

**UNAPPROVED** Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, September 9, 2008, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL

**PRESENT:** Chairman Manion, Members Rubinstein, Pratt, Soifer, and Alternate Kalina, and Trustee Liaison McDonough

**ABSENT:** None

**ALSO PRESENT:** Steve McNellis, Director of Community Development, Stephen Robles, Planner, and Adam Simon, Village Attorney

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

**1.0 ROLL CALL**

The roll was called by the secretary and **Chairman Manion** 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, August 12, 2008.

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

**3.0 GENERAL BUSINESS**

3.1 **Public Hearing** regarding a request to rezone approximately 0.725 acres from the O/Id (Office/Industrial) District to the O/Ia (Office/Industrial) District, at 555 Aptakisic Road (Lincolnshire Bridge, LLC)

**Chairman Manion** recessed the Zoning Board meeting and opened the Public Hearing, which was published in the August 21, 2008 issue of the Lincolnshire Review.

**Stephen Robles, Planner**, summarized Staff’s memorandum dated September 5, 2008, and noted that in June the Petitioner received multiple approvals for the construction of a four-story, office building on the parcels known as 535-555 Aptakisic Road. During such time, the Petitioner purchased additional “slivers” of land zoned O/Id, which is a zoning that is too intense for the proposed office use and inconsistent with the remainder of the site’s O/Ia zoning. This rezoning request is a simple “clean-up” matter that would result in a single, consistent zoning classification of O/Ia, which would be consistent with the Village’s Comprehensive Land Use plan. Therefore, Staff is supportive of the rezoning request as proposed. The Petitioner has submitted the required Standards for Rezoning, which the Zoning Board must consider when determining whether it should recommend a change in zoning classification.

**Director McNellis** offered the opportunity to the public for any comments at this time. He noted that the Petitioner is available to respond to any questions from the Board. There being no public comment, **Chairman Manion** closed the Public Hearing and

reconvened the Zoning Board meeting.

- 3.2 Consideration and discussion regarding a request to rezone approximately 0.725 acres from the O/Id (Office/Industrial) District to the O/Ia (Office/Industrial) District, at 555 Aptakisic Road (Lincolnshire Bridge, LLC)

**Chairman Manion** stated that he has no problem with this request, to which **Alternate Kalina** concurred. There was a favorable consensus among the Board.

*Having made Findings of Fact, along with additional facts covered in a Public Hearing held on September 9, 2008, Mr. Soifer moved and Mr. Rubinstein recommended approval to the Village Board of a rezoning of approximately 0.725 acres from the O/Id (Office/Industrial) District to the O/Ia (Office/Industrial) District, based on the facts and as presented in Staff's memorandum, dated September 5, 2008.*

*With a roll call vote, the motion carried as follows: 5 Ayes, 0 Nays  
(Chairman Manion, Mr. Rubinstein, Mr. Pratt, Mr. Soifer, & Alternate Kalina)*

- 3.3 **Public Hearing** regarding proposed text amendments to Sections 6-2-2, Definitions, for the purpose of establishing definitions for cemetery, memorial assembly facilities, and memorial gardens, and 6-5A-2, Special Uses (in the R1, R2, and R3 Single-Family Residence Districts), 6-5B-3, Special Uses (in the R2A Single-Family Residence District), 6-5C-3, Special Uses (in the R4 Single-Family Attached Residence District, and 6-5D-3, Special Uses (in the R5 Mixed Use General Residence District) of the Village of Lincolnshire's Zoning Regulations regarding the permissibility of memorial assembly facilities as Special Uses in the R1, R2, R2A, R3, R4 and R5 Residence Zoning Districts (Village of Lincolnshire)

**Chairman Manion** recessed the Zoning Board meeting and opened the Public Hearing, which was properly noticed in August 21, 2008, issue of the *Lincolnshire Review*, and all residents within 250' of all religious institutions within the Village of Lincolnshire were additionally notified by U. S. Mail.

**Stephen Robles, Planner**, summarized Staff's memorandum dated September 5, 2008, and noted that, since the June 10<sup>th</sup> Zoning Board's unanimous recommendation to the Village Board for a revised set of text amendments for this matter, the proposed ordinance failed twice to achieve the required votes for approval from the Village Board, and as a result, was denied. Thus, at the August 11<sup>th</sup> Village Board's referral discussion revisiting this unfinished subject, a number of Trustees felt that outdoor facilities could be acceptable under strict restrictions that would keep these facilities as close to the main building as possible, and ensure they are compact and inconspicuous. The Village Board requested that outdoor facilities be reconsidered and also requested the Zoning Board consider the establishment of definitions for "cemetery", and "memorial assembly facilities" as a certain type of cemetery. With the assistance of Village Attorney Simon, Staff has prepared the proposed text amendments, dated August 27, 2008, based on the general direction provided by the Village Board for areas of Zoning Board consideration. **Planner Robles** further noted that the proposed "cemetery" definition is to serve as a

catch-all for any type of burial place, including columbarium, as indicated in the amendments. A definition for “memorial assembly facility” is also included within the amendments. This definition is similar to the previously proposed version, but it firmly establishes these facilities as cemeteries, and includes the adjacent improvements that would be used for small services, viewing, and private reflection as part of any facility. Also, similar to the originally proposed regulations, these amendments would permit memorial assembly facilities as an accessory use in the R1, R2, R2A, R3, R4, and R5 Residence Districts. **Planner Robles** summarized the newly drafted text amendments, which have been included within the presentation packet, and noted the changes from those previously proposed. The proposed text amendments cover both interior and exterior memorial assembly facilities, which are a deviation from those previously recommended by the Zoning Board. Staff feels that these amendments establish the reasonable criteria for outdoor facilities sought by a majority of the Village Board. In addition, Staff has made every attempt to ensure that each assembly use would have an ability to reasonably comply with these text amendments, should they seek a memorial assembly facility. The regulations have been drafted in a way to offer the ability to install such facilities, with strict regulations to minimize any potential impacts to abutting residences. While Staff understands that the Zoning Board’s initial review of this matter resulted in a recommendation for interior facilities only, the Village Board is requesting reconsideration of this matter and consideration of permissibility of outdoor facilities.

At this time, **Chairman Manion** offered the opportunity for public comments.

**Perry Grace**, representative of Community Christian Church, 1970 Riverwoods Rd., Lincolnshire, was sworn in by Chairman Manion, and noted Staff efforts in attempting to ensure that each assembly use would have the ability to reasonably comply with the newly drafted text amendments. **Mr. Grace** inquired if the Zoning Board has visited the property of the Community Christian Church to see its physical characteristics, such as the buildings, the terrain surrounding the buildings, contours and changes in elevations, etc. He suggested that a tour or visit would be essential in determining if the revised text amendments would be applicable and any additional regulations which may be necessary. He further suggested a visit be made to the Lutheran Church of the Holy Spirit be considered, as well, especially since it has an established columbarium on its property, and it is satisfactorily concealed from Riverwoods Road and the five adjacent residential lots. He noted that by effective landscaping, its design and location, successfully eliminated any visual impact on the five adjacent property owners, and as a result, no one has objected to it. Also, it served the Church’s purposes, as it is well within the rights of the Church as a property owner. **Mr. Grace** pointed out that the proposed text amendments, as drafted, offer no consideration to the rights of the Church as a property owner, as these rules are extremely and unnecessarily restrictive. He does not believe that it was the intent of the Village Board’s direction to draft rules which are so restrictive as to effectively prohibit a church from having a columbarium outdoors. The previously proposed amendments accomplished the Village’s objective with consideration for outdoor facilities through landscaping concealment, 125’ setbacks and no limitation on distance from the building. Albeit, the presence of a columbarium cannot be disguised, he requested consideration for landscaping concealment so that it

is not obtrusive to adjacent property owners.

**Joy Serauskas**, 1 Fairfax Ln., Lincolnshire, was sworn in by Chairman Manion, and questioned the details of various definitions listed within the proposed text amendments, namely “Memorial Assembly Facility”, which means a “type of cemetery”. She expressed her uncertainty to the components of this facility with regard to landscaping, the actual structure which houses the burial remains, and the adjacent improvements intended for reflections, memorials, or services. **Ms. Serauskas** inquired with regard to the purpose of the “Memorial Garden” as a permitted area comprising of a landscaped area and/or structure, which is not intended for human remains, and would it be part of an assembly facility or other. Also, she expressed concerns for other types of assembly uses contemplated for various purposes. When referencing “principle structure” on the lot where a memorial assembly facility shall be permitted, she requested clarification, as certain “lots” within Lincolnshire have more than one structure. Further, “frontage” has been referenced and would it be applicable to major arterial roads, such as Riverwoods Road, or frontage of any road/street located with the Village. In conclusion, **Ms. Serauskas** noted that the proposed text amendments should be considered in its broader sense, rather than focusing on a particular discussion of a columbarium.

Based on Ms. Serouskas’ testimony, **Trustee Liaison McDonough** noted that columbarium is defined two separate ways—as a cemetery and a memorial assembly facility. **Village Attorney Simon** stated that all columbaria are cemeteries only for which you can put cremated human remains—it is not any other type of cemetery, to which **Trustee Liaison McDonough** added that it would be a columbarium, and it is also in the definition of cemetery. **Village Attorney Simon** explained that all memorial assembly facilities are cemeteries, as defined, but not all cemeteries can be considered memorial assembly facilities as proposed. In using columbarium in the broadest sense to represent any structure for which you can intern cremated human remains, a memorial assembly facility under this definition includes the columbarium structure, the hardscape, any adjacent landscaping, and the area immediately surrounding it, which are all components that facilitates the use of the structure, intended for memorial services or private reflection. **Mr. Soifer** inquired if the landscape screening would be included within the proposed setbacks, to which **Village Attorney Simon** responded that the setbacks apply to the memorial assembly facility only, and does not include the landscape screening, as drafted. With regard to a memorial garden, it is a permitted assembly use comprised of a landscaped area and/or structure intended as a memorial for deceased persons and containing no human remains, whatsoever. **Planner Robles** noted that once a structure is proposed within a memorial garden, it must be presented to the Zoning Board as an amendment to the Special Use. **Village Attorney Simon** continued with the explanation of assembly use, of which a VFW hall would be considered as such. He noted that assembly use is a land use term which applies to any type of structure where the assemblage of people for group functions is permitted by zoning rule. It is intentionally “neutral” as an assembly use, irrespective of which type of congregation occurs within that use—whether it is political groups, religious groups, or non-denominational groups, and for whatever the purpose, it is a structure containing a congregation of people coming together for a common use or purpose. Further, **Village Attorney Simon** explained that frontage is a defined term within the Zoning

Code and is intended for the same purpose as defined therein. To clarify principle structure, he noted that it is Staff's interpretation according to the permitted use of the structure on the land. In addition, within the Residential Zoning District, only one principle structure is allowed on the land by code.

**Don Roth**, 8 Coventry Lane, Lincolnshire, was sworn in by Chairman Manion, and commended the Zoning Board on their original recommendation for an indoor columbarium facility, which was based upon testimonies opposing outdoor columbarium facilities. He also refuted Mr. Grace's analogy of the Lutheran Church of the Holy Spirit's columbarium facility. He noted that it was proposed and requested as a memorial garden before the Village Board, and since a columbarium was never brought into the Lutheran Church's request, there was no opposition for same, albeit a columbarium was constructed within the memorial garden. **Mr. Roth** expressed concern for year-round landscaping and the destructive visual impact due to the impossibility of maintaining a fully-screened memorial assembly facility.

At this time, Mr. Roth read an e-mail from **Evie Cooper**, 8 Victoria Lane, Lincolnshire, which was addressed to the members of the Zoning Board. A copy of same is attached hereto and made part of these minutes.

**Ken Fisher**, 3 Pheasant Row, Lincolnshire, was sworn in by Chairman Manion, and expressed concern for defacto elimination of columbaria due to a church's situation and site restrictions on its property in relationship to the proposed text amendment.

**Scott Selbe**, 10 Coventry Lane, Lincolnshire, was sworn in by Chairman Manion, and stated that he shares approximately 200' contiguous lot line with the Community Christian Church and his close proximity to same. He urged the Zoning Board to consider Mr. Grace's suggestion to visit the Church's site and view it from his property, and the incompatibility of any audible impact from residents, ie. lawnmowers, leaf blowers, radios, etc., versus the quiet reflective atmosphere expected for a memorial assembly facility. There would always be uncertainty if a disruption for such ceremonies would be occurring, and the frequency of same.

In response to Mr. Selbe's concerns, **Mr. Grace** stated that there is no active proposal for a columbarium at the Community Christian Church at this time, and the original placement is not under consideration. With regard to the frequency of memorial services, he estimates 1 or 2 services a year with a duration of 5-10 minutes each. He stated that they would waive any issues of disruption from any of the neighbors.

**Nancy Fedderman**, 3 Robinhood Ct., Lincolnshire, was sworn in by Chairman Manion, and stated that she is a member of Community Christian Church and urged the Zoning Board to take a look from the property of the Churches and the adjacent property owners in order to better understand the setbacks and distances suggested within the proposed text amendment.

**Mark Neddman**, 4 Victoria Lane, Lincolnshire, was sworn in by Chairman Manion, noted that he does not believe the intent of the original Zoning Code of this Village was

to incorporate outdoor columbaria in residential districts. In his House of Worship, there is an indoor memorial wall, which provides year-round protection from the elements and the necessary privacy. He feels the original text amendment proposal pertaining to an indoor columbarium should not be adjusted and the same recommendation returned to the Village Board for reconsideration.

**Leslie Munger**, 14 Dukes Lane, Lincolnshire, was sworn in by Chairman Manion, and is a member of the Community Christian Church. She stated that her husband's grandparents are interned in a outdoor memorial garden with a columbarium located at a church in Winnetka, with its property adjacent to large, expensive homes. This beautiful outdoor columbarium is a positive example, and presents itself as a better neighbor than a large single family house within a minimum setback footage. **Ms. Munger** expressed that consideration be given to property rights for setbacks for an outdoor columbarium. She also noted that a precedent has been set, and the Zoning Board should be consistent in managing property issues.

**Bill Cameron**, 6 Victoria Lane, Lincolnshire, was sworn in by Chairman Manion, and reiterated his position for an indoor columbarium and advised the Zoning Board to resend their original recommendation to the Village Board.

**Chris Feil**, 41 Cedar Lane, Lincolnshire, was sworn in by Chairman Manion, and is also a member of the Community Christian Church. She explained that, due to site restrictions on the Church's property, such as a culvert, drainage, and the parking lot, the proposed text amendment provides a defacto ban for an outdoor columbarium and is unrealistic. She urged the Zoning Board to request revisions to the drafted amendment in order to allow the Community Christian Church the possibility to consider an outdoor columbarium if it so desires.

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

- 3.4 Consideration and discussion regarding proposed text amendments to Sections 6-2-2, Definitions, for the purpose of establishing definitions for cemetery, memorial assembly facilities, and memorial gardens, and 6-5A-2, Special Uses (in the R1, R2, and R3 Single-Family Residence Districts), 6-5B-3, Special Uses (in the R2A Single-Family Residence District), 6-5C-3, Special Uses (in the R4 Single-Family Attached Residence District, and 6-5D-3, Special Uses (in the R5 Mixed Use General Residence District) of the Village of Lincolnshire's Zoning Regulations regarding the permissibility of memorial assembly facilities as Special Uses in the R1, R2, R2A, R3, R4 and R5 Residence Zoning Districts (Village of Lincolnshire).

**Mr. Rubinstein** suggested tabling this matter and physically visit the church sites in the Village to make a better informed decision of the feasibility of an outdoor columbarium as it relates to the sites, to which **Mr. Pratt** concurred.

**Alternate Kalina** noted that it was a great suggestion, however, viewing the Church sites would not necessarily change his opinion of this issue. After listening to all

testimonies presented, he sees the issue of an outdoor columbarium as an emotional property-owners roadblock. He is willing to table this matter, albeit his point of view will not change. His preference is to send the previous recommendation back to the Village Board.

**Mr. Soifer** noted his willingness to visit the Church sites and the properties of the adjacent residences, because of the psychological aspect of the close proximity a potential columbarium would offer. At this time he is not ready to make a decision and respects the comments of the Village Board.

**Chairman Manion** respects the issues of both sides, and concurs with Alternate Kalina to resend the previous recommendation back to the Village Board for reconsideration, though he agreed to visit the sites.

*Mr. Soifer moved and Mr. Rubinstein seconded a motion to table deliberation in order to view the sites of the religious institutions in the Village, and the adjacent residential properties and make a better informed decision to form a final recommendation to the Village Board.*

*With a roll call vote, the motion carried as follows: 3 Ayes-Rubinstein, Pratt, Soifer  
2 Nays - Chairman Manion, Kalina*

*Following Staff's presentation of the proposed zoning definitions and standards in the form of a text amendment to the Zoning Code, and having heard statements from the members of the public in attendance, it was the consensus of the Zoning Board to visit the sites of the religious institutions and return to deliberate in October. The audience was reminded that the Public Hearing has been closed.*

**4.0 UNFINISHED BUSINESS (None)**

**5.0 NEW BUSINESS (None)**

**6.0 CITIZEN COMMENTS (None)**

**7.0 ADJOURNMENT**

There being no further business, **Alternate Kalina** moved and **Mr. Rubinstein** seconded a motion to adjourn, **Chairman Manion** adjourned the meeting at 8:43 p.m.

Respectfully submitted,

Linda S. Jones, Secretary

## Don Roth

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**From:** eviecooper@comcast.net  
**Sent:** Tuesday, September 09, 2008 11:18 AM  
**To:** Don Roth  
**Cc:** Merrill Wolf; Joy and Bob Serauskas; Joy Serasukas; Marc Neediman; Tom McDonough; Diane and Ken Johnson; Rob Howden; Gail Howden; Dick Gibbs; Joan Cameron  
**Subject:** Zoning Board Meeting - September 9, 2008

Don,

Please read the following at the ZB Meeting this evening, if possible. Thanks much!

To: Members of the Lincolnshire Zoning Board  
From: Evelyn (Evie) Cooper  
8 Victoria Lane  
Lincolnshire, IL 60069

First, I want to thank all of you and commend the Zoning Board for your unanimous concern and support of the residents during this lengthy process. I believe it is in the best interest of the Village of Lincolnshire to prohibit outdoor columbariums in all residential areas of the Village. Unfortunately, there are Village Trustees who do not find this particular land use adjacent to residents as offensive as many of the residents do. Nor do they see the long term negatives to the Village.

I have read the newly proposed ordinance that will more effectively restrict this usage than the original ordinance proposed by the Village staff. The language in this proposed ordinance that is intended to keep the columbarium in very close proximity to the primary structure is critical, the limited total area (square footage) is critical, and certainly the distance from every residential property line must be **at least** 125 feet, if not further. However, I remain concerned that with passage of this ordinance we are "opening the door" to these types of uses in residential areas and question where other "assembly uses" will suddenly appear in our Village. I discussed the ordinance with a former Village Trustee, Joy Serauskas, who served the Village with me in the past, and she raised a number of concerns that need addressing and appear to require refinement in the ordinance.

Please take the time you feel necessary when deliberating all the issues raised. And again, I sincerely appreciate your unanimous position in the past that positively reflected your mission to protect the residents and the future of the character of our Village with regard to this issue.

Evie Cooper