



**APPROVED
AS SUBMITTED**

Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Wednesday, February 12, 2014, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

PRESENT:

Chairman Manion, Members Kalina, Leider, Van de Kerckhove.

ALSO PRESENT:

Steve McNellis, Director of Community & Economic Development; Tonya Zozulya, Economic Development Coordinator; Stephen Robles, Village Planner.

ABSENT:

Trustee Liaison Brandt.

CALL TO ORDER: **Chairman Manion** called the meeting to order at 7:00 p.m.

1.0 ROLL CALL

The roll was called by **Village Planner Robles** and **Chairman Manion** declared a quorum to be present.

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the Zoning Board Meeting held Tuesday, January 14, 2014.

Member Kalina moved and **Member Leider** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board held Tuesday, January 14, 2014, as submitted. The motion passed unanimously by voice vote.

3.0 ITEMS OF GENERAL BUSINESS:

3.1 PUBLIC HEARING and Consideration & Discussion of a Special Use Permit to establish and operate a driving school at 300 Village Green in the Village Green Retail Center at Milwaukee Avenue and Olde Half Day Road (R. Corbett Lamb/Fresh Green Light)

Economic Development Coordinator Zozulya presented Staff memorandum. She stated this request was referred by the Village Board at its January 13, 2014 meeting. Staff discussed the proposed use with the Village Board and determined it should be treated as a school. The Village Green PUD requires schools must be treated as a Special Use. She stated the petitioner provided responses to the required Special Use standards, all of which must be met in order for the Zoning Board to recommend approval of a Special Use request. She stated Staff is in support of the request with two conditions detailed in the Staff memorandum (the school's vehicles shall park in the northeast corner of the Village Green property, adjacent to the Vernon Township Cemetery; and the school must obtain and file a Department of Motor Vehicles license with the Village's Department of Community & Economic Development).

Chairman Manion recessed the Zoning Board meeting and opened the Public Hearing. Corbett Lamb, Fresh Green Light, was sworn in by **Chairman Manion**. He stated this

will be a driver's education facility with several key components: customer service, instruction, computer-based simulations and online portal interface. The school will meet and exceed all DMV safety standards. Mr. Lamb stated the Fresh Green Light franchise was established four years ago in Greenwich, Connecticut. It has a proven record of success of reinventing driver's education, including a high customer satisfaction rating and a lower than national average accident statistics for young drivers in the 18-25 age group. The school will occupy 898 sq.ft. of space and maintain Monday-Friday office hours. There will be one receptionist on Staff to assist with office operations and walk-in inquiries. In-class education will be Monday through Thursday, after regular school hours. Students will be dropped off by their parents at a designated drop-off area on the east side of the 300 Village Green building. Behind the wheel training will take place after regular school and on weekends. 90% of trips will start off-site. Students will have the ability to request a pick-up/drop-off location online. There will be no more than 25 students enrolled at any given time. The school plans to hold an open house for parents in the evening on a monthly basis, requiring up to 13 parking spaces for parent parking.

Member Kalina sought clarification regarding the open houses. Corbett Lamb stated the open houses will be an hour long event.

Member Van de Kerckhove inquired what the Petitioner meant by "reinventing driver's education". Corbett Lamb responded the school's technology utilization, online portal are some of the features that distinguish the Fresh Green Light brand.

Member Van de Kerckhove inquired why the school needs two parking spaces if there is only one instructor noted in the presentation packet. Mr. Lamb stated there will be one classroom instructor and one behind-the wheel instructor. He stated all instructors will be certified teachers.

Chairman Manion inquired how far their students will come from. Mr. Lamb responded it will be within a 20-min driving radius, drawing students from Lincolnshire, Lake Forest, Bannockburn, Lake Bluff and Highland Park.

Member Kalina asked how the school will be priced. Mr. Lamb said they will charge a small premium but will generally remain competitively priced with other driving schools.

Ron Lamb was sworn in by **Chairman Manion**. He stated he is Corbett Lamb's father and both of them have background in education, teaching and training. He stated he believes most of today's schools do not provide adequate driver's education, which is the need Fresh Green Light hopes to fill.

Gregory Segal, 425 Village Green, was sworn in by **Chairman Manion**. Mr. Segal expressed concerns regarding traffic entering and exiting the Village Green Center. He believes cars entering Olde Half Day Road will worsen traffic safety.

Chairman Manion closed the Public Hearing and invited comments from the Zoning Board. It was the Zoning Board's consensus Fresh Green Light has a solid business model and will be a good addition to the Village. **Member Kalina** noted the Lincolnshire Academy of Dance, previously located at 300 Village Green, did not cause any traffic problems. All Zoning Board members expressed support for the school's Special Use permit.

There being no further questions or comments, **Chairman Manion** sought a motion.

Member Van de Kerckhove moved and Member Leider seconded a motion to recommend approval to the Village Board of a Special Use Permit to permit the establishment and operation of Fresh Green Light driving school, at 300 Village Green Drive, in the R5 zoned Village Green of Lincolnshire Retail Center, based on the facts in the Petitioner's presentation packet, dated January 30, 2014, date stamp received February 3, 2014, and subject to Staff's recommendations, as presented in Staff's memorandum dated February 7, 2014:

- 1. Any and all vehicles owned or operated by the Operator, its officers, employees and agents, shall park in the northeast corner of the Village Green parking lot, adjacent to the Vernon Township Cemetery.*
- 2. A valid license, issued by the Illinois Department of Motor Vehicles, shall be obtained and placed on file with the Village's Department of Community & Economic Development, prior to operation of the school.*

The motion passed unanimously by voice vote.

- 3.2 PUBLIC HEARING and Consideration and Discussion of a proposed six-month zoning moratorium on the establishment and operation of any medical cannabis-related uses (Village of Lincolnshire).

Village Planner Robles presented Staff's Memorandum and explained the Compassionate Use of Medical Cannabis Pilot Program Act was signed into law last summer and became effective on January 1st this year. He continued, the basic elements of the new law permit the establishment of medical cannabis dispensaries and cultivation centers throughout Illinois. Before the State can register any medical cannabis facilities for operation, it must first establish and adopt administrative rules, which the first draft was published on Friday. **Village Planner Robles** continued, the local impact of the new law was significant since it did not allow zoning prohibition of such uses. Staff believed that establishing any zoning regulations before the adoption of rules by the State Joint Committee on Administrative Rules could lead to conflicts and, therefore, recommended a six month moratorium to monitor the rule making progress. After formal adoption of State rules, Staff will return to the Zoning Board with draft zoning regulations at a Public Hearing.

Chairman Manion recessed the Zoning Board meeting and opened the Public Hearing.

There was no public comment provided, **Chairman Manion** closed the Public Hearing and invited comments from the Zoning Board.

Member Van de Kerckhove questioned if there were any other communities that had passed any zoning on the regulation of medical cannabis uses. **Village Planner Robles** confirmed some communities have moved forward with zoning amendments, but the majority of communities had already approved zoning moratoria or would be soon.

Member Leider questioned the six month term and if a one year moratorium would be better. **Village Planner Robles** indicated that a six month moratorium should provide adequate time for monitoring the publication of rules and prepare any text amendments. **Director McNellis** also noted the six month term was consistent with past zoning moratoria and could always be extended if needed.

There being no further questions or comments, **Chairman Manion** sought a motion.

Member Kalina moved and Member Leider seconded a motion to recommend approval to the Village Board of a six month moratorium on the establishment and operation of any medical cannabis-related uses so that the Village may consider amendments to the Lincolnshire Village Code to determine rules governing the limitation on the location and operation of medical cannabis-related uses, as detailed in a Draft Ordinance prepared by the Village Attorney, based on the facts and as presented in Staff's memorandum.

The motion passed unanimously by voice vote.

3.3 CONTINUED WORKSHOP to discuss proposed Text Amendments to Chapter 14 of the Zoning Code to update requirements for Administration and Enforcement (Village of Lincolnshire).

Village Planner Robles presented that Chapter 14 of the Zoning Code contained the procedures and standards for the administrative functions of planning and zoning matters such as variations, amendments, special uses, fees, etc. He continued, the purpose in reviewing these administrative functions was to clarify requirements based on the Village's current practices and provide clarity in the development review process. The goal was to propose code revisions that provided clear understanding of each zoning function and to reduce any ambiguity from the code on the Village's review process. **Village Planner Robles** noted that at the January workshop, the Zoning Board went through basic concepts of the code and Staff received initial Zoning Board feedback on how to proceed with code revisions.

Village Planner Robles continued his presentation with review of the proposed code revisions for the Zoning Board's review and comment. Item #1; with the changes proposed to the Site Plan Review Board, **Village Planner Robles** explained the existing name would not match the roles of this group, which was the reason for the name change.

Item #2; the Zoning Certificates Section was proposed for removal since the Section had not been in use and no longer need to be included in the Code.

Item #3; Village Planner Robles presented that updates to reflect the current administration of Certificates of Zoning Compliance would occur. **Chairman Manion** inquired if there were costs associated with such Certificates. **Village Planner Robles** indicated that no such fees had been applied for such requests. **Chairman Manion** noted whether Staff should consider charging a nominal fee for time spent on the producing required Certificates. **Village Planner Robles** noted Staff would look into such fees.

Item #4; **Village Planner Robles** continued that the Zoning Exception Certificate was to be removed to eliminate a redundancy, which was already accomplished through the adoption of Village ordinances.

Item #5; the Preliminary Evaluation Meeting was commonly known as the Referral Meeting at the Village Board. Such referral process was not described in the Zoning

Code, therefore Staff proposed to define the process to clarify the Village's development review process and provide a level of expectation for applicants. **Village Planner Robles** also presented that the Zoning Board should further consider if certain zoning applications should not be subject to "referral" due to their minimal intensity and could proceed directly to a public hearing with the Zoning Board. There was a consensus amongst the Zoning Board for Staff to research and return with potential application that would be subject to such process.

Village Planner Robles continued with Item #6 and explained that based on the current number of Zoning Board Members, 4, rather than the required 6 Members, Staff felt a reduction in the number of approval votes from 4 to 3 would help alleviate the burden amongst the Members in some cases. However, the Zoning Board was not in favor of any reduction, so no further changes were proposed. **Member Van de Kerckhove** expressed his support for a reduction in the number of votes to avoid a tie-vote situation. **Village Planner Robles** noted Staff would look at the current voting requirements to determine if any further adjustments should occur.

The presentation continued with the proposed elimination of the Authorized Variations list, which contained a list of variations that may be reviewed by the Village. However, **Village Planner Robles** explained that such list could be interpreted to prevent a property owner from requesting any type of variation, and therefore, Staff recommended list should be removed from the Code. The Zoning Board was in agreement and felt any variance should be reviewed on a case-by-case basis, based on the individual merits of a specific request.

Village Planner Robles continued with Item #7 of Staff's memorandum, which proposed to extend the one year revocation for variations to 3 years to provide flexibility and for consistency with special uses. The Zoning Board was in general agreement, but wanted comparable benchmarks of other communities' revocation periods. Based on Staff's research of five nearby communities, 3 of the 5 had a one year time limitation on variations. The Zoning Board agreed to keep the current one year revocation time limit.

The presentation continued with additional code revisions that occurred since January's Workshop. **Village Planner Robles** identified a new Publication of Notice section was included in the draft code to identify the requirements of public notification. **Member Leider** questioned where the requirement to notify property owners within 250' of the subject property came from. **Village Planner Robles** explained such notification range was reflective of the State notification requirements and typical of many communities' notification requirements. **Member Leider** questioned if the notification range could be extended beyond the 250' range to inform more residents of a zoning request. **Director McNellis** explained the current notification range meet the minimum distance required by the State and noted the intent of the notification range was to inform residents that would be most impacted by a zoning request due to their proximity to a subject parcel. It was requested Staff research surrounding communities' public notification range for comparison.

At the conclusion of Staff's presentation, **Village Planner Robles** noted that due to the extent of proposed code revisions to Items 8 (Planned Unit Developments) & 9 (Continuing Care Retirement Campus) of the Staff memorandum, Staff will return to the next regularly scheduled Zoning Board meeting with a complete breakdown.

4.0 UNFINISHED BUSINESS

Director McNellis updated the Zoning Board on progress with filling current vacancies on the Zoning Board. An updated Rules of Order outlined by the Village Attorney would be forth coming and provided for the Members of the Zoning Board. Lastly, **Director McNellis** provided a reminder of upcoming Economic Interest Statements forms that will be sent to each Member of the Zoning Board.

Member Leider questioned if there was any charter for the Zoning Board. **Director McNellis** noted he would research and provide the Zoning Board with any relevant information.

5.0 NEW BUSINESS (None)

6.0 CITIZENS COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, **Chairman Manion** adjourned the meeting at 8:20 p.m.

Minutes Submitted by Stephen Robles, Village Planner and Tonya Zozulya, Economic Development Coordinator