



VILLAGE OF LINCOLNSHIRE

MINUTES ZONING BOARD MEETING Tuesday, July 12, 2022

Present:

~~Chair Bichkoff~~

~~Member Hersh~~

Member Kalina

Assistant Village Manager/Community &
Economic Development Director Roesler

Member Cohen

Member Curtin

Member Josephson

Trustee Harms Muth

Planning & Development Manager Zozulya

1.0 ROLL CALL

Member Josephson called the meeting to order at 7:24 p.m. and Planning and Development Manager (PDM) Zozulya called the roll.

Assistant Village Manager/Community & Economic Development Director (AVM/CEDD) Roesler requested a vote to appoint Member Josephson as Chair Pro Tem.

Member Kalina moved and Member Cohen seconded the motion to appoint Member Josephson as Chair Pro Tem. Motion passed unanimously by voice vote.

2.0 APPROVAL OF MINUTES

2.1 Approval of the minutes of the Zoning Board meeting held on Tuesday, April 12, 2022

Member Kalina moved and Member Cohen seconded the motion to approve the minutes as presented for the April 12, 2022, Zoning Board. Motion passed unanimously by voice vote.

3.0 ITEMS OF GENERAL BUSINESS

3.1 Recognition of Former Zoning Board Members Christine Udoni and Joseph Kelly.

Chair Pro Tem Josephson requested this matter be tabled until the next Zoning Board meeting when all members are present.

Member Kalina moved and Member Curtin seconded the motion to table item 3.1 to the next Zoning Board meeting. Motion passed unanimously by voice vote.

3.2 Public Hearing Regarding:

- A. Map & Text Amendments of the Lincolnshire Village Code - Creation of "Office" and "Industrial" Zoning Districts; Repeal of the O/Ia, O/Ib, O/Ic, and O/Id Office/Industrial Zoning Subdistricts; and Rezoning of Properties from the O/Ia, O/Ib, O/Ic, and O/Id Office/Industrial Zoning Subdistricts to Either the New "Office" or "Industrial" Zoning Districts (Village of Lincolnshire)
- B. Text Amendments to Title 6 (Zoning), Chapter 8 (Office/Industrial Districts) of the Lincolnshire Village Code to Create Uses and Bulk/Development Regulations in the Proposed "Office" and "Industrial" Zoning Districts (Village of Lincolnshire)
- C. Text Amendments to the Lincolnshire Village Code to Replace All "O/I" Zoning District References with Proposed "Office" and "Industrial" Zoning District References: Chapter 3 (General Zoning Regulations), Chapter 4 (Zoning Districts), Chapter 11 (Off-Street Parking & Loading), Chapter 13 (Nonconforming Uses, Structures, and Lots); Chapter 16 (Personal Wireless Communications Facilities), and Chapter 17 (Alternative Energy Collection Systems) (Village of Lincolnshire)

Chair Pro Tem Josephson recessed the Zoning Board meeting and convened the Public Hearing. Chair Pro Tem Josephson reviewed the procedure for the public hearing process.

PDM Zozulya stated she will present a high-level overview of the agenda items which will include the rationale for and details on the proposed rezoning and text amendments; background and summary of Village Board and advisory board reviews; and the public input process.

PDM Zozulya noted in 2018, the Village approved a 186,000-square-foot office/warehouse development at 325 Marriott Drive along the Half Day Road corridor which sparked interest in similar developments on other high-visibility properties in the corporate center. PDM Zozulya said staff began receiving inquiries for development of large-scale industrial/warehouse construction and related demolition of vacant office buildings, especially in high-visibility areas along the Milwaukee Avenue, Aptakisic Road, and Half Day Road corridors. PDM Zozulya said the increase in interest of these types of buildings raised concerns regarding impact on neighboring properties (including restaurants, hotels, and daycare centers), aesthetics, and traffic on arterials. PDM Zozulya the Village Board authorized staff to retain a planning consultant to study the corporate area and current trends. The study recommended creating two new "Office" and "Industrial" zoning districts to replace four current office/industrial zoning subdistricts within the O/I district (O/Ia, O/Ib, O/Ic, and O/Id). The study also recommended locating new industrial and warehouse uses primarily west of Barclay Boulevard in the new "Industrial" district and developed design guidelines for warehouse and industrial developments.

PDM Zozulya summarized previous actions of the Village Board, Zoning Board, and Architectural Review Board. She noted the Village Board approved an eight-month industrial moratorium that expired May 10, 2022, with the final plan documents, Corporate Center Subarea Strategy and Corporate Center

Subarea Transformative Opportunities, adopted on May 9, 2022. PDM Zozulya said the Architectural Review Board is tasked with reviewing the proposed industrial/warehouse design guidelines which they initiated on June 21, 2022, and continued to July 19, 2022.

PDM Zozulya stated the findings of the study will be used for the Comprehensive Plan update anticipated to begin in September and conclude in 2023.

PDM Zozulya reviewed the public engagement process which included mailing two public hearing notices (one for the June Zoning Board meeting which was canceled due to a lack of quorum and one for the current Zoning Board meeting), conversations with approximately 20 property owners or their representatives, and review of written comments. PDM Zozulya stated most property owners' concerns include inability to expand warehouse uses; a perceived decline in property values; property tax implications; and resale, refinancing, and insurance challenges.

PDM Zozulya noted the proposed Office district will not only include office uses but also a variety of other uses, including lab facilities, banquet venues, restaurants, hotels, and others, with the potential for multi-family uses. The proposed Office zoning would not allow any new industrial, warehouse, light manufacturing, and auto repair uses. However, any such existing uses will be allowed to be maintained provided they are not abandoned for longer than 36 months (which is the timeframe to be reviewed by the Zoning Board). The sale of a property will not necessarily force a non-conforming use designation. The primary new restriction is to prohibit expansion or relocation of nonconforming uses within the "Office" district. Regarding the proposed "Industrial" district, PDM Zozulya stated the code would continue to allow all currently permitted Office/Industrial uses.

PDM Zozulya identified nine properties which will be impacted by the new zoning districts, stating she has been in contact with many affected property owners or their representatives to discuss their questions and concerns. PDM Zozulya presented staff-recommended options for each property the Zoning Board may consider:

1. 325 Marriott Drive: Designate the property for "Office" as it is not adjacent to the proposed "Industrial" district boundary or owner can apply for a Planned Unit Development which would help them keep the warehouse use as a permitted use if the PUD is approved by the Village Board.
2. The following businesses:
 - a. Dental Arts, 107 Schelter Rd
 - b. BnzHaus, 109 Schelter Rd
 - c. Liberty Machinery, 111 Schelter Rd
 - d. Zizzo Auto Body, 121 Schelter Rd
 - e. Armstrong Medical, 575 Knightsbridge Pkwy
 - f. Honeywell, 405 Barclay Blvd
 - g. Synaptent, 425 Barclay Blvd
 - h. Newman/Hass Racing, 500 Tower Pkwy

PDM Zozulya stated the above properties were grouped together as staff believes they can be included in the "Industrial" district as they have industrial activities currently going on, are adjacent to the proposed "Industrial" district, and are not directly located on the main corridors.

PDM Zozulya stated if the Zoning Board does not wish to include these properties in the "Industrial" district, they may consider inserting the following language per the Village Attorney recommendation for smaller properties: "On any lot or lots under common ownership comprising three (3) acres or less, any use already established in the Office District on the effective date of this Chapter shall be permitted to be altered, enlarged, expanded, or modified, provided the addition conforms to the performance/bulk regulations."

PDM Zozulya stated the Armstrong Medical, Honeywell, Synaptent and Newman/Hass Racing properties which are larger than 3 acres, may be considered for the Planned Unit Development designation in the "Office" district if the Zoning Board does not wish to zone them for the "Industrial" district.

PDM Zozulya stated the proposed text amendments in the "Office" and "Industrial" districts would institute a new impervious surface ratio of 75% to ensure availability of open/green space to supplement setback, floor area ratio, and landscaping regulations. If the 75% impervious surface cap is approved for the "Office" district, there will be no non-conforming properties. The same cap will result in one non-conforming property, HydraForce, with an 81% impervious surface ratio.

PDM Zozulya stated the text amendments would also streamline bulk regulations without making them more stringent.

PDM Zozulya reviewed the next steps in this process. She requested the public hearing be continued to August 9 for additional discussion. PDM Zozulya said staff is encouraging the public to contact staff and check the Village website for updates. She stated there will be no additional public notices mailed to affected property owners for the August 9 Zoning Board hearing.

At the request of AVM/CED Roesler, Chair Pro Tem Josephson entered the Rezoning and Text Amendment Findings of Fact into the record.

Chair Pro Tem Josephson asked Zoning Board members if they had any questions or comments. Member Kalina said he would like to hear from the public. Member Curtin asked if the study analyzed environmental impacts. PDM Zozulya stated the consultant considered noise and traffic impacts of industrial developments. Member Curtin asked if other villages have gone through a similar process. PDM Zozulya stated Will County was recently reviewing their zoning and engaged the same consultant. PDM Zozulya stated Lincolnshire is unique in having large corporate areas for a community of our size.

Chair Pro Tem Josephson opened the meeting to public comment.

Michael Haber, attorney at Kalcheim Haber representing Liberty Machinery at 111 Schelter Road, was sworn in. Mr. Haber stated his client objects to the proposed "Office" rezoning and supports staff's recommendation to keep the subject property and adjacent properties zoned for Industrial. These are light industrial uses; very small single-use buildings; and there is no reason to include them in the "Office" district. Mr. Haber added monitoring these properties as non-conforming would be difficult in the future.

Jim Woldenberg, property owner of 325 Marriott Drive, was sworn in. Mr. Woldenberg summarized the process he went through to rezone and develop 325 Marriott Drive. Mr. Woldenberg said the Zoning Board approved the rezoning of his property and four years later, the Village wants to rezone it. Mr. Woldenberg said he is aware of the negative comments and concerns he received regarding the design of the building. It was his intent to move his business from Vernon Hills into the Lincolnshire building, adding that after he sold one of the company's divisions, he required less space and did not need to relocate to Lincolnshire. Mr. Woldenberg stated he found two reputable companies with light manufacturing/warehouse to move into the space and was able to refinance to a 10-year mortgage. Mr. Woldenberg said this industrial building will be here for 100-150 years. Mr. Woldenberg stated the implications of the rezoning include marketability, though he is happy to be a corporate resident of Lincolnshire. Mr. Woldenberg stated the value of the building would decline dramatically if it became non-conforming; he would struggle finding buyers and insuring it. Mr. Woldenberg stated his concerns regarding a Planned Unit Development process are that the Village Board may not approve it or impose numerous conditions that would make it unmarketable. Mr. Woldenberg requested 325 Marriott be excluded from the "Office" district.

Steve Stone, real estate broker with Cushman and Wakefield, was sworn in. Mr. Stone stated he worked with Jim Woldenberg on representing 325 Marriott Drive and spoke with him regarding potential issues with future financing and non-conforming uses. Mr. Stone indicated if at some point Mr. Woldenberg decides to sell the property, the proposed zoning would be a hindrance. In addition, the 36-month vacancy clause would make it difficult to market the property. Mr. Stone stated this property is a Class A product, but zoning changes could turn into a huge deterrent.

Jason Metnick, attorney at Meltzer Purtil & Stelle representing 325 Marriott Drive, was sworn in. Mr. Metnick stated this is a unique property which recently was rezoned to allow industrial uses. The value of the property will be impacted with the proposed rezoning and marketability of the property will be a concern. He noted this property was undeveloped for decades. Mr. Metnick stated his concerns regarding a Planned Unit Development application include a lengthy and expensive process (even if the Village facilitated it) with no idea what restrictions may be placed on the property. He added this property should continue to be zoned for industrial without any abandonment or vacancy limitations.

Bruce Goodman, attorney at Timm & Garfinkel representing Synaptent at 425 Barclay Boulevard, was sworn in. Mr. Goodman said Synaptent moved to Lincolnshire from Chicago. He does not see how rezoning this property would benefit the business. Mr. Goodman stated he is pleased to see staff

recommendations to allow this property to maintain its industrial zoning. Mr. Goodman stated while it is important to control large-scale development, it is also important not to harm small businesses such as his client.

Adam Rome, attorney at Greiman, Rome and Griesmeyer representing Zizzo Auto Body at 121 Schelter Road, was sworn in. Mr. Rome stated their objection to the original plan to rezone to "Office". Mr. Rome stated he agrees with the staff recommendation to keep it industrial.

Tony Zizzo, owner of Zizzo Auto Body, was sworn in. Mr. Zizzo said his property is small. He does not see how all these small parcels would be consolidated for a large-scale industrial building as it would require all property owners being willing to sell properties at the same time. Mr. Zizzo said his family wants to keep this business in Lincolnshire and is in process of obtaining permits for renovations. However, they would not make investment if the property is rezoned to "Office".

Duncan Lamphere, attorney at Lamphere Legal representing 1 Overlook Point, 111 Barclay Boulevard, 300 Tower Parkway, 300 and 333 Knightsbridge Parkway, 625 and 650 Barclay Boulevard, and vacant land, was sworn in. Mr. Lamphere said the Zoning Board received a copy of their letter and the Village needs to engage more with the affected property owners. Mr. Lamphere noted his concerns regarding the 625 Barclay Boulevard which is currently leased for church assembly use but built for a warehouse. Mr. Lamphere stated if this property is rezoned to "Office", the property would be unfinanceable. Mr. Lamphere said the current assembly use appears to be permitted in the proposed code changes.

Calvin Bernstein, attorney at Samuels & Bernstein representing Carl A. Haas Automotive and Racing at 500 Tower Parkway, was sworn in. Mr. Bernstein stated he spoke with real estate professionals who stated the "Office" zoning change would be detrimental to this property causing nonconforming uses. Mr. Bernstein said the owners agree with staff to keep it zoned for industrial which is the best option of all the options presented to the Zoning Board.

Daniela Fitzgerald, architect at Fitzgerald Architecture, Planning & Design representing Zizzo Auto Body, was sworn in. Ms. Fitzgerald stated her firm is working with Zizzo on exterior renovations to the 121 Schelter Road building and noted the owners' concern. They agree with the staff recommendation to keep this property zoned for industrial.

Lisa Tomcheck, owner of Clesens at 635 Margate Drive, was sworn in. Ms. Tomcheck asked staff how many vacant lots are still available in the proposed "Office" district as those would be the most impacted. PDM Zozulya said there are several vacant lots; however, existing vacant office buildings could also be torn down and redeveloped for industrial.

Jelena Crudele, owner of BnzHaus located at 109 Schelter Road, was sworn in. Ms. Crudele stated they bought the building in 2017 for an auto repair business. She stated their business is growing and would like to keep the zoning as industrial per staff's recommendation.

Chair Pro Tem Josephson asked if there were any more comments. Attorney

Mack at Ancel Glink representing the Village recommended the Zoning Board keep the public testimony portion open. Chair Pro Tem Josephson opened the floor to Zoning Board members.

Member Kalina said he has been on the Zoning Board for many years. Member Kalina said while the 325 Marriott Drive is a great building, it is very visible and has heard concerns from residents. However, this building is permanent and is essentially an island and would recommend redrawing the lines to keep it zoned industrial. Member Curtin agreed. PDM Zozulya stated if the Zoning Board desired to rezone 325 Marriott to industrial zoning, it would be going against the desire of the Village Board to protect the high visibility areas on Half Day Road. PDM Zozulya stated 325 Marriott does not have a Special Use permit. If it were zoned for industrial, there would be nothing to limit truck/traffic volume as there are no restrictions. PDM Zozulya stated future uses should be taken into consideration.

Member Cohen noted his concern regarding the credibility of the Village and the Zoning Board and agrees with Member Kalina to keep 325 Marriott as industrial. Member Kalina recounted the initial plan for this property to become part of a downtown development did not materialize and realizes the impact this large building has. Member Kalina said Lincolnshire residents are very concerned about traffic and warehouse uses causing disruption and impacting residents' property values. Member Kalina said while the Village needs to consider the investment made by developers, the potential to sell such properties when an offer is made needs to be considered along with impact on residents.

Chair Pro Tem Josephson asked the Zoning Board to consider the questions outlined in the staff memo.

Chair Pro Tem Josephson said his concern is what uses could locate in the 325 Marriott Drive building in the future. Both the owner and staff have valid concerns. Based upon earlier member comments, there appears to be no clear consensus. He encouraged staff and the property owner to continue discussions.

Regarding the zoning of 107/109/111/121 Schelter Road, 575 Knightsbridge Parkway, 405/425 Barclay Boulevard, and 500 Tower Parkway, Chair Pro Tem Josephson stated the Zoning Board concurs with the staff recommendation to designate them for the "Industrial" district. The Zoning Board was also open to designating 625 Barclay Boulevard (Willow Creek Church) for the "Industrial" district.

Member Curtin suggested another title for the proposed "Office" zoning district.

The Zoning Board agreed with the staff-proposed text amendments.

Regarding allowing multi-family uses in the "Office" district, Member Kalina noted his concern for overcrowding schools. AVM/CEDD Roesler noted trends in converting retail/office uses into multi-family; this could be further explored with the Comprehensive Plan update if the Zoning Board desires. Chair Pro Tem Josephson noted given the amount of vacant space in the

corporate center, it would be beneficial to allow multi-family uses. Member Cohen said multi-family development could be beneficial to local businesses. PDM Zozulya stated staff previously received comments from corporate center tenants indicating there are not enough housing choices for corporate employees. Trustee Liaison Harms Muth asked if the Village Board discussed multi-family during the initial review of the text amendments. PDM Zozulya indicated the subject came up after the Village Board meeting. AVM/CEDD Roesler said there was some discussion during the November workshop meeting with the prior planning consultant.

Regarding the assembly use cap, PDM Zozulya noted the current 150,000-square-foot assembly use cap was instituted for the Office/Industrial district during the review of Willow Creek which is only at 47,000 square feet and needs to be reviewed given the creation of two districts. Assembly uses include churches, banquet venues, meeting rooms, and similar. Chair Pro Tem Josephson said it should probably be reduced since the cap has not been fully used and it seems high. Chair Pro Tem Josephson suggested considering different caps for the "Office" and "Industrial" districts.

Regarding regulations for attached or detached parking garages, PDM Zozulya said this has been a long-standing distinction and does not see garages being built without principal buildings. The Zoning Board recommended consolidation of the regulations into a permitted use.

Regarding the consideration of breweries in the office district. Member Kalina noted this might have merit in the "Office" district. The Zoning Board recommended allowing this.

Regarding the consideration of the amount of office space associated with laboratories and research and development, the current requirement is 25%. Chair Pro Tem Josephson did not see the need for this requirement if the use is permitted. The Zoning Board recommended lowering this requirement to 10%.

Regarding the consideration of bus shelters and phone booths to be listed as permitted under public utility facilities versus requiring a special use, the Zoning Board recommended allowing them as a permitted use.

Regarding the consideration of the impervious surface ratio and other bulk regulations, the Zoning Board recommended 75% for the two districts.

Regarding the consideration of the proposed "Industrial" code text amendments, the Zoning Board recommended approval.

There was discussion on the definition of vacant and abandoned buildings. Member Curtin suggested researching other communities. Chair Pro Tem Josephson suggested differing time frames based upon definition of vacant versus abandoned.

AVM/CEDD Roesler cautioned about expanding the timeline too long as the argument could be the property, while vacant or abandoned, is not being actively marketed. Trustee Harms Muth indicated there may be a way to distinguish between vacant versus abandoned. Chair Pro Tem Josephson

suggested defining these and making the timeframe for abandoned properties shorter. AVM/CEDD Roesler stated staff will research this further.

Member Cohen moved and Member Kalina seconded the motion to continue the public hearing to the August 9, 2022, Zoning Board meeting.

AYES: Kalina, Curtin, Cohen, Josephson
NAYS: None
ABSENT: Hersh
ABSTAIN: None

Chair Pro Tem Josephson declared the motion carried.

4.0 UNFINISHED BUSINESS

PDM Zozulya welcomed new Zoning Board Member Bert Cohen. PDM Zozulya noted there is one remaining opening for an alternate member and encouraged members to solicit interest from Lincolnshire residents.

Member Kalina stated he was very impressed with the staff presentation tonight.

5.0 NEW BUSINESS

None

6.0 CITIZENS COMMENTS

None

7.0 ADJOURNMENT

There being no further business, Chair Pro Tem Josephson adjourned the meeting at 10:15 p.m.

Minutes submitted by Carol Lustig, administrative assistant, Community & Economic Development Department` .