

APPROVED AS SUBMITTED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, February 13, 2007, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL

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

ABSENT: Members Rubinstein and Salzenstein 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 March 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. Further, due to the current inclement weather conditions, the Petitioner for the following Agenda Items 3.1 and 3.2 has requested that the Public Hearing be opened and continued until the March meeting for discussion in order for any citizens interested in participation of this topic to avoid the hazardous road conditions this evening.

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the Zoning Board Meeting held on Tuesday, January 9, 2007.

Mr. Brusso moved and **Mr. Pratt** 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 request for referral of an amendment to an existing special use for a church to permit the construction of a memorial garden and columbarium, for the property located at 1970 Riverwoods Road (Community Christian Church)

3.2 Consideration and discussion of a request for referral of an amendment to an existing special use for a church to permit the construction of a memorial garden and columbarium, for the property located at 1970 Riverwoods Road (Community Christian Church)

Due to inclement weather conditions, the Public Hearing was opened and continued and will be discussed at the next regularly scheduled Zoning Board meeting.

- 3.3 **Continued 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)

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

Krysti Barksdale-Noble, Planner, summarized Staff's memorandum dated February 9, 2007, and noted that in an effort to address the areas of concern expressed by the Zoning Board members regarding the proposed text revision, it became exceedingly apparent that the current regulation is flawed due to its location within the General Zoning Regulations of the Village Code and specific reference to a thirty foot (30') setback. It is Staff's assessment that the application of this regulation was not intended for all residence districts, but solely for the R3-Single Family Residence District, while all other residence districts require a minimum front yard setback greater than 30'. This inherent contradiction in the language of this Code requirement would also hinder its enforcement in other residential districts such as R1, R2 and R2A. Staff also conducted a random sampling of the neighborhood streets to determine how often the required average yard setback regulation would apply, and it was determined that the current average yard setback requirement would apply to all of the four random street selections which indicates a far more prevalent issue than initially suspected. Therefore, since the Zoning Board has expressed its desire to provide consistency throughout the Village's residential districts with the approval of the revised Bulk Regulations, Staff has prepared six alternatives to the current way in which average yard setbacks are regulated and they are as follows:

Alternative #1: **In residence districts, on streets where a setback greater than 120% of the required front yard setback has been maintained in front yards of existing buildings for seventy-five percent (75%) or more lots on one side of that portion of the street lying between two (2) intersecting streets, there shall be maintained a minimum front yard setback based upon the established average setback of the aforementioned existing buildings, provided that a building addition and new construction may maintain the established building line of the existing building on the lot.**

In Staff's analysis, **Planner Barksdale-Noble** explained the use of 75% rather than the current 50%, as this percentage clearly indicates a majority trend in characteristics for residential neighborhoods. **Chairperson Itkin** questioned how Staff derived at 120%, to which **Planner Barksdale-Noble** noted that 120% provides approximately a 5% diminutive margin, which is comparable to a 5'-6' difference from the required minimum front yard setback and the actual building setback in any given residential district. **Mr. Brusso** noted that 150% was previously suggested by Staff, and **Planner Barksdale-Noble** explained that in calculating various scenarios it proved to be too restrictive, whereas 120% allows undulation in building facades and does not create an impact to a neighborhood.

Alternative #2: In residence districts, on streets where a setback greater than the minimum required front yard setback has been maintained in front yards of existing buildings for seventy-five percent (75%) or more of the lots on one side of that portion of the street lying between two (2) intersecting streets, there shall be maintained a minimum front yard setback for the building façade only, based upon the established average setback of the aforementioned existing buildings, provided that side-loaded garages are excluded and may extend to the required front yard setback or ten feet (10') in front of the building facade, whichever is less. Any building addition and new construction may maintain the established building line of the existing building on the lot, regardless of the established average yard setback.

In the analysis of this Alternative, Staff is proposing to identify the corpus or bulk of the homes as the building line with regards to maintaining an average yard setback requirement, but excluding side-loaded garages as part of the requirement, and thereby permitting them to extend up to a maximum of 10' beyond the front facade of the structure.

Alternative #3: In residence districts, on streets where a setback greater than the minimum required yard setback has been maintained in front yards of existing buildings for seventy-five percent (75%) or more of the lots on one side of that portion of the street lying between two (2) intersecting streets, there shall be maintained a minimum front yard setback based upon the established average setback of the aforementioned existing buildings, provided that side-loaded garages and one-story additions with a maximum height of fifteen feet (15') are excluded and may extend to the required front yard setback or ten feet (10') in front of the building facade, whichever is less. Any building addition and new construction may maintain the established building line of the existing building on the lot, regardless of the established average yard setback.

The analysis of Alternative #3 is its similarity to the previous alternative in its exclusion of the side-loaded garage as part of the average yard setback requirement. However, it goes further to exclude one-story additions within the front yard up to a maximum height of 15'. This alternative, being the most liberal proposed, allows for greater flexibility in the placement of additions, therefore keeping the homes closer to the front of the property rather than farther back on the lot.

Alternative #4: In residence districts, on streets where a setback greater than the minimum required yard setback has been maintained in front yards of existing buildings for seventy-five percent (75%) or more of the lots on one side of that portion of the street lying

between two (2) intersecting streets, there shall be maintained a minimum front yard setback (based upon the established average setback of the aforementioned existing buildings), as follows:

R1	55'-0"	required average yard setback		
R2	45'-0"	“ ” “ ”		
R2A	40'-0"	“ ” “ ”		
R3	35'-0"	“ ” “ ”		

Any building addition and new construction may maintain the established building line of the existing building on the lot, regardless of the established average yard setback.

This alternative provides for a “default” average which relies on a set standard setback by residential district. The utility of this proposal aids in the eventual transition of neighborhoods without drastically altering the established character of the neighborhood, and at the same time, allows for the house to be situated closer to the front of the lot, providing more open space in the rear for privacy and recreational activities.

Alternative #5: In residence districts, on streets where a setback greater than the minimum required yard setback has been maintained in front yards of existing buildings for seventy-five percent (75%) or more of the lots on one side of that portion of the street lying between two (2) intersecting streets, there shall be maintained a minimum front yard setback based upon the average of the two (2) adjacent existing structures located on either side of the subject property, provided that any building addition and new construction may maintain the established building line of the existing building on the lot, regardless of the established average yard setback.

The final alternative considers the adjacent properties which would be the most immediately impacted parties to any substantial addition to a structure. Additional provisions would need to be established in the event two or more adjacent properties submit plans for additions or rebuilds simultaneously.

Alternative #6: If so desired, the Zoning Board may give additional consideration to eliminating the provision of average yard setback altogether. This may be appropriate if none of Staff’s proposed alternatives is deemed effective.

Therefore, **Planner Barksdale-Noble** noted that in Staff’s opinion, Alternative #1 is the best solution for the Village in maintaining the established character of a neighborhood while allowing greater flexibility for building location on a lot. As mentioned in Staff’s analysis of this alternative, the provision for a diminutive margin of area between the home location and the required minimum front yard setback before triggering an average yard setback creates a variation in building lines along the streetscape and provides gradual transition in neighborhoods experiencing changes,

such as teardowns and substantial additions.

Jeri Ettleson, 17 Sherwood Drive, Lincolnshire, was sworn in by Chairperson Itkin and requested consideration from the Zoning Board when reviewing the average front yard setback requirements currently in the Village Code. **Mrs. Ettleson** referenced the letter from her and her husband and distributed a clearer rendition of an aerial view map of her street which has been made part of the presentation packet. She noted that the proposed 14' addition to their one-story side-loaded garage would bring the front yard setback to 31' and their home's setback is currently at 45'; thus due to the average setback requirement, the proposed garage addition is not permitted. From the aforementioned aerial map, **Mrs. Ettleson** pointed out that five of the seven homes on her street have a front yard setback between 35' and 31', and in driving down her street, the 14' spread in front yard setbacks looks very uniform to the eye. She believes that moving their garage 14' closer to the street would have minimal impact on the character of the neighborhood. Further, **Mrs. Ettleson** addressed her concerns with regard to each of the previously noted Alternatives, wherein she felt that Alternative #1 would be most applicable to her situation and thus allow her to go forward with her plans for the proposed garage addition. Since Alternative #2 suggests a 10' limited expansion to the front of the house, **Mrs. Ettleson** pointed out that the average family vehicle is approximately 8'-9' in width, which would prohibit a practical sized garage addition. Alternative #3 conveys limiting the height of an addition onto the front of the house to 15', which would not allow the roof line of Mrs. Ettleson's proposed garage addition to tie into 21' apex of her existing house. With that in mind, **Mrs. Ettleson** suggested the Zoning Board consider building heights to match the existing in order to keep any future architectural designs complimentary. Additionally, Alternatives #4 and #5 would set unfair restrictions on additions. She also noted that the recently revised Bulk Regulations should offer the appropriate limitations, especially with regard to teardowns/rebuilds of single family homes, and to consider less restrictive requirements in front yard setbacks, which would afford current residents the opportunity to add to their homes and remain in Lincolnshire.

Planner Barksdale-Noble noted that the subdivision area of the Petitioner was constructed in the early 1990's and in spite of Staff's thorough research, it is unclear if an average front yard setback was required at that time. In traveling Sherwood Drive, **Chairperson Itkin** added that from a pedestrian or passers-by vantage point, it is difficult to determine a huge difference in the houses and their front yard setbacks when viewed from the street, as the road formation, trees, and the varied shapes and sizes of homes all factor into such a determination.

Wells Wheeler, Architect, Lake Forest, IL, was sworn in by Chairperson Itkin, and noted that he is the architect for the Ettlesons at 17 Sherwood Drive and was not aware of the requirement for an average front yard setback, as both the survey and the original architectural drawings did not indicate any more than a 30' front yard setback. Also, in checking the Village's website, and viewing the other houses within Ettleson's neighborhood from the street, there was no indication of the use of an average front yard setback and it did not seem as an unrealistic assumption. He agrees with the Village that changes in the Code text are necessary and requests consideration for his

client when making the revisions.

There being no further public comment, **Chairperson Itkin** closed the Public Hearing and reconvened the Zoning Board meeting.

- 3.4 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 opened the discussion to focus on Alternative #1 and consideration to modify Alternative #3 by omitting the language which includes "or ten feet (10') in front of the building facade, whichever is less." She noted that these Alternatives with modifications would offer the least restrictions. **Planner Barksdale-Noble** noted that consideration should be given with regard to the roof line height, because in Mrs. Ettleson's situation, the apex of her roof is at 21' and a roof designed at a lower height to meet the suggested 15' maximum in Alternative #3 may not allow one-story additions and/or appear as an appendage to the overall house. **Mr. Brusso** agreed that there is a need to balance the height of the roof with the rest of the existing construction and the structural design of same.

Planner Barksdale-Noble offered the fact that there is already a building side yard setback plane requirement which may be sufficient to control the height and scale of a one-story addition. **Mr. Brusso** noted that once one-story is defined, it would be easier to adopt it into the text amendment. Given the Bulk Regulations have recently been revised and are in place, **Chairperson Itkin** asked for the members' input with regard to elimination (Alternative #6) of the average front yard setback. **Mr. Topping** stated his satisfaction with elimination of the average setback, especially since the Bulk Regulations have been approved, to which **Mr. Pratt** concurred. **Chairperson Itkin** requested Staff's explanation with regard to Alternative #1 and its effect on Mrs. Ettleson's proposed addition. **Planner Barksdale-Noble** explained that since the majority (75% or more) of the houses' front yard setback is within 35' to 31', Mrs. Ettleson's proposed addition would not be affected and could be built. In an attempt to modify Alternative #3 by omitting the 10' in front of the building facade stipulation, **Planner Barksdale-Noble** pointed out that interior building heights of 16' or higher, the FAR becomes a factor in bulk regulation calculations and thus, the 15' building height stipulation could also be omitted from the language and keep the reference to side-loaded garages and one-story additions. **Community Development Director McNellis** expressed concern with not having a number of reference within the language to offer some guidelines and stressed the importance of determining a cap on the addition height, whether it is a front or side-loaded garage or one-story addition. **Chairperson Itkin** inquired if there was a consensus to eliminate the code requirement of an average front yard setback or to define the least restrictive alternative with consideration for the building height and type of addition. **Mr. Brusso** noted that eliminating the requirement altogether creates unknowns, to which **Mr. Pratt** agreed and noted the need for parameters. **Chairperson Itkin** expressed her concern to keep the definition as the least restrictive, yet provide some guidelines for residents who find

it necessary to add to their homes. She also requested Staff's guidance at this point. **Planner Barksdale-Noble** suggested keeping the reference to side-loaded garages in the text language, as this would encourage consideration for side-loaded garage additions, rather than front-loaded garage additions, of which she has not seen many during her permit reviews. She noted that if a home has a front-loaded garage, the addition has been to the side of the garage, rather than in front of the garage. With regard to a determination for building height, **Planner Barksdale-Noble** pointed out that the allowable building height varies in each residential district ie. R1-40', R2 & R2A-35', and R3-30'.

Chairperson Itkin recessed the Zoning Board meeting and re-opened the Public Hearing to allow Mrs. Ettleson to distribute a drawing of her house showing a 16-year old traditional house and roof line with an attached garage at 21' building height. **Mrs. Ettleson** pointed out how the imagined limitation of a 15' building height for her proposed garage addition would impact the overall design of her house, and present issues with both aesthetics and drainage.

Chairperson Itkin closed the Public Hearing and reconvened the Zoning Board meeting. **Mr. Brusso** offered the suggestion to consider a ratio of 2/3 of the allowable maximum height and thereby encompassing all of the residential districts and providing a balance in roof lines. After limited discussion ensued with regard to the language modifications of Alternative #3, there was a consensus in forming the following motion.

Having made Findings of Fact and additional facts covered in a Public Hearing on January 9, 2007 and continued on February 13, 2007, Mr. Topping moved and Mr. Brusso seconded a motion to recommend for approval the following: "In residence districts, on streets where a setback greater than the minimum required yard setback has been maintained in front yards of existing buildings for seventy-five percent (75%) or more of the lots on one side of that portion of the street lying between two (2) intersecting streets, there shall be maintained a minimum front yard setback based upon the established average setback of the aforementioned existing buildings, provided that garages or one-story additions with a height no greater than two-thirds (2/3) of the maximum permitted overall height for buildings within that District are excluded and may extend to the front yard setback. Any building addition and new construction may maintain the established building line of the existing building on the lot, regardless of the established average yard setback." for a proposed Text Amendment to Section 6-3-7(A)(3) of the Lincolnshire Village Zoning Code regarding the method in which to determine average front yard setbacks within residential districts, based on the facts presented in a memorandum provided by Staff, dated February 9, 2007.

The motion passed unanimously by voice vote.

- 3.5 **Continued 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)

- 3.6 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 Continued Public Hearing.

Stephen Robles, Planner, summarized Staff's memorandum dated February 9, 2007, and noted that Staff has carefully reviewed the current restaurant definitions of the Village's Zoning Code and included a definition for "fast-casual" restaurants. The general "restaurant" definition has been modified to clarify that this definition pertains to "table service" restaurants and additional language has been added to further clarify the general operation of table service restaurants. The new restaurant category to the zoning definitions is "convenience dining", also referred to as "fast casual", which separates this use from the previous restaurant definitions. After further review and consideration, Staff proposes to distinguish fast-food restaurants into two categories: Fast-food restaurants (without drive-through services) and fast-food restaurants (with drive-through services). **Planner Robles** further noted that Staff has reviewed the proposed parking calculation amendments and restaurant trends and determined the initial proposal also needed to be revised. Staff continues to recommend that table service restaurants require 12 spaces/1,000 sq. ft, and as Staff analyzed the fast casual establishments and their level of service, it was determined that these "convenience dining" restaurants share similar characteristics with table service restaurants. **Planner Robles** explained that while food orders are prepared quickly, menu items are typically served unpackaged and in a ready-to-consume state, which generally results in customers seated longer than traditional fast-food establishments. Also, many of the convenience dining restaurants are located in commercial centers where drive-through service is not available. Therefore every customer of the fast casual establishments must utilize a parking space. It is Staff's determination that a convenience dining/fast casual use be added to the Off-Street Parking Code and these establishments require 12 spaces/1,000 sq. ft. of gross floor area (G.F.A.). With regard to fast-food restaurants (with drive-through services), the number of required spaces could be decreased to 10 spaces/1,000 sq. ft. of G. F. A. This would reduce the oversupply of parking spaces rarely used while being more consistent with restaurant industry standards. For fast-food establishments (without drive-through), Staff recommends requiring 13 spaces/1,000 sq. ft. of G. F. A. Further, **Planner Robles** noted that Staff amended the text amendments related to both the Zoning Use Definitions and Off-Street Parking as indicated in the draft ordinance language included within the packets. Staff believes these revisions and clarifications are necessary, in order to keep pace with current restaurant and parking trends, and recommends their approval.

Discussion ensued among the Board and Staff with regard to the determination of

parking ratios. Based on Staff's statistical information, **Chairperson Itkin** cited the parking ratios from the three major retail centers with restaurants in Lincolnshire—Village Green, CityPark, and Lincolnshire Commons. Since the parking ratios ranged from 7.7 to 9.4, the logical consensus was not how much parking is available, but where the parking is located on each site. **Director McNellis** noted that the best way to account for a parking ratio balance of retail and restaurants in a multi-tenant center, as in the case of the Village Green, is to limit the number of restaurants in the center. He also noted when Flatlander's at the Village Green was a new restaurant, often times the parking exceeded the available spaces, and now it is obvious that the market self-corrects, as parking at the Village Green site is more than sufficient.

Chairperson Itkin noted her satisfaction with using the gross leasable square foot area to calculate the parking ratio. She also expressed concern for the multitude of different factors in determining the proper ratio for each definition and various locations. Mr. Brusso suggested establishing a minimum parking requirement on the basis of Staff's analysis and research, as this would provide direction for a developer to proceed accordingly. He also concurred with **Chairperson Itkin** to revise the method for calculating the parking ratio using the gross leasable area and the criteria evaluated by Staff, with the exception of stand alone fast food restaurants. Limited discussion ensued with consideration for using the minimum parking requirement of 12 spaces/1,000 square feet of G. L. A. for new developments versus various restaurants in locations throughout Lincolnshire. **Chairperson Itkin** expressed her consideration for establishing a minimum parking ratio for stand alone fast food, fast casual, or table service restaurants. However, she noted a concern for restaurants within a PUD retail center and suggested consideration for flexibility in determining an appropriate parking ratio, as the potential mix of restaurants coupled with the retail and a minimum parking ratio could cause unintended consequences through less tax revenue or one less restaurant. Although **Director McNellis** noted his understanding for Chairperson Itkin's concerns with regard to the parking complications of a PUD, he explained the necessity in having a minimum parking requirement to provide a developer with a baseline. After further discussion ensued in an effort to strike a compromise for minimum parking requirements for both stand alone restaurants and those within a PUD, and given the limited time remaining of the meeting prior to a motion to extend same, **Director McNellis** inquired as to a consensus for an appropriate number for the minimum parking requirement to move forward with a recommendation. He also offered that the Zoning Board may consider this matter further. **Mr. Topping** noted his preference to accept Staff's recommendation of 12 spaces/1,000 square feet of G. L. A, whereas **Chairperson Itkin** noted her preference for a minimum parking ratio of 10 spaces/1,000 square feet of G. L. A. **Mr. Pratt** agreed with Chairperson Itkin and stated that the market will determine the number of restaurants regardless of the limitations of parking requirements.

Having made Findings of Fact , along with additional facts covered in a Public Hearing held on January 9, 2007 and February 13, 2007, Mr. Topping moved and

Mr. Brusso seconded a motion to recommend approval to the Village Board of a text amendment to Title 6-11-3, Off-Street Parking, and 6-2-2, Definitions, of the Lincolnshire Village Code, to amend the parking requirements and definitions for restaurant uses, bases upon their use type, based on the facts and as presented in Staff's memorandum dated February 9, 2007.

The motion failed to carry with a roll call vote as follows:

Ayes - Topping & Brusso; Nays - Itkin & Pratt

Director McNellis then requested either a motion to extend the Zoning Board meeting for further discussion on this matter, or determine by consensus to return to the next Zoning Board meeting for further discussion.

Mr. Topping moved and Chairperson Itkin seconded a motion to defer the Continued Public Hearing and consideration and discussion to the March Zoning Board meeting in order to further review the information provided by Staff.

The motion passed unanimously by voice vote.

Chairperson Itkin continued the Public Hearing and reconvened the Zoning Board meeting.

4.0 UNFINISHED BUSINESS (None)

5.0 NEW BUSINESS (None)

6.0 CITIZEN COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, **Mr. Topping** moved and **Mr. Pratt** seconded a motion to adjourn. The motion passed unanimously by voice vote and **Chairperson Itkin** adjourned the meeting at 10:33 p.m.

Respectfully submitted,

Linda S. Jones, Secretary