



- APPROVED** Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, March 10, 2015, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.
- PRESENT:** Chairman Pro Tem Leider, Members Van de Kerckhove, Bichkoff, and Kalina.
- ALSO PRESENT:** Stephen Robles, Village Planner
- ABSENT:** Trustee Liaison Brandt and Chairman Manion.

Prior to the start of the meeting, **Village Planner Robles** identified Chairman Manion was absent and requested the Zoning Board unanimously select a Chairman Pro Tem to chair the meeting. The Zoning Board elected **Member Leider** to serve as Chairman Pro Tem.

CALL TO ORDER: **Chairman Pro Tem Leider** called the meeting to order at 7:02 p.m.

1.0 ROLL CALL

The roll was called by **Village Planner Robles** and **Chairman Pro Tem Leider** 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 Tuesday, November 11, 2014.

Member Kalina moved and **Member Van de Kerckhove** 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 a Special Use to permit an Assembly Use operation for religious uses within the existing Regal Cinema complex in City Park of Lincolnshire (Willow Creek Community Church).

Chairman Pro Tem Leider recessed the Zoning Board meeting and opened the Public Hearing.

Lawrence Freedman, attorney, Ash, Anos, Freedman & Logan, introduced the Willow Creek Church as the applicant and expressed the Church would return to the next month's Zoning Board meeting for a Special Use for their permanent location on Barclay Boulevard. While lease terms are finalized and interior renovations are completed to the Church's permanent home, Willow Creek Church was seeking a temporary Special Use to operate at the Regal Cinemas. The Church believes a one-year Special Use will provide sufficient time to prepare the permanent site. **Mr. Freedman** noted the recent changes to the B2 Zoning District, which reclassified religious uses, theaters, and other places of assembly inclusively as assembly uses. The B2 District further permits assembly uses as a permitted special use. **Mr. Freedman** explained the Church's

proposal to use approximately 10 auditoriums in Regal Cinemas on Sundays only, for two services at 8:30 a.m. and 10:00 a.m. Per the Church's agreement with Regal, all Church activity must be concluded by noon. The main auditorium that will be used by the Church seats a total of 380 people.

Matt Wright, Lead Pastor, Willow Creek Community Church, provided a brief history of the Church's beginnings, noting the Church started in a movie theater in Palatine. He continued, the main Church campus is located in South Barrington and the Lincolnshire Church would be the sixth regional satellite facility of the Church, intended to serve only the immediate area unlike their main South Barrington facility. **Mr. Wright** presented a temporary signage plan to be used by the Church for their Sunday services at Regal Cinemas.

Member Van de Kerckhove inquired if the Church was confident their permanent site would be ready within one year's time. **Mr. Freedman** expressed the improvements proposed at the Barclay property were minor in nature and expected to be completed within one year. If not, he expressed the ability to return to the Village for an extension of the expiration.

Member Kalina noted his concern about the Church's use of one half of the movie theater and how it would not affect the theater's operation, especially with the possibility of church members loitering after services. **Mr. Wright** clarified that based on their agreement with Regal, they must be out by noon.

Chairman Pro Tem Leider sought any comments from the audience. There being none, **Village Planner Robles** sought confirmation from **Mr. Freedman** of their request to include the Special Use findings of fact into the record. **Mr. Freeman** concurred.

Village Planner Robles summarized Staff's memorandum and explained the Willow Creek Community Church request for a Special Use for an Assembly Use to conduct religious services for a temporary period within a portion of the Regal Cinemas. He continued that recent amendments to the Village's permitted uses list in the B2 District classified theaters, religious uses, convention centers, and other places of assembly inclusively as assembly uses. As a result, assembly uses were a permitted Special Use within the B2 District. He also expressed the temporary signage program proposed would not comply with the Village's Sign Control regulations and Staff would work with the Church to provide compliant temporary signage.

Village Planner Robles continued that since the Church was securing permanent facilities elsewhere in the Village, Staff recommended a temporary Special Use with a one-year expiration date to help ensure the movie theater and associated movie theater admission taxes remain as originally approved for this site. To ensure Regal Cinemas operations were not affected by the request, Staff had requested Regal provide written confirmation the proposal would not impact the number of movie showings and resulting revenues, which was included in the petitioner's presentation packet. **Village Planner Robles** identified the attached presentation packet further included the Petitioner's response to the Findings of Fact for Special Use consideration by the Zoning Board. He concluded that Staff was recommending approval of the Special Use request, subject to the three conditions stated in the Staff memo, as follows:

1. The Special Use shall be temporary and expire one year from the date of Village Board approval.

2. The Assembly Use for religious uses shall be limited to Sunday services only, at 8:30 a.m. and 10:00 a.m.
3. All religious use activities shall conclude by 12:00 p.m.

Chairman Pro Tem Leider sought any further questions or comments from the Zoning Board. **Member Kalina** questioned what would happen in the event the new site was not ready in time due to construction delays or similar. **Village Planner Robles** explained the Village Code allows the applicant to request a one-time extension of the Special Use, which would require additional consideration and discussion by the Village Board.

Member Van de Kerckhove sought clarification on additional meetings associated with the Church that would occur during the week. **Mr. Wright** clarified the Church has “small groups”, which meet at member’s houses rather than at their Church facilities.

There being no further questions, **Chairman Pro Tem Leider** closed the Public Hearing and reconvened the Zoning Board meeting.

Member Kalina expressed his concerns regarding the number of temporary signs proposed and noted it seemed excessive. He further noted if the signs were displayed too long, it could create confusion with the general public that the movie theater was now a church. **Village Planner Robles** concurred the temporary signage plan was excessive and would not be permitted by Village Code. He explained that Staff would ensure any temporary signage would follow Code requirements that apply to all properties in the Village.

Additional discussion ensued regarding temporary signage, which the Zoning Board concluding additional language could be incorporated into a recommendation clarifying temporary signage must also be removed by noon the day of the service.

There being a consensus among the members, **Chairman Pro Tem Leider** sought a motion.

Member Kalina moved and **Member Van de Kerckhove** seconded a motion, to recommend approval to the Village Board, based on facts covered in a Public Hearing held on March 10, 2015, of a Special Use to permit an Assembly Use operation within an existing cinema complex (Regal Lincolnshire Stadium 21 and IMAX Cinemas) for religious uses located at 300 Parkway Drive, subject to:

1. The Special Use shall be temporary and expire one year from the date of Village Board approval.
2. The Assembly Use for religious uses shall be limited to Sunday services only, at 8:30 a.m. and 10:00 a.m.
3. All religious use activities, including temporary signage, shall conclude by 12:00 p.m.

The motion passed unanimously by voice vote.

- 3.2 PUBLIC HEARING 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 presented that back at the November 11, 2014 Zoning Board meeting, Staff introduced a comprehensive review of the Village's parking requirements to determine appropriate code revisions where necessary. At that time, the Zoning Board agreed with Staff's recommendation to have the Architectural Review Board also review the proposed code revisions, since as off-street parking facilities are often part of their review of site plans. The ARB reviewed the proposed code revisions at their January 20th ARB meeting, and provided one recommended revision that has been incorporated in the attached Draft Code, specifically Item #6, which will be highlighted later. **Village Planner Robles** continued summarizing the General Requirements of Section. 6-11-1, and explained the Section provided overall application of parking and loading requirements for all buildings in the Village and only minor updates had occurred. The most notable addition was provision for snow removal for parking facilities and to ensure snow storage did not damage parking lot landscaping. He continued noting that the current Off-Street Parking Facilities regulations were located in Section 6-11-3 and contained specific parking layouts, space requirements and parking ratios based on land uses. The Section was proposed for relocation to Section to 6-11-2, since parking requirements are more commonly used.

Village Planner Robles moved onto to the General Requirements section within the Off-Street Parking regulations and identified such contained regulations for all parking facilities in the Village; such as location of parking spaces, ADA parking requirements, design and maintenance, etc. The Section had been re-formatted to highlight the most pertinent standards and the ADA Accessible Parking regulations had been moved into its own specific subsection for easier reference. He continued that the General Requirements Section contained standards for surface material for spaces and that all parking spaces must be improved with asphalt, concrete, or similar material. Although parking surfaces needed to be durable to handle daily use, **Village Planner Robles** explained that impervious surfaces have significant environmental impacts on local stormwater management, water quality, and wildlife habitat. To this point, he explained there were not significant opportunities to incentivize green parking through existing Village Codes and permitting requirements. In an effort to moderate parking facilities in excess of code requirements, parking facilities with greater than 110% of the required minimum parking standard would be required to incorporate stormwater best management practice (BMP) techniques into those parking spaces/areas. In the ARB's review of the draft code revisions, the ARB recommended the minimum 110% threshold be incorporated into the regulations. **Village Planner Robles** clarified the proposed requirement for BMP's would not apply to the entire parking lot, rather that portion in excess of the code required parking spaces. In addition, the proposed code regulations do not identify specific green practices that must be used for the excess parking areas, as there are many various methods and materials to achieve the new code requirements and Staff did not want to limit property owners' ability based on factors such as cost. **Member Bichkoff** sought clarification if this meant the planting of more trees within a parking lot. **Village Planner Robles** noted that was one of many BMP methods that could be applied, and could also include porous surface materials, lighter colored pavement to prevent heat build-up in the surface, and even bio swales.

Village Planner Robles continued with the shared parking facilities requirement within the General Requirements Section and identified that the current regulation of Collective Provisions permitted the collective use of parking spaces as long as the total number of spaces for each separate use is provided. He explained such method was not truly a collective use of parking spaces, which ultimately required more parking than necessary.

The proposed revisions allowed the sharing of parking for separate uses on the same lot, provided the spaces were not used at the same time. He continued with the land banking of parking spaces allowed for a reduction in required parking spaces in the event that parking was excessive based on the use of a lot, and was approved by variance. Staff felt the variance process discouraged property owners to landbank spaces and led to greater parking than necessary. The proposed revision would formalize the authorization process through Staff review and approval, subject to compliance with five conditions which existed within the current code. **Member Van de Kerckhove** sought clarification if an adjacent property owner could purchase the land banked spaces from the neighboring property for the adjacent property's use. **Village Planner Robles** clarified that such scenario would not be permitted as the authorization of landbanked parking would be specific to the individual lot of record. **Member Bichkoff** questioned if the proposed revisions to the landbanking of spaces would apply to existing properties or future developed properties. **Village Planner Robles** clarified the regulations would apply to future developed property and all existing parking lots would remain.

Village Planner Robles proceeded with the Specific Requirements section that contained the specific parking ratios based on land use, which followed the common approach of minimum parking requirements, rather than maximums. The parking ratio table has been updated to include permitted uses previously absent, addition of new uses, and revisions to parking ratios to reduce minimum parking requirements where necessary. Following review of the proposed revisions to the parking table, **Chairman Pro Tem Leider** requested Staff review the proposed parking requirement for parks/playgrounds to ensure the existing parking spaces for the Village parks remains compliant.

Village Planner Robles concluded with the Off-Street Loading Section, which outlined specific loading facility requirements, including quantity, size, location, etc. The loading berth requirements were proposed to follow the parking requirements as such requirements are not as heavily used. He noted that only minor revisions were proposed; with the most significant addition was the inclusion of loading facility requirements for commercial uses, absent from the existing code.

Chairman Pro Tem Leider sought any comments from the audience. There being none, **Chairman Pro Tem Leider** closed the public hearing and reconvened the Zoning Board meeting.

There being no further comments, **Chairman Pro Tem Leider** sought a motion.

***Member Kalina** moved and **Member Van de Kerckhove** seconded a motion, to recommend approval to the Village Board, based on facts covered in a Public Hearing held on March 10, 2015, of text amendments to Chapter 2, Definitions, and Chapter 11, Off-Street Parking and Loading, of Title 6 – Zoning of the Lincolnshire Village Code, subject to the Staff memorandum, and further subject to Staff to review the parking ratio for parks to determine compliance of current parking at Village parks and playgrounds.*

The roll call vote was as follows:

Ayes: Chairman Pro Tem Leider, Members Van de Kerckhove, Bichkoff, and Kalina.

Nays: None.

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

There being no further business, **Chairman Pro Tem Leider** sought a motion for adjournment. **Member Kalina** moved, and **Member Bichkoff** seconded the motion to adjourn. The meeting adjourned at 8:02 p.m.

Minutes Submitted by Stephen Robles, Village Planner.