



**APPROVED  
AS AMENDED**

Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, November 13, 2018 in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

**PRESENT:** Chairman Bichkoff and Members Kalina, Udoni, Hersch and Hashemi.

**STAFF PRESENT:** Tonya Zozulya, Planning and Development Manager.

**ABSENT:** Trustee Liaison McDonough.

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

**1.0 ROLL CALL**

The roll was called by **Planning and Development Manager Tonya Zozulya**. **Chairman Bichkoff** declared a quorum to be present.

**2.0 APPROVAL OF MINUTES**

2.1 Approval of the Minutes for the Regularly Scheduled Zoning Board Meeting held on Wednesday, September 12, 2018.

**Member Kalina** moved, **Member Hersh** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board. The motion passed unanimously by voice vote.

**3.0 ITEMS OF GENERAL BUSINESS**

**Chairman Bichkoff** recessed the Zoning Board meeting and opened the following Public Hearing:

3.1 A Public Hearing regarding text amendments to Chapter 2, Definitions, Chapter 8, Office/Industrial Zoning Districts, and Chapter 11, Off-Street Parking & Loading, of the Lincolnshire Zoning Code (Title 6) to revise permitted and s allowed in the O/I zoning subdistricts (Village of Lincolnshire).

**Tonya Zozulya, Planning and Development Manager** provided an overview of the proposed text amendments to O/I district, types of uses slated for revisions and staff recommendations. She stated Van Vlissingen & Company representatives met with staff in August 2018 to discuss current state of the office market. She added the office vacancy rate in Lincolnshire is at 30% which is double Lake County rate. Van Vlissingen representatives requested staff to include additional permitted uses in response to office/industrial business trends in Lincolnshire and surrounding communities. Staff conducted an office industrial zoning district use survey of 14 local communities through the Northwest Municipal Conference and included the results in the meeting packet. In September 2018, staff developed a proposal for comprehensive O/I text amendments based on Van Vlissingen's input and staff research. These amendments were presented to the Village Board on October 9, 2018 in which the Village Board expressed a desire to allow more uses by right without a Special Use, where appropriate, and referred the matter to the Zoning Board for a public hearing.

**Tonya Zozulya** summarized some of the proposed amendments as follows:

- Chapter 2: Definitions: Staff is proposing new definitions, and revising or eliminating current

definitions.

- Chapter 8 (Office/Industrial Districts).
  - Assembly Uses. Staff is proposing increasing the current cap from 50,000 square feet to 150,000 square feet to accommodate additional assembly uses which may include religious uses, banquet venues, museums, galleries, theaters, and similar uses.
  - Breweries and Distilleries. Staff is proposing this new use with tasting room/sales as ancillary use and is seeking the Board's determination whether these should be permitted by right or Special Use.
  - Banks and Financial Institutions. Staff is proposing making them stand-alone uses by right, but those with drive through will require Special Use.
  - Catering Establishments. Currently not addressed in the O/I District; staff is proposing allowing them by right in O/Ic and O/Id and require a Special Use in O/Ia and O/Ib.
  - Child Daycare. Staff is proposing maintaining Special Use requirement but allow in multi-tenant buildings on first floor only.
  - Day Spa. Staff is proposing permitting by right in the O/I district without massage service and by Special Use with massage service.
  - Commercial Service Activity. This category to be eliminated; all commercial uses in this category to be listed separately.
  - Educational Institutions. Staff is proposing them by Special Use.
  - Farmers Markets. Staff is proposing them by right in all subdistricts with a temporary use permit.
  - Laboratories, research and development. Staff is proposing permitting them by right in all O/I subdistricts.
  - Performing and Visual Arts Studios. Staff is proposing permitting them by right with conditions regarding location on first floor of multi-tenant buildings with sound proof measures.
  - Pet Daycare, Grooming and Training. Staff is proposing maintaining the Special Use requirement and expanding to include related grooming and training uses and overnight boarding. First floor limitation in multi-tenant buildings with sound proof measures.
  - Physician's Offices. Staff is proposing permitting them by right; removing restrictions on locations and size; outpatient consultation only.
  - Printing and Reproduction Services, Graphic and Photo Services. Staff is proposing permitting them by right in all O/I subdistricts.
  - Recreation Facilities. Staff is proposing permitting them by Special Use in all O/I sub-districts.
  - Restaurants. Staff is proposing permitting them by right in all O/I districts; by Special Use for drive-thru.
  - Testing of Materials. Staff is proposing removing the current restriction of occupying no more than 25% of building or tenant area.
  - Tutoring Centers. Staff is proposing permitting them by right in all O/I subdistricts.
  - Vehicle Fueling Stations. Staff is proposing maintaining the Special Use requirement; clarifying these uses may include a convenience store and/or car wash as an accessory use.
- Chapter 11 (Off Street Parking & Loading). Due to the new uses be proposed in Chapter 8, staff is proposing creating new parking requirements and parking schedule to address the new uses as outlined in the packet.

**Member Hashemi** inquired about overnight pet boarding, citing her concerns about noise noting her company is located near a pet facility and they hear the noise all day. **Tonya Zozulya** stated staff is recommending overnight boarding in the O/I district which has limited boundaries adjacent to residential areas along Aptakisic Road; but possibly this Board could discuss further.

**Member Kalina** inquired about the email dated November 12, 2018 sent to Village Staff and presented to the Zoning Board from a concerned resident in regards to corporate center zoning changes. **Tonya Zozulya** said the resident's concern seems to be the Village is lowering their standards by opening up permissibility; and the Village should be more proactive and less reactive to developers. **Member Kalina** stated the Village is considering these changes to reignite growth in Lincolnshire and to address the concerns of the office building property owners.

**Member Kalina** questioned the use of car rental facilities; he would prefer to keep these as a Special Use versus permitted by right. **Member Udoni** agreed the car rental and overnight pet facilities should require a Special Use. There was also discussion regarding restaurant uses and large-scale catering spaces in office buildings. **Member Hersch** asked if there are problems with the current regulations, **Tonya Zozulya** stated there are smaller non-traditional businesses trying to locate in the office buildings, but the current code is prohibiting or restricting them such as physician's offices.

Upon request by **Tonya Zozulya**, **Chairman Bichkoff** entered into the record the Findings of Fact.

**Chairman Bichkoff** opened the floor to any members of the public who wish to speak.

**Charles Lamphere**, Vice President of Van Vlissingen & Company, was sworn in. **Mr. Lamphere** addressed the Zoning Board highlighting the projects his company has developed in Lincolnshire and surrounding communities, which total in excess of 6 million square feet of space; adding they still own some of these properties and will continue to have a long standing commitment to the community. He noted their current vacancy rate in the Lincolnshire Corporate Center which includes the O/I zoning is 42% (with subleases). He noted the Corporate Woods in Vernon Hills is at approximately 10% vacancy and the Buffalo Grove Corporate Grove Center is under 5%; stating both Villages have a more flexible zoning code. He added he appreciates the effort of Village staff in recommending the proposed changes, but would like to see more. **Mr. Lamphere** stated many of their potential clients cannot wait the time it takes to get a Special Use permit; they will locate to other towns where their use is permitted by right. In regards to assembly use, he stated the limitation on square footage is unheard of. He further stated when he began developing almost 40 years ago, the traditional uses permitted then are not what tenants are proposing today; with as much as 25% of their space being occupied by non-traditional uses such as yoga clubs, volleyball clubs, martial art studios, mini breweries. He noted the traditional corporate offices such as Hewitt and Grainger have left. There is now a real need to attract millennials; adding they just completed a project at One Overlook Point which included a \$2M-dollar investment in their common areas to include fitness, bike rooms, and a café.

**Mr. Lamphere** requested the Zoning Board and village staff to consider the following uses by right:

- Assembly uses. No restrictions on size of the use. **Mr. Lamphere** stated there may have been reluctance on the part of the Village to allow assembly uses, such as places of worship or other non-profit, non-tax entities. However, the assembly uses in Van Vlissingen's properties pay rent and the property owners pay real estate taxes.
- Drive through financial institutions. Should be controlled through architectural review, not Special Use.
- Catering. Food service is critical for clients both inside and outside the building. Allow it as an accessory use, not a Special Use.
- Educational Institutions. A market is developing for both for-profit educational facilities and public schools use of administrative offices. Allow by right.
- Performing Arts. Expand the definition. The market is looking for amenities such as yoga studios.
- Fitness Centers. Allow by right within the office buildings.

In response to **Mr. Lamphere** comments and suggestions, **Tonya Zozulya** noted the following:

- Assembly use cap. The Village Board desired to establish the cap to protect the tax base and to accommodate traditional office and industrial uses in corporate centers. The Zoning Board should determine whether to keep the current cap or revise it.
- Financial uses with Drive-Throughs. All communities require a Special Use for drive-throughs. Special Use review is not within the purview of the Architectural Review Board.
- Catering Establishments. If part of an office use as a support use; they are allowed by right in the proposed changes as an auxiliary use. As far as stand-alone catering establishments, the proposed changes will allow this.
- Educational Institutions. School administrative offices are allowed by right. However, staff believes universities, colleges should be allowed by Special Use due to potential traffic, parking, lighting and other impacts.
- Yoga, Pilates, fitness facility as part of an office function is permitted by right as a private recreation facility under "Auxiliary Uses." Recreational facilities as a stand-alone will continue to require a Special Use.

There was discussion regarding new business startups, "incubator" businesses and transportation challenges. **Mr. Lamphere** stated suites in some of their properties are designed for such uses; they are seeing an increase in this type of tenant requirement.

**Robert Barnhill, Westgate Homeowners Association Treasurer**, was sworn in. He inquired about the empty lot adjacent to the Lincolnshire Animal Hospital and if the zoning changes proposed would affect that lot. **Tonya Zozulya** stated the vacant parcel is currently zoned R-1; the changes to the O/I district would not apply to this parcel.

**Chairman Bichkoff** closed the Public Hearing and reconvened the Zoning Board meeting. He requested discussion by the Zoning Board on the items discussed by Van Vlissingen & Co., which include a cap on assembly space, financial institutions with drive-throughs, educational uses, car rental facilities and breweries/distilleries with limitation on tap room space.

**Chairman Bichkoff** commented on the assembly cap; noting Lincolnshire Willow Creek Church could desire to build a large assembly use in the Village. **Member Hersch** and **Member Hashemi** agreed, maybe limiting the space but increase from 50,000 to 150,000 per staff proposal. **Member Kalina** noted no other communities have a cap. **Mr. Lamphere** suggested a cap of 250,000-275,000, which would allow a building to be fully utilized by an assembly type use, but still finds the cap capricious.

**Chairman Bichkoff** discussed financial institutions with drive-throughs, citing traffic concerns as potential issues. This should be addressed through the Special Use process. Other members concurred.

**Member Kalina** questioned the educational use by Special Use; **Tonya Zozulya** stated educational uses could include multiple buildings, field use, parking impact and much activity with a mixed use environment with higher use intensity. Tutoring centers are proposed to be allowed by right. Members concurred to require the Special Use for educational institutions.

There was discussion regarding car rental lots and possible use of zip cars, car sharing by corporate customers. Large car rental lots would not be desirable. **Tonya Zozulya** suggested it could be permitted by right without car service but limit the number of cars. **Mr Lamphere** stated they are not interested in large car lots; they are looking at the convenience factor, Uber from the airport to a Lincolnshire destination, have the availability of a car to get around. He added the transit connection in Lincolnshire is weak; this is one way to bridge this gap adding he would have no issue with limit on number of cars. Members concurred to leave the car rental uses as proposed by staff.

There was discussion on breweries and distilleries in the O/IC and O/Id subdistricts. **Chairman**

**Bichkoff** commented the Village Board is thinking outside the box. This would be a nice addition to the community and should be allowed by right similar to restaurant uses. Members concurred with the tap room as an accessory use.

**Member Kalina** moved, seconded by **Member Udoni**, having made findings based on facts covered in a Public Hearing on November 13, 2018, the Zoning Board recommends approval to the Village Board of text amendments to Chapter 2, Definitions; Chapter 8, Office/Industrial Districts, and Chapter 11, Off-Street Parking and Loading, of the Lincolnshire Zoning Code, regarding Office-Industrial Zoning District (O/I) permitted and Special Uses, as presented in staff's memorandum dated November 13, 2018 with the following changes:

- Increase the assembly use cap from 50,000 to 250,000 square feet in the entire O/I district, and
- Permit breweries and distilleries by right in the O/Ic and O/Ild subdistricts with tasting/tap rooms as an accessory use.

*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 Bichkoff** requested a motion to adjourn. **Member Kalina** moved, and **Member Hersh** seconded the motion to adjourn. The meeting adjourned at 8:45 P.M.

Minutes submitted by Carol Lustig, Administrative Assistant, Community & Economic Development Department