



VILLAGE OF LINCOLNSHIRE

MINUTES ZONING BOARD MEETING Tuesday, August 10, 2021

Present:

~~Chair Bichkoff~~

Member Hersh

Member Kalina

~~Alternate Member Kelly~~

Assistant Village Manager/Community &
Economic Development Director Roesler

Member Udoni

Member Curtin

Member Josephson

~~Trustee Harms Muth~~

Planning & Development Manager Zozulya

1.0 ROLL CALL

Planning and Development Manager (PDM) Zozulya requested members in attendance to appoint Member Josephson as Chair Pro Tem based on a previous request of Chair Bichkoff who was not in attendance. Member Curtin moved and Member Udoni seconded to appoint Member Josephson Chair Pro Tem. Motion passed unanimously by voice vote.

Chair Pro Tem Josephson called the meeting to order at 8:01 p.m., and PDM Zozulya called the Roll.

2.0 APPROVAL OF MINUTES

2.1 Approval of the minutes of the Zoning Board meeting held on Tuesday, July 13, 2021

Member Kalina moved and Member Curtin seconded the motion to approve the minutes as presented for the July 13, 2021, Zoning Board. Motion passed unanimously by voice vote.

Chair Pro Tem Josephson declared the motion carried.

3.0 ITEMS OF GENERAL BUSINESS

3.1 Continued Public Hearing Regarding Text Amendments 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.

A. Request for Continuance until the September 14, 2021, Regular Zoning Board Meeting (220 Olde Half Day Road – Everclean Car Wash)

PDM Zozulya stated the petitioner is requesting the continuance in order to complete the traffic study requested at the July Zoning Board meeting.

Member Udoni moved and Member Curtin seconded the motion to continue the public hearing to the regular Zoning Board meeting on September 14, 2021 regarding text amendments and Special Use permit related to the stand-alone car wash.

Motions passed unanimously by voice vote.

Chair Pro Tem Josephson declared the motion carried.

3.2 Public Hearing Regarding a Text Amendment to Adopt a Four-Month Moratorium on Village Approvals & Permit Issuance for Industrial/Warehouse Building Additions and New Construction in the Office/Industrial Zoning District (Village of Lincolnshire)

Chair Pro Tem Josephson recessed the Zoning Board meeting, convened the public hearing, and provided an overview of the process.

PDM Zozulya presented staff's request for consideration of a text amendment to adopt a four-month moratorium on approvals and permits for building additions and new construction of industrial/warehouse due to the high volume of inquiries from the development community to build large warehouse storage and distribution facilities in Lincolnshire. The areas covered by the moratorium would include properties zoned O/Ia and O/Ib Office/Industrial, as well as other properties adjacent to Milwaukee Avenue, Half Day Road, and Aptakisis Road. The moratorium would go into effect once the ordinance is formally adopted by the Village Board. PDM Zozulya stated staff has fielded inquiries to build structures on vacant land as well as demolish large obsolete office buildings for the purpose of building large warehouse buildings. PDM Zozulya said this issue is not unique to Lincolnshire, and that other communities are seeing increased demand for warehouse and distribution uses driven by the growth of e-commerce and need for last-mile distribution centers. PDM Zozulya stated the potential impact on the character of Lincolnshire, traffic generation, and other existing uses in the office industrial district could be significant if the warehouse/distribution centers were permitted under current codes. PDM Zozulya stated the Village Board considered the moratorium request at the July 12, 2021, Committee of the Whole meeting and referred the matter to the Zoning Board for public hearing and analysis. PDM Zozulya stated the Village Board indicated that some large-scale industrial development may be suitable on interior properties in the corporate center and expressed a desire to take advantage of the industrial demand, but not in high-visibility areas, citing the 325 Marriott building as a recent example.

PDM Zozulya discussed the timeframe for the moratorium and provided details on issuance of a request for proposals by mid-August to develop a Corporate Center subarea plan to address the reuse the existing office buildings, recommendations regarding potential development, and required code changes. She added the consultant will be selected by September with the plan completion and code changes potentially being available by end of January 2022. PDM Zozulya said that in the absence of a moratorium, a developer could proceed with an application for development approvals and construction under current codes. PDM Zozulya stated staff has reached out

to multiple stakeholders, brokers, and property owners that will be impacted by the moratorium. Staff received written comments from The Gardner School (located at 250 Barclay Boulevard in the Lincolnshire Corporate Center) indicating support for the moratorium and opposing large-scale industrial development projects. Staff also received written comments from ECD President Scott Greenberg (located at 250 Parkway Drive in the CityPark Center adjacent to the Aptakisic Corridor) indicating the need to address obsolete office buildings.

Member Curtin sought clarification regarding the intent of the moratorium. PDM Zozulya stated the intent is to pause industrial development in the identified areas while the consultant and staff complete a study and review possible code changes and recommendations that would be in the best interests of Lincolnshire to address industrial developments. Member Curtin asked about current conditions and property owners' goals. PDM stated about a dozen properties would be impacted by the moratorium and stated some of these property owners are currently ready to proceed with redevelopment.

Assistant Village Manager/Community and Economic Development Director Roesler (AVM/CEDD) said the moratorium would allow staff to weigh all the economic development considerations and also look at worst case scenarios of the development process. AVM/CEDD Roesler stated the village is not necessarily opposed to these type of uses but wants to review this thoughtfully and understand the full impact of these type of uses. AVM/CEDD Roesler stated staff understands the time constraints of the moratorium and the pressure the development community is facing, but staff needs to gather as much information as possible. PDM Zozulya stated that when inquiries started coming in, staff looked at other municipalities for research and did not identify best practices regarding this issue, noting Lincolnshire seems to be on the forefront of this redevelopment/repurpose concept.

Member Udoni asked if four months would be enough time to complete the study. PDM Zozulya stated the Village Board wanted staff to be aggressive on the research and would consider a moratorium extension if additional time was warranted.

Member Hersh stated he would not like to see these large warehouse structures in high-visibility areas and regrets the Village previously approving the Probat building along Half Day Road.

Chair Pro Tem Josephson opened the floor to public comment. No additional public comment was received. Chair Pro Tem Josephson entered the Text Amendments Findings of Fact into the record.

Member Hersh moved and by Member Udoni seconded the motion to recommend approval to the Village Board proposed text amendments to adopt a four-month moratorium on Village approval and permit issuance for building additions and new construction of industrial/warehouse buildings on properties zoned O/Ia and O/Ib Office/Industrial and on properties adjacent to Half Day Road, Milwaukee Avenue, or Aptakisic Road within the Lincolnshire Corporate Center.

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

Chair Pro Tem Josephson declared the motion carried.

3.3 Public Hearing 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)

Chair Pro Tem Josephson provided an overview of the public hearing process. Chair Pro Tem Josephson recessed the Zoning Board meeting and convened the public hearing.

PDM Zozulya introduced the proposed text amendments regulating the location and operation of community residential homes in residential zoning districts. PDM Zozulya stated the request was, prompted by the Village Attorney and staff's review in light of a growing demand for these facilities to provide services to individuals that need support for their developmental, physical, or mental disabilities. PDM Zozulya stated the Fair Housing Act requires regulations over these types of uses must be reasonable and may not completely prohibit such uses in residential areas.

PDM Zozulya said the current code has been on the books since the 1980s and 1990s, adding staff is not aware of any existing community residential homes in Lincolnshire. Staff has responded to occasional inquiries and no applications for such uses are currently under review.

PDM Zozulya reviewed the approval process for community residential homes under current regulations:

1. Three or fewer residents – allowed by right without spacing requirements between adjacent community residential homes.
2. Four to six residents – allowed with an administrative occupancy permit issued by the Village Manager, with spacing requirements between any community residential homes ranging from 500' and 1500' depending on the zoning district.
3. Seven to twelve residents – allowed by Special Use permit only with a public hearing held by the Zoning Board and final approval by the Village Board, with spacing requirements between any community residential homes ranging between 500' 1500' depending on the zoning district.

PDM Zozulya stated staff, with advice from the Village Attorney, proposes to change the definition of "family" and "community residential homes" to bring them in line with current federal regulations by removing the distinction between related and unrelated individual; allowing individuals recovering from substance and alcohol abuse to be eligible to reside in community residential homes; and to streamline the approval process. The distancing requirements will remain in place. Staff also proposes to eliminate the administrative approval track to allow the Zoning Board and Village Board to evaluate and

decide through a public hearing process/adjacent property owner notification for community residential homes when the number of residents and support staff residing on premises is greater than six. A community residential home with between seven and 12 individuals, including support staff residing on premises, would be permitted by Special Use. PDM Zozulya stated the threshold for more than six residents is based upon a mathematical formula (which is currently in the code) tied to the latest U.S. Census Bureau average household size in Lincolnshire – 2.34, rounded to 3, and multiplied by 2.

PDM Zozulya reviewed the results of a survey via the Northwest Municipal Conference. Libertyville and Skokie were identified as two communities with recent code changes regarding community residential home regulations. Libertyville allows up to five residents to locate in a community residential home by right while requiring six or more residents to obtain a Special Use permit. Skokie allows all community residential homes by right as long as building and fire occupancy requirements are met.

PDM Zozulya also stated there also are a few clean-up items included in the text amendments regarding code section numbering, and the elimination of Chapter 5F – R6 Mixed Use Estate District. Since there are no properties in the village with this zoning designation and no intent to allow detached accessory structures, staff proposes deleting this section of the code.

Member Udoni asked if an elderly parent living alone but has assistance coming into the home would be considered a community residential home. PDM Zozulya stated a community residential home has to have a sponsor/support staff. Member Hersh asked if any house could be purchased and turned into a community residential home. PDM Zozulya replied that yes, but still would be required to get the appropriate state licenses. Member Hersh asked if the federal law dictates the number allowed by right. PDM Zozulya stated the federal law does not dictate a specific number but does require a certain number of individuals based on each community's definition of "family" be permitted by right. Staff proposed the maximum number of six by right because that is the number in the proposed "family" definition. The intent of the revised regulations is to strike a balance between protecting residential neighborhoods, reducing the appearance stigma of institutionalization, and lessen negative impacts on public services.

Chair Pro Tem Josephson stated he would like the Village to require Special Use permits for all community homes, regardless of the number of persons and spacing requirements. PDM Zozulya said federal law does allow communities to impose reasonable regulations which also include allowing a certain number of individuals to locate by right based on the "family" definition. Chair Pro Tem Josephson asked how many homes are in Lincolnshire. PDM Zozulya stated there are approximately 3,000 households. Staff is not aware of any existing homes that operate as community residential homes based on staff's search of state databases and lack of applications received.

Member Curtin asked about the proposed definition of "family" and the reference to occupancy only when dwelling unit can safely accommodate persons living there. PDM Zozulya stated the residential building code is very explicit in defining occupancy requirements. Chair Pro Tem Josephson asked if

one has a large family, would they be deemed a community residential home under the proposed "family" definition. PDM Zozulya said they would not be treated as a residential home solely based on the number of occupants. PDM Zozulya stated there have been instances of complaints of overcrowding where staff conducted inspections and determined no violations of building code were met or unsafe situations were found. Member Curtin noted the proposed definition of "community residential home" does not prohibit placement of individuals for substance or alcohol abuse. PDM Zozulya stated federal law considers substance abuse a disability and permitted in community residential homes.

Chair Pro Tem Josephson entered the Text Amendments Findings of Fact into the record.

Chair Pro Tem Josephson opened the floor to public comment, there was no public comment.

Member Hersh commented community residential homes functions like a business. He believes there is difference between a family taking in a relative for care versus a business taking in clients and receiving payments for service. Chair Pro Tem Josephson noted his concern that residents may not be aware that a community residential home is operating next door to them. Members of the public should be given the opportunity to speak about impact on their neighborhood, property values and learn about the provider, adding while the Village cannot prohibit these uses, the Village should require a Special Use permit regardless of the number of individuals. Member Udoni agreed that all community residential homes in residential areas should require a Special Use permit. Member Hersh also concurred that neighbors need to know before such a use is established. Chair Pro Tem Josephson noted his concern over a lack of communication with neighbors that would be impacted by a residential community home and what type of services are being provided in their neighborhood. Chair Pro Tem Josephson stated the Village cannot outright deny a community residential home, but should require a Special Use permit for the purpose of transparency. Member Curtin stated it would be useful to get the Village Attorney's opinion on a more narrow definition of "family" and require a Special Use permit in all circumstances.

Chair Pro Tem Josephson reviewed the options for the Zoning Board. The board could approve the proposal with the stipulations that all community residential homes should receive a Special Use permit or they could decide to continue the hearing pending additional information from the Village Attorney regarding federal law. PDM Zozulya stated in discussing federal law with the Village Attorney, the attorney indicated the need to allow a certain number of community residential home individuals by right consistent with how other families are treated by code.

There was discussion regarding the timetable for approval of the proposed amendments and what the current code allows. The Board decided to make a recommendation to the Village Board without public hearing continuance.

Member Hersh moved and Member Udoni seconded the motion to recommend approval to the Village Board of the proposed 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, and further subject to all community residential homes obtaining a Special Use permit to evaluate the impact on safety and property values and to provide transparency with adjacent property owner notification.

AYES: Curtin, Udoni, Kalina, Josephson and Hersh

NAYS: None

ABSENT: Bichkoff

ABSTAIN: None

Chair Pro Tem Josephson declared the motion carried.

4.0 UNFINISHED BUSINESS. None

5.0 NEW BUSINESS. None

6.0 CITIZENS COMMENTS. None

7.0 ADJOURNMENT

Member Udoni moved and Member Hersh seconded the motion to adjourn the Zoning Board Meeting. The voice vote was unanimous and Chair Pro Tem Josephson declared the meeting adjourned at 8:28 p.m.

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