

APPROVED AS SUBMITTED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, January 9, 2007, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL

PRESENT: Chairperson Itkin, Members Rubinstein and Pratt, Alternate Brusso,

ABSENT: Members Salzenstein and Topping, and Trustee Liaison McDonough

ALSO PRESENT: Steve McNellis, Director of Community Development, Krysti Barksdale-Noble, Planner, Stephen Robles, Planner

CALL TO ORDER: Chairperson Itkin called the meeting to order at 7:00 p.m.

1.0 ROLL CALL

The roll was called by the secretary and **Chairperson Itkin** declared a quorum to be present.

For the benefit of those present and viewing at home, **Steve McNellis, Director of Community Development**, stated that there will be no discussion for the proposed Forest View Subdivision for this meeting, as the Petitioner is still compiling information to respond to the requests from the December 12, 2006, meeting. Staff is hopeful that they will return for the regular February Zoning Board meeting, however, if and when the Petitioner does return, a notice to residents within 250 feet of the subject property will be provided.

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the Zoning Board Meeting held on Tuesday, December 12, 2006.

Mr. Pratt moved and **Mr. Brusso** seconded a motion to approve the minutes as submitted. The motion passed unanimously by voice vote.

3.0 GENERAL BUSINESS

3.1 **Public Hearing** regarding a proposed text amendment to Section 6-3-7, Yards, of the Village of Lincolnshire's General Zoning Regulations, to consider the continued applicability of the conditions related to maintaining an average setback for residential buildings (Village of Lincolnshire)

3.2 Consideration and discussion of a proposed text amendment to Section 6-3-7, Yards, of the Village of Lincolnshire's General Zoning Regulations, to consider the continued applicability of the conditions related to maintaining an average setback for residential buildings (Village of Lincolnshire)

Chairperson Itkin recessed the Zoning Board meeting and opened the Public Hearing.

Krysti Barksdale-Noble, Planner, summarized Staff's memorandum dated January 5, 2007, and noted that the continued applicability of the conditions related to maintaining an average front yard setback for buildings in residential districts is under consideration, in light of its potential significant impact on the bulk regulations with regard to teardowns and building additions. In Staff's analysis, the requirements to meet an average front yard setback of an established neighborhood may lend itself to be considered a "moving target", especially when some of the homes may have been built over 40 years ago, and the character of the neighborhoods change over the years with additions and rebuilds which ultimately affect the average setback. As an initial step in evaluating the usefulness of this particular code requirement, Staff surveyed several area communities regarding their application of this or similar regulations in residential districts. Within the packets, the varying results of a survey questionnaire have been included. In addition, Staff further reviewed the regulations of two (2) additional communities, Lake Forest and Highland Park, and **Planner Barksdale-Noble** noted that Lake Forest does not currently have a regulation for maintaining an established average front yard setback; however, Highland Park has established a cap on the required established front yard setback at 150% of the minimum required front yard of the zoning district.

In weighing the pros and cons of the matter, Staff has proposed three alternative solutions for revising the current average front yard setback requirement. Alternative #1 would allow the existing building setback on a particular residential lot to be the established front yard setback to be maintained for future additions and/or rebuilds. This can be beneficial or detrimental depending upon where the average setback falls in relation to an individual lot's existing setback; furthermore, it would not apply to vacant lots. Alternative #2 would require a percentage of the minimum existing required front yard setback within that particular district as the "cap" of the average yard setback in the neighborhood. Staff is proposing a 150% cap of the required minimum front yard setback, as this alternative provides flexibility in placing the home on the lot closer than the established average front yard setback of the street, yet still generally "fit" within the character of the neighborhood. As previously mentioned, this percentage has been implemented in a comparable community to Lincolnshire with relative success. Alternative #3 proposed to eliminate the requirement for an average front yard setback. In conjunction with Staff's memo, examples of Alternatives #1 and #2 have been provided to the Zoning Board which illustrate the effects of the currently recommended bulk regulations, particularly impervious surface maximums, potentially occurring if the average setback is retained. In comparison between the two examples, the impact is clearly on the rear yards, which may experience a loss of open space and inability to utilize this private area for recreational amenities. Also, there is a potential to impact the average yard setback with regard to corner lots, which have to maintain the average of two streets and possibly render a lot unbuildable, depending on the setback.

Therefore, Staff has provided a recommendation which encapsulates both Alternative #1 and #2, that would allow a home to maintain the existing structure's current setback or utilizing the 150% of the minimum required front yard setback for the

district, whichever is less. **Planner Barksdale-Noble** noted that proposed text language prepared by Staff and the Village Attorney which revises the current code regulation to reflect Staff's recommendation has been provided. Further, the Public Hearing was properly noticed in the Lincolnshire Review.

With regard to the teardowns and rebuilds within the Village, and the recent change to the bulk regulations with the inclusion of an impervious surface ratio, **Chairperson Itkin** inquired if the elimination of the requirement for an average front yard setback would be the more appropriate consideration. **Planner Barksdale-Noble** responded that it is becoming more of an issue, since there have been 17 teardowns/rebuilds within the past two years, especially in the older neighborhoods. Also, there is a potential issue with building additions, several of which have been to increase a 2-car garage to a 3-car garage that is usually either on the front or the side of the house. Therefore, if the requirement for an average front yard setback were to be eliminated, a garage addition to the front of the house could occur as long as it remains within the 30' minimum front yard setback, rather than the average front yard setback of the block on which the house is located. **Director McNellis** added that, when considering the pros and cons of the average front yard setback issue, the elimination of this requirement would allow the newer larger homes to push their building footprint towards the front of the property to within the 30' minimum front yard setback, rather than keeping it at the average front yard setback which most likely would set it back 10'-15' more towards the rear of the property and impact the personal space within the rear yard. However, at the same time, if the newer home sets towards the front of the property and thus projects out from the average front yard setbacks on the block, its property location appears obtrusive to the neighborhood. **Director McNellis** noted that if there is a desire for a larger backyard, a lesser percentage may be a consideration in order to get the house closer to the street, which may involve more research for same. He also noted the issue of the appropriateness of this requirement has no resolve, but rather it becomes an issue of importance with regard to its applicability.

Upon reviewing the average yard setback illustrative map and exhibits presented by Staff, **Mr. Brusso** noted that the typical addition to impact the front of the house would most likely be a garage. Due to the physical size it represents, whether front or side loaded to the structure, the garage becomes a dominant significant portion of the house and should be orientated into the associated area where it is appropriate. Limited discussion ensued on various scenarios in this regard. **Planner Barksdale-Noble** explained that the minimum front yard setback in the R3 Zoning District is 30' and the measurement is taken from the nearest portion of the structure to the front property line. She also reminded the members that this particular code differs from other sections of the code, wherein it affects transition in neighborhoods and changes accordingly by each new home or house addition constructed onto the front area of the house.

Chairperson Itkin noted that a slight variation in the setbacks of the houses provides character in the neighborhood, and to eliminate averaging the setback would be too

aggressive. Therefore, she suggested that Alternative #2 would strike a happy medium and provide a percentage of the minimum existing required front yard setback. In conjunction with Staff's illustrative map of the average front yard setbacks within a one block area, **Mr. Brusso** expressed concern for the average current maximum setback of 80' with a reduction to 75' in the proposed revised code. **Planner Barksdale-Noble** explained that the proposed 150% cap would interpret to require a front yard setback of no greater than 75'. **Mr. Brusso** inquired if there are any examples of houses which currently have the maximum front yard setback within the neighborhoods, to which **Director McNellis** responded that Staff is not aware of many—perhaps only a few, short of conducting a survey of a portion of the community. **Director McNellis** pointed out that a key part of this requirement is that all the homes on one side of the block, at least 50% would have to maintain greater than the required minimum setback. This would only be applicable when you have a critical mass of homes on one block sitting back from their front yard property line. He also offered to have Staff prepare illustrative examples of current residential blocks depicting the average front yard setback. For comparison purposes in determining the conditions relative to maintaining an average setback, **Chairperson Itkin** requested Staff provide a summary of the Bulk Regulations, as well as alternative percentages of the required front yard setback besides the proposed 150%, in order to maintain a sufficient back yard and front yard, which would serve as a consideration for a combination of both Alternatives#1 and #2.

There being no public testimony or comment, **Chairperson Itkin** continued the Public Hearing and reconvened the Zoning Board meeting.

Staff presented the applicability of the conditions related to maintaining an average setback for residential buildings with regard to the proposed text amendment to Section 6-3-7, Yards, of the Village of Lincolnshire's General Zoning Regulations, and following a review and discussion of same, the Zoning Board directed Staff to provide alternative percentages of the required front yard setback besides the proposed 150%, and illustrative examples of current residential blocks depicting the average front yard setback, for a Continued Public Hearing at the next regularly scheduled Zoning Board meeting.

- 3.3 **Public Hearing** regarding a text amendment to Section 6-11-3 (B), Off-Street Parking, and Section 6-2-2, Zoning Definitions, of Title 6 - Zoning, of the Lincolnshire Village Code to revise the required number of parking spaces for restaurant uses, based upon their level of service (Village of Lincolnshire)
- 3.4 Consideration and discussion of a text amendment to Section 6-11-3 (B), Off-Street Parking, and Section 6-2-2, Zoning Definitions, of Title 6 - Zoning, of the Lincolnshire Village Code to revise the required number of parking spaces for restaurant uses, based upon their level of service (Village of Lincolnshire)

Chairperson Itkin recessed the Zoning Board meeting and opened the Public Hearing.

Stephen Robles, Planner, summarized Staff's memorandum dated January 8, 2007, and noted that this is a Staff initiated code revision to amend the off-street parking requirements for restaurant uses, as a result of parking concerns raised by residents and the Village Board. Specific concerns were voiced regarding the three new "fast casual" restaurants located at the northern end of Lincolnshire Commons. **Planner Robles** explained that the Off-Street Parking Section of the Village Code currently identifies two types of restaurant services: 1.) Delicatessens/Restaurants (table service) and 2.) Restaurants (fast food), and Staff's memorandum identifies the current parking calculations for both restaurant types. In its current form, determining the number of spaces for restaurants requires up-front knowledge with regard to the number of tables, square footage of the lounge area, and the number of employees. This information is typically unknown or unavailable during the Staff review phase since specific floor plans and/or users have not been determined. Therefore, without the availability of this information, it creates a difficult situation for Staff and the Petitioner to calculate restaurant parking. Included within the packet, Staff has provided a parking calculations comparison chart depicting surrounding communities' parking requirements for restaurant uses, as well as a breakdown of parking requirements for four table-service restaurants in Lincolnshire. This comparison chart illustrates both the "estimated" and "actual" parking based upon the existing parking ordinance for restaurants. **Planner Robles** noted that in researching surrounding communities' parking codes for restaurant uses, the gross floor area (GFA) was used in 80% of the communities researched in determining restaurant parking. The most common parking ratios utilize 1,000 square feet of GFA for table service restaurants. Since the GFA of all proposed uses/structures is typically known during plan review, this method allows a more exact and simplified calculation than the Village's current method. Further, when Staff compared the communities researched with the current Village requirements, it was found that the current parking standards are comparable and restaurant parking provided throughout the Village is generally adequate. Therefore, Staff has concluded that the current restaurant parking requirements equate to approximately 10-12 spaces per 1,000 sq.ft. of GFA. By applying the higher end of the scale, requiring 12 spaces per 1000 sq. ft., the number of spaces required would increase without significantly deviating from the current code requirements.

Chairperson Itkin concurred that the Off-Street Parking Code should be revised and simplified. She inquired as to the applicable definition of the various restaurants within Lincolnshire, especially those which fall between fast food/table service restaurants ie. "fast casual", and consideration be given for amending same. **Planner Robles** noted Staff's awareness to create an additional definition, as well as a parking requirement, for the "fast casual" restaurants. He explained that the "fast casual" category fits into a grey area of the code and has not been addressed; therefore a proposal to amend the definition of same will not occur until further research has been completed. **Director McNellis** read the following two definitions of restaurants from Section 6-2-2: Definitions: Restaurant - An establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume

state, in individual servings where the customer generally consumes these foods while seated at tables or counters located within, or immediately adjacent to, the building. Carry-out business shall be permitted at these establishments as a subsidiary use; Restaurant, Fast Food - An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared or prepared quickly. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers. Carry-out business is permitted at these establishments. This type of establishment often times includes a drive-up or drive-through service facility. In summary, **Director McNellis** noted that, if the customer is waited on at the table, it is "table service", otherwise it is categorized as "fast food". **Chairperson Itkin** pointed out that table service is not clearly stated in the Restaurant definition, to which **Director McNellis** agreed but noted that it was mentioned within the Off-Street Parking section of the Village Code and should be amended accordingly.

Discussion ensued with regard to Staff's analysis of the current Off-Street Parking Section of the Village Code and the method in which restaurant parking is calculated, wherein the variables that determine the number of parking spaces required by a proposed restaurant use must be estimated. Therefore, by comparing the number of parking spaces required by the current Village code and of the surrounding communities, Staff recommends a revision to the Zoning Code that requires a parking ratio of twelve (12) parking spaces per 1,000 square feet of GFA for table service restaurants and fourteen (14) parking spaces per 1,000 square feet of GFA for fast food restaurants. Consideration for such an amendment would simplify the method for determining parking and provide for an increase in the number of spaces required for restaurant uses, that would be more consistent with surrounding communities and the Village's parking necessities and Staff is supportive of such a proposed revision. With further limited discussion regarding the existing assorted restaurant establishments in Lincolnshire, **Mr. Brusso** noted that Staff's recommendation to increase the number of parking spaces is logical and necessary, to which **Chairperson Itkin** agreed and questioned which number would be appropriate for consideration.

Director McNellis explained that Staff's recommendation of an increased parking ratio from 10 to 12 spaces equates to an additional 20 parking spaces, which would be a significant increase. **Mr. Brusso** pointed out that the stores and/or restaurants within a retail center can change over a period of years and a higher parking ratio number would accommodate change in any tenancy of a retail center. **Mr. Rubinstein** suggested eliminating the two restaurant classifications and using a compromising number of 13 parking spaces per 1,000 square feet of GFA. In conclusion, **Chairperson Itkin** noted that the restaurant definitions should be redefined to include the "fast casual concept" and apply an appropriate number of parking spaces. **Director McNellis** also suggested having Staff revisit consideration for the required number of parking spaces accordingly.

Having requested Public comment, and receiving none, **Chairperson Itkin**

continued the Public Hearing and reconvened the Zoning Board meeting.

Following Staff's presentation of the proposed revisions for the required number of parking spaces for restaurant uses, based upon their level of service, the Zoning Board directed Staff to redefine the definitions of Delicatessens/Restaurants (table service) and Restaurants (fast food) to include the "fast casual" restaurant concept, and recommend a revised required number of parking spaces accordingly, for a Continued Public Hearing at the next regularly scheduled Zoning Board meeting.

4.0 UNFINISHED BUSINESS

Director McNellis noted that the Village Board considered the Zoning Board's recommendation of Bulk Regulations very favorably; however, Staff was directed to research the potential effect of a tennis court upon impervious surface prior to their final approval.

5.0 NEW BUSINESS (None)

6.0 CITIZEN COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, **Mr. Brusso** moved and **Mr. Rubinstein** seconded a motion to adjourn. The motion passed unanimously by voice vote and **Chairperson Itkin** adjourned the meeting at 9:16 p.m.

Respectfully submitted,

Linda S. Jones, Secretary