



# VILLAGE OF LINCOLNSHIRE

## MINUTES ZONING BOARD MEETING Tuesday, September 13, 2022

Present:

Chair Bichkoff  
~~Member Hersh~~  
Member Kalina  
Trustee Harms Muth

Member Cohen  
Member Curtin  
Member Josephson  
Planning & Development Manager Zozulya

### 1.0 ROLL CALL

Chair Bichkoff called the meeting to order at 7:01 p.m. and Planning and Development Manager (PDM) Zozulya called the roll and declared a quorum present.

### 2.0 APPROVAL OF MINUTES

#### 2.1 Approval of the minutes of the Zoning Board meeting held on Tuesday, August 9, 2022

Member Kalina moved, and Member Curtin seconded the motion to approve the minutes as presented for the August 9, 2022, Zoning Board. Motion passed unanimously by voice vote.

### 3.0 ITEMS OF GENERAL BUSINESS

#### 3.1 Public Hearing Regarding a Rezoning from B2 General Business to R3 Single-Family Residence District.

Chair Bichkoff reviewed the procedures for the public hearing and requested PDM Zozulya to give a staff presentation.

PDM Zozulya stated Mr. Jim Lu, owner of 51 Lincolnshire Drive, seeks to rezone the 9-acre property from B2 General Business District to R3 Single-Family Residence to construct a 7,200-square-foot house with partial access via an easement on village property located at 45 Lincolnshire Drive. PDM Zozulya stated the current B2 Zoning is a remnant of the Rivershire Planned Unit Development in the early 1970s which included plans for properties on both sides of the Des Plaines River. PDM Zozulya noted the property has changed hands several times since annexation and was once owned by Terrestris Development which at one time proposed to construct nine single-family homes. PDM Zozulya noted the property fell into foreclosure, with the most recent 2017 proposal for a single-family subdivision consisting of more than one home which was not favorably received by the Village Board due to floodplain concerns. In 2019, the property was sold to Mr. Lu. PDM Zozulya noted the Village Board conducted a pre-application review meeting regarding

this request and referred it to the Zoning Board for a public hearing. PDM Zozulya stated some trustees expressed concerns about additional flooding and drainage issues. PDM Zozulya stated Mr. Lu and his engineer have been in contact with Lake County Storm Water Management Commission (SMC) and received conceptual approval, noting final approval and permits will be required before the village can issue any permits for construction of the home.

PDM Zozulya noted while not part of the rezoning process, Mr. Lu intends to donate a portion of the property to the Village for purposes of building a lift station. In addition, he proposes to dedicate Londonderry Lane and provide stormwater easements to the Village. In addition, he requests the Village's permission to locate his driveway within an easement on Village property at 45 Lincolnshire Drive as locating his driveway along Londonderry Lane is not desirable due to flooding.

PDM Zozulya noted rezoning of this property to R3 Single-Family Residence will be in keeping with the vast majority of surrounding properties east of the Des Plaines River; the current B2 zoning does not allow for construction of single-family homes and does not fit in with the character of the neighborhood. PDM Zozulya noted rezoning to residential is supported by the 2012 Comprehensive Plan.

PDM Zozulya noted Mr. Lu has met the legal notification requirement. PDM Zozulya received comments from three residents. One sought clarification on the request; assurance no more than one home was being proposed and there will be oversight as to drainage. Another resident expressed concern regarding construction traffic and a third had noted concerns about tree removals. PDM Zozulya stated final approval will rest with the Village Board.

Chair Bichkoff asked if a business was to construct on this site, how would they access the site. PDM Zozulya said most likely an easement off Lincolnshire Drive as Londonderry floods and the village would not allow access to be constructed in a flood zone. Chair Bichkoff asked if the property could be further subdivided in the future for an additional home. PDM Zozulya stated it is her understanding SMC will allow only one residence on this property.

Member Curtin asked about the 2017 subdivision proposal. PDM Zozulya said the Village Board directed the petitioner at that time to confer with SMC before moving forward. The petitioner withdrew the proposal a short time later.

Kevin Lewis, IG Consulting, representing the petitioner, was sworn in and addressed the Zoning Board. He provided a site plan indicating easements for driveway and storm water flow. Mr. Lewis reviewed the rezoning findings of fact, noting suitability for single-family residential zoning.

Robert Williams, 53 Lincolnshire Drive, was sworn in. Mr. Williams asked about the construction timeline. PDM Zozulya said the Village is still in process of drafting the land donation agreement which will require at least two additional village board meetings. Mr. Lewis stated Mr. Lu did not want to develop architectural plans until the zoning process is concluded and the SMC

has completed initial review. Detailed house plans have not been drafted but if all is approved, construction can start next spring. Mr. Williams noted his concern about the size of the house which would not be consistent with other homes in this neighborhood. Mr. Williams also expressed his concern about flooding and SMC review process. Member Curtin asked about the lift station and if construction of this would allow additional homes. Mr. Williams asked what benefits the rezoning would be to Lincolnshire. PDM Zozulya stated the benefit would be to provide for single-residential use only and improve drainage in the area. Mr. Williams does not think it is realistic this would ever be commercially viable noting during heavy rains this area floods, pushing water towards Londonderry Lane. Trustee Harms Muth noted the flooding concerns of this area expressed by some Village board members. Mr. Williams asked if anyone from SMC is present tonight. PDM Zozulya noted they are not required to attend and noted Mr. Williams and other interested parties can reach out to SMC with questions.

Larry Lustig, 46 Lincolnshire Drive, was sworn in. Mr. Lustig noted his issue is with storm water and is disappointed questions cannot be addressed at this hearing with SMC present. Mr. Lustig inquired about the Londonderry Lane donation and what the Village's interest. PDM Zozulya stated the Village would take over maintenance of the road, keeping open the access and maintenance. Mr. Lustig noted his approval of the property development if it is developed responsibly, but voiced concerns regarding storm water management. Mr. Lustig said he would like to know more about the lift station and what it would look like. PDM Zozulya did not think there have been any specific plans developed yet but noted she would provide Mr. Lustig with the Village Engineer's contact information. Mr. Lustig asked about tree removal. Mr. Lewis indicated the trees to be removed would be the outline of the house and an area for storm water retention. Mr. Lewis said there are approximately 1,400 trees on site with about 100 trees having to be removed. Mr. Lewis noted the driveway design is meant to meander through 45 Lincolnshire Drive.

Chair Bichkoff opened comments and questions to the Zoning Board. Member Josephson noted his concern about storm water as he is familiar with the flooding in this area. He noted his concerns taking down trees, adding impervious surface. He stated he does not know what SMC is reviewing and what implications construction of the lift station will have. Member Kalina agreed that flooding is a concern, but the current zoning is not compatible with the neighborhood; the petitioner is proposing something that is compatible. Member Kalina noted the house is much bigger and will be adding impervious surface. If LCSWMC says it is workable, we should allow it and rezone to residential. Member Josephson noted it is the Zoning Board job to look at the impact; at this time, he does not feel they have enough information. PDM Zozulya said plans for the house are not required for the hearing as the code does not require single-family home design reviews. She said the Zoning Board should focus on the rezoning findings of fact and let the Village Engineer and SMC do their review. Member Curtin said it makes sense to rezone, but the residents' water management concerns must be addressed by Village staff and SMC. Member Josephson noted the 2012 Comprehensive Plan noted this as open land and not to be developed. PDM Zozulya said open space is one of the options recommended by the plan, the other one is residential. She noted Mr. Lu is offering to donate three acres, not the entire parcel. Mr. Lewis reviewed the findings of fact and stated they extensively

looked at the site for drainage and storm water in order to proceed with a zoning change.

Member Cohen noted zoning is not the issue but hears the concerns about storm water and flooding and recommended including in the motion that these concerns must be addressed. PDM Zozulya said if a large group of people express an interest, the Village can facilitate a meeting with SMC. Mr. William recalled the 2017 flood where his house was an island; he and other residents had to canoe up Lincolnshire Drive for 12 days to get to his home. Mr. Williams noted his frustration that storm water management is not being presented here. Member Cohen asked what the Village can do to facilitate contact between concerned Lincolnshire Drive residents and SMC. PDM Zozulya said concerned residents should feel free to contact the Village Engineer and she will let the residents know when this proposal advances to the Village Board for final review so they can attend the meeting. Member Josephson recalled residents' concerns about a proposed car wash and the noise, traffic and storm water issues and the Zoning Board did not recommend approval. He stated Mr. Williams has similar concerns that should be addressed before voting. He feels residents will be affected by construction on this site.

PDM Zozulya reviewed the voting requirements on this matter and what options the petitioner has for moving forward. Chair Bichkoff felt there is some benefit to this proposal. Member Kalina noted petitioner is taking some risk with the property, it is a flood area.

Mr. Lustig noted his concern about the land donations. If Mr. Lu decided to not donate certain portions, what would be the consequence. Trustee Harms Muth noted the proposal was all inclusive with the land donations adding the Village Board was not entirely on board with the proposal at the initial meeting, noting flooding concerns and reliance on SMC and Village Engineer. Member Cohen noted concerns and issues from residents need to be addressed and encouraged all concerned to contact the Village Engineer and SMC, but the purview tonight is the rezoning of this property. PDM Zozulya land donations are not a rezoning standard, this will be discussed and reviewed by the Village Board. Mr. Lustig noted his concern about the location of the lift station. He would like to see it moved closer to the river and not on the corner.

Mr. Williams asked about the land donations and implications if the owner decides against that. PDM Zozulya noted the rezoning and donations would both be considered by the Village Board.

There being no further comments; the public hearing was closed. Mr. Lewis requested the findings of fact be entered into the record. Member Cohen suggested a strong recommendation Village residents have access to the Village Engineer regarding SMC reviews.

Member Cohen moved, and Member Kalina seconded the motion to recommend approval to the Village Board of the rezoning of the property from B2 General Business District to R3 Single-Family Residence with the conditions the property owner obtain final permit from SMC and concerned residents have access to the Village Engineer regarding SMC reviews.

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

Chair Bichkoff declared the motion carried.

PDM Zozulya stated the final review will be with the Village Board; noting she will continue to engage with residents.

### **3.2 Public Hearing Regarding a Text Amendment to Title 6 (Zoning), Chapter 5B (R2A Single-Family Residence District) to Establish an Impervious Surface Ratio Cap in the R2A District.**

Chair Bichkoff reviewed the procedures for the public hearing and requested PDM Zozulya to give a staff presentation.

PDM Zozulya stated this is a staff-initiated request to add an impervious surface cap to the R2A Zoning District. PDM Zozulya stated staff realized that a cap was not included in the current zoning ordinance even though it appears the intent was to cap the R2A district impervious surface at 40% in 2007 when the Village Board approved a 30% impervious surface cap in the R1 Single-Family Residence Zoning District, a 35% cap in the R2 Single-Family Residence district, and a 40% cap in the R3 Single-Family Residence district. It is unclear if the cap was removed from the ordinance intentionally or if it was an error. PDM Zozulya stated the Village Board conducted a pre-application review meeting regarding the current request on August 22, 2022, with referral to the Zoning Board for a public hearing with at 35% R2A cap.

PDM Zozulya stated the R2A district comprises about 300 properties north of Riverwoods Road and has a minimum required lot size of 20,000 sq.ft., with some lots larger than the minimum required size. PDM Zozulya stated residents of the newest Manors of Whytegate subdivision on the west side of Riverwoods Road have applied for permits for various hardscape projects, including in-ground pools, cabanas, and patios, with one preliminary proposal approaching a 40% impervious surface ratio. That subdivision does not have conservancy areas precluding improvements, unlike many other R2A subdivisions. Without a cap, residents could apply for additional permits, reducing the amount of green/open space and potentially causing drainage problems.

PDM Zozulya presented a summary of existing impervious surface ratios on R2A-zoned properties, with most at or below 35% and one property at 404 Old Mill Circle at 37%. Trustee Harms Muth noted some trustees had concerns about going above 35%. PDM Zozulya noted there have not been recent requests for impervious surface variances in the single-family districts with impervious surface ratio caps, indicating the current Village Code is not overly restrictive.

Member Kalina asked about the impact of a higher ratio on storm water management and stated a 40% cap seems more reasonable. Member Curtin asked about the property on Olde Mill Circle and whether it will become

legally non-conforming if the impervious surface ratio cap is set at 35%. PDM Zozulya said it would become legally non-conforming; however, the homeowner would not be required to remove any hard surfaces to bring the impervious ratio to 35%. If the impervious surface ratio is approved at 35%, staff will send a letter notifying them of the code change so they can be informed for any future improvements.

Chair Bichkoff noted no audience participation.

Member Josephson indicated his preference is to allow a 40% impervious surface ratio cap, noting this would make all properties compliant and allow residents in the R2A district some additional improvements in the future.

Member Curtin requested clarification on Item 2 of the Findings of Fact prepared by staff for the Zoning Board's review. PDM Zozulya indicated the proposed impervious surface cap would apply to the R2A district only and would bring the R2A district in line with the other single-family districts regarding impervious surface ratio requirements. Chair Bichkoff entered the Findings of Fact into the record.

Member Josephson moved, and Member Cohen seconded the motion to recommend approval of the text amendment to Title 6 (Zoning), Chapter 5B (R2A Single-Family Residence District) to establish a 40% impervious surface ratio cap in the R2A District.

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

Chair Bichkoff declared the motion carried.

**4.0 UNFINISHED BUSINESS**

None.

**5.0 NEW BUSINESS**

None

**6.0 CITIZENS COMMENTS**

None

**7.0 ADJOURNMENT**

There being no further business, Chair Bichkoff adjourned the meeting at 9:43 p.m.

Minutes submitted by Carol Lustig, administrative assistant, Community & Economic Development Department.