



# VILLAGE OF LINCOLNSHIRE

## MINUTES COMMITTEE OF THE WHOLE MEETING November 28, 2022

Present:

Mayor Brandt  
 Trustee Harms Muth  
 Trustee Pantelis  
 Trustee Wright  
 Village Attorney Simon  
 Village Treasurer/Finance Director Rossi  
 Public Works Director Woodbury  
 Assistant Public Works Director/Village Engineer Dittrich

Trustee Grujanac  
 Trustee Mitchell  
 Trustee Raizin  
 Village Clerk Mastandrea  
 Village Manager Burke  
 Chief of Police Leonas  
 Assistant Village Manager/Community & Economic Development Director Roesler  
 Management Analyst Cascone

### 1.0 ROLL CALL

Mayor Brandt called the meeting to order at 7:07 p.m., and Village Clerk Mastandrea called the roll.

### 2.0 ITEMS OF GENERAL BUSINESS

#### 2.1 Planning, Zoning and Land Use

#### 2.11 **Consideration of an Ordinance Approving Variances from Title 12 (Sign Control) of the Lincolnshire Village Code in the Office/Industrial Sign District to Permit a Wall Sign Logo Exceeding 30" and Sign Face Height Exceeding 36" (Zebra Technologies – 3 Overlook Point)**

Assistant Village Manager/Community & Economic Development (CED) Director Roesler summarized the proposed ordinance approving wall sign face and logo heights, as requested by Zebra Technologies.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board meeting.

#### 2.12 **Public Hearing regarding an Ordinance Approving a Major Amendment to a Special Use for a Planned Unit Development with Zoning and Sign Code Exceptions and Approving the Preliminary Development Plan for a Commercial Mixed-Use Development**

- a. **Consideration of an Ordinance Amending the Sign District from "Office/Industrial" to "Commercial"**
- b. **Consideration of an Ordinance Approving a Master Sign Plan**

#### **Half Day Landing Commercial Mixed-Use Development –**

**(225 Marriott Drive-Keystone Planning + Design/6801 Investments, LLC)**

Mayor Brandt recessed the Committee of the Whole meeting and convened the Public Hearing regarding an Ordinance approving a Major Amendment to a Special Use for a Planned Unit Development with zoning and sign code exceptions and approving the Preliminary Development Plan for a Commercial Mixed-Use Development.

Mayor Brandt provided an overview of procedures for the Public Hearing.

Assistant Village Manager/Community & Economic Development (CED) Director Roesler summarized the proposed ordinance, as requested by Keystone Planning + Design/6801 Investments, LLC, the prospective purchaser, and developer. If approved, the proposed development would be the first of a two-phased development on the property. Prior to the Village's approval of the final development plan, the developer will need a Watershed Development permit from the Lake County Stormwater Management Commission (SMC). The petitioner will also be required to obtain a permit from the Illinois Department of Transportation (IDOT) regarding site access. The petitioner prepared a traffic study which is currently being reviewed by IDOT.

Assistant Village Manager/CED Director Roesler noted there are several amenities proposed throughout the property including a bike and pedestrian path, ADA accessible picnic tables and benches, and gathering places around the pond. There will be 116 new trees proposed, including parking islands, and the petitioner proposes a berm along the western property line. The petitioner requests the entire property be placed in the Commercial Sign District and proposes a master sign plan for the development for a unified and aesthetically pleasing design per Village Code.

No public comments have been received to date.

Mayor Brandt swore in Mr. Luigi Randazzo and Mr. Timothy Hague with Keystone Ventures Real Estate Development and Mr. Dave Frigo with Hitchcock Planning and Design Experts.

Mr. Hague reviewed the proposed site plan and access to the site. Mr. Hague presented information on the proposed buildings and prospective tenants, changes made for the drive-thru for the Buona Beef/Rainbow Cone building as a result of Board comments/recommendations, recreational path, landscaping, lighting, signage, menu board details, building materials, and building elevations.

Mayor Brandt asked if the petitioner would like the PUD Findings of Fact entered into the record. Mr. Hague confirmed he wanted the PUD Findings of Fact entered into the record.

Trustee Wright requested staff provide the Board details relative to

what exists in Village Green in terms of the number of monument signs and tenant signs for comparison. Assistant Village Manager/CED Director Roesler and Village Manager Burke stated other commercial centers had multi-tenant as well as single tenant ground signs, but the quantity and size for each development's signage would need to be researched further. Trustee Wright asked if all three multi-tenant signs proposed would be constructed in Phase I. Mr. Hague confirmed the three multi-tenant signs would be constructed in Phase I. Mr. Hague stated the site is somewhat unique in that it is vested with the significant recreation easement dedication which sets the buildings back from the road significantly. Trustee Wright asked for confirmation of the multi-tenant and separate smaller monument signs for Buona Beef/Rainbow Cone and for Thorton's as presented in the agenda packet. Mr. Hague confirmed the amount of signage asked by Trustee Wright.

Mayor Brandt asked what the height of the proposed west side berm is. Mr. Hague stated it is 8' wide and 4' tall with plantings on top. Mayor Brandt asked how tall the berm is for Probat. Assistant Village Manager/CED Director Roesler stated he was not certain but believed it was 6' in height. Mayor Brandt noted her opinion is to request the proposed berm be higher than the one at Probat. Assistant Village Manager/CED Director Roesler noted a potential problem with installing a higher berm is grading and the area needed for installation. Mayor Brandt asked what the height of the trees would be on top of the berm. Mr. Frigo noted the evergreen trees will be 6' – 12' in height and the shade trees are 3 ½" and 4 ½" caliper.

Trustee Mitchell asked if the west berm would be constructed in Phase I. Mr. Frigo confirmed the west berm would be constructed in Phase I.

Mayor Brandt stated when the petitioner first came to the Board it was discussed that a feature would be placed at the corner to possibly include the Lincolnshire "L" and asked if this feature was considered. Mr. Hague stated this was considered; there was discussions with staff and the Architectural Review Board (ARB), and they concluded the benefit of maintaining the existing topography and mature trees and trying to find area to create spaces with more functionality for people to meet would be more beneficial.

Mayor Brandt asked if there was any thought on relocating the gas station with Building A. Mr. Hague stated they looked at this with several different site plan versions, and part of the struggle was design aspects of getting a drive-thru to function properly and functional challenges with potential users not wanting the front doors facing the corner; users want them facing the parking lot. Mr. Hague added Thorton's had a strong preference to utilize the corner, and there is an economic reality between the two uses that led the petitioner to the proposed solution.

Trustee Grujanac noted concern with the site layout in having the gas station on the corner. Trustee Grujanac also noted that if a potential tenant is looking at buildings D and E in Phase II, the drive-thru is still

facing the pond, and it would set a precedent for another developer interested in the site.

Trustee Grujanac asked what the plans are for Building A. Mr. Hague stated they have pre-leasing interest in Building A; however, he cannot share any definitive plans. Mr. Hague added some of the challenges in today's fast-paced world is a potential tenant wanting to know when they can get into a space and open. If it is not in a window of six months or less, it is hard to get interest and a sincere commitment. Mr. Hague noted they do have significant interest from additional restaurants for Building A they feel comfortable will be developed on the same schedule. Mr. Hague noted as soon as they complete the preliminary development plan process, they can speak with more confidence as to what the actual schedule for delivering the project will be.

Mr. Hague stated they are not asking for any approvals for Phase II at this time. Mr. Hague identified protected sidewalk areas and crosswalks and would anticipate one more restaurant in Phase II on the parking lot side.

Trustee Grujanac asked how Phase II approvals would be handled. Assistant Village Manager/CED Director Roesler noted Phase II would follow the same process as this petition has been handled. Trustee Grujanac asked if they could prevent a drive-thru in Phase II being built next to the pond. Trustee Harms Muth agreed with Trustee Grujanac and asked them to revise the site plan as presented to only what is proposed for Phase I, or to show the drive-thru's in Phase II such that they orient towards the parking lot. Mr. Hague stated they are more than happy to have a stipulation when they come back with Phase II.

Trustee Grujanac asked if the canopy for Buona Beef had to be orange. Mr. Hague stated it is part of their branding.

Mayor Brandt asked if there was a good picture of the Rainbow Cone on the building. Mr. Hague noted the proposed signage consists of a wall mounted sign above the entrance door and directed the Board to the drawings.

Mr. Randazzo brought up the drawings to indicate where the sample materials provided to the board would be on the buildings.

Village Attorney Simon asked if Thorton's or Buona Beef had any co-tenant restrictions on what might be allowed to go into Building A. Mr. Hague confirmed a convenience store; a fuel station; or an Italian beef, Italian sausage, and ice cream restaurant businesses would be prevented from occupying Building A.

Mayor Brandt asked if any members of the public would like to speak. No one present had other comments.

Assistant Village Manager/CED Director Roesler noted the condition in

the re-zoning ordinance for this property that was approved in 2021 would be included in the proposed ordinance, such that the Village would not issue a building permit or certificate of occupancy (CO) for Thornton's until it issues those same permit requirements for either Buona Beef or Building A. The Board would need to see vertical development and occupancy of either Building A before Buona Beef/Rainbow Cone before Thornton's. Trustee Grujanac asked if it had to be Buona Beef/Rainbow Cone or Building A before a permit or CO would be issued for Thornton's. Assistant Village Manager/CED Director Roesler stated the ordinance does not require both Buona Beef/Rainbow Cone and Building A to have building permit or CO issued; it is one or the other.

Assistant Village Manager/CED Director Roesler noted he distributed to the Board a revised Plat of Subdivision. Page 111 in the original Committee of the Whole packet shows the original plat and the major changes include labeling lot 5 and boundaries of lot 4 and lot 2 continue to the western-most edge of the property.

Assistant Village Manager/CED Director Roesler noted staff had worked with the petitioner on a potential name of the commercial development and arrived at Half Day Landing which is an homage to the former Chicagoland airport.

Mayor Brandt adjourned the Public Hearing, and reconvened the Committee of the Whole meeting at 8:06 p.m.

Mayor Brandt asked the Board if they had consensus of the Board to put this on the consent agenda at the next Regular Village Board meeting.

Trustee Raizin stated she has seen this go through ARB and appreciates the changes the petitioner has made from what was originally presented. Trustee Raizin stated she is ready to put it on the consent agenda at the next Regular Village Board meeting.

Trustee Wright stated she would like some more time to consider the signage variations. Trustee Wright stated she was fine with the three multi-tenant signs but noted concern for adding single-tenant monument signs with future development on the property. Mayor Brandt asked if these are deal breakers for Buona Beef or Rainbow Cone. Mr. Hague noted unfortunately, they are deal breakers since this will sit behind a 1.71-acre recreational easement area with some mature landscaping. Mayor Brandt asked Assistant Village Manager/CED Director Roesler to provide the Board with the exact signage with sizes at Village Green, Lincolnshire Commons, and CityPark for comparison. Mr. Hague stated they did do comparisons on this throughout the community and provided examples of sign comparisons in other shopping centers. Trustee Wright stated she understands this would be a deal breaker for Rainbow Cone and Buona Beef and asked what happens when a tenant for Building A is confirmed, and if they would want a monument sign. Mr. Hague stated this will be the limitation of all monument signs for both Phase I and

Phase II; the petitioner has made proper allocation within the monument Sign A for the additional tenants. Village Manager Burke noted this is why the Master Sign Plan is being presented tonight with the overall site; that is not to say this could not be amended; there have been requests made from other PUD's for signage changes.

Trustee Mitchell asked for sizes of the single-name signs compared to the Eddie Merlot's single-named sign. Assistant Village Manager/CED Director Roesler stated he would have to get the information and report back to the Board.

A further conversation regarding signage followed.

Trustee Harms Muth noted concern for development on a corner when there is a vacant development on the opposite corner, but stated she is ready to put this on the consent agenda for approval at the next Regular Village Board meeting. Trustees Mitchell, Grujanac, and Pantelis concurred with Trustees Harms Muth and Raizin to put this item on the consent agenda for approval at the next Regular Village Board meeting.

Trustee Grujanac asked if any of the trees were coming out on the corner of Route 22 and Milwaukee Avenue. Mr. Randazzo stated the existing trees and shrubs are staying with added vegetation in the proposed landscape plan.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board meeting.

## **2.13 Continued Consideration of the following Ordinances:**

- A. Map and Text Amendments of the Lincolnshire Village Code - Creation of "Office" and "Industrial" Zoning Districts; Repeal of the O/Ia, O/Ib, O/Ic, and O/Id Office/Industrial Zoning Subdistricts; and Rezoning of Properties from the O/Ia, O/Ib, O/Ic, and O/Id Office/Industrial Zoning Subdistricts to Either the Proposed "Office" or "Industrial" Zoning Districts**
- B. Text Amendments to Title 6 (Zoning), Chapter 8 (Office/Industrial Districts) of the Lincolnshire Village Code to Create Uses and Bulk/Development Regulations in the Proposed "Office" and "Industrial" Zoning Districts**
- C. Text Amendments to Title 6 (Zoning) of the Lincolnshire Village Code to Replace All "O/I" Zoning District References with Proposed "Office" and "Industrial" Zoning District References in Chapter 3 (General Zoning Regulations), Chapter 4 (Zoning Districts), Chapter 11 (Off-Street Parking & Loading), Chapter 13 (Nonconforming Uses, Structures, and Lots); Chapter 16 (Personal Wireless Communications Facilities), and Chapter 17 (Alternative Energy Collection Systems) (Village of Lincolnshire)**

**2.14 Consideration & Approval of an Ordinance Regarding a Map Amendment from O/Ic Office/Industrial to “Industrial” for 325 Marriott Drive (Village of Lincolnshire)**

Mayor Brandt opened items 2.13 and 2.14 together.

Assistant Village Manager/Community & Economic Development (CED) Director Roesler provided a summary of items 2.13 and 2.14 noting staff met with Chuck and Duncan Lamphere with Van Vlissingen and David LeCavalier from ForeFront Properties, LLC to talk about the change in uses for the proposed Office District. The Lamphere family expressed concern that there was a loss of uses with the proposed rezoning, specifically light manufacturing, assembly, and similar industrial uses that are currently allowed in the O/Ib Subdistrict. However, they did support the proposed rezoning so long as the Village Board commits to pursue and explore future use amendments as part of the Comprehensive Plan process, including multi-family uses and mixed-use opportunities.

Staff researched neighboring communities to see how they handled industrial uses and if any of the communities had applied planned unit developments to those properties. Staff confirmed Vernon Hills and Deerfield do and have used PUD designations for specific industrial developments within their jurisdictions.

In terms of the 325 Marriott Drive property and the potential PUD approval process, staff feels this could be a quick process because the property is already developed. Staff received and shared a letter with the Board from Mr. Woldenburg, owner of 325 Marriott Drive.

Staff would like direction from the Board regarding 325 Marriott Drive as well as text amendments and if there are any changes to the proposed legally nonconforming code.

Regarding the concerns from Van Vlissingen and ForeFront Properties, Mayor Brandt stated it is the commitment of the Board to explore additional uses as part of the Comprehensive Plan update process.

Trustee Mitchell asked in the case of a PUD as an option for 325 Marriott to stay as a warehouse, would that change any of the uses of the current building now or at any point in time. Assistant Village Manager/CED Director Roesler stated if the property is rezoned to Office, and Mr. Woldenburg petitions for a PUD, the petition would likely include a request for the existing uses to remain on the property and be classified as permitted uses. If the PUD is not applied for, the uses could continue; however, when there is a vacancy either in the entire building or a portion of the building, it would default to the nonconforming code whereby the property owner would have 36 months to find a new tenant with the same use.

Village Attorney Simon stated if a PUD was applied for on 325 Marriott and the Board was inclined to allow the PUD just to ratify existing

conditions, and vacancies occurred, no amortizations would apply because they would remain permitted uses. Trustee Mitchell asked if this applies in perpetuity, even if there is a change in ownership. Village Attorney Simon confirmed this would apply in perpetuity, even if there is a change in ownership. Village Attorney Simon stated at the last meeting the broker on behalf of Mr. Woldenburg represented that if it was a PUD, the Village will want to approve every tenant that goes in the building; this is an option for the Board to consider but not a requirement.

Mayor Brandt asked if PUD is applied for at 325 Marriott, would the owner have to come up with new documents for the process. Village Attorney Simon stated, based on staff recommendation, and his review of the code, the owner of 325 Marriott would not have to do the pre-application meeting with the Board, but there would still have to be a Public Hearing as required by Village Code. Mayor Brandt questioned if it would have to go through ARB approval. Village Manager Burke and Village Attorney Simon would research if ARB approval would be needed and report back to the Board.

Trustee Grujanac asked if they could include the current uses as options for the new zoning. A conversation followed regarding adding uses to the zoning and uses allowed in the I District. If the Board wants to add uses, this will need to go back to the Zoning Board for review.

Trustee Pantelis stated she spoke with staff regarding 325 Marriott and would be in favor of the PUD option. Village Attorney Simon clarified there is no application pending for a PUD; if a PUD is applied for and approved, it would be allowed to ratify the warehouse/industrial uses as permitted uses. It is up to the owner whether to apply for a PUD. Trustee Pantelis stated she is in favor of how staff proposed the zoning to be Office with the option for a PUD application. Trustees Grujanac, Wright, Raizin, and Mitchell agreed with Trustee Pantelis.

Trustee Harms Muth stated she is in favor of the Zoning Board recommendation for 325 Marriott to be zoned Industrial.

Mr. Jim Woldenburg, owner of the 325 Marriott Drive property, was invited to speak to the Board. Mr. Woldenburg expressed serious concern about the proposed Office rezoning, stating he sees little benefit to Lincolnshire in taking this step. Mr. Woldenburg stated he would not be applying for a PUD, and this will result in litigation.

Trustee Raizin stated the reason for her decision to approve zoning the property Office is, if for some reason Mr. Woldenburg lost a tenant, and another Industrial tenant was not acquired within 36 months, the zoning would automatically revert to Office, but if a PUD is applied for and obtained, the use would remain Industrial in perpetuity. She stated the Village has come up with a solution for Mr. Woldenburg to continue using his property as it is currently used with the PUD application prospect.



Mr. Woldenburg stated insurability of his property would change if the proposed Office rezoning occurs, and he won't be able to insure the building properly. If something happens to the building and he needed it to be rebuilt, it will then need to be rebuilt as Office. Trustee Mitchell asked if the building was lost due to a catastrophe, and the owner needed to rebuild, would the Village be able to do a PUD or something else to allow the use as an Industrial building to be rebuilt. Village Attorney Simon stated under the Village code and state law, a PUD expressly allows a use to be permitted that is not otherwise allowed in the underlying zoning district. With a PUD approval, the Industrial uses would be permitted uses even if there is a catastrophic loss and the building was destroyed. Mr. Woldenburg asked if a PUD is going to mimic what the zoning currently is, why is this even being discussed. Trustee Mitchell stated it is important to him that the Village honors our agreement with the owner to allow the owner to have an industrial/warehouse building, and it sounds like the Village has come up with a way to do exactly that. Trustee Mitchell stated he spoke with some insurance executives over the last few weeks, and they ensured him the zoning is not a significant factor on how they would insure the building. Trustee Mitchell stated he also spoke with commercial lenders, and they are not concerned with the underlying zoning as long as there is use approval in place. Mr. Woldenburg stated with regards to insurance, he is more concerned about the appraised value.

Mayor Brandt stated she would like more information on the insurance issue.

It was the consensus of the Board to place item 2.13 under Items of General Business for further discussion and approval at the next Regular Village Board meeting.

It was the consensus of the Board to place item 2.14 under Items of General Business for discussion and approval at the next Regular Village Board meeting.

## 2.2 Finance and Administration

### **2.21 Consideration and Receipt of Report Regarding 2022 Employee Council Initiatives and Related Proposed Employee Handbook and Operational Policy Changes (Village of Lincolnshire)**

Management Analyst Cascone presented the work of Employee Council over the past year and related changes proposed for the Employee Handbook and operational policy changes. Some of the proposals require Board approval, and some do not.

The presentation included background information related to Employee Council, Employee Council accomplishments, research categories, importance of Employee Council, and formal policy proposals.

Village Manager Burke provided additional background regarding Retirements Incentive being very informal in the past and a description of floating holidays as it relates to the retirement notice.

Village Attorney Simon stated the retirement gift, and the retirement notice bonus are not designed to incentivize anyone to retire early. Village Manager Burke noted long-term employees are hesitant to give notice because they have floating holidays on the books and do not want to lose the ability to schedule the floating holiday time.

Trustee Wright asked about the usage of the floating holiday time as the employee gets closer to the end date; is there a threshold of not using floating holidays as their last days. Village Manager Burke stated the approval of time off is subject to the Department Managers with the goal as not to approve the use of those days for the last days of employment. Management Analyst Cascone noted the revised retiree floating holiday policy change really gets at the culture of care.

Management Analyst Cascone continued his presentation with formal policy proposals as it relates to retirement sick leave payout. Village Manager Burke noted the sick leave accrual and sick leave payout has been a practice that pre-dates his employment. This is the ability for an employee that has accumulated years of service and sick time to be able to cash out on a percentage of accrued sick leave. Village Attorney Simon noted there is no change in how employees are being treated for payout of sick leave, it was just stated in two separate chapters of the Employee Handbook.

Management Analyst Cascone continued his presentation with light duty status proposal for the Employee Handbook to mirror Police Department policy, and next steps of Employee Council.

Trustee Mitchell asked if the proposed amendments would modify compensation for some of the employees. Village Manager Burke noted the only change in compensation would be if anyone provided the six months advanced notification upon retirement. The other accrual change for 20 plus year employees would accrue vacation days at an accelerated rate and would not change the maximum carry over days and it is use-it or lose-it if exceeds the maximum carry over days. Trustee Mitchell asked given that we are talking about making some adjustments to something that impacts the compensation as recommended by staff, should there be an independent third party to evaluate this to see if this is appropriate and/or best practice. Village Manager Burke noted in 2023 a compensation study is planned. Staff can include this with the Request for Proposal (RFP). Trustee Mitchell asked who would be doing the compensation study. Village Manager Burke stated staff would issue the RFP to professionals that would do an analysis of the internal and external equity on the compensation plan and bring back recommendations. Staff has been waiting on the budget to be approved before issuing the RFP.

Trustee Raizin stated she has seen proclamations being done for retirees and asked if this is done for all employees. Village Manager Burke stated this has not been consistent and has depended on if a retiree wants to appear at a Board meeting.

It was the consensus of the Board to place this item on the Consent

Agenda for approval effective January 1, 2023, at the next Regular Village Board meeting.

**2.22 Consideration of a Professional Services Agreement with Media Impact Group, LLC. to Install Upgraded Audio and Visual Equipment in the A/V Room, Board Room, and Community Room in an Amount not to Exceed \$100,000 (Village of Lincolnshire)**

Management Analyst Cascone provided a summary of a Professional Services Agreement with Media Impact Group, LLC. to install upgraded audio and visual equipment in the A/V Room, Board Room, and Community Room in an amount not to exceed \$100,000.

Trustee Pantelis asked if this is a budgeted item. Village Manager Burke stated this is a budgeted item.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board meeting.

2.3 Public Works

**2.31 Consideration of Consideration and Approval of an Ordinance Amending Title 8 (Public Ways & Property), Chapter 2A (Water, Sanitary and Storm Sewer Rates)**

Assistant Public Works Director/Village Engineer Dittrich provided a summary of an Ordinance amending Title 8 (Public Ways & Property), Chapter 2A (Water, Sanitary and Storm Sewer Rates). Village Attorney Simon is still making some minor adjustments to the language, so the final will be provided at the next Regular Village Board meeting.

It was the consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board meeting.

2.4 Public Safety

2.5 Parks and Recreation

2.6 Judiciary and Personnel

**3.0 UNFINISHED BUSINESS**

**4.0 NEW BUSINESS**

**5.0 EXECUTIVE SESSION**

**6.0 ADJOURNMENT**

Trustee Grujanac moved, and Trustee Harms Muth seconded the motion to adjourn. The voice vote was unanimous, and Mayor Brandt declared the meeting adjourned at 9:13 p.m.

Respectfully submitted,

**VILLAGE OF LINCOLNSHIRE**

Barbara Mastandrea  
Village Clerk