

APPROVED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, April 10, 2012, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

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

ABSENT: Members Soifer and Leider, and Trustee Liaison Brandt.

ALSO PRESENT: Tonya Zozulya, Planner.

CALL TO ORDER: **Chairman Manion** called the meeting to order at 7:03 p.m.

1.0 ROLL CALL

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

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the Zoning Board Meeting held Tuesday, January 10, 2012.

Member Kalina moved and **Member Van de Kerckhove** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board held Tuesday, January 10, 2012, as submitted. The motion passed unanimously by voice vote.

3.0 ITEMS OF GENERAL BUSINESS:

3.1 **PUBLIC HEARING** regarding a request for a variation from Section 6-8-7(B) of the Village Code to increase the Floor Area Ratio (FAR) from the maximum Code-permitted 50% to 52% (an increase of 9,000 square feet), in conjunction with a proposed 78,000 sq. ft. building expansion to an existing office/warehouse building located at 450 Barclay Boulevard (Harris Architects/Durable Packaging International).

Chairman Manion recessed the Zoning Board meeting and opened the Public Hearing for the variation request, which was properly noticed in the March 22, 2012, issue of the *Lincolnshire Review*.

Tonya Zozulya, Planner, stated that the Village Code requires at least four affirmative Zoning Board votes to make a positive recommendation to the Village Board. She further stated that since there are four members present tonight, a unanimous vote in support of this particular variation will be necessary to make a positive recommendation to the Village Board.

Planner Zozulya summarized Staff's memorandum dated April 6, 2012 and noted that Durable Packaging International is currently proposing to expand their 164,069-square foot office/warehouse facility with a 78,000-square foot warehouse addition, in order to accommodate the company's need for additional storage space at the Lincolnshire facility. She stated that the Petitioner has requested two variations: one regarding the

Floor Area Ratio and the other regarding landbanked parking. Each of the two variations involves a separate Public Hearing. **Planner Zozulya** said that the Petitioner notified all of the adjacent property owners within a 250' radius of the subject property, of the Public Hearing.

The proposed addition would be 9,000 SF (or 2%) more than is permissible by Code, which limits FAR to 50% of the lot area. The existing FAR is approximately 35%, which is a typical ratio in the Corporate and Business Center. **Planner Zozulya** also indicated that Staff's memo to the Zoning Board highlighted FAR, building heights and setbacks (for the immediately adjacent properties along Barclay Boulevard) for the Board's reference. She stated that FAR is used in Lincolnshire and many other communities as a way to control how much development takes place on any given lot, in order to allow for open space and other natural features. This FAR limit has been our Code requirement for office/industrial buildings since the 1960's. FAR is especially important in the Office/Industrial Zoning District, since the Zoning Code does not limit the amount of impervious surfaces in that area, unlike other zoning districts in the Village.

Planner Zozulya also stated that during the Referral meeting at the Village Board, the Petitioner was provided with specific building design and site landscaping comments, which were requested to be addressed prior to the Architectural Review Board review. She said that while the Board did not appear to have concerns about the landbanked parking variation, there was a stronger feeling that the proposed FAR should be reduced to comply with the Village Code.

Planner Zozulya said that although the Petitioner has been strongly encouraged to consider reducing the size of the proposed building addition to comply with the 50% FAR Code requirement, they have not done so, and have stated that they may have to move to a different location if their variation is not approved. She noted that the Petitioner provided responses to the required nine variation standards that were included in the Zoning Board packets. **Planner Zozulya** said that in reviewing the Petitioner's responses regarding the FAR variation, Staff is concerned that the following three standards have not been met: Standard #1 (hardship due to particular physical surroundings, shape or topographical conditions); Standard #2 (yielding of a reasonable return), and Standard #3 (unique conditions). Therefore, Staff is unable to make a positive recommendation for this variation request to increase the allowable FAR. She stated that the Village Code requires that the Zoning Board determine whether each and every standard has been met to the Board's satisfaction, in order to recommend approval of the variation request.

Planner Zozulya said that the Petitioner's representatives were in the audience to make a presentation regarding the FAR portion of their request.

Mr. Rick Harris of Harris Architects, representing Durable Packaging International, and **Mr. Darren Anders** of Durable Packaging International, were sworn in by **Chairman Manion**.

Mr. Harris stated that Durable Packaging International is a third-generation, 60-year old business, which specializes in the manufacturing and storage of durable foil products. They have been in the Lincolnshire location for the last three years.

He stated that the proposed 78,000-square foot warehouse expansion would result in the addition of one new drive-in door, relocation of an existing light pole light, the installation of one new pole light and two new wall light fixtures. **Mr. Harris** said that the proposed building is in compliance with the Village Code's setback requirements, and that only a small part of the addition will be at the setback line. He also said that a new landscape plan is being provided for review. **Mr. Harris** said that Durable Packaging had originally desired a larger addition, but subsequently proposed a smaller one to comply with the FAR requirement as closely as possible.

Mr. Harris said that with regard to the nine standards of variation, they would like to point out that given a limited amount of land they have for expansion, Durable Packaging would not be able to meet their customer demand if they are not permitted to expand. Therefore, the hardship is that they can not reach their potential unless they add 78,000 square feet to their existing building. He further stated that if the proposed addition is constructed, there will be 28% of open space left on this property, which he believes is a high percentage. **Mr. Harris** indicated that they have received preliminary approvals from the Lake County Stormwater Management Commission, stating that no new stormwater detention will be required for the proposed expansion.

Mr. Anders stated that they have designed their expansion request in such a way as to be sensitive to the Village's setback requirements. The current expansion is required due to the rapid growth of his business in the last several years. When they purchased the building in 2009, they required approximately 100,000 square feet of building area, which made the existing building a good fit for them. They would like to stay in their current location but need to expand the building.

Member Van de Kerckhove inquired how tall the building addition would be and how wide the new rooftop units are proposed. **Planner Zozulya** responded that the addition would be the same height as the existing building, 29'. The rooftop units, with enclosures, would be an additional 4.5'. **Mr. Harris** said that a total of four new rooftop units, whose width has not been determined yet, are proposed for the new portion of the building.

There being no further questions or concerns from the Zoning Board, **Chairman Manion** closed the Public Hearing and reconvened the Zoning Board meeting regarding the FAR variation.

Member Van de Kerckhove said that he agrees with Staff that the first three Variation Standards for the FAR variation have not been met. In addition, he believes that Standard #8 has not been met either, as, in his opinion, the proposed addition would reduce the supply of light to adjacent properties. He requested clarification from **Planner Zozulya** as to whether the Zoning Board must find that each of the standards has been met. **Planner Zozulya** said that the Code stipulates that each and every standard must be met for the Zoning Board to recommend approval. **Planner Zozulya** stated that the Zoning Board needs to review the responses prior to making their recommendation, exercising

their own judgment. **Planner Zozulya** also stated that this request will be reviewed by the Architectural Review Board on April 17th (who will be reviewing the building design and landscaping in detail) and making a separate recommendation to the Village Board. The Village Board will then be able to consider the recommendations from the Zoning Board and Architectural Review Board and make a final determination regarding the variation request. **Chairman Manion** stated that it would be helpful for him to know the Architectural Review Board's comments and recommendation, so that he can evaluate this request in a larger context. **Planner Zozulya** stated that a copy of the most recent landscape plan (which is still being finalized) was included in the Petitioner's presentation packet for the Zoning Board's review.

Member Kalina said that he would be in support of the FAR variation request but is concerned that Durable Packaging may outgrow the new space just as fast and may have to sell the building.

Mr. Anders stated that they would not be seeking the proposed expansion if they were not confident that the new facility would be sufficient for their current and future needs.

Member Rubinstein expressed support for the FAR variation. He noted that he believes that the FAR variation request is appropriate. He would like to support it in order to retain this business in the Village.

Chairman Manion stated that he believes it is likely that Durable Packaging may outgrow their new building and may ultimately have to sell it with an approved variation. He said that although he is concerned about setting a precedent in this case, since no other property has previously received an FAR variation, he believes that the 9,000-square foot FAR increase is reasonable.

Member Kalina said that he believes the Zoning Board should not be concerned about setting a precedent, as any future FAR variation will be reviewed by the Zoning Board on its own merits.

- 3.2 Consideration and discussion regarding a request for a variation from Section 6-8-7(B) of the Village Code to increase the Floor Area Ratio (FAR) from the maximum Code-permitted 50% to 52% (an increase of 9,000 square feet), in conjunction with a proposed 78,000 sq. ft. building expansion to an existing office/warehouse building located at 450 Barclay Boulevard (Harris Architects/Durable Packaging International).

Chairman Manion asked the Zoning Board members if they felt the Public Hearing regarding the FAR variation should be continued, in order to allow those members who were absent from tonight's meeting, the opportunity to provide their comments on the FAR variation request. He also stated, addressing the Petitioner, that there is no guarantee how many Zoning Board members will be in attendance at the next meeting.

There was a consensus among the members for this issue, and the following motion was read:

Member Kalina moved and Member Rubinstein seconded the motion to continue, until the regularly scheduled May 8, 2012 Zoning Board meeting, the Public Hearing regarding a request for a variation from Section 6-8-7(B) of the Village Code to increase the Floor Area Ratio (FAR) from the maximum Code-permitted 50% to 52% (an increase of 9,000 square feet), in conjunction with a proposed 78,000 sq. ft. building expansion to an existing office/warehouse building located at 450 Barclay Boulevard, in order to allow those Zoning Board members, who were not in attendance at the April 10th meeting, the opportunity to consider this matter.

The motion passed unanimously by voice vote.

- 3.3 **PUBLIC HEARING** regarding a request for a variation from Section 6-11-3 (B)(5) of the Village Code to defer construction of 64 Code-required parking spaces, through landbanking, as permitted per Section 6-14-11(D)(6), in conjunction with a proposed 78,000 sq. ft. building expansion to an existing office/warehouse building located at 450 Barclay Boulevard (Harris Architects/Durable Packaging International).

Chairman Manion recessed the Zoning Board meeting and opened the Public Hearing for the variation request, which was properly noticed in the March 22, 2012, issue of the *Lincolnshire Review*.

Chairman Manion stated that he believed the landbanked parking variation request should also be continued until the next Zoning Board meeting, to receive comments from the absent Zoning Board members.

There was a consensus among the members for this issue, and the following motion was read:

Member Kalina moved and Member Rubinstein seconded the motion to continue, until the regularly scheduled May 8, 2012 Zoning Board meeting, the Public Hearing regarding a request for a variation from Section 6-11-3 (B)(5) of the Village Code to defer construction of 64 Code-required parking spaces, through landbanking, as permitted per Section 6-14-11(D)(6), in conjunction with a proposed 78,000 sq. ft. building expansion to an existing office/warehouse building located at 450 Barclay Boulevard, in order to allow those Zoning Board members, who were not in attendance at the April 10th meeting, the opportunity to consider this matter.

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** adjourned the meeting at 7:50 p.m.

Minutes Submitted by Tonya Zozulya, Planner