

ZONING BOARD OF APPEALS
MINUTES OF JANUARY 4, 2017 – 7:00 P.M.

1. The regularly scheduled meeting of the Zoning Board of Appeals was called to order at 7:00 p.m.
2. A quorum was present. Gil Snyder, Chairman Mark Cwik, Kathy Mennella, George Snarski, Bruce Boreson, , Lisa Manzo (Secretary), Matt Welch (Village Attorney) and Zoe Heidorn (Village Planner). Absent: Frank Grieshamer.
3. Member Boreson made a motion to accept the minutes of December 7, 2016. The motion was seconded by Member Mennella and approved to place them on file as presented.
4. New Business: ZBA 16-25
Village of Franklin Park
Text Amendment
9500 W. Belmont Avenue

Chairman Cwik stated that this hearing is for a a Text Amendment to Village Code section 9-8-4 regarding parking regulations for automobile repair uses and Village Code sections 9-5B-3, 9-5G-3 and 9-6C-3, regarding the regulation of tobacco shops.

Member Boreson made a motion to enter in any and all department reports, memos, new and revised reports and testimony into the record. Member Mennella seconded the motion. All in favor. The motion was carried.

Chairman Cwik called the petitioner up at this time. He asked the petitioner to sign in and be sworn in. Ms. Zoe Heidorn, Village Planner, petitioner, came forward. She signed in and was sworn in.

Ms Heidorn gave her presentation to the members stating that this hearing is for a Text Amendment to Village Code section 9-8-4 regarding parking regulations for automobile repair uses and Village Code sections 9-5B-3, 9-5G-3 and 9-6C-3, regarding the regulation of tobacco shops as follows:

In the case of ZBA 16-25, a Text Amendment to Title 9 of Village Code, Ms. Heidorn stated that staff is recommending changes to:

- 1) Parking regulations for auto repair uses and
- 2) The regulation of tobacco shops

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Ms. Heidorn stated that ZBA 16-25 was publicly noticed for and presented at the ZBA's December meeting but the items we are addressing today were continued to today's meeting to afford additional time for research.

Ms. Heidorn explained that in order to provide more clarity and consistency in the Village's zoning regulations, staff is recommending that an off-street parking requirement be added for auto repair uses. Because Village Code does not currently provide a specific requirement, auto repair uses have been classified as both "General commercial" and "Manufacture and industrial" for the purpose of determining an off-street parking requirement.

Ms. Heidorn described survey of the off-street parking requirements for auto repair uses across nearby and similar municipalities to inform the recommendation for an off-street parking requirement. With the observation that the parking needs of existing auto repair facilities are often greater than their capacity, staff recommends adopting a relatively high off-street parking requirement while keeping within the range of the requirements surveyed. Staff is proposing that 2 spaces be provided per service bay, plus 1 space per employee. Secondly, staff is recommending changes to the regulation of tobacco shops, which are currently a Conditional Use in the C-2, C-3, DT-1 and DT-2 zoning districts. Village Code section 4-7-1 defines tobacco shops as follows:

Retail tobacco store: A retail establishment that does not permit the consumption of food or beverages on the premises, and derives more than eighty (80) percent of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.

Ms. Heidorn explained that state law prohibits smoking in businesses, restaurants and bars, retail tobacco stores are exempt if more than 80 percent of revenue is from the sale of tobacco and accessories. Village Code is aligned with the state's regulations on indoor smoking.

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Ms. Heidorn stated that, according to multiple studies, several of which are referenced in the staff memorandum, the density and location of smoking establishments have an effect on the prevalence of tobacco use among youth. Researchers have suggested that zoning restrictions focused around schools may be a successful way to reduce the direct and indirect sales of tobacco to students.

With tobacco shops listed as a Conditional Use in many of Franklin Park's commercial zoning districts, a tobacco shop could be approved to operate along one of the Village's commercial arterials and in several instances, directly adjacent to a school. Examples include Hester Junior High School, Passow Elementary School and Enger School. If a future tobacco shop were to meet State requirements, it could also obtain an exemption to permit indoor smoking.

With research establishing the negative impact of tobacco retailers on the tobacco use of youth, staff is recommending that "Tobacco shops" be removed as a Conditional Use in the C-2, C-3, DT-1 and DT-2 districts and added as a Conditional Use in the O'Hare Corridor Business Opportunity Overlay District. Because the district is designed to accommodate adult-oriented businesses, the district is located in an industrial area and is not in close proximity to any schools.

She noted that tobacco sales as an accessory use will continue to be permitted under this proposed Text Amendment.

Chairman Cwik opened this hearing to the public at this time. Chairman Cwik stated that since no public came forward, he closed public session.

Board Discussion began at 7:08 p.m.

There was minimum discussion regarding this hearing. The members discussed this Text Amendment at this time.

Board Discussion ended at 7:10 p.m.

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Member Boreson made a motion to approve ZBA 16-25 for a Text Amendment to Village Code section 9-8-4 regarding parking regulations for automobile repair uses and Village Code sections 9-5B-3, 9-5G-3 and 9-6C-3, regarding the regulation of tobacco shops. Member Mennella seconded the motion. Roll Call Vote. Member Mennella-Yes; Member Snarski-Yes; Member Boreson-Yes; Member Snyder-Yes; Chairman Cwik-Yes; Member Grieshamer-Absent. Five (5) Ayes, Zero (0) Nays, One (1) Absent, Zero (0) Abstain. The motion was carried.

5. Staff Update. Ms. Heidorn stated that there will be a demolition event over at the old Motorola site at 9401 Grand Avenue on January 25, 2017 at 10:00 a.m.
6. Public Comment: None.
7. A motion was made by Member Boreson to adjourn the meeting of the Zoning Board of Appeals. It was seconded by Member Mennella. All in favor. Motion carried.

The meeting adjourned at 7:14 p.m.

Respectfully Submitted,

Lisa M. Manzo
Secretary