

VILLAGE OF NORTH BARRINGTON
SPECIAL PLAN COMMISSION
MEETING MINUTES
Monday, July 18, 2022

Call to Order

The Meeting was called to order at 7:30 p.m.

Roll Call

Roll call was answered by Michael Beightol, Kim Ritschel, Vice Chairperson Ken Such, James Zakos, and Chairperson Gery Herrmann.

Also present were Village Administrator John Lobaito, Trustee Liaison Kevin Horcher, Aummunnouel Varda, Anoosh Varda, Krysia Ressler of Wysocki & Smith Law Office, Waukegan, Illinois, Administrative Assistant Sue Murdy, and members of the public.

Pledge of Allegiance

Chairperson Gery Herrmann led the Pledge of Allegiance.

Public Comment

There was no public comment.

Minutes from the July 11, 2022 Plan Commission Meeting.

Motion by Michael Beightol and seconded by James Zakos to approve the July 11, 2022, Plan Commission Meeting Minutes. On roll call vote Michael Beightol, Kim Ritschel, Vice Chairperson Such, James Zakos, and Chairperson Herrmann Voted Aye. No Nays. Motion Carried.

Continued Public Hearing

Text Amendments to the Village's Zoning Ordinance. The proposed text amendments would, if adopted, 1) Add a definition for "Indoor Farm Horticulture Operations" and related definitions, 2) Add "Indoor Farm Horticulture Operations" in the R-1 (residential) District, 3) Add operational regulations and parking requirements for Indoor Farm Horticulture Operations.

At 7:35 Chairman Gery Herrmann called the Public Hearing to order, and Administrative Assistant Sue Murdy called the roll. Roll call was answered by Michael Beightol, Kim Ritschel, Vice Chairman Ken Such, James Zakos, and Chairman Gery Herrmann.

Chairperson Herrmann gave a brief background of the subject property. It is owned by Anoosh Varda and Alberta Varda and is improved with a single-family house and three accessory buildings, as well as a detached garage. The property is served by a private sewage disposal system and private well.

The concept proposal was presented to the Village Board at its January 19, 2022, Village Board meeting. The Village Board consensus was to have the petitioner proceed through the public hearing process.

In 2017, the subject property was in unincorporated Lake County and the Owner was proposing the development of a chicken farm. On January 10, 2018, the property (excluding the single-family house) was annexed into North Barrington along with the two other adjacent properties. The same year the Owner filed a zoning petition with North Barrington to operate a chicken farm. A public hearing was held before the Zoning Board of Appeals (ZBA) in May 2018. At the conclusion of the public hearing the ZBA made an unfavorable recommendation on the petition to allow the subject property to be used for a chicken farm operation. The Owner abandoned the zoning petition, and the matter was never presented to the Board of Trustees for final action on the ZBA's recommendation.

Chairperson Herrmann stated the Public Hearing for the Zoning Map Amendment would proceed if the Public Hearing for the Text Amendment was not favorable to the petitioner.

Chairperson Herrmann explained that the Zoning Text Amendments include Amendments to Municipal Code Title 10 to add a definition for "Indoor Farm Horticulture Operations", "Vermiculture", and related definitions. It also adds limitations to horticulture operations and provides certain limitations and adds parking limitations.

Chairperson Herrmann explained the Amendments to Municipal Code section 10-7-2 (Special Uses) would add "Indoor Farm Horticulture Operations" in a R-1 Residential District.

Administrator John Lobaito addressed the Commission and reviewed the draft Ordinance in their packet amending Chapter 10 of the Village Code to add indoor farm horticulture operations as a special use within the R-1 zoning district. He reviewed each appropriate section of the Village code as it applied to the petitioners, specifically special uses enumerated, definitions of Indoor farm horticulture operations and related terms, indoor farm horticulture operations ancillary to farm residence as well as limitations and maximum number of accessory parking spaces.

Ms. Krysia from the law firm of Wysocki & Smith Law Office representing the petitioner for the proposed text amendment for indoor farm horticulture operations explained the Varda's business is vertical farming and vermiculture. Vertical farming is an environmentally progressive use for growing plants in a controlled building environment without the dependence of outside weather, threat of insects, or use of pesticides. It utilizes recycled water, LED lighting and offers lower emissions. She stressed the Varda's will not be growing marijuana. There are three buildings on the property which will be used for indoor farming all year round. She also explained the process of vermiculture, using recycled worms to produce soil.

Ms. Ressler stated that there would be no air, odor, water, or noise pollution. She reviewed the process of growing, transporting, and referred the Commission to the Business and Operational Plan enclosed with their Plan Commission Packet.

Ms. Ressler also addressed the proposed Zoning Map Amendment, which will be discussed at the 2nd public hearing. Prior to the annexation of part of the property into the Village, Lake County issued a permit for the Varda's to construct three buildings. The buildings are now located in the Village of North Barrington. The petitioners would like to add them to the indoor farm horticulture operations as a special use within the R-1 zoning district.

Chairperson Gery Herrmann thanked Ms. Ressler for her time.

Village Administrator John Lobaito swore in the witnesses and residents wishing to speak at the first public hearing.

Ms. Bevin Brillenborg, 25848 W. Scott Road, North Barrington, IL addressed the Commission and stated her opposition to the petition. Although she likes the idea of the overall idea of the proposal, Ms. Brillenborg feels that traffic, noise, and safety concerns will devalue her property.

Ms. Sonia Beranich, 609 Sioux Drive, North Barrington, IL addressed the Commission and stated her opposition to the petition.

Mr. Darwyn Broker, 590 Onondaga Drive, North Barrington, IL addressed the Commission and stated his opposition to the petition. He concurred with the previous residents' statements and stated he is also concerned about the infrastructure on Highway 59 for commercial traffic.

Ms. Virginia Black, 110 Seminole Drive, North Barrington, IL addressed the Commission and stated her opposition to the petition.

Mr. Grant Borne, 25810 Crest Hill Drive, North Barrington, IL addressed the Commission and stated his opposition to the petition. He is concerned about runoff of waste materials.

Mr. Dale Dickman, 170 Kimberly Road, North Barrington, IL addressed the Commission and stated his opposition to the petition. He stated although he likes the overall idea of the proposal, the Village of North Barrington is the wrong location for such an operation.

Mr. Dean Miller, 25890 Crest Hill Drive, North Barrington, IL addressed the Commission and stated his opposition to the petition. He concurred with previous resident comments.

Gery Herrmann thanked the residents for their comments and declared the public comment section of the Public Hearing closed. He asked the Commission members if they had questions.

Commission Member James Zakos had no questions.

Commission Vice Chairperson Ken Such asked the petitioner for background information on their business entity identification and business practices. The petitioner identified the name of their

company as an LLC Trinity Poultry Products started in 2017. Vice Chairperson Such inquired if the LLC is qualified to be governed as a FSMA facility, or if it is Illinois Certified to operate under Illinois Cottage Law since they will be selling produce. Mr. Such stated his concerns upon analysis of the submitted Business Plan and its long-term financial feasibility.

Commission Member Kim Ritschel had no questions.

Commission Member Michael Beightol asked the petitioner if they have indexed similar enterprises in the immediate geographical area. Mr. Varda stated micro green vertical farms exist in the Chicagoland area within houses though none near the Barrington area. Mr. Beightol asked the petitioners attorney to explain her interpretation of the Village being an agricultural community within the Village of North Barrington Comprehensive Plan. He does not feel agricultural use fits into the Village. Ms. Ressler explained this is the reason her client is requesting a text amendment and pointed out the previous annexation by North Barrington of the Varda's property resulted in non-conforming lots of less than 5 acres.

Commission Chairperson Gery Herrmann had no questions. He referred to the Village 5-acre zoning for horses as possibly being agricultural in nature. The vertical height limitation of buildings allowed in the Village was discussed, as well as subsequent operational inspections. Mr. Herrmann also stated the Village has no control over any other various government agencies that may monitor commercial properties. Village Administrator John Lobaito explained the Ordinance presented tonight is a draft and additional conditions may be added.

Motion by Kim Ritschel and seconded by James Zakos to recommend to the Board of Trustees approval of the Text Amendment to the Village's Zoning Ordinance.; 1) Add a definition for "Indoor Farm Horticulture Operations" 2) Add "Indoor Farm Horticulture Operations" in the R-1 (Residential) District 3) Add operational regulations and parking requirements for Indoor Farm Horticulture Operations.

On roll call vote Michael Beightol voted nay, Kim Ritschel voted aye, Vice Chairman Ken Such voted nay, James Zakos voted nay, Chairperson Herrmann voted aye. The motion did not pass.

At 8:55 Chairperson Herrmann declared the Public Hearing adjourned and Administrative Assistant Sue Murdy called the roll. Roll call was answered by Michael Beightol, Kim Ritschel, Vice Chairperson Such, James Zakos, and Chairperson Herrmann. The Public Hearing was adjourned.

Continued Public Hearing-25815 W. Scott Road, North Barrington, IL

PINS'S:13-25-100-026, 13-25-100-028, 13-25-100-029

Zoning Map Amendment to rezone an approximately 4.43-acre parcel from R-1 Single Family Residential with Special Use for an Indoor Farm Horticulture Operation.

At 8:56 Chairperson Gery Herrmann called the Public Hearing to order, and Administrative Assistant Sue Murdy called the roll. Roll call was answered by Michael Beightol, Kim Ritschel, Vice Chairman Ken Such, James Zakos, and Chairman Gery Herrmann.

Chairperson Herrmann reviewed the background of the subject property. The petitioner plans to make improvements to accommodate the vertical farming operations and vermiculture. The planned improvements are mostly mechanical including electrical and HVAC. The most easterly building will be used for vermiculture and the most northerly building on the property will be used for growing microgreens.

There are existing non-conformities on the Subject Property: 1. Lot Coverage Ratio. 2. Building Setbacks. 3. Fencing & Driveway Entryway Walls. There would be a Waiver Compliance per Section 10-7-1 of the Village Zoning Code relative to Special Uses which provides that "In granting a special use, the corporate authorities may waive compliance with those provisions of this title which are specified in the special use ordinance."

Chairperson Herrmann stated there are two letters of opinion, from Heizer Engineering LLC and Peter Snelten & Sons, Inc. regarding the condition of the existing private sewage disposal system as well as an opinion on farm operations impact on surrounding wells.

Village Administrator John Lobaito swore in the witnesses and residents wishing to speak at the second public hearing.

Village Health and Sanitation Officer Natalie Karney addressed the Commission. She stated a site inspection was performed when the property was originally annexed into the Village. Evidence of vehicular traffic over the septic field was a concern. The site inspection at the time was not based on maximum usage. If this petition is recommended and approved by the Village Board, she suggested an escrow of \$25,000 plus a surcharge, with inflation built in, to be set up with the Village, for a period of five years, in the event the septic system would have to be replaced. A septic field test would be required as well. Ms. Karney confirmed that the current septic system is on the unincorporated property. There was discussion about the usage requirements a replacement septic system would be measured on. The house on the property is currently unoccupied. Mr. Varda confirmed that the toilet is used on occasion. Ms. Karney does not anticipate a well or ground water contamination problem.

Mr. Zakos asked if the age of the current system was known. Ms. Karney stated it had never been replaced or renovated. It was originally permitted in unincorporated Lake County. There is no known certification of the current system.

Vice Chairperson Such asked if any sort of drainage system was ever considered and questioned the capability of the current system.

Chairperson Herrmann asked the petitioner about their water collection system. Mr. Varda explained roof collection, well water and AC runoff will be utilized.

Village Administrator stated that as part of a Special Use, the Village may place reasonable conditions on the Special Use. He advised the Commission may wish to consider the following in their review and consideration of the petition: 1. Limitations on hours of operation. 2. Limitations on outside storage of materials and/or equipment. 3. Maximum number of employees. 4. Number of deliveries per day/week/month. 5. Type of vehicles used. 6. Private wastewater treatment system (Septic System).

Chairperson Herrmann asked the petitioner about road access to the subject property. Mr. Varda explained the access is off Scott Road directly to IL Route 59.

Chairperson Herrmann read a letter from resident Gerald Celano, 21900 North Illinois Highway 59, North Barrington, Illinois. Mr. Celano is opposed to the proposed petition due to numerous concerns.

Ms. Bevin Brillenborg, 25848 W. Scott Road, North Barrington, Illinois addressed the Commission and stated her opposition to the petition.

Ms. Sonia Beranich, 609 Sioux Drive, North Barrington, Illinois addressed the Commission and stated her opposition to the petition.

Mr. Dean Miller, 25890 Crest Hill Drive, North Barrington, Illinois addressed the Commission and stated his opposition to the petition.

Mr. Roger Dickman, 170 Kimberly Drive, North Barrington, Illinois addressed the Commission and stated his opposition to the petition.

Mr. Grant Borne, 25810 Crest Hill Drive, North Barrington, Illinois addressed the Commission and stated his opposition to the petition.

Mr. Varda addressed the Commission in response to the resident's concerns about vehicle parking as well as frequency and method of deliveries to and from the operation facility. He stated there would be no further land development and deliveries to the property would be kept to a minimum. There was discussion about the hours of operation of harvesting, packaging, and material transporting. It was noted that the house, which is located on the parcel still located in unincorporated Lake County, is currently uninhabited.

Mr. Adrian Saliu, the grower employed by the Varda's addressed the Commission to expand on the details of the proposed operation. He explained that his responsibilities with the operation will result in a wholesome and green sustainable completely organic produce developed on site in contained facilities and systems. He stated he is vermiculture certified and specializes in closed system farming.

Mr. Saliu reviewed the cleaning process that will be used during the operation and the disposal of waste.

Ms. Krysia Ressler, attorney for the petitioner, stated the Varda's would be willing to plant landscaping to cut down on noise.

Chairperson Herrmann thanked the residents for their comments and declared the public comment section of the Public Hearing closed. He asked the Commission members if they had questions.

Chairperson Herrmann stated his concerns about setting workable parameters, vehicle storage, septic issues, deliveries, and periodic compliance inspections.

Commission Member Michael Beightol stated his concern about a commercial venture in the Village, inconsistent with the Village Comprehensive Plan. He inquired about reconciliation with the neighborhood if the house remains uninhabited.

Vice Chairperson Such stated his concern about what he perceives as a vague business plan and complimented the expertise of the grower. He feels it is the wrong business for the proposed location.

Commission Member James Zakos stated he had some environmental concerns, noise, and the non-conforming impact on the area. He feels it is the wrong business for the proposed location.

Commission Member Kim Ritschel stated her concerns with trucks, vehicular traffic, and employee scheduling during harvesting and non-harvesting season. She stated she sees the benefits to the community of the proposal and would prefer to see such a business rather than deserted warehouses.

Chairperson Herrmann stated that portions of the Varda property were annexed into the Village several years ago and would like to see the Village have a level of control over the usage of the property.

Chairperson Herrmann reviewed a list of conditions he would like to implement:

1. Deliveries to the property will be limited to two (2) deliveries per week.
2. Deliveries leaving the property will be limited to one (1) per day Monday thru Friday from 7:00 a.m. to 5:00 p.m.
3. A maximum of six (6) employees will be allowed four (4) days per week.
4. The hours of operation will be from 7:00 a.m. to 5:00 p.m. four (4) days per week. The grower will be working on the weekends.
5. A \$25,000 septic bond will be held for five (5) years starting from the date of occupancy.
6. Outside storage is prohibited. Dirt piles may be kept outside for a 24-hour period.
7. Outside storage of trucks or equipment is prohibited.

Motion by Kim Ritschel and seconded by Michael Beightol to recommend to the Board of Trustees approval of the Zoning May Amendment to rezone an approximately 4.43-acre parcel from R-1 Single Family Residential with Special Use for an Indoor Farm Horticulture Operation. The motion includes the conditions:

- *Deliveries to the property will be limited to two (2) deliveries per week.
- *Deliveries leaving the property will be limited to one (1) per day Monday thru Friday from 7:00 a.m. to 5:00 p.m.
- *A maximum of six (6) employees will be allowed four (4) days per week.
- *The hours of operation will be from 7:00 a.m. to 5:00 p.m. four (4) days per week. The grower will be working on the weekends.
- *A \$25,000 septic bond will be held for five (5) years starting from the date of occupancy.
- *Outside storage is prohibited. Dirt piles may be kept outside for a 24-hour period.
- *Outside storage of trucks or equipment is prohibited.

On roll call vote Michael Beightol voted nay, Kim Ritschel voted aye, Vice Chairman Such voted nay, James Zakos voted nay, Chairperson Gery Herrmann aye. The motion did not pass.

Close Public Hearing

At 10:30 p.m. Chairperson Gery Herrmann declared the Public Hearing closed and Administrative Assistant Sue Murdy called the roll. Roll call was answered by Michael Beightol, Kim Ritschel, Vice Chairman Ken Such, James Zakos, and Chairperson Gery Herrmann.

Old/New Business

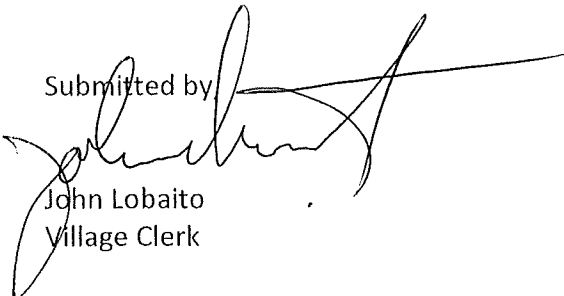
There was no old/new business.

Adjournment

Motion to adjourn the meeting was made by Michael Beightol and seconded by Kim Ritschel. On voice vote all voted aye. No nays. Motion Carried.

The meeting of the Plan Commission was adjourned at 10:35 p.m.

Submitted by

A handwritten signature in black ink, appearing to read 'John Lobaito', is written over the printed name and title.

John Lobaito
Village Clerk