



AGENDA
COMMITTEE OF THE WHOLE MEETING
Village Hall – Community Room
Monday, August 4, 2014
Immediately following Regular Village Board Meeting

Reasonable accommodations / auxiliary aids will be provided to enable persons with disabilities to effectively participate in any public meetings of the Board. Please contact the Village Administrative Office (847.883.8600) 48 hours in advance if you need special accommodations to attend.

The Committee of the Whole will not proceed past 10:30 p.m. unless there is a consensus of the majority of the Trustees to do so. Citizens wishing to address the Board on agenda items may speak when the agenda item is open, prior to Board discussion.

CALL TO ORDER

1.0 ROLL CALL

2.0 APPROVAL OF MINUTES

- 2.1 Acceptance of July 28, 2014 Committee of the Whole Meeting Minutes.

3.0 ITEMS OF GENERAL BUSINESS

3.1 Planning, Zoning and Land Use

- 3.11 Consideration and Discussion of a request for Referral of an Amendment to an existing Annexation Agreement and Special Use Ordinance for a church at 1207 Riverwoods Road, and Annexation of 1.92 acres at 24325 Riverwoods Road (Ascension of Our Lord Greek Orthodox Church)

- 3.12 Consideration and Discussion of Zoning Board Recommendations Regarding Text Amendments to Chapters 3 and 6, Title 2, Boards and Commissions, and Chapter 14, Administration & Enforcements of the Zoning Code to Update Administrative Processes (Village of Lincolnshire).

3.2 Finance and Administration

- 3.21 Consideration of a Resolution Approving Certain Closed Session Meeting Minutes – First Review – 2014 and Authorizing the Destruction of Certain Audio Recordings of Closed Sessions Minutes (Village of Lincolnshire)

- 3.22 Consideration of a Resolution Authorizing the Village Manager to Execute Documentation to Secure a Final Electricity Price for Various Electricity Accounts (Village of Lincolnshire)

3.3 Public Works

3.4 Public Safety

- 3.41 Consideration and Discussion of the Issuance of a Class “D” Liquor License for Go Roma Lincolnshire, LLC, D.B.A. Go Roma (Village of Lincolnshire)

3.5 Parks and Recreation

- 3.51 Consideration and discussion of Park Board Recommendation to Approve a Request by the Village Club of Lincolnshire to Use North Park for a Charity Fundraiser on Sunday, October 5, 2014. (The Village Club)

3.52 Consideration and Discussion of Park Board Recommendation to Install a
Basketball Court at Balzer Park (Village of Lincolnshire)

3.6 Judiciary and Personnel

4.0 **UNFINISHED BUSINESS**

5.0 **NEW BUSINESS**

6.0 **EXECUTIVE SESSION**

7.0 **ADJOURNMENT**



MINUTES
COMMITTEE OF THE WHOLE MEETING
Monday, July 28, 2014

Present:

Mayor Blomberg	Trustee Brandt
Trustee Feldman	Trustee Grujanac
Trustee McDonough	Trustee Servi
Trustee McAllister	Village Clerk Mastandrea
Village Treasurer Curtis	Village Attorney Simon
Village Manager Burke	Chief of Police Kinsey
Finance Director Peterson	Director of Public Works Woodbury
Community & Economic Development Director McNellis	Superintendent of Utilities Hawkins
Assistant to the Director of Public Works Horne	Superintendent of Administration Phippen

ROLL CALL

Mayor Blomberg called the meeting to order at 7:31 p.m. and Village Clerk Mastandrea called the Roll.

2.0 APPROVAL OF MINUTES

2.1 Acceptance of June 23, 2014 Committee of the Whole Meeting Minutes.

The minutes of the June 23, 2014 Committee of the Whole Meeting were approved as submitted.

3.0 ITEMS OF GENERAL BUSINESS

Mayor Blomberg made the recommendation to move Public Works – Parks and Recreation Item 3.51 up on the Agenda for presentation and discussion. The consensus of the Board was to discuss Public Works – Parks and Recreation item 3.51 first under General Business.

3.5 Parks and Recreation

3.51 Continued Consideration and Discussion of the Proposed Budget for an Eagle Scout Project to Remove the Volleyball Court at Whytegate Park (Ben Brandt)

Director of Public Works Woodbury provided an update on the proposed Eagle Scout Project to remove the volleyball court at Whytegate Park and replace it with a formal garden. Per the direction of the Village Board, Mr. Ben Brandt provided staff with a budget for the proposed project. Mr. Brandt explained \$18,500 would be the amount the Village would be responsible to pay if the landscape concept is approved. Director of Public Works Woodbury noted although this project was not budgeted for in 2014, there are adequate funds in the Park Development fund to cover the costs.

Mr. Brandt thanked the Board and staff for their support of his Eagle Scout project and provided a brief summary of the proposed concept and design. Mr. Brandt noted a few decisions for which direction from the Village Board is needed. After a review and discussion of exhibits presented by Mr. Brandt, members of the Village Board provided feedback regarding the park benches and sun dial amenity proposed for the garden. It was the consensus of the Board; Exhibit 4 for the bench and Exhibit 7 for the sundial were the preferred designs for the new garden.

Mr. Brandt reviewed the proposed phases for construction of the project.

Mayor Blomberg asked about the trees on the plan and the anticipated diameter of the trees at planting. Director of Public Works Woodbury stated there are 4 different species of trees anticipated and most trees will be 2" – 4" in size.

Village Manager Burke noted the expenditure for this project was not included in the budget for Fiscal Year 2014; however, staff would incorporate the additional expenditures in the supplemental appropriation, expected to be presented to the Village Board for consideration prior to year end.

It was the consensus of the Board to approve the budget and permit Mr. Brandt to move forward with the project. Members of the Board thanked Mr. Brandt for his efforts on this Eagle Scout project.

3.1 Planning, Zoning and Land Use

3.11 Consideration and Discussion of Referral of an Amendment to Rezoning Ordinance No. 07-2993-21 and Revisions to Approved Final Engineering Plans to Permit Elimination of a Required Fence and Redesign of a Detention Pond for the 7-

Lot Single Family Residential “Forest View” Subdivision (ForestView, Inc.)

Community & Economic Development Director McNellis provided a brief summary of the proposed amendment and revisions regarding the redesign of the detention pond and elimination of the fence.

Mr. Mike DeMar, representing ForestView, Inc. noted staff has been outstanding to work with on this development. Mr. DeMar provided a summary of the proposed redesign of the detention pond which would result in removing four trees.

Trustee Grujanac asked why the pond fence was originally included in the design for the subdivision. Community & Economic Development Director McNellis noted the pond fence was included initially due to safety issues related to the ledge by the pond edge; however, the proposed re-design would eliminate the need for the fence because the drop off adjacent to the pond would be eliminated and replaced with a more gradual slope.

Mayor Blomberg noted he would be in favor of the pond re-design. Trustee McDonough asked if the files were reviewed regarding the original consideration of this subdivision especially related to the discussions that took place regarding the need for the pond and fence. Community & Economic Development Director McNellis noted he did not review the file, but stated his recollection was the fence was required for safety and the pond was sized originally to save the trees. Trustee McDonough asked if staff could review the file because his recollection was of concerns raised by residents regarding safety around the pond, tree preservation, and potential problems with run-off of storm water from the pond. Community & Economic Development Director McNellis noted he would review the file and report back to the Board regarding the pond.

A discussion regarding ForestView, Inc. taking credit for saving trees in the back of the project followed. Mayor Blomberg noted credit cannot be applied to the development until end of construction of the project.

Mayor Blomberg suggested the Village Board conversation now focus on the request by the developer to remove the 7' perimeter fence located along the western edge of the subdivision.

Trustee Brandt noted when the fence was initially approved, it was what the residents wanted, and the Board fought to provide this to the residents. Trustee McDonough noted the resident petitions submitted by the developer are unclear and confusing to decipher. A brief conversation regarding fence verses landscaping followed.

Mr. Doug Madigan, resident at 28 Essex Lane, came before the Board to address the fence issue. Mr. Madigan noted the developers have been very accommodating. Mr. Madigan stated his opinion was that the 7' fence was a mistake because of the lights from the road at Route 22 coming through to his property. Mr. Madigan noted he would like an 8' fence, a berm with a fence or landscaping to block the lights from the road could be better in this location.

Mr. Steve Goodman, representing ForestView, Inc. noted if a berm was put in, many of the trees along the western property line would die or would not be able to be saved.

The Board considered getting more information from the residents at a meeting to be coordinated by the Village. Village Manager Burke asked for direction for staff regarding consideration for Zoning approvals related to the fence, since staff would need to work toward scheduling a resident meeting in advance. Mayor Blomberg asked if installation of the fence was time sensitive. Assistant to the Director of Public Works Horne noted the fence is part of the Subdivision requirements, and there is a specific condition which states the fence must be completed prior to any acceptance of any other public improvements and could possibly be tied to the occupancy of the homes. Mayor Blomberg asked Assistant to the Director of Public Works Horne to verify the conditions of the fence requirements before making a decision about a meeting with residents.

3.12 PUBLIC HEARING and Consideration and Discussion of an Amendment to Ordinance No. 08-3057-40 and Architectural Review Board Recommendation for a Proposed Monument Sign at Lincolnshire Retail Center/Village Green (Egg Harbor Café)

Mayor Blomberg closed the Committee of the Whole meeting and opened a Public Hearing at 8:27 p.m. for the consideration and discussion of an Amendment to Ordinance No. 08-3057-40

and Architectural Review Board recommendation for a proposed monument sign at Lincolnshire Retail Center/Village Green.

Community & Economic Development Director McNellis provided a brief summary of the request for the proposed monument sign, which was unanimously approved by the Architectural Review Board with the stipulations to remove trees, test sign locations and revise the landscape plan.

Mayor Blomberg swore in Art Solis, representing North Shore Signs and resident at 1495 Campbell, DesPlaines, IL. Mr. Solis provided a summary and background of the request.

There were no public comments on the proposed monument sign.

Mayor Blomberg closed the Public Hearing and re-opened the Committee of the Whole meeting at 8:33 p.m.

Trustee Grujanac asked if the letters on the short-wall by the trash enclosure, where the existing wall sign would be relocated to, would be illuminated. Mr. Solis noted the letters are currently illuminated via a halo effect and explained there are no plans to change this.

Mayor Blomberg asked if there was full access at Egg Harbor, as opposed to only a right-in-right-out intersection design, would the sign location change. Mr. Solis confirmed he would want the sign location to change if that were the case. A discussion regarding the existing intersection configuration and Illinois Department of Transportation (IDOT) regulations followed. Community & Economic Development Director McNellis noted when IDOT was contacted regarding this possibility; IDOT staff indicated the extent of work to change the access would be major. Mayor Blomberg asked if IDOT would consider permitting a full access to the site with turning restrictions limiting when vehicles could make the turns into the site. Assistant to Director of Public Work Horne noted IDOT would look into it, but stated IDOT required engineering studies and many other things that would delay the approval of the sign. Mayor Blomberg suggested staff not to pursue the access change at this time.

Community & Economic Development Director McNellis asked for direction from the Board regarding the location of the proposed sign. The consensus of the Board for the location of

the sign was option one, which was the center of the building and the preferred location for Egg Harbor.

Mayor Blomberg asked about the recommendation regarding taking the trees down and placing them somewhere else on the site. Community & Economic Development Director McNellis noted the trees were smaller in size and asked if staff could coordinate the relocation/replacement with the developer. Mayor Blomberg noted staff could coordinate the relocation but did not want to re-plant trees in locations that would block visibility to other businesses.

Mayor Blomberg recommended the existing plants/overgrowth be removed or cut back at the location of the east right-in/right-out, on Olde Half Day Road to help improve the safety of the site for pedestrians using the path system that may be approaching the Village Green site.

There was a consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.13 Consideration and Discussion of an Amendment to Ordinance No. 07-3005-33 to Permit Installation of Cellular Antennae which does not Meet the Approved Mounting Design or Height (American Tower/Verizon Wireless)

Community & Economic Development Director McNellis provided a summary of the request to permit the installation of Verizon Wireless cellular antennae.

Village Attorney Simon asked if the compensatory storage provided for the existing American Tower installation is adequate to allow for the additional facility proposed by Verizon, to be located at the base of the tower. Assistant to the Director of Public Works Horne confirmed there is enough space to allow for the additional facility.

Mr. Mike Bieniek, with LCC Law representing Verizon Wireless noted this would not be a typical installation but a small cell installation. Mr. Bieniek provided a presentation including radio frequency maps and information regarding the request for the antennae and need for additional capacity.

Trustee Brandt noted better coverage is needed but questioned if there is a big difference related to the height of the antennae.

Trustee McDonough noted his concern was the look of the antennae. There was a brief discussion regarding the color and look of the antennae.

Village Attorney Simon asked if another carrier wanted to install an antenna array how far would they have to be from Verizon's proposed installation. Mr. Bieniek noted it would need to be 10' away, vertically.

There was a consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.14 Status Update on Community & Economic Development Department Goal to redraft Urban Design Guidelines (Village of Lincolnshire)

Community & Economic Development Director McNellis provided a review of work completed to date on updating the current Urban Design Guidelines. Community & Economic Development Director McNellis asked for feedback from the Board and noted this item would be forwarded to the Architectural Review Board for formal consideration and recommendation back to the Village Board.

Trustee Brandt encouraged moving away from some of the sign restrictions currently in place and take into consideration ideas learned in recent years as part of the development of these guidelines. Trustee Brandt also noted the guidelines should incorporate concepts the Village has found successful in other areas of the Village such as the use of composite roofing materials, similar to those used at Eddie Merlot's and McDonald's.

There were no other comments from the Village Board.

There was a consensus of the Board to forward this on to the Architectural Review Board for formal consideration prior to recommendation back to the Village Board.

3.2 Finance and Administration

3.21 Fiscal Year 2014 Goals Status Report (Village of Lincolnshire)

Village Manager Burke noted the document included in the packet was intended to provide an update on the status of progress toward goals established as part of the 2014 Budget process. Village Manager Burke noted a majority of the goals established

are in process or have already been completed. An update will be provided as part of the 2015 Budget process.

The Board had not comments or questions related to the update of Goals.

3.3 Public Works

3.31 Consideration and Discussion of Purchase of a Replacement 16-Yard Self-Contained Trailer Mounted Leaf Machine from R.N.O.W. Inc., West Allis, Wisconsin in the Amount of \$46,098.00 (Village of Lincolnshire)

Director of Public Works Woodbury provided a summary of staff's recommendation regarding the purchase of a new leaf vacuum machine.

Superintendent of Administration Phippen provided a brief description regarding features of the proposed leaf machine.

A brief discussion followed regarding the process of obtaining the new leaf machine.

There was a consensus of the Board to place this item on the Consent Agenda for approval at the next Regular Village Board Meeting.

3.32 Consideration and Discussion of Draft 2015 – 2024 Village of Lincolnshire Capital Plan and Five-Year Financial Forecast (Village of Lincolnshire)

Village Manager Burke noted this is an intensive project that has been a long time coming and wanted to thank Department Managers and Public Works staff for the work done on the project. Village Manager Burke noted this is a first draft of the Village's Capital Plan and as such, Village Board feedback is needed. Since the document is a plan, it will evolve and improve over time.

Assistant to the Director of Public Works Horne thanked staff and the GIS Specialist for their support with the project.

Assistant to the Director of Public Works Horne provided a lengthy presentation regarding the draft 2015 – 2024 Capital Plan. Assistant to the Director of Public Works Horne explained the benefits of taking an integrated and comprehensive planning approach to the Village's infrastructure needs. Assistant to the Director of Public Works Horne explained how projects were

identified to be included in the plan and how staff used GIS to map out the plan over the next 10 years. Assistant to the Director of Public Works Horne explained how staff developed Guiding Principles to be used in the development of the plan document and explained the difference between annual recurring maintenance expenses and capital projects.

Assistant to the Director of Public Works Horne noted historically any project exceeding \$5,000, with a life span of more than 1 year, was classified as a capital expense in the Village's annual budgeting process. Assistant to the Director of Public Works Horne explained staff recommends increasing this threshold to \$20,000. Assistant to the Director of Public Works Horne also explained staff recommends not incorporating annual maintenance expenses into the Capital Plan and incorporating these expenditures into the Village's annual operating budget.

Village Manager Burke reviewed several exhibits pertaining to the five-year financial forecast. Village Manager Burke explained the 5-Year Financial Forecast is based upon general assumptions of 2% growth in revenues and 3% growth in expenditures. Village Manager Burke explained the forecast reflects the incorporation of all capital expenditures identified in the draft Capital Plan. Village Manager Burke reviewed the projected impact on the available fund balance in the Motor Fuel Tax Fund, Water & Sewer Fund, and General Fund in light of the 5-Year Financial Forecast projections.

There were no questions from the Board regarding the structure or format of the long-term Capital Plan. However, it was the general consensus of the Board to increase the threshold for capital expenditures in the Capital Plan from \$5,000 to \$50,000 and agreed not to incorporate annual recurring maintenance costs into the Capital Plan. These expenditures will be reflected in the annual operating budget.

Village Manager Burke asked if the Board had any questions or feedback related to the Capital Plan and Five-Year Financial Forecast presented.

Mayor Blomberg suggested adding other opportunities in the Capital Plan that might be a want and not a need if it fits in with another project identified.

Village Attorney Simon noted Vehicle expense might not fit in to the new proposed threshold of \$50,000 for Capital and suggested

making an exception for this category. A discussion of the Village's Capitalization Policy and financial reporting needs related to vehicles followed. Finance Director Peterson noted there may be a need to bring a recommendation to the Village Board to amend the Capitalization Policy pursuant to direction provided by the Village Board at this meeting.

3.4 Public Safety

3.6 Judiciary and Personnel

5.0 **UNFINISHED BUSINESS**

6.0 **NEW BUSINESS**

Village Manager Burke asked if there was a consensus among the Board to support the proposed settlement with Inland Development over the sewer connection fee.

It was the consensus of the Board to pursue the settlement with Inland Development as presented.

7.0 **EXECUTIVE SESSION**

8.0 **ADJOURNMENT**

Trustee Brandt moved and Trustee Grujanac seconded the motion to adjourn. Upon a voice vote, the motion was approved unanimously and Mayor Blomberg declared the meeting adjourned at 10:05 p.m.

Respectfully submitted,

VILLAGE OF LINCOLNSHIRE

Barbara Mastandrea
Village Clerk

REQUEST FOR BOARD ACTION
Committee of the Whole
August 4, 2014

Subject:	Ascension of Our Lord Greek Orthodox Church Expansion
Action Requested:	Referral of an Amendment to existing Annexation Agreement and Special Use Ordinance, and proposed Annexation of Land associated with expansion of the Ascension of Our Lord Greek Orthodox Church
Petitioner:	Ascension of Our Lord Greek Orthodox Church
Originated By/Contact:	Stephen Robles, Village Planner Department of Community & Economic Development
Referred To:	Village Board

Background:

- The Ascension of Our Lord Greek Orthodox Church (“Church”) property was annexed into the Village (Ord. No. 99-1694-02) and obtained a Special Use (Ord. No. 99-1696-04) in 2000 to convert the existing residence and construct a sanctuary addition to accommodate the Church’s needs.
- At approval, the use of the existing home was temporary and conceptual plans for the construction of a new larger church and activity center were included within the Annexation Agreement. Per the annexation agreement, future expansion of the Church required substantial conformity with the development plans contained in the agreement.
- In 2008, the Church sought amendments to the Annexation Agreement and Special Use, and annexation of a 1.92 acre property to the south, to construct a 46,700-square foot church facility, which included new administration offices, education wing, and a multi-purpose Parish Life Center. Based on the scope of the 2008 proposal, the Village’s review process extended into Fall 2011, where the Church proposal received feedback from Village Board and neighboring residents requiring the following revisions:
 1. Decrease the impervious surface coverage to not exceed 36%.
 2. Reduce the massing/scale of the building.
- The 2008 application was subsequently withdrawn and the Church submitted a new application and site development plan on July 17th.

Referral Summary:

- The above could simply read, “The Church requests amendments to the existing Annexation Agreement and related Special Use Ordinance to replace the previously approved future site development plans with the proposed plans (see attached presentation packet).
- Additionally, the Church also seeks annexation of a 1.92 acre parcel immediately south of their property as part of this request.
- *As this request involves an Annexation, the Village Board will hold the Public Hearings on the Annexation Agreement Amendment and Special Use, while the ARB will review the overall building and site design.*

Summary of Request:

- The Church has assessed their current and future needs and now finds they require less space than previously proposed for consideration by the Village Board. The new proposal is for a 10,295-square foot addition to the existing church building, which is a substantial reduction in size compared to the proposal last considered by the Village Board (see table below).

- The new expansion/addition will occur immediately south of the current church building over an existing parking lot, and consist of two components. The first component is a “link” addition containing a new gathering entry, office space, storage, restrooms and corridor. The second component will be the new church building with a total of 316 seats (previous proposal contained 447 seats). The existing building will be converted into office, flexible education rooms, and multi-purpose space.
- A new 29-space parking lot will be constructed south of the proposed church addition and connect to the existing 98 parking lot at the eastern portion of the property, totaling 127 parking spaces. The impervious surface coverage of the existing and proposed site improvements (including the 1.92 acre annexed parcel) would be 27.3%.
- The following chart provides a comparison between the 2011 proposal and the current expansion request:

Ascension of Our Lord Greek Orthodox Church Expansion Comparison		
	2011	2014
Building area	39,292 SF	17,663 SF
Impervious coverage	50%	27.3%
Parking required	236*	88
Parking provided	168	127
Sanctuary seating	447	316
Height	49'-10"	45'-10"
Distance to nearest home (100 Brookwood Ln)	312'	264'

* Based on full occupancy of all uses at one time. The Greek Church has previously agreed not to have concurrent use of building spaces.

- The building addition design contains elements of traditional Byzantine style architecture, similar to previous proposals. However, the current proposal incorporates a change in the stone base material and a change in the overall color scheme from a terra cotta color in 2011 to more subdued shades of natural whites and gray currently.
- In the current proposal, the dome roof material has been revised from clay tile shingles to a standing seam metal roof pre-finished in a light gray color. The height of the dome has been further reduced from 49'-10" to 45'-10" from grade to peak.
- The Church proposes annexation of the adjoining parcel to the south of the current Church parcel (24325 Riverwoods Road) to aid in the reduction of the impervious surface coverage. This current request does not propose development of the annexed parcel.

At the ARB meeting, Staff intends to raise and discuss the following items:

1. Vehicle Drop-off: A vehicle drop-off area is planned along the frontage of the expanded church. The drop-off appears excessive in size and results in a significant amount of pavement fronting Riverwoods Road. A redesign of the drop-off may be necessary to reduce its size, while providing the Church with a functional drop-off amenity.
2. Architectural Materials: The new Church design incorporates a significant amount of E.I.F.S. (dryvit) material. The Village traditionally limits use of E.I.F.S. to a secondary accent material, instead of a primary material. While an entire replacement of E.I.F.S. is not suggested, there should be consideration to reducing its use within the overall building design.

3. Roof Materials: Consideration should be given to the finish color of the proposed standing seam metal roof. Any potential of glare should be addressed.
4. Landscaping/Berming: The addition of large berms and dense landscape screening may not be as necessary, given the reduced scale of the church. However, accent berms along Riverwoods Road and landscaping should continue to be incorporated.

NOTE - Staff has been informed the church has contacted the surrounding neighbors to invite them to an informational meeting to view and discuss the new proposal on August 20, 2014. Staff will ensure surrounding property owners are informed of the ARB meeting date (when scheduled) and Village Board Public Hearing.

Recommendation:

Referral to the Village Board to conduct a Public Hearing to consider amendments to the Annexation Agreement and Special Use, and Annexation of land, following design review by the Architectural Review Board.

Reports and Documents Attached:

- Letter of Request, prepared by Michael Firsel, Attorney of Ruben Firsel and Ross, and Presentation Packet, prepared by Jaeger Nickola Kuhlman and Associates.
- 2011 Site Plan.
- Minutes of the October 10, 2011 Committee of the Whole meeting.
- Ordinance No. 99-1694-02 and No. 99-1696-04.

Meeting History	
Current Referral to Village Board (COW):	August 4, 2014



Ruben
& Firsell
& Ross
LLC

ATTORNEYS AT LAW

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MICHAEL E. ROSS
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CHRISTINE S. BOLGER
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OF COUNSEL:
RONALD ROSENFELD

July 17, 2014

Mayor Brett Blomberg and Board of Trustees
Village of Lincolnshire
One Olde half Day Road
Lincolnshire, Illinois 60069

Re: Ascension of Our Lord
Greek Orthodox Church
1207 and 24325 Riverwoods Road
Lincolnshire, IL 60069

Dear Mayor Blomberg and Trustees,

Our law firm represents the Ascension of Our Lord Greek Orthodox Church (the "Church"). As you are aware the Church has appeared before various Village Commissions and this Board over the past several years relative to the anticipated expansion of the Church Property and annexation of the adjacent 1.92 acre property acquired by the Church in 2005 (the "Adjacent Property"). The last appearance before the Board was in October, 2011. Over the last 2-1/2 years, the Church has taken several steps to rethink and re-evaluate the addition of a new Sanctuary, as well as the use of the Adjacent Property.

I am pleased to inform you that as a result of careful study, budgeting and planning, as well as considering the advice and addressing the concerns of the Village and the Church's neighbors, the Church is proposing an entirely new plan for the Church Property and the Adjacent Property that is significantly different in size, scope and design that we hope will be well received by the Village Board and the Church's neighbors.

Simultaneously with the submission of this letter, we are submitting an Application for three (3) different actions by the Village. The first is to amend the current Annexation Agreement dated January 10, 2000, to conform to the current plan. The second is to annex the



Ascension of Our Lord
Greek Orthodox Church
July 17, 2014
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Adjacent Parcel into the Village, and the third is to amend the existing Special Use Ordinance 00-1696-004 to conform to the current plan.

The highlights of the current project which is represented on the accompanying plans and drawings are as follows:

1. There will only be one building on the entire 6.92 acres. The existing structure will be completely remodeled, with a "link" structure added to the existing building that will lead to the new Sanctuary.
2. The existing building consists of 7,388 square feet, the Sanctuary will be 7,330 square feet and the link addition will be 2,965 square feet, for a total of 17,663 square feet for the entire Church structure.
3. The total square footage of the Church Parcel and the Adjacent Parcel is 276,938 square feet, or 6.357 acres. The total building coverage will be 6.38%, and the total impervious surface coverage will be 27.3%, obviating the necessity for a land coverage variance.
4. The structure will be located at the very north end of the property as no improvements are currently contemplated for the Adjacent Parcel. The closest residence to the south is over 530' feet away. With the exception of the property directly across from the existing Church building, the next nearest residence west of Riverwoods Road is over 470' away.
5. The exterior of the building will consist of natural stone and natural colored E.I.F.S. The roof will consist of asphalt shingles with the dome portion being a standing seam pre-finished light grey aluminum roof. The "feel" of the property is that it will be a "neighborhood" church, rather than a large church campus.
6. The height of the main portions of the building will be 33 feet, while the top of the domed portion will be 45'10".

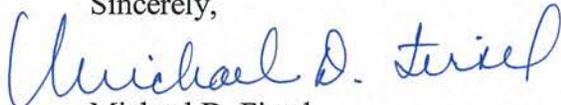


Ascension of Our Lord
Greek Orthodox Church
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Page 3

I believe that due to the previous presentations and plans and the very significant changes in the current plan, a comparison of certain elements is in order. Please note the following comparisons of the October, 2011 plans to the currently proposed plan:

	<u>October, 2011</u>	<u>July, 2014</u>
Building Area	39,292sf	17,663
%Impervious surface	50%	27.3%
%Building Site coverage	14.18%	6.38%
Parking spaces	168	127
Sanctuary Seating	447	316
Height:	49'10"	45'10"
Roof:	Red Clay tile	Gray asphalt shingle
Dome:	Red Clay Tile	Light Gray standing-seam aluminum
Exterior finish:	Red brick	Natural stone and E.I.F.S.

The Church respectfully requests that this matter be referred by the Village Board to the Village Staff and the Architectural Review Board for review and consideration.

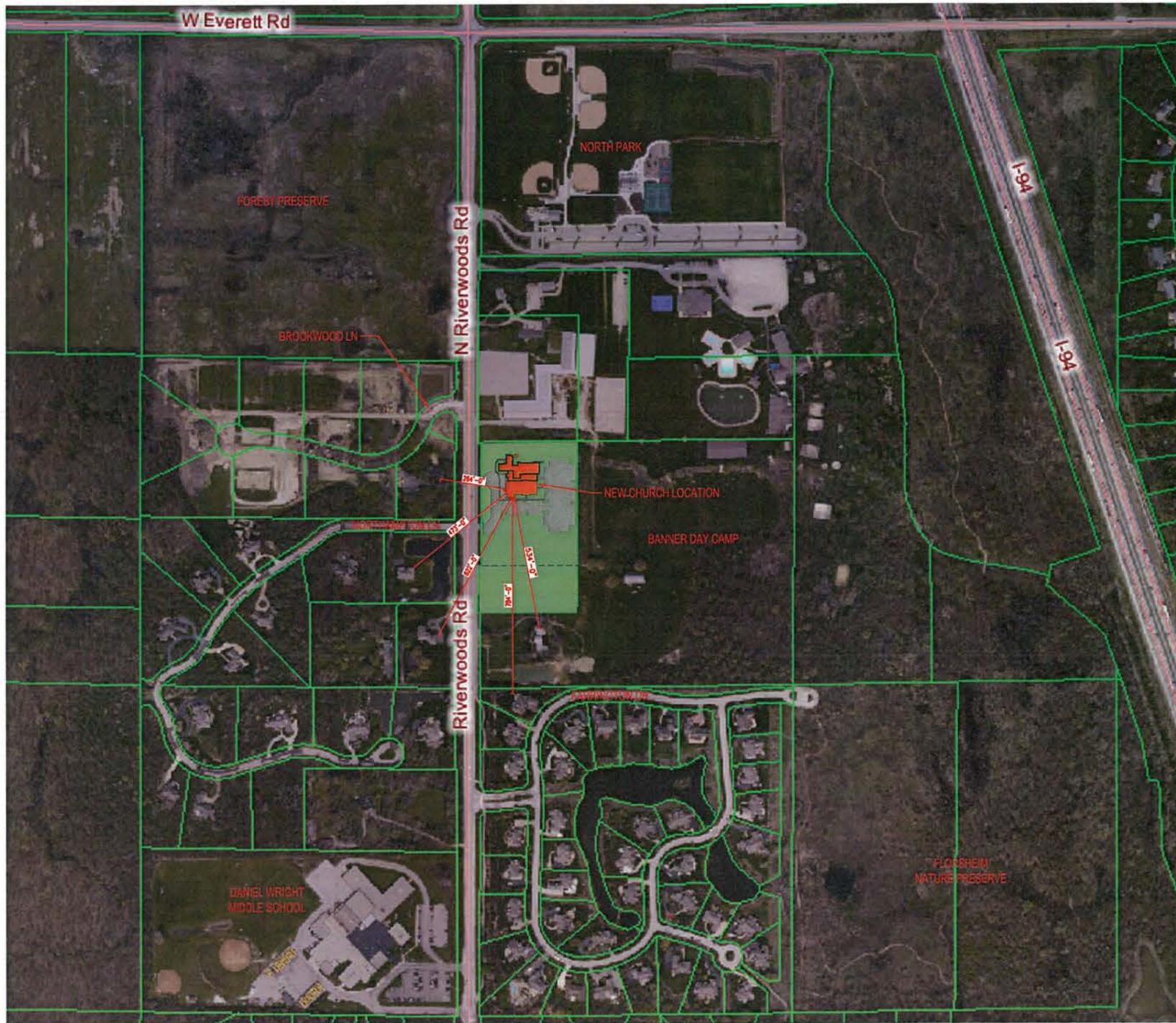
Sincerely,

Michael D. Firsell

CONCEPT PLANS

ASCENSION OF OUR LORD GREEK ORTHODOX CHURCH

VILLAGE OF LINCOLNSHIRE

AUGUST, 2014



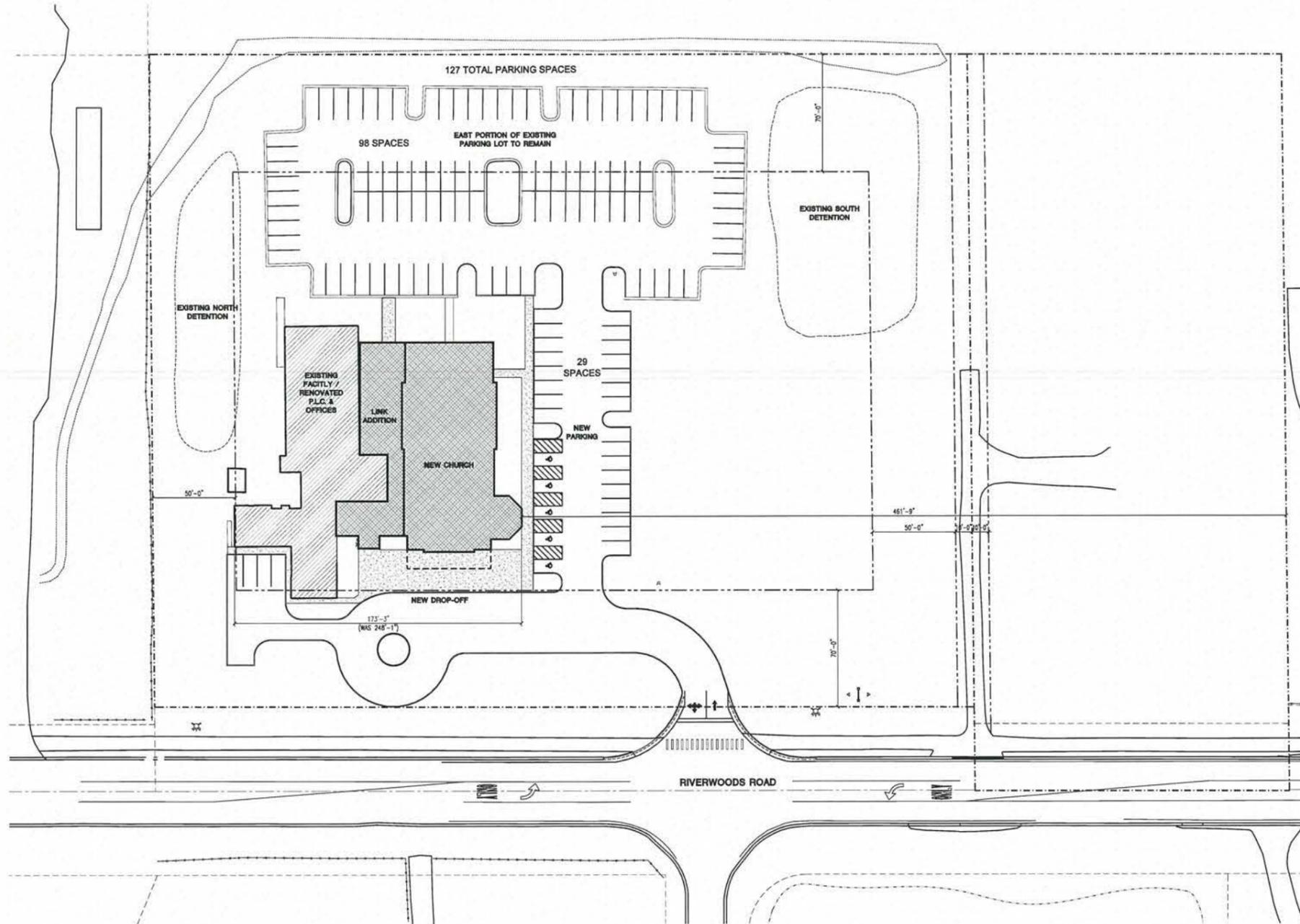
SITE LOCATION PLAN

(NOT TO SCALE)
 JULY 28, 2014

ASCENSION OF OUR LORD
GREEK ORTHODOX CHURCH

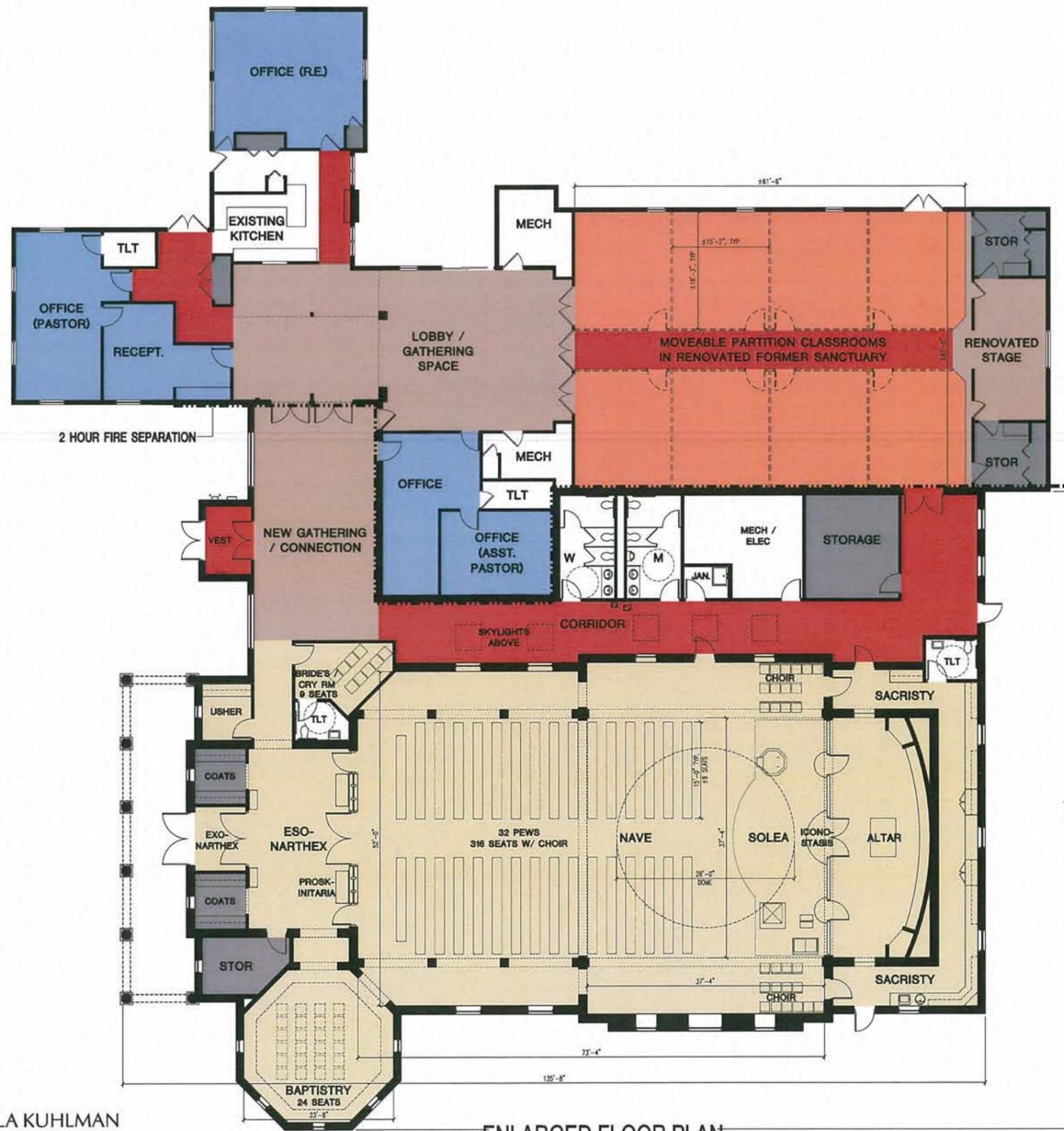
1207 Riverwoods Road
 Lincolnshire 60069

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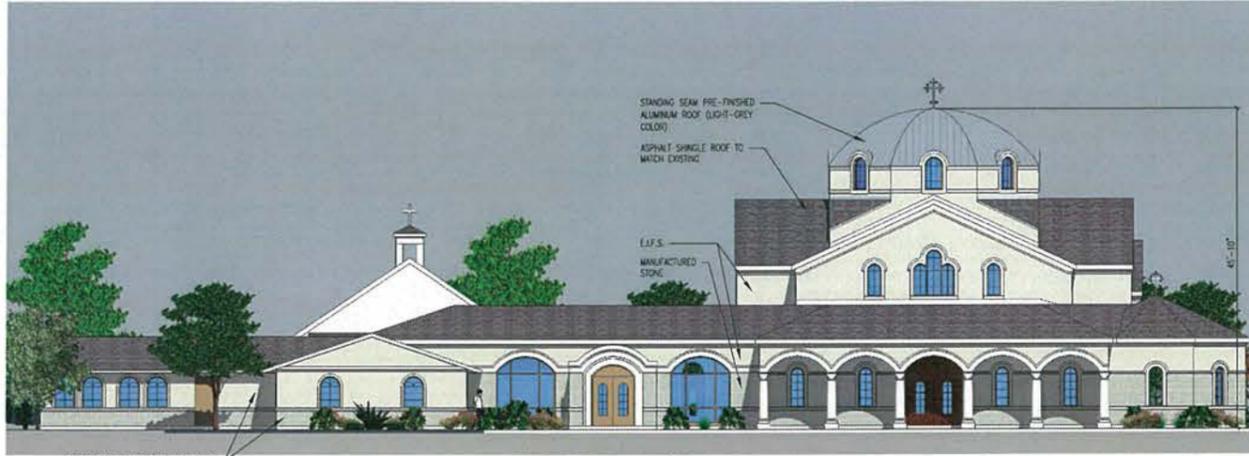


AREA CALCULATIONS

SITE:	
DRIVES/PARKING:	52,557 SF
SIDEWALKS	7,327 SF
TOTAL IMPERVIOUS SITE:	59,884 SF
BUILDINGS:	
EXISTING FACILITY:	7,388 SF
SANCTUARY ADDITION:	7,330 SF
LINK ADDITION:	2,965 SF
TOTAL IMPERVIOUS BUILDING:	17,683 SF
TOTAL IMPERVIOUS	75,567 SF
EXISTING PARCEL SF:	193,215 SF
ANNEX PARCEL SF:	83,723 SF
TOTAL AREA OF PARCELS:	276,938 SF
IMPERVIOUS AREA:	27.3%



- CHURCH
- ADMINISTRATION
- EDUCATION
- MULTI-PURPOSE
- CIRCULATION
- SERVICE
- STORAGE



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



VIEW FROM SOUTHWEST (N.T.S.)

EXTERIOR ELEVATIONS & PERSPECTIVE

0' 10' 20'
JULY 28, 2014

FEBRUARY 1, 2008 - ORIGINAL DESIGN



37'-7"

OUTLINE OF
CURRENTLY-PROPOSED
(JULY 2014) DESIGN

OCTOBER 10, 2011 - COMMITTEE OF THE WHOLE SUBMITTAL



48'-10"

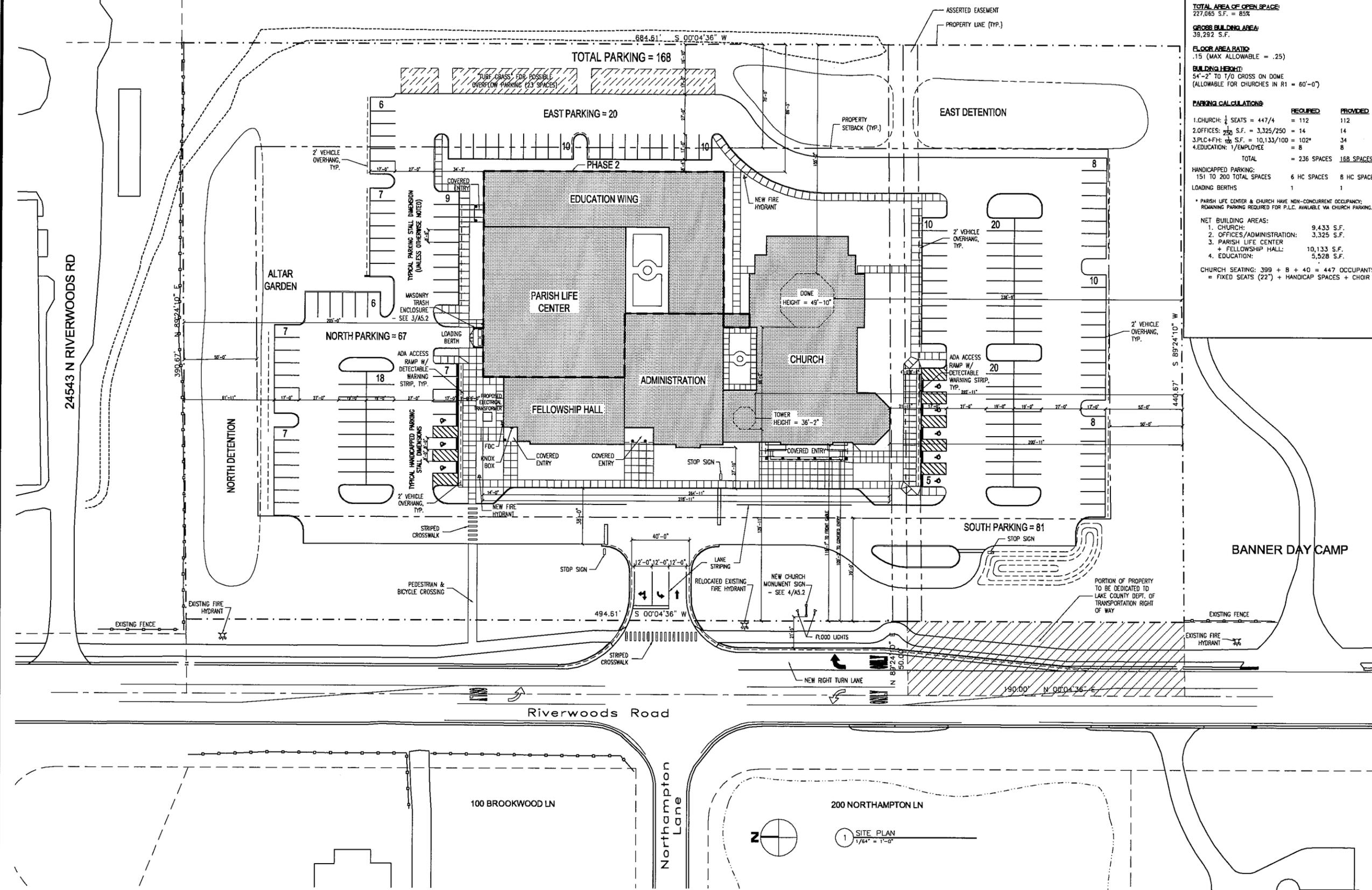
JULY 28, 2014 - REVISED PROPOSED DESIGN



48'-10"

2011 SITE PLAN PROPOSAL

BANNER DAY CAMP



SITE DATA CHART

ZONING
R1 SINGLE FAMILY RESIDENCE DISTRICT
(CHURCH = ACCEPTABLE SPECIAL USE WITHIN R1 ZONING)

TOTAL AREA OF SITE:
267,438 S.F. (DOES NOT INCLUDE AREA TO BE DEDICATED TO L.C.D.A.T.)

TOTAL AREA OF IMPERVIOUS SURFACES:
135,354 S.F. = 50%

TOTAL AREA OF OPEN SPACE:
227,065 S.F. = 85%

GROSS BUILDING AREA:
39,292 S.F.

FLOOR AREA RATIO:
.15 (MAX ALLOWABLE = .25)

BUILDING HEIGHT:
54'-2" TO T/O CROSS ON DOME
(ALLOWABLE FOR CHURCHES IN R1 = 60'-0")

PARKING CALCULATIONS:

	REQUIRED	PROVIDED
1. CHURCH: 1/4 SEATS = 447/4	= 112	112
2. OFFICES: 250 S.F. = 3,325/250	= 14	14
3. P.L.C.+F.H.: 100 S.F. = 10,133/100 = 102*	= 34	34
4. EDUCATION: 1/EMPLOYEE = 8	= 8	8
TOTAL	= 236 SPACES	168 SPACES

HANDICAPPED PARKING:
151 TO 200 TOTAL SPACES 6 HC SPACES 8 HC SPACES

LOADING BERTHS
1 1

* PARISH LIFE CENTER & CHURCH HAVE NON-CONCURRENT OCCUPANCY;
REMAINING PARKING REQUIRED FOR P.L.C. AVAILABLE VIA CHURCH PARKING.

NET BUILDING AREAS:

1. CHURCH:	9,433 S.F.
2. OFFICES/ADMINISTRATION:	3,325 S.F.
3. PARISH LIFE CENTER	
+ FELLOWSHIP HALL:	10,133 S.F.
4. EDUCATION:	5,528 S.F.

CHURCH SEATING: 399 + 8 + 40 = 447 OCCUPANTS
= FIXED SEATS (22) + HANDICAP SPACES + CHOIR

ASCENSION OF OUR LORD
GREEK ORTHODOX CHURCH



Jna
ARCHITECTS

JAEGER, NICKOLA & ASSOCIATES LTD.
ARCHITECTS
345 S. NORTHWEST HIGHWAY, SUITE 106
PARK RIDGE, IL 60068
847.692.8185 FAX 847.692.2002
WWW.JAEGERNICKOLA.COM

NO.	DESCRIPTION	DATE
	ZONING SUBMITTAL	10/10/11
SITE PLAN		
DATE:	9/30/2011	
DESIGNER:		
JOB NUMBER:	A0.1A	
0227		

1207 RIVERWOODS RD LINCOLNSHIRE, IL 60069

Permit. Director of Community Development McNellis said that Bright Stars is not proposing to change the hours of operation, the existing outdoor play area, or parking requirements but that they are proposing to add approximately twenty more students which would require two additional staff.

Barry Rosenbloom, Attorney representing Bright Stars, gave a summary of the request for a Special Use Permit expanding the daycare and stated that the expansion would not change the policy on how students are dropped off or picked up. Mr. Rosenbloom said that the only changes would be the addition of space, students and staff members. Mr. Rosenbloom asked if anyone had any questions or comments. Trustee Brandt asked what would happen if this request was referred to the Zoning Board and Village Manager Irvin said the Zoning Board would need to approve the Special Use request and then it would come back to the Village Board for approval. Mayor Blomberg asked about transportation from the building to the play area and wanted to know if this would change. Mr. Rosenbloom said there are rigid guidelines that were outlined in 2009 and those guidelines are currently being followed and are working for transporting the students. Trustee Grujanac asked if the building was fully occupied. Director of Community Development McNellis said the ground floor would be fully occupied once Bright Stars took over this space. It was the consensus of the Board to refer this matter to the Zoning Board.

3.12 Continued consideration and discussion regarding a request to amend an existing Special Use Permit, and extend it to include an adjacent 1.97 acre parcel which is proposed to be annexed, for a proposed new 39,292 square foot religious institution building, with variations for impervious surface coverage and off-street parking at the two-lot area known as 1207 Riverwoods Road and 24325 Riverwoods Road (Ascension of our Lord Greek Orthodox Church)

Director of Community Development McNellis began by reminding everyone that the property needs to be annexed in order for the Village to consider any zoning approvals or entitlements, and as a result, any aspect of the project can be discussed and can be considered including all of the facets of architectural design, site design, engineering, landscaping, impervious surface and parking. In continuing discussion from the September 12, 2011 meeting, it was noted that the church did stake out the proposed footprint of the new church as well as the parking area and depicted the proposed height of the tower on the site, per the Village

Board's request. Trustee Brandt said she was one of the Trustee's that requested this be done and asked for clarification in regards to the actual height of the tower and there being two different measurements out in the field. Trustee Brandt said many residents informed her that the dome was measured at two different heights and wanted clarification in regards to which was the correct height. Director of Community Development McNellis said the church would discuss how the height of the dome was measured as part of their presentation.

Director of Community Development McNellis said that as a result of the September 12, 2011 Committee of the Whole meeting, the Board requested the Greek Orthodox Church look at some revisions. First, the Board requested that the Greek Orthodox Church further analyze the proposed height of the dome and look at reducing this further. The Greek Orthodox Church did further reduce the height of the dome from 51' to 49' 10" which does not include the ornamentation on top of the dome. In addition, the Greek Orthodox Church was asked to clarify phasing and it was confirmed that the original phasing plan, previously presented to the Village Board and the Architectural Review Board, is the plan that they will follow. Director of Community Development McNellis said staff was asked to have the church provide complete sets of pertinent plans for the project which are in the Board packets. Staff was also asked to prepare an exhibit depicting the length of the building along Riverwoods Road as it compares to other commercial buildings in the Village and this was also included in the Board packets. Director of Community Development McNellis informed the Board that the church is currently requesting to extend their Special Use Permit revocation date. Special Use Permits have three years to be in place; which means anything associated with the Special Use Permit needs to be constructed and be able to be utilized within three years after approval has been given by the Board. As a result, the church has requested an extension which would provide them seven years to put that into place. The church will further discuss this request. Trustee McDonough asked if this request would need another variance. Director of Community Development McNellis said this request was associated with the Special Use they are already asking for and that it would be another stipulation on the Special Use that has already been discussed to date.

David Kuhlman, Vice President of JNA, the project Architects, presented changes that were requested by the Board. Mr. Kuhlman said that the message received at the September 12, 2011 meeting was that the Greek Orthodox Church adequately met the requests of the Board in regards to

landscaping, screening, parking and impervious surface paving. Mr. Kuhlman said during the course of the September 12, 2011 meeting, the Board asked that they consider lowering the dome further and submit phasing plans to give a better indication of what the proposed phasing would be. Mr. Kuhlman gave a summary outlining the request for staking out the building so that the Board and neighbors would have clarification in regards to the height of the dome and the dimensions of the building. Mr. Kuhlman informed the Board and public that the different heights of the dome were due to an old grading plan that the contractor had when putting up the balloon the first day and once they had the new plan, the balloon was moved to correctly depict the height of the dome on the second day; this was their error based on the finished grades not being there. Mr. Kuhlman said that since the last meeting of September 12, 2011, they further reduced the dome height by 1'-2", which is a total reduction of 5'-6" from the original presentation given back in October 2010. Mr. Kuhlman addressed phasing and said that Phase I would be a complete building and there would be no temporary materials visible on Riverwoods Road and that the only temporary materials visible would be on the east side of the fellowship hall. Mr. Kuhlman reiterated some of the changes presented at the September 12, 2011 meeting and said they had changed the brick color to match closely to the Village Hall, the church was open to changing the clay tile roofing colors, seating capacity was reduced to 447 by using chairs instead of pews, parking was reduced to 168 spaces by deleting 30 spaces on the northeast side since the official seating capacity had been revised, an increased amount of pervious landscape space due to the reduction of parking spaces, and the addition of landscaping material to further shield the building from Riverwoods Road. Mr. Kuhlman asked if there were any questions or comments. Trustee Brandt asked if the trees depicted on the drawings would be 38' to 40' tall. Mr. Kuhlman said that the plans presented depict five-year growth plans. Trustee Grujanac asked for clarification in regards to the turf parking and asked if this parking was included in the total count for parking. Mr. Kuhlman said that the turf parking was not included in the parking space count and said the turf parking would only be used for overflow parking and that the church currently has an agreement with Daniel Wright School for overflow parking as well. Trustee Feldman asked for the dimensions of the square that the dome will sit on. Mr. Kuhlman said he would need to get these dimensions, but that the diameter of the dome is approximately 33', so the square is at least 33' in width. Trustee Brandt and Trustee Feldman said they wanted clarification in regards to the dimensions of the square, due to this being the largest mass in height. Trustee McDonough asked how

many issues addressed from the Board comments have to do with variance issues. Mr. Kuhlman said the only variances the church is seeking is in regards to parking and impervious surface and that all other issues addressed were within the Village Code. Trustee Saltiel said the biggest concerns of the Board, dating back four years ago, have not been adequately addressed, specifically the massive size of the building. Mr. Kuhlman said that there was a certain point where the church didn't want to change the design of the building and didn't feel they could please everyone, so the issues addressed were changing the height of the dome, landscaping and screening. Trustee Brandt said the issues relating to the size of the building and the impervious surface was not unique and other churches built in Lincolnshire had to deal with these same issues.

Mayor Blomberg opened the meeting up to the public.

Bill Athenson, of 901 Summit Ave., Lake Forest, Chairman of the Architectural Committee of the Greek Orthodox Church, said each change the church makes requires approval from the Church Board. Mr. Athenson said that the Church has met with residents and has tried to address their concerns. Mr. Athenson said that the dome is an important part of the Greek Orthodox religion and that the Greek Orthodox Church is within Village Code requirements with regards to the height of the dome. Mr. Athenson said that he was aware of a letter that had been sent out in regards to an easement on the property and he wanted to clarify that this is a non-issue as far as the Village is concerned and the church is willing to discuss this.

Eric Moore, President of Moore Landscapes said the evergreen trees and landscape plan presented depicted a five-year growth plan. Trustee Brandt asked about the trees and asked if what is being depicted is in fact accurate. Mr. Moore said tree growth can easily be 1' a year if put in good soil and planted correctly and that this is their intention.

Allen Schwartz, a resident at 349 Brampton Lane and owner of the Banner Day Camp, said he has been a resident for twenty-three years, he is the owner of 65 acres that surround the Greek Orthodox Church and he has many concerns. Mr. Schwartz said his concerns had to do with the fact that the Greek Orthodox Church presented a plan that is not in keeping with the beauty of the community, the proposed building is too tall with little buffering, he has concerns with the parking lot and flooding. Mr. Schwartz said that since the church paved years ago, there has already been flooding and erosion control problems and he doesn't

feel the small detention pond proposed will be adequate. Mr. Schwartz said the Banner Day Camp owns an easement that goes through the property from front to back, and it gives them access to the storage barn which is frequently used. Mr. Schwarz said he has requested having conversations about this easement with the Greek Orthodox Church and never once have they come to discuss the issue with him. Mr. Schwartz asked his attorney to speak on behalf of the Banner Day Camp. Dan Shapiro, Attorney for Banner Day Camp, said one year ago he came before the Board and expressed concerns about what was being presented at the time. Mr. Shapiro said he sent a letter to Village Manager Irvin and he requests that this letter be part of the record. Mr. Shapiro said the most troubling aspect of this project, for his client, was not that it is a Greek Orthodox Church, but the fact that what is being proposed is massive and out of character with the neighborhood. Mr. Shapiro presented a chart which showed how other churches have been treated in the Village of Lincolnshire and pointed out that the chart only allowed a little over 30% impervious surface to the other churches in the area and the Greek Orthodox Church is requesting over 50% impervious surface. Mr. Shapiro said parking is 68 parking spaces short, which requires a second variance and this will effect how the water will drain to his client's property and this goes directly to the issue of mass and magnitude. Mr. Shapiro said a variance should be used only during hardship and this is not the case.

Joan Keyes, resident at 37 Berkshire Lane, said she has lived in Lincolnshire for thirty-nine years and felt the Village has gotten better year after year because of the strict regulations currently in place. Ms. Keyes is concerned with the mass and height of the proposed structure and doesn't think it will fit in with the community.

Tom Polzin, Vice President of Civil Engineering at Hey & Associates, who has been retained on behalf of Banner Day Camp in order to assist with the review of civil engineering and drainage aspects for the property in regards to this project, said that they were hired one year ago and at that time they did not have benefit of any storm water management computations or full-scale engineering drawings and from this initial review dated October 25, 2010, their focus was on how drainage would affect the Banner Day Camp. Mr. Polzin said revised plans were received along with a landscape plan and the noted changes to impervious surface were minimal and in some areas taken away which he said was a concern. Mr. Polzin said ultimately he would need to be able to review the updated storm water management computations, since the

ones he had still reflected old site plans. Mr. Polzin said the Village of Lincolnshire is not a certified community and that these types of reviews fall to Lake County Storm Water Management Commission and that Lake County Storm Water Management Commission currently does not have the most recent plans and their comments are based on a plan dating back to 2008. Mr. Polzin said these new plans will need to be filed with the Lake County Storm Water Management Commission and a new permit application will need to be submitted with them as well. Mr. Polzin said they have concerns in regard to Banner Day Camp and the impervious surface. Mr. Polzin said when adding several acres of impervious surface, every inch of rain that falls on this surface is going to be reflected as water on the Banner Day Camp. Mr. Polzin said the storm water detention ponds depicted on the plans are wet bottom ponds; while they may not be considered impervious from a zoning perspective, they are impervious from a storm water management perspective. Mr. Polzen said one thing that is not addressed by the ordinance and the assumption made is that there will be footing drains and sump pumps for the addition and the parking area; the architectural and engineering plans will need to address this. Banner Day Camp is concerned about the additional volume of run off and how this will affect the fields being more saturated and less playable; the opportunity for expansion of wetlands on their property; already notable erosion; additional run off created from the site; and the presence of water more often. Mr. Polzin said the ordinance does require applicants to demonstrate that property which is to be the recipient of this run off water have adequate capacity and requires that the property be deed restricted, which means the Greek Orthodox Church would need to provide a new easement on the Banner Day Camp discharging their storm water through their property and to the west fork of the north branch of the Chicago River. Wetlands on the site plans do not address wetland buffers and the effect this has on the land plan; drainage areas coming from the north, from the south, through the site; or how the loss of the flood plain storage effects the two channels. Mr. Polzin said that these are not insurmountable items, but have not been addressed in the current plan or calculations and all these things are not reflected on what Hey & Associates has reviewed.

Bill Athenson came back up to recap on items mentioned and said the Greek Orthodox Church has made a point to meet with neighbors, and Banner Day Camp was one of these neighbors. Mr. Athenson said he met with Mr. Schwartz's son numerous times, has documentation and came up with multiple suggestions in regards to the easement but had no success in doing this. Mr. Schwartz said his son was not at the current

meeting. Mayor Blomberg said that for the record, Mr. Athenson mentioned Mr. Schwartz's son was at two other meetings and the easement was discussed. Mr. Athenson said he spoke with Mr. Schwartz's son in regards to the size and scope of the church and met him and the Architect to go over the Water Management Plan. Mr. Athenson, said he felt the plan presented should improve the water flow.

Tammy Werner, resident of 210 Northampton, said she wrote a letter to the Board and read it to all in regards to the church. The letter stated that Ms. Werner is in support of the neighbors and the community. She is not opposed to the Greek Orthodox Church but is opposed to the height and scale of the proposed building. Ms. Werner said she feels Lincolnshire is a strong community with many long-time residents. The Greek Orthodox Church is a transient community and the big difference is that the members go back to their own communities while the residents of Lincolnshire are here to stay. Ms. Werner wanted to know if the Greek Orthodox Church did their due diligence when putting plans together, did they ask Village officials if this would be allowed before spending a lot of time and money, were residents consulted on thoughts in regards to having such a massive structure built. Ms. Werner asked the Board to consider what the residents of the community want.

Keith Young, resident of 414 Farrington, spoke about different buildings and how they fit in with their surroundings. Mr. Young said the proposed height of the church is 49' and this is comparable to a five-story building, the size of the building is 39,000 square feet and compared this to an acre of land which is 43,560 square feet. Mr. Young said he didn't think the proposed building would fit in with the character of the community and would like to see the architecture change to better fit in. Mr. Young brought up other variance requests (including residential architecture) in the Village that were denied because of not fitting in with the community. Mayor Blomberg informed everyone that the Village does not regulate residential architecture.

Robert Buhler, a Lake Forest Resident and member of the Greek Orthodox Church, said the church has responded to the changes the Board has requested and feels the timetable is extremely long for this. Mr. Buhler spoke about the dome and how it meant religious strength, ideas and growth and said if there was no dome, the building would look like a high school. Mr. Buhler said it was a tradition of their faith to go under the dome once a week to pray and think. Mr. Buhler said a house can be built in Lincolnshire with a height of 40' and the proposed height

of the dome is only 9' higher and is a church. Mr. Buhler said the Greek Orthodox Church has worked within the Village standards, and when presented to the Architectural Review Board, this proposed building was embraced.

Paul Lilius, one of the founders of the Lincolnshire Greek Orthodox Church, said he was here in 1997 - 1999 and had discussions with Director of Community Development McNellis in regards to protecting the beauty of the Village and that is one of the reasons the Greek Orthodox Church chose this area to build. Mr. Lilius feels the proposed church will be a jewel to the Village of Lincolnshire. Mr. Lilius said he convinced the church to purchase the additional land in order to respond to neighbors complaints about parking and reduce the impact on the neighbors.

Lucy Port, resident at 204 Northampton, said she has lived in the Village for twenty years, and when she first heard the Greek Orthodox Church would be purchasing the land it is on, she didn't have any complaints but feels the scope for this proposed project is out of control, out of character and has grown without the residents' input or awareness. Ms. Port complained about the past parking on the road and said this is a concern of hers and said she worried about an emergency and the safety of the residents. Ms. Port asked how the Village will deal with the traffic pattern. Trustee Brandt said Riverwoods Road is a county road and not controlled by the Village. Ms. Port said she thinks this could be a safety issue especially since the church proposal includes a school.

Joy Serauskas, resident at 1 Fairfax, said she has been a resident of Lincolnshire for over thirty years and was a Village Trustee for over fifteen years. Ms. Serauskas wanted to know why so much space was needed by the church and why so much accessory space was needed and what it would be used for. Ms. Serauskas said her biggest concern was storm water issues and wanted to know how the Board was going to address these issues.

Bob Stevens, resident at 3 Farrington Circle, said he thought a 67% variance for impervious space was not acceptable and felt there should be a hardship reason to approve this. Mr. Stevens asked if the Greek Orthodox Church did their due diligence when putting together their plan. Mr. Stevens would like the church to be reduced in size and asked the Board to keep this in mind when considering their proposal.

Natalie Stacker, resident at 212 Northampton, said she agreed with all other comments in regards to the size, scope and architecture not fitting in with the character of the Village and asked the Board to preserve the needs and wants of the residents.

Lydia Conopeotis, a Lake Forest Resident and member of the Greek Orthodox Church, said the church is truly a home to its members and they are residents in this community. Ms. Conopeotis said that Father Jim could talk more about the space and why every square inch of it is needed but said more room can always be used and the church would continue to grow. Ms. Conopeotis said the current church is very cramped and none of the space that is being proposed will be unused space.

Dr. Telly Courialis, member of the Greek Orthodox Church, said the Board does not question residents in regards to the size of their homes and how many people live there and didn't think the church should be questioned about the use of the proposed space. Dr. Courialis asked for all to try and understand that their church home is private and has a lot of meaning to them. Dr. Courialis felt that the congregation has tried to accommodate the Board and said he could tell that the dome is clearly an issue and said the dome, the parking and everything else that has been brought up can be addressed and resolved.

Harrison Nichols, a Kildeer resident and member of the Greek Orthodox Church, said he has been going to the church since he was in pre-k and has been happy to have a place to worship and hopes to have a place to worship once he is married with children and wants this place to be the Greek Orthodox Church. Mr. Nichols said this is the American dream and that dreams can take perseverance and hard work. The Greek Orthodox Church is more than willing to persevere and work for that American dream.

Diane Sigalos, resident of Lincolnshire and a member of the Greek Orthodox Church, said she came to support the church and community as a Lincolnshire resident and feels the proposed structure is beautiful and will be an enhancement to the community.

Patrick McAllister, resident at 434 Farrington Drive, said he is a neighbor to the church and his property is located right next to the Banner Day Camp property. Mr. McAllister said the proposed building is a massive structure and feels it needs to fit in with the character of Lincolnshire.

Christina Karkazis, a member of the Greek Orthodox Church, said she went to Banner Day Camp when she was younger and is surprised that they are against the church. Ms. Karkazis said she teaches Sunday school and the current conditions are cramped and the new space is needed and would be used.

Areana Karkazis, a member of the Greek Orthodox Church, said she has been a member for ten years and is surprised that the amount of space is in question. Ms. Karkazis said the room is needed and the dome means something to the church and to please take this into consideration in regards to the beliefs of the church.

Barry Meister, resident at 203 Northampton Lane, said he has lived in Lincolnshire for twenty-five years because of the beauty and sense of community. Mr. Meister said that if the design is viewed so negatively by the neighbors; there is concern about size and screening and the look of the church in the neighborhood, then it would behoove all involved to find middle ground here. He noted that he did not believe that the use of space inside the church was something the Village should be involved in. Mr. Meister said he would like the Trustees to consider what the residents want and thought it might be beneficial to create a committee with residents and church members to make this work and create something everyone wants.

Brett Finley, resident on Riverwoods Road, said he feels torn and he would hope that all involved would come up with a solution that would make everyone happy. Mr. Finley said he thought the storm water and water drainage is an issue; he has spent many hours on the property and this area is always soggy. Mr. Finley said he looked at the plans and did not see anything in the plans that address the issues.

Bruce Werner, resident at 210 Northampton Lane, said he had three questions that he would like answered but didn't expect an immediate answer. The questions were as follows: 1. He wants clarification on the original 2000 plan. Is the plan or proposal being submitted tonight consistent with what was proposed in 2000? 2. Mr. Werner asked that if someone bought 6 acres in any other area of Lincolnshire, would they be able to put up a 39,000 square foot building? 3. Mr. Werner would like an official to address any safety issues in regards to traffic and parking. Are there issues with parking on the street and getting an emergency vehicle down any of the streets near the church?

A member of the Greek Orthodox Church said he had visited other Greek Orthodox Churches all over the world and was always welcome. He would like this for the church and felt all matters could be resolved.

Nick Papastratakos, a member of the Greek Orthodox Church, said good neighbors work together and the church has been trying to do that. Every time the church comes before the Board there is compromise. Mr. Papastratakos spoke about the dome and how far away it actually was to the closest resident and also it being 200 feet from the Road and felt these distances were adequate.

Mayor Blomberg asked Director of Public Works Hughes to go through the procedure with Lake County Storm Water Management Commission and what is required. Director of Public Works Hughes said preliminary approval is subject to strict compliance with the Watershed Development Ordinance and the Watershed Development Ordinance is designed to regulate storm water release from properties to establish conditions that mimic pre-development conditions with respect to release rates. Director of Public Works Hughes said many of the items previously suggested will be addressed through the Watershed Development Ordinance process. The Greek Orthodox Church has previously submitted plans but have not yet updated them, which is not inconsistent with the way other proposals in the Village have been processed. Given that the Watershed Development Ordinance has not been updated, Director of Public Works Hughes said she does not see problems with this issue moving forward. However, the Watershed Development Ordinance is under review by the Lake County Storm Water Management Commission for updates and at such time, depending on the time when the Greek Orthodox Church pulls the permit, they may be subject to the new requirements under the revised Watershed Development Ordinance. Mayor Blomberg asked if the Greek Orthodox Church would have to wait to get building permits until Lake County Storm Water Management Commission signed off on this and Director of Public Works Hughes confirmed that this was the case.

Tammy Werner, resident of 210 Northampton, said she has listened to what everyone is saying and would like to work together with the church to find a solution for all. Ms. Werner asked if a committee could be formed and said she felt this would benefit everyone.

Mayor Blomberg asked for any other questions, comments or direction from the Board.

Tom Polzin, Vice President of Civil Engineering at Hey & Associates, said in regards to storm water management aspects of the development and permitting process, a submittal has been made to Lake County Storm Water Management Commission and they did respond with comments back in 2008 on storm management issues and in 2009 on wetlands issues. There is a series of comments that have not been addressed. Mr. Polzin said the 2008 comments would indicate that the application has basically expired and a new application will need to be made, so he recommended that the Lake County Storm Water Management Commission be brought back into the process and that they receive Hey & Associates most current memoranda for review, since some of the items he has found have not been addressed on the plan.

Trustee Saltiel said he would like to short circuit the issue of water management and informed Mr. Polzin that no permits will be approved or even handled until the Lake County Storm Water Management Commission has signed off on this. Mayor Blomberg agreed with Trustee Saltiel and said that this is why the procedure is in place with the Lake County Storm Water Management Commission. Trustee Saltiel said the water management issue is different from the impervious surface issue and felt this needed to be brought up. Trustee Saltiel said the Board could address impervious surface without Lake County Storm Water Management Commission. Trustee Brandt agreed with Trustee Saltiel, but for the sake of everyone in attendance at the meeting, asked for clarification from Director of Public Works Hughes on the length of the process with Lake County Storm Water Management Commission. Director of Public Works Hughes said the review period for Lake County Storm Water Management Commission is approximately two weeks from the time they receive a submittal. Trustee Saltiel said the Board needed to make threshold decisions in order for this to even go to the Lake County Storm Water Management Commission and referred to the Attorney.

Village Attorney Simon said two questions need to be presented to the Board and the first is whether the additional 1 2/3 acres would be annexed to the Village; if the property is not annexed to the Village, then none of the Village Codes apply and the height rules and impervious surface rules will not apply if it is not annexed. Trustee Saltiel clarified and said this was just in regards to the un-annexed parcel and the remaining portion was in the Village and would be subject to Village Code. Village Attorney Simon said if the property is annexed, then the question would be whether or not to amend the Special Use, which was

originally granted to the original proposal. Village Attorney Simon said that another question comes up in regards to how to handle the variances and this goes hand in hand with the Special Use. Variances go to the design of the property and Special Use goes to the nature of the use and how the operations of the use impacts the community with regard to parking, design, traffic and environmental. Village Attorney Simon said a variance is something you look at to see whether or not it meets the standards for a variance, which would be for the parking and the impervious surface in this case. Trustee Saltiel said, with respect to the annexation, there is nothing at all wrong in reviewing all issues in the context of the annexation and Village Attorney Simon agreed with this. Village Attorney Simon said the church is not asking for an annexation agreement, so it is an up or down vote for the annexation agreement. Village Attorney Simon said the Greek Orthodox Church requested that the property bought to the south be annexed to the Village of Lincolnshire, so whether or not the Board approves, this item needs to be addressed before all other items can be considered. Trustee Brandt asked what would happen if the Board voted not to allow the annexation and can the Greek Orthodox Church de-annex the current parcel. Village Attorney Simon said that as he read the statute, the church is not able to disconnect. Trustee Brandt asked what options the Greek Orthodox Church would have in this case if the Village of Lincolnshire did not annex the new parcel. Village Attorney Simon said the Greek Orthodox Church could continue to revise the plan and re-submit an application for the Board, they could redesign the plan to stay on the property within the Village where annexation is not a question, they could attempt to litigate the matter with the Village or they could do nothing. Trustee Saltiel said the church could build on both properties and run into an impervious surface issue on the Village property. Village Attorney Simon said the church could build two independent buildings, one in the Village and one in County. Trustee Saltiel said that if the option of two buildings were constructed, the variances become much greater.

Trustee Saltiel said the biggest issue to him is the mass of the building versus the size of the lot and it is important the building be compatible with the community. Trustee Saltiel said he wanted the impervious surface to be consistent with the other churches in the Village and felt that if the variance for this was approved, it would be an issue in the future. Trustee Brandt said she felt the mass and size was still too large and still has issues with the height. Trustee Feldman said she thinks the architecture is fine, but the scale is still too big in regards to the open space and said it would be hard to approve anything over 36%

impervious surface. Trustee McDonough said he felt it all came down to the variances and impervious surface and he too would have a problem approving this. Trustee Servi said he did not think the height of the building was obtrusive and thought the impervious surface could be a problem, but he was in favor of this variance. Trustee Grujanac said she spent time to try and understand the project with different departments and people involved and did not have a problem with the church, the school, the height, the offices or with any of it, but does understand the concern of the residents. Trustee Grujanac said she thought a committee was a good idea, but is not something the Trustees can be involved in. Trustee Grujanac said she could approve the project as is, but said there are four Board members that are not in favor of approving the variance for impervious surface. Mayor Blomberg said he thought the church might be a little too big, but that he too could live with it and said he liked the architecture. Mayor Blomberg brought up the Meadows of Birch Lake along Farrington Drive and how it looked in the early stages of construction and how nice this site is now and thinks if the proper planning is done, this site will look good and will fit in too. Mayor Blomberg reminded everyone that the Lake County Storm Water Management Commission will look into the water issue and will be addressed before any other permits can be issued.

Bill Athenson asked for a recommendation from the Board in regards to moving forward and getting approval. Mayor Blomberg said mass is the issue and mass triggers everything. Trustee Grujanac said that over 50% variance for impervious surface is the issue which ultimately relates to the mass and Trustee Saltiel agreed. Trustee Brandt recommended staff show the church what other churches in the Village had to follow in order to get approval. Village Manager Irvin said he heard four of the Trustees say not to exceed 36% impervious surface and recommended that this be the direction the church go, to which there was general agreement. Mayor Blomberg said the votes are not in favor to approve this as is, so the recommendation was for the Greek Orthodox Church to go back and decide and make revisions and address the massing and variance issues.

Trustee Saltiel recommended that the meeting be extended as necessary or until 11:00 p.m. and all Trustees were in favor.

4564984

STATE OF ILLINOIS)

) SS.

COUNTY OF LAKE)

CLERK'S CERTIFICATE

Filed for Record in:
LAKE COUNTY, IL
MARY ELLEN VANDERVENTER - RECORDER
On Aug 09 2000
At 9:24am
Receipt #: 244282
Doc/Type : ORD
Deputy - Cashier #1

I, **BARBARA MASTANDREA**, do hereby certify that I am the duly appointed and qualified Village Clerk for the Village of Lincolnshire, Lake County, Illinois.

I do further certify that the above and attached is a true and correct copy of an Ordinance entitled:

**AN ORDINANCE AUTHORIZING THE EXECUTION
OF THE ANNEXATION AGREEMENT FOR
CERTAIN PROPERTY LOCATED AT
1207 RIVERWOODS ROAD**

passed by the Board of Trustees on the **10th day of January, 2000** and said Ordinance was duly approved by the Mayor of the Village of Lincolnshire on the **10th day of January, 2000**.

I do further certify that the aforesaid Ordinance was entrusted to my care and custody, that the same is duly spread upon the record of proceedings of said Village, and that I am the custodian of all Village records, including the journal of proceedings, ordinances, and resolutions of said Village.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this **10th day of January, 2000**.

Barbara Mastandrea

Village Clerk
Village of Lincolnshire
Lake County



Prepared by and Mail to:
Village of Lincolnshire
One Olde Half Day Road
Lincolnshire, IL 60069

MS
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ORDINANCE NO. 99-1694-02
VILLAGE OF LINCOLNSHIRE
LAKE COUNTY, ILLINOIS

**AN ORDINANCE AUTHORIZING THE EXECUTION
OF THE ANNEXATION AGREEMENT FOR
CERTAIN PROPERTY LOCATED AT
1207 RIVERWOODS ROAD**

WHEREAS, the Corporate Authorities of the Village of Lincolnshire, Lake County, Illinois, did, on the 10th day of January, 2000, hold a public hearing to consider an Annexation Agreement for the annexation of certain property not presently within the corporate limits of any municipality but contiguous to the Village of Lincolnshire, said Agreement being entitled "Annexation Agreement," a true and correct copy of which is attached hereto and made a part hereof as **Exhibit A** (the "Annexation Agreement"); and

WHEREAS, the public hearing was held pursuant to legal notice as required by law, and all persons desiring an opportunity to be heard were given such opportunity; and

WHEREAS, the Corporate Authorities of the Village of Lincolnshire, Lake County, Illinois have determined that it is in the best interests of the Village of Lincolnshire that the Annexation Agreement be entered into by the Village of Lincolnshire:

NOW, THEREFORE, be it ordained by the Mayor and Board of Trustees of the Village of Lincolnshire, Lake County, Illinois, acting in the exercise of their home rule power, as follows:

SECTION 1: This Mayor and Board of Trustees of the Village of Lincolnshire find that it is in the best interests of the Village of Lincolnshire and its residents that the Annexation Agreement be entered into and executed by said Village of Lincolnshire. The Annexation Agreement is substantially in the form attached to and made a part of this Ordinance as **Exhibit A.**

4564984

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SECTION 2: The Mayor and Clerk of the Village of Lincolnshire, Lake County, Illinois, are authorized to execute on behalf of the Village of Lincolnshire the Annexation Agreement; provided, however, that all of the other parties to the Agreement have properly signed and executed it.

SECTION 3: This Ordinance shall be published and the Annexation Agreement shall be recorded as provided by law.

SECTION 4: This Ordinance shall take effect from and after its passage, approval and publication in the manner provided by law.

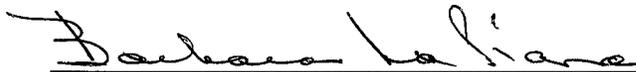
PASSED this 10th day of January, 2000, by the Corporate Authorities of the Village of Lincolnshire, on a roll call vote as follows:

AYES: Angonese, Blomberg, Calef, Conatser, Deloye, Maine

NAYS: None

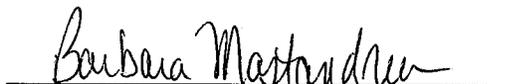
ABSENT: None

APPROVED this 10th day of January, 2000, by the Mayor of the Village of Lincolnshire.



Barbara LaPiana, Village Mayor

ATTEST:



Barbara Mastandrea, Village Clerk

K:\DC\ORDINANC\2000\00-1694.02

ANNEXATION AGREEMENT

Municipality: VILLAGE OF LINCOLNSHIRE

Property Owner: ASCENSION OF OUR LORD GREEK ORTHODOX CHURCH; f/k/a GREEK ORTHODOX CHURCH OF SOUTHERN LAKE COUNTY

Property: 1207 RIVERWOODS, LINCOLNSHIRE (5 ACRE PARCEL)

THIS AGREEMENT made and entered into this 10th day of January, 2000, by and between the VILLAGE OF LINCOLNSHIRE, a home rule municipal corporation (hereinafter referred to as "VILLAGE"); and THE ASCENSION OF OUR LORD GREEK ORTHODOX CHURCH formerly known as GREEK ORTHODOX CHURCH OF SOUTHERN LAKE COUNTY (hereinafter referred to as "CHURCH").

WITNESSETH:

WHEREAS, the CHURCH is the record owner of the property legally described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Subject Property"); and

WHEREAS, the CHURCH proposes to develop the Subject Property within a five (5) year period with a new church [principal use] and parish activity center structure [accessory use], but in the interim wish to construct an addition and related facilities on the existing structure so that religious and related services can be conducted at the Subject Property site; and

WHEREAS, the VILLAGE desires to annex and the CHURCH desires to have the Subject Property annexed to the VILLAGE, and both of the parties desire to obtain assurances from the other as to certain provisions of the zoning, building code, and other ordinances of the VILLAGE for the Subject Property when the same has been annexed, and to other matters covered by this Agreement for a period of twenty (20) years from and after the execution of this Agreement; and

WHEREAS, the Subject Property is an approximate five (5) acres parcel of land and there are no electors residing thereon; and

WHEREAS, the sole owner of record of said property has signed a Petition for Annexation of Subject Property to the VILLAGE, which Petition is hereinafter referred to as the "Annexation Petition"; and

WHEREAS, an application has heretofore been filed with the VILLAGE for rezoning of the Subject Property; and

WHEREAS, said application for rezoning was forwarded to the Plan Commission of the VILLAGE; and

WHEREAS, a public hearing was had on October 12, 1999, for the purpose of considering whether the Subject Property should be rezoned to the R-1 District with special use permit(s) for a church and a parish activity center facilities upon annexation, and the Plan Commission has submitted to the Corporate Authorities of the VILLAGE their findings of fact and recommendations with respect to the application; and

WHEREAS, a public hearing on this Annexation Agreement ("Agreement") has been held by the Corporate Authorities on the 10th day of January, 2000; and

WHEREAS, an application has heretofore been filed with the VILLAGE to grant certain variations on the Subject Property; and

WHEREAS, a public hearing was duly held on October 12, 1999 for the purpose of considering the granting of exceptions from the regulations in Zoning Title of the VILLAGE Code to construct temporary church facilities, and within five (5) years to construct a new church and parish activity center, in accordance with documents recommended by the Plan Commission and approved by the VILLAGE Board; and

WHEREAS, evidence was presented at said public hearing and the Plan Commission made findings of fact in support of such requests for variation; and

WHEREAS, the parties wish to enter into a binding agreement with respect to the said annexation, zoning, development, variation, and for other related matters pursuant to the provisions of Division 15.1 of Article 11 of Chapter 65 of the Illinois Compiled Statutes, (as may be amended from time to time) the VILLAGE's home rule powers, and upon the terms and conditions contained in this Agreement; and

WHEREAS, all public hearings and other actions required to be held or taken prior to the adoption and execution of this Agreement, in order to make the same effective, have been held or taken, including all hearings and actions required in connection with amendments or exemptions to and classifications under Title 6 of the VILLAGE Code (Zoning Regulations), 1990 BOCA Building Code, Life Safety Code, or other VILLAGE ordinances, such public hearings and other actions having been held pursuant to public notice as required by law and in accordance with all requirements of law prior to the adoption and execution of the Agreement; and

WHEREAS, the Corporate Authorities of the VILLAGE and CHURCH deem it to the mutual advantage of the parties and in the public interest that the Subject Property be annexed to and developed as a part of the VILLAGE as hereinafter provided; and

WHEREAS, the Corporate Authorities of the VILLAGE have examined the proposed uses by the CHURCH of a new church [principal use] and parish activity center facility [accessory use] and have determined that said change and uses of the Subject Property in accordance with this Agreement comply with the planning objectives of the VILLAGE; and

WHEREAS, the CHURCH desires to have the Subject Property classified under the Zoning Regulations of the VILLAGE for the purpose of developing the Subject Property as hereinafter provided.

NOW, THEREFORE, in consideration of the premises and the mutual promises herein set forth, the parties hereto agree as follows:

1. **Incorporation of Recitals.** The VILLAGE and CHURCH agree that the foregoing recitals are incorporated in this Agreement as if fully recited herein.

2. **Development of Subject Property.** The VILLAGE and CHURCH agree that the Subject Property shall be developed in accordance with the terms of this Agreement and in substantial conformity with Group Exhibit "B". that exhibit consisting of the following documents:

A. PHASES AND PLANS

PHASE 1: Site Plan dated December 29, 1999, temporary addition to existing structure and related parking.

PHASE 2A: Site Plan dated December 29, 1999, construction of permanent church facility and parking.

PHASE 2B: Site Plan dated October 5, 1999, construction of new parishioners center, demolition of temporary facility and added parking as revised October 14, 1999.

PHASE 1: Landscape Plan dated October 5, 1999, revised October 14, 1999.

PHASE 2B: Landscape Plan dated October 5, 1999.

PHASE 1: Civil Plan dated September 2, 1999, revised 1-1-00,
_____) (Date to be inserted upon receipt of revised Civil Plan)

PHASE 1: Preliminary Floor Plan dated December 29, 1999, re-use of existing structure and addition for temporary church facility.

PHASE 1: Preliminary Elevations dated December 29, 1999, re-use of existing structure and addition for temporary church facility.

B. EXEMPTIONS/VARIATIONS. The following Zoning Relief and Building Code Relief exemptions/variations of Municipal or Life Safety Ordinances shall apply to the temporary facilities:

1. Village of Lincolnshire Title 5, Chapter 4, Building Codes, Section 5-4-3: Amendments to Codes, Subsection R, Amendment to Section 406.1 of 1990 BOCA Code - The prohibition against 5A/5B construction for the addition to the existing facility is waived by the VILLAGE.

2. The VILLAGE will permit the existing house and sanctuary addition to be constructed and utilized without conformance to the Automatic Building Sprinkler System requirement, Title 5, Chapter 4, Section 5-4-4, Additional

Provisions Subsection R (amd. Ord. 94-1363-47, eff. 11/14/94), subject to the following conditions:

- a) This exemption shall apply only for 5 years from the issuance of a Certificate of Occupancy.
- b) The CHURCH shall meet all other fire alarm system requirements of 1990 BOCA and 1988 Life Safety Codes.
3. The CHURCH shall utilize 1998 BOCA International Mechanical Code, Chapter 4, for ventilation requirements.
4. The VILLAGE shall waive any and all requirements to update the existing structure from residential to office occupancy relating to the Ventilation Code, i.e., leave the two existing furnaces as they presently exist along with the toilet exhaust fans.
5. The VILLAGE shall waive Section 6-11-3(A)(9)(c) of Zoning Code requiring partial screening for parking area.
6. The CHURCH may maintain two buildings on a single lot, but only for so long as the existing structure is permitted to be used as a temporary parish activity center.
7. The CHURCH shall have a temporary exemption from the VILLAGE's landscape requirements, but shall come into complete compliance within five (5) years of the issuance of a building permit for the addition to the existing structure.

8. The CHURCH may utilize a holding tank for sanitary sewerage purposes, but shall be required to connect to the VILLAGE sanitary system prior to occupancy for Phase 2B.

3. **Annexation.** Subject to the provisions of Article 7 of Chapter 65 of the Illinois Compiled Statutes, the parties agree to do all things necessary or appropriate to cause the Subject Property to be duly and validly annexed to the VILLAGE as promptly and as practicable after the execution of this Agreement. The parties shall cause such annexation to be effected pursuant to the provisions of Section 5/7-1-9 of Chapter 65 of the Illinois Compiled Statutes.

4. **Zoning Classification and Special Use Permit.** The property shall be zoned by the VILLAGE in the R-1 District with special use permit(s) permitting the use of said parcel for a church [principal use] and parish activity center facility [accessory use]. The parties recognize that the existing facility, and the addition described in Paragraph 2, Phase 1, is to be used for church and parish activity center activities during the period of usage permitted of this Agreement.

5. **Site Development Approval.** The church and the temporary facilities shall be developed according to the exhibits contained in Group Exhibit B, Phase 1. Initial development shall be the parking facilities and the addition to the existing residential type structure as set forth in Group Exhibit B, Phase 1, on the Subject Property. The development of those temporary facilities shall be exempt from those building code provisions identified in Paragraph 2 above. It is mutually understood that the CHURCH contemplates building a new church and parish activity center facility as provided in

Phases 2A and 2B of Group Exhibit B. Complete building plans are not included for Phases 2A and 2B, but will be presented with the application for the building permit(s). Further provided that despite any other language of this Agreement to the contrary, the existing building shall be demolished within ten (10) years of the issuance of a Certificate of Occupancy for the new church structure or within sixty (60) days of the issuance of a Certificate of Occupancy for the new parish activity center.

6. **Water and Sewer Utilities.** The VILLAGE represents and warrants to the CHURCH that it has a water distribution facility which is accessible to the Subject Property. It is agreed that the CHURCH may hook into that Village Water Distribution facility during the initial five (5) years time period or at such other time as agreed between the parties, with payment or reimbursement to the Village for any of it's out-of-pocket costs, including but not limited to the Lake County Sewer Connection fee. All remaining connection or hook-up fees shall be waived.

7. **Contributions and Dedications.** No contributions of land or cash in lieu thereof shall be required of CHURCH, except that upon written request of the VILLAGE, the CHURCH shall grant a fifteen (15') foot easement for the purpose of permitting the VILLAGE to install and maintain a bicycle and pedestrian path running north and south on the western portion of the Subject Property.

8. **Storm Drainage Facilities.** Storm drainage facilities, and retention and/or detention areas shall be provided and constructed and paid for by CHURCH in accordance with final engineering plans substantially in conformity with the Preliminary Engineering Plan. The storm drainage facilities will be owned and maintained by CHURCH and/or any

subsequent owners thereof. Such storm water drainage facilities, if any, shall be maintained by CHURCH during the course of development, and thereafter shall be maintained by CHURCH, with respect to any portion of the Subject Property.

9. **Architecture.** All buildings hereinafter constructed on the Subject Property shall be erected and maintained in full compliance with Final Architectural Elevations ("Final Architecture"). Said Final Architecture, attached hereto as Group Exhibit B,. Phase 1 respectively, shall be approved by the VILLAGE.

10. **Fees.** CHURCH will pay the building fees for temporary facilities construction and new church construction but no other impact fees, annexation, rezoning, special use permit or acreage fee shall be required of the CHURCH with respect to the annexation and zoning of the Subject Property.

11. **Interim Land Uses.** CHURCH shall use the existing structure for community service center and CHURCH will be permitted to construct an addition to that structure to provide a temporary Sanctuary for the conduct of religious services. Use of the temporary facilities or additions shall be limited as set forth in Paragraph 5 above.

12. **General Provisions.**

A. **Notices.** Notice or other writings which either party is required to, or may wish to, serve upon the other party in connection with this Agreement shall be in writing and shall be delivered personally or sent by registered or certified mail, return receipt requested, postage prepaid, addressed as follows:

(1) If to the VILLAGE:

VILLAGE of Lincolnshire
One Olde Half Day Road
Lincolnshire, IL 60069

With a copy to

Everette M. Hill, Jr.
Klein, Thorpe and Jenkins, Ltd.
20 N. Wacker Drive, Suite 1660
Chicago, IL 60606

(2) If to the CHURCH:

Father James Gordan
Ascension of Our Lord
Greek Orthodox Church
1207 Riverwoods Road
Lincolnshire, IL 60069

With a copy to:

James C. Bakk
Attorney at Law
200 N. Utica Street
Waukegan, IL 60085

or to such other address as any party may from time to time designate in a written notice to the other party.

B. Survival of Representations. Both of the parties agree that the representations, warranties and recitals set forth in the preambles to this Annexation Agreement are material to this Agreement and the parties hereby confirm and admit their truth and validity and hereby incorporate such

representations, warranties and recitals into this Agreement and the same shall continue during the period of this Agreement.

C. Captions and Paragraph Headings. The captions and paragraph headings used herein for convenience only and are not a part of this Agreement and shall not be used in construing it.

D. No Waiver or Relinquishment of Right to Enforce Agreement. Failure of either party to this Agreement to insist upon the strict and prompt performance of the terms, covenants, agreements and conditions herein contained or any of them, upon any other party imposed shall not constitute or be construed as a waiver or relinquishment of either party's right thereafter to enforce any such term, covenant, agreement or condition, but the same shall continue in full force and effect.

E. VILLAGE Approval or Direction. Where VILLAGE approval or direction is required by this Agreement, such approval or direction means the approval or direction of the Corporate Authorities of the VILLAGE unless otherwise expressly provided herein or required by law, and any such approval may be required to be given only after and if all requirements for granting such approval have been met unless such requirements are inconsistent with this Agreement.

F. Recording. A copy of this Agreement and any amendment thereto may be recorded with the Lake County Recorder of Deeds by the VILLAGE.

G. Authorization to Execute. The officers of CHURCH executing this Agreement warrant that they have been lawfully authorized by CHURCH Board of

Directors to execute this Agreement on behalf of the CHURCH. The Mayor and Clerk of the VILLAGE hereby warrant that they have been lawfully authorized by the VILLAGE Board of the VILLAGE to execute this Agreement.

H. Amendments. This Agreement sets forth all the promises, inducements, agreements, conditions and understandings between CHURCH and VILLAGE relative to the subject matter thereof, and there are no promises, agreements, conditions or understandings, whether oral or written, express or implied, between them, other than are herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless authorized in accordance with law and reduced in writing and signed by them. Notwithstanding the foregoing, this Agreement may be amended by the VILLAGE and CHURCH.

I. Counterparts. This Agreement may be executed in two (2) or more counterparts, each of which taken together, shall constitute one and the same instrument.

J. Execution of Agreement. This Agreement shall be signed last by the VILLAGE and the Mayor of the VILLAGE shall affix the date on which he or she signs this Agreement of page 1 hereof, which date shall be the effective date of this Agreement.

K. Terms of Agreement. This Agreement shall be in full force and effect for a term of twenty (20) years from and after the date of execution of this Agreement. The parties hereto agree that for purposes of any lawsuit(s) between them

concerning this Agreement, its enforcement, or the subject matter thereof, venue shall be in Lake County, and the laws of the State of Illinois shall govern the cause of action.

L. Enforcement. It is agreed that the parties hereto may at law, or in equity, by suite, actions, mandamus, or other proceeding, including specific performance, to enforce or compel the performance of the Agreement.

M. Applicable Municipal Standards. Upon the annexation of the Subject Property, all zoning and building of the Subject Property (and any off-site improvements which are necessary to facilitate the development of the Subject Property) shall be undertaken in conformity with the requirements of all applicable VILLAGE codes, ordinances, rules, regulations, and standards generally in force, from time to time, within the VILLAGE, except as may be otherwise provided in this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals to this Agreement on the day and year first above written.

VILLAGE OF LINCOLNSHIRE

By: Barbara LaPiana
Barbara LaPiana, Mayor

ATTEST:

Barbara Mastandrea
Barbara Mastandrea, VILLAGE Clerk

DATED: 1-10-00

ASCENSION OF OUR LORD GREEK ORTHODOX CHURCH

By: A. Frachl Chrysi
President

ATTEST:

Ann Koyak
Secretary

DATED: 1/23/00

C:\OFFICE\WPWIN\WPDOCS\LSIGreek-2

LEGAL DESCRIPTION

The North 494.30 feet of the West 440.64 feet of the South 30 acres of the Northwest 1/4 of the Southwest 1/4 of Section 12, Township 43 North, Range 11 East of the Third Principal Meridian, in Lake County, Illinois.

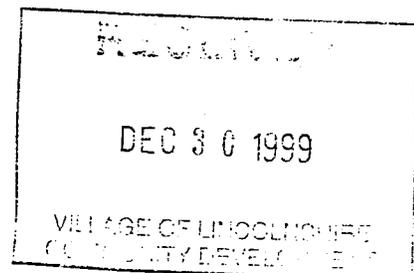
Ascension of Our Lord Greek Orthodox Church

1207 Riverwoods Road
Lincolnshire, Illinois

Committee of the Whole
January 3, 2000

List of Drawings

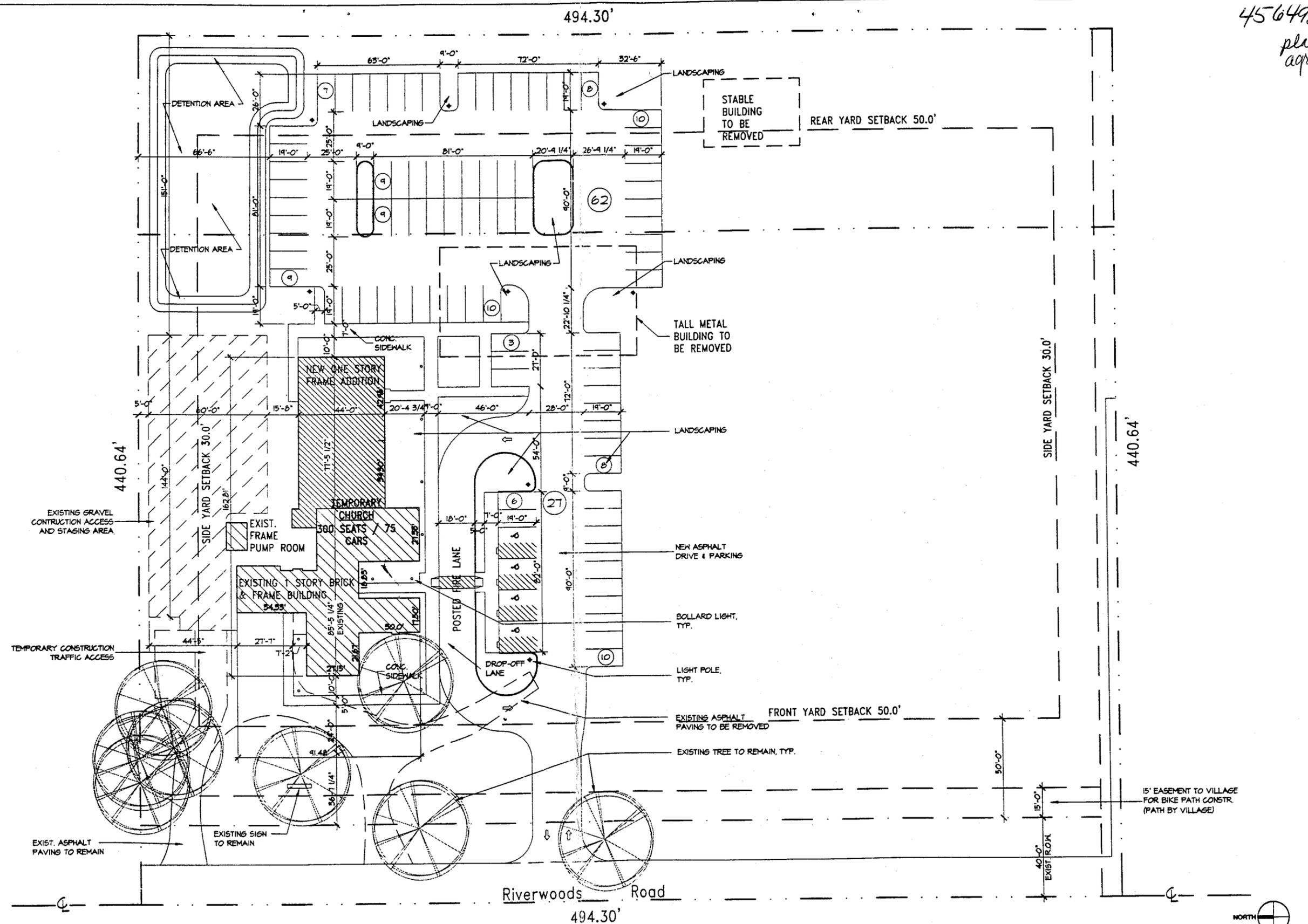
Phase 1 Site Plan
Phase 2-A Site Plan
Phase 2-B Site Plan
Phase 1 Landscape Plan
Phase 2 Landscape Plan
Preliminary Floor Plan
Preliminary Elevations
Phase 1 Engineering Plan



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45-64984
plat log-
agreement



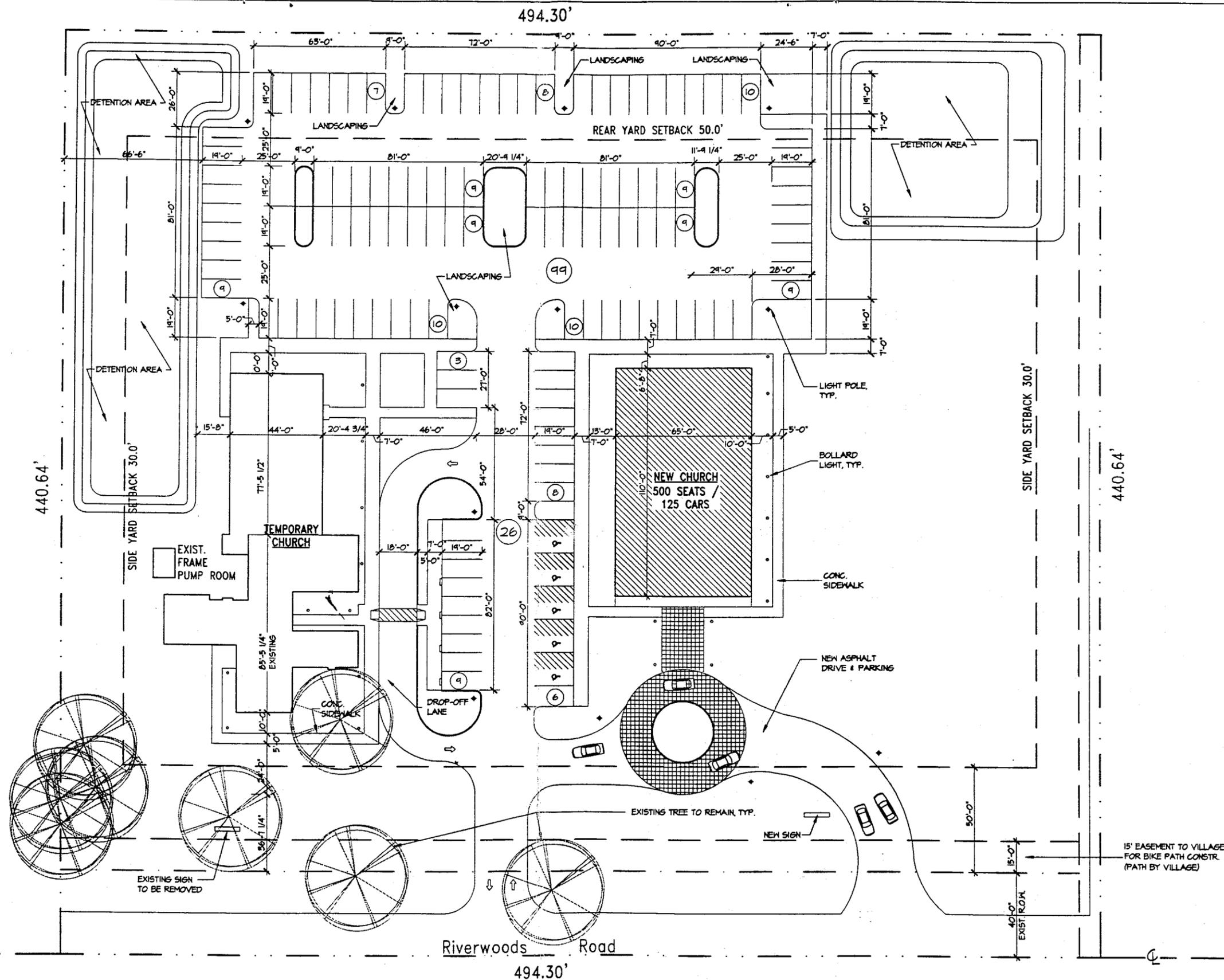
PHASE 1 SITE PLAN
THE ASCENSION OF OUR LORD CHURCH

1" = 50' 12-29-99

HIRSCH ASSOCIATES

4564984

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PHASE 2-A SITE PLAN

THE ASCENSION OF OUR LORD CHURCH

494.30'

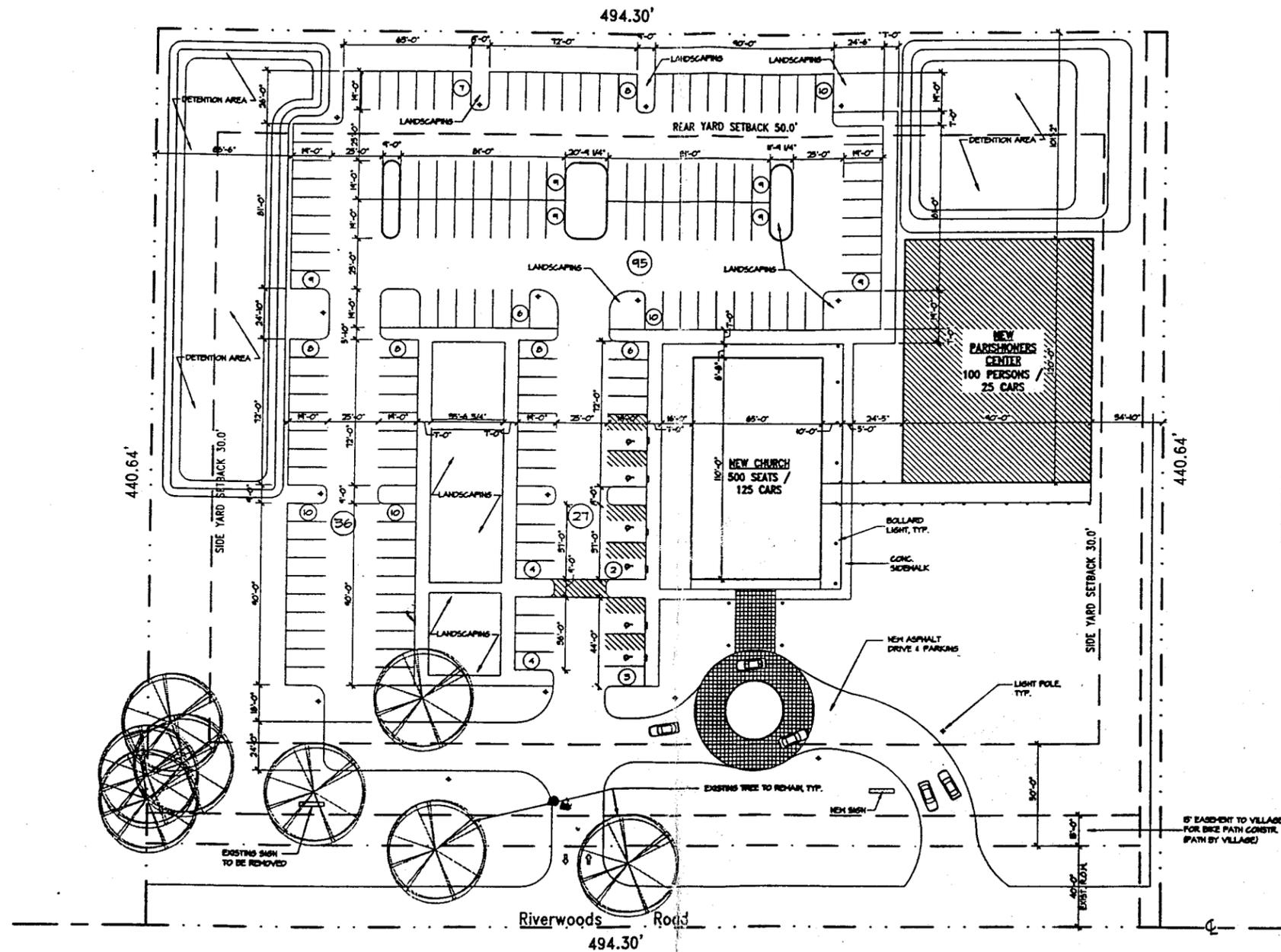
1" = 50' 12-28-99



HIRSCH ASSOCIATES

4564984

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PARKING TABLE:		
	NEW CHURCH (500 SEATS)	NEW PARISHIONERS CTR. (100 PERSONS)
PARKING REQUIREMENTS	1 CAR PER 4 SEATS	1 CAR PER 4 PERSONS
REG'D. PARKING SPACES	125 CARS	25 CARS
ACTUAL PARKING SPACES	125 CARS	25 CARS
TOTAL CARS	150 CARS*	
* 6 HANDICAP SPACES PROVIDED		



PHASE 2-B SITE PLAN

THE ASCENSION OF OUR LORD CHURCH

SCALE: 1" = 30' 10-05-99



HIRSCH ASSOCIATES

4564984

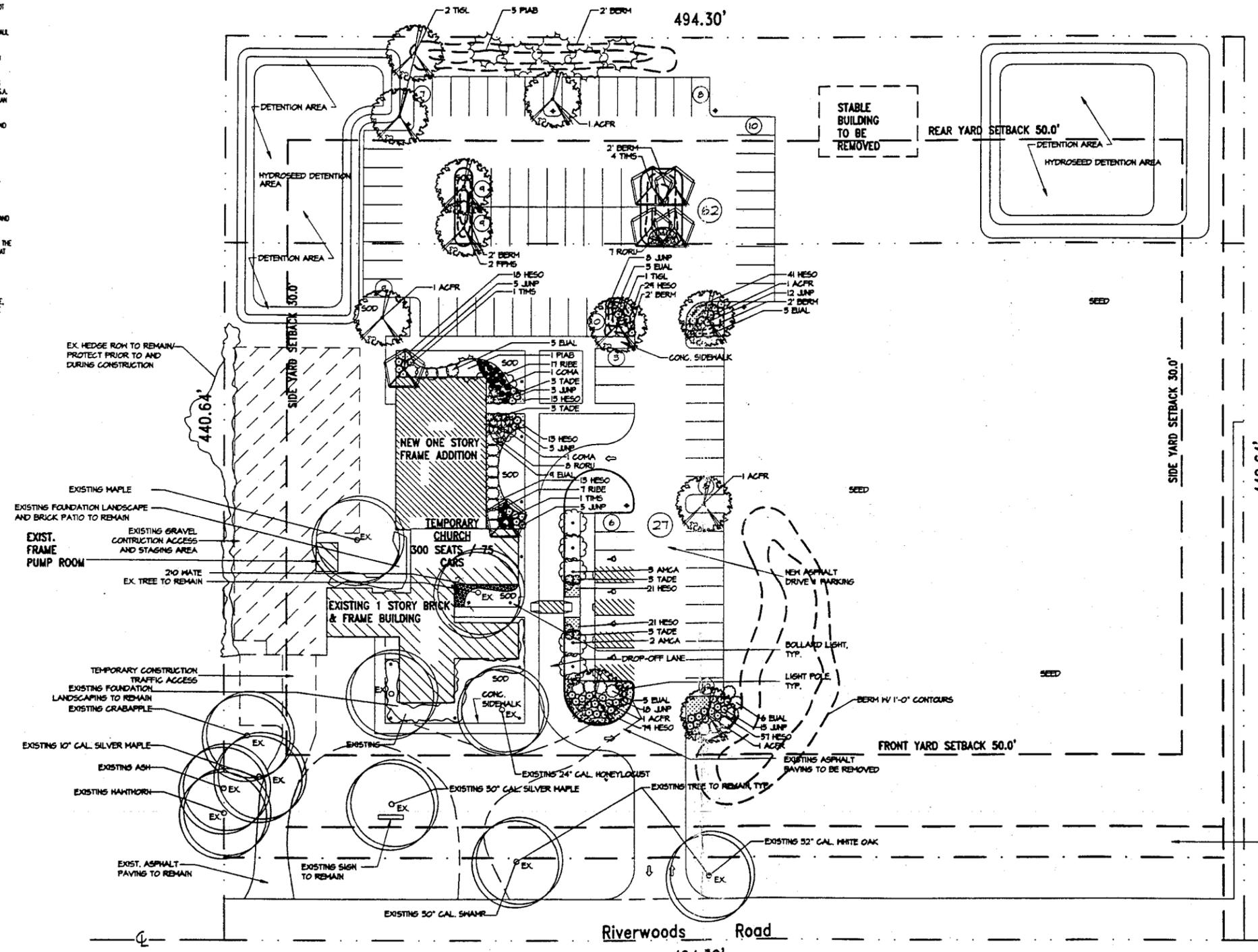
24

LANDSCAPE NOTES:

1. ESTABLISH GRADE AT WALKS, PLANTERS, ETC.
2. SET UP COMPLETE PLANTING - AS PER LANDSCAPE PLAN.
3. SEE SPECIFICATIONS FOR PROPER PLANTING TECHNIQUES.
4. APPLY SHREDED HAYWOOD BARK TO A DEPTH OF THREE INCHES (3"), HAVE LEVEL AND WATER BARK.
5. TRIM AND PRUNE COMPLETE PLANTING AS NEEDED. DO NOT SHEAR ANY PLANT MATERIALS. HAND PRUNE AS NEEDED.
6. CLEAN UP ALL AREAS, SHEEP WALKS AND DRIVES, AND HULL AWAY DEBRIS.
7. LANDSCAPER TO REPORT ANY CONFLICT OF PLANTING WITH NEW CONSTRUCTION.
8. SIZE AND GRADING STANDARDS OF PLANTS AND MATERIALS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION (NLSA STANDARD FOR NURSERY STOCK, SPONSOR - THE AMERICAN ASSOCIATION OF NURSERY, INC.)
9. SOO SHALL BE CERTIFIED KENTUCKY BLUEGRASS BLEND AND IS REQUIRED IN ALL UNPAVED AREAS WITHIN THE SITE BOUNDARIES AND ADJACENT ROAD, UNLESS OTHERWISE SPECIFIED ON THE LANDSCAPING PLAN.
10. ALL PLANTING BEDS TO BE COVERED WITH SHREDED WINDROWING MULCH (SEE SPECIFICATIONS) AND SHALL BE WEED FREE AND SHALL BE TREATED WITH A PREEMERGENT HERBICIDE PRIOR TO MULCH INSTALLATION.
11. GUARANTEE: ALL PLANT MATERIALS SHALL BE GUARANTEED FOR A MINIMUM OF ONE (1) YEAR. ALL PLANTS, LIMBS AND CIRCUMFERENCE AREAS NOT IN A HEALTHY GROWING CONDITION SHALL BE REMOVED AND REPLACED WITH PLANTING OF LIKE KIND AND SIZE BEFORE THE CLOSE OF THE NEXT PLANTING SEASON BY THE LANDSCAPE CONTRACTOR AT NO CHARGE TO THE OWNER.
12. ALL EXISTING LANDSCAPE IN THE PARKWAY OR IN FRONT IS TO BE PROTECTED DURING CONSTRUCTION.
13. NOTIFY LANDSCAPE ARCHITECT SEVEN (7) DAYS IN ADVANCE PRIOR TO PLANTING. THE LANDSCAPE ARCHITECT MUST BE PRESENT DURING THE LAYOUT OF PLANT MATERIALS.
14. ALL EXISTING TREES TO BE PROTECTED AT ALL TIMES DURING CONSTRUCTION WITH SNOW FENCE AT DRUPLINE PRIOR TO CONSTRUCTION. ALL EXISTING TREE NOTED ON PLAN ARE IN GOOD CONDITION.

PLANT LIST

QUAN.	CODE	BOTANICAL NAME	COMMON NAME	SIZE	COND.
6	ACFR	Acer x Freemanii	Freemanii Maple	3.0' cal.	B4B
5	AMCA	Amelanchier canadensis	Serviceberry	5' ht.	B4B
2	COMA	Cornus mas	Cornelian Cherry Dogwood	7' ht.	B4B
2	FPMS	Fraxinus p. Marshall's Seedless	Marshall's Seedless Ash	2.5' cal.	B4B
3	TIGL	Tilia c. 'Greenleaves'	Greenleaves Linden	3.0' cal.	B4B
6	TIMS	Tilia c. 'Greenspire'	Greenspire Linden - Clump	9' ht.	Multi-stem
15	PIAB	Picea abies	Norway Spruce	8.5' ht.	B4B
12	RORU	Rosa r. 'Nearly Mild'	Nearly Mild Rose	5' gal.	B4B
24	RIBE	Ribes alpinum	Alpine Currant	24"	B4B
12	TADE	Taxus x m. 'Danaiformis'	Dense Yew	30"	B4B
66	JJNP	Juniperus h. 'Miltonii'	Blue Rug Juniper	5' gal.	
31	EJAL	Euonymus alatus 'Compacta'	Dwarf Burningbush	36"	B4B
305	HESO	Hemerocallis 'Stella de Oro'	Stella de Oro Daylily	1 gal.	
210	MATE	Maidenhair fern	Barren Strawberry	3" pots	



SITE DATA

ITEM	AREA (Square Feet)
TOTAL SITE	27,600 sq. ft.
TOTAL OF BUILDINGS	1,200 sq. ft.
DETENTION	10,300 sq. ft.
DRIVES	3,500 sq. ft.
PARKING	2,000 sq. ft.
SIDEWALKS	4,500 sq. ft.
OPEN GREEN SPACE	8,000 sq. ft.

LANDSCAPE DATA

TYPE	SIZE	TREES/ACRE	# REQUIRED	# PROVIDED
DECIDUOUS TREES	2" TO 2 1/2"	4	2	2
	3" TO 4"	3	1	1
	4 1/2" - 6"	3	12	0
ORNAMENTAL TREES	6" TO 8"	4	14	4
	8 1/2" - 10"	4	14	0
EVERGREEN TREES	6" TO 8"	4	14	0
	8 1/2" TO 10"	4	14	0
	10 1/2" - 12"	3	1	0

PARKING TABLE

	SANCTUARY (300 SEATS)	MULTI-PURPOSE AREA (8 EMPLOYEES)
PARKING REQUIREMENTS	1 CAR PER 4 SEATS	1 CAR PER EMPLOYEE
REPRO. PARKING SPACES	75 CARS	8 CARS
ACTUAL PARKING SPACES	75 CARS	14 CARS
TOTAL CARS	75 CARS	14 CARS

* 4 HANDICAP SPACES PROVIDED

LANDSCAPE PLANS PREPARED BY:
MELINDA M. APPOLD/ #151-000736
REGISTERED LANDSCAPE ARCHITECT OF THE STATE OF ILLINOIS



PHASE 1 LANDSCAPE PLAN
THE ASCENSION OF OUR LORD CHURCH

SCALE: 1" = 60'
REVISED 10-14-99

HIRSCH ASSOCIATES
APPOLD DESIGN

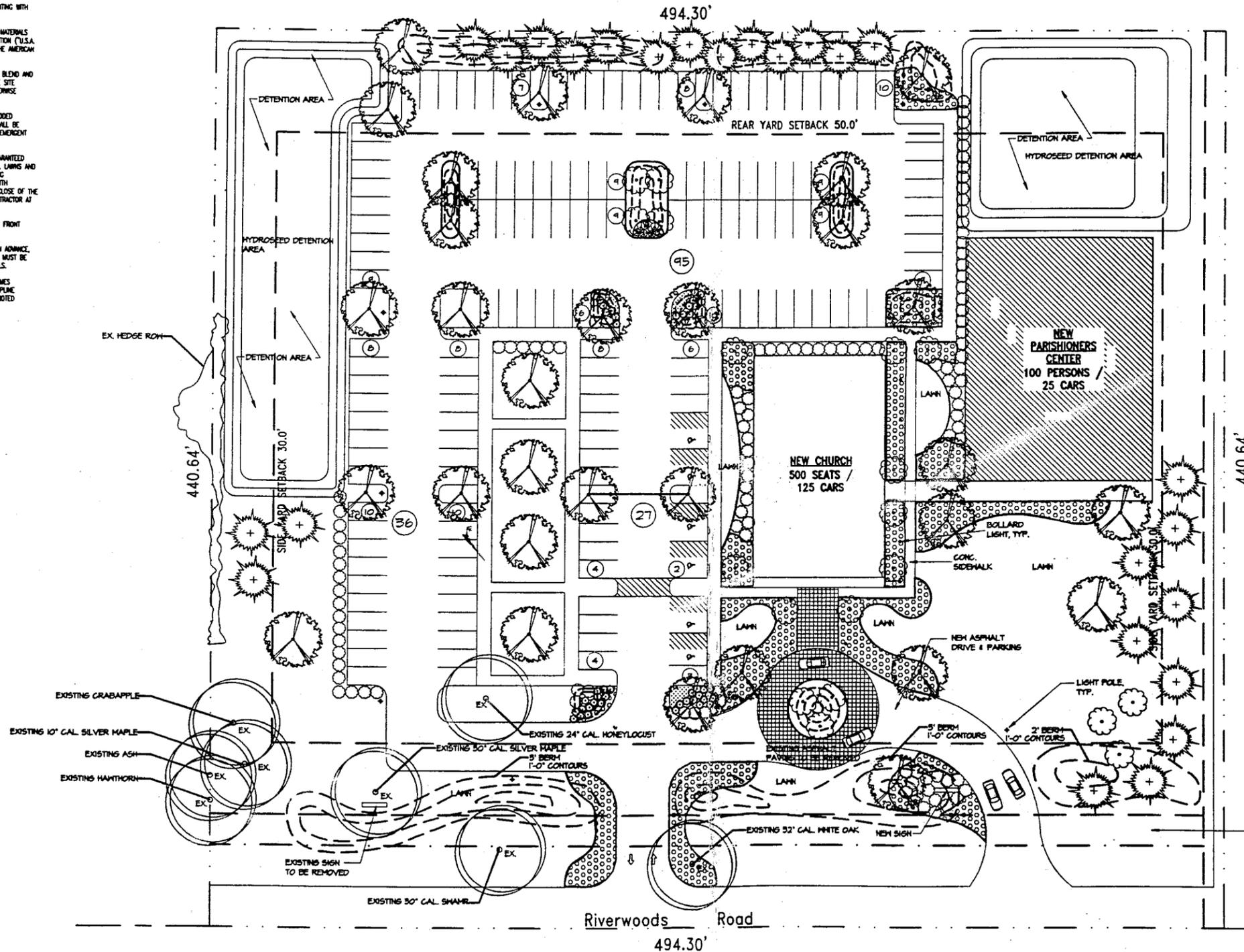
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Handwritten initials/signature.

LANDSCAPE NOTES:

1. ESTABLISH GRADE AT WALKS, PLANTERS, ETC.
2. SET UP COMPLETE PLANTING - AS PER LANDSCAPE PLAN.
3. SEE SPECIFICATIONS FOR PROPER PLANTING TECHNIQUES.
4. APPLY SHREDDED HARDWOOD BARK TO A DEPTH OF THREE INCHES (3"), RAKE LEVEL AND WATER BORN.
5. TRIM AND PRUNE COMPLETE PLANTING AS NEEDED. DO NOT SHEAR ANY PLANT MATERIALS. HAND PRUNE AS NEEDED.
6. CLEAN UP ALL AREAS, SHEEP WALKS AND DRIVES, AND MAINTAIN DRIVEWAYS.
7. LANDSCAPER TO REPORT ANY CONFLICT OF PLANTING WITH NEW CONSTRUCTION.
8. SIZE AND GRADING STANDARDS OF PLANTS AND MATERIALS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION (U.S.A. STANDARD FOR NURSERY STOCK, SPONSOR - THE AMERICAN ASSOCIATION OF NURSERY, INC.)
9. SOO SHALL BE CERTIFIED KENTUCKY BLUEGRASS BLEND AND IS REQUIRED IN ALL UNPAVED AREAS WITHIN THE SITE BOUNDARIES AND ADJACENT R.O.W. UNLESS OTHERWISE SPECIFIED ON THE LANDSCAPING PLAN.
10. ALL PLANTING BEDS TO BE COVERED WITH SHREDDED HARDWOOD MULCH (SEE SPECIFICATIONS) AND SHALL BE WEED FREE AND SHALL BE TREATED WITH A PREEMERGENT HERBICIDE PRIOR TO MULCH INSTALLATION.
11. GUARANTEE: ALL PLANT MATERIALS SHALL BE GUARANTEED FOR A MINIMUM OF ONE (1) YEAR. ALL PLANTS, LAWNS AND GROUNDCOVER AREAS NOT IN A HEALTHY GROWING CONDITION SHALL BE REMOVED AND REPLACED WITH PLANTING OF LIKE KIND AND SIZE BEFORE THE CLOSE OF THE NEXT PLANTING SEASON BY THE LANDSCAPE CONTRACTOR AT NO CHARGE TO THE OWNER.
12. ALL EXISTING LANDSCAPE IN THE PARISH OR IN FRONT IS TO BE PROTECTED DURING CONSTRUCTION.
13. NOTIFY LANDSCAPE ARCHITECT SEVEN (7) DAYS IN ADVANCE, PRIOR TO PLANTING. THE LANDSCAPE ARCHITECT MUST BE PRESENT DURING THE LAYOUT OF PLANT MATERIALS.
14. ALL EXISTING TREES TO BE PROTECTED AT ALL TIMES DURING CONSTRUCTION WITH SNOW FENCE AT DRAINAGE PRIOR TO CONSTRUCTION. ALL EXISTING TREES NOTED ON PLAN ARE IN GOOD CONDITION.

PLANTING SYMBOL	KEY	DESCRIPTION
		EXISTING SHADE TREE
		SHADE TREE
		EVERGREEN TREE
		ORNAMENTAL TREE
		DECIDUOUS SHRUB
		EVERGREEN SHRUB
		BEDLINE W/ A MIXTURE OF SHRUBS, EVERGREENS, GROUNDCOVER, PERENNIALS, AND ANNUALS



SITE DATA:	
SITE ENTITY	AREA (Square Feet)
TOTAL SITE	27,808 sq. ft.
TOTAL OF BUILDINGS	17,150 sq. ft.
DETENTION	24,082 sq. ft.
DRIVES	15,821 sq. ft.
PARKING	57,300 sq. ft.
SIDEWALKS	4,953 sq. ft.
OPENGREEN SPACE	49,502 sq. ft.

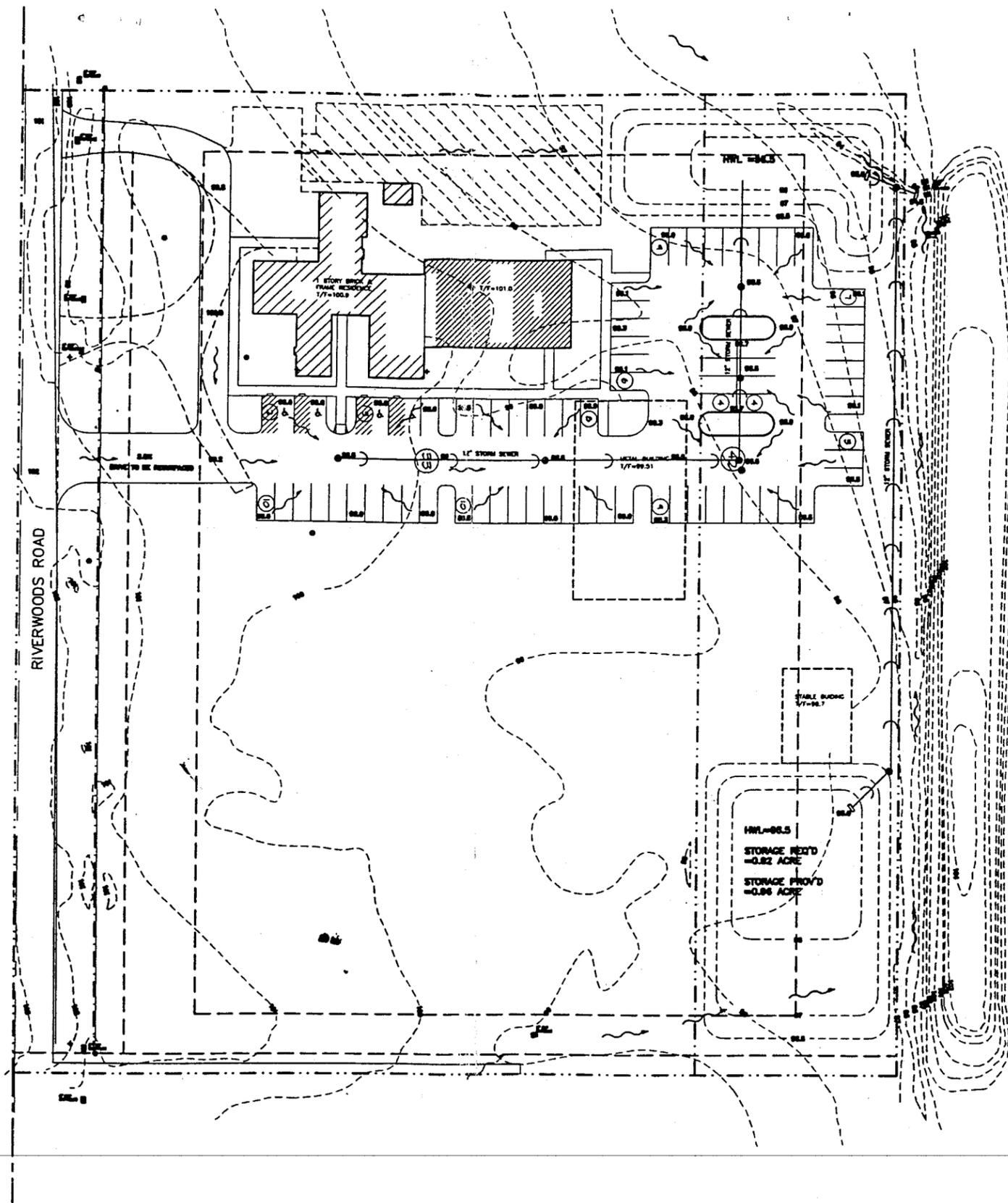
LANDSCAPE DATA:				
TYPE	SIZE	TREES/ACRE	# REQUIRED	# PROVIDED
DECIDUOUS TREES	2' TO 25'	6	15	15
	3' TO 4'	5	11	11
	4.5' +	5	7	7
ORNAMENTAL TREES	6' TO 8'	4	4	4
	8.5' +	4	4	4
EVERGREEN TREES	6' TO 8'	4	4	12
	8.5' TO 10'	4	4	4
	10.5' +	2	4	4

LANDSCAPE PLANS PREPARED BY:
MELINDA M. APPOLD/ #157-000736
REGISTERED LANDSCAPE ARCHITECT OF THE STATE OF ILLINOIS

PHASE 2 LANDSCAPE PLAN
THE ASCENSION OF OUR LORD CHURCH

SCALE: 1" = 60'
FOR REVIEW 10-05-99

HIRSCH ASSOCIATES
APPOLD DESIGN



PRELIMINARY
NOT FOR CONSTRUCTION



SPIES & ASSOCIATES, INC.
Civil Engineers - Land Surveyors

534 WEST CAMPUS DRIVE
ARLINGTON HEIGHTS, ILLINOIS 60004
(847)577-8808 FAX: (847)577-0229

REVISIONS	

DRAWN BY: T.J.S.
DESIGNED BY: T.J.S.
CHECKED BY: T.J.S.

JOB NO. 3601
SCALE: 1"=30'
DATE: 9-2-99

ASCENSION OF OUR LORD
PRELIMINARY ENGINEERING

SHEET NO. **1**
OF 1 SHEETS

1560984

29

STATE OF ILLINOIS)

4564988

) SS.

COUNTY OF LAKE)

CLERK'S CERTIFICATE

Filed for Record in:
LAKE COUNTY, IL
MARY ELLEN VANDERVENTER - RECORDER
On Aug 09 2000
At 9:24am
Receipt #: 244282
Doc/Type : ORD
Deputy - Cashier #1

I, **BARBARA MASTANDREA**, do hereby certify that I am the duly appointed and qualified Village Clerk for the Village of Lincolnshire, Lake County, Illinois.

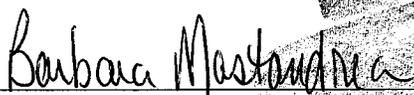
I do further certify that the above and attached is a true and correct copy of an Ordinance entitled:

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT
TO ESTABLISH AND OPERATE A CHURCH
IN AN R1 SINGLE-FAMILY RESIDENCE DISTRICT
(ASCENSION OF OUR LORD GREEK ORTHODOX CHURCH)
1207 RIVERWOODS ROAD**

passed by the Board of Trustees on the **10th day of January, 2000** and said Ordinance was duly approved by the Mayor of the Village of Lincolnshire on the **10th day of January, 2000**.

I do further certify that the aforesaid Ordinance was entrusted to my care and custody, that the same is duly spread upon the record of proceedings of said Village, and that I am the custodian of all Village records, including the journal of proceedings, ordinances, and resolutions of said Village.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this **10th day of January, 2000**.


Village Clerk
Village of Lincolnshire
Lake County

Prepared by and Mail to:
Village of Lincolnshire
One Olde Half Day Road
Lincolnshire, IL 60069

15
19

**VILLAGE OF LINCOLNSHIRE
LAKE COUNTY, ILLINOIS**

ORDINANCE NO. 99-1696-04

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT
TO ESTABLISH AND OPERATE A CHURCH
IN AN R1 SINGLE-FAMILY RESIDENCE DISTRICT
(ASCENSION OF OUR LORD GREEK ORTHODOX CHURCH)
1207 RIVERWOODS ROAD**

WHEREAS, The Plan Commission of the Village of Lincolnshire, Lake County, Illinois, pursuant to notice as required by law, held a Public Hearing on October 12, 1999, on the question of granting and issuing a Special Use Permit to establish and operate a church in the R1 Single-Family Residence District, pursuant to annexation into the Village of Lincolnshire; and

WHEREAS, a “church” is classified as a Special Use in the R1 Single-Family Residence District in which the proposed church will be located; and

WHEREAS, the Plan Commission has heretofore submitted to the Mayor and Board of Trustees of the Village of Lincolnshire, Lake County, Illinois, its findings of fact and recommendations related thereto; and

WHEREAS, the Corporate Authorities of the Village of Lincolnshire, Lake County, Illinois, have duly considered said findings and recommendations of the Plan Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF LINCOLNSHIRE, LAKE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That the findings and recommendations of the Plan Commission of the Village of Lincolnshire, Lake County, Illinois, attached hereto and made a part hereof as “Exhibit A” are herein incorporated by reference as the findings of this Board to the same effect as if fully recited herein at length. All references in said findings and recommendations are hereby made the references of the Mayor and Board of Trustees of the Village of Lincolnshire.

SECTION 2: That a Special Use Permit is hereby granted and issued for the property legally described as follows:

THE NORTH 494.30 FEET OF THE WEST 440.64 FEET OF THE SOUTH 30 ACRES OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 43 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

SECTION 3: That said Special Use Permit is hereby granted and issued for the purpose of establishing and operating a church, as depicted on the following documents, attached hereto and made a part hereof as Exhibit "B":

1. Site Plan (Phase 1), prepared by Hirsch Associates, dated December 29, 1999.
2. Site Plan (Phase 2), Prepared by Hirsch Associates, dated December 29, 1999.
3. Site Plan (Phase 2B), Prepared by Hirsch Associates, dated October 5, 1999
4. Landscape Plan (Phase 1), Prepared by Hirsch Associates, dated October 5 revised October 14, 1999.
5. Landscape Plan (Phase 2), Prepared by Hirsch Associates, dated October 5, 1999.
6. Civil Plan (Phase 1), Prepared by Spies & Associates, Inc., dated September 2, 1999 revised January 1, 2000.
7. Preliminary Elevations (Phase 1), Prepared by Hirsch Associates. dated December 29, 1999.

SECTION 4: That the Village Code regulations for the R1 Zoning District be modified as follows:

- A. Relief is granted to Section 6-11-3(A)(9)(c) of the Zoning Code to permit a reduction in the required parking lot screening from a dense compact hedge screen to a berm in the southwest corner of the parking lot.
- B. Relief from the Landscape Code requirements, relating to the required number of trees, is granted, subject to full compliance with this code requirement within five (5) years of final approval of this Special Use Permit.

SECTION 5: Any person violating the terms and conditions of this Ordinance shall be subject to a penalty not exceeding Five Hundred Dollars (\$500.00) with each and every day that the violation of the Ordinance is allowed to remain in effect being deemed a complete and separate offense. In addition, the appropriate authorities of the Village may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person violating the terms of this Ordinance be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees. This section shall not apply to the Village of Lincolnshire, its officials, agents or employees.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. Provided, however, that this Ordinance shall not take effect until a true and correct copy of this Ordinance is executed by the Owners of the Subject property or such other parties in interest consenting to and agreeing to be bound by the terms and conditions contained within this Ordinance. The conditions, terms, restrictions, rights, benefits and privileges set forth in this Ordinance shall be binding and inure to the benefit of the parties hereto and their respective successors, assigns, and legal representatives.

PASSED this 10th day of January, 2000, by the Corporate Authorities of the VILLAGE OF LINCOLNSHIRE, on a roll call vote as follows:

AYES: Angonese, Blomberg, Calef, Conatser, Deloye, Maine

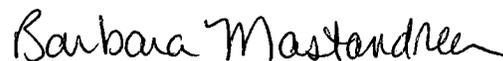
NAYS: None

ABSENT: None

APPROVED this 10th day of January, 2000


BARBARA LAPIANA, MAYOR

ATTEST:


BARBARA MASTANDREA, VILLAGE CLERK

UNAPPROVED Minutes of the **REGULAR MEETING OF THE PLAN COMMISSION** held Tuesday, October 12, 1999, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL

PRESENT: Chairman Ives and Members Donovan, Imus, Loewenstein, Saltiel and Thompson

ABSENT: (none)

ALSO PRESENT: Development Manager McNellis, Planning Manager Kane and Associate Planner Bauer

CALL TO ORDER Chairman Ives called the meeting to order at 7:37 p.m.

1.0 ROLL CALL

The secretary called the roll and **Chairman Ives** declared a quorum to be present.

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the Regular Meeting of the Plan Commission held on Tuesday, August 10, 1999.

Mr. Thompson moved and **Mr. Loewenstein** seconded the motion to approve the Minutes of the Regular Meeting of the Plan Commission held on Tuesday, August 10, 1999.

Mr. Thompson corrected the motion on Page 2 to read "...*consideration and approval of the Lincolnshire Business Center Fourth Resubdivision...*" and Page 5, fourth paragraph, fifth line, to remove the excess word "state" following "stated that the recommendation". He also clarified the last sentence of the motion on Page 5 by inserting the phrase "by the Village Board" following "be given favorable consideration".

The minutes as corrected were approved unanimously by voice vote.

3.0 GENERAL BUSINESS

Development Manager McNellis varied the agenda to note that the Department of Community Development is once again fully staffed and introduced **Steven Bauer, Associate Planner**, to the Plan Commission, noting that **Linda Jones, Secretary**, will be introduced at next month's meeting.

*

3.1 **Public Hearing** regarding a request for a Special Use to establish and operate a church in an R1 Single-Family Residence District, upon annexation, for the property located at 1207 Riverwoods Road. (The Ascension of our Lord Greek Orthodox Church)

Chairman Ives recessed the Plan Commission meeting and opened the Public Hearing noting that the Public Hearing had been properly noticed in the September 23, 1999 issue of the *Deerfield Review* and property owners within 250 feet of the subject property were notified by return-receipt certified mail.

Steve McNellis, Development Manager, summarized the proposal per staff memo, dated 10/8/99.

Howard Hirsch, President of Hirsch Associates, made a presentation to the Plan

Commission, in which he highlighted the Special Use request from the church, as well as the annexation request which will be heard by the Village Board. He stated that what was being presented was a master plan to accommodate the future growth of the church, as well as a temporary solution for the next 4-5 years. Since this is a temporary facility, the church would like to minimize costs now so that they can begin saving for the future facility and reduce the time frame for which they must utilize the temporary building. He further stated that the temporary structure would accommodate approximately 300 worshippers.

Father James Gordon, of The Ascension of our Lord Greek Orthodox Church, presented a history of this particular congregation, including the growth in the number of families and the status of their current status as a tenant at Stevenson High School. **Father Gordon** also provided an overview of the interior layout of the building and how this affects the site.

Mr. Thompson inquired as to who would own the property. **Father Gordon** responded that the congregants would own the property, however, ownership would revert to the Archdiocese if the congregation was ever disbanded. **Mr. Thompson** further inquired as to the adequacy of parking and the possibility of any festivals at this location. **Mr. Hirsch** responded that the number of parking spaces provided is 89, which exceeds the minimum requirements for this type and size of use. **Mr. Saltiel** asked if there would be any potential parking problems at the holiday seasons. **Father Gordon** responded that an arrangement has been agreed to with Banner Day Camp to utilize their parking facilities and provide a shuttle during peak holiday services.

Chairman Ives asked about the modifications to the existing structure and whether or not there are any drainage issues here. **Mr. Hirsch** responded that minimal improvements to the existing house are planned, and that preliminary engineering does not show any major drainage issues. He further stated that the church would work with the Village Engineer to resolve any engineering problems.

Ms. Donovan wondered how the Village would control the architecture of the future phases once the Special Use is granted. **Development Manager McNellis** responded that the Village would have complete control and review of the architecture of any future phases through ARB review.

Mr. Saltiel stated his concern regarding two structures on one lot, once the future phases are constructed. His concern was not so much with the future church and parish center, since they could be connected in some way with a walkway, but rather the point in time at which the temporary facility and new church would both be in existence (prior to the parish center being constructed). He wondered if Staff had informed the church of the prohibition of multiple primary structures on one lot. **Development Manager McNellis** stated that it was Staff's understanding that the temporary facility would be demolished once the new church was opened. **Father Gordon** stated that it was the church's intention to utilize the temporary facility as a parish center for a short period of time following construction of the church and prior to construction of the permanent parish center. There was general discussion amongst the Commissioners regarding the ability to permit two structures at one time. **Mr. Thompson** suggested that perhaps the lot could be divided into two lots, with one structure on each lot.

Having made Findings of Fact that each Standard for a Special Use has been adequately addressed in a letter from the petitioner dated October 8, 1999, Mr. Saltiel moved and Mr. Thompson seconded the motion to approve and recommend to the Village Board for their approval a Special Use to establish and operate a church in an R1 Zoning District, upon annexation into the Village of Lincolnshire, as depicted in the Phase 1 Landscape Plan, Site Plan and Preliminary Engineering plans submitted by Hirsch Associates, dated October 5, 1999, with zoning relief to permit a reduction in the parking lot screening required in Section 6-11-3(A)(9)(c) as further stipulated in the Staff memo, dated October 7, 1999, for the property known as 1207 Riverwoods Road, subject to the addition of landscaping to be approved by the Village in full accordance with Village Code requirements to be completed within five (5) years from the date of approval of this Special Use, and provided such approval by the Plan Commission shall not constitute a recommendation or approval of the Phase 2-A or Phase 2-B Site Plan or Landscape Plan, it being understood that the Village Code prohibits the placement of two (2) structures on one (1) zoning lot and that same is not approved.

The motion passed unanimously by voice vote.

- 3.3 **Public Hearing** regarding a text amendment to Title 6 - Zoning, Chapter 3 - General Zoning Regulations of the Lincolnshire Village Code. The amendment to be considered will establish a minimum width for residential driveways to ensure adequate maneuvering area. Furthermore, the amendment will revise Section 6-3-13 related to the regulations on the construction and installation of exterior satellite earth station antennas (SESA) to be consistent with federal regulations. The amendment will also create Section 6-3-15: Bulk and Setback Summary Chart. (Village of Lincolnshire)

Chairman Ives recessed the Plan Commission meeting and opened the Public Hearing noting that the Public Hearing had been properly noticed in the September 23, 1999 *Deerfield Review*.

Steve McNellis, Development Manager, explained that there are three components to the proposed text amendment to the General Zoning Regulations: 1) driveway setbacks; 2) satellite dishes; and 3) a proposed summary chart intended to provide a more user-friendly document. **Development Manager McNellis** explained that this proposed amendment was a result of the variance requests in the Meadows of Birch Lake Subdivision this past summer. He distributed a revised Attachment #1 dated October 12, 1999 (attached hereto as Exhibit A), and informed the Commission that this revised amendment had been reviewed by the Village Attorney, but still required additional refining.

Mr. Saltiel inquired about the number of existing homes that would not meet this proposed driveway width requirement, and stated that these homes may be simply replacing a driveway and may not have room to now meet this requirement. **Development Manager McNellis** stated that a number of homes likely would not meet this requirement and that the two options to remedy this would be to hear variance requests or revise this amendment to grandfather existing driveways. **Mr. Saltiel** also inquired as to why this amendment should be considered, what benefit does it have? **Development Manager McNellis** responded that this will eliminate variance requests

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Mr. Saltiel expressed concern with the temporary nature of the facility, and how the Village ensures that this situation does not continue indefinitely. **Mr. Loewenstein** expressed a similar concern with the landscaping. **Mr. Thompson** stated he was less concerned with the landscaping, since there are no neighbors directly affected by the reduced parking lot screening. **Development Manager McNellis** suggested that the landscaping could be completed in phases, with specific deadlines for each phase. **Mr. Imus** wondered how the Village ensures compliance with these time frames. **Development Manager McNellis** responded that this could be addressed in an Annexation Agreement. He further stated that the Annexation Agreement that is being contemplated will address other Building Code relief for the temporary facility, such as the waiver of the fire sprinkler requirement and the ban on specific construction types. It was the direction of the Village Board to work with the church and make reasonable accommodations, when possible. **Mr. Hirsch** noted that the Village's local Building Code amendments are different from the basic BOCA Code. The type of construction being proposed meets the basic BOCA Code, but not the Village's local amendments.

There was continued concern expressed by the Commissioners that this temporary situation could turn out to be permanent. **Father Gordon** stated that he had faith in their congregation, that their growth to date has been faster than expected, and that they are so confident of moving ahead quickly that they will review and approve architectural plans for phase 2 in 2000.

Fred Chepekis, President of the Parish Council, residing at 4116 Applewood Lane in Northbrook, made a presentation to the Plan Commission highlighting the history and growth of the church and stating that their past history has shown remarkable and fast growth. He further described the process the church had already completed with Lake County to arrive at this point. He concluded that if it takes the church five years to get into their permanent facility, they will be disappointed.

Chairman Ives asked if the petitioner would like to have the Standards for Special Use entered into the record by reference, to which the petitioners responded affirmatively.

Mr. Thompson suggested continuing the Public Hearing to the next meeting so that the issue of two structures on one lot could be addressed. **Mr. Saltiel** noted that the Plan Commission was being asked only to make a recommendation on the Special Use. He further stated that the Commission could make a motion to approve the Special Use based upon the Phase 1 plans only, and that Staff could be directed to develop a strategy to avoid compromising the Village standards.

Chairman Ives closed the Public Hearing and reconvened the Plan Commission meeting.

- 3.2 Consideration and discussion of a request for a Special Use to establish and operate a church in an R1 Single-Family Residence District, upon annexation, for the property located at 1207 Riverwoods Road. (The Ascension of our Lord Greek Orthodox Church)

There was continued discussion regarding the phasing of the landscaping and a reasonable time frame to achieve compliance with the Village Codes.

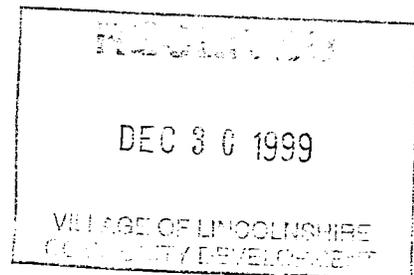
Ascension of Our Lord Greek Orthodox Church

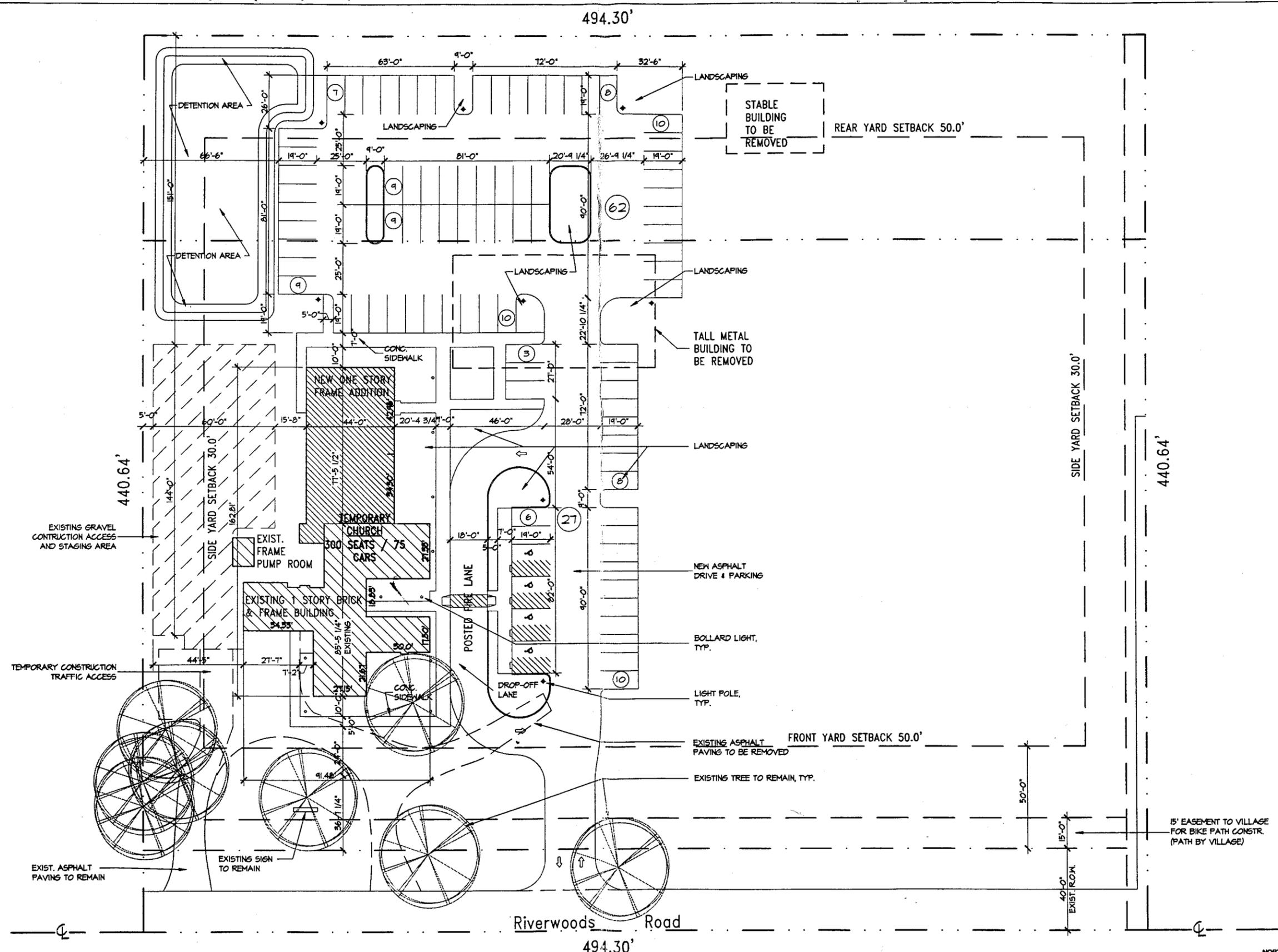
1207 Riverwoods Road
Lincolnshire, Illinois

Committee of the Whole
January 3, 2000

List of Drawings

- Phase 1 Site Plan
- Phase 2-A Site Plan
- Phase 2-B Site Plan
- Phase 1 Landscape Plan
- Phase 2 Landscape Plan
- Preliminary Floor Plan
- Preliminary Elevations
- Phase 1 Engineering Plan





PHASE 1 SITE PLAN

THE ASCENSION OF OUR LORD CHURCH

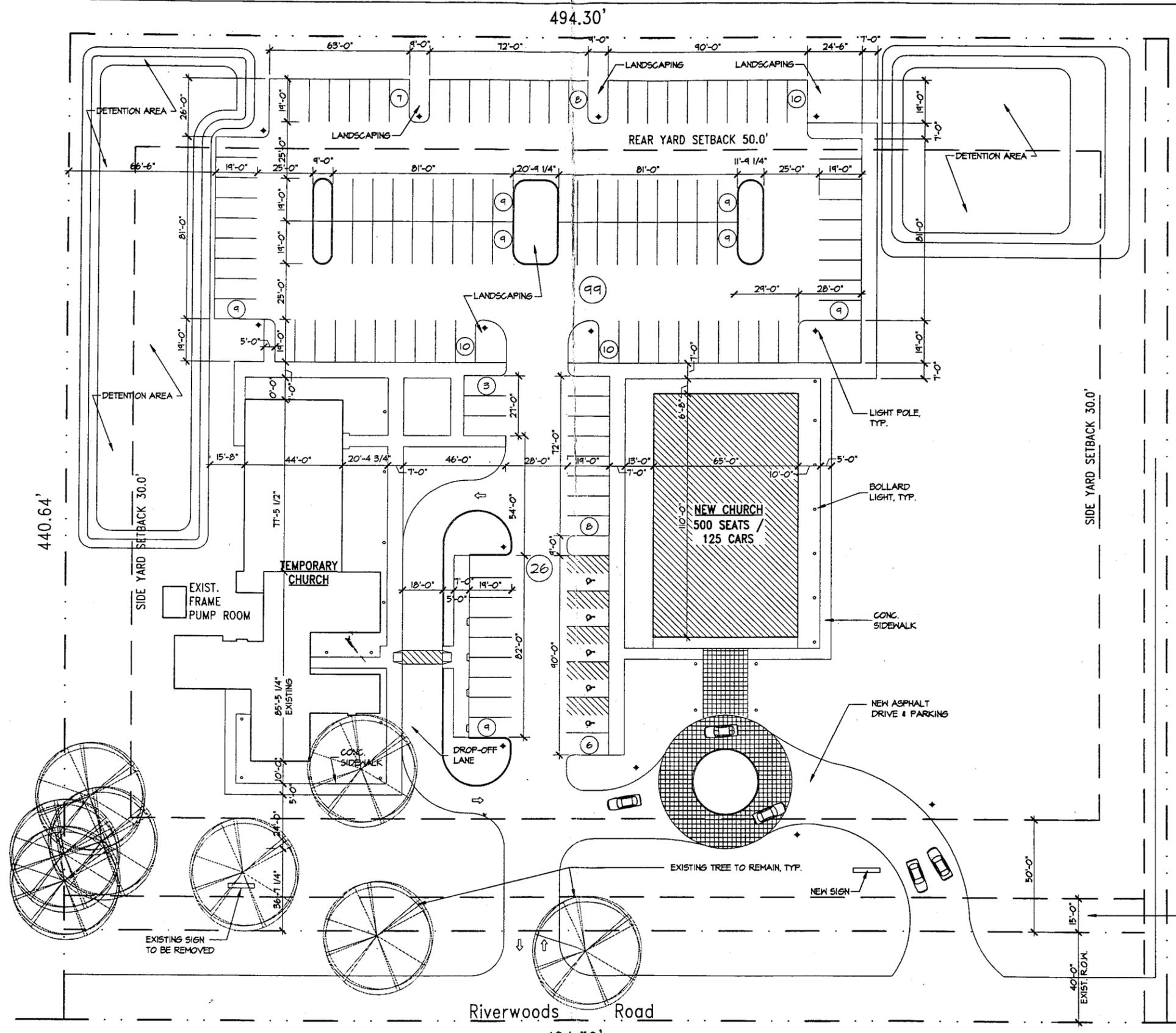
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1" = 50' 12-29-99

HIRSCH ASSOCIATES



12



PHASE 2-A SITE PLAN

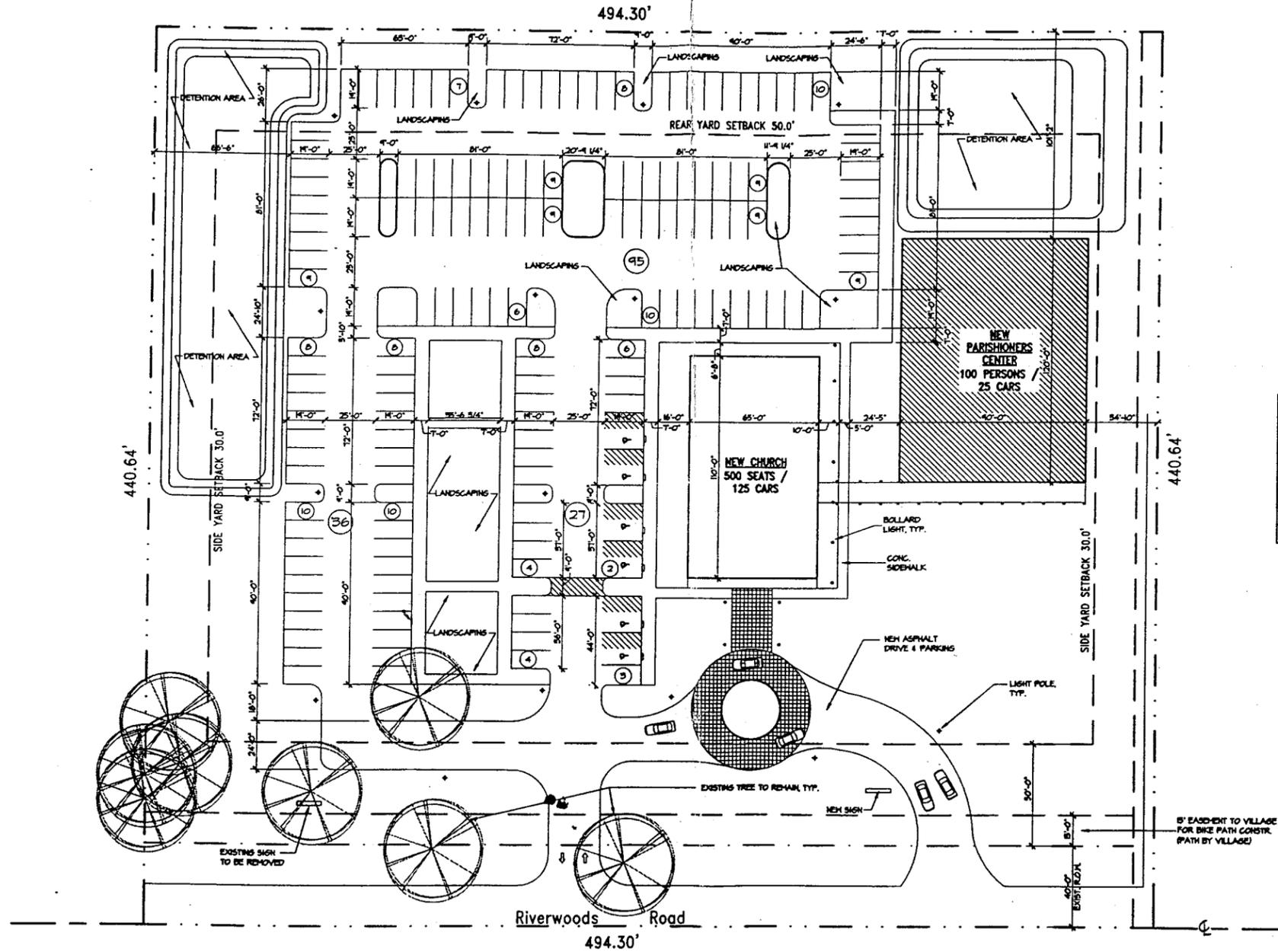
THE ASCENSION OF OUR LORD CHURCH

1" = 50' 12-29-99

HIRSCH ASSOCIATES

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13



PARKING TABLE:		
	NEW CHURCH (500 SEATS)	NEW PARISHIONERS CNTR. (100 PERSONS)
PARKING REQUIREMENTS	1 CAR PER 4 SEATS	1 CAR PER 4 PERSONS
REQD. PARKING SPACES	125 CARS	25 CARS
ACTUAL PARKING SPACES	125 CARS	25 CARS
TOTAL CARS	150 CARS*	
* 6 HANDICAP SPACES PROVIDED		

PHASE 2-B SITE PLAN
 THE ASCENSION OF OUR LORD CHURCH

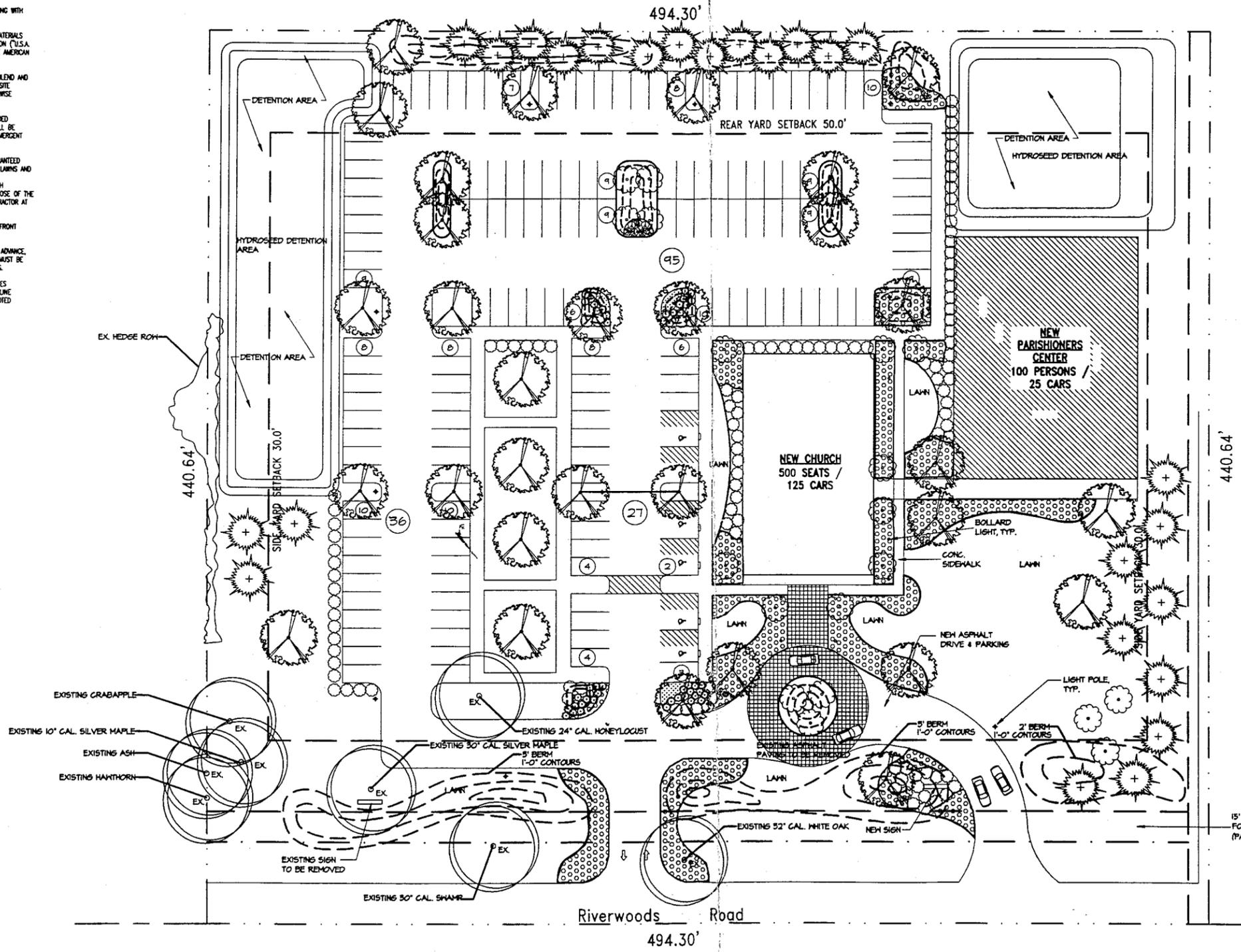
SCALE: 1" = 30' 10-05-99

NORTH 
 HIRSCH ASSOCIATES

LANDSCAPE NOTES:

1. ESTABLISH GRADE AT WALKS, PLANTERS, ETC.
2. SET UP COMPLETE PLANTING - AS PER LANDSCAPE PLAN.
3. SEE SPECIFICATIONS FOR PROPER PLANTING TECHNIQUES.
4. APPLY SHREDDED HIRWOOD BARK TO A DEPTH OF THREE INCHES (3"), RAKE LEVEL AND WATER DOWN.
5. TRIM AND PRUNE COMPLETE PLANTING AS NEEDED. DO NOT SHEAR ANY PLANT MATERIALS. HAND PRUNE AS NEEDED.
6. CLEAN UP ALL AREAS, SWEEP WALKS AND DRIVES, AND HAUL AWAY DEBRIS.
7. LANDSCAPER TO REPORT ANY CONFLICT OF PLANTING WITH NEW CONSTRUCTION.
8. SIZE AND GRADING STANDARDS OF PLANTS AND MATERIALS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION ("U.S.A. STANDARD FOR NURSERY STOCK, SPONSOR - THE AMERICAN ASSOCIATION OF NURSERY, INC.")
9. SOO SHALL BE CERTIFIED KENTUCKY BLUEGRASS BLEND AND IS REQUIRED IN ALL UNPAVED AREAS WITHIN THE SITE BOUNDARIES AND ADJACENT R.O.W. UNLESS OTHERWISE SPECIFIED ON THE LANDSCAPING PLAN.
10. ALL PLANTING BEDS TO BE COVERED WITH SHREDDED HIRWOOD MULCH (SEE SPECIFICATIONS) AND SHALL BE WEED FREE AND SHALL BE TREATED WITH A PRE-EMERGENT HERBICIDE PRIOR TO MULCH INSTALLATION.
11. GUARANTEED: ALL PLANT MATERIALS SHALL BE GUARANTEED FOR A MINIMUM OF ONE (1) YEAR. ALL PLANTS, LAWNS AND GROUNDCOVER AREAS NOT IN A HEALTHY GROWING CONDITION SHALL BE REMOVED AND REPLACED WITH PLANTING OF LIKE KIND AND SIZE BEFORE THE CLOSE OF THE NEXT PLANTING SEASON BY THE LANDSCAPE CONTRACTOR AT NO CHARGE TO THE OWNER.
12. ALL EXISTING LANDSCAPE IN THE PARKWAY OR IN FRONT IS TO BE PROTECTED DURING CONSTRUCTION.
13. NOTIFY LANDSCAPE ARCHITECT SEVEN (7) DAYS IN ADVANCE PRIOR TO PLANTING. THE LANDSCAPE ARCHITECT MUST BE PRESENT DURING THE LAYOUT OF PLANT MATERIALS.
14. ALL EXISTING TREES TO BE PROTECTED AT ALL TIMES DURING CONSTRUCTION WITH SNOW FENCE AT DRUPLINE PRIOR TO CONSTRUCTION. ALL EXISTING TREES NOTED ON PLAN ARE IN GOOD CONDITION.

PLANTING SYMBOL	KEY	DESCRIPTION
		EXISTING SHADE TREE
		SHADE TREE
		EVERGREEN TREE
		ORNAMENTAL TREE
		DECIDUOUS SHRUB
		EVERGREEN SHRUB
		BEDLINE W/ A MIXTURE OF SHRUBS, EVERGREENS, GROUNDCOVER, PERENNIALS, AND ANNUALS



SITE DATA:	
SITE ENTITY	AREA (Square Feet)
TOTAL SITE	21,200 sq. ft.
TOTAL OF BUILDINGS	17,450 sq. ft.
DETENTION	24,082 sq. ft.
DRIVES	15,621 sq. ft.
PARKING	57,500 sq. ft.
SIDEWALKS	4,555 sq. ft.
OPENGREEN SPACE	45,502 sq. ft.

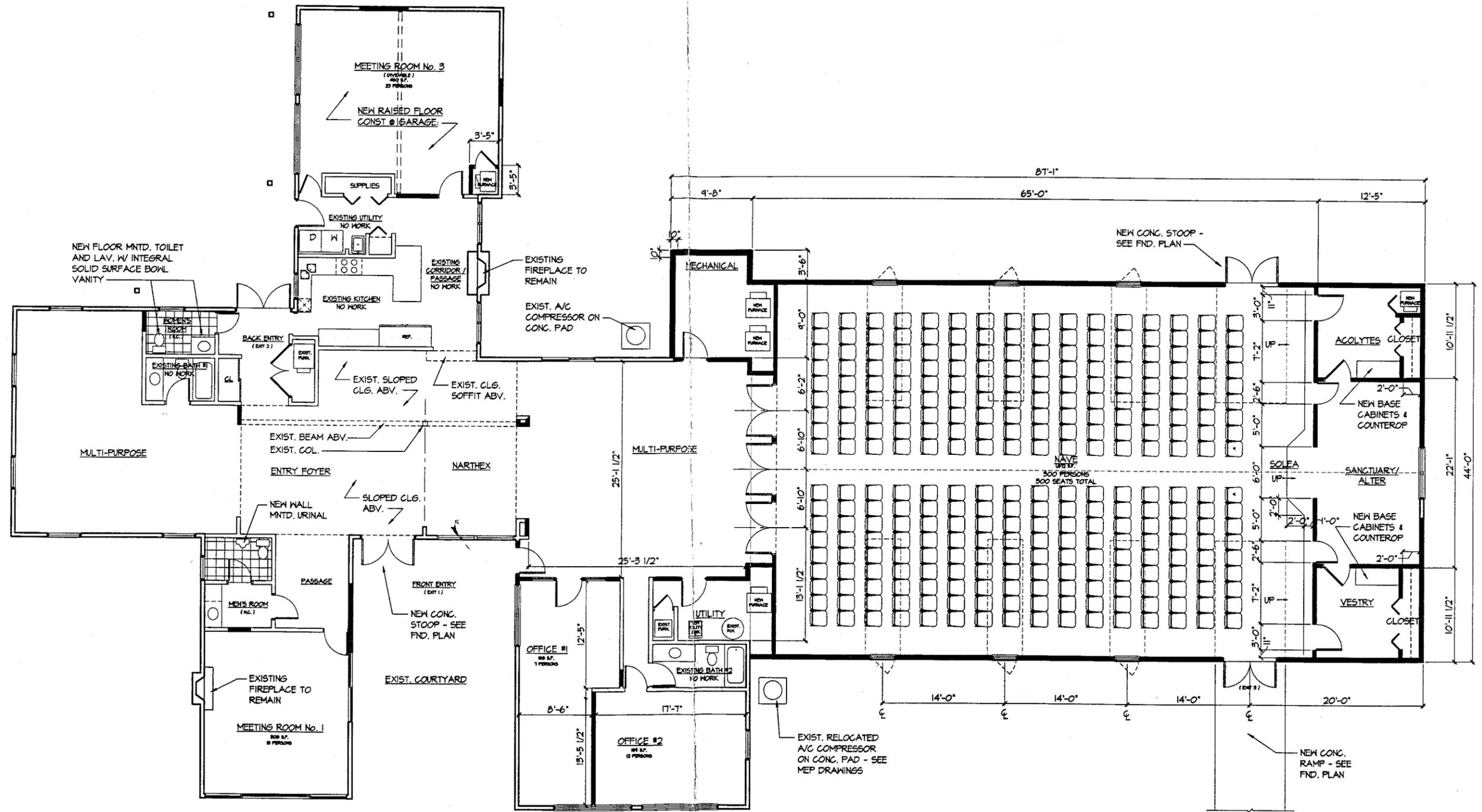
LANDSCAPE DATA:				
TYPE	SIZE	TREES/ACRE	# REQUIRED	# PROVIDED
DECIDUOUS TREES	2' TO 25'	6	15	15
	3' TO 4'	5	11	11
	4.5' +	5	7	7
ORNAMENTAL TREES	6' TO 8'	4	4	4
	8.5' +	4	4	4
EVERGREEN TREES	6' TO 8'	4	4	12
	8.5' TO 10'	4	4	4
	10.5' +	2	4	4

LANDSCAPE PLANS PREPARED BY:
 MELINDA M. APPOLD/ #151-000736
 REGISTERED LANDSCAPE ARCHITECT OF THE STATE OF ILLINOIS

PHASE 2 LANDSCAPE PLAN
 THE ASCENSION OF OUR LORD CHURCH

SCALE: 1" = 60'
 FOR REVIEW 10-05-99

HIRSCH ASSOCIATES
 APPOLD DESIGN



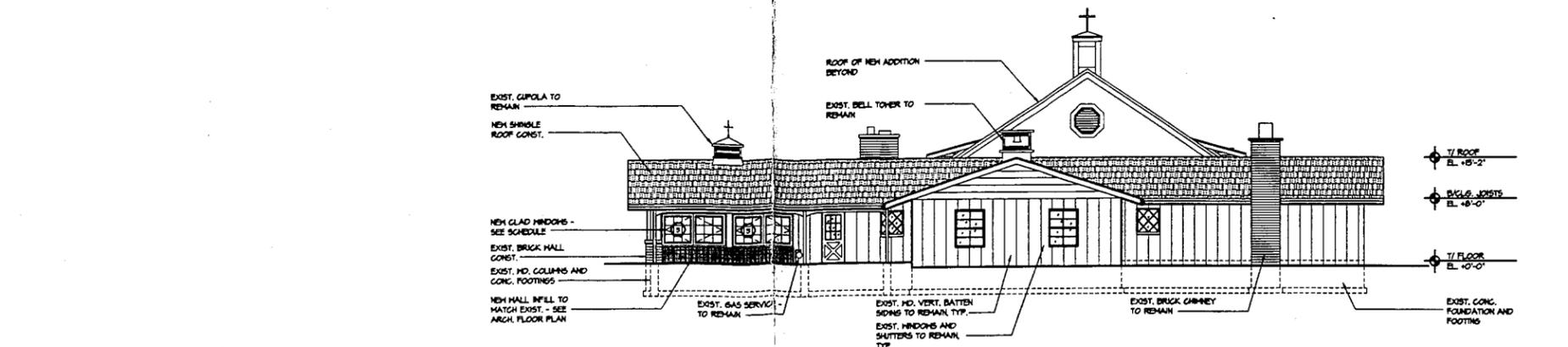
PRELIMINARY FLOOR PLAN

THE ASCENSION OF OUR LORD CHURCH

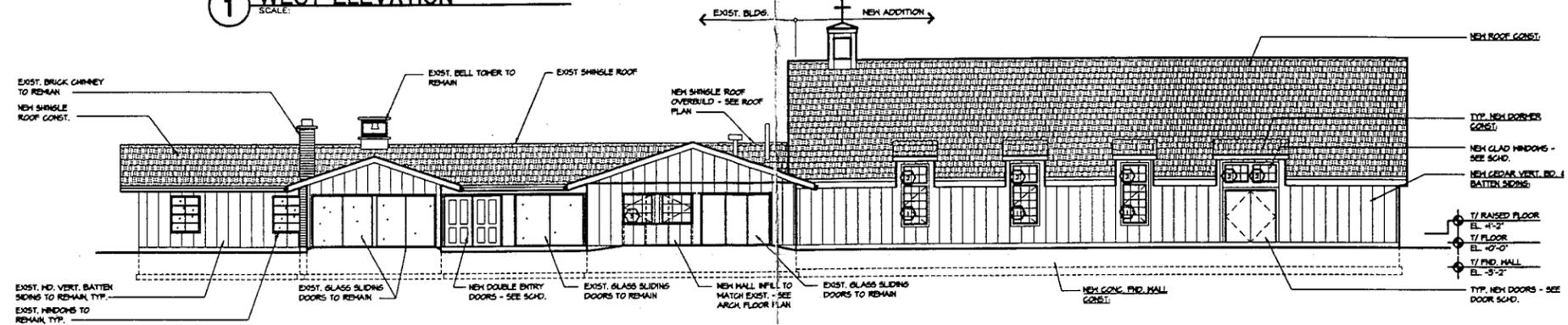
1" = 16' 12-29-99

HIRSCH ASSOCIATES

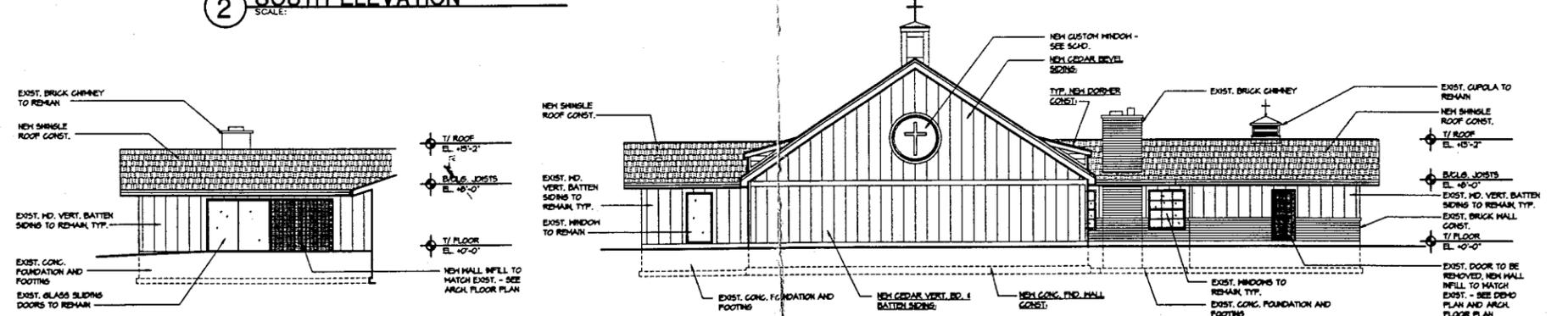




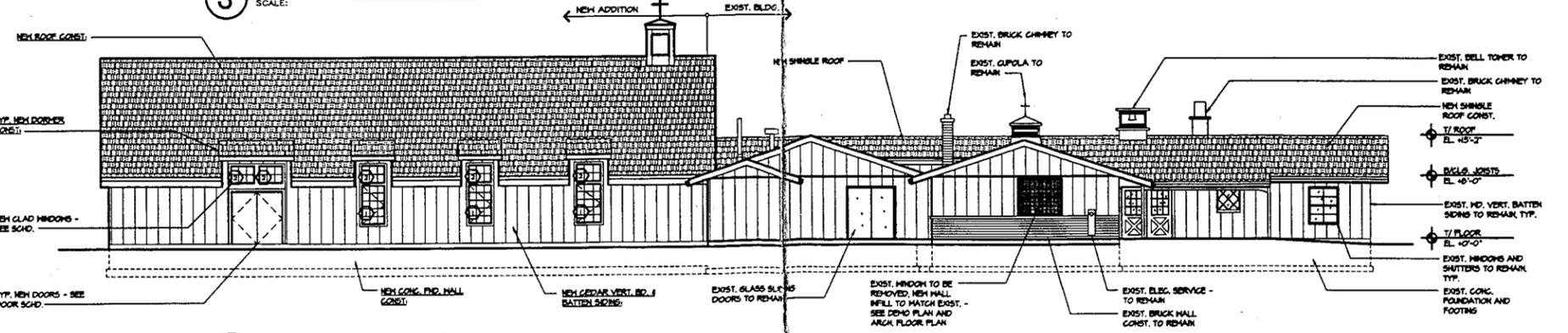
1 WEST ELEVATION
SCALE:



2 SOUTH ELEVATION
SCALE:



3 EAST ELEVATION
SCALE:



4 NORTH ELEVATION
SCALE:

PRELIMINARY ELEVATIONS
THE ASCENSION OF OUR LORD CHURCH

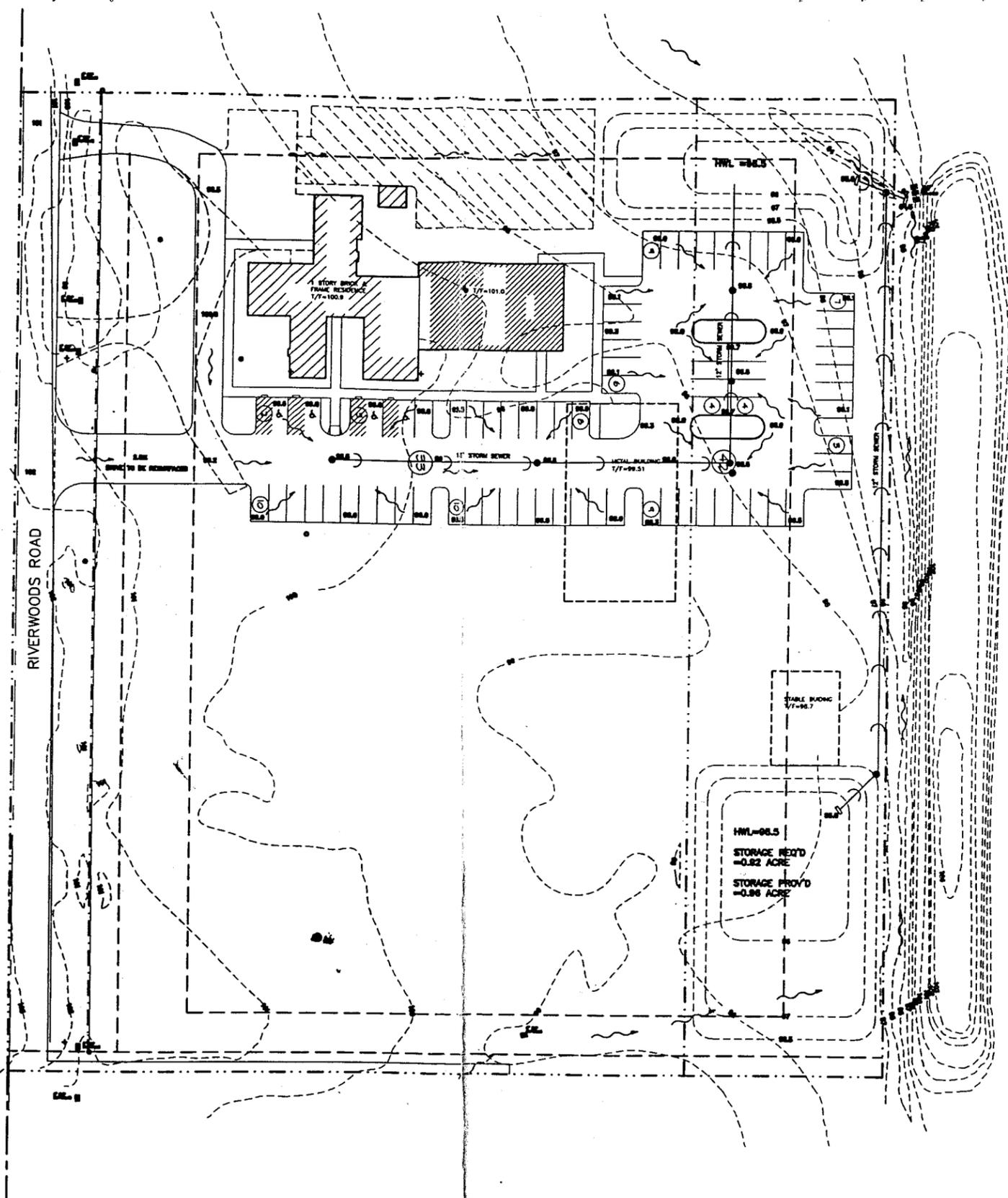
1" = 20' 12-29-99

HIRSCH ASSOCIATES

4564988

18

EXHIBIT B



PRELIMINARY
NOT FOR CONSTRUCTION



SPIES & ASSOCIATES, INC.
Civil Engineers - Land Surveyors

534 WEST CAMPUS DRIVE
ARLINGTON HEIGHTS, ILLINOIS 60004
(847)577-8808 FAX: (847)577-0229

REVISIONS	

DRAWN BY: T.J.S.	JOB NO. 3801
DESIGNED BY: T.J.S.	SCALE: 1"=30'
CHECKED BY: T.J.S.	DATE: 9-2-99

ASCENSION OF OUR LORD
PRELIMINARY ENGINEERING

SHEET NO.
1
OF 1 SHEETS

4564988

19

REQUEST FOR BOARD ACTION
Committee of the Whole
August 4, 2014

Subject:	Administration and Enforcement Zoning Regulations Text Amendments
Action Requested:	Consideration & Discussion of Zoning Board Recommendations Regarding Text Amendments to Chapter 14, Administration & Enforcement, of the Zoning Code and Chapters 3 and 6 of Title 2, Boards and Commissions, to update administrative processes.
Originated By/Contact:	Stephen Robles, Village Planner Department of Community & Economic Development
Referred To:	Zoning Board

Background:

- Late summer 2013, Staff initiated an update of the Administration and Enforcement chapter of the Lincolnshire Zoning Code. The existing provisions were last comprehensively reviewed in 1986. The objective of the update is to align Code regulated processes and procedures with current practices to provide applicants certainty and clarity in the development review process.
- The Village's development review procedures are housed in Chapter 14, *Administration and Enforcement*, of the Zoning Code. This Chapter outlines the authority, procedures, and substantive standards regarding the administrative functions of Village planning and zoning matters (variations, amendments, special uses, site plan review, fees, penalties, etc.).
- Village Attorney Simon recommends also updating the administrative duties of the Architectural Review Board and Zoning Board in Title 2, *Boards & Commissions*, to maintain consistency with changes proposed in Chapter 14. Code revisions to Title 2 of the Village Code do not require a public hearing.
- On June 10th, the Zoning Board unanimously recommended approval of proposed text amendments to Chapter 14, Administration and Enforcement, of Title 6 of the Village Code, to update the administrative implementation and process of the Zoning Code.
- Additional revisions have been incorporated pursuant to the Village Board's discussion at the June 23rd COW, related to commercial development challenges. At that meeting, the Board discussed streamlining review procedures and minor amendments to PUD's. The attached Draft Chapter 14 contains the tracked edits resulting from the outcome of the June 23rd meeting.

Summary – Chapter 14, Administration & Enforcement:

In preparing the proposed code revisions for the Zoning Board's consideration, it became clear the extent of revisions resulted in an entire replacement of Chapter 14. Following, is a general summary of text revisions incorporated into the attached Draft Code (*for specific detail, please see attached Staff memoranda to the Zoning Board, as well as the attached Draft Code Sections, which includes tracked revisions resulting from the June 23rd Board discussion*):

- **Zoning Board (6-14-3):** The overall duties of the ZB have been updated to align with current procedures. A notable addition to the ZB duties is the authority to approve or disapprove "minor" amendments to special uses, *excluding Planned Unit Developments (PUD)*. This reflects the June 23rd Board discussion on commercial development challenges & opportunities where the Board preferred to minimize the necessity to review minor revisions, such as changes to paving materials. This allows the ZB to consider and approve

“minor” amendments to existing special uses which do not alter the nature of use, scale or intensity of the approved special use. The ZB would be the final authority in those cases. Requests classified as “major” amendments will be reviewed by the ZB and require final approval by the Board.

- **Architectural Review Board (6-14-5):** The primary duties of the ARB have been updated to reflect current procedures. Based on recommendations from the June 23rd Board discussion, the ARB would be authorized to approve or disapprove revisions to existing site development plan(s), *including Minor Amendments to Special Use or Planned Unit Development (PUD)*, regarding exterior architectural design, site arrangement, building massing and scale, height and appearance, color and texture of exterior materials, landscaping, lighting, signage, and similar elements. Requests classified as “major” amendments will be reviewed by the ARB and require final approval by the Board.
- **Development Review Team (6-14-6):** The Site Plan Review Board (SPRB) consists of key Village Staff who carry out technical review of preliminary site plans for proposed developments on an as-needed basis. Current code details a more formalized Board, with specific meeting protocols, which do not reflect the practical nature of the SPRB. The group’s title has been reclassified to “Development Review Team” to properly reflect the role of this group and meeting protocols to more appropriately reflect current practices.
- **Zoning Certificates (formerly 6-14-8):** The current code requires the issuance of a Zoning Certificate indicating the proposed structure/use complies with the Zoning Code before a building permit is issued. Such practice has proven redundant as the issuance of a Building Permit/Certificate of Occupancy is sufficient documentation of zoning compliance. *This section has been removed to reduce redundancy.*
- **Zoning Exception Certificate (formerly 6-14-10):** Exception Certificates are intended to be issued for any lot which has been granted relief from any zoning provisions (due to establishment of a legal nonconforming use/structure, special use, variance, etc.). However, relief from the zoning code already requires the adoption of a signed Village ordinance authorizing relief. *Therefore, this section has been removed to reduce redundancy.*
- **General Application Process (6-14-8):** This is a new section intended to function as the point source for all basic application requirements and procedures, with the exception of PUD’s.
- **Preliminary Evaluation Meeting (6-14-8(B)):** Currently known as “referral meeting”, the Committee of the Whole referral process is not a Village code or state law requirement. In its purest form, the referral process is simply an analysis of “areas of concern” and contentious issues that require further analysis by Advisory Boards at public hearings. While a benefit, the referral process has at times evolved into upfront decision-making rather than conceptual and initial input. The process has also become one in which detailed direction and mandates are sought at this initial meeting. This creates a level of uncertainty in the overall process for an applicant, and limits the ability of Advisory Boards to fully vet a proposal. The referral process is now formally defined as “Preliminary Evaluation Meeting” with the intent of serving as a clear and defined initial step to the development review process.

As such, initial Village Board commentary and requests for analysis (to be undertaken with the Advisory Board’s) will be based on conceptual information provided by applicants. This clarity would provide a benefit in the process, rather than the current unknown and inconsistent level of detail and discussion at the initial step. Following the June 23rd COW meeting, Staff has added clarification the Preliminary Evaluation Meeting applies to new applications whereas amendments to existing approvals may not require such meeting.

- **Authorized Variance (6-14-9(D)):** Intent of this Subsection has been revised to permit certain variations deemed to be minor in nature to proceed directly to the Zoning Board for public hearing, rather than requiring a “referral” meeting with the Village Board prior to Zoning Board action. Any variance request not contained on the authorized list will require “referral” with the Village Board prior to Zoning Board action.
- **Amendments to Special Uses (6-14-11(F)):** Based on the direction provided by the Village Board at the June 23rd COW meeting, Subsection F has been added to define “major” and “minor” amendments to Special Uses and permits the Zoning Board to approve or disapprove minor amendments.
- **Planned Unit Developments (PUD) (6-14-12):** The current Special Use code section outlines the general procedures for typical Special Uses. Since PUDs are also authorized by Special Use, the PUD provisions are contained as a subsection of Special Uses. Given the unique nature of PUDs, there are substantial procedural regulations in this subsection which tend to get lost amongst the entire Special Use section, justifying its own section. In addition to establishing a new Section for PUDs, the specific regulations have been overhauled to align with current requirements/expectations. See attached “PUD Summary Chart” providing a comparison of the current and proposed PUD process.
- **Appeals of Administrative Decisions (6-14-13):** The Appeals Section has been revised to include additional appeals procedures for the Zoning Board and ARB given their new authority to approve or disapprove minor amendments. The Village Board renders the final decision on all appeals.
- **Continuing Care Retirement Campus (CCRC) (formerly 6-14-14(O)):** CCRCs are another Special Use contained as a subsection within the overall Special Use section. Like traditional special uses permitted in specific zoning districts, their permissibility and corresponding regulations are contained within the applicable zoning district code sections. CCRCs are only permitted in the R4 District, where it has been relocated. Therefore, Section 6-5C-3 of the R4 Zoning District will also be amended based on the relocation.

Summary – Chapter 3, ARB, and Chapter 6, Zoning Board of Title 2:

- Upon the recommendation of Village Attorney Simon, updates to the duties and procedures of both these Advisory Boards are also proposed. The proposed revisions of Chapter 14 (Zoning Code) are very closely related to Title 2 (Boards & Commissions), which presents an opportunity to align these separate code sections.

Recommendation:

Consideration and discussion of proposed text amendments to Chapter 14 and Section 6-5C-3 of Title 6, Zoning Code, and Chapters 3 and 6 of Title 2, Boards & Commissions, of the Village Code, and placement on the August 25, 2014 Consent Agenda for approval.

Reports and Documents Attached:

- Draft Chapter 14, Administration and Enforcement, of Title 6, prepared by Staff.
- Draft Chapter 3 and Chapter 6 of Title 2, prepared by Staff.
- PUD Summary Chart, prepared by Staff.
- Draft Ordinance, prepared by Village Attorney Simon.
- Staff Memoranda to the January 14th, February 12th, April 8th, May 13th, & June 10th ZB.
- Approved Minutes of the January 14th, February 12th, April 8th, May 13th, & June 10th ZB.

Meeting History

Referral at Village Board (COW):	August 26, 2013
Zoning Board Workshop:	January 14, 2014
Zoning Board Workshop:	February 12, 2014
Zoning Board Workshop:	April 8, 2014
Zoning Board Consideration:	May 13, 2014
Zoning Board Public Hearing:	June 10, 2014
Current Consideration & Discussion (COW):	August 4, 2014

**CHAPTER 14
ADMINISTRATION AND ENFORCEMENT**

SECTION:

6-14-1:	Administration
6-14-2:	Zoning Administrator
6-14-3:	Zoning Board
6-14-4:	Village Board of Trustees
6-14-5:	Architectural Review Board
6-14-6:	Development Review Team
6-14-7:	Certificates of Zoning Compliance
6-14-8:	General Application Process
6-14-9:	Variance
6-14-10:	Amendments
6-14-11:	Special Uses
6-14-12:	Planned Unit Development (PUD)
6-14-13:	Appeals
6-14-14:	Fees
6-14-15:	Inspections

6-14-1: ADMINISTRATION

This Title is hereby administered by the following:

Zoning Administrator (Village Manager)
Village Board of Trustees
Architectural Review Board
Zoning Board
Development Review Team

This Chapter shall first set out the authority of each of the above, and then describe the procedure and substantive standards with respect to the following administrative functions:

Issuance of Certificates of Zoning Compliance
Variations
Appeals
Amendments
Special Uses
Site plan review
Fees and Penalties

6-14-2: ZONING ADMINISTRATOR

Shall be the Village Manager or his/her designee, and shall be responsible for the following duties:

- A. Conduct inspections to determine compliance with the terms of this Title.
- B. Issue violation notices requiring compliance within thirty (30) days and advising suspected violators of their right to appeal; and to issue citations for violations of this Title.
- C. Require that all construction or work of any type be stopped when such work is not in

compliance with this Title; and revoke any permit which was unlawfully issued.

- D. Have possession of permanent and current records of this Title, including but not limited to, all applications of amendments, special uses, variations, and appeals.
- E. Assist in providing public information relative to this Title.
- F. Forward to the Zoning Board all applications for appeals, variations, special uses excluding Planned Unit Developments (PUD), and amendments to this Title.
- G. Forward pertinent applications to the Architectural Review Board as specified in Title 2, Chapter 3 of the Lincolnshire Village Code.
- H. Forward applications and related information to the Development Review Team in all cases which require development review as defined in Section 6-14-6 of this Chapter.
- I. Enforce all orders of the Zoning Board. (Ord. 86-885-22; Amd. Ord. 90-1138-22)

6-14-3: ZONING BOARD

The Zoning Board shall discharge the following duties under this Title:

- A. Review all applications for variations from the terms of this Title, and report findings and recommendations to the Village Board of Trustees in the manner prescribed in Section 6-14-9 of this Chapter.
- B. Review all applications for text and map amendments to this Title, and report findings and recommendations to the Village Board of Trustees in the manner prescribed in Section 6-14-10 of this Chapter.

C. Review all applications for special uses, excluding Planned Unit Developments (PUD), and report findings and recommendations to the Village Board of Trustees as prescribed in Section 6-14-11 of this Chapter.

D. ~~Approve or disapprove applications for Minor Amendments to special uses, excluding Planned Unit Developments (PUD), as defined in Section 6-14-11(F)(2).~~

~~C.E.~~ Review all applications for appeals from any order, requirement, decision, or determination made by the Village, and recommend action to the Village Board of Trustees as prescribed in Section 6-14-13 of this Chapter.

~~D.F.~~ Receive from the Zoning Administrator and/or the Village Board of Trustees recommendations and inquires related to the effectiveness of this Title and report conclusions and recommendations to the Village Board of Trustees.

E.G. Coordinate the provisions of this Title with that of the Official Comprehensive Plan of the Village.

~~F.H.~~ ~~To hear and report recommendations to~~ Receive from the Village Board of Trustees any matters not listed above, which ~~the Village Board of Trustees~~ has been referred to it, and report conclusions and recommendations to the Village Board of Trustees.

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6-14-4: VILLAGE BOARD OF TRUSTEES

The Village Board of Trustees shall discharge the following duties under this Chapter:

- A. Receive findings and recommendations from the Zoning Board, and approve or disapprove, all applications for amendments, special uses (excluding Planned Unit Developments) and variations from this Title.
- B. Receive recommendations from the Zoning Board or Architectural Review Board for all appeals filed to it.
- C. Receive recommendations from the Zoning Board or Architectural Review Board for all matters of inquiry referred to it under Section 6-14-3 or 6-14-5, respectively.
- D. Review all applications for special uses for Planned Unit Developments (PUD) and approve or disapprove.
- E. Receive findings and recommendations from the Architectural Review Board, and approve or disapprove, all proposed variations from Title 12 of the Lincolnshire Village Code, and recommendations regarding the exterior architectural design of applicable buildings and development.
- ~~E.F.~~ May from time to time adopt rules and procedures governing the conduct of any public hearings held before the Village Board required by this Chapter.

6-14-5: ARCHITECTURAL REVIEW BOARD

The Architectural Review Board (ARB) shall discharge the following duties under this Title:

- A. Review and make recommendations to the Village Board of Trustees regarding the exterior architectural design of ~~all applicable~~ applications for new construction of buildings and development, related to exterior architectural design, arrangement, building massing and scale, height and appearance, color and texture of exterior materials, landscaping, entrance ways, lighting, off-street parking facilities, signage, and similar matters. The ARB shall not review plans for single-family residential structures and structures which are accessory thereto.
- B. To make recommendations regarding advisable amendments to existing codes, ordinances and regulations of the Village.
- ~~C. Approve or disapprove applications for minor amendments to special uses, as defined in Section 6-14-11(F)(2) and to Planned Unit Developments, as defined in Section 6-14-12(H)(2).~~
- ~~B.D.~~ Approve or disapprove revisions to existing site development plan(s), including Minor Amendments to Special Use or Planned Unit Development (PUD), regarding exterior architectural design, arrangement, building massing and scale, height and appearance, color and texture of exterior materials, landscaping, lighting, signage, and similar elements.

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Comment [SMR1]: REMOVE PER ADAM

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Comment [SMR2]: Added PUD as a result from deletion above & clarified Minor Amendments

6-14-6: DEVELOPMENT REVIEW TEAM

- A. Creation: The Development Review Team shall consist of the Village Manager or his/her designee, Director of Community and Economic Development or his/her designee, Director of Public Works or his/her designee, Village Planner, Building Official, the Chief of Police or his/her designee, and a Fire Protection District designee.

B. Jurisdiction: Development Review Team meetings occur every third Wednesday of each month to carry out review of preliminary or conceptual site development plans to achieve an acceptable development design and produce solutions to specific site problems.

1. The Development Review Team shall discharge the following duties:
 - a. Subdivision layout and design review of new residential subdivision(s) filed pursuant to Title 7 of this Code.
 - b. Review of preliminary site development plans for the construction of new structure(s) and major modifications to existing structures, excluding single-family residential.
 - c. Site plan review of special use applications required in Section 6-14-11(B) of this Title.
 - d. Review of conceptual site development plans for ~~all~~ new Planned Unit Developments required in Section 6-14-12(E)(~~3~~2) of this Title.
2. Written review comments and recommendations from the Development Review Team will be issued to the Applicant within ten (10) business days from the meeting date. No final or biding decision shall be rendered by the Development Review Team and any comments and recommendations shall be deemed advisory.

C. Required Plans: The following plans shall be submitted to the Development Review Team for evaluation:

1. A preliminary plan of the parcel(s) of land, drawn to scale, illustrating the proposed site improvements, including building footprint location(s), parking facilities, streets, internal service/access roads, vehicle ingress/egress, landscaping, services areas (trash enclosure, fire lanes, etc.), and any other pertinent amenities.
2. Preliminary building elevations of all proposed structures showing actual dimensions, building materials and any other special building treatments, excluding single-family residential.
3. Additional plans may be requested by the Development Review Committee deemed necessary to conduct a full evaluation of the development proposal.

6-14-7: CERTIFICATES OF ZONING COMPLIANCE

The Village shall issue certificates of zoning compliance for the purpose of insuring compliance with the regulations of this Title including any decisions, conditions or special requirements resulting from the administration of this Title. Every certificate shall state the status of compliance with the provisions of this Title for any use or occupancy.

- A. Request for Certificate of Zoning Compliance: Requests for a Certificate of Zoning Compliance shall be submitted in compliance with the Village of Lincolnshire's Freedom of Information Act Policy. Each request must specify the parcel address(es), parcel index number(s) (PIN), specific zoning information being requested, and name and address of requestor.
- B. Issuance of Certificate of Zoning Compliance: Certificates of Zoning Compliance will be issued pursuant to the Village of Lincolnshire Freedom of Information Act Policy, based on available records. No Certificate of Zoning Compliance shall be issued for any building or portion thereof under construction until the premises has been inspected and issued a Certificate of Occupancy by the Village's Building Official.

6-14-8: GENERAL APPLICATION PROCESS

A. Application: An application for any request outlined in this Chapter shall be submitted upon forms provided by the Community and Economic Development Department which shall include written consent of the property owner(s). All plans and documents shall be filed in the manner designated by the application; applications will not be accepted until filed in proper form and contain all required information. Within 30 days of the application being filed with the Community and Economic Development Department and determined to be complete, such application shall be scheduled for a Preliminary Evaluation Meeting.

B. Preliminary Evaluation Meeting: ~~The~~ An application for any new request shall first be evaluated on a preliminary basis by the Board of Trustees for initial comment prior to the holding of a public hearing by the Zoning Board or Village Board of Trustees. This meeting shall not be required for minor modifications to existing developments, as determined by the Zoning Administrator.

1. Required Documentation:

- a. The applicant shall submit a written description of the specific request(s) and the site conditions and/or development goals resulting in such request.
- b. A conceptual illustrative plan shall accompany the written description showing the extent of the request.

2. The following criteria shall be applied in the Preliminary Evaluation Meeting:

- a. The written description and conceptual illustrative plan shall be reviewed with the Board of Trustees to provide, if any, initial comment, direct further analysis to be conducted by the Zoning Board, or modifications to the plan(s) for Zoning Board review. Any final decision must first require a recommendation incorporating findings of fact from the Zoning Board.
- b. Unless requested by the applicant, a maximum of one Preliminary Evaluation Meeting shall be conducted for any given application.
- c. Public notification is not required for a Preliminary Evaluation Meeting. Public participation may be permitted by the Village Board of Trustee, but is not required.

C. Notice of Public Hearing:

1. Publication of Notice: Notice of the date, time, and place, common address and Property Index Number(s) (P.I.N.) of the parcel(s) involved in the application, and requested action(s) of the public hearing shall be published by the Village of Lincolnshire at least once in a newspaper of general circulation within the Village not more than thirty (30) days nor less than fifteen (15) days before such public hearing.
2. Written Notice: The applicant shall provide written notice to all persons to whom the current real estate tax bills are sent, as shown on the records of the Vernon Township Assessor's office as follows:
 - a. For all lots or any part of which lie within two hundred and fifty feet (250') of the property lines of the lot for which an application has been filed.
 - b. Written notices shall give the date, time, and place, case number, if any, assigned to the application, common address and Property Index Number(s) (P.I.N.) of the parcel(s) involved in the application, and requested action(s) of the public hearing.

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All such notice must be sent no more than thirty (30) days nor less than fifteen (15) days in advance of the public hearing.

- c. Notices shall be sent by certified or registered mail, return receipt requested. The applicant shall file a sworn affidavit containing a complete list of the names, last known addresses of all property owners entitled to notice and served, and one copy of the notice with the Community and Economic Development Department not less than four (4) days in advance of the public hearing, exclusive of the date of the hearing itself.

D. Action by the Zoning Board: Subject to the notice requirements in paragraph C, the Zoning Board shall hold a public hearing no later than sixty (60) days after the Preliminary Evaluation Meeting to consider the application and make findings of fact in accordance with the standards hereinafter prescribed. Recommendations of the Zoning Board for approval, approval with conditions, or denial shall be forwarded to the Village Board of Trustees incorporating the Zoning Board findings of fact for final action. Any application must receive the approval of four (4) members of the Zoning Board to be deemed an approval recommendation.

E. Action by the Architectural Review Board: No later than sixty (60) days after the Preliminary Evaluation Meeting, the Architectural Review Board shall convene a meeting to consider the application and make recommendations to the Village Board of Trustees regarding the exterior architectural design of all applicable buildings and development. Any application must receive the approval of four (4) members of the Architectural Review Board to be deemed an approval recommendation.

F. Action by the Village Board of Trustees:

1. Recommendations of the Zoning Board for approval, approval with conditions, or denial shall be forwarded to the Board of Trustees incorporating the Zoning Board findings of fact for final action.
2. Recommendations of the Architectural Review Board for approval, approval with conditions, or denial shall be forwarded to the Board of Trustees incorporating the Architectural Review Board recommendation(s) for final action.
3. The Village Board of Trustees shall act upon the recommendation of the Zoning Board and/or Architectural Review Board within not more than sixty (60) days from the last date of the advisory body votes on an application. Without further public hearing, the Village Board of Trustees shall approve by ordinance, deny the application, or refer it back to the appropriate advisory board for further consideration. An application which fails to receive an approval recommendation of the Zoning Board/Architectural Review Board must receive a favorable vote of two-thirds (2/3) of all the elected members of the Village Board of Trustees to be approved. An application which receives the approval recommendation of the Zoning Board/Architectural Review Board may be denied by a majority vote of the Village Board of Trustees.
4. The ordinance ~~establishing~~ authorizing the application shall contain a specific description of the request, along with any conditions and restrictions, or appropriate guarantees upon the establishment, location, and construction of the request as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein.

G. Condition of All Applications and Approvals: Any application filed pursuant to this Chapter shall not be considered complete unless and until all fees and deposits due pursuant to Comprehensive Fee Schedule have been paid. Any approval granted pursuant to this Chapter shall, whether or not expressly so conditioned, be deemed to be conditioned upon payment of fees as required by Section 6-14-14. The failure to fully pay any such fee or deposit upon request shall be grounds for tolling any deadlines, rejection in processing an application and for denying or revoking any approval sought or issued with respect to the land or development to which the unpaid fee or deposit relates.

6-14-9: VARIANCE

A. Purpose: A variance authorizes a relaxation of the terms of this Title where such relaxation will not be contrary to the public interest and where, due to practical difficulties on the property, a literal enforcement of the Code would result in unnecessary hardship. The Zoning Board may recommend a variance from the regulations of this Title to the Board of Trustees consistent with the general purpose and intent of this Title. The Board of Trustees shall make all final decisions on variance requests.

B. Process: The application process outlined in Section 6-14-8 of this Chapter shall apply.

C. Findings of Fact: The Zoning Board shall not recommend a variance from the regulations of this Title unless it shall make findings based upon the evidence presented to it in each specific case the proposed variance meets each and every one of the following standards:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere ~~in-convenience~~ if the strict letter of the regulations were to be carried out;
2. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the zoning district in which it is located;
3. The conditions upon which an application for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;
4. The alleged difficulty or hardship is not based primarily upon a desire by any persons presently having an interest in the property or to increase financial gain;
5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located;
6. The granting of the variance will not alter the essential character of the neighborhood or locality;
7. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood;

Comment [SMR3]: Removed space per 6/10 ZB.

8. The proposed variance is consistent with the official Comprehensive Plan of the Village and other development codes of the Village.

The Zoning Board may recommend and the Village Board of Trustees may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the standards established in this Section and the objectives of this Title.

D. Authorized Variations: Due to their minor nature ~~of certain variations~~, an application for the following ~~categories of~~ variations shall not require a Preliminary Evaluation Meeting as outlined in Section 6-14-8(B), and shall ~~advance proceed~~ directly to Public Hearing by the Zoning Board:

1. Reduction in the Setback required by the applicable zoning regulations of not more than 25%.
2. Reduction of the Lot Area or Lot Width required by the applicable zoning regulations of not more than 25%.
3. To permit the same off-street parking space(s) to qualify as space(s) for two (2) or more separate uses required by Section 6-11-3(A)(5) of this Title, provided that use of such parking space(s) for each user does not occur at approximately the same hours of the same days of the week.
4. To increase the maximum distance parking spaces are permitted to be located from the use served by not more than fifty percent (50%), as required by 6-11-3(A)(2) of this Title.
5. To permit the deferment of required parking facilities for a specified period of time.
6. To permit an increase in established grade from which Building Height is measured a maximum of 2.5 feet above the base floodplain elevation (BFE), provided the Buildable Area of the subject parcel has an elevation below the BFE.

An application for variance from the regulations of this Title not contained in this Subsection (above) may be considered by the Zoning Board at a public hearing, only after evaluated at Preliminary Evaluation Meeting by the Village Board of Trustees, as outlined in Section 6-14-8(B).

E. Revocation: Where a variance has been granted pursuant to the provisions of this Chapter, such approval shall become null and void unless construction thereon is substantially under way within one (1) year from ordinance approval, unless a one-time extension is granted by the Village Board of Trustees without an additional public hearing.

6-14-10: AMENDMENTS (MAP AND TEXT)

A. Purpose: For the purpose of ensuring that the taxable value of land and buildings throughout the municipality may be conserved; congestion in the public streets may be lessened or avoided; the public health, safety, comfort, morals, and welfare may otherwise be promoted; and to ensure and facilitate the preservation of sites, areas, and structures of historical, architectural and aesthetic importance, the Village Board of Trustees may, in the manner hereinafter set forth, amend the regulations imposed in the districts created by this Title or amend district boundary lines. Due allowances shall be made for existing conditions, the policies, standards, and principles of the Comprehensive Plan of the Village, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to

which property is devoted at the time of the adoption of such amendatory ordinance.

B. Process: The application process outlined in Section 6-14-8 of this Chapter shall apply.

C. Findings of Fact - Text Amendment:

At the conclusion of the public hearing, the Zoning Board shall submit written recommendations to the Village Board of Trustees. Where the purpose and effect of the proposed amendment is not to change the zoning classification of particular property, the Zoning Board shall make findings based upon the evidence presented to it in each specific case with respect to, but not limited to, the following standards.

1. The request for an amendment shall serve the purpose of promoting the public health, safety, and general welfare.
2. The request for an amendment shall conserve the value of property throughout the community.
3. The request for an amendment shall lessen or avoid congestion in the public streets and highways.

D. Findings of Fact - Map Amendment (Rezoning):

At the conclusion of the public hearing, the Zoning Board shall submit written recommendations to the Village Board of Trustees. The Zoning Board may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph, the R-1 District shall be considered the highest classification and the M-1 District shall be considered the lowest classification. The Zoning Board shall not recommend the adoption of a proposed amendment if it finds that the adoption of such amendment is detrimental to the public interest, based on the following standards:

1. Existing zoning classification of the property.
2. Existing uses of property and existing physical, social or economic factors within the general area of the property in question.
3. The zoning classification of property within the general area of the property in question.
4. The suitability of the property in question to the uses permitted under the existing or proposed zoning classification.
5. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
6. The length of time the property has been vacant as zoned.
7. The extent to which the property's values is diminished by the existing zoning classification.
8. The impact upon the objectives of the official Comprehensive Plan of the Village, as amended.

E. Denial of Amendment: Any application for an amendment which has been denied by the Village

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Board of Trustees shall not be resubmitted for a period of one year from the date of the denial, except on the grounds of new evidence or proof of change of conditions.

6-14-11: SPECIAL USES

- A. Purpose: The development and execution of this Title is based upon the division of the community into zoning districts within which the use of land, buildings and their bulk and location in relation to the land are substantially uniform. It is recognized, however, there are certain uses because of their unique characteristics, requires consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use in the particular location. Such special uses fall into two (2) categories:
1. Uses publicly operated or associated with a public interest, and
 2. Uses entirely private in character, but of a unique nature that their operation may give rise to unique problems with respect to their impact upon neighboring property.
- B. Development Review Team: A meeting of the Development Review Team shall be conducted to carry out review of all [new](#) applications for special use prior to the holding of a public hearing with the Zoning Board, as outlined in Section 6-14-6 of this Chapter.
- C. Process: The application process outlined in Section 6-14-8 of this Chapter shall apply.
- D. Findings of Fact: At the conclusion of the public hearing, the Zoning Board shall submit written recommendations to the Village Board of Trustees. No special use shall be recommended by the Zoning Board, unless it shall find that each and every one of the following standards are met:
1. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.
 2. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 3. Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.
 4. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 5. The proposed special use is not contrary to the objectives of the Official Comprehensive Plan of the Village as amended.
 6. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be varied pursuant to Section 6-14-9 of this Chapter.
- E. Denial of Special Use: Any application for a special use, which has been denied wholly or in part by the Village Board of Trustees, shall not be resubmitted for a period of one year from the date of said denial, except on the grounds of new evidence or proof of change of conditions.

F. Amendments to Special Uses: A special use shall be implemented only in strict adherence to the authorizing ordinance, along with any conditions and restrictions, or appropriate guarantees upon the establishment, location, and construction of the application, which shall be binding on the applicants, their successors, grantees and assigns. Any request to amend an approved special use shall be subject to the following:

1. Major Amendments: Amendments which alter the nature of use, scale or intensity of the approved special use shall be subject to the requirements of Section 6-14-8.
2. Minor Amendments: Minor amendments are classified as any change not outlined as a Major Amendment. Upon the submission of a new application for a minor amendment, the Zoning Board and/or Architectural Review Board may approve, without the holding of a public hearing, minor amendments, shall require the submission of a new application describing the characteristics of the Special Use for which the amendment is sought.

Comment [SMR4]: Revised per 7/11 phone discussion.

NOTE: DIVERGING FROM RECENT PRACTICE OF ARB REVIEW OF MINOR CHANGES TO ARCHITECTURE AND FINAL DECISION BY VB.

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F.G. Revocation: Where a special use has been granted pursuant to the provisions of this Chapter, such approval shall become null and void unless construction thereon is substantially under way within three (3) years of the date of granting, unless a one-time extension is granted by the Village Board of Trustees without an additional hearing.

6-14-12: Planned Unit Developments (PUD)

A. Purpose and Description: While a Planned Unit Development (PUD) is a special use, this Section provides a special mechanism to accommodate development which is in the public interest and would not otherwise be permitted pursuant to this Title. These provisions are also intended to provide an opportunity to accommodate developments that involve one or more uses and may be located in more than one zoning district.

It is anticipated that planned unit developments will offer one or more of the following advantages:

1. Designs which reflect the historic open character of single-family areas of the Village.
2. Designs which provide substantial buffers and transitions between areas of different land use or development densities.
3. Designs which enhance the appearance of neighborhoods by conserving streams, areas of natural beauty, and natural green spaces.
4. Designs which counteract possible urban monotony and congestion in streets.
5. Designs which promote compatible architecture between adjacent buildings.
6. Designs which will buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development.

B. Intent: A planned unit development is of substantially different character than other uses described in this Title. Planned unit developments allow for far more flexibility than those pertaining to other land uses and allows for uses which may not otherwise be identified in this Title. The maximum use of zoning exceptions for planned developments will not automatically be granted by the Village Board of Trustees, rather the intent is to grant only such adjustments or uses which create a balance with the benefits accruing to the Village as a result of the planned unit development. Therefore, the Village Board of Trustees may as a condition of approval require any reasonable condition limitation or design factor which will promote proper development of a planned unit development.

The planned unit development provisions of this Chapter are intended to provide the following:

1. A choice in the type of environment available to the public by allowing development that would not be possible under the strict application of other sections of this Title.
 2. Creation and/or permanent reservation of open space, recreational areas and facilities.
 3. A land use plan which permits preservation of green space, natural vegetation, topographic and geological features, and historic resources.
 4. A creative approach to the use of land and related physical facilities which results in better urban design, higher quality construction and the provision of aesthetic amenities.
 5. The efficient use of land, so as to promote economies in the provision of utilities, streets, schools, public grounds and buildings, and other facilities.
 6. Innovations in development so the growing needs and demands of the population may be met by a greater variety in land uses, building type, design, and layout, and by conservation and more efficient use of open space ancillary to such development, all in a manner consistent with the character of the zoning district in which the planned unit development is located.
 7. A land use which promotes the public health, safety, comfort, morals and welfare.
- C. Minimum Area for Planned Unit Development: A minimum gross area of three (3) acres is required of each site for a planned unit development, except in the R-4, R-5, B and E Zoning Districts where there shall be no minimum size requirement.
- D. Procedure: A planned unit development shall be granted as a special use in permissible zoning districts and in accordance with the procedures and standards set forth in this Section. To the extent the procedures and standards set forth in this Section conflict with other sections of the Village Code, this Section shall apply, except that all required improvements, construction standards, design standards and all other engineering standards contained within the Village's Subdivision and Land Development regulations of Title 7 must be complied with, except where specifically varied through the provisions of this Section.
1. Application: Applications shall be made on forms provided by the Community and Economic Development Department and shall be filed as outlined in Section 6-14-8(A) of this Chapter.
 2. Joint Request: If any additional application pursuant to this Title is filed in conjunction with a planned unit development, the applications shall be processed concurrently; however all applicable public hearings shall be convened by the Village Board of Trustees, which shall consider the joint requests prior to consideration of the planned unit development application.
 3. Optional Pre-Application Conference: Prior to filing an application for a planned unit development, the applicant may request a pre-application conference with the Zoning Administrator. The purpose of such a conference is to allow the Zoning Administrator to inform the applicant of all applicable ordinances, rules, regulations, plans, policies, standards, and procedures which may affect the proposed development, or the consideration of said development by the Village Board of Trustees. Such conference also allows the applicant to present a general concept of the proposed development

prior to the preparation of detailed plans. No final or binding action shall be taken at a pre-application conference and any views expressed shall be deemed to be only preliminary and advisory.

E. Preliminary Development Plan: The Preliminary Development Plan of the planned unit development is intended to provide the basic scope, character, and nature of the entire proposed planned unit development without incurring undue cost to the applicant. The Preliminary Development Plan is the bases on which the required public hearing is held, enabling public consideration of the proposal at the earliest possible stage, and shall include the following plans and documents:

- A detailed explanation of the character of the planned unit development and the reasons why it has been planned to take advantage of the flexibility of these regulations. This item shall include a specific explanation of how the proposed land use(s) and how the proposed planned unit development meets the objectives of all official plans which affect the parcel(s) in question.
- A location map.
- An accurate legal description of the entire area under immediate development within the planned unit development.
- Conceptual design plans regarding land use, dwelling type, density, building architecture, street and lot arrangement and preliminary lot sizes.
- Tentative proposals regarding surface drainage and stormwater management facilities.
- Statement of present and proposed ownership of all land within the project including the beneficial owners of any land trust in accordance with Section 1-12-1 of the Village Code.

1. Preliminary Evaluation Meeting: An application for a planned unit development shall be first evaluated on a preliminary basis by the Village Board of Trustees for initial review prior to any further action, pursuant to Section 6-14-8(B) of this Chapter.

2. Development Review Team: Following the Preliminary Evaluation Meeting, a meeting of the Development Review Team shall be conducted pursuant to Section 6-14-6 to carry out review of ~~all~~ Preliminary Development Plans prior to consideration by the Architectural Review Board. Copies of the Preliminary Development Plan for all new residential developments shall be made available to any school district, library district, and fire protection district which might be affected by the development. The Zoning Administrator shall notify any such district concerning the filing of said documents.

The Preliminary Development Plan and supporting data shall include the following:

- a. Site Plan: A site plan of the planned unit development shall be drawn to an engineer's scale ratio and shall include the following:
 - i. General location and purpose of each building, other than detached single-family residences on individually platted lots.
 - ii. All proposed streets (public and private), required yards, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development.

- iii. Existing Easements: Location, width and purpose of all existing platted and recorded easements.
 - iv. Conditions on Adjoining Land: Direction and gradient of ground slope, including any embankments or retaining walls; character and location of major buildings, easements, railroads, power lines, towers and other nearby land uses or adverse influences.
 - v. Streets: Existing streets adjacent to the tract, including street names, right-of-way widths, existing or proposed center lines, pavement type, walks, curbs, gutters, culverts, etc.
 - vi. Utilities: Identify utilities on and adjacent to the tract; location and size of sanitary and storm sewers; location and size of water mains; location of fire hydrants and street lights
 - vii. Topography: Ground elevations on the tract and on the first fifty (50) feet of all adjacent tracts of land showing one (1) foot contours for land which slopes less than one-half (1/2) percent along with all breaks in grades, at all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions. For land that slopes more than one-half (1/2) percent, two (2) foot contours shall be provided. Any land within the one hundred (100) year floodplain shall be shown.
 - viii. Soil Conditions: Subsurface conditions on the tract, if required by the Village Engineer, shall be tested to ascertain subsurface soil, rock and groundwater conditions, depth to groundwater, unless test pits are dry at a depth of five (5) feet
 - ix. Natural Features: Watercourses, marshes, wooded areas, and other significant environmental features.
 - x. Open Space: All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated.
- b. Preliminary Building Elevations: Architectural elevation plans of all proposed structures identifying actual dimensions, building materials and any other special building treatments.
 - c. Preliminary Landscape Plan: A landscape plan of the entire planned unit development and detailed plans of landscaping for a typical building area.
 - d. Density: Information of residential uses, including dwelling units per gross acre, dwelling units per net acre; the number of dwelling units by type, and the number of bedrooms in each dwelling unit type. Information should be provided for each unit in the planned unit development.
 - e. Site Data: Tabulations on each separate unsubdivided use area, including land area, number of buildings, and number of dwelling units per acre. Nonresidential intensity information on the type and amount of nonresidential uses including building locations, sizes, floor area ratio, building height, the amount and location of common open space.
 - f. Preliminary Subdivision Plat: A preliminary subdivision plat for all subdivided lands included in the planned unit development and meeting all the requirements of a subdivision plat in accordance with Title 7 of the Lincolnshire Village Code, except those aspects that vary from the subdivision regulations.
 - g. Cost-Revenue Analysis: If requested by the Zoning Administrator, a study shall be prepared by the applicant's expense, indicating the fiscal impact of the

planned unit development on major taxing districts limited to, the sanitary treatment facilities, school district(s), fire protection district(s), library district(s), and the park network. Information shall include detailed estimates on expected population of the development; the operating cost to be incurred by each taxing body; any additional major capital investments required, in part or in whole, because of the planned unit development; and revenue generated for each taxing body by the planned unit development to offset fiscal impacts created by the planned unit development. The study should include a cash flow analysis based on the proposed staging of the planned unit development.

- h. Traffic Analysis: If requested by the Zoning Administrator, a study shall be prepared by the applicant's expense, analyzing the impact caused by the planned unit development on the street and highway systems.
 - i. Environmental Analysis: If requested by the Zoning Administrator, a study of the major environmental impacts of the planned unit development on the environment shall be prepared by the applicant's expense, analyzing and disclosing all environmental impacts of the proposed planned unit development. Generally, such impacts would include effects on discrete ecosystems; any deterioration in the surface water quality; and effect on sensitive land areas as identified by the Development Review Team from time to time, such as floodplains, wetlands, forests, aquifer recharge areas, historic buildings or structures, prairie landscapes, and mineral resource reserves.
 - j. Zoning Exceptions: Identification and explanation of those aspects of the proposed planned unit development that vary from the Zoning Ordinance requirements applicable to the underlying zoning district and from the subdivision regulations of the Village.
 - k. Additional plans or documents as may be required by the Development Review Team necessary to conduct a full evaluation of the planned unit development.
3. Architectural Review Board: Prior to any public hearing, the Architectural Review Board shall review the Preliminary Development Plans and make recommendations to the Village Board of Trustees regarding the exterior architectural design of all primary buildings, with the exception of all detached single-family residential housing, clearly depicting the exterior architectural design, arrangement, building massing and scale, height and appearance, color and texture of exterior materials; site development design; landscaping; lighting; off-street parking facilities; signage; and site fixtures.
4. Action by the Village Board of Trustees:
- a. The Village Board shall hold a public hearing in accordance with Section 6-14-8(c) and make findings of fact in accordance with standards hereinafter prescribed, Architectural Review Board findings and recommendation, and other supporting data.
 - b. Findings of Fact: The Preliminary Development Plans may be approved by the Village Board of Trustees if it can make findings of fact related to the specific proposal set forth with particularity, describing in what respects the proposal would be in the public interest, based on the following:
 - i. The proposed plan is consistent with the stated purpose of the planned unit

development regulations.

- ii. The proposed plan meets the requirements and standards of the planned unit development regulations.
 - iii. The proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to, the density, dimensions, area, bulk, use, required improvement, construction and design standards and the reasons why such departures are deemed to be in the public interest.
 - iv. The public benefit produced by the planned unit development outweighs the increased burden(s) on public services and infrastructure. Any specific beneficial actions, plans or programs agreed to in the planned unit development proposal which are clearly beyond the minimum requirements of the Zoning Code shall be specifically listed as evidence of justified bulk premiums and/or use exception.
 - v. The physical design of the proposed plan makes adequate provisions for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and further the amenities of light and air, recreation and visual enjoyment.
 - vi. The beneficial relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.
 - vii. The desirability of the proposed plan to the Village's physical development, tax base and economic ~~well-being~~[well-being](#).
 - viii. The conformity with the recommendations of the Official Comprehensive Plan, as amended, and all other official plans and planning policies of the Village.
- c. Exceptions: Upon approval of a Preliminary Development Plan, the Village Board may require or grant conditions, modifications, bonuses and exceptions, if any, and restrictions upon the establishment, location, construction, maintenance, and operation to the plan as deemed necessary for the protection of the public interest and to secure compliance with the findings and requirements specified ~~in Subsection 5~~[herein](#).
- i. Use Exceptions: The Village Board of Trustees may authorize specified uses not permitted by the use regulations of the zoning district(s) in which the planned unit development is located, provided that:
 - The uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose and character of the planned unit development.
 - The uses permitted by such exception will not exercise a detrimental influence on the neighborhoods surrounding the planned unit development, or upon the internal character of any part or all of the planned unit development itself.

ii. **Bulk Regulations:** The Village Board of Trustees may authorize exceptions to the applicable bulk regulations of the Zoning Code within the boundaries of such planned unit development, provided that:

- Such exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of such development as well as the neighboring property, than would be obtained under the bulk regulations of the Zoning Code for buildings developed on separate zoning lots.
- The overall floor area ratio for the planned unit development would not exceed more than ten percent (10%) the maximum floor area ratio which would be determined on the basis of the floor area ratio required for the individual uses in such planned unit developments, as stipulated in each zoning district.
- Along the periphery of the planned unit development, required front, side and rear yards may be provided as required by the zoning district in which said development is located.

Comment [SMR5]: NOTE: ASSC AFFECTED BY THIS AND NOT ALLOWING EXCEPTIONS – HOW DO WE WANT TO PROCEED?
Will add language into the new Sign Control to administer ASSC as previously.

5. **Approval Acceptance** of the Preliminary Development Plan: The Preliminary Development Plan shall be deemed only an expression of **approval acceptance** of the concepts and details, and serve as a specific guide to the preparation of the Final Development Plan which is required of the application for a planned unit development. Further, it indicates ~~approval acceptance~~ of the commitment by the applicant to the details set forth in the application. **Approval Acceptance** of the Preliminary Development Plan shall be null and void if a Final Development Plan is not submitted within one year from the date of approval, unless an extension is granted by the Village Board of Trustees.

Comment [SMR6]: Replaced “approval” with “acceptance” within subsection to prevent connotation of actual approval of a Prelim Plan.

a. **Record of Approval Acceptance: An ordinance granting acceptance of the Preliminary Development Plan for the planned unit development shall be prepared and contain a specific description of the special use, along with any** ~~Upon approval of the Preliminary Development Plan by the Village Board of Trustees, a record shall be prepared by the Zoning Administrator to include the Preliminary Development Plan,~~ conditions applied, modifications, exception and bonuses granted, if any, **and** the findings of fact ~~and recommendation~~ of the Village Board of Trustees.

Comment [SMR7]: Added ordinance required for approval of Preliminary PUD.

b. Building Permits: No permits for construction shall be issued for the planned unit development until the Final Development Plan has been filed, approved, and recorded with the County Recorder, as provided in Subsection F.

F. Final Development Plan: The Final Development Plan of a planned unit development shall be prepared to designate the land lots as well as the division of other lands, not so subdivided, into common open space areas and building areas, and shall show the exact location of each structure to be constructed to designate specific internal uses of each structure and parcel of the land. The Final Development Plan shall detail the restrictions placed upon the land and serves as a zoning control device.

1. Procedure: Within one year from the date of approval of the Preliminary Development Plan, the Final Development Plan and supporting data shall be filed with the Zoning Administrator for certification the Final Development Plan is in substantial conformity to the approved Preliminary Development Plan. The Final Development Plan shall conform

substantially to the Preliminary Development Plan as approved. If requested by the applicant, the Final Development Plan may be submitted in development phases, with each phase representing a unit of the approved Preliminary Development Plan to be developed; provided, however, that such unit conforms to all requirements of these regulations.

2. Final Development Plans: The Final Development Plan of the planned unit development shall include, but not be limited to, the following:

- a. An accurate legal description of the entire area under immediate development within the planned unit development.
- b. Density information of residential uses, including dwelling units per gross acre and dwelling units per net acre; the number of dwelling units by type, and the number of bedrooms in each dwelling unit type. Information should be provided for each unit in the planned unit development.
- c. Site Plan illustrating the exact location of all structures to be constructed and the specific internal land uses for each building, including all proposed streets (public and private), required yards, common open space, recreation facilities, off-street parking areas, service areas, and other facilities to indicate the character of the proposed development.
- d. Tabulations on each separate unsubdivided use area, including land area, number of buildings, number of dwelling units per acre. Nonresidential intensity information on the type and amount of nonresidential uses including building locations, sizes, floor area ratio, building height, the amount and location of common open space.
- e. Architectural Plans of all primary buildings clearly depicting the final exterior architectural design, arrangement, building massing and scale, height and appearance, color and texture of exterior materials, lighting, signage and site fixtures, as recommended by the Architectural Review Board.
- f. Landscape Plan for each phase of the planned unit development seeking final approval and detailed plans of landscaping for a typical building area.
- g. Final improvement plans in accordance with Section 7-3-3(A) of the Lincolnshire Village Code including construction details for all roads and off-street parking facilities; classification, width of right of way, width of pavement, and construction details; sidewalks and paths; sanitary sewers; stormwater drainage facilities; water supply system; and street lighting Furnished for each building.
- h. Authorization from Lake County Stormwater Management Commission affirming the planned unit development and the design of all improvements is in accordance with the Lake County Watershed Development Ordinance (WDO), as amended, except where specific exemptions may be authorized.
- i. Development schedule indicating the phases in which project will be built, if more than one construction phase will occur, with emphasis on identifying the phase boundaries area, density, use and public facilities, and open space to be developed with each phase. Each phase shall be described and mapped as a unit of the project. Overall design of each unit shall be shown on the plan and through supporting graphic material. If approval for only one (1) phase of the Final

Comment [SMR8]: Added per 7/22 discussion.

Development Plan is requested by the applicant, the development schedule for the entire planned unit development must be submitted with the first Final Development Plan and may be amended upon filing approval for each subsequent phase.

- j. All common open space, at the election of the Village, shall be:
 - i. Conveyed to a Village or public corporation, or conveyed to a not-for-profit corporation or entity established for the purpose of benefitting the owners and residents of the planned unit development or adjoining property owners or any one or more of them, in whole or in part. All lands conveyed shall be subject to the right of the grantee or grantees to enforce maintenance and improvement of the common open space; or
 - ii. By a restrictive covenant describing the open space and its maintenance and improvement, running with the land for the benefit of residents of the planned unit development or adjoining property owners and/or both.
 - iii. Permanent common open space equivalent to at least twenty five percent (25%) of the total development area in the planned unit development.
- k. Covenants: Final agreements, restrictions, provisions, or covenants governing the use, maintenance, and continue protection of the planned unit development and any of the common open space.

3. Approval of Final Development Plan: After review of the Final Development Plan and supporting data for substantial conformity with the approved Preliminary Development Plan, the Zoning Administrator shall forward a recommendation to the Village Board of Trustees which shall approve, approve with modifications or conditions, or disapprove the final plan. Disapproval of the final plan shall include a written statement of the reasons thereof.

Comment [SMR9]: Added per 7/22 discussion. Revised per 7/24 discussion.

~~4. Authorization of Final Development Plan:~~

- a. Authorizing Ordinance: An ordinance granting approval of the Final Development Plans for the planned unit development shall be prepared and contain a specific description of the special use, along with any conditions, and restrictions, ~~modifications,~~ bonuses and exceptions, or appropriate guarantees upon the establishment, location, and construction of the planned unit development as is deemed necessary for the protection of the public interest. The authorizing ordinance and all exhibits/documents shall be recorded with the Lake County Recorder's Office.
- b. Recording ~~the Final Plat of Subdivision~~: No permit, allowing construction of any structure or other improvements, shall take place until approval and recording of the Final Development Plan and/or Final Plat of Subdivision, as set forth in Title 7 of the Lincolnshire Village Code.

Comment [SMR10]: Added requirement to record ordinance with Lake Co.

G.H. Amendments to Planned Unit Developments: A planned unit development shall be developed only in strict ~~adherence~~ adherence to the approved Final Development Plan and all supporting documentation, which shall be binding on the applicants, their successors, grantees and assigns. Any request to amend an approved planned unit development shall be subject to the following:

Comment [SMR11]: Item G.

1. Major Amendments: ~~Revisions which alter the concept or intent of the approved planned unit development.~~ Shall require the submission of a new planned unit development plan and supporting data, and shall be subject to the requirements of Subsection F. Major amendments including but not limited to the following:

- a. ~~Increases~~ in density;
- b. ~~Increases~~ in building height(s);
- c. ~~Reductions of proposed~~ open space (publicly dedicated or private);
- d. ~~More than a ten percent (10%) modification in proportion of housing types; changes or~~
- e. ~~additions~~ Reduction in of approved parking areas which reduces the total number of parking spaces below code requirements or modifications which require an increase in required parking;
- f. ~~Modifications~~ Additions to authorized categories of land use(s); or
- g. Modifications to existing Areas of Special Sign Control which would alter the character of the development
- 4-h. ~~e~~ Changes in the final governing agreements, provisions, or covenants, require the submission of a new planned unit development plan and supporting data, and shall be subject to the requirements of Subsection E.

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Comment [SMR12]: Revised language to soften requirement to avoid the dance studio/yoga studio situation at Village Green

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2. Minor Amendments: ~~The Village Board of Trustees may approve minor revisions to the approved planned unit development which do not change the concept or intent of the development may be approved by the Architectural Review Board or Zoning Board, as determined by the Zoning Administrator.~~ Minor amendments are classified as any change not outlined as a Major Amendment, including but not limited to the following: and shall be subject to those requirements of Section F, which are affected by the minor amendment.

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- a. Minor modifications to existing Areas of Special Sign Control
- b. Changes to approved landscape plan(s) for the development
- c. Increase of site amenities or changes to site furniture/lighting fixtures
- 2-d. Changes to exterior material(s) and colors, provided the replacement material(s) will not be of lessor quality from the approved material(s).

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H.I. Revocation: Where approval of the Final Development Plan for a planned unit development has been granted pursuant to the provisions of this Chapter, such approval shall become null and void unless construction of the planned unit development is substantially under way within three (3) years of the date of approval of the Final Development Plan. Revocation shall not occur before the applicant and/or developer receives written notification at least sixty (60) days prior to any such revocation. Extension in the building schedule may be granted by the Village Board of Trustees upon written request by the applicant/developer. Upon revocation, the parcel(s) of land shall conform to regulations and procedures of the underlying zoning district.

6-14-13: APPEALS OF ADMINISTRATIVE DECISIONS

Comment [SMR13]: Revised to include appeals of ZB/ARB final decisions.

A. Authority: Any person aggrieved ~~by action taken under the regulations of this Title may shall~~ appeal any order, requirement, decision or determination- made under the regulations of this Title within 30 days from the date of the administrative decision made by the Zoning Administrator. An application for appeal shall be filed with the Zoning Administrator, who shall schedule a public hearing no later than sixty (30) days after receipt of an application in accordance with this Section. The appeal request will be forwarded to the Zoning Board which shall hear the appeal and forward its recommendation to the Board of Trustees for final determination.

Comment [SMR14]: Added time frame.

B. Action:

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1. Action by the Zoning Administrator: The appeal application shall be forwarded to the Zoning Board which shall hear the appeal and forward its recommendation to the Board of Trustees.

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2. ~~Action by the Zoning Board: An application for appeal shall be filed with the Zoning Administrator, who shall forward such appeal to the Zoning Board for processing in accordance with this Chapter.~~ The appeal application shall be forwarded to the Village Board of Trustees which shall hear the appeal.

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~~B-3.~~ Action by the Architectural Review Board: The appeal application shall be forwarded to the Village Board of Trustees which shall hear the appeal.

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C. Public Hearing: A public hearing shall be ~~conducted s by the Zoning Board~~ upon consideration of every appeal application. Notice of the hearing shall be posted in accordance with the Open Meetings Act.

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~~G-D.~~

~~Final Action: by the Village Board of Trustees. Recommendations by the Zoning Board shall be forwarded to the Board of Trustees for its final determination. The Village Board of Trustees shall act upon the decision of the Zoning Board and/or Architectural Review Board within not more than sixty (60) days from the last date of the advisory body votes on an application. The Village Board of Trustees shall render a final decision of all by ordinance.~~

Comment [SMR15]: Revised language to include time frame and final action must be made by ordinance.

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~~D.~~

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6-14-14: FEES

A. Application: Any application filed pursuant to this Title shall be accompanied by the application fees established in the Comprehensive Fee Schedule set forth in Chapter 15 of Title 1 of this Code.

B. Escrow: Every application filed pursuant to this Title shall be accompanied by the deposit of an additional amount for recoverable costs as provided in Title 1, Chapter 8 of the Village Code, to be deposited in an application fee escrow. No interest shall be payable on any such escrow. The Village shall from time to time, draw funds from the escrow account established for such application to pay such costs and shall transfer such funds to the appropriate Village accounts. The Village shall maintain an accurate record of all such drawings. If the actual costs for the services exceed the amount of the initial deposit, the applicant shall replenish the escrow upon Village request. Remaining funds in the escrow at the completion of the application will be returned to the entity providing the initial fee escrow deposit.

Field Code Changed

6-14-15: INSPECTION

For the purpose of enforcing the provisions of this Zoning Code, the Director of Community and Economic Development, or his/her designee, is hereby authorized to make inspections of all structures and premises to determine their compliance with the provisions of this Zoning Code. Such inspections shall be made subject to the following standards and conditions:

A. An entry for the purpose of such inspection may take place if a complaint respecting said premises has been received by the Director of Community and Economic Development, or his/her designee, and such complaint in the opinion of the Director of Community and Economic Development provides reasonable grounds that a violation exists, or such inspection is undertaken as part of a regular inspection program whereby certain areas of the Village may be inspected from time to time in their entirety by the direction of the Village Board of Trustees.

B. Such inspection shall be made by the Director of Community and Economic Development, or his/her designee, upon the direction of the Village Board of Trustees.

C. When inspecting a structure or premises, the Director of Community and Economic Development or his/her designee shall furnish to the owner, occupant or operator sufficient identification and information to enable the owner, occupant or operator to determine both the inspector's identity as a representative of the Village and the purpose of the inspection. The Director of Community and Economic Development may apply to any court of competent jurisdiction for a search warrant or other legal process for the purpose of securing entry to any building, structure or premises if the owner, occupant or operator shall refuse to grant entry.

**CHAPTER 3
ARCHITECTURAL REVIEW BOARD**

SECTION:

- 2-3-1: Intent and Purpose**
- 2-3-2: Board Membership**
- 2-3-3: Administrative Duties**
- 2-3-4: Standards for Review**
- 2-3-5: Reports and Recommendations**
- 2-3-6: Appeals**

2-3-1: INTENT AND PURPOSE

The Architectural Review Board (ARB) is hereby created to promote and maintain the high quality character of the development of the Village; to preserve and protect the public health, safety, comfort and welfare by enhancing the value of real estate within the Village; and maintain and protect Village real estate from impairment or destruction of value through quality appearance analysis. The ARB shall encourage and promote attractiveness and compatibility of new buildings and developments, promote the reasonable, orderly, and effective display of signs, and avoid excessive uniformity or dissimilarity, inappropriateness or poor quality of design in the exterior appearance of buildings and use of materials. The ARB shall review all proposed business, commercial, industrial, and multiple-family dwelling buildings and developments, and all proposed planned unit developments and proposed uses of open space and public lands, including schools, libraries, fire stations, parks and other public uses of whatever nature.

2-3-2: BOARD MEMBERSHIP

- A. Membership Criteria: The Architectural Review Board shall consist of six (6) full members and one alternate member, all of whom shall be residents of the Village and shall serve without pay. The six (6) full members shall attend and participate in all meetings of the ARB and shall vote on all matters coming before it. The one alternate member shall attend and participate in all meetings of the ARB, but shall only vote in the event one or more full members are absent at the time any vote is taken. All members shall be appointed by the Mayor subject to the advice and consent of the Village Board of Trustees, based upon their particular training or experience in art, architecture, community planning, land development, landscape architecture, construction or other relevant professions or trades. One full member shall be appointed chairman by the Mayor.
- B. Membership Terms: All full members appointed to the ARB, shall serve for a term of three (3) years. The alternate member shall be appointed for a term of one year.
- C. Vacancy: If a vacancy shall occur in any of the full membership, the alternate member shall be appointed to fill such vacancy. Additional vacancies in the full and alternate membership shall be filled in the same manner as original appointments and for the period remaining in the term of the member being filled at the time of replacement.
- D. Quorum: All meetings shall be held at the call of the chairman or three (3) members. Four (4) members of the ARB shall constitute a quorum. Any action must receive the affirmative vote of a majority of the members present at a meeting.

- E. Removal: The Mayor shall have the authority to remove any member of the ARB if it is determined the best interests of the Village require removal. The Mayor shall report his or her reasons for the removal to the Village Board of Trustees within thirty (30) calendar days prior to removal, which must receive a favorable vote of two-thirds (2/3) of all elected members of the Village Board of Trustees and shall be entered upon the record of the corporate authorities. If the Mayor fails to report his or her reasons for the removal within thirty (30) calendar days or is overruled by the Village Board of Trustees, the member term shall remain. No member shall be removed a second time for the exact same factual occurrence.
- F. Secretary: A representative of the Department of Community and Economic Development shall serve as secretary. The ARB shall keep minutes of its meetings, including a record showing the vote of each member upon every question. The ARB secretary shall be the custodian of all such minutes and all reports, recommendations, documents, exhibits and other material pertaining to the conduct of the affairs of the Board.
- G. Conflict of Interest: No elected or appointed official or public employee, or family member of an elected or appointed official or public employee, or paid consultant of the Village shall appear on behalf of or represent any person or organization at any proceeding before the ARB or the Village Board, except on behalf of himself or a member of his/her household, or on behalf of an eleemosynary organization, when zoning, permits or the expenditure of Village funds are not an issue.

2-3-3: ADMINISTRATIVE DUTIES

The Architectural Review Board shall be an advisory body of the Village government, and shall have the following powers and duties:

- A. To consult with and advise, the Village Board of Trustees, regarding all matters within their above-stated jurisdiction and expertise.
- B. Review and make recommendations to the Village Board of Trustees regarding all new construction of buildings and development within the Village, excluding single-family residential, relative to exterior architectural design, arrangement, height and appearance, color and materials of the exterior construction, landscaping, entrance ways, lighting, off-street parking facilities, and similar matters, including aesthetic factors.
- C. Review all applications for a variance to Title 12 Sign Control, and report findings and recommendations to the Village Board of Trustees in the manner prescribed in Section 12-17-1 of this Code.
- D. Approve or disapprove applications for minor amendments to special uses, as defined in Section 6-14-11(F)(2) and to Planned Unit Developments, as defined in Section 6-14-12(H)(2).
- E. Approve or disapprove revisions to existing site development plan(s), including Minor Amendments to Special Use and Planned Unit Developments (PUD), regarding exterior architectural design, arrangement, building massing and scale, height and appearance, color and texture of exterior materials, landscaping, lighting, signage, and similar elements.
- F. To make recommendations regarding advisable amendments to existing codes, ordinances

and regulations of the Village.

- G. Adopt, amend or repeal its own procedural regulations from time to time, provided the same are not inconsistent with law or this Chapter.

2-3-4: STANDARDS FOR REVIEW

The Architectural Review Board shall commence review of any application for the construction of any new or modification to any existing building or development, excluding single-family residential, within sixty (60) days from which a complete application has been referred to it. The ARB review shall give consideration to the following:

- A. The architectural value and significance of the structure or site to the proposed use.
- B. The relationship of the exterior architectural features of the proposed structure to the existing structures and to the surrounding area.
- C. The compatibility of exterior architectural design with the arrangement, texture and materials to be used on the structure.
- D. Appropriateness of landscaping and orientation of building to the site, in relation to other property in the surrounding area.
- E. Excessive similarity to any other structure existing or proposed structure included in the same site/development or facing upon the same or intersecting street in respect to one or more of the following features of exterior design and appearance:
 - 1. Apparently identical front or side elevations.
 - 2. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement.
 - 3. Other significant identical features of design, such as, but not limited to, material, roof line and height or other design elements; provided that a finding of excessive similarity shall state not only that such excessive similarity exists, but that it is of such a nature as to be reasonably expected to provoke one or more of the harmful effects sought to be avoided hereunder.
- F. Inappropriate relation to the established character of other structures in the immediate neighboring area in respect to significant design features, such as material or quality of architectural design, provided that a finding of inappropriateness shall state not only that such inappropriateness exists, but that it is of such a nature as to be reasonably expected to provoke one or more of the harmful effects sought to be avoided hereunder.
- G. Such other factors, including aesthetic factors, as the Board deems appropriate.

2-3-5: REPORTS AND RECOMMENDATIONS

The Architectural Review Board shall convene a public meeting/hearing to review and consider any application identified in Section 2-3-3 herein, within sixty (60) days from which a complete application has been referred to it. The ARB shall submit to the Village Board of Trustees written findings and/or recommendations within sixty (60) days from the vote, in relation to the items set

forth in Section 2-3-4 of this Chapter.

The Village Board of Trustees shall act upon the recommendation of the ARB within not more than sixty (60) days from the last date the ARB votes on an application. The failure of the ARB to forward its recommendation to the Village Board of Trustees within the time period provided herein, or as extended with the agreement of the applicant, shall result in the recommendation on the application or request being deemed approved, and the Village Board of Trustees shall consider the recommendation accordingly. Without further public hearing, the Village Board of Trustees shall approve, deny the application, or refer it back to the ARB for further consideration. An application which fails to receive an approval recommendation of the ARB must include written findings based upon the items set forth in Section 2-3-4 of this Chapter and must receive a favorable vote of two-thirds (2/3) of all the elected members of the Village Board of Trustees to be approved. An application which receives the approval recommendation of the ARB may be denied by a majority vote of the Village Board of Trustees.

In no case shall a building permit be issued where the permit plans are not in strict compliance with the conditions for final approval. Any building permit issued in violation of this Section shall be null and void.

2-3-6: APPEALS

Any person aggrieved by action taken under the regulations of this Chapter may appeal any order, requirement, decision or determination made by the ARB. Within thirty (30) days from the determination made by the ARB, an application for appeal shall be filed with the Zoning Administrator, who shall forward such appeal to the Village Board of Trustees for its consideration. Any applicant seeking an appeal will also be provided an opportunity to present oral comments directly to the Village Board of Trustees.

CHAPTER 6 ZONING BOARD

SECTION:

- 2-6-1: Intent and Purpose**
- 2-6-2: Board Membership**
- 2-6-3: Administrative Duties**
- 2-6-4: Rules and Procedures**
- 2-6-5: Reports and Recommendations**
- 2-6-6: Appeals**

2-6-1: INTENT AND PURPOSE

The Zoning Board is hereby created with the purpose of preserving, protecting and maintaining the public health, safety, welfare and comfort by encouraging the most appropriate use of land within the Village, and to advise the Corporate Authorities on matters referred to it by the Village Board of Trustees.

2-6-2: BOARD MEMBERSHIP

- A. Membership Criteria: The Zoning Board shall consist of five (5) regular members and one alternate member, all of whom shall be residents of the Village and shall serve without pay. The five (5) full members shall attend and participate in all meetings of the Zoning Board and shall vote on all matters coming before the Zoning Board. The one alternate member shall attend and participate in all meetings of the Zoning Board, but shall only vote in the event one or more full members are absent at the time any vote is taken. All members shall be appointed by the Mayor subject to the advice and consent of the Village Board of Trustees, based upon their particular education, training, experience, judgment or other relevant professions or trades. One full member shall be appointed chairman by the Mayor.
- B. Membership Terms: All full members of the Zoning Board shall hold office for the term of three (3) years. The alternate member shall be appointed for a term of one year.
- C. Vacancy: If a vacancy shall occur in any of the full membership, the alternate member shall be appointed to fill such vacancy. Additional vacancies in the full and alternate membership shall be filled in the same manner as the original appointments and for the period remaining in the term of the member being filled at the time of replacement.
- D. Quorum: All meetings of the Zoning Board shall be held at the call from the Chairman or two (2) members of the Zoning Board. Three (3) members of the Zoning Board shall constitute a quorum. Any action must receive the approval vote of four (4) members present at the meeting.
- E. Removal: The Mayor shall have the authority to remove any member of the Zoning Board if it is determined the best interests of the Village require removal. The Mayor shall report his or her reasons for the removal to the Village Board of Trustees within thirty (30) calendar days prior to removal, which must receive a favorable vote of two-thirds (2/3) of all elected members of the Village Board of Trustees and shall be entered upon the record of the corporate authorities. If the Mayor fails to report his or her reasons for the removal within thirty (30) calendar days or is overruled by the Village Board of Trustees, the member term shall remain. No member shall be removed a second time for the exact same factual occurrence.

Comment [SMR1]: NO DIRECTION TO CHANGE THIS...AT LEAST 3 FOR APPROVAL BY OPEN MEETINGS ACT.

POTENTIAL TO CREATE PROBLEMS WITH SMALLER BOARDS. AS-IS, SUPER MAJORITY OF ADVISORY BOARDS IS NEEDED FOR APPROVAL.

- F. Secretary: A representative of the Department of Community and Economic Development shall serve as secretary. The Zoning Board shall keep minutes of its meetings, including a record showing the vote of each member upon every question. The Zoning Board secretary shall be the custodian of all such minutes and all reports, recommendations, documents, exhibits, and other material pertaining to the conduct of the affairs of the Zoning Board.
- G. Conflict of Interest: No elected or appointed official or public employee, or family member of an elected or appointed official or public employee, or paid consultant of the Village shall appear on behalf of or represent any person or organization at any proceeding before the Zoning Board or the Village Board, except on behalf of himself or a member of his/her household, or on behalf of an eleemosynary organization, when zoning, permits or the expenditure of Village funds are not an issue.

2-6-3: ADMINISTRATIVE DUTIES

The Zoning Board shall be an advisory body of the Village government, and shall have the following powers and duties:

- A. Review all appeals from any order, requirement, decision or determination made by the Zoning Administrator under this Title, and recommend action to the Village Board of Trustees.
- B. Review all applications for text and map amendments to Title 6 of this Code, report findings and recommendations to the Village Board of Trustees.
- C. Review all applications for a special use permit, excluding Planned Unit Developments (PUD), and report findings and recommendations to the Village Board of Trustees.
- D. Review all applications for a variance from Title 6 of this Code, and report findings and recommendations to the Village Board of Trustees.
- E. Receive from the Zoning Administrator and/or the Village Board of Trustees recommendations and inquires related to the effectiveness of Title 6 and report conclusions and recommendations to the Village Board of Trustees.
- F. Receive from the Village Board of Trustees any matters not listed above, which has been referred to it, and report conclusions and recommendations to the Village Board of Trustees.
- G. Approve or disapprove applications for Minor Amendments to special uses, excluding Planned Unit Developments (PUD), as defined in Section 6-14-11(F)(2) of this Code.
- H. To prepare and recommend to the Mayor and Board of Trustees a Comprehensive Plan and an Official Map, and all powers and duties incidental and related thereto, or to recommend changes from time to time, for the present and future development or redevelopment of the Village, all as more expressly described in Article 11, Division 12 of the Illinois Municipal Code, 65 ILCS 5/11-12-4, et seq.

2-6-4: RULES AND PROCEDURES

The Zoning Board shall have the power to adopt, amend or repeal its own procedural rules from time to time, provided the same are not inconsistent with law, including this Chapter.

2-6-5: REPORTS AND RECOMMENDATIONS

The Zoning Board shall convene a public hearing to review and consider any application identified in Section 2-6-3 herein, within sixty (60) days from which a complete application has been referred to it. Written findings and/or recommendations of the Zoning Board shall be submitted to the Village Board of Trustees within sixty (60) days from the vote, addressing the factors set forth in Chapter 14 of Title 6.

The Village Board of Trustees shall act upon the written findings and recommendation of the Zoning Board within not more than sixty (60) days from the last date the Zoning Board votes on an application. The failure of the Zoning Board to forward its written findings and recommendations to the Village Board of Trustees within the time period provided herein, or as extended with the agreement of the applicant, shall result in the recommendation on the application or request being deemed approved, and the Village Board of Trustees shall consider the recommendation accordingly. Without further public hearing, the Village Board of Trustees shall approve, deny, or refer the application back to the Zoning Board for further consideration. An application which fails to receive an approval recommendation of the Zoning Board must include written findings based upon the items set forth in Chapter 14 of Title 6 and must receive a favorable vote of two-thirds (2/3) of all the elected members of the Village Board of Trustees to be approved. An application which receives the approval recommendation of the Zoning Board may be denied by a majority vote of the Village Board of Trustees.

In no case shall a building permit be issued where the permit plans are not in strict compliance with the conditions for final zoning approval. Any building permit issued in violation of this Section shall be null and void.

2-6-6: APPEALS

Any person aggrieved by action taken under the regulations of Title 6 may appeal any order, requirement, decision or determination made by the Zoning Board. Within thirty (30) days from the determination made by the Zoning Board, an application for appeal shall be filed with the Zoning Administrator, who shall forward such appeal to the Village Board of Trustees for its consideration. Any applicant seeking an appeal will also be provided an opportunity to present oral comments directly to the Village Board of Trustees.

1. Purpose
2. Minimum Area for PUD
3. Procedure
 - a. Pre-Application Conference (Enforcing Officer)
 - b. Preliminary Plan
 - i. Submission of Application
 - ii. Copies of PUD made available to school, library, fire and other taxing districts
 - iii. Site Plan Review Board
 - iv. Public Hearing with Village Board
 - v. Village Board makes findings of fact and recommendations
 - vi. Village Board approve, approve with modifications or conditions, or disapprove the plan.
 - vii. Approval of preliminary PUD plan.
 - viii. No permit issued until final PUD plan is filed, approved and recorded at Lake County.
 - ix. Upon approval , record prepared by Village Clerk (ordinance)
 - x. Applicant may choose to construct facilities prior to approval of final plan.
 - xi. Final PUD Plan must be submitted within 365 days after approval of preliminary plan, or preliminary plan is null and void.
 - c. Final Plan (approval – no public hearing required)
4. Changes in PUD
 - a. Major Changes : must follow preliminary plan approval process
 - b. Minor Changes: may skip "primary approval" steps
5. Schedule of Construction & Revocation of PUD
 - a. If construction falls more than 3 years behind schedule, subject to revocation. Zoning Board review of project status required.
 - b. Receipt of Zoning Board findings to decide whether:
 - i. Terminate portions of the PUD not under construction
 - ii. Extend time allotted for construction to commence
 - iii. Require special changes in PUD
 - c. Zoning on portion(s) of PUD terminated revert back to underlying zoning
 - d. Construction not started in 3 years, preliminary plan approval revoked.
6. Recording of Final Plat
7. Specific Content of Plans
 - a. Pre-Application Stage
 - i. General Site Info
 - ii. Sketch Plan
 - iii. Legal Description
 - b. Preliminary Plan Stage
 - i. Detail Plan
 - ii. Exceptions
 - iii. Character
 - iv. Ownership
 - v. (Development) Schedule
 - vi. Market
 - vii. Covenants
 - viii. Density
 - ix. Nonresidential Intensity
 - x. Service Facilities
 - xi. Architectural Plans – ARB review
 - xii. Public Improvement Plans
 - xiii. Landscape Plan
 - xiv. Cost-Revenue Analysis
 - xv. Traffic Analysis
 - xvi. Environmental Analysis
 - c. Final Plan Stage:
 - i. Final Detailed Plan
 - ii. Common Open Space Documents
 - iii. Improvements – Guarantee of Performance
 - iv. Guaranteed Deposits
 - v. Covenants
 - vi. Delinquent Taxes
 - vii. Agreements
 - viii. Use Exceptions
 - ix. Bulk Regulations
 - x. Designation of Permanent Common Open Space
 - xi. Findings of Fact

- A. Purpose & Description
- B. Intent
- C. Minimum Area for PUD
- D. Procedure
 1. Application
 2. Joint Requests
 3. Optional Pre-Application Meeting
- E. Preliminary Development Plan
 1. Preliminary Evaluation Meeting
 2. Development Review Team
 - a. Site Plan
 - b. Preliminary Building Elevations
 - c. Preliminary Landscape Plans
 - d. Density
 - e. Site Data
 - f. Preliminary Subdivision Plat
 - g. Cost-Revenue Analysis (if requested)
 - h. Traffic Analysis (if requested)
 - i. Environmental Analysis (if requested)
 - j. Zoning Exceptions
 - k. Additional Items (if requested)
 - l. Zoning Exceptions
 3. Architectural Review Board
 4. Action by Village Board of Trustees
 - a. Public Hearing
 - b. Findings of Fact
 - c. Exceptions
 - i. Use Exceptions
 - ii. Bulk Regulations
 5. Acceptance of Preliminary Development Plan
 - a. Record of Acceptance (Ordinance)
 - b. No issuance of Building Permits
- F. Final Development Plan
 1. Procedure
 2. Final Development Plan
 - a. Accurate Legal Description
 - b. Density Information
 - c. Site Plan(s)
 - d. Tabulations
 - e. Architectural Plans
 - f. Landscape Plans
 - g. Final Improvement Plans
 - h. Lake Co. SMC
 - i. Development Schedule
 - j. Common Open Space Documents
 - k. Covenants
 3. Approval of Final Development Plans
 - a. Authorizing Ordinance
 - b. Recording
- G. Amendments to PUD
 1. Major Amendments
 2. Minor Amendments
- H. Revocation

PUD Summary Chart
8/4/14 COW

VILLAGE OF LINCOLNSHIRE

ORDINANCE NO. _____

**AN ORDINANCE
AMENDING CHAPTER 14 OF TITLE 6 (ZONING) OF THE VILLAGE OF
LINCOLNSHIRE MUNICIPAL CODE IN REGARD TO ADMINISTRATION &
ENFORCEMENT**

WHEREAS, the Village of Lincolnshire, an Illinois home rule municipal corporation, has the authority to adopt ordinances and promulgate rules and regulations that pertain to its government and affairs, including the coordination and operation of various activities and structures within its boundaries, and to protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Corporate Authorities of the Village of Lincolnshire find it necessary for the promotion and preservation of the public health, safety and welfare of the Village that the administration and enforcement of the Zoning Code be reviewed for legality, efficiency and predictability;

WHEREAS, the Board of Trustees referred to the Zoning Board (“Zoning Board”) a petition to research, consider and prepare proposed text amendments to the Zoning Code to clarify and amend the procedures and standards applicable to the administration and enforcement of the Zoning Code; and

WHEREAS, following due publication of notice in the Lincolnshire Review on May 22, 2014, a public hearing concerning the proposed amendments to the Zoning Code of the Village was convened and finally adjourned on by the Zoning Board on June 10, 2014; and

WHEREAS, following deliberation and consideration on the evidence and testimony elicited during the public hearing and the recommendation of the Zoning Board, the Village Board desires for the Zoning Code to be amended as proposed by Staff to improve the administration and enforcement of the Zoning Code; and

WHEREAS, the Village hereby finds that it is in the best interest of the Village and the public to amend its Zoning Code to promote the economic health and welfare of the Village.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village Of Lincolnshire, Lake County, Illinois, in exercise of its home rule powers, as follows:

SECTION ONE: The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance as though fully set forth herein. The findings of the Zoning Board of the Village of Lincolnshire, are herein incorporated by reference as the findings of this Board to the same effect as if fully recited herein at length. All references in the Zoning Board's findings are made the references of the Mayor and Board of Trustees of the Village of Lincolnshire.

SECTION TWO: Title 2 of the Village of Lincolnshire Municipal Code (Boards and Commissions) is hereby amended as follows:

A. Chapter 3 of Title 2 (Architectural Review Board) is hereby repealed and replaced in its entirety with a new Chapter 3 in the form described in Exhibit A, attached hereto and incorporated as though fully set forth herein.

B. Chapter 6 of Title 2 (Zoning Board) is hereby repealed and replaced in its entirety with a new Chapter 6 in the form described in Exhibit B, attached hereto and incorporated as though fully set forth herein.

C. Notwithstanding the repeal and replacement of Chapter 3 and Chapter 6 of Title 2, the Mayor and Board of Trustees intend for the Architectural Review Board and Zoning Board to continue with the existing members serving for the duration of their existing terms. The changes to Chapter 3 and Chapter 6 are intended to be solely administrative in nature and are not intended to replace the existing boards or materially change their power and jurisdiction.

SECTION THREE: Title 6 of the Village of Lincolnshire Municipal Code ("Zoning") is hereby amended as follows:

A. Chapter 14 of Title 6 (Administration & Enforcement) is hereby repealed and replaced in its entirety with a new Chapter 14 in the form described in Exhibit C, attached hereto and incorporated as though fully set forth herein.

B. Section 3 (Special Uses), Chapter 5C (R-4 Single-Family Attached Residence District) of Title 6 is hereby amended by adding a Continuing Care Retirement Campus as a new special use and providing regulations therefor, all in the manner set forth in Exhibit D to this Ordinance, attached hereto and incorporated as though fully set forth herein. Formerly, such rules were located in Chapter 14 and by this ordinance have been revised and recodified as herein described.

SECTION THREE: If any section, subsection, sentence, clause, phrase or application of this Ordinance, or any regulations adopted hereby, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, either facially or as applied, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof or any other application under which such provision is deemed permitted.

SECTION FOUR: All prior Ordinances in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FIVE: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this _____th Day of _____, 2014, at Lincolnshire,
Lake County, Illinois.

AYES:

NAYS:

ABSENT:

APPROVED:

Brett Blomberg, Mayor

DATE:_____

ATTEST:

Barbara Mastandrea, Village Clerk

4818-2885-7627, v. 1

EXHIBIT A
TITLE 2, CHAPTER 3
ARCHITECTURAL REVIEW BOARD

[SEE ATTACHED]

EXHIBIT B
TITLE 2, CHAPTER 6
ZONING BOARD

[SEE ATTACHED]

EXHIBIT C
TITLE 6, CHAPTER 14
ADMINISTRATION AND ENFORCEMENT

[SEE ATTACHED]

EXHIBIT D
TITLE 6, CHAPTER 5C
SINGLE FAMILY ATTACHED RESIDENCE DISTRICT

[SEE ATTACHED]

6-5C-3: SPECIAL USES: The following special uses may be permitted in specific situations in accordance with the procedures outlined in Section 6-14-14 of this Code, as appropriate:

Cemeteries.

Churches and Synagogues.

Multiple-family structures. (amd. Ord. 95-1377-7, eff. 1/9/95)

Planned unit developments.

Private recreation clubs and community buildings (but not including commercial recreation businesses).

Public utility uses.

Schools and day care facilities.

Continue Care Retirement Campus (CCRC), so long as the same determined on site plan review to fulfill the objectives of the Official Comprehensive Plan. (Ord. 03-1862-39, eff. 8/25/03)

1. Purpose and Description of a Continuing Care Retirement Campus:

The continuing care retirement campus provisions of this section are intended to provide for age-restricted planned unit developments to serve the needs of elderly residents and to keep them as independent as the status of their respective health will permit from time to time. These developments shall be intended to provide, through common management or by contractual agreement, housing needs and services that aid the elderly in maintaining an independent lifestyle.

Services provided by the continuing care retirement campus may include, but are not limited to, health care maintenance, nursing service facilities, congregate dining facilities and food services, housekeeping, social and recreational programs, administrative offices, chapels, park facilities, security stations, transportation services, community buildings, and any other services, activities and accessory uses integral to the operation and maintenance of a residential community intended primarily for the use of the elderly residents and the employees of the continuing care retirement campus.

2. Definitions.

For the purpose of this type of Planned Unit Development:

- a. “Independent Living Units” are dwelling units within the Continuing Care Retirement Campus which are unrestricted except that at least one person occupying each dwelling unit shall be 62 years of age or older and may contain in addition to an individual living area, comprised of one or more rooms, a kitchen and bath area, while receiving equal benefits, such as meals and recreation, with others within the community.

- b. “Assisted Living Units” are self-contained units within an assisted living facility licensed by the Illinois Department of Public Health to assure compliance with the Assisted Living and Shared Housing Establishment Code (77Ill. Adm. Code 295). The Assisted Living Unit is intended to provide twenty-four hour a day support for personal and health services for residents in need of this care. Assisted Living Units shall include accessory uses such as dining rooms, bathing areas, common areas, staff offices and any other incidental space necessary to provide the above care.
 - c. “Skilled Care Nursing Units” are beds located within a nursing facility that is licensed by the Illinois Department of Public Health for residents who require twenty-four or more consecutive hours of care because of physical or mental conditions.
 - d. “Continuing Care Retirement Campus Accessory Uses or Structures” are accessory facilities, functions, and structures which are to be used primarily by the residents of the retirement campus and their respective visitors and the staff servicing the retirement campus, except as may otherwise be authorized.
3. Purpose: The Continuing Care Retirement Campus development provisions of this Section are intended to provide the following:
 - a. A choice in the type of environment available to the public by allowing development that would not be possible under the strict application of other sections of this Title;
 - b. Development and/or permanent reservation of open space, recreational areas and facilities;
 - c. A land use plan which permits preservation of green space, natural vegetation, topographic and geological features and historic resources;
 - d. A creative approach to the use of land and related physical facilities which results in better urban design, higher quality construction and the provision of aesthetic amenities;
 - e. The efficient use of land, so as to promote economies in the provision of utilities, streets, schools, public grounds and buildings, and other facilities;
 - f. Innovations in development so that the growing needs and demands of the population may be met by a greater variety in type, design, and layout of buildings, and by conservation and more efficient use of open space ancillary to said buildings, all in a manner so as to be consistent with the character of the zoning district in which the planned unit development is located;
 - g. A land use which promotes the public health, safety, comfort, morals and welfare in general, and the health, safety, comfort, morals and welfare of the elderly in particular.
4. Procedure: A Continuing Care Retirement Campus may be granted as a Special Use only in those districts in which it is provided for, and application for said special use shall be made and considered according to the procedures and standards set forth in Chapter 14 of this Title; however, to the extent that there is any inconsistency between this Section and the procedures and standards set forth in Chapter 14 of this Title, the terms

and conditions of Chapter 14 of this Title shall prevail.

Notwithstanding the provision for a Continuing Care Retirement Campus special use within the zoning classification, no Continuing Care Retirement Campus shall be established unless located in an area adjacent to districts of similar density, such as commercial, public or non-residential land uses, or moderately dense residential districts, including Planned Unit Developments (PUDs) which are also located in R-3 or R-4 zones.

No Continuing Care Retirement Campus special use may be granted or maintained unless the Continuing Care Retirement Campus has been approved by, and/or is currently Licensed, Registered and in good standing with, the Illinois Department of Public Health.

5. The development for which an application is made for a Continuing Care Retirement Campus special use shall either:
 - a. be intended to have 90% of its units occupied by at least one person 62 years of age or older and provide significant facilities designed to meet the physical or social needs of such older residents; or
 - b. be intended to be occupied solely by persons 62 years of age or older and such staff as is necessary for the medical care of the residents and maintenance of the campus.
6. Bulk Requirements
 - a. The minimum lot area shall be seventy-five (75) acres, with a minimum net buildable lot area of fifty (50) acres.
 - b. The minimum lot width shall be 500 feet.
 - c. The maximum height of any building within the Continuing Care Retirement Campus shall be eighty-five feet (85').
 - d. The maximum Floor Area Ratio (FAR) shall be 0.75.
 - e. The minimum front and corner side yard setback shall be fifty feet (50').
 - f. The minimum interior side yard setback shall be twenty-five feet (25').
 - g. The minimum rear yard setback shall be fifty-feet (50').
7. Parking Requirements: Parking shall be provided as required herein.
 - a. Independent Living Units (ILU): 1.0 parking spaces per dwelling unit.
 - b. Employees/Staff: 1.0 parking space per employee on maximum shift.
 - c. Visitors: a minimum of four percent (4%) of total required parking hereunder.

- d. The additional requirements of Title 6 - 11 of the Village of Lincolnshire's Code regarding Off-Street Parking and Loading.
- e. No parking area or vehicular circulation shall be nearer than twenty feet (20') of any lot line.

8. Accessory Structures:

Accessory Structures are permitted within the Continuing Care Retirement Campus and shall include the following:

Entertainment facilities, houses of worship, dining facilities, food preparation facilities, laundry service facilities, nursing services, administrative offices, staff facilities, storage and maintenance facilities, security facilities, exercise/recreational facilities, libraries and any other services or facilities intended for the use by residents, visitors and staff of the Continuing Care Retirement Campus.(Ord. 03-1862-39, eff. 8/25/03)

Memorial Assembly Facility: (Amd. Ord. 08-3070-53, eff. 11/24/08)

- 1. Shall only be permitted as an accessory use to an assembly use, including, for example, religious institutions or schools.
- 2. Shall be permitted:
 - a. inside the principle structure on the Lot, or
 - b. as an accessory structure subject to compliance with the following design and setback standards:

- i. Shall be located not less than one-hundred feet (100') from any Lot Line where there is Frontage;
- ii. Shall maintain a minimum distance of one hundred and thirty-five feet (135') from any Lot Line where there is no Frontage;
- iii. Shall be located not more than twenty feet (20') from the principle structure on the Lot;
- iv. Shall comprise an area no greater than six hundred (600) square feet;
- v. The structure shall have a height not greater than three feet (3');
- vi. The structure shall be concealed from the adjacent right-of-way and contiguous residential Lots with vegetation which provides complete screening during the entire year and shall be a minimum of six feet (6') tall at the time of planting, but which vegetation shall not be considered part of the Memorial Assembly Facility for the purpose of measuring the permitted area thereof; and
- vii. The face of the structure into which cremated human remains are interned must substantially face towards the principal structure to which it is accessory.

REQUEST FOR BOARD ACTION
Zoning Board
January 14, 2014

Subject:	Administration and Enforcement Code Section - Text Amendments
Action Requested:	WORKSHOP to discuss proposed Text Amendments to Chapter 14, Administration & Enforcement, of the Zoning Code to update the administrative implementation of the Zoning Code.
Originated By/Contact:	Stephen Robles, Village Planner Department of Community & Economic Development
Referred To:	Zoning Board

Background:

- The objective of the proposed update is to align the provisions in the Zoning Code that pertain to processes and procedures with current practices, and provide as much certainty and clarity in the development process for applicants.
- The existing administrative regulations were last comprehensively reviewed in 1986.

Summary:

- The Village's development review procedures are housed in Chapter 14, *Administration and Enforcement*, of the Zoning Code, outlining the authority, procedures, and substantive standards regarding the administrative functions of planning and zoning matters (variations, amendments, special uses, site plan review, fees, penalties, etc.) of the Village.
- Anticipated revisions are expected to clarify requirements based on current practices and provide clarity in development review procedures. Before proposing new code language/requirements on these topics at a Public Hearing, Staff seeks the Zoning Board's input and direction in the following areas in a workshop environment:

1. Site Plan Review Board (SPRB) - The SPRB consists of key Village Staff who carry out technical review of preliminary site plans for proposed developments on an as-needed basis. These meetings typically occur following a proposal referred by the Committee of the Whole and prior to any action by the Village's Advisory Boards. The current code requirements of the SPRB detail a more formalized Board, with specific meeting protocols, which do not reflect the practical nature of the SPRB.

As the SPRB is not a true Advisory Board, a reclassification of the group's title to "Development Review Committee" (working title) or similar, would properly reflect the role of this group. Additionally, the responsibilities of this reviewing body would be revised to more appropriately reflect current practices.

2. Zoning Certificates – No building permits can be issued unless a Zoning Certificate has first been issued indicating the proposed structure or use complies with all the provisions of the Zoning Code. The use of Zoning Certificates is not unusual in the planning profession, based on the individual requirements of each municipality. While a requirement, such practice has proven redundant in Lincolnshire, and the issuance of a Building Permit and/or Certificate of Occupancy is sufficient documentation of zoning compliance.

Since such use has not been employed or deemed necessary in the Village, it would be appropriate to remove this section from the Code.

3. Certificate of Zoning Compliance – Different from Zoning Certificates (see above), these certificates are intended to be issued upon request for the purpose of confirming compliance with applicable zoning regulations, including any variance, special use, or other conditions. Such certificates are commonly requested prior to the transfer of ownership or financing of land.

Staff proposes to update the regulations to reflect the current administration of Certificates of Zoning Compliance.

4. Zoning Exception Certificate – Exception Certificates are intended to be issued for any lot which has been granted relief from any zoning provisions (establishment of a legal nonconforming use/structure, special use, variance, etc.). However, any relief granted from the zoning code requires the adoption of a signed Village ordinance authorizing relief. Therefore, the Zoning Exception Certificate is a redundant requirement.

To eliminate redundancies and confusion from the Zoning Code, it is recommended this section be removed.

5. Preliminary Evaluation Meeting (a.k.a. Referral Meeting) – The Committee of the Whole Referral process is not currently a Village code requirement or a state law requirement. In its purest form, the Referral process is simply an analysis of “areas of concern” and contentious issues that will require further analysis by Advisory Boards at public hearings. While a benefit, the Referral process has at times evolved into upfront decision-making rather than conceptual and initial input. The process has also become one in which detailed direction and mandates are sought at the initial/introduction meeting. This has resulted in requiring detailed plans/documents of an applicant prior to any formal review process, creates a level of uncertainty in the overall process for an applicant, and limits the ability of Advisory Boards to fully vet a proposal.

Staff proposes defining the Referral process so it's a benefit, not a perceived hindrance, to the development review process. As such, initial Village Board commentary and requests for analysis (to be undertaken with the Advisory Board's) would be based on conceptual information provided by petitioners.

6. Zoning Board Member Approval – Any variance, amendment (map or text), and special use petition considered by the Zoning Board must currently receive the approval of 4 Members or be denied.

Given the current number of Zoning Board Members (4 of 5), it may be appropriate to reduce the required number of approval votes to 3 Members to alleviate the burden of all 4 Members required to be in attendance to render an approval recommendation.

7. Revocation – Where a variance or special use has been granted, such approval becomes null and void unless construction is substantially under way within 1 year (variance) or 3 years (special use) from approval. The purpose of the Revocation is to ensure any relief/approval is granted for a specific proposal with intent to construct, and is not open-ended.

As variations vary greatly by project, it may be appropriate to extend the current 1 year revocation to 3 years to provide the same flexibility as special uses.

8. Special Use/Planned Unit Developments (PUD) - The current Special Use code section outlines the general procedures for typical Special Uses. Since PUDs are also authorized by Special Use, the PUD provisions are contained as a subsection of Special Uses. However, given the unique nature of PUDs, there are substantial procedural regulations in this subsection which tend to get lost amongst the entire Special Use section.

The unique criterion in which PUDs are reviewed and authorized results in substantial regulations that justify its own section. In addition to establishing a new Section for PUDs, the specific regulations would be overhauled to align with current requirements/expectations.

9. Continuing Care Retirement Campus (CCRC) – CCRCs are another Special Use contained as a subsection within the overall Special Use section. Like other special uses permitted in certain zoning districts, their permissibility and corresponding regulations are contained within the applicable zoning district code sections.

Since CCRCs are only permitted in the R4 District, it may be appropriate to relocate this subsection to the R4 code section where other authorized Special Uses in R4 reside.

Recommendation:

Input and direction from the Zoning Board on code amendments to the Administration and Enforcement Chapter of the Zoning Code, in order to return for a Public Hearing.

Reports and Documents Attached:

- Chapter 14, *Administration and Enforcement*, of the Lincolnshire Zoning Code.

Meeting History	
Referral at Village Board (COW):	August 26, 2013
Current Zoning Board Workshop	January 14, 2014



APPROVED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, January 14, 2014, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

PRESENT: Chairman Manion, Members Kalina, and Leider.

ALSO PRESENT: Stephen Robles, Village Planner.

ABSENT: Trustee Liaison Brandt and Member Van de Kerckhove.

CALL TO ORDER: **Chairman Manion** called the meeting to order at 7:01 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, November 12, 2013.

Member Leider moved and **Member Kalina** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board held Tuesday, November 12, 2013, as submitted. The motion passed unanimously by voice vote.

3.0 ITEMS OF GENERAL BUSINESS:

3.1 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 Staff's memorandum and explained the objective of the proposed update were to revise the Zoning requirements that pertain to process and procedure with current practices, and to provide as much certainty and clarity in the development process for applicants. The regulations are housed in Chapter 14, *Administration and Enforcement*, of the Zoning Code, which outlines the authority, procedures, and standards on the administrative functions of planning and zoning matters in Lincolnshire. **Village Planner Robles** continued that before Staff proposed any new code language, the Zoning Board's input in specific areas was sought.

Village Planner Robles identified **Item 1** of Staff's memorandum and explained the Site Plan Review Board (SPRB) consists of key Village Staff who carry out technical review of preliminary site plans for proposed developments on an as-needed basis. The current code requirements of the SPRB detail a more formalized Board, with specific meeting protocols, which did not reflect the practical nature of the SPRB. He continued, that since the SPRB was not a true Advisory Board, the group's title should be reclassified to properly reflect the role of this group, such as Development Review Committee or similar. Also, the responsibilities of the group would be revised to more appropriately reflect current practices.

The Zoning Board was in agreement with Staff's direction regarding Item 1.

Item 2, Village Planner Robles explained that no building permits could be issued unless a Zoning Certificate had first been issued indicating the proposed structure or use complied with all the provisions of the Zoning Code. The use of Zoning Certificates is not unusual in planning. However, such process was proven redundant in Lincolnshire, and the issuance of a Building Permit or Certificate of Occupancy is sufficient documentation of zoning compliance. Since such use has not been employed or deemed necessary in the Village, **Village Planner Robles** sought if it would be appropriate to remove this section from the Code.

The Zoning Board was in agreement with Staff's direction regarding Item 2.

Item 3, different from Zoning Certificates, **Village Planner Robles** described Certificates of Zoning Compliance were issued upon request to confirm compliance with applicable zoning regulations. Such certificates are commonly requested prior to the transfer of ownership of a building or property. Staff proposed to update the regulations to reflect the current administration of Certificates of Zoning Compliance.

The Zoning Board was in agreement with Staff's direction regarding Item 3.

Item 4, Village Planner Robles presented that Exception Certificates were intended to be issued for any lot which had been granted relief from any zoning provisions. However, he noted, any relief from the zoning code required the adoption of a signed Village ordinance. Therefore, the Zoning Exception Certificate was a redundant requirement. To eliminate redundancies and confusion from the Zoning Code, Staff recommended such section be removed.

The Zoning Board was in agreement with Staff's direction regarding Item 4.

Item 5, Village Planner Robles explained the Committee of the Whole Referral process was not currently a code requirement or state law requirement. He continued, in its purest form, the Referral process was simply an analysis of areas of concern and contentious issues that would require further analysis by Advisory Boards at public hearings. The Referral process had at times evolved into upfront decision-making rather than conceptual and initial input, which creates a level of uncertainty in the overall process for an applicant and limits the ability of Advisory Boards to fully vet a proposal. Staff proposed defining the Referral process and establishing criteria so the process became a benefit to the development review process.

Member Leider sought confirmation of the Referral process as one to fully vet a project by following the proper process, and ensure the process remains in place by applying more structure so each step is clear. **Village Planner Robles** agreed with **Member Leider's** comments and explained the challenges in meeting with an applicant and conveying a level of uncertainty in number of Referral meetings. Additionally, the increased level of detail sought at Referral meetings, is such that should be presented in a Public Hearing meeting with the Zoning Board. **Chairman Manion** agreed with both **Member Leider's** and **Village Planner Robles'** comments.

Village Planner Robles continued with **Item 6** and explained any petition considered by the Zoning Board must currently receive the approval of 4 Members or be denied. Given the current number of Zoning Board Members, Staff felt it could be appropriate to reduce the required number of approval votes to 3 Members to alleviate Member's burden.

The Zoning Board unanimously agreed that any proposed decrease could result in increased absences, as well as the current Member levels remaining the same. **Member Kalina** questioned if the minimum number of votes could fluctuate based on attendance numbers. **Village Planner Robles** noted that input from the Village Attorney would be needed to determine if such was possible.

Item 7, Village Planner Robles continued whenever a variance or special use was granted, such approval became null and void unless construction was substantially under way within 1 year for variations and 3 years for special uses. He explained, this was to ensure any relief granted was for a specific proposal with intent to construct, and not open-ended. Since variations vary greatly by project, Staff felt it could be appropriate to extend the current 1 year revocation to 3 years to provide the same flexibility as special uses.

Chairman Manion noted his support for the extension, noting much could change, such as the economy, within a year. **Member Leider** noted his support, but questioned what the benchmarks were for such revocation. **Village Planner Robles** confirmed additional research would be conducted to provide additional information based on **Member Leider's** request.

Village Planner Robles continued with **Item 8** and explained the current Special Use section outlined the general procedures for typical Special Uses. Since Planned Unit Developments (PUDs) were also authorized by Special Use, the PUD provisions are contained as a subsection of Special Uses. However, the unique nature of PUDs included substantial procedural regulations in the subsection which tended to get lost amongst the entire Special Use Section. He continued, the specific regulations in which PUDs are reviewed and authorized, results in substantial regulations that justified its own section. In addition, **Village Planner Robles** suggested the specific regulations should be overhauled to follow current requirements and expectations.

The Zoning Board was in agreement with Staff's direction regarding Item 8.

Item 9, Village Planner Robles explained Continuing Care Retirement Campuses (CCRC) were another special use contained as a subsection within the overall Special Use Section. Other special uses that are permitted within specific zoning districts contain their regulations within the applicable zoning district sections. Since CCRCs are only permitted in the R4 District, Staff noted it could be appropriate to relocate this subsection to the R4 Zoning section where other authorized Special Uses in R4 reside.

The Zoning Board was in agreement with Staff's direction regarding Item 9.

Village Planner Robles sought feedback from the Zoning Board on whether a Public Hearing should be scheduled or if the Board preferred Staff return with draft code revisions for the February meeting. **Chairman Manion** recommended Staff return with draft code language for the Zoning Board's review and comment prior to the holding of a

Public Hearing. **Village Planner Robles** confirmed Staff would return in February with proposed code language.

4.0 UNFINISHED BUSINESS (None)

5.0 NEW BUSINESS (None)

6.0 CITIZENS COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, **Chairman Manion** adjourned the meeting at 7:26 p.m.

Minutes Submitted by Stephen Robles, Village Planner

REQUEST FOR BOARD ACTION
Zoning Board
February 12, 2014

Subject:	Administration and Enforcement Code Section - Text Amendments
Action Requested:	CONTINUED WORKSHOP to discuss proposed Text Amendments to Chapter 14, Administration & Enforcement, of the Zoning Code to update the administrative implementation of the Zoning Code.
Originated By/Contact:	Stephen Robles, Village Planner Department of Community & Economic Development
Referred To:	Zoning Board

Background:

- At the January 14th Zoning Board meeting, a workshop was held to obtain input and feedback regarding a series of conceptual code changes.
- A second workshop was requested by the Zoning Board to consider and discuss proposed code language, before a Public Hearing on specific text amendments is held.

Following, is a summary of topic areas discussed at the January Workshop and subsequently incorporated into the attached Draft Code Language:

January Workshop Summary:

1. Site Plan Review Board (SPRB) - Reclassification to "Development Review Team" (working title) to properly reflect the role of this group and revision of responsibilities to more appropriately reflect current practices.
2. Zoning Certificates – Removal of this requirement since such use has not been employed or deemed necessary in the Village.
3. Certificate of Zoning Compliance – Update the regulations to reflect the current administration of Certificates of Zoning Compliance.
4. Zoning Exception Certificate – Remove to eliminate redundancies and confusion from the Zoning Code.

For Items 1-4, the Zoning Board was in agreement with the Staff proposed revisions. The attached Draft Code has been revised based on this feedback.

5. Preliminary Evaluation Meeting (a.k.a. Referral Meeting) – As the current Committee of the Whole Referral process is not described in the Zoning Code, Staff proposed defining the Referral process to clarify the Village's development review process. *Staff has created criteria for the Preliminary Evaluation Meeting for each application type (variance, rezoning, special use, etc.). The Zoning Board may wish to 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.*
6. Zoning Board Member Approval – Based on the current number of "seated" Zoning Board Members (4, rather than code required 6 Members), a reduction in the required number of approval votes to 3 Members was proposed to alleviate burden in some cases. *The Zoning Board was not in favor of any reduction. Therefore, no changes are proposed.*

7. Revocation – Since variations can vary greatly by project, extending the 1 year revocation to 3 years to provide the same flexibility as special uses was recommended. *The Zoning Board agreed, but requested comparable benchmarks of other communities' revocation periods, see table below:*

Municipality	Time Limit (Variations)
Deerfield	1 year
Lake Forest	2 years
Buffalo Grove	6 months
Northbrook	1 year
Highland Park	1 year

8. Special Use/Planned Unit Developments (PUD)
9. Continuing Care Retirement Campus (CCRC)

Due to the extent of proposed code revisions to Items 8 & 9, Staff will return to the next regularly scheduled Zoning Board meeting with a complete breakdown.

Recommendation:

Input and direction from the Zoning Board on code amendments to the Administration and Enforcement Chapter of the Zoning Code. Due to the volume of proposed code revisions, Staff recommends returning to a subsequent workshop to continue discussions.

Reports and Documents Attached:

- DRAFT EDITS Chapter 14, Administration and Enforcement, of the Lincolnshire Zoning Code, prepared by Staff.

Meeting History	
Referral at Village Board (COW):	August 26, 2013
Zoning Board Workshop	January 14, 2014
Current Zoning Board Workshop	February 12, 2014

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

**Zoning Board
April 8, 2014 Meeting**

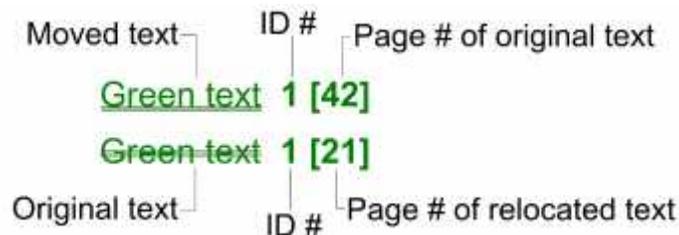
Subject:	Administration and Enforcement Code Section - Text Amendments
Action Requested:	CONTINUED WORKSHOP (in April) to discuss proposed Text Amendments to Chapter 14, Administration & Enforcement, of the Zoning Code to update the administrative implementation of the Zoning Code.
Originated By/Contact:	Stephen Robles, Village Planner Department of Community & Economic Development
Referred To:	Zoning Board

Background:

- At the February 12th Zoning Board meeting, Staff presented the first draft of proposed code revisions, and received input and feedback from the Zoning Board.
- The proposed code revisions to Title 14 were split into two segments based on the extent of changes. Draft text amendments to the first segment, Sections 6-14-1 through 6-14-14, were discussed at the February workshop.

Summary:

- In preparing the proposed code revisions to the second (and last) segment of the final Sections 6-14-15 through 6-14-17, the amount of changes is substantial. Staff determined the best approach is to provide this information for review in lieu of a March meeting, to allow ample time to review the attached code revisions and return for detailed discussions on the revisions at the April Workshop.
- The bulk of the revisions are specific to Section 6-14-15 - Planned Unit Developments (PUD). The following key has been created to follow the changes of the attached draft code revisions (Sec. 6-14-15 only):

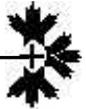


- The goal of revisions to the PUD Section is to align the code requirements with the current administrative review/approval process. Most revisions are relocation of existing text to achieve an improved process flow.
- The most substantial procedural change is the elimination of the two phase plan approval stage (preliminary and final), in favor of a single approval phase of final PUD plans. In place of the preliminary plan stage, an upfront Village review of detailed plans is proposed in order to receive the most comprehensive information/plans to determine any major complications of a PUD proposal at the initial phase, instead of the final phase (per the current process).
- The remaining two Code Sections, 6-14-16 and 6-14-17, which complete Chapter 14, are also provided for review and primarily consist of clean-up of existing code language.
- **Note – The PUD Revisions begin on page 21 of the attached draft code revisions. Comments prior to Page 21 were discussed at the last workshop.**

Reports and Documents Attached:

- DRAFT EDITS Chapter 14, Administration and Enforcement, of the Lincolnshire Zoning Code, prepared by Staff.
- PUD Process Outline, prepared by Staff.

Meeting History	
Referral at Village Board (COW):	August 26, 2013
Zoning Board Workshop	January 14, 2014
Zoning Board Workshop	February 12, 2014
Canceled Zoning Board Workshop	March 11, 2014
Current Zoning Board Workshop	April 8, 2014



**APPROVED AS
SUBMITTED**

Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, April 8, 2014, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

PRESENT: Chairman Manion, Members Van de Kerckhove and Bichkoff.

ALSO PRESENT: Stephen Robles, Village Planner.

ABSENT: Trustee Liaison Brandt, Members Kalina and Leider.

CALL TO ORDER: **Chairman Manion** called the meeting to order at 7:01 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 Wednesday, February 12, 2014.

Member Van de Kerckhove moved and **Member Bichkoff** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board held Wednesday, February 12, 2014, as submitted. The motion passed unanimously by voice vote.

3.0 ITEMS OF GENERAL BUSINESS:

3.1 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 opened his presentation noting Chapter 14, titled Administration and Enforcement, of the Zoning Code outlined the authority, procedures, and standards on the administrative functions for planning and zoning matters. For example; variations, amendments, special uses, etc. He noted the reason for the proposed updates was to align the Zoning Code with current practices to provide as much certainty and clarity in the development process for applicants. **Village Planner Robles** explained that the proposed code revisions had been split into two segments based on the extent of changes, where the first segment was discussed at the February workshop. The second segment primarily dealt with Planned Unit Developments or PUD's since the amount of changes were substantial. He explained PUD's were authorized by Special Use to allow greater flexibility in the development of land than standard zoning districts. In return, the Village received a development designed for efficient and creative use of land to promote the desired development of the community. Given the amount of regulations associated with the review and authorization of PUD's, Staff proposed to relocate the PUD regulations from within the Special Use Section into a stand-alone Section. **Village**

Planner Robles identified that while many of the changes proposed were relocation of existing text to improve process flow, the most substantial change proposed was the elimination of the two phase plan approval stage in favor of a single approval process for final PUD plans. It was explained that a separate process was required for preliminary PUD plan approval, prior to receiving final PUD plan approval, which also included a specific process. In developing the revised process, Staff was focused on improving the efficiency of the approval process for PUD's. In closer analysis, **Village Planner Robles** explained that a single phase process may not be the best approach since it required upfront review of detailed plans, which may not be constructive to the development community who may prefer to receive preliminary Village support before spending resources on such detailed plans. A two-stage review and approval process may be the best approach for both the Village and developers, but improved efficiency of the current process was still necessary.

Chairman Manion expressed his support for the ability to provide for concurrent review of PUD applications in the proposed Code, which would offer more flexibility to applicants. **Member Bichkoff** noted his agreement with a concurrent review process and noted that incorporating procedural options for review of PUD applications was a good idea. **Chairman Manion** also suggested the extent of a public hearing for PUD's may need to be increased if a specific proposal is contentious. **Member Bichkoff** felt such process would treat projects differently and insert judgment on a project in the initial phases of Village review.

Village Planner Robles proceeded to summarize the proposed code revisions that have resulted over the past workshops. **Member Bichkoff** noted that the procedural process for each application type was repetitive and would be better to place all general procedures in one section. **Village Planner Robles** concurred and noted Staff had also discussed this and would be making the change as suggested.

At the conclusion of Staff's presentation, **Village Planner Robles** sought the Zoning Board's direction on whether an additional workshop was necessary or if a public hearing on the final proposed text amendments should be scheduled for the May meeting. **Chairman Manion** expressed his preference to defer the public hearing and for Staff to return to the May meeting with a final draft code for Zoning Board review. **Members Van de Kerckhove** and **Bichkoff** concurred.

4.0 UNFINISHED BUSINESS (None)

5.0 NEW BUSINESS

Village Planner Robles noted the Zoning Board Members have been receiving copies of the *Commissioner* publication from the American Planning Association over the past year. Since the subscription is up for renewal, **Village Planner Robles** questioned if the Zoning Board desired to continue receiving said publication. The Zoning Board unanimously agreed that the subscription could expire.

Village Planner Robles also explained the Village Staff has been exploring electronic agendas and distribution, and potential elimination of the traditional paper agenda packets. Agenda packets would be compiled electronically and distributed via email to each of the Zoning Board members. For the meetings, each Zoning Board member would be responsible for bringing their personal device to view the agenda and

**Zoning Board
May 13, 2014 Meeting**

Subject:	Administration and Enforcement Code Section - Text Amendments
Action Requested:	Consideration and Discussion of proposed Text Amendments to Chapter 14, Administration & Enforcement, of the Zoning Code to update administrative implementation and processes.
Originated By/Contact:	Stephen Robles, Village Planner Department of Community & Economic Development
Referred To:	Zoning Board

Background:

- At the April 8th Zoning Board meeting, Staff presented concluding portions of proposed code revisions, and received input and feedback from the Zoning Board.
- The proposed code revisions to Title 14 were split into two segments based on the extent of changes. Draft text amendments to the first segment, Sections 6-14-1 through 6-14-14, were discussed at the February workshop. The second (and last) segment, Sections 6-14-15 through 6-14-17, was discussed in April.
- The Zoning Board requested final review of a complete draft of Chapter 14 prior to the holding of a public hearing (anticipated in June).

Summary:

- Most revisions to Chapter 14 are to align the code requirements with the current administrative review/approval process, improve efficiencies, and establish clear expectations of development review procedures.
- A General Application Process section is created as the point source for all basic application requirements and procedures, with the exception of planned unit developments. Staff previously proposed repeating each procedural step for each administrative function, which was deemed too duplicative.
- The Authorized Variance section remains, which was previously proposed for removal from the code. The revised list contains variations deemed to be minor in nature allowing an applicant to proceed directly to the Zoning Board for public hearing, rather than requiring a "referral" meeting with the Village Board prior to Zoning Board action. Any variance request not contained on the authorized list will require referral with the Village Board prior to Zoning Board action.
- The most substantial revisions occur to the Planned Unit Development (PUD) section. Elimination of the existing two phase plan approval stage (preliminary and final) was proposed, in favor of a single final PUD Plan approval process in order to improve efficiency.
- After further consideration and review of comparable communities PUD regulations, the current preliminary and final plan review phase remains. The preliminary approval process is proven an essential element in the review process and is revised to improve efficiencies.

Recommendation:

- Input and direction from the Zoning Board on proposed draft code language to Chapter 14, in order to return for a Public Hearing in June.

Reports and Documents Attached:

- DRAFT Chapter 14, Administration and Enforcement, of the Lincolnshire Zoning Code, prepared by Staff.
- Revised PUD Process Outline, prepared by Staff.

Meeting History

Referral at Village Board (COW):	August 26, 2013
Zoning Board Workshop	January 14, 2014
Zoning Board Workshop	February 12, 2014
Canceled Zoning Board Workshop	March 11, 2014
Zoning Board Workshop	April 8, 2014
Current Zoning Board	May 13, 2014

area; clarifying no fences are permitted in conservancy areas that run continuously between properties; and allowing 6' tall solid fences along Half Day Road and Riverwoods Road. She asked the Zoning Board to refer to the handouts and color graphics provided to the Zoning Board.

Member Van de Kerckhove inquired whether or not there will be a situation where corner side yard fences create the appearance of a continuous "wall" of fences due to their adjoining location. **Member Bichkoff** pointed out several corner side yard properties along Riverwoods Road on the fence map where there is a potential for two adjoining corner side yard fences installed.

Economic Development Coordinator Zozulya stated the Zoning Board needs to keep in mind there are existing rear yard fences along Riverwoods Road which are not depicted on the map provided by Staff. She stated Staff believes the existing character of the properties would not change with the corner side yard fence permissibility.

Member Bichkoff inquired how existing fences along Half Day Road and Riverwoods Road were previously permitted. **Economic Development Coordinator Zozulya** stated the previous code was ambiguous with regard to "adjacency" to those arterials.

Chairman Manion inquired as to the height of existing fences along Half Day Road and Riverwoods Road. **Economic Development Coordinator Zozulya** stated the majority of them are 6' solid fences; however, there are some that are shorter fences of an open type.

Chairman Manion closed the Public Hearing and reconvened the Zoning Board meeting.

There was a consensus among the members in support of this request and the following motion was read:

Member Kalina moved and Member Van de Kerckhove seconded a motion, based on facts covered in a Public Hearing held on May 13, 2014, to recommend approval to the Village Board of a Text Amendment to Section 2 of Chapter 15 of the Zoning Code to revise and clarify requirements regarding permitted yard fence locations.

The motion passed unanimously by voice vote.

- 3.2 Consideration and Discussion of proposed Text Amendments to Chapter 14 of the Zoning Code to update requirements for Administration and Enforcement (Village of Lincolnshire).

Village Planner Robles presented Staff's memorandum and noted the Village's development review procedures were housed in Chapter 14, Administration and Enforcement, of the Zoning Code, which outlines the authority, procedures, and standards regarding the administrative functions of planning and zoning matters of the Village. The bulk of the proposed revisions were to align code requirements with the current administrative review and approval process, improve efficiencies and establish clear expectations of development review procedures. **Village Planner Robles** continued, the proposed amendments to Title 14 were split into 2 segments based on the extent of changes and were discussed at past Zoning Board workshops. The first

segment, Sections 1 through 14, was discussed at the February workshop. The second and last segment, Sections 15 through 17, was discussed in April.

Village Planner Robles explained at the request of the Zoning Board, a final draft of the Chapter 14 amendments was being provided for review prior to a public hearing which was anticipated for June. He continued with notable changes proposed, such as the General Application Process section was created as the point source for all basic application requirements and procedures, with the exception of planned unit developments. Staff had previously proposed repeating each procedural step for each administrative function, which was deemed too repetitive. The Authorized Variance section, which provides specific instances in which the Village may authorize a variance, was previously proposed for removal but has been retained. However, the intent of this section was modified to outline variations deemed minor in nature and would allow an applicant to proceed directly to the Zoning Board for public hearing, rather than requiring a "referral" meeting with the Village Board first. Any variance request not contained on the authorized list would still be considered by the Village, but require referral with the Village Board before a public hearing with the Zoning Board. The most substantial revisions occurred to the Planned Unit Development (PUD) section. A single final approval process was previously proposed as a replacement of the current 2 phase plan approval stage of a preliminary and final PUD plan, in order to improve efficiency. After further consideration and review of comparable communities and their PUD regulations, **Village Planner Robles** explained that the current preliminary and final plan review phase remained since both the preliminary and final approval process was proven an essential element in the PUD review process and has been revised to improve efficiencies.

Member Van de Kerckhove noted a few minor grammatical revisions to the proposed text amendments, which **Village Planner Robles** noted would be changed prior to the public hearing.

There being no further comments, there was a consensus amongst the Zoning Board to schedule the public hearing discussion of the final draft code at the June meeting.

4.0 UNFINISHED BUSINESS (None)

Village Planner Robles provided an update on electronic agendas and distribution, and noted June's agenda and packet will be distributed electronically, as agreed by the Zoning Board. He reminded that each Zoning Board member would be responsible for bringing their personal device to view the agenda and materials, tablets were the recommended device, and Wi-Fi internet connection would be available.

5.0 NEW BUSINESS (None)

6.0 CITIZENS COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, **Chairman Manion** sought a motion for adjournment. **Member Kalina** moved, and **Member Bickhoff** seconded the motion to adjourn. The meeting adjourned at 7:28 p.m.

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

**Zoning Board
June 10, 2014 Meeting**

Subject:	Administration and Enforcement Code Section - Text Amendments
Action Requested:	PUBLIC HEARING and Discussion of proposed Text Amendments to Chapter 14, Administration & Enforcement, of the Zoning Code to update administrative implementation and processes.
Originated By/Contact:	Stephen Robles, Village Planner Department of Community & Economic Development
Referred To:	Zoning Board

Background:

- Late summer 2013, Staff initiated an update of the Administration and Enforcement chapter of the Lincolnshire Zoning Code. The existing provisions were last comprehensively reviewed in 1986. The current objective is to align Code regulated processes and procedures with current practices to provide as much certainty and clarity in the development review process for applicants.
- The Village's development review procedures are housed in Chapter 14, *Administration and Enforcement*, of the Zoning Code. This Chapter outlines the authority, procedures, and substantive standards regarding the administrative functions of Village planning and zoning matters (variations, amendments, special uses, site plan review, fees, penalties, etc.).
- The attached Chapter 14 draft code amendments result from three separate Zoning Board workshop meetings.

Summary:

Most revisions to Chapter 14 are intended to align code requirements with the current administrative review/approval process, improve efficiencies, and establish clear expectations of development review procedures.

- **Site Plan Review Board (6-14-7, formerly 6-14-6):** The SPRB consists of key Village Staff who carry out technical review of preliminary site plans for proposed developments on an as-needed basis. Current code details a more formalized Board, with specific meeting protocols, which do not reflect the practical nature of the SPRB. The group's title has been reclassified to "Development Review Team" to properly reflect the role of this group along with revisions of responsibilities and protocols to more appropriately reflect current practices.
- **Zoning Certificates (formerly 6-14-8):** Currently, a building permit cannot be issued unless a Zoning Certificate has first been issued indicating the proposed structure/use complies with the Zoning Code. Such practice has proven redundant and the issuance of a Building Permit/Certificate of Occupancy is sufficient documentation of zoning compliance. This section has been removed to reduce redundancy.
- **Zoning Exception Certificate (formerly 6-14-10):** Exception Certificates are intended to be issued for any lot which has been granted relief from any zoning provisions (due to establishment of a legal nonconforming use/structure, special use, variance, etc.). However, relief from the zoning code already requires the adoption of a signed Village ordinance authorizing relief. Therefore, this section has been removed to reduce redundancy.
- **General Application Process (6-14-8):** This is a new section intended to function as the point source for all basic application requirements and procedures, with the exception of planned unit developments. Staff previously proposed repeating each procedural step for each administrative function, which was deemed too duplicative.
- **Preliminary Evaluation Meeting (6-14-8(B)):** Currently known as "referral meeting", the Committee of the Whole referral process is not a Village code or state law requirement. In its

purest form, the referral process is simply an analysis of “areas of concern” and contentious issues that will require further analysis by Advisory Boards at public hearings. While a benefit, the referral process has at times evolved into upfront decision-making rather than conceptual and initial input. The process has also become one in which detailed direction and mandates are sought at this initial meeting. This creates a level of uncertainty in the overall process for an applicant, and limits the ability of Advisory Boards to fully vet a proposal. The referral process is now formally defined as “Preliminary Evaluation Meeting” with the intent of serving as a clear and defined initial step to the development review process. As such, initial Village Board commentary and requests for analysis (to be undertaken with the Advisory Board’s) would be based on conceptual information provided by petitioners. This clarity would provide a benefit in the process, rather than the current unknown and inconsistent level of detail and discussion at the initial step.

- **Authorized Variance (6-14-9(D)):** Intent of this Subsection has been revised to permit certain variations deemed to be minor in nature to proceed directly to the Zoning Board for public hearing, rather than requiring a “referral” meeting with the Village Board prior to Zoning Board action. Any variance request not contained on the authorized list will require “referral” with the Village Board prior to Zoning Board action.
- **Planned Unit Developments (PUD) (6-14-12):** The current Special Use code section outlines the general procedures for typical Special Uses. Since PUDs are also authorized by Special Use, the PUD provisions are contained as a subsection of Special Uses. Given the unique nature of PUDs, there are substantial procedural regulations in this subsection which tend to get lost amongst the entire Special Use section, justifying its own section. In addition to establishing a new Section for PUDs, the specific regulations have been overhauled to align with current requirements/expectations.
- **Continuing Care Retirement Campus (CCRC) (6-14-14(O)):** CCRCs are another Special Use contained as a subsection within the overall Special Use section. Like traditional special uses permitted in specific zoning districts, their permissibility and corresponding regulations are contained within the applicable zoning district code sections. CCRCs are only permitted in the R4 District, where it has been relocated.

Recommendation:

Approval of text amendments to Chapter 14, Administration & Enforcement, of the Zoning Code to update administrative implementation and processes.

Motion:

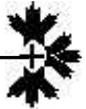
Having made findings based on facts covered in a Public Hearing held on June 10, 2014, the Zoning Board recommends approval to the Village Board of amendments to Chapter 14 of the Lincolnshire Zoning Code to update the administrative and implementation processes, as presented in Staff’s memorandum, and further subject to. . . .

{Insert any additional conditions or modification desired by the Zoning Board}

Reports and Documents Attached:

- DRAFT Chapter 14, Administration and Enforcement, of the Lincolnshire Zoning Code, prepared by Staff.
- DRAFT, Chapter 5, Article C, R4 Single-Family Attached Residential, of the Lincolnshire Zoning Code (relocation of Continue Care Retirement Campus), prepared by Staff.

Meeting History	
Referral at Village Board (COW):	August 26, 2013
Zoning Board Workshop	January 14, 2014
Zoning Board Workshop	February 12, 2014
Zoning Board Workshop	April 8, 2014
Zoning Board Consideration	May 13, 2014
Current Zoning Board Public Hearing	June 10, 2014



UNAPPROVED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, June 10, 2014, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

PRESENT: Chairman Manion, Members Kalina, Van de Kerckhove and Bichkoff.

ALSO PRESENT: Steve McNellis, Director of Community & Economic Development, and Stephen Robles, Village Planner.

ABSENT: Trustee Liaison Brandt and Member Leider.

CALL TO ORDER: **Chairman Manion** called the meeting to order at 7:01 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, May 13, 2014.

Member Van de Kerckhove moved and **Member Bichkoff** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board held Tuesday, May 13, 2014, as submitted. The motion passed unanimously by voice vote.

3.0 ITEMS OF GENERAL BUSINESS:

3.1 PUBLIC HEARING and Consideration and Discussion of Text Amendments to Chapter 14 of the Zoning Code to update requirements for Administration and Enforcement (Village of Lincolnshire).

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

Village Planner Robles summarized Staff's memorandum and noted last summer, Staff initiated an update of the Administration and Enforcement chapter of the Zoning Code. Said chapter outlines the authority, procedures, and standards on the administrative functions of Village planning and zoning matters - variations, amendments, special uses, fees, penalties, etc. Since the existing provisions had been last reviewed in 1986, the objective of the code update was to align Code regulated procedures with current practices to provide as much certainty and clarity in the development review process for applicants. The provided Chapter 14 draft code amendments were a result of three separate Zoning Board workshops that occurred during the late winter and early spring. **Village Planner Robles** continued that while a number of revisions were being proposed, many were simply updates to current processes, with a summary of key code revisions provided in the Staff memo. Staff requested approval of text amendments to Chapter 14, Administration & Enforcement, of the Zoning Code as proposed.

There being no public comment, **Chairman Manion** closed the Public Hearing and reconvened the Zoning Board meeting.

There was a consensus among the members in support of this request and the following motion was read:

Member Van de Kerckhove moved and **Member Kalina** seconded a motion, based on facts covered in a Public Hearing held on June 10, 2014, the Zoning Board recommended approval to the Village Board of amendments to Chapter 14 of the Lincolnshire Zoning Code to update the administrative and implementation processes, as presented in Staff's memorandum.

The motion passed unanimously by voice vote.

- 3.2 WORKSHOP to discuss proposed Text Amendments to Title 6, Zoning, of the Lincolnshire Village Code to establish zoning regulations on the establishment and operation of medical cannabis-related uses. (Village of Lincolnshire).

Village Planner Robles presented that the Compassionate Use of Medical Cannabis Pilot Program Act was signed into law in August last year and became effective on January 1st. The Act allows for the establishment of medical cannabis dispensaries and cultivation centers, and the prescribing of medical cannabis to registered patients throughout Illinois. By April, the State was required to establish and adopt administrative rules on the implementation of the Act. However, such rules were still in the development phase with the Joint Committee on Administrative Rules. After completion of the rulemaking process, medical cannabis facilities can then be registered for operation by the State Department of Agriculture and Financial & Professional Regulation. To avoid conflicts between the State rules and Lincolnshire zoning regulations, a six month moratorium was enacted by the Village on March 10th and set to expire in September. Before discussing potential code regulations at a Public Hearing, a summary of the Act and proposed rules, along with the Lake County Model Ordinance had been provided for open discussion.

Village Planner Robles offered Question 1 of the Staff memorandum to the Zoning Board; *What is the most appropriate zoning district for dispensing organizations; commercial, light industrial, office?* **Chairman Manion** responded he preferred such uses not be within open view of the main roadways within the Village and he could not classify such uses to a pharmacy. **Member Kalina** questioned what other States, such as California, were enforcing regarding permissibility of such uses. **Village Planner Robles** noted it varies by State, but Staff had observed many local municipalities were leaning towards locating dispensary organization with industrial zoned districts. **Director McNellis** offered that staff internally discussed suitable zoning districts and felt dispensaries did not fit within the standard commercial use. The operations of dispensaries are not open to the general public, unlike pharmacies. **Chairman Manion** opined that dispensaries could be appropriate in office buildings, similar to medical doctors' offices, which are located for easy access to people with illnesses. **Member Kalina** felt dispensaries could generate high levels of traffic, aligned with the potential high number of card holders. **Member Bichkoff** questioned what the areas of the Village were based on zoning districts. **Village Planner Robles** briefly identified the general locations of the zoning districts with Lincolnshire. **Chairman Manion** questioned if the Village's Police Department had provided input and commentary on dispensaries locations from a safety standpoint. **Village Planner Robles** noted Police input had not been obtained prior to the night's meeting; however, Staff would obtain Police input prior to the next meeting.

**REQUEST FOR BOARD ACTION
COMMITTEE OF THE WHOLE MEETING**

Subject: **Consideration of a Resolution Approving Closed Session Meeting Minutes and Authorizing the Village Clerk to Make Certain Closed Session Meeting Minutes Available to the Public for Inspection First Review – 2014 and Authorizing the Destruction of Certain Audio Recordings of Closed Session Minutes**

Action Requested: **Consideration of Certain Executive Session Minutes and Direct Placement on the August 25, 2014 Regular Meeting Agenda for Approval**

Originated By/Contact: **Village Manager**

Referred To: **Village Board**

Summary / Background:

The Illinois Open Meetings Act requires minutes be kept of all meetings of public bodies, whether open or closed (Executive Session). Minutes of closed meetings are required to be made available to the public only after the public body determines it is no longer necessary to keep such minutes confidential. In accordance with the Open Meetings Act, public bodies are required to review withheld minutes of closed meetings on a semi-annual basis. A determination is to be made in open session on the question of whether a need for confidentiality still exists with respect to all or part of the Executive Session Minutes reviewed.

The last time Executive Session Minutes were reviewed by the Village Board was January 2014. In order to address Executive Session Minutes, the Village Board is requested to consider various minutes as reflected in the Exhibits to the attached Resolution.

The process of approving and determining the releasability of closed session minutes ensures the Village meets the intent of the Illinois Open Meetings Act. Village Staff and legal counsel will be available to respond to questions.

Budget Impact: None.

Service Delivery Impact: None.

Recommendation: Consideration of Draft Executive Session Minutes

Reports and Documents Attached:

- Draft Resolution Approving Certain Executive Session Minutes and Authorizing Destruction of Certain Audio Recordings
- Executive Session Minutes for Review: January 13, 2014, April 28, 2014, and May 27, 2014.

Meeting History	
Initial Referral to Village Board (COW):	08/04/2014
Regular Village Board Meeting:	

RESOLUTION NO. _____

A RESOLUTION APPROVING CERTAIN CLOSED SESSION MEETING MINUTES AND AUTHORIZING THE VILLAGE CLERK TO MAKE CERTAIN CLOSED SESSION MEETING MINUTES AVAILABLE FOR PUBLIC INSPECTION SECOND REVIEW - 2013 AND AUTHORIZING THE DESTRUCTION OF CERTAIN AUDIO RECORDINGS OF CLOSED SESSION MINUTES

WHEREAS, the Board of Trustees of the Village of Lincolnshire have met from time to time in Executive Session for purposes authorized by the Illinois Open Meetings Act (the "Act"); and

WHEREAS, as required by the Act, the Village Clerk has kept written minutes of all such executive sessions; and

WHEREAS, pursuant to 5 ILCS 120/2.06 (d), the Board of Trustees have reviewed closed session minutes; and

WHEREAS, the Board of Trustees have determined that the attached list of minutes identified in **Exhibit A** are complete, accurate and shall be approved; and

WHEREAS, the Board of Trustees have determined that the attached list of minutes identified as **Exhibit B** no longer require confidential treatment and should be made available for public inspection; and

WHEREAS, the Open Meetings Act requires governmental bodies to audio or video record their closed meetings; and

WHEREAS, this governmental body has complied with that requirement; and

WHEREAS, for the verbatim record by audio tape of the closed session portion of the meetings set forth in Section 2 of this Resolution, at least eighteen (18) months have passed since the completion of those meetings, and this governmental body has approved written minutes for each of the closed session portions of the meetings set forth in Section 2;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF TRUSTEES OF LINCOLNSHIRE, LAKE COUNTY, ILLINOIS, as follows:

Section 1: Based upon the statements made in the preamble to this Resolution: (a) the Board of Trustees of the Village of Lincolnshire hereby approve the minutes of the closed meetings listed on Exhibit A, and (b) the Board of Trustees of the Village of Lincolnshire hereby finds that the minutes of the closed meetings listed on **Exhibit B** are no longer necessary to keep confidential and order their release for public review, inspection and copying.

Section 2: Based upon the statements made in the preamble to this Resolution, the Board of Trustees of the Village of Lincolnshire hereby order the destruction of the verbatim record, such being an audio recordings, of the closed session portions of all meetings which took place prior to January 2013.

Section 3: This Resolution shall be in full force and effect from and after its adoption as provided by law.

ADOPTED this _____ day of August, 2014 pursuant to a roll call vote as follows:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Mayor Brett Blomberg

ATTEST:

Village Clerk Barbara Mastandrea

Exhibit A

The following meeting minutes are approved:

January 13, 2014

April 28, 2014

May 27, 2014

Exhibit B

The Following Meeting Minutes for Release:

NONE

**REQUEST FOR BOARD ACTION
COMMITTEE OF THE WHOLE MEETING**

Subject: **Resolution Authorizing the Village Manager to Execute Documentation to Secure a Final Electricity Price for Various Electricity Accounts (Village of Lincolnshire)**

Action Requested: **Consideration and Discussion of Authorizing Village Manager to Execute Documentation to Secure Electricity Pricing for Various Electricity Accounts**

Originated By/Contact: **Village Manager**

Referred To: **Village Board**

Summary / Background:

Currently, the Village has a contract with MC2 to provide electricity for various non-franchise electricity accounts. For the franchise accounts (generally Village Hall and Public Works buildings), the Village receives electricity from Com Ed at no charge. The current MC2 contract is set to expire at the end of this year. Since 2006, the Village has worked with Energy Choices, a Metropolitan Mayor's Caucus vendor, to secure pricing for non-franchise electricity accounts. Energy Choices is prepared to solicit pricing for various Village of Lincolnshire non-franchise accounts prior to the termination of the current agreement with MC2.

To help the Village avoid being impacted by fluctuations in the electricity market, Energy Choices recommends the Village start obtaining pricing from electricity supply companies on a regular basis starting in the fall. Energy Choices does not recommend setting a formal bid date for electricity pricing because doing so may be impacted by market conditions (weather, stock market, etc.) on the particular bid date. To provide flexibility in securing the best possible pricing for the Village, staff requests approval of the attached resolution authorizing the Village Manager to execute documentation to secure pricing for final electricity rate for various non-franchise accounts. The Village Manager will work with representatives from Energy Choices to obtain the best pricing for the Village and lock in rates with a supplier. Once the supplier is identified staff will bring the final contract to the Village Board for formal ratification and approval.

Budget Impact: Unknown at this time. Once pricing is received, staff will communicate anticipated budget impact.

Service Delivery Impact: None.

Recommendation: Consideration of draft resolution and authorizing Village Manager to secure final electricity price for various electricity accounts. Staff will be available at Monday's meeting to answer any questions of the Village Board.

Reports and Documents Attached:

- Draft Resolution Authorizing the Village Manager to Execute Documentation to Secure a Final Electricity Price for Various Electricity Accounts

Meeting History	
Initial Referral to Village Board (COW):	08/04/2014
Regular Village Board Meeting:	

RESOLUTION NO. 2014- _____

A RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO EXECUTE DOCUMENTATION TO SECURE A FINAL ELECTRICITY PRICE FOR VARIOUS ELECTRICITY ACCOUNTS

WHEREAS, the Village of Lincolnshire has numerous non-franchise electricity accounts for various facilities and equipment; and

WHEREAS, in the past, the Village of Lincolnshire has worked with energy consultant, Energy Choices, to solicit bids for electricity supply for various non-franchise accounts; and

WHEREAS, the Metropolitan Mayor's Caucus has identified Energy Choices as vendor to provide support to municipalities in making electricity supply decisions; and

WHEREAS, the Village of Lincolnshire has worked with Energy Choices since 2006, to solicit bids for electricity supply for various accounts, and as a result of this work entered into a Retail Electricity Supply Agreement with MC2 for electricity supply in 2011; and

WHEREAS, the Village of Lincolnshire's current Retail Electricity Supply Agreement with MC2 expires at the end of 2014; and

WHEREAS, the Village of Lincolnshire, in working with Energy Choices, expect that the daily market price quotes will result in a final electricity price for various non-franchise accounts that is deemed to be advantageous to the Village; and

WHEREAS, in order to preserve the ability of the Village to establish a final electricity price for the various non-franchise electricity accounts at as low a price as practicable, the Village President and Board of Trustees have determined that it will serve and be in the best interests of the Village to authorize the Village Manager to execute, on behalf of the Village, all documentation necessary to secure a final electricity price for various non-franchise electricity accounts;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF LINCOLNSHIRE, LAKE COUNTY, ILLINOIS, as follows:

Section 1. Recitals.

The foregoing recitals are incorporated into, and made a part of, this Resolution as the findings of the Mayor and Board of Trustees of the Village.

Section 3. Authorization to Execute Documentation.

A. The Mayor and Board of Trustees shall, and do hereby, authorize the Village Manager to execute, on behalf of the Village, all documentation necessary for the establishment of a final electricity price for various non-franchise electricity accounts.

Section 2. Execution of Contract.

The Village Manager shall be, and is hereby, authorized and directed to execute a contract and attest, on behalf of the Village of Lincolnshire,

B. This Resolution shall not be deemed or interpreted as obligating the Village Manager to execute any documentation related to the establishment of a final electricity price for the Electricity Aggregation Program. In the event that the Village Manager determines, in his discretion and in cooperation with the Consortium, that, on any given day, the daily market price quotes for any term are not favorable to the Village, then the Village Manager shall be, and is hereby, authorized to reject such quotes on behalf of the Village.

Section 5. Effective Date.

This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

ADOPTED by the Mayor and Board of Trustees of the Village of Lincolnshire, Illinois, on the _____ day of _____, 2014 according to the following roll call vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

Mayor, Village of Lincolnshire, Illinois

Clerk, Village of Lincolnshire, Illinois

**REQUEST FOR BOARD ACTION
AUGUST 4, 2014 COMMITTEE-OF-THE-WHOLE**

Subject: Consideration and Discussion of the Issuance of a Class "D" Liquor License for Go Roma Lincolnshire, LLC, D.B.A. Go Roma (Village of Lincolnshire)

Action Requested: Referral to Regular Village Board Meeting August 25, 2014 to be placed on Consent Agenda for approval.

Originated By/Contact: Peter D. Kinsey, Chief of Police

Referred To: Village Board

Summary / Background:

Go Roma Lincolnshire, LLC, a Texas corporation, submitted a completed "Petition for the Creation of a Village Retailer's License - Alcoholic Liquor," for a Class "D" liquor license. The license will be for the sale of beer and wine for consumption on the specified premises in conjunction with the sale of food only.

Go Roma Lincolnshire, LLC is purchasing the existing Go Roma restaurant from the current owner, Fast Fresh Italian, LLC, with the transaction scheduled to close at the end of August. The applicant is expected to begin operating the restaurant as soon as they obtain their local and state liquor licenses. Since Go Roma Lincolnshire, LLC will be the new owner of the restaurant, they are required to apply for a liquor license as if they were a brand new applicant, even though there will be no change to restaurant operations and staff.

In addition to the above information, the following areas were checked for compliance and conformity as required in the license application:

1. The Petition for the Creation of a Village Retailer's Liquor License was submitted in its completed form. A check in the amount of \$2,500.00 was remitted with the application, which covers the total fee of the license.
2. A check through the Illinois Secretary of State's Corporate Business Office on July 30, 2014 indicates Go Roma Lincolnshire, LLC is a Texas corporation registered to conduct business in Illinois and is currently in "Good Standing" in Illinois. The Registered Agent is Corporate Creations Network, Inc., 350 Northwest Highway, Suite #300, Park Ridge, IL which is consistent with the applicant's petition.
3. The property where the business is to be located will be solely leased by Go Roma Lincolnshire, LLC (Go Roma Lincolnshire, LLC will be assuming Fast Fresh Italian, LLC's original lease).
4. A valid State of Illinois Liquor Retailer's License will be secured and forwarded to the Village subsequent to the issuance of the Village of Lincolnshire Liquor License. The State Liquor Commission requires a local liquor license prior to the issuance of a State Liquor License.
5. A Certificate of Liability Insurance with policy limits meeting or exceeding Village Code requirements was submitted with the application.

6. The Manager/Agent will be Kevin B. Schuman, who resides in Riverwoods, Lake County, Illinois. Both Village Code and Illinois Statute require an owner or manager to reside within the county in which the establishment is located. Mr. Schuman meets the requirements and was also subjected to computerized State and Federal criminal history checks.

7. The fee for a Class "D" liquor license is \$2,500.00. Below is the Village Code definition for a Class "D" liquor license for reference.

CLASS D (Restaurant – beer and wine only - no dancing)

Issued to authorize the sale of beer and wine only in conjunction with the sale of food only. No bar shall be permitted.

Fast Fresh Italian, LLC will surrender its Class "D" liquor license upon sale of the restaurant to Go Roma Lincolnshire, LLC. As one (1) Class "D" liquor license will then be available for issue, it will not be necessary to pass an ordinance to increase the number of allowable Class "D" liquor licenses.

Budget Impact:

Approval of this request will not result in any adverse impact to the current budget.

Service Delivery Impact:

Not applicable.

Recommendation:

At this time, nothing has been found to preclude the issuance of the requested license. Staff recommends approval and requests that this item be placed on the August 25, 2014 Consent Agenda for approval.

Reports and Documents Attached:

- None

Meeting History	
Initial Referral to Village Board (COW):	August 4, 2014
Regular Village Board Meeting:	

**REQUEST FOR BOARD ACTION
August 4, 2014 Committee of the Whole Meeting**

Subject: Consideration and Discussion of Park Board Recommendation to Approve a Request by The Village Club of Lincolnshire to Use North Park for a Charity Fundraiser on Sunday October 5, 2014. (The Village Club)

Action Requested: Consideration of a Park Board Recommendation

Originated By/Contact: Scott Phippen, Superintendent of Administration, Fleet, and Facilities

Referred To: Village Board

Summary / Background:

The Lincolnshire Village Club requests permission to use 4 baseball fields at North Park, along with the picnic area, for a fundraising event to support the Cystinosis Research Network. This request is a part of the Village Club's philanthropy efforts for the current year. According to Village Club representatives, this will be the second and final year for this event. At the July 21, 2014 Park Board meeting, the Park Board unanimously recommended the Village Board approve the North Park field use request via the following motion:

"The Park Board recommends approval of the Village Club request to use North Park for a charity event at a date to be determined pending review of the LSA schedule, as well as waiver of the field use and picnic permit fee"

Service Delivery Impact:

Based on last year's event, there will be approximately 4-6 Village staff hours required to prep baseball fields and empty garbage cans after the event.

Recommendation:

Staff recommends Village Board approval of the Park Board's recommendation to allow the Village Club to host a fundraising event on Sunday October 5, 2014 from 1:00 PM-5:00 PM at North Park.

Additionally, staff recommends waiver of the \$100.00 Picnic Permit Fee as long as all permit application and insurance requirements are met.

Reports and Documents Attached:

- Letter from the Village Club detailing the event
- Letter from the Village Club requesting fee waiver

Meeting History	
Park Board Meeting:	July 21, 2014
Initial Referral to Village Board (COW)	August 4, 2014
Regular Village Board Meeting	August 25, 2014



Dear Village of Lincolnshire Parks and Recreation Board and Village Trustees,

Due to the success of The Village Club's "Kickn' it for Jack" event last year, we are requesting the use of North Park for a second event benefitting – Cystinosis Research Network. Cystinosis is a rare metabolic disease that affects primarily children and only 500 in the United States have this disease. Executive Director Christy Greeley is a long time Lincolnshire resident, whose son Jack suffers from the disease. The Village Club has chosen to raise money for CRN as it functions solely from donations and also to support one from our own community.

"Kickn' it for Jack" saw over 150 come out to support Jack Greeley plus several community organization and residents come together help with the event. So we propose another family friendly Kickball Tournament on Sunday, Sept. 28 at North Park. In the spirit of philanthropy, we ask that the Village of Lincolnshire waive field costs. 2014-2015 is the last year CRN will be the Village Club philanthropy and likely the last event we would host at North Park.

The following explanation is an overview of the event:

When: **Sunday, September 28**, (alternate rain date Sunday, October 5)

Where: **North Park** – utilizing 4 baseball fields and the picnic area

Event: **"Kick'n it for Jack"**

Kickball Tournament utilizing the baseball fields

Eco-friendly Balloon launch to raise CRN awareness

Time: 1 pm – 5pm

Fee: \$20 per player

Potential number of attendees: 150+

Potential vendors: La Rosa (already committed to donating 20 pizzas), Dear Franks Hot Dogs, Prairie House (including beer sales, will provide license, insurance, etc)

Village Club will sell bottled water, Gatorade, soda, candy, all proceeds to benefit CRN.

Money raised from tournament entry and food sales will be donated to CRN. We hope that this event will not only raise a substantial donation for CRN, but also bring together Lincolnshire for a day of fun, community and philanthropy.

Thank you for your consideration.

Robin Babbo – Village Club President

Susie Durlacher/ Laurie Gens – Village Club Philanthropy Co-Chairs



June 16, 2014

Dear Village Trustees,

Due to the success of our “Kickn’ it for Jack” event for Cystinosis Research Network, The Village Club is proposing a second event at North Park on Sunday, September 28, 2014. This year marks our last year of philanthropy support for Jack Greeley and likely the last event we would do at North Park. So once again, The Village Club wants to host an event for Jack in which the Lincolnshire community can come together for fun and philanthropy.

In this spirit, we ask that the Village waive all permit fees or field usage fees. All “Kickn’ it for Jack” proceeds raised by the Village Club go directly to CRN.

We thank you for your consideration and support.

Sincerely,

Robin Babbo – Village Club President

Susie Durlacher/ Laurie Gens – Village Club Philanthropy Co-chairs

REQUEST FOR BOARD ACTION
August 4, 2014 Committee of the Whole Meeting

Subject: Consideration and Discussion of Park Board Recommendation to Install a Basketball Court at Balzer Park (Village of Lincolnshire)

Action Requested: Consideration and Discussion of Park Board Recommendation

Originated By/Contact: Scott Phippen, Superintendent of Administration, Fleet, and Facilities

Referred To: Park Board

Summary / Background:

At the June 16, 2014 Park Board meeting and tour, staff presented the Park Board with options for a basketball court at Balzer Park. The original plan was to install a basketball goal on the tennis courts to provide for a dual purpose for this facility. A discussion was held regarding the potential for conflict between tennis and basketball on the courts. As a result, Park Board members requested staff research the option of constructing a court in the open area north of the playground.

Staff measured the area, and determined a 44' x 46' asphalt court (4' less than the dimension of one half of a standard high school basketball court) can be constructed in this area and will meet the Village's 30' set back requirement from the adjacent residential property lines. Staff painted a rough outline of the court at the site, and Park Board members were encouraged to visit the park to observe the area prior to the July 21 Park Board meeting. The Park Board considered the desirability to include a basketball court in the park, the timing in relation to the other amenity upgrades at Balzer occurring this year, and possible funding solutions to finance the construction of the court.

As part of the Park Board's consideration of this issue, staff completed additional research regarding repair of the tennis court fence since obtaining last year's repair estimate during the annual budget process. The original concept was to replace all leaning posts with new posts and reuse the existing fence fabric at an estimated cost of \$36,500.00. This process may increase the life of the fence 5-10 years. The fence is original to the installation of the tennis courts and is estimated to be 30-40 years old. Staff related to the Park Board a better option may be to budget for a total replacement of the fence in an upcoming fiscal year in lieu of repairing the existing fence. Staff received a budget estimate from a fencing contractor for the replacement of the fence totaling \$58,674.00. In addition, funds would be necessary to remove brush and install drainage along the north side and to perform minor repairs to the tennis courts. The Park Board considered the option of installing the basketball court instead of repairing the tennis court fencing this year, and made the following recommendation to the Village Board:

"The Park Board recommends that the Village Board approve the installation of a basketball court and goal at Balzer Park north of the playground area, and defer the tennis court fence maintenance item budgeted in the 2014 Capital Budget to FY 2015 or FY 2016."

The Park Board further directed Staff to notify all of the residents on Kent Court and the residents across from the park on Wellington Court and Windsor Drive of their recommendation to the Village Board so that they could provide comments prior to Village Board consideration. The Park Board did not think it was necessary to notify any Sutton Place residents as the distance and heavily wooded area between Sutton Place homes and the court location would

sufficiently screen those residents resulting in no impact to them. A letter was sent on July 22 to all homeowners, and resident comments received to date are attached.

Budget Impact:

The following is a breakdown of the cost estimate to install the basketball court:

Item	Units	Quantity	Unit Cost	Total
Mobilization				\$1,500.00
Earth Excavation	CY	31	\$100.00	\$3,100.00
Aggregate Base	CY	57	\$50.00	\$2,850.00
Top soil / Seed/	SY	375	\$5.50	\$2,062.50
Leveling Binder 1.5 inches	Ton	21	\$100.00	\$2,100.00
Surface Course 1.5 inches	Ton	21	\$150.00	\$3,150.00
Prime Coat	Gal	25	\$1.50	\$37.50
Area Reflective Crack Control	SY	220	\$2.00	\$440.00
Color Coat	Sq.Ft.	2024	\$1.46	\$2,955.00
Privacy Fence	Ln Ft	50	\$30.00	\$1,500.00
Basketball Goal & Post				\$1,500.00
Landscaping				\$1,000.00
TOTAL				\$22,195.00

There is \$163,000.00 budgeted towards site amenities for Balzer Park as a capital improvement for 2014. These expenditures are as follows:

PROJECT	AMOUNT BUDGETED	ACTUAL/ESTIMATED COST
Drinking Fountain	\$3,000.00	\$3,000.00
Park/Path Pruning/Tree Removal	\$15,500.00	\$15,000.00*
Drainage Improvement	\$3,000.00	\$0 - \$3,000.00**
Path Resurface	\$10,000.00	\$10,000.00
Bike Rack Installation	\$1,500.00	\$1,500.00
Tennis Court Fence Repair	\$36,500.00	\$0 – 36,500.00
Basketball Hoop (Court) Installation	\$3,000.00	\$22,195.00
Playground Replacement	\$90,500.00	\$86,922.00*
TOTAL	\$163,000	\$138,617.00 - \$178,117.00

*Actual Expenditure

** Staff recommends deferring this drainage project if the fence repair is postponed as replacing the fence will change the scope of the project.

Recommendation:

Staff recommends approval of the Park Board's recommendation to defer the tennis court fence repair and install the basketball court north of the playground as proposed. This will further the overhaul of the amenities at Balzer Park and provide an additional activity for older park guests. If the Village Board supports this recommendation, Staff will include the tennis court fence replacement in a future budget.

Reports and Documents Attached:

- GIS Map of Basketball Court Location
- Notification Letter Sent to Adjoining Homeowners
- GIS Map of Addresses Receiving the Notification Letter
- Log of Resident Feedback Received

Meeting History	
Park Board	July 21, 2014
Committee of the Whole	July 28, 2014
Village Board Meeting	August 4, 2014



July 22, 2014

Mr. and Mrs. Wess

24 Kent Ct.

Lincolnshire, IL 60069

Dear Mr. and Mrs. Wess,

At the July 21, 2014 Park Board meeting, the Park Board voted unanimously to recommend to the Village Board that a basketball court be constructed at Balzer Park north of the playground and west of the tennis courts (see attached map for location). This recommendation is contingent on the Village seeking input from the adjoining property owners in advance of the Village Board considering the project.

The proposed basketball court will be sited in accordance with the Village's maximum set back requirement of 30' from any adjoining property lines. The court is planned to be a 44' x 46' asphalt surface, which is slightly less than a high school sized half court area. A rough outline of the court area has been spray painted at the proposed location. There are no plans to light the court for nighttime use.

Any resident comments are welcome and can be sent to me for inclusion in the information presented to the Village Board regarding this project. I can be reached for comments or questions at (847) 913-2382, or spippe@village.lincolnshire.il.us.

Sincerely,

Scott Pippin, Superintendent of Administration, Fleet Services, and Facilities



Carol Iseberg 32 Kent Ct: (call came in to voicemail on 7/29/14)

She received our letter about the basketball Ct at Balzer Park. She and her husband think it's a great idea, just as long as they don't have lights and the elevation is set so that the water does not drain into her yard. It adds to the Park. She wishes her kids were still here to enjoy it. They think it's a great idea and they give it their vote.