



VILLAGE OF LINCOLNSHIRE

MINUTES ZONING BOARD MEETING November 12, 2019

Present:

~~Chair Bichkoff~~

Member Hersh

~~Member Kalina~~

Alternate Member Kelly

Assistant Village Manager/Community &

Economic Development Director Gilbertson

Member Udoni

Member Curtin

Member Josephson

Trustee Harms Muth

Planning & Development Manager Zozulya

1.0 ROLL CALL

AVM/CEDD Gilbertson stated Chair Bichkoff is unavailable for tonight's meeting. The Zoning Board must appoint a Chair Pro Tem prior to proceeding with the meeting agenda.

Member Hersh moved and **Member Josephson** seconded a motion to appoint Member Udoni Chair Pro Tem.

Motion passed unanimously by voice vote.

Chair Pro Tem Udoni called to order the Regular Meeting of the Zoning Board for November 12, 2019 at 7:02 p.m.

PDM Zozulya called the roll and declared a quorum to be present.

2.0 APPROVAL OF MINUTES

2.1 Approval of the minutes of the Zoning Board meeting held on Tuesday, October 10, 2019

Member Josephson moved and **Member Hersh** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board.

The motion passed unanimously by voice vote.

3.0 ITEMS OF GENERAL BUSINESS

3.1 Public Hearing regarding a Special Use Permit for Daniel Wright Junior High School related to a Building Addition – 1370 Riverwoods Road (Lincolnshire-Prairie View School District 103)

3.2 Public Hearing regarding Variations to Ratify Existing Improvements on Daniel Wright Junior High School Property related to a Building Addition – 1370 Riverwoods Road (Lincolnshire-Prairie View School District 103)

Chair Pro Tem Udoni recommended the Zoning Board consider public hearings for Items 3.1 and 3.2 together, given the relatedness between the requests. She then reviewed the public hearing rules and procedures. **Chair Pro Tem Udoni** recessed the Zoning Board meeting and convened the Public Hearings on Items 3.1 and 3.2.

PDM Zozulya summarized the request before the Zoning Board. She stated Lincolnshire-Prairie View School District 103 is seeking a Special Use permit for a public school with multiple variations outlined in the packet and public hearing notice. She added the school was constructed in unincorporated Lake County in 1972, annexed by the Village in 1989 in the R-1 Single-Family zoning district but did not receive a Special Use designation at that time. **PDM Zozulya** stated the district is planning a 1,800-square-foot addition of the building which requires a Special Use. She stated the variations being reviewed tonight are not a result of the proposed addition but are intended to memorialize the existing improvements for the record. She added the petitioner submitted responses to the required Special Use and Variation Standards, and the Zoning Board must review the responses and find each standard has been addressed to provide a favorable recommendation to the Village Board. **PDM Zozulya** said a public notice was published in the newspaper and the petitioner notified surrounding property owners within 250' of the property lines. Staff received one inquiry from a resident regarding clarification of the scope of the project. **PDM Zozulya** said the variation seeking approval of existing parking stalls in the required 30' side yard setback, which was part of staff's reports to the Village Board and Zoning, has been eliminated and is not required based upon additional staff review of a detailed site plan provided by the petitioner.

Mr. Kenneth Florey, an attorney with Robbins Schwartz representing School District 103, introduced the design team present for the hearing. **Chair Pro Tem Udoni** requested anyone representing the petitioner wanting to give testimony to step forward to be sworn in. The following persons were sworn in: Matt Bickel of Wold Architects; Jodi McCarthy of Gewalt Hamilton Associates; Scott Gaunky of School District 103; Leo Morand of Gewalt Hamilton Associates; Terry Fielden of ICI; and Kenneth Florey of Robbins Schwartz.

Mr. Bickel presented an overview of existing conditions as well as the student and staff population. He said the district is planning a 1,800-square-foot classroom addition, interior renovations, and relocation of the main entrance. Site improvements include upgrades to the storm water detention areas of the property.

Ms. McCarthy presented the storm water detention plans stating final permits were granted by Lake County Storm Water Management Commission (SMC) for detention basin retrofit and expansion. She added due to the sensitive nature of surrounding properties, SMC would not allow any substantial changes to the detention areas or storm water outlets. She noted SMC will allow the detention basins to be enlarged, but outflow will be reduced.

Mr. Bickel stated the plans for the addition and interior renovations will enhance the learning environment for students as well as provide additional and improved spaces to accommodate the School District 103's educational programming and projected growth in enrollment.

Mr. Florey reviewed each of the variation requests, which are a result of existing conditions and not due to the addition. **Mr. Bickel** discussed the variation request for impervious surface area and that the school will reduce the impervious area from approximately 39% to 38% due to removal of sidewalks and hard surfaces on the athletic field. He also stated the existing 11'-tall fence along the south property line was installed at the neighbors' request to screen the transportation building and buses. He presented the requests for the

remaining variations in the petition. **Mr. Florey** reviewed the responses to the required Special Use and Variation standards and requested a favorable recommendation from the Zoning Board. He also requested the Findings of Fact for the Special Use and variations be entered into the record.

Chair Pro Tem Udoni asked if the Zoning Board had comments or questions. **Member Hersh** inquired about the construction schedule. **Mr. Florey** responded they plan a January 2020 bid opening, with construction commencing in April or May and ready for school late summer. **Alternate Member Kelly** asked about the proposed reduction of one ADA parking stall. **Mr. Gaunky** noted there are currently seven ADA stalls and, at most, only two are utilized on a daily basis. **Alternate Member Kelly** asked about the variations and implications of future improvements and additions. **PDM Zozulya** stated the Special Use and variations under consideration will address the current conditions at the school; however, if a new addition or more site improvements were planned, they will require an amendment to the Special Use. **Member Curtin** asked if School District 103 is contemplating future building additions. **Mr. Gaunky** said the school district does not anticipate increasing the building footprint and prefers to reconfigure the existing space. **Member Hersh** asked about the use of the large amounts of open space on the school property and asked about a possible track addition for student athletes. **Mr. Gaunky** replied the open space is used by the students for P.E. class and other after-school field games, and they do not anticipate adding a track due to funding and impervious surface issues. **Alternate Member Kelly** inquired about standing water in the detention basins and mosquitos. **Ms. McCarthy** said the basins will be planted with native vegetation, are designed to hold water for a few days, and will not pose a nuisance.

Bruce Malter, 203 Brampton Lane, was sworn in by Chair Pro Tem Udoni. **Mr. Malter** inquired about the existing basin vegetation. **Ms. McCarthy** stated the northeast basin has turf grass and is mowed. The southwest basin has native vegetation and the plantings will be enhanced. **Mr. Malter** stated when the northeast basin was previously modified, it did not have native vegetation. **Ms. McCarthy** stated ordinances now require native plantings and reported drainage issues to the west required improvements that were part of the current SMC review and approvals.

Martin Weiner, 211 Brampton Lane, was sworn in by Chair Pro Tem Udoni. **Mr. Weiner** stated he has lived in his house since 1992 and never had ponding in his yard until the school started with the building additions and site changes. He appreciates the efforts in detention basin improvements, but would like to see less impervious surface and requested the school district explore ways to mitigate flooding in residents' backyards, such as pervious surface for the parking lot. **Mr. Florey** stated the plan received approval of SMC. **Mr. Weiner** said this would be a good time to make changes to come into compliance with the impervious surface requirements. **Ms. McCarthy** stated topography maps do not indicate any type of sheet flow to adjacent properties. All drainage pipes are directed to the detention ponds and storm water is kept on site. **Mr. Weiner** stated he still experiences ponding in his yard in the spring and believes it is getting worse. **Ms. McCarthy** said they are working with the Village to provide better access from school property to a trail that leads to the residential subdivision detention pond, thereby allowing the Village to maintain the detention basin and potentially eliminate the ponding problems. **Mr. Florey** stated the improvements made to the detention basins are designed to improve water flow in the area.

Mr. Malter asked if the Village has considered code changes to allow use of more modern material for parking lot improvements. **PDM Zozulya** stated the Village is in the process of conducting a village-wide drainage study and will relay **Mr. Malter's** concerns to the

Village's Engineering staff and will add **Mr. Malter's** and **Mr. Weiner's** contact information to the list of interested residents for the study.

There was discussion regarding the parking lot and the requested variation. **PDM Zozulya** noted the school district has indicated they will bring the parking lot into compliance in the future when they obtain permits for parking lot improvements. **Mr. Gaunkey** indicated the improvements may take place in 2025.

There was discussion on the outdoor storage facilities, specifically the building used as a central paper storage facility. **Chair Pro Tem Udoni** if the new school district offices at an off-site location would open up an opportunity to move central storage to the new offices and thereby eliminate one of these structures. **Mr. Gaunkey** indicated there is no loading dock at the new office location and the structure will need to stay in its current location.

Chair Pro Tem Udoni closed the public hearings.

Member Hersh moved and **Member Josephson** seconded the motion for Item 3.1 that, having made findings based on facts covered in a Public Hearing on November 12, 2019, the Zoning Board recommended approval to the Village Board a Special Use Permit for the Daniel Wright Junior High School property at 1370 Riverwoods Road, as presented in the petitioner's presentation packet and based on the Special Use Findings of Fact, dated November 6, 2019, and further subject to the parking lot being brought into compliance with any future parking lot improvements.

Mr. Florey requested clarification on the existing parking lot setback and the motion being made. He stated that reconfiguring the parking lot to bring it out of the setback could create a hardship for the school district. **PDM Zozulya** noted it was the school district that suggested bringing the parking lot into compliance in the future. The Zoning Board elected to keep this language in the motion.

Roll Call:

Ayes: Udoni, Hersh, Kelly, Curtin and Josephson

Nays: None

Motion passed.

Member Josephson moved and **Member Curtin** seconded the motion for Item 3.2 that, having made findings based on facts covered in a Public Hearing on November 12, 2019, the Zoning Board recommended approval to the Village Board variations to ratify existing improvements for the Daniel Wright Junior High School property at 1370 Riverwoods Road, as presented in the petitioner's presentation packet and based on the Variation Findings of Fact, dated November 6, 2019.

Roll Call:

Ayes: Udoni, Hersh, Kelly, Curtin and Josephson

Nays: None

Motion passed.

- 3.3 Public Hearing regarding an Ordinance Amending the Lincolnshire Village Code, Title 6 (Zoning), Chapters 2 (Zoning Definitions), 3 (General Zoning Regulations), and 8 (Office/Industrial Districts), Defining and Prohibiting Adult-Use Cannabis Business Establishments (Village of Lincolnshire)

Chair Pro Tem Udoni reviewed the rules and procedures for those in attendance. **Chair Pro Tem Udoni** recessed the Zoning Board meeting and convened the Public Hearing.

AVM/CEDD Gilbertson summarized the State of Illinois Cannabis Regulation and Tax Act that will take effect January 1, 2020. He stated during the October 15, 2019 Committee of the Whole meeting, the Village Board received a presentation from staff summarizing the Act and its impact on local zoning control. The Village Board also heard public comment. It was the consensus of the Village Board to prohibit adult use cannabis businesses in Lincolnshire, indicating they did not believe it was necessary for Lincolnshire to be one of the first communities to allow recreational cannabis sales. **AVM/CEDD Gilbertson** clarified medical cannabis dispensaries have been permitted by Special Use in the O/I district since 2014. He further requested the Findings of Fact be entered into the record.

Trustee-Liaison Harms Muth stated the Village has to specifically codify prohibition of adult use cannabis business establishments before January 1, 2020. **AVM/CEDD Gilbertson** noted the state holds all the potential business licenses for adult use cannabis business, which is different from how the Village can regulate liquor licenses.

Member Josephson commented on sales tax implications. He stated sales tax numbers are down, and there are retail vacancies. With the proposed text amendment, he felt the Village would preclude potential revenue sources. He stated current and proposed regulations are very strict for cannabis-based industries, and that the proposed zoning prohibition will be overly restrictive. **Trustee-Liaison Harms Muth** said the discussion with the Village Board was mostly on retail sales and repercussion of retail sales, adding research from other states did not indicate a substantial tax revenue increase.

Alternate Member Kelly said he would have liked to have heard from industry leaders on this topic and have been provided more information on other benefits of cannabis businesses besides retail sales.

Member Josephson suggested putting a time limit or a moratorium on the proposed zoning restrictions. It may be beneficial to wait and see other communities' experiences that have approved cannabis business establishments and revisit in two years. **Member Josephson** added once restrictions are approved and adopted, it may be difficult to remove them. **AVM/CEDD Gilbertson** stated the Village Attorney indicated putting a moratorium for a period of time would create a deadline burden, and that the Village Board would be requiring itself to visit at a specific time, whereas under an outright-prohibition, the matter can be revisited at any time.

Member Curtin also suggested more time to review this subject and putting a time limit on the zoning restrictions versus an outright prohibition. **Member Hersh** agreed it would have been better to have more time to review this matter. **Alternate Member Kelly** agreed that more time to review would be beneficial and would like the opportunity to review this again.

Member Curtin stated village residents presume this matter has concluded. **Member Josephson** suggested recommending a moratorium. The Village Board can reject that recommendation and overturn the Zoning Board's recommendation. He stated he also would have preferred more time, as well as more public and industry input before implementing a zoning ban on these types of uses.

There was further discussion regarding the desire for more time and information before a recommendation is made that would prohibit these uses. Members noted other services and uses associated with cannabis will be impacted, and not just retail sales. It was determined

the timeline implemented by the State for sales to begin is requiring quick zoning and Village Board action in order to implement code changes to prohibit adult use cannabis establishments in the Village.

Chair Pro Tem Udoni closed the public hearing.

Member Hersh moved and **Member Josephson** seconded the following motion that, having made findings based on facts covered in a public hearing on November 12, 2019, the Zoning Board recommends approval to the Village Board a text amendment to Sections 6-2, 6-3, and 6-8 Lincolnshire Village Code, to define and prohibit adult-use cannabis business establishments, as presented by staff and based upon the Text Amendment Findings of Fact.

Roll Call:

Ayes: Udoni, Hersh, Kelly, Curtin and Josephson

Nays: None

Motion passed.

AVM/CEDD Gilbertson stated this matter will now go to the Village Board for further discussion, consideration, and recommendations. He added staff will continue to evaluate and research this matter as has been tasked by the Village Board and that the Village Board can assign this as a goal for staff.

3.4 Approval of 2020 Zoning Board Calendar and Meeting Schedule (Village of Lincolnshire)

AVM/CEDD Director Gilbertson stated the Illinois Open Meetings Act requires all advisory boards to approve their meeting schedule and calendar prior to or at the first meeting of the year. **AVM/CEDD Director Gilbertson** reviewed the 2020 dates for the Zoning Board meeting schedule, noting the one change out of the regular second Tuesday of the month occurs in October 2020.

Member Curtin moved and **Alternate Member Kelly** seconded approval of the 2020 Zoning Board meeting dates as prepared by staff.

The motion was unanimously approved upon a voice vote.

4.0 UNFINISHED BUSINESS

5.0 NEW BUSINESS

AVM/CEDD Gilbertson summarized the Village Board’s discussion regarding bulk regulations at the October 11 Committee of the Whole meeting. During deliberation, the Village Board elected to pursue a vote on the more restrictive measures recommended by staff. **AVM/CEDD Gilbertson** also stated while the Village Board reviewed Zoning Board minutes, the Village Board would like to hear from Zoning Board members more directly. **Trustee-Liaison Harms Muth** said she tried to convey the direction of the Zoning Board; however, the Village Board noted the changing nature of neighborhoods with tear downs and very large houses being built next to smaller houses, and this remains a concern for the Village Board. There was discussion regarding lot consolidation as a factor limiting construction of large homes. **AVM/CEDD Gilbertson** stated it was determined in consultation with the Village Attorney that the Village could not prohibit lot consolidation.

PDM Zozulya stated several trustees commented they felt there may be a miscommunication between the goals of the Village Board and the findings of the Zoning Board and said the Village

Board would be interested in hearing the Zoning Board's perspective on this issue. Staff will advise Zoning Board members of future Village Board dates where this item will be discussed.

Member Hersh suggested notifying the community about the proposed changes to allow the public to comment on this issue before the regulations are changed.

6.0 CITIZENS COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, the meeting was adjourned at 9:45 p.m.

Minutes submitted by Carol Lustig, Administrative Assistant, Community & Economic Development Department