.4', **or relief of 0.1'.**
 - iv. UPDATED: The Applicant does not depict any ADA spaces. One is required per Section 150.808.E. The State ADA requirement cannot be waived nor varied. The Applicant will lose one parking space as the space adjacent the ADA space must be striped and left open pursuant to the regulations of Section 150.808.E.
 - b. **RELIEF REQUESTED.** ~~Applicant needs to identify or request relief to the Section 150.808.H Visual Clearance section, requiring the 10' isosceles triangles be depicted on the site plan.~~
 - i. UPDATED: This request is struck. No structures are depicted within Visual Clearance triangles.

DESIGN REVIEW: LANDSCAPING & LIGHTING

As a new development, this project is subject to the provisions in Chapter 176 of the City Code, "Design Review." These will include the following:

(A) *Site Plan.*

(1) The site shall be planned to (a) provide a desirable transition from the streetscape, (b) meet the parking design requirements of Article VIII of [Chapter 150](#) of this Code, and (c) meet the landscape planting and screening requirements of Article XXII of [Chapter 150](#) of this Code.

- (2) Buildings shall be oriented so that the principal entry is visible and accessible from the primary street frontage.
- (3) Building configurations that tend to catch and accumulate debris, leaves, dirt, trash and rubbish shall be avoided.
- (4) Service yards, storage yards, exterior work areas, and utility meters shall either be (i) screened from view from public rights-of-way with dense planting or other materials harmonious with the building, or (ii) otherwise be located so as not to be visible from any public rights-of-way.

STAFF COMMENTS: The project does not meet parking design requirements and has requested relief to the dimension standards. There aren't new buildings. The Applicant discussed alternative options with City staff before submitting and staff pointed out a Heritage Tree along the west would need to be removed if the west option was to proceed.

Landscaping. Vehicular Use Area landscaping is required, per [Section 150.2220](#).

1. **RELIEF REQUESTED.** A 5' buffer is required abutting the perimeter of the parking lot within the front 25' of the property. A non-dimensioned buffer is proposed.
2. The Applicant proposes landscaping abutting the perimeter and a tree island is required, per Section 150.2220.C, and is proposed along the north parking aisle.
3. **RELIEF REQUESTED.** The Applicant should provide an inventory and landscaping plan to verify what shrubs and trees are being planted, the species, and install heights (to comply with [Section 150.2230](#)).

UPDATED: The Applicant's revised Site Plan in **Attachment 2** depicts 50 42" (inches) tall bushes and five new trees. No caliper, height, or species information is provided for the trees. No species information is provided for the bushes. See the review of landscaping further in this report.

REVISED FOR MARCH 21

type	required	proposed	relief	notes
shade or ornamental trees	10	5	5 RELIEF	* See below
evergreen trees	4	0	4 RELIEF	* See below
total trees	14	5	RELIEF	* See below
shrubs	77	50	27 RELIEF	* See below

*No species information is given for bush or tree plantings. No height information is given for the proposed trees; however, the bushes are indicated as being 42" (inches) in height, meeting the 24 inch requirement.

OLD – FEBRUARY 21

type	required	proposed	relief	notes
shade or ornamental trees	8	0	RELIEF	
evergreen trees	3	0	RELIEF	
total trees	11	0	RELIEF	
shrubs	59	0	RELIEF	

(B) Site Treatment.

- (1) Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and enhanced, subject to the requirements set forth in Article XVIII of [Chapter 150](#) of this Code.
- (2) Grades of walks, parking spaces, terraces, and other paved areas shall provide a safe and stable surface for walking.

(3) Sidewalks, plazas, and pedestrian pathways shall be distinguished from Vehicular Use Areas through the use of materials, such as curbs, pavers, and brick or brushed or scored concrete, in order to ensure pedestrian safety and comfort.

(4) Newly installed utility services and service revisions necessitated by a modification to an Exterior Design Feature shall be placed underground.

(C) *Building Design.*

(1) Building mass, scale, and lines, including roof forms, shall be designed to be harmonious with the design of adjacent buildings.

(2) Buildings shall be designed to avoid monotony with respect to roof line, windows, location and size of principal entry, location and orientation of garage entries, and cladding material and color.

(3) Building materials shall be durable and conducive to easy maintenance and upkeep.

(4) Mechanical or other utility equipment.

(a) Mechanical and utility equipment located on the roof or exterior of a building shall either be: (i) screened from view from public rights-of-way with materials harmonious to the building; or (ii) located as to not be visible from public rights-of-way or residential zoning districts.

(b) Ground-mounted mechanical or utility equipment shall comply with the screening requirements set forth in Article XXII of [Chapter 150](#) of this Code.

(5) Building additions and modifications shall maintain safe access and pathways, and allow for the functional use of spaces between buildings.

STAFF COMMENTS: No new buildings or mechanical equipment are proposed.

(D) *Lighting.*

(1) Lighting fixtures shall be of a scale and finish, and shall be mounted at a height, that are appropriate to the building design and lighting function.

(2) Light sources shall be shielded from view from public rights-of-way and residential districts.

(3) Light poles located within a Vehicular Use Area shall be located between parking spaces.

(4) Lighting levels and light fixture design shall meet the standards of Article VI of [Chapter 150](#) of this Code.

STAFF COMMENTS: Staff are not aware of any changes proposed to lighting. The Applicant has not proposed new lighting. There is some existing lighting from street lamps.

- **RELIEF REQUESTED:** The parking lot must have 0.2 foot candles minimum but cannot exceed 0.5 foot candles within the front yard setback.

(F) *Fences.* Fences shall be constructed to meet the requirements of Article XXII of Chapter 150 of this Code and of Chapter 173 of this Code.

STAFF COMMENTS: No fence is proposed.

NEIGHBORHOOD REVIEW

See February 21 packet.

PUBLIC INPUT

As of 5 pm Thursday, March 16, no written comments have been submitted.

OTHER ZONING & CODE REVIEW

- None.

CITY DEPARTMENT COMMENTS

- City Forestry: Updated memo in **Attachment 3**. City Forestry verifies that tree information has been provided by Applicant and the proposed location, from a tree preservation standpoint, is the logical choice.
- City Engineering: From an engineering perspective, the only thing that they will need to verify is the amount impervious area. Per Article XVIII of the City Code, the threshold for providing storm water detention is 16,000 SF of net new impervious area installed since the adoption of the Storm Water Ordinance in 1992. No additional comments on revised plans.
- No comments from Building Division related to Fire and Building Code.

APPROVAL PROCESS

- Article 16, “Special Exceptions” regulates the request for parking relief by Special Exception. The PDC is a recommendation body and City Council the decision maker.
- Chapter 176 regulates the Design Review request, and the PDC is the approval authority for the Design Review, including the landscaping and lighting variations.

RECOMMENDATION:

The Department of Community Development recommends that the Plan & Design Commission open the public hearing for the Special Exception, consider the Design Review, accept public testimony, and deliberate on the development as proposed. If appropriate, the Commission can direct staff to amend the Findings of Fact or adopt, or continue the hearing a future date for additional discussion.

FINDINGS OF FACT AS OF March 21, 2023

For Public Hearing #2023-SPE-001 and Recommending City Council Approval of a Special Exception to the requirements for off-street parking of Article 8 for the proposed parking-lot (700 Park Avenue W, 678-696 Park Avenue W, and 668-670 Park Avenue W)

Pursuant to Section 150.1606 of the Code, the applicant for a Special Exception must demonstrate that the proposed project satisfies, to the greatest extent practicable, the following standards:

(A) With respect to each recommendation to grant a request for a special exception, affirmative findings of fact shall be made that the special exception meets each of the following standards:

(1) That the proposed special exception will be consistent with the Highland Park Comprehensive Plan and the planning policies of the City, and further that the proposed special exception will promote or implement achievement of the Comprehensive Plan, and the planning policies and objectives of the City; and

Findings: The Commission finds the parking variation requested meets several key objectives or elements of the Master Plan’s Central District, including protecting the substantial public and private investment in the Central District and integrating the residential living opportunities in the downtown and throughout the Central District. The variation allows the existing multi-family use to maintain parking and access to the downtown area.

(2) That the proposed special exception will not occasion or aggravate parking or traffic congestion on streets adjacent to or in the vicinity of the real estate to which the special exception is proposed to apply (hereinafter referred to in this Article as "Subject Property"); and

Findings: The Commission finds the property is already nonconforming with respect to onsite off-street parking, and the proposal adds additional parking to the property for use by the residents and guests. The Commission also finds there are no objections from the City’s Engineering Division. No change in dwelling density is proposed.

(3) That the proposed special exception will not have a substantial adverse effect upon the value, use, or enjoyment of property in the vicinity of the Subject Property.

Findings: The Commission finds that the proposed special exception will improve the value of the subject property and the will not adversely affect the value, use, or enjoyment of property within the vicinity of the subject property. Landscaping is proposed by the Applicant to screen the parking lot from the right-of-way. Only two driveways are proposed and will comply with Chapter 93 driveway requirements.

(B) With respect to a recommendation to grant a request for a special exception entailing the reduction of off-street parking spaces otherwise required for new structures other than additions to or alterations of existing structures, in addition to affirmative findings of fact that the proposed special exception meets the general standards contained in Subparagraph (A) hereinabove, affirmative findings of fact shall be made that the proposed special exception meets with the following standards as well:

(1) That, pursuant to a demonstration thereof (by accepted standards or studies of parking demand), the proposed use of the Subject Property will not in fact utilize as much off-street parking as required by the off-street parking provisions of this Chapter as applied to other real property lying within the same zoning district as that of the Subject Property; and

Findings: This standard is only applicable to new structures; the applicant does not propose new residential units.

(2) That strict enforcement of the off-street parking requirements of this Chapter would likely prohibit development of the Subject Property with a use that is consistent with the Comprehensive Plan and planning policies of the City as well as the zoning of the Subject Property.

Findings: This standard is only applicable to new structures; the applicant does not propose new residential units.

(C) With respect to a recommendation to grant a request for a special exception entailing the waiver or the reduction of off-street parking spaces otherwise required for an existing structure including additions and/or alterations thereto, in addition to affirmative findings of fact that the proposed special exception meets the general standards contained in Subparagraph (A) hereinabove, affirmative findings of fact shall be made that the proposed special exception meets the following standards as well:

(1) That, when constructed, the existing structure must have been lawful and conforming with respect to the number of off-street parking spaces provided, and is now either conforming or lawfully non-conforming with respect to the number of off-street parking spaces provided; and

Findings: The buildings were constructed in 1965 (Lake County Assessor data), though aerials indicate the buildings existed in 1961. The buildings and their use as multi-family dwelling units appears to have been properly permitted and are considered lawfully nonconforming pursuant to complying with any City approvals for the site, including with respect to off-street parking spaces provided.

(2) That, either:

(a) The proposed alteration of the existing structure or change in use thereof will not increase or expand the extent to which the existing structure or existing use does not conform to the off-street parking requirements of this Chapter as applied to other real property lying within the same zoning district as that of the Subject Property; or

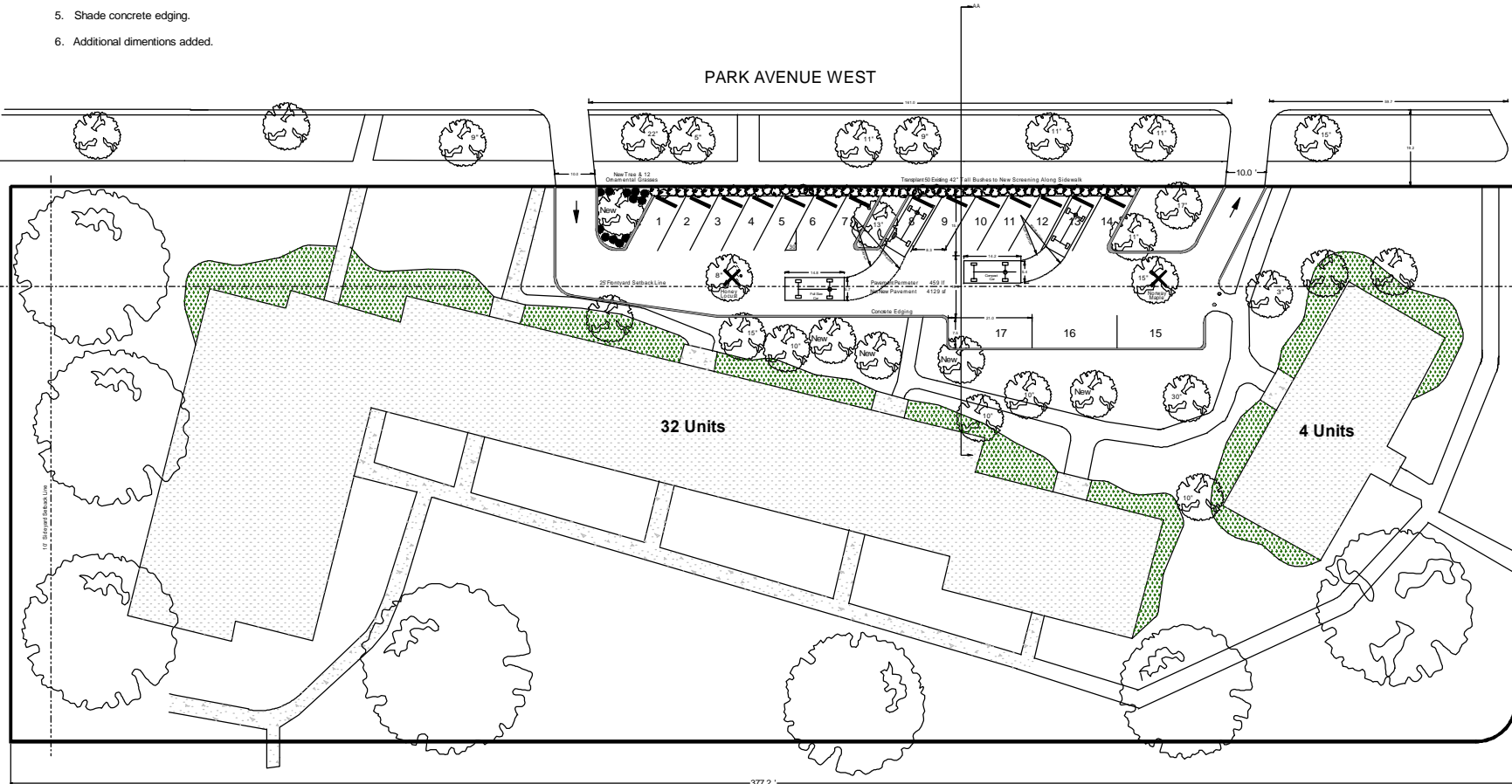
Findings: The Applicant proposes no expansion or addition to the building. The relief requested is not to the number of required parking spaces. The relief requested is to the dimension and location requirements of Article 8. By adding parking spaces onsite the property is coming more into compliance with the number of required off-street parking spaces.

(b) In the event the proposed alteration of the existing structure or proposed change in use thereof will either increase the number of required off-street parking spaces and/or increase the extent to which the existing structure or use does not conform to the off-street parking requirements of this Chapter as applied to other real property lying within the same zoning district as that of the Subject Property, a demonstration (by accepted standards or studies of parking demand) that the proposed use of the Subject Property will not in fact utilize as much off-street parking as required by the off-street parking provisions of this Chapter.

Findings: This standards is not applicable. There is no proposed alteration of an existing structure or increase or expansion in use that is increasing the number of required off-street parking spaces.

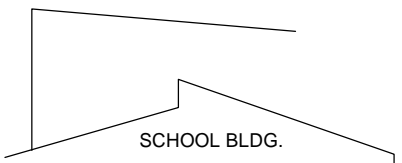
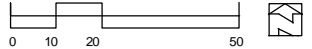
Rev 3.1 Notes:

- 1. Remove one parallel space. Make remaining 3 +/- 21 ft long.
- 2. Increase width of angled parking to 8' - 3" (Same as Central Ave Lot).
- 3. Note 30 angle on angled parking space.
- 4. Show standard car size turning radius.
- 5. Shade concrete edging.
- 6. Additional dimensions added.

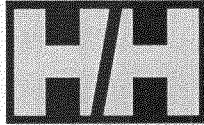


SUNSET PARK APARTMENTS
 Parking Lot Addition - Frontyard Option
 668 - 700 Park Ave West, Highland Park, IL

Feb 11, 2022 Rev 3.1 Hilco Realty Mgmt, Inc. lwhillman@gmail.com



Attachment: Attachment 2 - Revised Plan & Narrative (700 Park Ave W Special Exception & Design



March 2, 2023

Karl Burhop
City of Highland Park
1707 St Johns Avenue
Highland Park, IL 60035

RE: 700 Park Avenue West Parking

Mr. Burhop:

Attached please find ...

1. A revised drawing addressing the comments and suggestions of the Commissioners and yourself.
2. The Tree Inventory you requested.
3. Responses to the questions you asked us to address.

The parking space/aisle dimensions have been adjusted to match those at our 678 Central Avenue building. That heavily used lot accommodates resident, transient and commercial vehicles of all sizes.

Looking forward to your further comments and suggestions.

Larry Hillman
President
Hillco Brands

LWH:pc

Hillco Holdings – Investing in Real Estate, Retail and Community
POB 608 - Highland Park IL 60035 - Phone (847) 831-1045 - Fax (847) 631-0768
Info@HillcoRealty.Com - Recycled/Recyclable Paper

Follow-Up Note Responses

- Commission comments (summary only – see video at link for full comments):
 - Overhang into property line and landscaping area – consider bumper stops.
Bumper stops will be installed to prevent overhangs.
 - Need diagram that shows full sized car turning movements.
Included in the attached drawing.
 - Parallel spots need more space.
One parallel space was removed to make more room for others.
The aisle width was also increased.
 - Concern about left hand turn movement out of parking lot and distance between east driveway and school driveway.
Distance between driveways is +/- 60 feet
 - Tree survey and information needed for City.
Has been ordered and should be received this week.
 - Landscape plan and inventory – needs more information about heights, species, etc.
- Also, please review the staff comments:
 - Provide the angle of parking – what angle are the parking space?
30 Degrees as indicated on the attached revised drawing.
 - What is the perimeter of the development – what is the perimeter of the smallest box that will fit around the new, proposed parking lot? This is needed to calculate the landscaping requirement.
Pavement perimeter is 459 feet.
 - Be sure to review the Forester comments posted in the online packet and the emails sent to you by Ben Miller.
 - Additional comments may be forth coming after your latest plans are reviewed by Planning, Forestry, and Engineering.
- Other Comments:
 - Ownership and planned use of existing lot to the east.
The lot to the east is part of the same parcel as the apartment complex and will remain in used as a parking lot for the apartment building residents.
 - Additional dimensions were added to the drawing as requested.
 - Designating North Yard as Front Yard.
Hopefully Mr. Burhop will address the implications and possibilities of that suggestion.

678 Central Avenue Existing Lot



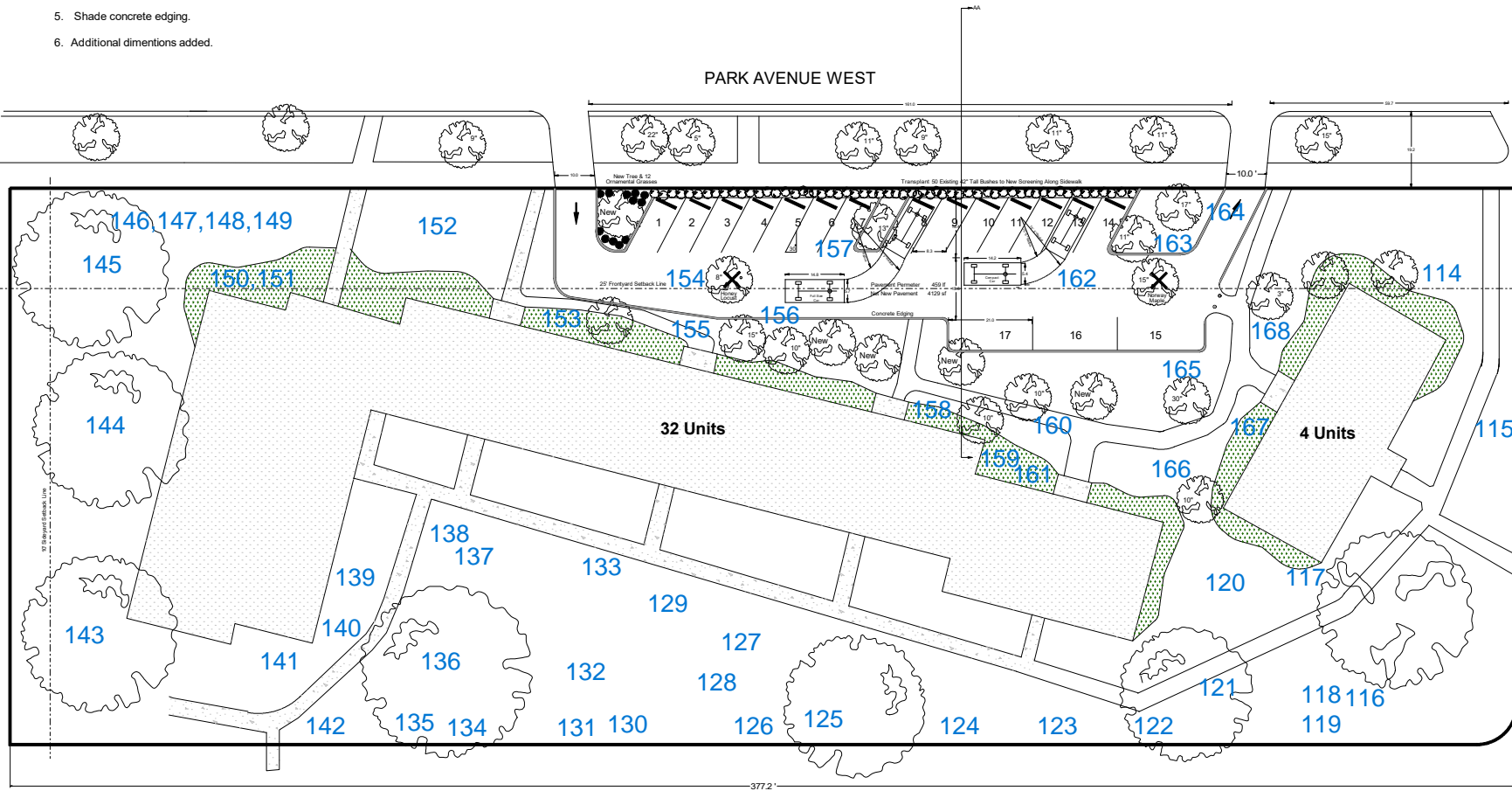
Dimensions of the proposed parking spaces are now the same as the existing park lot at our 678 Central Avenue building in Highland Park.

The Central Avenue lot accommodates transient, full size and commercial vehicles. The proposed lot will only be for residents and compact cars. The Compact Car restriction will be enforced with signage at the lot entrance and with the following lease provision in all resident leases.

“Vehicles must be registered in writing before parking in the parking lots. Only “compact cars” (having a bumper-to-bumper dimension of 192 inches or less) can park in the west lot. Unregistered or oversized vehicles may be towed at the vehicle owner’s expense.”

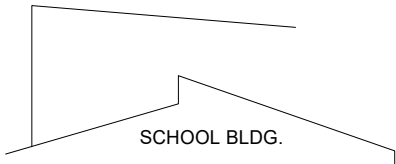
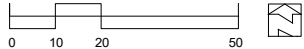
Rev 3.1 Notes:

- 1. Remove one parallel space. Make remaining 3 +/- 21 ft long.
- 2. Increase width of angled parking to 8' - 3" (Same as Central Ave Lot).
- 3. Note 30 angle on angled parking space.
- 4. Show standard car size turning radius.
- 5. Shade concrete edging.
- 6. Additional dimensions added.



SUNSET PARK APARTMENTS
 Parking Lot Addition - Frontyard Option
 668 - 700 Park Ave West, Highland Park, IL

Feb 11, 2022 Rev 3.1 Hilco Realty Mgmt, Inc. lwhillman@gmail.com



Attachment 3 - Tree Inventory & Survey (700 Park Ave W Special Exception & Design

Tree Inventory for: Hillco Realty Management - Sunset Park Apartments 668-700 Park Ave. West, Highland Park

Condition: 1 = Excellent 2 = Good 3 = Fair 4 = Poor 5 = Very Poor 6 = Dead

Tag No.	Size (DBH)	Common Name	Scientific Name	Health	Form	Comments	Action
114	9,5,7	Norway Maple	Acer platanoides	2	3	2 stem	
115	26.5	Honey Locust	Gleditsia triacanthos	2	3		
116	5.5,6.5,6	Crabapple	Malus	3	3	3 stem	
117	12.5	Mulberry - White	Morus alba	3	3	Canker	
118	23	Honey Locust	Gleditsia triacanthos	3	4	thorns	Prune off thorns on trunk
119	5	Honey Locust	Gleditsia triacanthos	2	2	thorns	Prune off thorns on trunk
120	29	Honey Locust	Gleditsia triacanthos	3	3	Large exposed bark	Prune out dead wood
121	8,6,5	Mulberry - White	Morus alba	3	3	2 stem	
122	21	Honey Locust	Gleditsia triacanthos	3	3		
123	8.5	Elm - Siberian	Ulmus pumila	4	4	trunk damage	
124	24	Honey Locust	Gleditsia triacanthos	3	3	thorns	Prune off thorns on trunk
125	7	Hackberry	Celtis	3	3		
126	4	Bur Oak	Quercus macrocarpa	4	4		
127	22	Honey Locust	Gleditsia triacanthos	3	3		
128	20.5	Honey Locust	Gleditsia triacanthos	3	4		
129	21.5	Honey Locust	Gleditsia triacanthos	3	3		
130	7.5	Honey Locust	Gleditsia triacanthos	3	3		
131	10.5	Tupelo	Nyssa	4	4	Dead limb	Prune out dead wood
132	7	Mulberry - White	Morus alba	5	5	remove	remove
133	11	Colorado Blue Spruce	Picea pungens	3	3		
134	6.5	White Pine	Pinus strobus	5	5		
135	5.5	White Pine	Pinus strobus	5	5		
136	34	Bur Oak	Quercus macrocarpa	3	3	Co-dominant stem	Cable
137	29	Bur Oak	Quercus macrocarpa	4	3	dead wood	Prune out dead wood
138	27.5	Bur Oak	Quercus macrocarpa	5	5	fungi, overhanging building, safety risk	remove asap
139	23	Bur Oak	Quercus macrocarpa	3	3		
140	19.5	Bur Oak	Quercus macrocarpa	3	3		
141	38.5	Bur Oak	Quercus macrocarpa	3	4	deadwood over building	Prune out dead wood
142	37.5	Bur Oak	Quercus macrocarpa	3	4	Co-dominant stem	Cable
143	17.5	Shagbark Hickory	Carya ovata	3	3		
144	26.5	Bur Oak	Quercus macrocarpa	4	4	deadwood over building	Prune out dead wood
145	33	Bur Oak	Quercus macrocarpa	3	3		
146	3,3	Crabapple	Malus	3	3	multi-stem	
147	3,3	Crabapple	Malus	3	3	multi-stem	
148	3,3	Crabapple	Malus	3	3	multi-stem	
149	7	Crabapple	Malus	3	3	multi-stem	
150	6	Hawthorn	Crataegus	6	6	dead	remove
151	8	Hawthorn	Crataegus	5	5		
152	32.5	Honey Locust	Gleditsia triacanthos	3	3		
153	17	Austrian Pine	Pinus nigra	5	5		
154	8	Crabapple	Malus	4	3		Remove
155	8	Green Ash	Fraxinus pennsylvanica	3	3		TPZ, root invigoration, root pruning, fertilizing
156	15.5	Austrian Pine	Pinus nigra	5	4		
157	13	Honey Locust	Gleditsia triacanthos	3	3		TPZ, root invigoration, root pruning, fertilizing
158	6.5	Elm	Ulmus	4	4		
159	4.5	Elm - Siberian	Ulmus pumila	4	4		
160	12	Ash	Fraxinus pennsylvanica	4	4		
161	19.5	Honey Locust	Gleditsia triacanthos	4	3	Canker	Root rot treatment, fertilize
162	8	Honey Locust	Gleditsia triacanthos	3	3		TPZ, root invigoration, root pruning, fertilizing
163	17.5	Austrian Pine	Pinus nigra	4	4		TPZ, root invigoration, root pruning, fertilizing
164	21	Austrian Pine	Pinus nigra	4	3		TPZ, root invigoration, root pruning, fertilizing
165	27	Honey Locust	Gleditsia triacanthos	3	3		TPZ, root invigoration, root pruning, fertilizing
166	10.5	Norway Maple	Acer platanoides	3	3		
167	40	Honey Locust	Gleditsia triacanthos	5	5	large cavity in trunk, safety risk	remove asap
168	6	Kentucky Coffee Tree	Gymnocladus dioica	3	3		

Attachment: Attachment 3 - Tree Inventory & Survey (700 Park Ave W Special Exception & Design Review)



City of Highland Park

1150 Half Day Rd.
 Highland Park, Illinois 60035
 847.432.0807
 cityhpil.com

Public Works

Department

MEMORANDUM

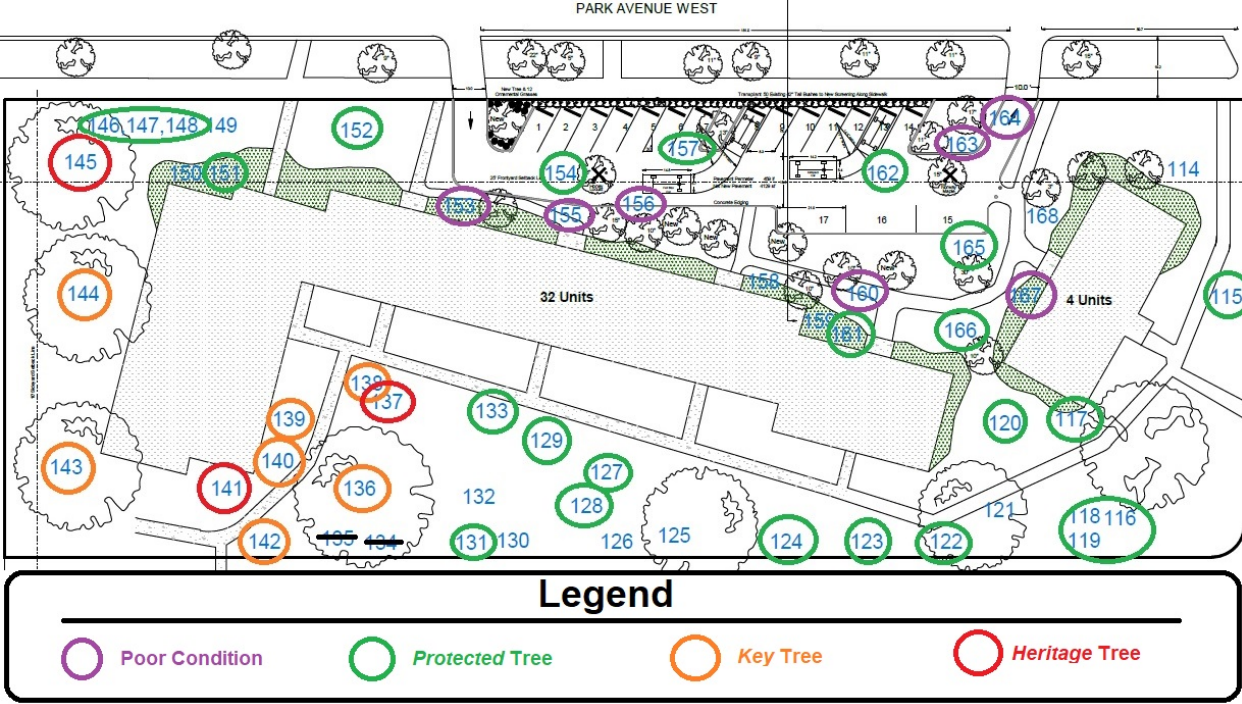
To: Karl Burhop – Senior Planner
 From: Ben Miller –City Forester
 Date: March 9, 2023
 Re: 700 Park Avenue West –Parking Lot

The Forestry Section has been asked to review a revised proposal for a new parking lot at 700 Park Avenue West. This development would be located along the south side of Park Avenue West, north of the existing multi-family residences. Previous drafts of this plan had the parking lot located on the west end of the building. The applicant has worked with Forestry on a revised submittal that takes into consideration the impact on surrounding trees.

The City has received a tree inventory and survey for 700 Park Ave West. Forestry staff has reviewed this documentation and verified the contents in the field. The conclusion being that the relative benefit of locating the proposed parking lot north of the residential complex, as opposed to elsewhere on the site is clear. If such a development is to be approved, from a tree preservation perspective, the logical choice would site these improvements as proposed.

As proposed (and diagramed below), this development would largely require the removal of low-quality trees. This includes infested Ash & Pines, along with a substantial , but failing Honey Locust. Other elements of the landscaping in this area consist of *Protected* trees. No *Key* or *Heritage* trees are in proximity to the proposed construction.

As any other location on this site, would realize a greater impact to surrounding trees; likely including desirable *Key* and *Heritage* trees, Forestry staff supports the proposal.



Attachment: Attachment 4 - City Comments (updated) (700 Park Ave W Special Exception & Design Review)

MEMORANDUM – PLAN & DESIGN COMMISSION

TO: Plan and Design Commission
FROM: Monday, March 20, 2023
RE: **Public Hearing #2023-ZTA-001 for a Chapter 150 Zoning Code text amendment to amend or to prohibit, or otherwise regulate, the use of property for Tobacco Shops, and for other principal and accessory uses for the sale or use of tobacco products, e-cigarettes, smoking, vaping and all related paraphernalia intended for smoking or vaping of any kind regardless of products, in the various zoning districts of the City, and specifically as well as such other regulations as may be necessary, important, or beneficial to the City and its residents**

Recommendation:

Staff request feedback from the Plan and Design Commission (“PDC”) on amendment alternatives related to Tobacco Shops and Smoking Related Uses with the aim of developing a recommendation to City Council as directed.

Background:

The City received several complaints related to the recent opening of two tobacco shops in Highland Park, at 492 Old Elm and 1821 St. Johns. In total, the City has four such uses in various locations in the City.¹ Complainants expressed concern about the proliferation of tobacco shops and the sale of smoking related paraphernalia. Much of the initial concern focused on the aesthetics of the non-compliant signs at each of these locations. Both locations were found to have signs not in compliance with the City Code. Each have since come into compliance after City enforcement actions. Although the sign issues are addressed by City Code, concerns related to the appropriateness of allowing what some characterized as “Head Shops”² in the City’s downtown and neighborhood business districts should be discussed.

On January 23, 2023 staff recommended, and the City Council unanimously adopted, a ‘Red Flag’ Resolution³ directing the Commission to conduct a public hearing to evaluate and recommend to the City Council whether and to what extent the Zoning Code should be amended to prohibit, or otherwise regulate, the use of property for Tobacco Shops, and for other principal and accessory uses for the sale or use of tobacco products, e-cigarettes, smoking, vaping and all related paraphernalia intended for smoking or vaping of any kind regardless of products, including, but not limited to, Kratom, Delta9, and other similar products⁴, in the various zoning districts of the City, and specifically as well as such other regulations as may be necessary, important, or beneficial to the City and its residents. See attached Resolution for more details, **Attachment 1** (2023.01.23 CC Excerpt).

Since State legalization of cannabis, many communities have allowed State licensed cannabis dispensaries, including Highland Park. As a result, the market for smoking related paraphernalia has grown. Moreover, vape and other products that are broadly related to smoking (glass pipes, THC, Delta, Kratom, etc.) have become popular in recent years. This has led to the proliferation of retail

¹ In addition to those already mentioned above, there is a Tobacco Shop at 190-192 Skokie Valley Rd. – I Cloud 360 Smoke & Vape since 2020 - previously Island Smoke Shop; and a fourth located at 1870 Sheridan Rd. (Moon Rock Inc). There is also a tobacco shop located in the Crossroads Shopping Center named Old Chicago Smoke Shop.

² A Head Shop is defined as: “A retail outlet specializing in sale of paraphernalia related to consumption of cannabis, other recreational drugs, and New Age herbs, as well as generally selling counter culture art, magazines, music, clothing, and home decor.” Source: American Heritage Dictionary of the English Language 5th Edition.

³ By a 7-0 vote - link to that consideration and Resolution, R12-2023, is found [here](#).

⁴ Collectively referred to as “Tobacco and Smoking-Related Uses”

establishments that sell these products. In 2021, the City granted a special use permit for Zen Leaf an Adult Cannabis Dispensary now located 2030 Skokie Valley Road⁵.

Zoning Analysis:

The Zoning Code currently allows Tobacco Shops as a Permitted Use in the City’s Commercial Zoning Districts, including Downtown (B5) and Ravinia (B2-RW) Districts. In 2019/2020 the City reviewed its land use permissions as part of an effort to ensure experiential uses were allowed and to remove land use restrictions downtown⁶. As part of the consideration to include experiential uses, Tobacco Shops were allowed to remain as permitted uses. “Vape Shops”, as a principal use, remain not permitted, and the Zoning Code was amended to explicitly state that⁷. It is important to note that the sale of vape products are not prohibited provided they are accessory to a principal use. This is why they are allowed to be sold in other uses such as a Tobacco Shop or, for example, a convenience store, or in other retail uses. Moreover, various smoking paraphernalia can be used broadly for the smoking of tobacco or cannabis etc., and therefore can be sold in tobacco shops.

- Implications of changing use permissions for existing Tobacco Shops.
 - Should the City decide to prohibit Tobacco Shop use from particular Zoning Districts any legal, pre-existing Tobacco Shops would become legal pre-existing non-conforming uses.
 - Nonconforming uses are allowed to continue their use and operation pursuant to Section 150.903 of the Zoning Code.
 - The ‘re-park’ rule of Section 150.802.C will no longer apply to these tenant spaces, as the uses will no longer be conforming.

There is no definition in the zoning code for Tobacco Shop. In the Zoning Code the word “tobacco” only appears in Section 150.490 within the land use Tobacco Shop and in Section 150.851 for related off-street parking and loading requirements for Tobacco Shop. Tobacco is defined or otherwise regulated in City Code Chapters 100, 115, 125⁸, and 133. Tobacco Shop uses encompass a wide variety of tobacco products (for smoking and smokeless), including but not limited to, cigars, cigarettes, pipe, loose leaf, chewing, dipping and flavored tobaccos; and related products such as pipes (including glass), grinders, hookah, and rolling papers, humidors, ashtrays, lighters, and gifts or novelty items, and other related products. Tobacco Shops *cannot* sell cannabis per State Law, and per Highland Park Code as cannabis is defined in Section 150.202 of City Code and cannabis related uses are regulated by Sec. 150.420 and Sec 150.421 of the Zoning Code.

Policy Alternatives:

The following provides a set of alternatives to consider for changes to the regulation of Tobacco and Smoking related uses. It also addresses parking and highlights another policy issue, not before the

⁵ Highland Park amended its Zoning Code to allow for Medical Cannabis Dispensing Organizations in 2015 in the I and B3 zoning districts and to allow Adult Use Cannabis Dispensaries (2020) as conditional uses within the I district. Additionally, Medical Cannabis Cultivation Centers are allowed as a conditional use within the I Zoning District. Elevelle had operated at 1460 Old Skokie Road for several years before doing business as Zen Leaf before moving to its current location on Highway 41.

⁶ On February 24, 2020 (O32-2020) the City adopted Zoning amendments related to experiential uses and on October 26, 2020 (O66-2020) the City removed the Pedestrian Oriented Overlay District, which limited uses on the first floor of buildings in certain areas of downtown to retail and retail orientated uses. Both amendments were aimed at expanding the array of uses permitted and removing use prohibitions to help mitigate on-going vacancy caused by changes in the retail industry nationwide.

⁷ See definition for “Retail Uses Not Otherwise Regulated” in Section 150.202 of the zoning code.

⁸ Per Section 125.002 in City Code: “Tobacco Products means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.”

Commission at this time, but for which the Commission may choose to recommend be addressed in the future. In reviewing this land use matter, the Commission should consider whether these uses are appropriate in various Zoning Districts and what, if any, additional regulation is in the best interest of the City.

Alternative A – Further limit Tobacco and Smoking related uses

Should the Commission find it appropriate to further regulate these uses, staff offer the following recommendations.

1) Limit Tobacco Shops to:

- B3 – Highway Commercial and I – Light Industrial Zoning Districts.
- Specifically, amend Sec. 150.490 of the Zoning Code regarding Allowable Uses as follows:

	HC	B1	B1A	B2	B2-RW	B3	B4-4	B4-5	B4-6	B4-BG	B5	I	PA	CDRO
Current Code														
Tobacco Shops		P	P	P	P	P	P	P	P	P	P	P		P
Proposed														
Tobacco Shops		P	P	P	P	P	P	P	P	P	P	P		P
Head Shop												P		

2) Define “Tobacco Shops”. Staff to present definition at future PDC meeting.

3) Define “Head Shops” as a separate use and allow them in the following:

- I – Light Industrial Zoning Districts with similar setbacks as Adult Use Cannabis⁹ uses, including setbacks from sensitive uses, etc.
- Specifically, define “**Head Shop**” as: “A retail outlet specializing in sale of paraphernalia related to consumption of legal recreational drugs, such as cannabis and New Age herbs, as well as generally selling counter culture art, magazines, music, clothing, and home decor.”

4) Explicitly limit the proportion of a retail establishment’s sales area that can be dedicated to *accessory* sales of tobacco and smoking products and related paraphernalia such as pipes of all kinds, bong, hookahs, vapes and other equipment and tools related to smoking most broadly defined to include vaping etc.

- No more than 20% of the retail sales floor area open to the public can be used for the accessory display and sale of the above products except in Adult Use Cannabis Dispensary uses.

Alternative B - Prohibit Tobacco Shops and Head Shops

1. Prohibit Tobacco Shops and Head Shops as principal uses in any Zoning District. Accessory sales of these products would be allowed in other retail uses.

⁹ Section 150.202 Definition: “Adult Use Cannabis Dispensary means a facility operated by an organization or business that is registered by the Illinois Department of Financial and Professional Regulation to acquire cannabis from a cannabis cultivation center, cannabis craft grower, cannabis processor, or another cannabis dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies for recreational, non-medical purposes to purchasers other than registered qualifying patients under the Illinois Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1 et seq.)”

2. Limit accessory sales similar to **Alternative A(3)** above.

Alternative C – No change to the Zoning Code.

- Tobacco Shops would remain allowed in the Zoning Districts shown above and smoking paraphernalia of all kinds related to smoking would be allowed to be sold.

Off-Street Parking.

- No changes to the off-street parking requirement is proposed for Tobacco Uses, and if Head Shops are allowed, staff propose they have the same parking regulations as Tobacco Uses.

Signage.

- Staff is also reviewing signage rights and will present additional information at a future PDC meeting.

Other considerations outside this public hearing consideration.

- Staff recommend the Council consider a separate zoning text amendment to address the ‘re-park rule’ (see above for more detail), with staff’s recommendation being that if any existing use, whether conforming or nonconforming, is changed to a permitted use that it be allowed to benefit from the ‘re-park’ rule of Section 150.802.C
- Staff also recommend that Council reconsider the exclusion B3, I, and B1 zoning districts from the repark rule.
 - Staff propose that this would not apply to conforming or nonconforming uses that are being changed to a conditional use, nor apply to expansions / additions to physical buildings and uses.