



VILLAGE OF LINCOLNSHIRE

MINUTES SPECIAL ZONING BOARD MEETING Wednesday, July 26, 2023

Present:

~~Chair Bichkoff~~
Member Hersh
Member Kalina

Member Cohen
Member Curtin
~~Member Josephson~~
Trustee Kelly

Assistant Village Manager/Community &
Economic Development Director Roesler

Planning & Development Manager Zozulya

1.0 ROLL CALL

Member Kalina called the meeting to order at 7:01 p.m., and Planning and Development Manager (PDM) Zozulya called the Roll.

PDM Zozulya requested appointment of Member Kalina as Chair Pro Tem per Chair Bichkoff's request.

Member Curtin moved and Member Hersh seconded the motion to appoint Member Kalina as Chair Pro Tem. The motion passed unanimously by voice vote.

2.0 APPROVAL OF MINUTES

2.1 Approval of the minutes of the Zoning Board meeting held on Tuesday, June 13, 2023.

Member Cohen moved and Member Hersh seconded the motion to approve the minutes as presented for the June 13, 2023, ZB meeting.

AYES: Hersh, Cohen, Kalina, and Curtin

NAYS:

ABSENT: Bichkoff and Josephson

ABSTAIN:

Assistant Village Manager/Community & Economic Development Director Roesler declared the motion carried.

3.0 ITEMS OF GENERAL BUSINESS

3.1 Consideration of a Preliminary Plat of Subdivision for Proposed Office/Warehouse Buildings (15730 Aptakasic Road – Panattoni Development Company Inc.)

PDM Zozulya reviewed the petition for approval of the preliminary plat of subdivision for the proposed development.

PDM Zozulya stated the preliminary plat is proposed in conjunction with a new development proposal on a 28-acre vacant parcel. The petitioner, Panattoni Development Company Inc., wants to develop the property for industrial/warehouse/office uses and consolidate four existing lots into two lots.

PDM Zozulya stated the Architectural Review Board has initiated their design review and requested several revisions before completing their review in September.

PDM Zozulya said the Village Engineer found the preliminary plat of subdivision to be in compliance with Village Code subdivision requirements. Staff recommend the Zoning Board provide a favorable recommendation to the Village Board.

Eric Prechtel, attorney for Panattoni Development Company, gave a brief background on the company noting Panattoni is one of the largest privately held real estate development companies in the Chicago area.

Attorney Prechtel stated the preliminary plat of subdivision proposes to extend Schelter Road south to Aptakistic Road and extend Margate Drive to Schelter Road.

Chair Pro Tem Kalina asked about potential tenants for the two warehouse buildings. Mr. Prechtel stated that they would be speculative warehouses. Potential tenants could include offices, warehouses, or distribution centers.

Trustee Kelly asked whether the buildings would have a similar design. Attorney Prechtel responded they would be similar to giving a “campus feel” but with different facades and colors.

Trustee Kelly also asked about the height of the buildings. Attorney Prechtel stated they would be 39 feet, excluding rooftop units, and 45 feet including rooftop units. Both buildings will meet code in the Industrial zoning district.

Member Curtin asked about the market and vacancy for this type of facility. Attorney Prechtel confirmed the market for industrial and warehouse uses remains strong.

Trustee Kelly asked about the location of loading docks. Attorney Prechtel responded they are proposing a landscaped berm to screen the building 1 docks from Aptakistic Road.

Member Hersh moved, and Member Hersh seconded the motion to recommend approval to the Village Board of a preliminary plat of subdivision.

The motion passed unanimously by voice vote. PDM Zozulya declared the motion carried.

3.2 Public Hearing Regarding a Text Amendment to Title 6 (Zoning), Chapter 2 (Zoning Definitions), Chapter 3 (General Zoning Regulations), Chapter 5 (Residence Districts), and Chapter 13 (Nonconforming Uses, Structures & Lots) of the Lincolnshire Village Code (Village of Lincolnshire)

Chair Pro Tem Kalina reviewed the procedures for the public hearing and requested Assistant Village Manager/Community & Economic Development Director (AVM/CEDD) Roesler to give a presentation on behalf of staff given the Village is the petitioner.

AVM/CEDD Roesler stated the goal of the text amendments is to preserve the single-family character of the R1, R2, R2A, and R3 zoning districts. The proposed amendments would require tenants to rent an entire home, as opposed to leasing individual rooms (lodging rooms).

AVM/CEDD Roesler stated outdated definitions of "family" were removed from the code to comply with the Federal Fair Housing Act, in that government entities cannot require blood or marital relations within the definition of "family". Instead, it is how a group of individuals agree to function as a housekeeping unit. Nearby communities do not outright prohibit lodging houses or rooms but regulate them differently. Village staff are not seeing this as a trend but are trying to get ahead of it in case issues arise in the future. AVM/CEDD Roesler stated the amendments would phase out any existing legally non-conforming lodging houses or rooms within one year of adoption.

PDM Zozulya added staff contacted comparable communities including Lake Bluff, Lake Forest, Highland Park, Deerfield, Bannockburn, and Winnetka. Lake Bluff, Deerfield, and Bannockburn indicated they do not currently address lodging rooms in their codes. Highland Park allows up to five unrelated individuals to rent together if they function as a single housekeeping unit, though they require a Special Use permit for 6-12 individuals. Highland Park also has a landlord registration program for properties where the owner does not reside on site.

Chair Pro Tem Kalina asked if AVM/CEDD Roesler would like the text amendment findings of fact entered in the record. AVM/CEDD Roesler stated yes.

Member Curtin asked how the request came to light. AVM/CEDD Roesler said staff became aware of the living arrangements at a single-family property in the R3 zoning district after the Police Department received a call for a wellbeing check on one of the tenants who had not shown up for work. After the police response, staff from the Community & Economic Development Department visited the property to assess building code and life safety issues. Based on the Police Department's investigation, as well as CED staff's assessment, they determined the tenants did not function as a single household unit, as individual bedrooms were leased to different people who did not know one another.

Staff addressed the building code issues with the property owner, but a zoning enforcement matter remained, which is what the proposed text amendments aim to address.

Member Cohen asked if renting a room to a friend to help with mortgage would be a violation. PDM Zozulya responded it would unless the entire house was rented, not just a room. Member Cohen proposed a scenario about renting to a friend for six months. PDM Zozulya said the entire dwelling unit would need to be rented, not just an individual room.

Member Curtin asked about renting the house to his son. PDM Zozulya said renting to family members would not be regulated by the proposed code. Member Cohen expressed concern about the amendments being overly restrictive on homeowners.

Member Curtin asked if rentals could be allowed under a Special Use permit like in Highland Park. PDM Zozulya said that is not currently contemplated, but staff will discuss it with the Village Attorney.

Member Cohen asked if there was a way to narrow the amendments to deal with extreme situations instead of impacting family and friends. Trustee Kelly expressed concerns with health and safety in residential rentals and suggested allowing up to three renters in a single-family home.

Chair Pro Tem Kalina opened the floor to any members of the public who wish to speak. He left the meeting at 7:33 p.m. and returned at 7:37 p.m.

Mr. Robert Floss, an attorney representing the owners of the single-family property in question, was sworn in by Chair Pro Tem Kalina. He stated the property was intended to provide competitively priced housing and security for a group of older tenants. He stated he is not aware of any major health or safety concerns. Mr. Floss added it has not been a strictly room-by-room lease situation. He also stated the neighbors had not complained about the property and the only issues were minor building code violations that have been addressed. In his view, the proposed amendments would not allow nannies or care providers to live in single-family homes. PDM Zozulya noted the Village Code already allows community group homes for cases when individuals with disabilities live, and are cared for, in a state-licensed home. The proposed amendments will not alter the existing community group home regulations.

PDM Zozulya also stated the proposed amendments are not intended to regulate family members, nannies, and care takers. Staff will speak with the Village Attorney about clarifying the regulations to address this concern.

Chair Pro Tem Kalina asked about whether someone can apply for a variance from the proposed regulations. PDM Zozulya responded affirmatively.

Mr. Floss requested the Zoning Board table this item to allow his client to speak directly at the next Zoning Board meeting.

Member Cohen moved and Chair Pro Tem Kalina seconded the motion to continue the public hearing to the next regularly scheduled Zoning Board meeting on September 12, 2023.

AYES: Hersh, Cohen, Kalina, and Curtin
NAYS: None
ABSENT: Bichkoff and Josephson
ABSTAIN: None

PDM Zozulya declared the motion carried.

4.0 UNFINISHED BUSINESS

5.0 NEW BUSINESS

6.0 CITIZENS COMMENTS

7.0 ADJOURNMENT

Member Cohen moved and Member Curtin seconded the motion to adjourn the Zoning Board meeting. The voice vote was unanimous, and Chair Pro Tem Kalina declared the meeting adjourned at 8:11 p.m.

Minutes submitted by Shannon Latham, Administrative Assistant, Community & Economic Development.