

APPROVED AS SUBMITTED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, November 11, 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,

ABSENT: Trustee Liaison McDonough

ALSO PRESENT: Tonya Zozulya, Planner

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, October 14, 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 **Continued Public Hearing** regarding a request for an amendment to an existing Special Use Permit (Ord. #96-1434-18) for an animal hospital located within the Eb Small Scale Office Zoning District, at 420 Half Day Road, to permit an expansion of the existing building and parking areas, as well as construction of a dog run (Lincolnshire Animal Hospital)

Tonya Zozulya, Planner, noted that prior to this meeting, a copy of Staff's memorandum dated November 11, 2008, was distributed for the Zoning Board's consideration. It contains supplemental information with regard to some of the adjacent residents to the animal hospital who have retained the law firm of Morrison & Morrison to represent them on this matter. Since the attorneys were unable to attend this meeting, they requested that the Public Hearing be continued to the next scheduled Zoning Board meeting. After consulting with the Village Board at last night's meeting regarding this request, the Board did not believe there was an appropriate reason to continue the Public Hearing. They suggested that, if desired, Morrison & Morrison submit their written comments that can be read and entered into the official record at this meeting. Further, it was their position that residents in the area still had an opportunity to speak on the record tonight, if they so desired. Staff has notified Morrison & Morrison and the concerned residents regarding the Village Board's position, as it relates to the decision to be made by the Zoning Board. Staff has not received any written comments from Morrison & Morrison regarding this matter for tonight's meeting. Staff would ask for the Board's decision regarding whether or not to continue the Public Hearing.

There was a consensus among the Zoning Board to allow those residents, present at the

meeting, the opportunity to speak. **Chairman Manion** recessed the Zoning Board meeting and opened the Continued Public Hearing.

Planner Zozulya summarized Staff's memorandum dated November 7, 2008, and noted that the Petitioner has revised their plans in a number of key areas. The Petitioner has converted one examination room to a general procedures room, which lowered the Code-required parking. They have eliminated 3 parking spaces from the rear parking lot, from 15 to 12 spaces, for a total of 21 spaces in the front and rear, which meets Code. This will enable them to save additional trees, providing further screening for the adjacent residents to the west and east. The trash enclosure has been relocated to the rear west portion of the property. A three-foot tall berm, located immediately to the North of the rear parking lot, will be created as a result of the parking lot being "dug in", in conjunction with the existing grades. The berm will be planted with evergreen trees to screen the parking lot and the expanded building. In addition, the Petitioner has changed their lighting plans to reduce the amount of lighting on the building. They are now proposing one 50-watt light for the dog run and one motion-activated light for the north building elevation to illuminate the proposed rear parking lot. There is an existing pole light in the front of the building and no additional pole lights will be installed. The Petitioner also proposes to take measure to soundproof the building.

Planner Zozulya further noted that Staff has conducted additional research since the last meeting, per the Zoning Board's request, with regard to setback dimensions for the existing and expanded building, with the only change being a reduction of the existing setback of the north property line from 139' to 110'. Staff's research also indicated that only one adjacent property (6 Hotz Road) predates the Animal Hospital, with the balance of the properties being developed after the Animal Hospital was built. The Petitioner has submitted responses to Special Use Standards and Staff has concerns regarding Standards No. 6 and No. 7. The Village's Future Land Use Map, adopted as part of the current Comprehensive Plan, shows this property's future use as residential. However, the Petitioner correctly states that the Comprehensive Plan does not specifically address existing commercial lots, such as the Animal Hospital property, that are in conformance with the Zoning Code, nor does it call for their immediate elimination. Therefore, the Zoning Board should consider whether or not this building and parking lot expansion proposal represents a reasonable level of permitted improvements. Staff would note that, should the existing animal hospital use cease to exist in the future, we would recommend that this property be allowed to be developed for residential use only. In Staff's opinion, the revisions made since the October Zoning Board meeting help address the main concerns expressed by the interested residents regarding rear parking lot screening, trash enclosure location, exterior building lighting, and noise. Should the Zoning Board find the scope of the proposed improvements acceptable, Staff would recommend approval of the Lincolnshire Animal Hospital's Special Use Amendment request, subject to the conditions listed within the Staff's aforementioned memo on Page 4.

Stu Clarke DVM, 21960 N. Harbor Rd., Barrington IL, and **Patrick Emmelot DVM**, 259 Marshfield Dr., Lake Zurich IL, as Petitioners, and the design team of **Al Arns, Architect**, with AGA Architectural Design Inc., 813 Woodridge Trail, McHenry IL, and

John Briggs, PE Civil Engineering Manager with Bonestroo, Inc., 1815 Castlebar Rd., McHenry IL, were sworn in by Chairman Manion.

Stu Clarke DVM presented the revisions to the site plan, and noted that, with the reduction of parking spaces and relocation of the trash enclosure with additional landscape screening, it has allowed 9 mature trees to remain and better preserve the existing buffer between Beaconsfield and the properties to the north. In order to address the concerns for year-round screening, 6 more trees have been added to enhance the vertical screening and 18 Arborvitaes have been included to the original landscape plan. Further, the lighting on the rear of the building has been decreased to soften the rear parking lot area, and 8' evergreen trees planted on top of the 3' berm along the rear of the north parking lot will provide additional 11' vertical screening. **Mr. Clarke** pointed out that the elimination of two dog runs in the interior kennel area have created room for a second set of doors and a sound dampening vestibule, along with kennel windows removed from the west side of the building, will further protect sound loss from the facility. **Patrick Emmelot DVM** noted that the motion-sensor light will be angled downward and any light projection will be minimal. Since their Staff is usually gone from the clinic by 6:15 p.m., there would not be any activity in the rear parking lot area after such time to generate any further illumination. He also reiterated that, albeit the outside area to walk the dogs is referenced as a "dog run", there will never be more than one dog in that area at one time. Further, the dog area light will be regulated with a timer should it inadvertently be left on. **John Briggs, PE**, provided an overview of the landscape plan and berming surrounding the site and noted that the site elevation is approximately 4' lower than the Beaconsfield development to the east and any illumination from headlights would be directed into the ground surface of the parking lot rather than into the adjacent condominiums.

Planner Zozulya asked the Petitioner if they wanted their responses to the Standards for Special Use entered into and made part of the record, to which they responded affirmatively.

Linda DeGuide, 6 N. Hotz Rd., Lincolnshire IL, was sworn in by Chairman Manion, and distributed a petition, signed by 30 residents from the surrounding properties, objecting to the expansion of the Lincolnshire Animal Hospital. She presented the petition to the Zoning Board as an attachment to the letter from Morrison & Morrison, Attorneys, earlier referenced and presented by Planner Zozulya. On behalf of the residents affected by the proposed expansion, **Ms. DeGuide** requested that the Zoning Board consider a continuation of the Public Hearing because they have the right and the need to retain counsel with regard to any legal implications and the fact that there were unforeseen circumstances which prevented their attorneys from attending this meeting.

Susan Kopin, 13 Beaconsfield Ct., Lincolnshire IL, was sworn in by Chairman Manion, and inquired if boarding of animals will be considered, as well as a change in hours of operation, in conjunction with the facility expansion. She also noted that snow removal in the early hours will be a noise issue for the adjacent residents. **Ms. Kopin** stated that she is a real estate agent and noted that the area, in general, has negativity with regard to house sales, given the proximity to Route 22. She also expressed concern for the loss

of trees by the increased parking area in the rear of the facility, and the potential for declining property values, as the area is zoned residential. **Chairman Manion** clarified that the subject site is zoned Eb Small Scale Office. However, the Village's Future Land Use Map shows the property's future use as residential. He pointed out that, if the site were vacated by the Petitioner, and sold for residential use, there could be a greater loss of trees and more negative impact to the surrounding properties if a multi-unit residential structure were proposed for same.

Christy Newman, 3 Abbey Rd., Lincolnshire IL, was sworn in by Chairman Manion, and inquired as to the number of trees being removed from the site. **Mr. Briggs** responded that approximately 62 trees, ranging from 6" to 22" in diameter, will be removed, and these trees are considered as non-protected and non-desirable ie. boxelder, cottonwood, winged elm, silver maple, and dead trees. Based on the trees being removed, the Village Code requires 164" of tree replacement, and the proposed plan offers 182" of replacement trees, which does not include the 18 arborvitaes. **Ms. Newman** expressed her frustration with the tree removal system, which allows the commercial property to remove trees for expansion of their site, yet she experienced restrictions of non-removal to four large trees in the front of her property and was forced to reconfigure her driveway, spend several thousands of dollars nurturing the health of the trees, and their eventual removal. She is disheartened to think that a positive recommendation for the expansion of the animal hospital would express the Village's preference for a small business' success rather than the happiness of the surrounding residents. **Mr. Briggs** clarified that the total number of trees on the site with a 6" or more diameter is 133, and with the removal of 62 trees, there will be 71 existing trees remaining with supplemental trees added per the proposed development and compliant with the Village Code.

Harvey Shifrin, 47 Beaconsfield Ct., Lincolnshire IL, was sworn in by Chairman Manion, and inquired as to when and where the dogs are taken outside for their walks. **Mr. Clarke** stated that the dogs are taken outside 8:00-8:30 a.m., between 11 a.m. and 12 p.m., and the latest in the day from 4:30 p.m. to 6 p.m. Currently the dogs are walked behind the building the majority of the time, and occasionally on the sides of the building. **Mr. Shifrin** expressed concern for the qualitative difference in the sound buffering of a cluster or group of trees versus an open space surrounded by a perimeter of trees. He also questioned if the Lincolnshire Animal Hospital has been compliant with the current ordinance wherein he referenced Ordinance No. 96-1434-18, Section 2, and read No. 3 "all activity associated with the animal clinic/hospital shall be conducted within the completely enclosed building on the site", and Section 6 reads, "any person violating the terms and conditions of this ordinance shall be subject to penalty, not exceeding \$500, with each and every day that the violation of the ordinance is allowed to remain in effect, being deemed a complete and separate occurrence." **Mr. Shifrin** pointed out that, in essence, the daily outside dog walking during the various time allotments is in defiance of the existing ordinance; and with the doubling of the size of the existing building, there are a lot of unanswered questions with regard to the level of activities. Therefore, he is requesting a negative recommendation from the Zoning Board.

Mr. Clarke thanked Mr. Shifrin for doing the research , stated that he had never read the ordinance nor aware of its existence, as well as expressed his unawareness of the restriction. He noted that since they took over the business ten years ago, he felt it was in the dogs' best interest to walk them outside. Additionally, there have been no noise complaints from so doing. During the past ten years, relationships have been created with his clients and neighbors, and his intention is to avoid harming same. His intentions are to improve his facility to be more aesthetic and to merge with the residential community.

Ms. Kopin expressed concern for an increase in staff and hours of the proposed expanded facility. **Mr. Clarke** stated that their hours will remain from 8 a.m. until 6 p.m., and they will stay within a four-doctor parameter. She also reiterated her concerns for the potential to snowplow the parking lot in the middle of the night causing unnecessary noise.

Ms. DeGuide noted that their property was forced annexed in 1995 and questioned the year in which the property of the animal hospital was rezoned. **Planner Zozulya** explained that it was rezoned in 1996 from R1 residential to Eb Small Scale Office, because all property annexation begins as residential. **Ms. DeGuide** stated that she resided at 6 Hotz Road prior to the Animal Hospital rezoning, and then purchased the property from her grandfather after the rezoning of the Animal Hospital and being informed by the Village that the Animal Hospital would not be allowed to expand its facility.

Mr. Rubinstein perused a copy of the aforementioned ordinance, and in consideration of the potential for the animal hospital to be in possible violation of the ordinance, he suggested that the Zoning Board consult with the Village Attorney in this regard and consider the continuation of the Public Hearing and to make a better informed recommendation.

Mr. Pratt moved and Mr. Soifer seconded a motion to continue the Continued Public Hearing to the next regularly scheduled December Zoning Board meeting, for a request for an amendment to an existing Special Use Permit (Ord. #96-1434-18) for an animal hospital located within the Eb Small Scale Office Zoning District, at 420 Half Day Road, to permit an expansion of the existing building and parking areas, as well as construction of a dog run.

The motion passed unanimously by voice vote.

Following the above motion for a continuance of the Continued Public Hearing, **Chairman Manion** reconvened the Zoning Board meeting.

- 3.2 Continued consideration and discussion regarding a request for an amendment to an existing Special Use Permit (Ord. #96-1434-18) for an existing animal hospital located within the Eb Small Scale Office Zoning District, at 420 Half Day Road, to permit an expansion of the existing building and parking areas, as well as construction of a dog run (Lincolnshire Animal Hospital)

Following the Staff's and Petitioner's presentation addressing the revisions made to the expansion of the existing building/parking areas, and the construction of a dog run, and having heard statements from the members of the public in attendance, along with the presentation by a concerned property owner regarding the requirements of the original Ordinance No. 96-1434-18 for Rezoning and Granting a Special Use, it was the consensus of the Zoning Board to allow sufficient time for Staff to consult with the Village Attorney with regard to the Animal Hospital's compliance with the aforementioned Ordinance. The Zoning Board unanimously moved to continue the Public Hearing to the next regularly scheduled December 9, 2008, Zoning Board meeting.

4.0 UNFINISHED BUSINESS (None)

5.0 NEW BUSINESS (None)

6.0 CITIZEN COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, **Mr. Pratt** moved and **Mr. Rubinstein** seconded a motion to adjourn, **Chairman Manion** adjourned the meeting at 8:12 p.m.

Respectfully submitted,

Linda Jones, Secretary