



# VILLAGE OF LINCOLNSHIRE

## MINUTES ZONING BOARD MEETING Tuesday, July 13, 2021

### Present:

Chair Bichkoff  
~~Member Hersch~~  
~~Member Kalina~~

Alternate Member Kelly (voted due to regular member absence)

Assistant Village Manager/Community & Economic Development Director Roesler

\*This was a hybrid in-person and remote video-conference meeting

~~Member Udoni~~

Member Curtin

Member Josephson

Trustee Harms Muth

Planning & Development Manager Zozulya

### 1.0 ROLL CALL

Chair Bichkoff called the meeting to order at 7:01 p.m., and Planning & Development Manager (PDM) Zozulya called the roll.

### 2.0 APPROVAL OF MINUTES

#### 2.1 Approval of the minutes of the Zoning Board meeting held on Tuesday, March 9, 2021

Member Curtin moved and Member Josephson seconded the motion to approve the minutes as presented for the Tuesday, March 9, 2021, Zoning Board meeting. Chair Bichkoff requested a roll call vote.

AYES: Bichkoff, Curtin, Josephson, and Kelly

NAYS: None

ABSENT: Hersch, Kalina, and Udoni

ABSTAIN: None

Chair Bichkoff declared the motion carried.

### 3.0 ITEMS OF GENERAL BUSINESS

#### 3.1 Regarding a Special Use Permit to Establish and Operate a Daycare Center (675 Milwaukee Avenue – Child First Academy North, Inc.)

Chair Bichkoff convened the public hearing and provided an overview of the public hearing process.

PDM Zozulya summarized the request for the Special Use Permit application to establish and operate a daycare center at 675 Milwaukee Avenue by Child First Academy North, Inc. PDM Zozulya stated the site was originally used by

the Walter E. Smithe furniture store in the B2 General Business District with a Planned Unit Development (PUD) designation. PDM Zozulya stated the Village Board held a pre-application review of the Special Use request on April 26, 2021, and referred the request to the Zoning Board for public hearing and to the Architectural Review Board for design review. PDM Zozulya stated the Village Board amended the Rivershire PUD to add a variety of uses to the list of permitted uses on the subject property, as well as two adjacent properties at 625 and 725 Milwaukee Avenue at the July 12, 2021, Regular Village Board meeting. PDM Zozulya stated staff has engaged with other Lincolnshire daycare centers with mixed feedback, with some indicating low enrollment figures and others concerned about business viability with the addition of another daycare center. PDM Zozulya stated the purview of the Zoning Board is not to focus on market demand or competition, but whether the petitioner is meeting the requirements of the Special Use standards as required by Village Code. PDM Zozulya stated staff supports the Special Use request so long as the petitioner obtains the required state license from the Illinois Department of Children and Family Services prior to the Village issuing a certificate of occupancy.

Chair Bichkoff swore in the petitioner's representatives.

Richard Duncan, owner, Child First Academy, presented the plans for the day care center. Mr. Duncan discussed his first location in Lincoln Park which opened during the pandemic and has been very successful. Mr Duncan said their program is based on early childhood learning that utilizes a series of programs to maximize brain development in early childhood.

Rachel Giannini, Mr. Duncan's business partner, presented additional details on their holistic approach to early childhood learning.

Mr. Duncan said this facility will bring national attention to Lincolnshire as they envision this facility becoming their flagship school, and they anticipate educators from around the country to train at the facility. Mr. Duncan presented the site and building plans for the school.

Alternate Member Kelly inquired about parking and traffic circulation. Mr. Duncan said 26 spaces will remain for staff and parent parking, and parents will be primarily dropping off children and will not stay long. Daycare staff plans to continue implementing COVID protocols in the near future by greeting parents at the door. Hours of operation will be 6:30 a.m. to 6:30 p.m.

Alternate Member Kelly noted that if daycare staff will take up most of parking spaces, special events may pose a parking problem. Mr. Duncan stated they would plan ahead and ask permission of adjacent property owners for parking permissibility. He added staffing occurs in shifts, and not all are present at the same time.

Chair Bichkoff noted this site will not generate sales tax and asked for Village staff opinion. PDM Zozulya said the Village would prefer a sales tax generating business but there are many vacancies and the Village amended the code to allow additional service businesses in the B2 district.

Mr. Duncan requested the Special Use findings of fact be entered into the record.

Chair Bichkoff explained the rules regarding public comment, opened the hearing to public comment.

Rochelle Koznick, regional manager for The Gardner School and Sarah Smith, director for the Lincolnshire Gardner School, were sworn in. Ms. Koznick addressed the board regarding the academic services The Gardner School provides. Ms. Koznick said they celebrated the three-year anniversary for the Lincolnshire location and were at capacity when the pandemic started. Ms. Koznick said the school was closed during the pandemic and reopened in June 2020 at limited capacity and has been rebuilding its enrollment since. She added businesses are not coming back to pre-COVID levels and many people continue to work flexible schedules. Ms. Koznick said her concern is oversaturation of early childhood facilities and new school approvals should not be rushed into.

Member Curtin inquired about forecasting for early childhood centers. Ms. Koznick stated upon opening, The Gardner School met its enrollment goals quickly. She added going forward, they are looking to 2022 to return to full capacity. Alternate Member Kelly asked about other Gardner School locations. Ms. Koznick said staffing has been challenging in Illinois; many teachers left the field during the pandemic and are working to reach full employment. Alternate Member Kelly asked where their students come from. Ms. Smith said the majority of their families are from Lincolnshire and surrounding areas.

Chair Bichkoff opened the floor to board member discussion. Alternate Member Kelly asked if Child First Academy gets approval to operate, would there be any implications for adjoining building uses. PDM Zozulya stated some businesses could go in by-right while some would require a Special Use permit. PDM Zozulya stated staff has reached out to adjacent property owners regarding the changes to the Rivershire PUD designation and received their support. Member Curtin inquired about a possible high-traffic use next to the school. PDM Zozulya said there is a shared entrance off Knightsbridge Parkway and a shared driveway; similar situations exist at Village Green with Bright Stars Kids University.

Member Curtin moved and Member Josephson seconded the motion to recommend approval to the Village Board of the proposed Special Use Permit for the establishment and operation of a daycare center for Child First Academy, located at 675 Milwaukee Avenue in the Rivershire Planned Unit Development in the B2 General Business zoning district, as presented in the petitioner's presentation packet, subject to the petitioner obtaining a license from the Illinois Department of Children and Family Services prior to the Village issuing a certificate of occupancy.

AYES: Bichkoff, Curtin, Josephson, and Kelly

NAYS: None

ABSENT: Hersch, Udoni, Kalina

ABSTAIN: None

Chair Bichkoff declared the motion carried, and the public hearing was closed.

**3.2 Public Hearing Regarding a Major Amendment to a Special Use Permit to Replace an Outdoor Swimming Pool and Basketball Court with Platform Tennis Courts and Related Setback, Impervious Surface, and Fence Height Variances (96 Elm Road – Lifesport Athletic Club)**

Chair Bichkoff convened the public hearing and provided an overview of the public hearing process.

PDM Zozulya summarized the request for a major amendment to a Special Use permit to replace the outdoor pool and basketball court with four platform tennis courts. In addition to this request, she stated the petitioner is requesting variances to setback, impervious surface, and fence height. PDM Zozulya stated the property was annexed into the Village in the 1970's and has undergone multiple amendments to the Special Use for building additions, pool renovations, parking lot expansion, and tennis court replacement. PDM Zozulya indicated the petitioner appeared before the Village Board in 2018 at which time the board was receptive to the proposal with direction to contact Riverside Foundation for comments on noise and lighting impacts. The petitioner chose not to advance the project at that time. PDM Zozulya stated Village Code requires planning and zoning applications which have been inactive for more than one year to restart the process. On May 10, 2021, the Village Board held a pre-application review and referred the matter to the Zoning Board for public hearing. PDM Zozulya indicated the board expressed concerns about hours of play for the paddle tennis courts, parking and court lighting, and emphasized the importance of notifying adjacent property owners. PDM Zozulya stated staff supports the proposal with the following conditions:

1. The platform tennis court hours of operation shall be no earlier than 7 a.m. and no later than 9 p.m. daily year round.
2. No platform tennis tournaments nor non-club member spectators shall be allowed.
3. Platform tennis court lights be turned off immediately following the last game or at 9 p.m., whichever comes first.
4. The platform court fence windscreen shall be maintained in good condition at all times.
5. The non-compliant shed shall be removed prior to the Village issuing an occupancy permit for the platform tennis courts.
6. The existing noncompliant ground sign shall be removed and replaced with a new compliant ground sign approved by the Architectural Review Board prior to the Village issuing a certificate of occupancy for the platform tennis courts. The approved ground sign landscaping shall be installed during the first available planting season.

Michael Firsel, attorney for the petitioner, Daniel Ambrisco, consultant for the petitioner, and Steve Wild, club owner, were sworn in.

Mr. Firsel presented the plans for the platform tennis courts and required variances. Mr. Firsel noted platform tennis is one of the fastest growing racket sports in the area and will keep the club's primary function as a premier tennis facility. He added the only issue the club has with staff

recommendations is the hours of play being limited to 9 p.m. which would have a significant impact on club revenues from league play. Mr. Firsel said all league play in the area goes until 10:30 p.m., and some places later. Mr. Firsel stated the club would turn lights off at 9 p.m. on non-league nights. Mr. Firsel said light and sound will not emanate from these courts. Mr. Firsel said the club is ready to make significant improvements to the site and bring people into the Lincolnshire area.

Mr. Firsel presented the site plan indicating the four new platform courts with a 12' fence/screen and lighting to be constructed over the inactive pool and basketball court. The club is also seeking approval from Lake County Storm Water Management Commission (SMC). Mr. Firsel presented a sound study conducted by Spectra Tech on a similar facility in Ohio which indicated the highest decibel level was 55 decibels which, according the study, is slightly louder than normal speech.

Mr. Firsel discussed the courtesy notification requirements to adjacent property owners. The only one person who accepted the invitation inquired about lighting and landscaping. Mr. Firsel stated the club has received support from the Riverside Foundation. Mr. Firsel stated it is the club's opinion that turning off the lights at 9 p.m. is not supported in fact as there will be no impact on adjoining neighbors.

Mr. Wild, who has owned LifeSport Athletic Club since 2002, addressed the board. Mr. Wild noted the ambient noise from Route 22 is about 122 decibels per readings he had taken earlier in the year. Member Curtin inquired about the SMC permit. Mr. Ambrisco stated they have applied for permits from SMC and are awaiting determination about a storm sewer that may be on the property, but they do not have records on file. They anticipate a permit by end of July. Chair Bichkoff inquired about pool demolition. Mr. Ambrisco said SMC and the Village prefer the pool bottom be broken to provide a semi-pervious surface. Member Curtin inquired about feasibility for requiring additional lighting till 10:30 p.m. Mr. Firsel said since matches run on the half hour they would be losing significant tournament time and matches. Mr. Wild summarized his history with the property and its success as a kid's tennis club. They now have the opportunity to bring in additional sport amenities with an adult component and league play to an area of the club which is underutilized. Mr. Wild said the health and fitness business is always evolving; leagues at this club would not be a problem to the area residents. Mr. Ambrisco stated he visited the Park Ridge facility where the homes were 122' from the courts and no complaints have been received from residents.

Chair Bichkoff entered the Findings of Fact into the record.

Chair Bichkoff opened the meeting to public comments. CEDD Roesler stated no comments had been received. There being no comments, Chair Bichkoff opened the floor to Zoning Board members.

Chair Bichkoff said the petitioner has made a forceful argument on the time limitations and asked staff to comment. PDM Zozulya asked the petitioner to clarify their statement regarding the timeframe for league plays. Mr. Firsel clarified there is no league play in the summer and is requesting the ability to keep the lights on until 10:30 p.m. on nights of league play and turn off the

lights at 9 p.m. at all other times. Mr. Wild stated the platform tennis league contains 18 local clubs and could play November through March with time-off blocks. The schedule would be determined by the league. PDM Zozulya said staff would be comfortable with lights on until 10:30 p.m. during league play. Mr. Firsel said the petitioner would agree to league play requirements and the aforementioned staff recommendations.

Member Josephson moved and Member Curtin seconded the motion to recommend approval to the Village Board the proposed major Special Use amendment and variances for setback, impervious surface, and fence height for LifeSport Athletic Club, located at 96 Elm Road in the R1 Single-Family Residence zoning district, as presented in the petitioner's presentation packet, subject to staff recommendations, except platform court lights shall be turned off no later than 10:30 p.m. during league play and no later than 9 p.m. at all other times.

AYES: Bichkoff, Curtin, Josephson, and Kelly

NAYS: None

ABSENT: Hersch, Udoni, Kalina

ABSTAIN: None

Chair Bichkoff declared the motion carried, and the public hearing was closed.

### **3.3 Public Hearing Regarding Text Amendment to Title 6 (Zoning), Chapter 6A (B1 Retail Business District) to Permit Stand-Alone Car Washes; Text Amendments to Chapter 11 (Off-Street Parking & Loading) to Establish Parking Requirements for Stand-Alone Car Washes; a Special Use Permit to Establish and Operate a Stand-Alone Car Wash; and Consideration of a Plat of Subdivision (220 Olde Half Day Road – Everclean Car Wash).**

Chair Bichkoff convened the public hearing and provided an overview of the public hearing process.

PDM Zozulya summarized the request for text amendments to permit stand-alone car washes, establish parking requirements for stand-alone car washes, a Special Use Permit to establish a stand-alone car wash, and plat of subdivision for Everclean Car Wash at 220 Olde Half Day Road.

PDM Zozulya stated the 4.4-acre property at one time had a restaurant but was demolished in the late 2000s. PDM Zozulya noted the site had prior development proposals for various uses, including a bank, a restaurant and office, but none materialized. The Village Board held a pre-application review at the December 14, 2020, Committee of the Whole meeting and discussed the difficulty in seeing development on this site and referred the proposal to the Zoning Board for a public hearing and to the Architectural Review Board for design review.

PDM Zozulya stated Village staff conducted an internal Development Review Team (DRT) review. The DRT review found need for additional car stacking within a dedicated right-turn lane given the site's proximity to Milwaukee Avenue. PDM Zozulya said staff has also developed parking requirements of 1

space per employee. PDM Zozulya visited the Arlington Heights Everclean facility and recorded a video, noting the sound level was significant from both the car wash blower and vacuum equipment. She added Lincolnshire does not have a noise ordinance in the business zoning district. PDM Zozulya recommended a favorable recommendation with the following conditions for the Zoning Board's consideration:

1. No more than 12 vacuum stalls shall be installed adjacent to the north building elevation and shall not extend beyond the building plane. No additional vacuum stalls shall be allowed on-site. PDM Zozulya stated limiting the number and location of vacuums immediately adjacent to the building could help achieve some noise reduction and improve site appearance.
2. A vacuum silencer shall be installed inside the vacuum enclosure prior to the Village issuing a certificate of occupancy for the car wash.
3. Vacuum stations shall be turned off when the car wash is closed for business.
4. Outside music or advertisement messages are prohibited.

PDM Zozulya stated if the proposed text amendments are approved, other stand-alone car washes will be eligible to apply for a Special Use permit in the business zoning districts.

Member Curtin inquired if there were any traffic studies completed. PDM Zozulya stated the Village did not request one given the proposed peak times for the car wash. Member Curtin inquired about staff's recommendation for 12 vacuums. PDM Zozulya stated staff took into consideration the site and building elevations and determined only 12 vacuums would fit within the building envelope along the north side of the building.

Thomas Kim, Everclean founder and CEO, was sworn in by Chair Bichkoff. Mr. Kim presented a video presentation of the Everclean car wash operation. Mr. Kim noted they have been looking for a location in the Lincolnshire area and concluded the vacant lot would be ideal and an improvement to the existing site. Mr. Kim noted the St. Charles Chamber of Commerce presented the St. Charles Everclean with a Civic Image Award. Mr. Kim noted they will comply with most staff recommendations noted by PDM Zozulya and elaborated on the sound control measures they utilize to mitigate the car wash blower, vacuum, and music noise, adding the closest residence would be over 500 feet from the site. Mr. Kim stated they have an issue with limiting the number and location of the vacuums to 12, adding an insufficient number of vacuums could result in back-ups. Mr. Kim said 30-40% of the cars that use the car wash may also use the vacuums. Mr. Kim stated the number of vacuum stalls is important to make this plan work and with the location by Indian Creek and proposed landscaping noise levels should be mitigated. Mr. Kim stated they will be utilizing state of the art vacuums and will also be installing landscape screening as indicated by the landscape plan. Member Curtin asked about the landscape rendering and how many years it would take to reach full height and density. Mr. Kim said 10 years. Mr. Kim stated they have tested for both noise and light at 30 feet from the building with the registered level of approximately 70 decibels. Mr. Kim said the residential properties are 500 feet away from the building, and did not believe additional testing was warranted. Mr. Kim stated they play music at his other locations but do not

display any advertisement messages. Trustee Liaison Harms Muth noted she would have no objections to this location playing outdoor music.

Chair Bichkoff asked about traffic configuration. Mr. Kim stated the site will have a single access point off Olde Half Day Road with on-site car stacking for 36 cars. Mr. Kim noted peak times are on Saturday and he does not anticipate any issues with Half Day School operations during the week. PDM Zozulya added Everclean reported Friday having most traffic during the week. Chair Bichkoff asked about the auxiliary lane on Olde Half Day. PDM Zozulya stated staff requested the auxiliary lane to provide additional off-site car stacking. Member Curtin stated his concern is cars trying to make a left turn into the site and possible backups for vehicles heading eastbound toward Milwaukee Avenue.

Chair Bichkoff entered the Findings of Fact into the record. Chair Bichkoff opened the meeting to public comments.

PDM Zozulya stated she received verbal comments from Ms. Patricia Lemke of 23235 N. Olsen Court which is immediately northwest of the site in unincorporated Lake County. Ms. Lemke noted concerns regarding corporate employees utilizing Olde Half Day Road as a short cut to get to Milwaukee Avenue, and that Everclean would add to the traffic problem.

Victor Wikell of 23175 N. Indian Creek Road and Tony Zizzo of 23275 N. Olsen Court were sworn in.

Mr. Zizzo stated his property backs up to the proposed car wash site. His concern is traffic at the library, school, and regular backups on Olde Half Day at Milwaukee Avenue. Cars exiting the car wash site and not able to make the left turn as the traffic is always backed up regardless of the time of day will go down Olsen Court, bringing more traffic to a residential area. Mr. Zizzo asked whether Everclean would leave the wooded area between the homes and the car wash to reduce noise. PDM Zozulya noted that the vacant wooded area immediately east of the church is a separate parcel not included in the proposal. It is zoned residential in unincorporated Lake County and could be developed at some point in the future.

Mr. Wikell stated his concern about traffic on Olde Half Day Road. Mr. Wikell noted he does not believe a car wash is an appropriate use for the downtown area and the Village's efforts to improve the area. Mr. Wikell inquired about the hours of operation and expressed concerns about lighting and the close proximity to two existing car washes in Vernon Hills.

Chair Bichkoff said traffic is clearly an issue for this site. Mr. Kim stated the traffic problem already exists on Olde Half Day Road. He wants to be a good neighbor and could look at restricting a right turn out at busy times and would consider a traffic study. Mr. Kim stated they are keeping as much of the existing landscape as they can with tree preservation with a 2-acre green field between the car wash and residences.

Chair Bichkoff opened the floor to Zoning Board discussion, adding he would like to see a traffic study before making their recommendation to the Village Board. Member Josephson asked if the Zoning Board is interested in changing

the Code to allow stand-alone car washes. Trustee Liaison Harms Muth said the Village Board had expressed concern over the use. However, as this property has been vacant for so long, the Village would like to see improvements to this site. Member Curtin agreed with Chair Bichkoff that a traffic study could provide needed insight regarding the traffic situation. There was discussion regarding adding a curb cut on Milwaukee. PDM Zozulya indicated the Village engineer believes IDOT would not allow this for a single use because it would slow down traffic.

Mr. Kim asked for some guidance and thoughts on the use going forward prior to his investment in a traffic study. Chair Bichkoff said the plan was well presented but concerns regarding traffic remain. Member Josephson noted his concern regarding the text amendment to allow stand-alone car washes, especially in the downtown area but the long-term vacancy of the site is also a concern. Member Josephson commented on the limited number of potential employees. Mr. Kim confirmed he would have only a few employees per shift, adding his business provides health insurance and a 401(k) plan with career growth opportunities.

Mr. Zizzo asked about waste water and storm water. Mr. Kim stated they utilize an underground water reclamation system; recycle more than half of their water with biodegradable soaps and will be utilizing Village water (although their preference would be a private well). PDM Zozulya stated a well would not be allowed by code which was communicated to the petitioner.

Member Curtin asked if a traffic study could be modeled without the school operations due to the school being closed. PDM Zozulya stated the traffic consultant would need to contact School District 103 for historic data. PDM Zozulya asked for clarification regarding the Zoning Board's goals for the traffic study to ensure the study is responsive to the Zoning Board's expectations. Member Curtin stated the goals are as follows: (a) determine if a traffic problem already exists on Olde Half Day Road; (b) if there is an existing problem, will the proposed car wash make it worse? If there is currently no problem, will the proposed car wash create a problem? and (c) what improvements are needed to solve the current or potential problem?

Member Josephson moved and Member Kelly seconded the motion to continue the public hearing to August 10, 2021, to allow the review to complete a consultant-led traffic study per the Zoning Board's request.

AYES: Bichkoff, Curtin, Josephson, and Kelly  
NAYS: None  
ABSENT: Hersch, Udoni, Kalina  
ABSTAIN: None

Chair Bichkoff declared the motion carried, and the public hearing was continued to August 10, 2021.

**4.0 UNFINISHED BUSINESS.** None

**5.0 NEW BUSINESS.**

AVM/CEDD Roesler informed Zoning Board members of the Village Board resolution adopted in March 2020 regarding remote meeting attendance. While

this policy has been in place, the Village has not utilized it as the Governor’s Executive Order on Open Meetings allowed for virtual meetings without a physical quorum. AVM/CEDD Roesler stated the emergency declaration is set to expire on July 24, 2021 and the Village has this resolution in place if needed. AVM/CEDD Roesler summarized the procedures for authorizing electronic attendance, including qualifications for remote attendance, and procedures for authorizing remote attendance. He added a quorum of the public body must be present in-person.

**6.0 CITIZENS COMMENTS**

**7.0 ADJOURNMENT**

Member Josephson moved and Alternate Member Kelly seconded the motion to adjourn the Zoning Board meeting. The voice vote was unanimous and Chair Bichkoff declared the meeting adjourned at 10:23 p.m.

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