

APPROVED AS SUBMITTED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, August 14, 2007, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL

PRESENT: Chairperson Itkin, Members Rubinstein and Pratt

ABSENT: Members Manion and Soifer, and Trustee Liaison McDonough

ALSO PRESENT: Steve McNellis, Director of Community Development

CALL TO ORDER: Chairperson Itkin called the meeting to order at 7:01 p.m.

1.0 ROLL CALL

The roll was called by the secretary and **Chairperson Itkin** declared a quorum to be present.

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the Regular Zoning Board Meeting held on Tuesday, July 10, 2007.

Mr. Rubinstein moved and **Mr. Pratt** seconded a motion to approve the minutes as submitted. The motion passed unanimously by voice vote.

3.0 GENERAL BUSINESS

Staff requested that Agenda Item 3.3 and 3.4 be addressed first before going into Agenda Items 3.1 and 3.2.

Chairperson Itkin recessed the Zoning Board meeting and opened the following Public Hearing, which was properly noticed in the July 26, 2007, issue of the *Lincolnshire Review*.

3.3 **Public Hearing** to consider a request for a Special Use to permit a proposed new 155' tall replacement cellular tower, with a total of five wireless carriers on the structure, and a height exception from the maximum permitted height of 3.5 stories or 40' in the R5, Mixed Use General Residence Zoning District, for property on the north side of the former Riverside Drive, approximately 650' east of Milwaukee Avenue(American Tower Inc. /Village of Lincolnshire)

3.4 Consideration and Discussion of a request for a Special Use to permit a proposed new 155' tall replacement cellular tower, with a total of five wireless carriers on the structure, and a height exception from the maximum permitted height of 3.5 stories or 40' in the R5, Mixed Use General Residence Zoning District, for property on the north side of the former Riverside Drive, approximately 650' east of Milwaukee Avenue(American Tower Inc. /Village of Lincolnshire)

Steve McNellis, Director of Community Development, requested that the Public Hearing to consider a request for a Special Use to permit the proposed replacement cell tower be opened and continued to Tuesday, August 28, 2007, at 7:00 p.m., at which time a Special Zoning Board meeting will be convened. At that time, it is anticipated

that there will be sufficient members of the Zoning Board members present to appropriately discuss this issue.

There was immediate consensus among the Zoning Board members, and **Chairperson Itkin** continued the aforementioned Public Hearing as requested.

At the Staff's request, the Public Hearing was opened and continued to a Special Zoning Board meeting to be held on Tuesday, August 28, 2007, in the Lincolnshire Village Hall Public Meeting Room. There was no discussion or public comment at this meeting.

Chairperson Itkin recessed the Zoning Board meeting and opened the following Public Hearing, which was properly noticed in the July 26, 2007, issue of the *Lincolnshire Review*.

- 3.1 **Public Hearing** regarding a request to rezone an approximately 3.76 acre parcel from R1, Single-Family Residence zoning district to O/Ia, Office/Industrial zoning district, for the property at 535/545 Aptakistic Road (Steve McGuinn)
- 3.2 Consideration and Discussion of a request to rezone an approximately 3.76 acre parcel from R1, Single-Family Residence zoning district to O/Ia, Office/Industrial zoning district, for the property at 535/545 Aptakistic Road (Steve McGuinn)

Steve McNellis, Director of Community Development, summarized Staff's memorandum dated August 10, 2007, and noted that this is a request to re-zone a property which currently has existing large-lot single-family residential zoning. Given the surrounding office industrial uses, the O/Ia Zoning immediately east and west of this property, as well as the Comprehensive Plan designation of this property as "Office Research", Staff is strongly recommending approval of this re-zoning. Staff also believes that the O/Ia Zoning District is the most appropriate for this location and is consistent with the Village's plans and goals for this area. Further, **Director McNellis** noted that the Findings of Fact for Re-zoning have been provided to the Zoning Board by the Petitioner, Mr. Steve McGuinn, who is the property owner and present for any comments.

Steve McGuinn, 535 Aptakistic Road, Lincolnshire, IL, was sworn in by Chairperson Itkin and noted that although the property is zoned R-1, there is a grand-fathered "contractor's use" for the property which he has been operating under for the past several years. He stated his reluctance to relinquish the property and find a buyer for same. He also noted that the re-zoning is part of the agreement with the buyer in order to finalize the purchase. Further, as part of the property purchase, the buyer will be conducting environmental testing, with an allowance of 90 days in which to complete same. This time frame for the testing will present difficulties in Mr. McGuinn's vacating the property by the end of this year, as the court settlement requires; and he, therefore, would like to request an extension for vacating upon closing the sale of the property. **Director McNellis** pointed out that such a request is not appropriate at this forum, as the Zoning Board has no authority in this area. Since there is a court order on the property, any extension to that order would be heard by the Village Board.

Chairperson Itkin inquired if the potential buyer intended to construct an office building on their property, to which **Director McNellis** noted that Staff has had discussions with the purchaser and no problems are anticipated, as their construction intentions are in keeping with the use and type of building that Lincolnshire foresees for that area. **Chairperson Itkin** confirmed to the Petitioner that, if the proposed sale of the property fails, the re-zoning classification to O/Ia - Office/Industrial district would still be applicable to the property, to which both **Director McNellis** and **Mr. McGuinn** responded affirmatively.

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

Chairperson Itkin stated that, based upon the information presented, re-zoning the property is appropriate and in keeping with the Comprehensive Plan. In his recent inspection of the subject property, **Mr. Rubinstein** noted that he understands the appropriateness of the re-zoning request and has no objection to a recommendation. **Mr. Pratt** concurred with the aforementioned statements.

Having made Findings of Facts, Mr. Pratt moved and Mr. Rubinstein seconded a motion to approve and recommended approval to the Village Board of the rezoning of a 3.76 acre parcel, located at 535/545 Aptakisic Road, from R1 - Single-Family Residence District to O/Ia - Office/Industrial district.

The motion passed unanimously by voice vote.

4.0 UNFINISHED BUSINESS

Steve McNellis, Director of Community Development, updated the Zoning Board with regard to the Zoning Board's recommendation to the Village Board for the established yard setback variation, which met with absolute agreement and approval and is now an ordinance in the Village Code.

5.0 NEW BUSINESS

Steve McNellis, Director of Community Development, reiterated that the Public Hearing for the cell tower replacement will be held at a Special Zoning Board meeting to be held on Tuesday, August 28, 2007, at 7:00 p.m.

6.0 CITIZEN COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, **Mr. Pratt** moved and **Mr. Rubinstein** seconded a motion to adjourn. The motion passed unanimously by voice vote and **Chairperson Itkin** adjourned the meeting at 7:15 p.m.

Respectfully submitted,

Linda S. Jones, Secretary