

**Long Grove Plan Commission & Zoning Board of Appeals (PCZBA)  
Regular Meeting Minutes ---July 1, 2014**

Present: Chairman Fred Phillips, Commissioners Jeff Kazmer, Charles Cohn, Shelly Rubin, Wendy Parr, and William Peltin.

Also Present: James Hogue, Village Planner, Victor Filippini, Village Attorney, Jodi Smith, PCZBA Secretary, and members of the public.

**1. Call to Order:** Chairman Phillips called the meeting to order at 7:02 p.m.

**2. Non-Agenda items:** None

**3. Visitor's Business:** None

**4. New Business:**

a) PUBLIC HEARING: Consideration of a request for a Special Use Permit within the R-2 Residential District and/or additional relief necessary and/or appropriate under the zoning code including but not limited to parking and floor area to provide for a Senior Living Center with Memory Care and Assisted Living Facilities for property located on the south side of Route 53 between Mardan Drive and Long Grove Road, submitted by the Long Grove Senior Care LLC.

Chairman Phillips gave an overview of the meeting procedures. Chairman Phillips read the request into the record and swore in witnesses who are to give testimony in the matter.

Prior to this meeting, Planner Hogue distributed to the board a detailed Staff Report dated June 23, 2014, outlining the petitioner's request, including data, plans, maps and the like, submitted by petitioner, as well as a copy of the Special Use Permit Application submitted to the Village by Long Grove Senior Care. Planner Hogue also referred the members of the board to Section 5-11-17 (E) of the Village Code, which sets forth the standards for special use permits as it relates to this request.

Planner Hogue summarized the staff report. While no zoning change is requested, petitioners are requesting a Special Use Permit for a nursing home to be located on the south side of Route 53 between Mardan Drive and Long Grove Road, with relief for parking (to allow 65 spaces) and maximum floor area (to allow a structure of 94,323 square feet).

Petitioner is represented at this hearing by several partners involved in the project. Matthew Norton of the law firm of Holland & Knight introduced the partners: GART Partners, LLC, Gleason Architects, Novak Construction, VSEI Engineers, Pathway Senior Living, and their individual representatives.

Jordan Glazov of GART Partners spoke on behalf of petitioner and initiated a power point presentation. Mr. Glazov stated that Pathway operates 21 senior living

communities in Illinois and Wisconsin. The presentation began with an overview of the property including aerial views defining the wetlands. He reviewed the drainage plans and development of wetlands, including re-grading of the property. He also discussed traffic and intersections as well as current zoning. Mr. Glazov further discussed the buildings themselves using renderings showing the location of nursing and memory care apartments, as well as amenities. Mr. Glazov stated that they are requesting a variance for square footage (the zoning code allows 13,000 square feet and they are requesting 94,323 square feet). He discussed elevations and exterior building materials. Mr. Glazov referred to the commission of ProMatura, a market research company, which was retained to assess the property and the need for senior living in the Long Grove area. That study concluded that even with Harbor Chase, there is a substantial deficit in senior living and a significant market opportunity in this area.

Jerome Finis, CEO of Pathway Senior Living, continued the power point presentation detailing Pathway's operating philosophy as one of exceptional care and enhanced lifestyle living. They are wellness focused. He discussed the assisted living floor plans and memory care studios. He referenced the secure access for memory care residents as well as the amenities, including dining and the wellness suite for health care services.

Mr. Glazov continued the power point presentation with a discussion of trees. Petitioner is sensitive to Long Grove's environmental issues. The power point presentation outlined the abundance of #3 trees on the site and confirmed the fact that a significant number of these trees will need to be removed. Trees on the perimeter will be preserved as much as possible. Mr. Glazov discussed the survey as it relates to wetlands and frontage, as well as basic landscaping. He stated that petitioner is in discussions with arborists and landscapers to formulate a forest management plan or reforestation plan for this area. Mr. Glazov also discussed services relating to water, sewer and stormwater. He concluded that both deep (1200 feet) and shallow wells would be drilled on-site to supply water. The sanitary sewer will be well within the existing capacity, although precise capacity is not known. Petitioner noted that the deep well would be in a completely different aquifer than the surrounding development and will have no affect on residents' water supply. Finally, Mr. Glazov noted that this development would have a positive impact on the historic downtown as well as a positive impact from tax revenues to local taxing districts.

Mr. Norton spoke on the legalities of the proposal, referring to the Standards for Special Use Permits in the Village Code. He stated that:

1. The use is necessary for the public convenience as demonstrated by the ProMatura analysis.
2. The development is designed, located and proposed to be operated in such a way as to protect public health, safety and welfare, particularly with security for memory residents and there is no real traffic impact. The tree plan will also provide a substantial buffer around the building.

3. The development will not, in his opinion, cause substantial injury to the value of neighboring lots.
4. The plan is in compliance with zoning regulations and all standards are met except the floor space area and parking spaces and they are seeking variations for these. They should meet all standards.
5. The developer has the capacity and resources to complete the project as well as considerable experience with this type of project.

The power point presentation concluded and Chairman Phillips opened the hearing to the public for comments and questions.

Judy Schroeder, 2608 RFD, asked Jack Isaacs, 2606 Wynncrest, to present their development's issues of concern. Mr. Isaacs' first area of concern is water. He wants to know if there is a topographic map showing water flow. He wants to know which way the water will flow upon completion of the development and where it will go. There is concern of flooding in the neighborhood. He asked whether there had been discussions with stormwater management and he believes that a 100-foot perimeter buffer may be required? He referred to the berm along the Alden property. He is also concerned that the property is not zoned for this type of development. Mr. Isaacs' final concern is the wetlands and how that will be handled. He wants to know whether his development (Wynncrest Subdivision) will be protected in terms of stormwater flow. Mr. Isaacs is also concerned about the proximity of the building to the property line.

Mr. Glazov noted that the closest portion of the building to the property line is 70 feet in the southwest (Wynncrest) corner of the property and 156 feet away from the perimeter at the northeast corner of the property. The road is 41 feet from the property line. A discussion ensued regarding whether a berm could be placed along the property line. The residents could consider this.

Teri Crumley, 2602 Wynncrest, spoke on the water issue also. Water flows across Route 53 from Mardan Woods onto her property in the Wynncrest subdivision. She wants to know whether petitioner can guarantee that they will not get more water. She has major flooding concerns and wants this looked into. Chairman Phillips responded that it is the job of the village engineers to look into these types of issues and to determine the best plan for the development. Mr. Glazov stated that petitioner has provided the stormwater and landscaping plans to the village for review and discussion. Their grading plan should also alleviate the water concerns. The re-grading will redirect water into the detention pond. Chairman Phillips stated that Mr. Glazov is accurate in saying that the plans should address the water concerns. Attorney Filippini added that the village engineer would review the engineering plans specifically looking out for the interests of the community. The village codes and stormwater management codes require water to not be diverted towards the development.

Camy Gould 2230 RFD, spoke on behalf of residents in Country Club Estates. The list of residents she stated that she is speaking on behalf of includes:

Camy & Al Gould, 2230 RFD  
Steve & Sharon Rubow, 1258 RFD  
Joe & Kay Caurso, 2440 RFD  
Don Bartlet, 2552 RFD  
Steve & Gigi Wernikoff, 1531 RFD  
Robert & Paula Berk, 2210 RFD  
Stuart & Anneliese Cohen, 2205 RFD  
Rick Rubenstein, 1233 RFD  
Susan & Wu Chua Crouse, 2531 RFD  
Peggy & Phil Adams, 2227 RFD  
Rick & Nancy Stevens, 1507 RFD  
Carol & Marshall Stanton, 1232 RFD  
Johanna & Oliver Lemoine, 2311 RFD  
Tom & Megan Brandt, 2221 RFD

Ms. Gould addressed several issues of concern for these residents:

1. Do we really need another nursing home in Long Grove? There are four similar facilities in Long Grove and we do not want to be known as a senior citizen community.
2. The Kildeer sanitary sewer line is a major concern. The petitioner proposes to attach to this line. However, as part of an agreement with Kildeer regarding this sewer line, Long Grove secured a limited capacity for future use in Mardan Woods, Mardan Estates and part of Country Club Estates. Ms. Gould is concerned that the village may not be aware of that agreement.
3. The next concern is relief from the tree preservation ordinances. Removing 250 trees is quite significant and the purpose of the ordinance is to protect the trees regardless of their condition. If Route 53 ever gets approved then even more trees will be lost.
4. Their next concern relates to the facility entrance on Route 53. It is a very dangerous curve.
5. Finally, the residents want to know whether other, more viable locations were considered such as Bally Bunion, Geimers, or the property south of Sunset Grove.

Karen Schmitt, 3453 RFD, represents Mardan Woods homeowners. She has the same concerns as Ms. Gould and refers to her email dated June 30, 2014, to Chairman Phillips stating Mardan Woods' sanitary waste concerns. A copy of the email was provided to commissioners and staff.

Mr. Norton spoke in response to some of Ms. Gould's concerns. He noted that the marketing report establishes a definite need for more nursing home facilities in Long Grove. This location has a willing seller and it is properly zoned for this use. The development will generate property taxes. Regarding tree removal, they will have to reach an agreement with the village as to how to approach removal or reforestation. Mr. Norton also stated that petitioner has been in discussions with

IDOT regarding the access location and that their options are limited by IDOT. Petitioner would do its best with sight lines and signs for the entryway. Mr. Glazov added that as far as the sewer is concerned, there are several ways to approach the situation, and they are prepared to work with the village engineer to determine the best way to handle this issue and not impact the resident's capacity needs.

Zhanna Roma, 2611 Wynncrest, stated that she is concerned with traffic and in particular, fire truck and ambulance access. Mike Schmidt, Long Grove Fire Protection District, responded that they would get around traffic as needed in an emergency situation. Ms. Roma then asked what relief the residents have if, despite all the promises, the project does result in flooding of their neighborhood. Mr. Glazov responded that petitioner is responsible for all water that comes off of their property. Attorney Filippini added that the storm water must be managed based on the plans and engineering requirements. Any failures that violate an ordinance would result in fines and tickets. The residents also have legal remedies to seek damages against the developer for damage incurred as a result of stormwater violations. Ms. Roma is also concerned that her development would be surrounded on two sides by nursing homes and that circumstance is not desirable for the character of the neighborhood.

Tim Burns, 3404 Mardan, agrees with Ms. Gould's concerns. His main concern is the sanitary sewer. As a former village trustee he was on the board when this sewer line was considered. The only reason Kildeer was allowed to put in this sewer line was to accommodate and protect Long Grove residents if necessary. The village needs to consider this. Attorney Filippini responded that the Kildeer sewer is important. The village engineers will need to review and evaluate the plans and the village will consider the importance of the sewer. Right now the plan commission does not have all of the capacity information. Because of the sewer's benefit to the residents, we need to wait until more information is available to before drawing any conclusions as to use or capacity.

Tom Macintosh, 2562 Lincoln, is concerned with the dangerous curve at Route 53 and Old Hicks. He emphasizes that the road does not need more traffic.

Lucy DeVaux, 2306 RFD. Stated that there are 12 assisted living facilities within a 5-mile radius, and 34 facilities within a 10-mile range. Also the comprehensive plan for Long Grove stresses open space, trees, single-family homes, and the environment.

Melanie Soos, 3476 Rt. 53, is concerned with "dead man's curve". She also has concerns with the headlights from the entryway that are directed at her home. Petitioner has advised her that the landscaping plan will minimize this. Chairman Phillips asked whether a stoplight is an option at the existing Long Grove road intersection. Michael Caldwell, civil engineer for the project, responded that IDOT would not allow this intersection access because the road only goes directly into the property. IDOT says there is not enough traffic. In order to have a stoplight

IDOT requires a warrant study. There is not enough traffic here to satisfy this light. Chairman Phillips would like to see a copy of the traffic study. Commissioner Cohn asked about access through the Brickman property. Chairman Phillips responded that there would have to be a purchase of that property or an easement. It is not a feasible option.

A general discussion ensued with petitioners and the public regarding “dead man’s curve”, traffic issues and IDOT. Mr. Norton added that the current owners have not been able to market the property as single-family and that is why they are looking to buy for this particular purpose. It is one of the least intrusive uses for the neighborhood.

Chairman Phillips asked for comments from the board.

Commissioner Kazmer noted that there are 65 parking spaces with a maximum shift staff of 25 individuals, leaving only 40 spaces for visitors. He believes that this is not enough and would like to see the same parking ratio as Harbor Chase. Commissioner Kazmer then asked about the shallow aquifer recharging area. Mr. Glazov responded that the shallow aquifer is for fire service only. The deep well is for daily needs and fire suppression. Mr. Caldwell referred to the watershed plans in the packet. He noted that water storage would not be removed. The detention pond will help replenish the recharge area. It encourages infiltration into the shallow aquifer. This plan has been submitted to the village engineers. Commissioner Kazmer wants confirmation on this. Commissioner Kazmer is also concerned about the curb cut. Steeple View Subdivision was not allowed any more driveways or access to Route 53, but here they will allow a curb cut for 65 parking spaces? This does not make sense. Also, how can the sight line be improved? Additional information is needed on sewers, stormwater and trees before moving forward with petitioner’s request.

Commissioner Rubin would like to table this proposal until the board has more information and studies. He notes that no one else wants to develop this property. But the plan commission sees great concern by the residents and he would side with the residents until all of their concerns are sufficiently addressed.

Commissioner Parr has several questions for the petitioner.

1. What percentage of trees by grade must be removed? Mr. Glazov refers Commissioner Parr to his summary sheet in the Application, but notes that the biggest percentage of trees is #3 trees. Almost 50% (277 out of 589). Petitioner will discuss its reforestation plan with the village.
2. Commissioner Parr believes that tax benefits in the neighborhood of 75% of 500,000 are a significant benefit to our school districts.
3. Commissioner Parr likes the plan and its use and thinks it would be successful. However, she agrees with Commissioner Kazmer that there are not enough parking spaces.
4. The tree mitigation plan needs to include screening for residents.

5. As to standards for a special use permit, Commissioner Parr is concerned about injury to the value of neighboring property. She agrees with Commissioner Kazmer that the board cannot approve the request without the stormwater review. The board needs to make sure that there will be no negative impact on neighbors' property.

Commissioner Parr would seek a continuance on this issue alone. She also wants to see confirmation on the agreement with Kildeer. Attorney Filippini responded that the village is the gatekeeper on this issue and at the board needs to see a capacity analysis.

Commissioner Cohn agrees that petitioner's proposal is an attractive plan. His primary concern is the traffic situation. He also referred to the issues that became highlighted because of Steeple View Estates. IDOT would not let those residents have access to the subdivision off of Route 53. They had to gain access through Country Club Estates. Steeple View Estates is further from the curve. The problem is not the number of cars but the location of the access at the curve. Signage would not be enough. This is a real concern. We need more information on the traffic situation. He also has concerns with the Kildeer sewer line, site drainage issue and the grading plans necessary to protect the residents. The residents need more information.

Mr. Glazov responded that they would continue discussions with IDOT but that they have been assured access. The location of the access is limited because of the wetlands.

Commissioner Peltin agrees with Commissioner Rubin's comments. He defers to the residents' concerns. He compliments the project team on their effort to address all issues raised at the hearing. Commissioner Pelting's main concern is whether this use is what the village is looking for. What is best for Long Grove? Do we need another nursing facility? There are still many issues to discuss.

Chairman Phillips refers to his personal experience with nursing facilities and agrees with the petitioner's assessment that there is a need for more nursing facilities with more options for older residents. He is, however, concerned with parking, trees, water and access. His primary concern is the curb cut and the fact that it will result in accidents. Chairman Phillips also recognizes the concern of the neighbors regarding being surrounded by two nursing homes. It will change the character of their neighborhood.

Karen Schmitt suggests to the petitioner that they consider using the Geimer property adjacent to Menards for this development. She believes that it is the perfect location. Many issues raised here, including access, trees and water are not present with that location. She urges the petitioners to consider this location.

Commissioner Rubin moves to continue to the next meeting, with notice intact, this public hearing subject to submission of further information regarding parking, water, access, sewer, stormwater, and trees, along with completion of necessary communications with IDOT and residents. Commissioner Kazmer seconds the motion. On a voice vote, all ayes. Motion passes.

b) PUBLIC HEARING: Consideration of a proposal for amendments to Title 5 of the Village Code for the Village of Long Grove, including definitions, modifications in section 5-11-4 and more specifically Section 5-11-4(F)(2) regarding Architectural Commission jurisdiction within the B-1 Historic District within the Village of Long Grove.

Chairman Phillips read the request into the record and swore in witnesses who are to give testimony in the matter.

Planner Hogue summarized the proposal to reconsider a portion of the Village Code with respect to replacement of similar or like-looking materials in the B-1 Historic District. The request is made in response to requests from downtown business owners wanting to replace their existing wood deck and railing with plastic material. The amendment would allow review of certain types of minor (to be defined in the amendment) exterior changes to be subject to administrative review by staff rather than requiring review by the architectural commission. Commissioner Cohn recommended that this proposal be considered first by the architectural committee before being considered by the PCZBA. Commissioner Cohn made a motion to continue the Public Hearing on this matter, with notice intact, to the August 5 meeting, or later, to allow review and feedback on the proposal from the architectural committee. Commissioner Peltin seconded the motion. On a voice vote, all ayes. Motion passes.

## **5. Old Business:**

a) PUBLIC HEARING-CONTINUATION; Consideration of amendments to the Zoning Code of the Village of Long Grove in light of the adoption of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 430 ILCS 130/1 et seq., including specifically whether to include state-authorized medical cannabis dispensing organizations and medical cannabis cultivation centers as special uses in non-residential zoning districts in the Village.

Chairman Phillips read the request into the record. Attorney Filippini advised the board that the State of Illinois still has not completed its regulatory process regarding medical cannabis and it might be premature for the board to act on this matter until the State finalizes its regulations. Any action by the board could potentially conflict with the final State mandate and therefore need to be reconsidered.

Commissioner Kazmer moved to continue the Public Hearing regarding amendments to the Zoning Code of the Village of Long Grove in light of the adoption of the Illinois Compassionate Use of Medical Cannabis Pilot Program Act. Commissioner Peltin seconded the motion. On a voice vote, all ayes. Motion passes.

**6. Approval of Minutes: June 3, 2014 meeting.**

A motion was made by Commissioner Parr, seconded by Commissioner Rubin, to accept the April 1, 2014. On a voice vote, all ayes. Motion passes.

**7. Other Business:** None

**8. Adjournment**

Commissioner Parr made a motion to adjourn, seconded by Commissioner Rubin. On a voice vote, all ayes. Meeting was adjourned at 9:45 pm.

**9. Next Regular Meeting: August 5, 2014**

Respectfully Submitted Jodi Smith, PCZBA Secretary