



APPROVED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, November 11, 2014, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

PRESENT: Chairman Manion, Members Leider, Van de Kerckhove and Bichkoff.

ALSO PRESENT: Stephen Robles, Village Planner

ABSENT: Trustee Liaison Brandt and Member Kalina.

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

1.0 ROLL CALL

The roll was called by **Village Planner Robles** and **Chairman Manion** declared a quorum to be present.

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes related to the Zoning Board Meeting held on Wednesday, October 15, 2014.

Member Van de Kerckhove moved and **Member Leider** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board, as submitted. The motion passed unanimously by voice vote.

3.0 ITEMS OF GENERAL BUSINESS:

3.1 PUBLIC HEARING regarding an Amendment to existing Special Use Ordinance 78-533-23 to remove the prohibition of truck and trailer parking in front of the building and reduction of a required existing landscape berm from six feet to three feet in height for a proposed U-Haul facility located at 200 Industrial Drive (Amerco Real Estate Company).

Chairman Manion recessed the Zoning Board meeting and opened the Public Hearing.

Village Planner Robles presented Staff's memorandum and identified Amerco Real Estate Company, representing U-Haul, was under contract to purchase 200 Industrial Drive for a U-Haul self-storage and truck rental facility. In 1976, the property received a special use for truck, tractor and trailer leasing facilities, including a building within which trucks, tractors and trailers may be serviced and maintained, together with accessory parking. Two years later, the property received a second special use to permit a facility for the purpose of selling, leasing, repairing, maintaining, and rebuilding truck, trailer and truck parts and truck trailer parts, indoors only. He continued, the property is located in the M-1 Restricted Manufacturing zoning district which permits storage and warehousing establishments. U-Haul's proposed self-storage operations are permitted by zoning and truck rental is permitted under the existing Special Use.

Village Planner Robles continued that U-Haul requested amending the 1978 Special Use Ordinance to remove the prohibition of truck and trailer parking in front of the building and reduce the existing landscape berm to 3 feet tall, as identified in the

provided presentation packet. Item G of the 1978 Ordinance required that no trucks or truck tractors shall be parked or otherwise stored in front of the building to be constructed on the subject real estate. Since U-Haul desires to locate rental trucks along Aptakisic Road, they are requesting removal of this prohibition to allow 14 rental parking spaces within the front yard. He clarified Staff did not object to the location and number of spaces, but recommended the spaces be revised to 90° orientation or perpendicular to Aptakisic Road to reduce the prominence of the rental trucks from the roadway. U-Haul also requested to re-grade the existing 6-foot tall landscaped berm fronting Aptakisic Road to open visibility to the site. The current 6' tall berm extends along Aptakisic Road and continues south along the west property line of the neighboring residential property. The berm serves as a natural barrier to screen the industrial nature of the property from the roadway and adjacent residence. As a result of the reduction, landscape screening of the parking lot would be required by Village Code. Shrubs or small trees at least 4' in height in dense groupings must screen at least 50% of the parking lot frontage. 44 "gro-low sumac" shrubs were proposed, which **Village Planner Robles** explained would not comply with code requirements. He noted Staff understood the request for increased visibility through reducing the berm height. However, Staff was not clear on the desire to further reduce the berm height adjacent to the existing residence to the west. As a result, Staff recommended the western portion of the berm remain to provide suitable screening from the adjacent residence to the west, and the landscape plan be revised to provide landscaping compliant with Village Code. **Village Planner Robles** noted the Petitioner's responses to the Findings of Fact for Special Use were included in the attached presentation packet for the Zoning Board's consideration. Regarding Finding #6, the proposed 22 customer parking spaces were 5 spaces short of the minimum required by Code. Therefore, any recommendation should require 5 additional off-street parking spaces, subject to the review and approval of the Architectural Review Board.

Village Planner Robles summarized Staff was recommending approval of the proposed amendments to the existing Special Use Ordinance, subject to the three conditions noted in the staff memo.

Heather Skelton, representing U-Haul, identified they are under contract to purchase the property pending approval from the Village. U-Haul was open to leaving the western portion of the berm unchanged, if the Zoning Board would be agreeable to the berm reduction proposed along the north property line.

Chairman Manion sought confirmation that the site was accessed via Industrial Drive. **Ms. Skelton** confirmed such and noted that U-Haul was also interested in changing the address to an Aptakisic Road address. **Chairman Manion** further questioned U-Haul's plan was for improving the site. **Ms. Skelton** elaborated that phase 1 of U-Haul's plan was to reuse the existing building for immediate operation. Phase 2 is a long-term plan to construct a purpose-built self-storage facility on the property, but no further information was available at the present time.

Chairman Manion asked **Ms. Skelton** if she would like the Findings of Fact entered into the record. **Ms. Skelton** confirmed.

Chairman Manion sought any additional public comment for the record. There being no further public comment, **Chairman Manion** closed the Public Hearing and reconvened the Zoning Board meeting.

Member Leider summarized the three caveats noted in Staff's memorandum. Regarding Item 1 on the rental parking space orientation, **Ms. Skelton** explained the angled parking was found to be easier for public use when returning the larger rental trucks and served as advertising when the trucks were parked on-site. Regarding Item 2 on keeping the existing berm along the west property line, **Ms. Skelton** reaffirmed U-Haul is accepting of leaving the western berm in place. Regarding Item 3 on revising the landscape plan to screen the parking lot required by Village Code, **Ms. Skelton** expressed her concern the landscaping requirement conflicted with U-Haul's reasoning for reducing the berm.

Member Van de Kerckhove questioned if there were any existing berms within proximity to the site. **Village Planner Robles** explained the office building located at 577 Aptakistic Road, to east of the subject site, constructed a berm. **Member Van de Kerckhove** expressed his support for the proposal given the industrial nature of the site. **Member Bichkoff** concurred.

Member Leider expressed his concern over the request for the berm reduction and opening the visibility into the site and being able to see the industrial building and the gravel lot. **Chairman Manion** agreed and noted U-Haul's occupancy of the site would be an improvement, but he had concerns with the overall site appearance.

Minor discussion regarding the berm reduction and landscaping ensued.

There begin a consensus among the members, **Chairman Manion** sought a motion.

***Member Leider** moved and **Member Bichkoff** seconded a motion, to recommend approval to the Village Board, based on facts covered in a Public Hearing held on November 11, 2014, of an amendment to Special Use Ordinance 78-533-23 to remove the prohibition of truck and trailer parking in front of the building and reduction of a required existing landscape berm for a proposed U-Haul facility located at 200 Industrial Drive, subject to the following conditions:*

1. Rental parking space orientation be revised to 90°, perpendicular to Aptakistic Road, subject to the Architectural Review Board review.
2. The existing berm adjacent to the west property line shall remain.
3. The landscape Plan be revised to provide landscaping compliant with Section 13-2-1(C)(3) of the Village Code.

The motion passed unanimously by voice vote.

- 3.2 PUBLIC HEARING regarding Text Amendments to Chapter 2, Definitions, Chapter 5D, Mixed Use General Residence District, Chapter 6, Business Districts, and Chapter 8, Office/Industrial Districts, of Title 6 - Zoning of the Lincolnshire Village Code, regarding the permissibility of Assembly Uses within the Village's non-residential zoning districts (Village of Lincolnshire).

Chairman Manion recessed the Zoning Board meeting and opened the Public Hearing.

Village Planner Robles presented Staff's memorandum and noted over the past few months, the Zoning Board had discussed a series of Staff proposed text amendments on permitted uses within the Village's non-residential zoning districts. Following the Zoning Board's approval recommendation, Staff presented the recommendation and proposed

text amendments to the Committee of the Whole back in October. However, after the Zoning Board's recommendation, but prior to the Committee of the Whole meeting, the Village Attorney identified assembly-type uses such as religious institutions, libraries, museums, convention halls/meeting rooms, etc. were regulated inconsistently from one another. **Village Planner Robles** explained that essentially, certain types of assembly uses were permitted in one zoning district but not the other. Such exclusionary treatment was problematic since assembly uses must be treated equally based on zoning case law. Since assembly uses were not discussed by the Zoning Board, the Village Board directed this topic back to the Zoning Board for further discussion and recommendation.

Village Planner Robles continued his presentation noting assembly uses were simply a gathering of persons principally for civic, literary, musical, political, travel, religious, or similar purposes. The Zoning Code currently regulates assembly uses by identifying each individual assembly use within specific zoning districts. **Village Planner Robles** referenced the included "Assembly Use Example" to illustrate the current practice of the Zoning Code. He continued that by identifying individual assembly uses for each zoning district established that only specific assembly uses were acceptable, while other and often similar assembly uses were not. To establish content-neutrality for assembly uses, the Village Attorney and Staff had developed zoning definitions for; 1) assembly use, 2) membership assembly uses, and 3) non-membership assembly use. The reason for the distinction was that not all assembly uses contribute to the generation of sales tax, utility and telecommunications tax, and room and admission tax revenues to support the Village's operational expenses. Based on the proposed definition, non-membership assembly uses generally complement and create a common relationship with the hotels, commercial and office businesses, resulting in the growth of the Village's tax revenues. **Village Planner Robles** identified Staff was seeking feedback on whether the Zoning Board agreed with the proposed classification of assembly uses; membership assembly uses and non-membership assembly uses, and the need to distinguish the two.

Village Planner Robles requested the Zoning Board refrain from feedback until the conclusion of the presentation. He continued with his presentation regarding the permissibility of assembly uses and noted the proposed text amendments incorporated the new assembly uses terms. **Village Planner Robles** referenced a series of tables prepared by Staff included in the memo, which summarized the changes that were previously recommended by the Zoning Board that used the two different assembly use classifications.

Village Planner Robles continued, assembly-type uses specifically in the Office/Industrial District were part of a recent conversation Mr. Charles Lamphere, President of Van Vlissingen and Co. had with the Village Board at their October meeting. As a result, the Village Board requested the Zoning Board be provided the provided letter from Mr. Lamphere regarding the increase of non-traditional uses within corporate business campuses. **Village Planner Robles** explained the proposed amendments would permit many of the commercial uses identified in the letter within the O/I District. The Village Board expressed their willingness to consider permitting both types of assembly uses in the O/I District and requested their meeting minutes be provided to the Zoning Board so their comments on this use type were clear, which are also included in the memo. Following, **Village Planner Robles** explained the advantages of permitting membership assembly uses within commercial and office/industrial zoning districts that could provide benefits, including, occupying long-standing vacant buildings; operating during off-peak hours; and generating additional off-peak tenants to frequent local stores/restaurants. On the contrary, he noted such uses could also remove available

commercial/industrial buildings for future development as non-assembly uses; increase occupancy and off-street parking levels beyond existing capacity; and in some scenarios, reduce tax-generating uses within the Village's commercial and office/industrial sector. At the conclusion of Staff presentation, **Village Planner Robles** identified Staff also sought the Zoning Board's recommendation regarding the permissibility of membership and non-membership assembly uses within the R5, B1, B2, E, and O/I Districts for Staff to incorporate into revised text amendments to be considered by the Committee of the Whole.

Chairman Manion questioned if the definitions developed in concert with the Village Attorney were what should be recommended for approval. **Village Planner Robles** clarified that although the proposed definitions were developed under the advisement of the Village Attorney, the Zoning Board was directed by the Village Board to evaluate the permissibility of assembly uses in non-residential zoning district and is free to make the recommendation they see fit.

Member Bichkoff sought clarification on the reason for the distinction of tax generating assembly uses. **Village Planner Robles** explained that not all assembly uses could provide the same level of tax benefits compared to other assembly uses. He cited an example of a convention center, which would be classified as a non-membership assembly use, compliments and creates a common relationship with the professional office uses, which in turn compliments the restaurants, and the area hotels. All of which result in the growth of the Village's tax revenues.

Chuck Lamphere, President of Van Vlissingen and Company, summarized his letter regarding non-traditional uses within corporate business campuses. **Member Bichkoff** sought clarification from **Mr. Lamphere** on his presentation that non-profits would not remove properties from the tax rolls. **Mr. Lamphere** explained in his experience, non-profits organizations often were not able to obtain the necessary capital to purchase land and preferred to lease existing buildings.

Chairman Manion sought any additional public comment for the record. There being no further public comment, **Chairman Manion** closed the Public Hearing and reconvened the Zoning Board meeting.

Chairman Manion questioned if the topic of the Village becoming more accommodating to businesses and addressing current vacancy rates was also discussed at the previous public hearing. **Village Planner Robles** clarified the Zoning Board's previous discussion on the proposed text amendments pertained to the permissibility of commercial-related uses being permitted in the O/I District, and that the matter of assembly-related uses was not addressed at that time. **Member Leider** added his desire for the Village to look at ways to fill building vacancies.

Discussion ensued amongst the Zoning Board regarding assembly uses and the advantages they could provide to the O/I District.

There began a consensus among the members, **Chairman Manion** sought a motion.

***Member Bichkoff** moved and **Member Leider** seconded a motion, to recommend approval to the Village Board, based on facts covered in a Public Hearing held on November 11, 2014, of amendments to Chapter 2, Definitions, Chapter 5D, Mixed Use General Residence District, Chapter 6, Business Districts, and Chapter 8,*

Office/Industrial Districts, of the Lincolnshire Zoning Code to revise and update the permissibility of Assembly Uses within the Village's zoning districts.

The motion passed unanimously by voice vote.

- 3.3 Consideration and Discussion regarding Text Amendments to Chapter 2, Definitions, and Chapter 11, Off-Street Parking and Loading, of Title 6 – Zoning of the Lincolnshire Village Code, regarding updates to the Village's off-street parking and loading regulations (Village of Lincolnshire)

Village Planner Robles proposed a comprehensive review of the Village's parking requirements to determine appropriate parking demands for today's uses and implement appropriate code revisions. The Village's parking and loading regulations are housed in Chapter 11 of the Zoning Code and apply to all properties within the Village. Prior to any public hearing on draft code amendments, Staff wanted to first introduce the Off-Street Parking regulations and highlight areas of proposed revisions for Zoning Board consideration.

Village Planner Robles proceeded with the General Requirements Section and noted it provides overall application of parking/loading requirements for all buildings in the Village. Only minor updates to sentence structure and formatting were expected. Provisions for snow removal had been added to ensure suitable storage areas are identified on site plans and discourage snow storage within landscaped areas. The Off-Street Parking Facilities Section outlines specific parking layouts, space requirements and parking ratios based on land use. He explained that section was proposed to be relocated further back in the Code to Section 6-11-2, since parking requirements are more commonly used compared to loading berths.

Village Planner Robles continued and explained that the Off-Street Parking Section includes general requirements specific to parking spaces and contains regulations for all parking spaces; such as location, ADA parking requirements, design and maintenance, etc. There are currently nine subsections, which become lost within the overall scope of this Section. Staff proposed re-formatting to highlight the more pertinent standards. An example would be moving the ADA Parking regulations into its own specific subsection based on the importance of accessible parking accommodations. Shared Parking Facilities is a subsection of the general requirements and was titled "Collective Provisions for Building and Uses", which allows the collective use of parking spaces provided the sum of parking spaces for each separate use is provided. He explained, this method was not truly "collective use" of parking spaces, and required more parking and paved surfaces than necessary. Said subsection was proposed to be revised to allow the sharing of parking spaces for separate uses on the same lot, provided the use of spaces does not occur at the same time and the minimum number of parking spaces is based on the highest parking use.

Moving on to land banking of parking spaces, **Village Planner Robles** explained such allows for a reduction in the number of parking spaces required on a site, when the requirements may be excessive based on the use of a lot, but was not a code regulation. Traditionally, land banking has occurred within the Village's industrial/warehouse sector given the large building footprints, with low employee levels. The variance process is the current method for obtaining approval for parking reductions, which can discourage landbanking and result in higher levels of paved surfaces than necessary. Formalizing the landbanking requirements to include Administrative Staff review and authorization

process allows a more streamlined process for approval. **Village Planner Robles** noted any landbanking request must satisfy five requirements in order to be approved.

Village Planner Robles continued with surfacing requirements of all parking spaces, which must be improved with asphalt, concrete, or similar material. He explained that while the durability of parking surfaces needed to be sufficient to handle the daily use of vehicles, the use of impervious surfaces has significant environmental impacts on local stormwater management and water and wildlife habitat quality. Staff supports fully “greening” the Village’s parking requirements, but unless there are incentives to installing green parking facilities, there is little likelihood of their construction. Unfortunately, Staff felt there are minimal opportunities to incentivize green parking through Village Codes and permitting requirements since ensuring minimum required parking spaces are provided continues to be a primary factor to the Village. However, he noted the opportunity to require parking areas in excess of the minimum required to be constructed of alternate paving materials and incorporate stormwater best management practice (BMP) techniques, which are proposed in the draft text amendments.

Village Planner Robles proceeded with specific requirements for parking and explained Lincolnshire’s parking requirements followed the common approach of establishing minimum parking space requirements, rather than maximums. The parking requirements table in the draft code had been updated to include uses previously absent from the table, the addition of new uses, and revisions to parking ratios to reduce minimum parking requirements where possible.

Transitioning to Off-Street Loading Facilities, **Village Planner Robles** noted this section contained specific loading facility, a.k.a. loading docks, requirements based on land use. The loading regulations were proposed to be relocated to Section to 6-11-3, as they are not commonly used compared to parking requirements. Similar to the parking section, there are specific requirements for off-street loading as well, which outlines the number of loading berths and size based on use. He explained that loading berth requirements did not address commercial retail/service uses, which often require loading facilities. Additionally, the requirements were in narrative format, where a simplified table format provided improved function of said section.

Village Planner Robles concluded that Staff was seeking any input and direction from the Zoning Board of the proposed text amendments prior to the holding of a Public Hearing. He further noted the Zoning Board should consider whether these revisions should also be reviewed by the Architectural Review Board, since parking facilities were often part of their review of site plans.

There was a consensus amongst the Zoning Board regarding Staff’s proposed text revisions and to forward to the ARB for their input.

- 4.0 UNFINISHED BUSINESS (None)**
- 5.0 NEW BUSINESS (None)**
- 6.0 CITIZENS COMMENTS (None)**
- 7.0 ADJOURNMENT**

There being no further business, **Chairman Manion** sought a motion for adjournment. **Member Leider** moved, and **Member Van de Kerckhove** seconded the motion to adjourn. The meeting adjourned at 8:53 p.m.

Minutes Submitted by Stephen Robles, Village Planner.