



VILLAGE OF LINCOLNSHIRE

MINUTES COMMITTEE OF THE WHOLE MEETING August 23, 2021

Present:

Mayor Brandt	Trustee Grujanac
Trustee Harms Muth	Trustee Mitchell
Trustee Pantelis	Trustee Raizin
Trustee Wright	Village Clerk Mastandrea
Village Attorney Simon	Village Manager Burke
Village Treasurer/Finance Director Rossi	Chief of Police Leonas
Public Works Director Woodbury	Assistant Village Manager/Community & Economic Development Director Roesler
Planning & Development Manager Zozulya	

1.0 ROLL CALL

Mayor Brandt called the meeting to order at 7:15 p.m., and Deputy Village Clerk Burke called the roll.

2.0 ITEMS OF GENERAL BUSINESS

2.1 Planning, Zoning and Land Use

2.11 **Consideration of an Ordinance Approving a Major Special Use Amendment and Variances for a Private Recreational Facility (LifeSport Athletic Club – 96 Elm Road)**

Planning & Development Manager Zozulya provided a summary of an Ordinance approving a Major Special Use Amendment and Variances for a private recreational facility. The Zoning Board held a public hearing regarding the Special Use Permit and variances and took action to forward a unanimous favorable recommendation to the Village Board with the following conditions:

1. During league play, platform tennis hours of operation and use of lights is restricted to 7 a.m. – 10:30 p.m. If the last league match concludes before 10:30 p.m., the lights shall be turned off immediately. When there is no league play, platform tennis hours of operation and use of lights is restricted to 7 a.m. – 9 p.m.
2. No platform tennis tournaments nor non-club member spectators shall be allowed.
3. The platform court fence windscreen shall be maintained in good condition at all times.
4. The non-compliant shed shall be removed prior to the Village issuing an occupancy permit for the platform tennis courts.
5. The existing noncompliant ground sign shall be removed and replaced with a new compliant ground sign approved by the Architectural Review Board (ARB) 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.

The petitioner agreed to comply with the above conditions.

Planning & Development Manager Zozulya noted the ARB conducted a design review regarding the proposed tennis courts, associated lighting, and landscaping and provided a unanimous favorable recommendation.

Trustee Wright asked for clarification regarding the setback moving from 30' to 6'8"; is this the current setbacks for the existing structure. Planning and Development Manager Zozulya stated it is the current setback for the existing structure and noted the existing pool, which is to be removed, is situated within the required setback.

Trustee Grujanac noted her opinion that she is in favor of the project but expressed concern regarding the sound from the courts since this has been a recent issue at Whytegate Park.

Mr. Mike Firsel, Attorney for the petitioner introduced Steve Wild, the property owner and petitioner; and Dan Ambrosia, project manager. Mr. Firsel updated the Board regarding notifying the surrounding residents as requested by the Board at the May Committee of the Whole meeting. Mr. Firsel noted the Riverside Foundation has written three letters of support. Mr. Firsel stated this is platform tennis and not pickleball. He noted platform tennis uses a softer tennis ball, and the sound will not be as loud as pickleball. Mr. Firsel stated league play is needed to make the project viable, noting lights will go off early when there are no leagues playing. Mr. Firsel highlighted the signage and right-of-way landscaping. Mr. Wild confirmed pickleball is much louder than platform tennis.

Trustee Wright noted it will be important to conform to the noise restrictions approved with respect to the neighbors.

Trustee Mitchell asked when the project will start, how long will it take and will there be any obstructions to the neighbors in terms of road closures or anything the Board should be aware of regarding the construction. Mr. Firsel stated they would apply for a demolition permit tomorrow, then once they acquire the building permit, they would get materials next day. The materials would be delivered as soon as practical, and installation takes approximately two weeks. There will be a crane lifting the materials on the site that the residents may ask about.

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 Consideration of an Ordinance Regarding Text Amendments to Title 6 (Zoning), Chapter 2 (Definitions) and Chapters 5A through 5E to Revise Definitions and Regulations for Community Residential Homes; and to Repeal Chapter 5F (R6

Mixed Use Estate District) of the Lincolnshire Village Code (Village of Lincolnshire)

Planning & Development Manager Zozulya provided a presentation regarding a proposed Ordinance regarding text amendments to Title 6, Chapter 2, and Chapters 5A through E to revise definitions and regulations for community residential homes; and to repeal Chapter 5F of the Village code. The Zoning Board held a public hearing, and provided a unanimous favorable recommendation to approve the proposed code changes; however, the Zoning Board expressed a desire to require a Special Use permit for all and any community residential homes, regardless of the number of residents and support staff residing on premises, citing concerns over transparency and adjacent owner notification, as well as potential negative impacts to property values and resident safety.

Planning & Development Manager Zozulya noted Village Attorney Simon determined the Zoning Board recommendation regarding requiring Special Use permits for all community residential homes would be illegal and unenforceable per Supreme Court rulings. Planning & Development Manager Zozulya highlighted the proposed code changes and noted for community residential homes, the maximum number of related and unrelated individuals permitted in a home without requiring a Special Use permit is six. Planning & Development Manager Zozulya highlighted the current approval process and proposed approval process for siting community residential homes in the community.

Trustee Mitchell asked if the proposed changes are similar or significantly different from any of the surrounding communities. Planning & Development Manager Zozulya stated staff surveyed surrounding communities and the takeaway was that many of them have not addressed this code for years. Staff focused on communities that have updated in the past 10 years. Only two communities recently updated their regulations; Skokie and Libertyville. Skokie opted to eliminate zoning regulations and not require any Special Use regardless of size of community residential home, provided all safety and building code requirements are met. Libertyville's code is similar to the proposed Lincolnshire ordinance; however, their by-right category is limited to five persons, and anything over requires a Special Use with no caps. Staff also spoke with the Village of Buffalo Grove and they allow community residential homes by right with no regulations. Village Attorney Simon noted Bannockburn was also surveyed and they allow five individuals by-right. Mayor Brandt asked why staff is recommending six individuals' by-right if there are two surrounding communities that allow five. Planning & Development Manager Zozulya noted the recommendation for six is related to the formula used per average household size. Village Attorney Simon stated the formula was developed as a result of the home sizes in Lincolnshire; if they went too low, there may be many non-conforming homes.

Trustee Pantelis asked if there was anything written about the maximum number of community residential homes that can be on a block. Planning & Development Manager Zozulya stated there is no limit except for spacing requirements currently in the Code.

Trustee Raizin asked if the proposed changes related to size of homes regulated by State Licensing Agreements. Village Attorney Simon stated there are two different administrative agencies that regulate these types of residency situations; the Department of Children and Family Services and the Department of Human Services. The code was drafted in a generic enough way that if there is a license required by state law, it is a condition of the community residential home being permitted to operate and licensed by the respective agency.

Trustee Grujanac asked if anyone has reached out to the school districts to find out the implications of a caregiver in a residential unit as defined as part of the family unit. Planning & Development Manager Zozulya stated the proposed code would not alter the maximum number of individuals occupying a dwelling unit. Village Attorney Simon stated if a caregiver was currently living in a dwelling, staff may never know.

Trustee Grujanac asked about vehicles as a result of the code changes. Planning & Development Manager Zozulya stated traffic generation would be looked at during the Special Use process. Trustee Grujanac asked how the code would handle caregivers coming and going with regards to traffic and parking. Village Attorney Simon stated regulations for residential parking would apply. Trustee Grujanac asked if there would be any relief to the neighbors with regards to daytime parking. Planning & Development Manager Zozulya stated staff can keep an eye out for this and address it if it becomes a problem.

Trustee Mitchell asked if the proposed changes only impacted community residential homes. Planning & Development Manager Zozulya noted the definition of family would impact all residents. Village Attorney Simon explained how the Property Maintenance Code will be used in the regulation of home occupancy as it relates to livable space. Trustee Mitchell asked if a large family, above six people, would need special approval. Village Attorney Simon stated there is no requirement for anyone to get a Special Use permit for their homes. Village Manager Burke provided an example of a large family moving into a small home that would trigger the Property Maintenance Code. Trustee Mitchell asked if any of the proposed changes would change the rules for single family home occupancy. Planning & Development Manager Zozulya stated it would not.

Trustee Mitchell asked if a Special Use is awarded to a larger home, and the Board decides they do not like it, is there a process to remove the Special Use and if so, what is the process. Planning & Development Manager Zozulya stated the Special Use has a clause with conditions of the Special Use Permit stating if they do not meet the conditions of the Special Use, the Village would have the ability to revoke the Special

Use Permit. Village Manager Burke stated before the Special Use was revoked, there would be an enforcement procedure to bring them into conformance with the Ordinance, but if they can't come into compliance, there would be a process for revocation of the permit.

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 Consideration Ordinance Approving a Text Amendment to Adopt a Four-Month Moratorium on Village Approvals & Permit Issuance for Properties Zoned O/Ia and O/Ib Office/Industrial and O/I Zoned Properties within the Corporate Area Adjacent to Milwaukee Avenue, Half Day Road, or Aptakisic Road (Village of Lincolnshire)

Planning & Development Manager Zozulya provided a presentation regarding the proposed Ordinance approving a Text Amendment to adopt a four-month moratorium on Village approvals and permit issuance for properties zoned O/Ia and O/Ib Office/Industrial and other O/I zoned properties within the corporate area adjacent to Milwaukee Avenue, Half Day Road, or Aptakisic Road. The purpose of the moratorium is to suspend approval of industrial/warehouse projects so staff may study potential impacts of these types of projects on the aesthetics and quality of life in the Lincolnshire Corporate Center specifically, and across the community more broadly. In turn, staff's analysis would yield recommendations regarding possible code regulations and design standards which would be incorporated into the updated Comprehensive Plan. Without the moratorium, the Village is required to act on industrial applications within code-permitted timeframes by either approving them or denying them. The Village would not have the ability to table them for a period of time without enacting a moratorium.

Staff identified 32 O/I zoned parcels that would be subject to the moratorium. Staff believes only seven out of the 32 properties within this area have potential to be developed or redeveloped for industrial uses in the near term.

Planning & Development Manager Zozulya noted staff has notified affected office/industrial property owners, landlords, brokers, restaurants, hotels, daycare centers, apartment complexes, shopping centers, entertainment/banquet venues, and economic development agencies. Staff also shared an article of the pending moratorium with the business community via the Lincolnshire Business Spotlight newsletter. Staff received two written public comments regarding the proposed moratorium from the Gardner School at 250 Barclay Boulevard in the Lincolnshire Corporate Center who is in favor of the moratorium and Scott Greenberg, owner and developer of CityPark, who suggested looking at alternative uses for the buildings.

Planning & Development Manager Zozulya noted the draft Ordinance stipulates the moratorium will be in effect for four months following the ordinance adoption or until the completion of the consultant/staff

analysis, whichever comes first. If the Ordinance is adopted on September 13, the moratorium will set to expire on January 13, 2022. She stated Village Attorney Simon recommends the Board consider providing for a possible moratorium extension of up to four months if the study is incomplete or code changes necessary to address large-scale developments are not adopted by the January 13 expiration date. Any extension after the initial four-month period will still require formal consideration and approval by the Village Board. However, a new public hearing at the Zoning Board will not be required per the ordinance.

Trustee Mitchell stated he is inclined to study this a bit more before making a decision; the way it is written and the impact it may have on upcoming or pending projects. Village Attorney Simon stated the proposed Ordinance is to authorize staff to not process any applications that come in during the next four months or whatever time period would be put on hold.

Trustee Pantelis noted she did not want to see language extending this for longer than four months. Village Attorney Simon stated he put the language in the ordinance to extend past four months to give as much time as possible to fully prepare the study and recommendations. Implementing recommendations would involve a text amendment and would need to go through the Zoning Board; the text amendment process can take 45 – 90 days, including Village Board meetings that are needed. Village Attorney Simon stated he wanted to account for the additional steps needed. Trustee Harms Muth stated the Board would have to approve any extension, and any extension, if needed, would not be automatic.

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

2.2 Finance and Administration

2.21 Consideration of Amendments to the Village of Lincolnshire Whistleblower Policy (Village of Lincolnshire)

Assistant Village Manager/Community & Economic Development (CED) Director Roesler provided a summary of amendments to the Village of Lincolnshire Whistleblower Policy as a result of the state legislation safety act to designate the auditing official to be the Village Manager

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

2.22 Continued Consideration of Potential Storm Sewer Utility Fee Model Recommendations (Village of Lincolnshire)

Assistant Village Manager/CED Director Roesler provided a presentation regarding continued consideration of potential storm sewer utility fee model recommendations including a recap of the previous reports with the recommendation to implement the fee for .5 ERU model increment, assumptions and decision points, storm sewer

utility fee options, cost of core municipal services compared to other communities, commercial fee comparison, and incentive program.

Trustee Pantelis asked if there was any news on the waste hauler contract with regards to leaf collection. Public Works Director Woodbury informed the Board that the bids are due on Friday, August 27.

Village Attorney Simon emphasized that while seven options are being presented tonight, the memo also mentioned that the cost of supporting just the debt service for the bonds is closest to Option 5.

Mayor Brandt stated the fall newsletter is coming out and it will be interesting to see if there is any feedback as a result of the article informing residents of the potential fee. Trustee Grujanac asked if the businesses have been notified. Village Manager Burke stated they have been notified at a high-level.

A conversation regarding communications to the residents ensued.

Trustee Pantelis noted her options for staff to pursue would be options three and four. Trustee Grujanac stated her options to pursue would be four, five and six. Trustee Harms Muth stated her options would be four and five.

Assistant Village Manager/CED Director Roesler stated he will provide more information on commercial accounts from other communities once they are obtained and provided next steps in the process.

2.3 Public Works

2.4 Public Safety

2.41 Consideration of an Ordinance Amending Section 3-3-2-3 of Title 3 (Business & License Regulations), Chapter 3 (Liquor Control) to Create a Class "B" Restaurant Liquor License (Egg Harbor Café Lincolnshire – 300 Village Green, Suite 100)

Chief of Police Leonas provided a summary of a proposed Ordinance amending Section 3-3-2-3 of Title 3, Chapter 3 to create a Class "B" restaurant liquor license for Egg harbor Café.

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

2.42 Consideration of a Resolution Approving an Agreement Pertaining to the Regulation of Traffic and Parking on Rivershire Lane, Rivershire Court, and Rivershire Place (Rivershire Community Property Association and Village of Lincolnshire)

Chief of Police Leonas provided a summary of a Resolution approving an agreement pertaining to extending the regulation of traffic and parking on Rivershire Lane, Rivershire Court, and Rivershire Place as requested by the Rivershire Community Property Association.

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

2.43 Consideration of a Resolution Approving an Agreement Pertaining to the Regulation of Traffic and Parking on Ashford Court, Gloucester Court, Jamestown Lane, Provincetown Court, Williamsburg Lane, and Wimbledon Court (Heritage Creek Homeowners Association and Village of Lincolnshire)

Chief of Police Leonas provided a summary of a Resolution approving an Agreement pertaining to extending the regulation of traffic and parking on Ashford Court, Gloucester Court, Jamestown Lane, Provincetown Court, Williamsburg Lane, and Wimbledon Court as requested by Heritage Creek Homeowners Association.

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

2.44 Consideration of a Resolution Approving an Agreement Pertaining to the Regulation of Traffic and Parking at 300 Olde Half Day Road (Vernon Area Library and Village of Lincolnshire)

Chief of Police Leonas provided a summary of a Resolution approving an Agreement pertaining to extending the regulation and traffic and parking at 300 Olde Half Day Road as requested by Vernon Area Library.

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

2.45 Consideration of Approval of a Second Extension to an Intergovernmental Agreement Regarding 9-1-1 Regional Consolidation Project (Village of Lincolnshire)

Chief of Police Leonas provided a summary of approving a second extension to an Intergovernmental Agreement regarding 9-1-1 Regional Consolidation Project.

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

- 2.5 Parks and Recreation
- 2.6 Judiciary and Personnel

3.0 UNFINISHED BUSINESS

3.1 Whytegate Park Pickleball Courts

Mayor Brandt updated the Board with information provided in Manager's Notes regarding Whytegate Park pickleball courts.

Trustee Grujanac asked if there were room for more courts at North Park. Public Works Director Woodbury stated two pickleboard courts are all that will

fit at North Park. Public Works Director Woodbury noted feedback he received was overwhelmingly in favor of the pickleball courts at Whytegate Park. Public Works Director Woodbury noted staff is monitoring the courts weekly but has not seen an overwhelming problem with traffic and play on the courts. Public Works Director Woodbury noted the basketball courts at Whytegate have been getting a lot of use and could be an additional reason traffic and parking concerns.

Putting pickleball courts at Balzer Park was brought up as an option.

Mayor Brandt suggested advertising some of the other parks that have basketball courts and pickleball courts as options.

3.2 Crosstown Water Main Project

Mayor Brandt reminded the Board that the Crosstown Water Main Project was starting and due to this project, there will be a path extended from Pembroke to Surry by Whytegate Park. Village Manager Burke noted the path system is getting overlaid where the water main is going in and is on Village property. Village Manager Burke explained to the Board vegetation removal in this area will be dramatic when it takes place but it is needed in order to locate the planned water main away from other utilities in this location.

Trustee Mitchell asked if it will be similar to the path north, up to Daniel Wright. Village Manager Burke confirmed it would be similar to this path.

4.0 NEW BUSINESS

5.0 EXECUTIVE SESSION

6.0 ADJOURNMENT

Trustee Wright moved and Trustee Mitchell seconded the motion to adjourn. The voice vote was unanimous and Temporary Chair Grujanac declared the meeting adjourned at 8:58 p.m.

Respectfully submitted,

VILLAGE OF LINCOLNSHIRE

Bradly J. Burke
Deputy Village Clerk