



**APPROVED** Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, November 12, 2013, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

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

**ALSO PRESENT:** Steve McNellis, Director of Community Development.

**ABSENT:** Trustee Liaison Brandt.

**CALL TO ORDER:** **Chairman Manion** called the meeting to order at 7:02 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 of the Zoning Board Meeting held Tuesday, October 8, 2013.

**Member Van de Kerckhove** moved and **Member Kalina** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board held Tuesday, October 8, 2013, as submitted. The motion passed unanimously by voice vote.

**3.0 ITEMS OF GENERAL BUSINESS:**

3.1 CONTINUED PUBLIC HEARING and Consideration and Discussion of Text Amendments to Sections 6-2-2, *Definitions*, 6-8-6, *Special Uses*, and 6-11-3, *Off-Street Parking*, of the Zoning Code related to a proposed meeting and events center (Noah Corporation/Guggenheim Retail Real Estate Partners, Inc.)

**Chairman Manion** recessed the Zoning Board meeting and reconvened the Public Hearing. **Director McNellis** summarized the proposed text amendments noting that this would involve the addition of a Meeting & Events Center as a new Special Use in the O/I Zoning District. Special Uses in this district are intended to “provide service to office and industrial uses established in the district.” Staff believes this use is most appropriately regulated as a Special Use to ensure the Village’s ability to review unique characteristics associated with it, such as parking, access, site layout and the impact of outdoor sound. Staff has provided Draft Code Language and proposed bulk regulations, consistent with other Special Uses in O/I.

Based upon research from comparable communities, contact with the City of Naperville where a similarly-sized Noah’s is also being proposed at this time, research into National Parking Standards from the American Planning Association, as well as contact with other communities in which Noah’s is currently located to determine requirements and actual experience, Staff has determined 1 space per 4 persons (at maximum occupancy) is an appropriate standard to apply. The maximum occupancy for this proposed facility is approximately 440.

**Vince Rosanova**, Petitioner's Attorney with Rosanova & Whitaker, was sworn in and requested the Findings of Fact his office prepared be entered into the record for consideration.

**Chairman Manion** inquired as to whether or not Staff felt there was sufficient parking at the proposed ratio, to which **Director McNellis** answered yes. He further noted that in general, these types of event centers were not filled for business meetings, but were closer to capacity for weekend social events where you tend to have a greater number of attendees travelling in one vehicle. Therefore, the parking ratios should be adequate and appropriate. **Attorney Rosanova** agreed. **Director McNellis** further noted that parking was Staff's greatest area of concern, so we performed extensive research to find the appropriate number of spaces.

**Chairman Manion** inquired as to whether or not any members of the public wished to comment or ask questions on the record. Hearing no response, he closed the Public Hearing and reconvened the Zoning Board meeting.

There was a consensus among the members in support of this request and the following motion was read:

*Member Kalina moved and Member Leider seconded a motion, based on facts covered in a Public Hearing held on November 12, 2013, to recommend approval to the Village Board of text amendments to Sections 6-2-2, Definitions, 6-8-6, Special Uses, and 6-11-3, Off-Street Parking, of the Zoning Code, to permit meetings and events centers as a Special Use within the O/I District, as presented in Staff's memorandum.*

*The motion passed unanimously by voice vote.*

- 3.2 CONTINUED PUBLIC HEARING and Consideration and Discussion of a Zoning Variation for reduced landscape strip and a Special Use, related to a proposed meeting and events center located at 200 Barclay Boulevard (Noah Corporation/Guggenheim Retail Real Estate Partners, Inc.)

**Chairman Manion** recessed the Zoning Board meeting and reconvened the Public Hearing. **Director McNellis** briefly summarized the zoning requests associated with this proposal. **Vince Rosanova**, Petitioner's Attorney with Rosanova & Whitaker, was sworn in, and presented the Noah's proposal to the Zoning Board. He noted this is a unique free-standing meeting and events space, and that Noah's already had 8 facilities open, with 16 others proposed and in various stages of approval, including the Lincolnshire and Naperville proposals. He further noted that Noah's has strategic relationships with restaurant catering and hotels, allowing them to differentiate their product from other meeting and event spaces. Attorney Rosanova stated that Staybridge Suites, a strategic partner located to the north of the proposed Noah's, was kind enough to attend tonight's meeting in support of this proposal.

**Attorney Rosanova** described the 10,300 sq. ft. facility as having three main spaces; a main conference room typically used for large corporate events and social gatherings, a smaller conference room that is used as a classroom or for a presentation format, and a board room, for smaller more intimate business events. The facility provides video conferencing services. He noted that 50% of their clientele is for business functions and the other 50% is for weekend social events such as wedding and graduations.

**Attorney Rosanova** stated Noah's fully understand they have to adequately park the facility. Based on existing Noah's locations, approximately 4-5 spaces per 1000 sq. ft. are required for weekday events with higher demand on weekends. However, this demand would not exceed 8-10 spaces per 1000 sq. ft. This facility will be at a ratio of 11 spaces per 1000 sq. ft., which would be adequate based upon Staff's estimate and the Code-indicated parking required. As for the Landscape Variance, landscaping is an essential element to any proposal, as it enhances the aesthetics of the site. Attorney Rosanova noted the Landscape Plan proposed is above and beyond code requirements. **Member Van de Kerckhove** inquired as to the purpose of the landscape strip to which **Director McNellis** answered it is aesthetic, to insure there is no concrete immediately adjacent to the building or parking lot which "grounds" the building in the landscape. **Attorney Rosanova** went on to say that Noah's is not asking to reduce or cut corners, but they are doing it because they need to provide a 7' wide sidewalk and it isn't beneficial to reduce the sidewalk width. He stated they need to preserve parking space depths, drive aisles and the Rear Yard Setback and drainage swale. They cannot move the building closer to the street as it would violate the Front Yard setback. He further noted their Landscape Architect believes the casual observer will never notice this Variance.

**Director McNellis** added a few more points: The Petitioner has worked closely with Staff. Staff believes that it is important that a four-way intersection with Marriott Drive be provided. **Chairman Manion** inquired as to whether or not there were Stop signs at this intersection, to which Director McNellis noted that there is a Stop Sign at westbound Marriott Drive where it meets Barclay Boulevard and a Stop Sign at the ingress/egress to the Noah's site. Barclay Boulevard does not have Stop signs in this location.

**Director McNellis** brought up one additional item for discussion, as part of the Special Use request: the original plan was for the outdoor patio to be on the north side of the building. However, Noah's agreed to Staff's recommendation that it be moved to south of the building because of concerns about sound later in the evening migrating to Staybridge Suites property or spreading even further to Beaconsfield residential subdivision.

**Director McNellis** suggested the Zoning Board may wish to consider if there should be any limitations on music outside, permitted timeframes for said music, or permitted timeframes for congregating outside on the patio. **Member Leider** inquired as to the current Village permissibility for music outside, to which **Director McNellis** noted there are no specific requirements in the Code. The Village has liquor license requirements and requirements for outdoor special events, but nothing in the code in general. The policy has been to end by either 10:00 or 11:00. Village Special Events must end no later than 11:00 P.M. **Chairman Manion** stated he did not necessarily have a problem with music, as long as it ends at a reasonable time, say 11:00. **Member Van de Kerckhove** asked where the closest residential was located, to which Director McNellis stated it was north across Rt. 22. **Attorney Rosanova** noted the outdoor patio is associated with the large conference room only and can accommodate social events on the weekends. It is not rented out separate from the large conference room. Typically, there are no bands, but a wedding event might incorporate a string instrument, such as a harp, or nice small speakers for outdoor ambience. As for hours, the facility closes at midnight, so the guests begin shuffling out at 11 or 11:30. **Member Kalina** stated he is ok with a time limit on the outdoor patio, as he believes that's reasonable. **Member Leider** noted we need to be consistent with regulations elsewhere in the Village.

**Member Kalina** further noted that while the nearby area is currently vacant, it will have other offices or warehouses in the future. **Director McNellis** stated if the Zoning Board wishes to place a limitation, he would recommend a caveat that it be the same limitation on music as anywhere else in the Village. **Member Leider** reiterated it needs to be consistent with other outside venues, to which **Director McNellis** agreed. All members of the Zoning Board also agreed. **Chairman Manion** inquired if Noah's could live with an 11:00 limitation. **Attorney Rosanova** replied if there is an ordinance that restricts outside music venues to 11:00 for music of an audible level, then he agrees he has to concur or ask for a variance. **Director McNellis** noted there is no ordinance, it is just a policy, that we've consistently utilized for Village events. Member Kalina inquired as to whether or not a band inside the facility could play as late as the facility is open, to which **Director McNellis** responded yes. **Member Leider** reminded the Petitioner the Zoning Board's intent is to be consistent throughout the Village, regardless of the hour.

**Member Kalina** asked if local residents could rent out the small conference room on a Saturday night for a social event, to which **Attorney Rosanova** responded it would be ideal for that. **Chairman Manion** inquired as to whether or not any members of the public wished to comment or ask questions on the record. **Mr. Drew Fall**, General Manager of the Staybridge Suites, was sworn in and stated he is delighted at the prospect of Noah's, and he is at this meeting to show Staybridge's support.

**Attorney Rosanova**, requested the Findings of Fact for Variation and Special use, prepared by his office, be entered into the record for consideration.

**Chairman Manion** again inquired as to whether or not any members of the public wished to comment or ask questions on the record. Hearing no response, he closed the Public Hearing and reconvened the Zoning Board meeting.

There was a consensus among the members in support of this request and the following motion was read:

*Member Leider moved and Member Kalina seconded a motion, based on facts covered in a Public Hearing held on November 12, 2013, to recommend approval to the Village Board of a variance to Section 6-11-3-A-10(e) to permit a reduction in the required landscape strip, and a Special Use to permit a meeting and events center for Noah Corporation, located at 200 Barclay Boulevard, as presented in a presentation packet prepared by Rosanova & Whitaker, Ltd., date stamp received November 5, 2013 and further subject to consistency in the outdoor venue policy within the Village of Lincolnshire.*

*The motion passed unanimously by voice vote.*

3.3 Consideration and discussion of a Final Plat of Subdivision for the Manors of Brampton Woods Unit 2 – First Resubdivision (Arthur J. Greene Construction Company)

**Director McNellis** briefly summarized this request to approve a Plat of Resubdivision. **Jeffrey Green**, President of Arthur J. Greene Construction Company, made a presentation to the Zoning Board in which he noted this is a resubdivision of the westerly homestead lot in the Manors of Brampton Woods – Unit II, from a 2+ acre lot to two 1+ acre lots. He stated his company is the developer of the original subdivision, Units 1 and 2. At this time, they are proposing to create two lots similar in size and character with others on the street. He noted they had a previous proposal to also subdivide the 2 acre

homestead to the east, but the Village Board did not agree with the idea, so they are not moving forward with that concept. **Chairman Manion** inquired as to how these two acre lots were allowed here to begin with, and did the Village approve of this. **Jeff Green** explained the history of the homestead lots. He stated the homesteaders were living on the property when it originally came before the Village Board for approval. So, the plan was designed to incorporate 2+ acre lots since they were not for sale at that time. **Chairman Manion** inquired whether or not A.J. Greene Construction Company owned the 2-acre lot under consideration, to which **Jeff Greene** stated they are Contract Purchasers, subject to Zoning approval.

Hearing no further questions or comments from Zoning Board members, **Chairman Manion** asked if someone was prepared to make a motion.

*Member Leider moved and Member Kalina seconded a motion to recommend approval to the Village Board of a Final Plat of Subdivision for the Manors of Brampton Woods Unit 2 – First Resubdivision, as depicted in the plans prepared by Manhard Consulting, Ltd., date stamp received November 6, 2013,*

*The motion passed unanimously by voice vote.*

- 3.4 PUBLIC HEARING and Consideration and Discussion of Text Amendments to Sections 6-2-2, 6-3-5, and 6-3-7 of the Zoning Code and Section 1-15-6 of the Comprehensive Fee Schedule to update requirements for Accessory Structures & Uses, incorporate new regulations for Temporary Structures and Uses, and revise limitations for Obstructions in Yards (Village of Lincolnshire).

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

**Director McNellis** summarized Staff's memorandum and noted the changes requested by the Zoning Board had been addressed and were reflected in the proposed code language. **Director McNellis** also noted the inclusion of a second packet, which contained the Village Attorney's recommended revisions to the text amendments, received the day prior to the night's meeting. **Chairman Manion** questioned if Staff had an opportunity to review the Village Attorney's comments and if there were substantive changes that would need to be discussed at a subsequent meeting. **Director McNellis** explained the Village Attorney's comments regarding the Zoning Definitions were minor and did not change their overall function. He also noted the Attorney's comments regarding the proposed regulations were highlighted in yellow and recommended the changes be discussed at the same time.

**Director McNellis** summarized the Village Attorney's comments on the proposed revisions to the Zoning Definitions Section. There was minor discussion regarding the additional Village Attorney's comments, and there was a consensus amongst the Zoning Board.

**Director McNellis** continued with the Village Attorney's revisions to the regulations portion of the proposed text amendments. Additional discussion ensued regarding the Village Attorney's comments compared with the Staff proposed text amendments. Following discussion, there was a consensus amongst the Zoning Board regarding the Village Attorney proposed revisions to the proposed text amendments. The Zoning Board agreed the event hours for Temporary Events should reflect the Village's policy

regarding event hours, and directed Staff to research the Village's policy on past events and their ending times for consistency. **Director McNellis** confirmed Staff would research prior events and adjust the Temporary Event hours accordingly prior to consideration by the Village Board.

Hearing no further questions or comments from Zoning Board members, **Chairman Manion** closed the Public Hearing and reconvened the Zoning Board meeting.

There being no further questions or comments, **Chairman Manion** sought a motion.

*Member Leider moved and Member Kalina seconded a motion to recommend approval to the Village Board of amendments to Sections 6-2-2, 6-3-5, and 6-3-7 of the Lincolnshire Zoning Code and Section 1-15-6 of the Comprehensive Fee Schedule to update requirements for Accessory Structures & Uses, incorporate new regulations for Temporary Structures and Uses, and revise limitations for Obstructions in Yards, as presented in Staff's memorandum, and further subject to:*

1. *Staff to review Temporary Event times for consistency amongst all Village events.*
2. *Confirmation/clarification on the removal of the air conditioning unit language and if such would continue to prohibit its location from extending beyond the front of the principal structure.*
3. *Define "Temporary Event" term.*

*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** adjourned the meeting at 8:20 p.m.

Minutes Submitted by Steve McNellis, Director of Community and Economic Development, and Stephen Robles, Village Planner