



AGENDA
REGULAR ZONING BOARD MEETING
Public Meeting Room, Village Hall
Wednesday, December 16, 2015
7:00 p.m.

Reasonable accommodations or auxiliary aids will be provided to enable persons with disabilities to effectively participate in any public meetings. Please contact the Village Administrative Office (847.883.8600) 48 hours in advance if you need any special services or accommodations.

CALL TO ORDER

1.0 ROLL CALL

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the regular Zoning Board Meeting held on Wednesday, October 14, 2015.

3.0 GENERAL BUSINESS

3.1 Consideration of a Minor Amendment to Ordinance No. 15-3365-92, to permit modifications to an approved building entry for a religious use within an existing office/industrial building at 625 Barclay Blvd (Willow Creek Community Church).

4.0 UNFINISHED BUSINESS

5.0 NEW BUSINESS

6.0 CITIZEN COMMENTS

7.0 ADJOURNMENT

The Zoning Board will not proceed past 10:30 p.m. unless a motion is made and approved by a majority of the Zoning Board members to extend the meeting one-half hour to 11:00 p.m. Any agenda items or other business that are not addressed within this time frame will be continued to the next regularly scheduled Zoning Board Meeting.



APPROVED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Wednesday, October 14, 2015, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

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

STAFF PRESENT: Steve McNellis, Community & Economic Development Director.

ABSENT: Members Brady and Leider and Trustee McDonough.

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

1.0 ROLL CALL

The roll was called by **Director McNellis** and **Chairman Manion** declared a quorum to be present.

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes related to the Rescheduled Zoning Board Meeting held on Tuesday, September 8, 2015.

Member Van de Kerckhove moved and **Member Bichkoff** 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 Continued discussion regarding Text Amendments to Chapter 3, General Zoning Regulations, Chapter 2, Zoning Definitions, Chapter 5, Residence Districts, and associated cross-references, in Title 6 - Zoning of the Lincolnshire Village Code, to amend and introduce new regulations governing short-term rental of residential property (Village of Lincolnshire).

Director McNellis presented Staff's memorandum and summarized the proposed Draft Ordinance language. He noted what the Village Code currently does and does not permit. He noted there had been an issue recently with a resident operating an Air BnB service. These types of short-term uses are not permitted by the Village Code, however, the current language in the Code is not necessary clear to the average person who may consult the Code. Director McNellis further noted there was a Public Hearing at the September 8th Zoning Board meeting, at which there were no members of the public present and no one testified. The Public Hearing was subsequently closed.

As requested, **Director McNellis** began to summarize the proposed revisions, beginning with the three-month minimum rental period. He noted there was a lot of discussion at the last meeting. Staff continues to believe this 3-month minimum rental period is appropriate. The Village Board also seemed to be agreeable to that timeframe when the code revision was referred.

Director McNellis discussed a proposed caveat to the three-month minimum rental regarding permissibility of a month-to-month extension for an existing lease. This was discussed at the last meeting by Member Brady. Director McNellis noted that if the concern is about the transient nature in a neighborhood, and if a permissible length of rental occurs, but a situation happens where someone has to extend month-to-month, if say perhaps a home under construction isn't finished, then an extension wouldn't make that property any more transient as it would be the same person that was living in the house for the previous rental period simply extending their time. Staff agrees this is a reasonable change to the Draft Ordinance. Members Bichkoff and Kalina agreed.

Chairman Manion noted he works in an industry that finances apartment buildings and he finds that lease extensions are typical. He agrees this reduces the transient nature of a property, so he believes it seems very reasonable to permit it.

Director McNellis noted the crossed-out bullet point on the current draft was in the previous draft in September, and previously stated that single-family dwellings shall not be rented more than once in a 12-month period. This was the direction from the Village Board that regardless of the lease time frame, there should be only one rental per year. There was much discussion at the last Zoning Board meeting about whether or not that was appropriate. Some Zoning Board members were ok with the minimum 3-month rental period, but believed there should be no further limitations, which should allow you to do up to 4 rentals per year.

Member Kalina praised Member Brady for noting the scenario in which someone was in a distressed financial situation, perhaps with two mortgages, and needed to rent their property, he wondered if it should really be up to the Village to mandate a one rental per year maximum. Member Kalina said he felt it does make sense to allow more than one per year.

Member Bichkoff recounted the discussion was about if you were in this dire situation and you could only find someone for perhaps six months, you'd be prohibited from leasing again, losing 6 months of rental income. He recalled that Member Brady was pretty adamant that this was not a good idea.

Chairman Manion inquired of Staff if they know how many people rent their homes. To which **Director McNellis** answered that Staff has no way of knowing, as we don't require rentals to register with the Village. **Chairman Manion** noted that even most large condo buildings wouldn't allow rentals for less than 12 months initially, and he doesn't see the difference here. **Member Kalina** stated, however, that if you're in a large condo building or high-rise you're all walking in the same entrance, whereas in Lincolnshire we have nice large yards, so perhaps the impact is even greater in a condo building than single-family residential. **Chairman Manion** noted regardless it's the same in that it's a community and however you define community, it doesn't matter whether it's a high-rise or single-family homes. Having said that, Member Brady had a good point and I'm trying not to limit rentals. **Member kalina** noted he agrees that rentals for a day, night or week should not be permitted, but he inquired as to what the Zoning Board is really trying to do by limiting the rental period minimum to 3-months. He wondered what it is we are really trying to prevent by such a long minimum rental period.

Director McNellis stated the Village Board appeared to agree that single-family neighborhoods are for single-family residential. The real concern is permitting a transient

nature to form in the Village's neighborhoods. The expectation of the Village is that on a longer-term basis the same people will be living in each area. The expectation is that single-family neighborhoods will remain stable. The more rental periods you add, the greater potential the neighborhoods become more transient.

Member Kalina agreed that the Village does need to protect the homeowners to a degree, but if someone were to have an economic hardship, he wants to be sure that the Zoning Board looked at all the angles.

Chairman Manion noted that apartments, in general, all require a 12-month lease to start. Very few apartments can be gotten for less. Even apartment dwellers don't want a transient nature to their building. He believes that to allow someone to rent their house for three months is more than reasonable, and he reiterated in the world of apartments, its very common that the rental period is a minimum of 12-months initially.

Member Kalina stated he believes the main question here is how many 3-month rental segments the Village should permit per year. **Chairman Manion** noted that with the previous proposal if you have a 3-month rental and that person leaves and you want to rent again, you couldn't re-rent it that year. But now you're saying there could be up to four 3-month rentals per year? **Director McNellis** noted that was the direction of the Zoning Board at the end of the September meeting. Staff's position is we thought one rental per year would be appropriate, but the Zoning Board at the last meeting felt strongly one rental was not enough. Further, the Zoning Board noted they are an advisory body and should pass on a recommendation they believe is appropriate. If the Village Board disagrees, they can always over-ride that recommendation.

Member Kalina stated he would like to limit the number of rentals to two in a 12-month period. Chairman Manion stated he felt four times a year is excessive, but 2 times seems more realistic. He further inquired of Staff what would happen if the Village changes the Code to 2 times a year, and someone wants to do it 3 times a year. **Director McNellis** stated if the Code is twice per year and we learn someone has more than two leases, we'd notify them they weren't in compliance and undertake a legal process.

Member Kalina stated he thinks of the financial hardship that is involved if someone is relocated and has to sell their house. What if you get a bad tenant and don't renew a lease with them? If its once a year, you're out of luck for the next 9 months. **Chairman Manion** noted that at some point the use becomes transient. He stated two rentals per year is the permissibility he believes the Village should consider.

Member Van de Kerckhove stated someone could go away for the Winter for three months and would like to rent for the period of time they're gone. Would that work? **Chairman Manion** answered that three months would be the minimum and you could do it two times a year, so that would work. He believes this reasonably maintains property rights for a homeowner. He further inquired what it is the Village is trying to accomplish here? He believes its to limit the transient nature of renting and he believes two rentals per year does that. He asked if the rest of the Zoning Board was in agreement with this, to which there was a consensus of agreement.

Director McNellis continued to summarize the regulations contained in the Draft Ordinance. He noted the section of the Ordinance regarding the owner's responsibility for violations on a property, unless it can be shown that the owner tried and failed in good faith to remedy a situation. He noted the Village Attorney stated this caveat is

typical in most Village Codes. **Director McNellis** also noted that temporary structures, like treehouses, cannot be rented. He further noted there is a new proposed definition in the Code and the permissibility of short-term rentals will be prominently cross-referenced in each residential Zoning section of the Code. he asked the Zoning Board if they wanted to include R4 (Townhouse) zoning district and R5 (mixed-use) zoning district in these regulations and permissibility's. **Chairman Manion** asked if there were any for-rent professionally-managed apartment buildings in the Village, to which Director McNellis answered there is one on Apple Hill Lane at Rt. 22.

Chairman Manion asked if condo buildings would then get added-in to the areas regulated by this proposed Code amendment? **Director McNellis** answered yes, but asked the Zoning Board to keep in mind that multi-family developments are usually protected by Landlords and Homeowners Associations whereas single-family development is protected only by Village regulations.

Member Bichkoff asked why we would be inconsistent, when we're trying to make the Code more clear? As such, he believes all zoning districts, single or multi-family, should be included. **Member Van de Kerckhove** stated if the multi-family properties are being governed by a condo HOA, lets let them enforce it. **Chairman Manion** stated he believes all Village residential properties should be subject to the same regulations in this regard. **Director McNellis** noted this is a good point, as there could be some confusion about some residential being treated one way and others being treated a different way. **Member Kalina** noted that anAirBnB use in a condo building could, in many ways, be even more disruptive than in a single-family home.

Director McNellis continued on and stated he would conclude his remarks by asking the Zoning Board to consider Member Brady's position that they should look at language that would differently define rental property as a business versus rentals because of economic hardship a particular owner might have. He noted he spoke with the Village Attorney and they both agreed that this continues to be problematic. The Village would have to register them and show proof of hardship. He also believes what the Zoning Board has agreed to tonight allows for those situations anyway.

Member Kalina gave credit to Member Brady for introducing the thought process on this, but he ultimately agreed that we don't need to separately define the two different situations.

Director McNellis noted there is a member of the public present in the audience who may wish to address the Zoning Board. This isn't a Public Hearing, but the Zoning Board certainly can permit comments from the audience. **Mr. Howard Handler** of the Illinois Association of Realtors and NorthShore Barrington Association of Realtors, located at 450 Skokie Boulevard in Northbrook, provided commentary about how the Realtors Association is looking at this. He stated they're formulating their position and are happy the Zoning Board is balancing private property rights and the needs of the community. He also mentioned Evanston's experience in dealing with this issue. He stated he would strongly recommend a stipulation that Evanston used in which "rent-back" options are considered. This occurs when someone sells their property and can't move out, so they rent it back from the new owner for a few weeks or other specified period of time. He further stated he is not at the meeting to oppose the proposed Village ordinance, only to send the message that the Village may want to consider an ordinance that is least restrictive, but still accomplishes your goals.

Member Kalina inquired what is the real interest of the Illinois Association of Realtors? **Mr. Handler** responded they have no interest in AirBnb whatsoever, and their interest is solely in private property rights and real estate. He noted the Association also wants to be a resource. He further noted that a 3-month minimum rental could make it difficult for a homeowner to rent their house, which could create a hardship, especially if they need the income. The Zoning Board thanked Mr. Howard for his comments.

Chairman Manion asked if its common that people have to rent back their homes after a sale. **Member Kalina** stated Mr. Handler made a good point. We're building a Code to prevent the negative element, but this wouldn't be a problem. He conjectured that in many cases, though, the Village will never even know if someone is going beyond the parameters of the code. **Mr. Handler** noted if you do want to permit something, you shouldn't be silent on it just because no one will complain if its going on. The problem is if someone wants to follow the law and they look in the Code and don't see the permissibility to do something, they won't try to do it. In that way, they'll be deprived of an opportunity.

Director McNellis stated the Village's single-family residential property is intended for longer-term residency and the Village is not interested in seeing a lot of turnover. He further stated the Village should be looking at how far things are opened up and the negative that could come if its opened too far.

Chairman Manion noted there are plenty of options for people to rent for shorter periods. There are plenty of hotels in the area. **Member Bichkoff** agreed with the rent-back option after a sale. He noted if he sold his house he'd like to think this was a viable option. He stated he thinks this caveat would be a good "carve-out". **Member Van de Kerckhove** agreed.

Chairman Manion noted he believes a three-month minimum rental is already a huge concession. He stated he believes the Zoning Board agreed to two caveats in the motion, but agreed with everything else Staff presented to them. The Zoning Board agreed with this assessment.

Member Kalina noted he could go less than a 3-month minimum, as even 1-month would effectively eliminate AirBnB, but he's fine with keeping the 3-month minimum.

The Zoning Board did not have any further questions or concerns.

There being no further comments, **Chairman Manion** sought a motion from the Zoning Board.

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 September 8, 2015, of amendments to Sections 6-2-2, 6-3-5, 6-5A-1(H), 6-5B-2(G), 6-5C-2 and 6-5D-2 of the Lincolnshire Zoning Code to amend and introduce new regulations governing short-term rental of residential property, as recommended in Staff's memorandum, and further subject to; 1) No more than two rentals may be permitted per 12-month period, and 2) It is permissible for a seller of a property to rent-back that property for a period of time less than 3-months, after its sale.

The motion passed unanimously by voice vote.

- 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 Kalina** moved, and **Member Van de Kerckhove** seconded the motion to adjourn. The meeting adjourned at 8:03 p.m.

Minutes Submitted by Steve McNellis, Community & Economic Development Director.

**REQUEST FOR BOARD ACTION
Zoning Board
December 16, 2015**

Subject:	Willow Creek Community Church - Special Use
Action Requested:	Consideration of a Minor Amendment to Ordinance No. 15-3365-92, to permit modifications to an approved building entry for a religious use within an existing office/industrial building at 625 Barclay Blvd.
Petitioner:	Willow Creek Community Church
Originated By/Contact:	Steve McNellis, Director Tonya Zozulya, Economic Development Coordinator Department of Community & Economic Development
Advisory Board Review:	Zoning Board

Background:

- In Spring, 2015, the Zoning Board held a Public Hearing to consider a requested Special use for Willow Creek Community Church (“Church”) to conduct Religious Uses in a vacant office/warehouse building at 625 Barclay Boulevard, in the Lincolnshire Corporate Center.
- Due to the minor nature of the proposed exterior modifications, and focus on the zoning aspects of a religious use, Architectural Review Board review was not required.
- The Village Board approved Ordinance No. 15-3365-92, granting Willow Creek Community Church a Special Use permit in May 2015.
- The approved Special Use referenced Building Elevation plans which depicted a new two-story entry at the southeast corner of the building (see attached).

Project Summary:

- Since Approval, the church has prepared detailed design plans and determined they are unable to construct the two-story entry due to structural engineering issues which make the two-story opening financially unfeasible.
- The new proposal is for a more modest one-story entry, which has been approved by the landlord, Van Vlissingen. The new entry proposal is also limited to the south elevation where it was previously-approved as a corner feature, with glass on the east and south elevations.
- The new proposal also includes a change in metal door/window mullions from the approved silver color to a bronze color and a change in the color/design of the architectural block “tiles” on either side of the doorway.

Staff Comments:

- **Zoning Process:** The scope of this building elevation change, as it relates to the original Special Use approval which was for a religious use in a warehouse with parking and circulation issues, is minor. This building entry design change constitutes a minor amendment to the approved Special Use for the Church (see attached Code Section 6-14-11(F)). Minor amendments do not require a Public Hearing per Code, and the Zoning Board’s vote represents the final determination for this request.
- This review is under the purview of the Zoning Board as the original Special use was reviewed by the Zoning Board, with no ARB review. Therefore, despite this request being architectural in nature, it is best addressed by the Zoning Board.
- The Zoning Board is being asked to review this request in the context of the entire Special Use proposal for a religious use at this location. The “big picture” discussion when the

Special use was approved by the Zoning Board this past Spring focused primarily on the use itself, the impact on surrounding businesses, circulation of traffic and pedestrians. The design of the building received very little discussion and appeared to primarily be of minor importance.

- Staff understands the Church's financial/structural reasons for revising the entry design to eliminate the second-story glass. Staff supports that change and believes a two-story entry, that is unseen by the public, is not an integral part of the approved Special Use.
- Staff does believe that maintaining the spirit of the original proposal could be accomplished by the following:
 1. Maintain the newly-proposed architectural block tile colors, but incorporate the previously-approved tile design with "jagged edges."
 2. Add a matching architectural block tile, in the jagged edge design, along the east elevation of the building, immediately adjacent to the industrial block stacked "column" at the corner.

Recommendation:

Staff recommends approval of a Minor Amendment to a Special Use granted by Ordinance No. 15-3365-92 to permit modifications to an approved building entry, subject to the two Staff conditions listed above.

Motion:

Having considered the Petitioner's presentation and statements expressed at the December 16, 2015 Zoning Board meeting, the Zoning Board approves a minor amendment to an existing Special Use for Willow Creek Community Church in the O/Ic District to permit a revised public building entry, as detailed in a presentation packet dated December 7, 2015, for an existing office/industrial building located at 625 Barclay Boulevard, subject to the Staff recommendations, and further subject to. . . .

{Insert any additional conditions or modifications desired by the Zoning Board}

Reports and Documents Attached:

- Location Map, prepared by Staff.
- Presentation Packet, submitted by Matt Wright on behalf of Willow Creek Community Church, dated December 7, 2015.
- Letter of support for an alternate design submitted by Charles Lamphere on behalf of Van Vlissingen & Co, dated December 7, 2015.
- Special Use Ordinance #15-3365-92 for Willow Creek Church at 625 Barclay Blvd.
- Section 6-14-11(F) of the Zoning Code regarding minor amendments to a Special Use.

Meeting History	
Village Board Evaluation (COW):	February 23, 2015
Zoning Board (Public Hearing):	April 14, 2015
COW Consideration:	April 27, 2015
VB Approval:	May 11, 2015
Current Zoning Board Meeting:	December 16, 2015



Willow Creek Community Church | South Lake

December 7, 2015

Mr. Brian Manion
Chairman, Zoning Board
Village of Lincolnshire
One Olde Half Day Rd.
Lincolnshire, IL 60069

Re: Willow Creek Community Church
625 Barclay Boulevard

Chairman Manion, and Lincolnshire Zoning Board Members:

Thank you for hearing our petition. In our initial Zoning Board hearing we submitted several conceptual elevations and renderings, one of which was of the main entrance to the building. This entrance is on the southeast corner of the building, and is not easily visible from Barclay Blvd. We have since completed construction drawings for the entire project, and have established overall costs and scope. These costs came in higher than expected.

As we went through a value engineering process, we developed an alternate design to the main entrance. We wanted to retain the original look and feel of the conceptual drawing. We worked with the landlord to ensure that the new design follows their desires, maintains the overall look and feel of the building, and is consistent with the style of the overall business park. We also worked with the village staff throughout the process.

We respectfully ask for your approval to move forward with this design.

Sincerely,

Matt Wright

Lead Pastor
Willow Creek Community Church – South Lake Congregation

Proposed Alternate Building
Corner Entry Plans



Originally Approved Building Corner Entry by Special Use Ordinance #15-3365-92



Willow Creek Community Church
South Lake/625 Barclay Blvd.

March 20th, 2015





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December 7, 2015

Ms. Tonya Zozulya
Economic Development Coordinator
Village of Lincolnshire
One Olde Half Day Rd.
Lincolnshire, IL 60069

Re: Willow Creek Community Church
625 Barclay Boulevard

Tonya:

Enclosed is a picture showing the proposed new entrance for the southeast corner of 625 Barclay Boulevard for Willow Creek Community Church, which is located in The Lincolnshire Corporate Center, Lincolnshire, Illinois. The following drawing was submitted for our review:

- Elevation of "Option C": Prepared by Pasma Group Architects dated November 12, 2015.

We have reviewed the drawings and concluded that they meet the terms of the Declaration of Protective Covenants for The Lincolnshire Corporate Center and recommend this submittal to the Village for issuance of the proper permits.

The undersigned shall not be liable for damages to anyone submitting plans and specifications for approval or making any other requests of the undersigned, including the acts of omissions of his agents or employees, arising out of or in connection with the approval or disapproval of said submittals.

Please feel free in contacting me should you have any questions or comments.

Respectfully,

Charles R. Lamphere
President

CRL/cg

Enc.



Willow Creek Community Church - South Lake
Option 'C'

12NOV15

APPROVED

VAN ULISINGEN AND CO.
OWNERS AGENT.

PASMA GROUP
ARCHITECTS 

STATE OF ILLINOIS)
) SS.
COUNTY OF L A K E)

CLERK'S CERTIFICATE

I, **BARBARA MASTANDREA**, do hereby certify that I am the duly appointed and qualified Village Clerk for the Village of Lincolnshire, Lake County, Illinois.

I do further certify that the above and attached is a true and correct copy of an Ordinance entitled:

ORDINANCE NO. 15-3365-92

**AN ORDINANCE GRANTING
A SPECIAL USE FOR AN ASSEMBLY USE
LOCATED AT 625 BARCLAY BOULEVARD
(WILLOW CREEK COMMUNITY CHURCH)**

I do further certify that the aforesaid Ordinance was entrusted to my care and custody, that the same is duly spread upon the record of proceedings of said Village, and that I am the custodian of all Village records, including the journal of proceedings, ordinances, and resolutions of said Village.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 11th day of May, 2015

Barbara Mastandrea

Village Clerk
Village of Lincolnshire
Lake County

**Prepared by and Mail to:
Village of Lincolnshire
One Olde Half Day Road
Lincolnshire, IL 60069**



**VILLAGE OF LINCOLNSHIRE
LAKE COUNTY, ILLINOIS**

ORDINANCE NO. 15-3365-92

**AN ORDINANCE GRANTING
A SPECIAL USE FOR AN ASSEMBLY USE
LOCATED AT 625 BARCLAY BOULEVARD
(WILLOW CREEK COMMUNITY CHURCH)**

WHEREAS, the Zoning Board held a public hearing on April 14, 2015, notice of which was published in the Lincolnshire Review on March 26, 2015, on an application from Willow Creek Community Church, Inc. ("Applicant") as tenant of the property located at 625 Barclay Boulevard, Property Index Numbers (PIN) 15-22-403-006 and 15-22-400-021 (the "Subject Property"), and with the consent of Tower Parkway Associates, L.L.C., owner of the Subject Property ("Owner"), for a special use permit to operate an assembly use in an existing building in the O/lc zoning district ("Special Use Application");

WHEREAS, the aforesaid public hearing was held pursuant to legal notice as required by law and all persons desiring an opportunity to be heard were given such opportunity at said public hearing;

WHEREAS, the Zoning Board has heretofore submitted to the Mayor and Board of Trustees its findings of fact and recommendations related to the Special Use Applications;

WHEREAS, the Zoning Board recommendation in favor of granting the Special Use Application is based, in part, on the Applicant maintaining off-site secondary parking privileges such that all members, visitors and guests have adequate off-street parking available;

WHEREAS, the Corporate Authorities have concluded that the Special Use Application, subject to and in conformance with the terms and conditions of this Ordinance, will be beneficial to the Village, will further the development of the Subject Property, and will otherwise enhance and promote the general welfare of the Village and the health, safety and welfare of the residents of the Village.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Lincolnshire, in exercise of its home rule authority, as follows:

Section 1. Recitals and Findings.

A. The Mayor and Board of Trustees hereby confirm the truth and validity of the representations set forth in the foregoing recitals, acknowledge they are material to this Ordinance, and incorporate and make them a part of this Ordinance as though fully set forth herein. The Mayor and Board of Trustees

further intend that this Ordinance shall be liberally construed so that the purpose and intent represented by the recitals shall be accomplished to the greatest extent permitted by law.

B. The Mayor and Board of Trustees have duly considered the recommendations of the Zoning Board and hereby adopt the findings of the Zoning Board, attached as Exhibits B, as the findings of the Corporate Authorities the same as though fully restated herein. All references and findings of the Zoning Board are hereby made the findings and references of the Mayor and Board of Trustees.

Section 2. Special Use.

A. **Special Use Amendment.** The Applicant is hereby granted a special use permit for the operation of an assembly use within an existing building on the Subject Property in the O/lc zoning district, subject to the following conditions and restrictions:

1. Weekday school and/or daycare uses shall be prohibited at the Subject Property.
2. In the event off-site secondary parking rights are terminated, within 60 days of such termination the Applicant shall be required to provide secondary parking in the form of alternative off-site secondary parking rights, to be approved by the Zoning Administrator. Upon failure of the Applicant to do so, until such time as an acceptable off-site secondary parking agreement is provided and approved, the maximum seating capacity shall be reduced to that amount which can be accommodated on the Subject Property by the available 199 parking spaces and any additional off-site secondary parking agreements then in effect, based upon the ratio of 1:2.3 seats.
3. Within six months of obtaining a Certificate of Occupancy, the parking lot at the Subject Property shall be resurfaced and all associated parking lot markings shall be restored, which shall not result in any reduction of parking spaces from the current total of 199 spaces, and landscaping of parking lot islands shall be provided in conformance with Chapter 11 of the Zoning Code.
4. The use of traffic cones and signage shall be temporary and only used during Sunday and Holiday services, and removed upon the conclusion of the last Sunday or Holiday service. No such traffic control devices and/or signage shall be placed within the travel lanes of Barclay Boulevard.

Section 3. Superseding Effect. The specific terms and conditions of this Ordinance shall prevail against other existing ordinances of the Village to the

extent of any conflicts. Except for the foregoing limitation, the development of the Subject Property remains subject to all terms and conditions of applicable codes and ordinances of the Village of Lincolnshire including, without limitation, sign ordinances, building codes, subdivision regulations and regulations concerning the construction and design of public improvements.

Section 4. Penalties. Any person violating the terms and conditions of this Ordinance shall be subject to a penalty not exceeding Five Hundred Dollars (\$500.00) with each and every day that the violation of the Ordinance is allowed to remain in effect being deemed a complete and separate offense. In addition, the appropriate authorities of the Village may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees. This section shall not apply to the Village of Lincolnshire, its officials, agents or employees.

Section 5. Enforcement. The Subject Property shall be made available for inspection by any department of the Village at all reasonable times for compliance with this Ordinance and any other applicable laws or regulations.

Section 6. Effective Date; Assent. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law, provided, however, that this Ordinance shall not take effect until a true and correct copy of this Ordinance is executed by the Owner and Applicant, or such other parties in interest as the Village may reasonably identify, consenting to and agreeing to be bound by the terms and conditions of this Ordinance. Delivery to the Village of a copy of this Ordinance, as so executed, shall take place not later than sixty (60) days after the passage and approval of this Ordinance by the Corporate Authorities or within such extension of time as may be granted by the Corporate Authorities by motion.

Section 7. Consents. By signing the acknowledgement and accepting the terms and conditions of this Ordinance, the Applicant knowingly and voluntarily waives, for itself and its successors and assigns, any and all claims against the Village, its elected and appointed officers, employees and agents, of whatever kind, nature and amount, resulting from the limitations on the use of the Subject Property applied by Section 2 of this Ordinance. Notwithstanding the foregoing, nothing in this Ordinance shall be deemed to waive the ability for the Applicant, or its successors and assigns, to petition the Village, from time to time, for other and further zoning and subdivision approvals.

PASSED this 11th day of May, 2015, by the Corporate Authorities of the Village of Lincolnshire on a roll call vote as follows:

AYES: Feldman, McAllister, McDonough, Servi

NAYS: None

ABSTAIN: None

ABSENT: Grujanac

APPROVED this 11th day of May, 2015.

Elizabeth Brandt

Mayor

ATTEST:

Barbara Mastandrea

Village Clerk

Published by me in pamphlet form

this 11th day of May, 2015.



ACCEPTED:

APPLICANT:

WILLOW CREEK COMMUNITY CHURCH, INC.,
an Illinois not for profit corporation

By: Lucretia Sundstedt
Name: MATT SUNDSTEDT
Its: CEO / DIRECTOR OF OPS
Date of Execution: 5-28-15

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, the undersigned, a Notary Public, do hereby certify that Matt Sundstedt, who is the CEO of **Willow Creek Community Church, Inc.**, ("Applicant"), and who is personally known to me to be the same person whose name is subscribed to the foregoing Ordinance, appeared before me this day in person and acknowledged that he signed and delivered said Ordinance as his own free and voluntary act on behalf of the Owner, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal, this 28 day of May 2015.

Barbara Schulz
Notary Public



ACCEPTED:

OWNER:

TOWER PARKWAY ASSOCIATES, L.L.C.

By: Charles R. Lamphere

Name: Charles R. Lamphere

Member of L.L.L. Partnership, LLC

Member of Tower Parkway Associates LLC

Date of Execution: 5-29-15

STATE OF ILLINOIS)
) SS.
COUNTY OF Lake)

I, the undersigned, a Notary Public, do hereby certify that Charles R. Lamphere, who is the Member of **Tower Parkway Associates, L.L.C.** ("Owner"), and who is personally known to me to be the same person whose name is subscribed to the foregoing Ordinance, appeared before me this day in person and acknowledged that he signed and delivered said Ordinance as his own free and voluntary act on behalf of the Owner, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal, this 29 day of May 2015.

Christine A. Gangi
Notary Public



EXHIBIT A

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

P.I.N. 15-22-403-006 and 15-22-400-021

Common address: 625 Barclay Boulevard, Lincolnshire, Illinois, 60069

BEING A SUBDIVISION OF PART OF SECTION 22 AND A RESUBDIVISION OF LOT 30 IN LINCOLNSHIRE CORPORATE CENTER, BEING A SUBDIVISION OF PORTION OF SECTION 15, 22 AND 27, ALL IN TOWNSHIP 43 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

EXHIBIT B

FINDINGS OF FACT

WILLOW CREEK COMMUNITY CHURCH (625 BARCLAY BLVD.)

1. *The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject premises for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located.*

The subject property is located in a business park and it is completely surrounded by office and industrial uses. Inasmuch as the weekly activities of Applicant are relatively limited (i.e. very little activity during the day and only about 100 to 200 people attending two weekday evenings), there will be little or no effect on the activities in surrounding office and industrial facilities which are for the most part held only during normal weekday business hours. In addition, in order to satisfy the off-street parking requirement for the maximum attendance anticipated for Sunday services, Applicant has also entered into a parking agreement for properties at 650 Barclay and 500 Barclay so that there will never be a need for any on-street parking. Accordingly, the proposed special use will in no way diminish or impair property values within the neighborhood in which the use will be located.

2. *The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

The surrounding properties have substantially been fully developed and improved. If there were, however, to be additional development of any surrounding property, it would be for office and industrial uses which typically operate during normal weekday business hours. Accordingly, given Applicant's limited weekday use, the special use will in no way impede the normal and orderly development or improvement of any surrounding properties for uses permitted in the surrounding zoning district.

3. *Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided.*

The existing building on the subject property is already serviced with adequate utilities, drainage, and all other necessary facilities. Applicant does not propose any increase in intensity of usage which would cause any of the existing utilities, drainage, or other facilities to be less than

adequate for Applicant's proposed use. The subject property fronts on Barclay Boulevard and has sufficient access to serve **EXHIBIT B** proposed activities. The most intense time of Applicant's use will be on Sundays at the time of the two proposed services. Applicant will be implementing a traffic control plan which will be in place during all services and which will be operated and administered by volunteers located at all access points and throughout the parking area in order to coordinate orderly ingress, egress, and parking.

4. *Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*

Applicant's minimal weekday usage poses no potential traffic congestion for surrounding office and industrial uses. Applicant's peak usage, which is on Sunday, during services, takes place at a time when surrounding office and industrial uses are mostly closed. Any traffic congestion which could result from traffic coming to or leaving Sunday services will be controlled and directed pursuant to Applicant's traffic control plan, which will consist of volunteers being located at all access points and throughout the parking area while attendees are entering or leaving the property.

5. *The proposed special use is not contrary to the objectives of the Official Comprehensive Plan of the Village as amended.*

The objectives of the Official Comprehensive Plan as stated are for warehouse and manufacturing for the subject property, which is reflected in the subject property being classified in the O/I Zoning District. Recent changes to the permitted uses in the O/I Zoning District now allow assembly uses, such as that being represented as a special use. As such the proposed use is not inconsistent with the Official Comprehensive Plan objectives.

6. *The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be varied pursuant to Section 6-14-9 of this Chapter.*

The subject property is zoned O/I, which as a result of recent amendments to the Zoning Code, now allow for assembly uses as a permitted special use within the district, and as such the special use will conform with the applicable regulations of the district in which is located.

district in which it is located, except as such regulations may, in each instance, be varied pursuant to Section 6-14-9 of this Chapter.

- E. Denial of Special Use: Any application for a special use, which has been denied wholly or in part by the Village Board of Trustees, shall not be resubmitted for a period of one year from the date of said denial, except on the grounds of new evidence or proof of change of conditions.
- F. Amendments to Special Uses: A special use shall be implemented only in strict adherence to the authorizing ordinance, along with any conditions and restrictions, or appropriate guarantees upon the establishment, location, and construction of the application, which shall be binding on the applicants, their successors, grantees and assigns. Any request to amend an approved special use shall be subject to the following:
 - 1. Major Amendments: Major amendments are classified as any change not categorized as a Minor Amendment, and shall be subject to the requirements of Section 6-14-8.
 - 2. Minor Amendments: Minor amendments are classified as any change which do not substantially alter the nature of the approved use(s), increase the intensity of the approved use(s), or substantially increase the scale of structures or site improvements associated with the approved special use(s). Upon the submission of a new application for a minor amendment, the Zoning Board and/or Architectural Review Board may approve, without the holding of a public hearing, minor amendments.
- G. Revocation: Where a special use has been granted pursuant to the provisions of this Chapter, such approval shall become null and void unless construction thereon is substantially under way within three (3) years of the date of granting, unless a one-time extension is granted by the Village Board of Trustees without an additional hearing.

6-14-12: Planned Unit Developments (PUD)

- A. Purpose and Description: While a Planned Unit Development (PUD) is a special use, this Section provides a special mechanism to accommodate development which is in the public interest and would not otherwise be permitted pursuant to this Title. These provisions are also intended to provide an opportunity to accommodate developments that involve one or more uses and may be located in more than one zoning district.

It is anticipated that planned unit developments will offer one or more of the following advantages:

- 1. Designs which reflect the historic open character of single-family areas of the Village.
 - 2. Designs which provide substantial buffers and transitions between areas of different land use or development densities.
 - 3. Designs which enhance the appearance of neighborhoods by conserving streams, areas of natural beauty, and natural green spaces.
 - 4. Designs which counteract possible urban monotony and congestion in streets.
 - 5. Designs which promote compatible architecture between adjacent buildings.
 - 6. Designs which will buffer differing types of land use and intensities of development from each other so as to minimize any adverse impact which new development may have on existing or zoned development.
- B. Intent: A planned unit development is of substantially different character than other uses