

APPROVED AS SUBMITTED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, April 10, 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, and Trustee Liaison McDonough

ABSENT: None

ALSO PRESENT: Steve McNellis, Director of Community Development, Stephen Robles, Planner, Jennifer Hughes, Village Engineer, and Adam Simon, Village Attorney

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.

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the Zoning Board Meeting held on Tuesday, March 13, 2007.

Mr. Pratt moved and **Mr. Rubinstein** 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 a variation to landbank 83 parking spaces, in conjunction with a proposed 100,280 sq. ft. building expansion to an existing office/warehouse building located at 505 Schelter Road (Kubota Engine America Corporation)

Chairperson Itkin recessed the Zoning Board meeting and opened the Public Hearing which was properly noticed in the March 22, 2007, issue of the *Lincolnshire Review*.

Stephen Robles, Planner, summarized Staff's memorandum dated April 6, 2007, and noted that Kubota Engine America Corp. is requesting a variation to landbank 83 parking stalls, as a result of a proposed 100,280 square foot building expansion to the existing office/warehouse building. The proposed addition would be used for additional office space and warehousing. Six new interior truck loading docks are proposed within the rear of the building, located immediately adjacent to the existing interior truck docks. Although Kubota is more than doubling their office and warehouse space, there are no immediate intentions of increasing the employee workforce. Therefore, the parking required by the addition would far exceed the parking needed. With the addition of 46 parking spaces, a total of 124 parking spaces would be provided. Staff believes the requirement of the Off-Street Parking Code would result in an excess number of parking stalls that would remain unused based on current needs of the Petitioner. Since the 83 additional parking spaces required

would not be used, this area would be better served as landscaping rather than increasing the amount of pavement and impervious surface coverage in the Village. The Petitioner has responded to the 9 Standards for a Variation and are included within the packet. Based upon Staff's review of the proposed site plan and Standards for a Variation, we are recommending approval of a variation to landbank 83 parking stalls. **Planner Robles** further noted that should a variation be granted, specific language will permit the Village to require construction of the parking spaces upon our determination of their necessity. Therefore, Staff's memorandum dated April 10, 2007, has been distributed to the members which includes the subject condition language and should be added to the motion accordingly.

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

- 3.2 Consideration and discussion of a request for a variation to landbank 83 parking spaces, in conjunction with a proposed 100,280 sq. ft. building expansion to an existing office/warehouse building located at 505 Schelter Road (Kubota Engine America Corporation)

Timothy Morgan, Architect with Timothy Morgan Associates, and on behalf of the Petitioner, was sworn in by Chairperson Itkin. **Mr. Morgan** requested that the Standards for a Variation be entered into and made part of the record, to which **Chairperson Itkin** responded affirmatively. **Mr. Brusso** expressed concern for the turn radius requirements and space required for a portion of the landbanked parking, and **Mr. Morgan** stated that sufficient turn-around space is available.

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

Chairperson Itkin noted that she has reviewed the Standards for a Variation and finds them addressed. She is also in concurrence with Staff's recommendation for approval.

Having made Findings of Fact, along with additional facts covered in a Public Hearing held on April 10, 2007, Mr. Rubinstein moved and Mr. Pratt seconded a motion to recommend approval to the Village Board of a variation to landbank 83 parking stalls, based on the facts and as presented in Staff's memorandum, dated April 6, 2007, and further subject to a stipulation in Staff's memorandum, dated April 10, 2007, that construction of these spaces will be required at the Village's sole discretion.

The motion passed unanimously by voice vote.

- 3.3 Consideration and discussion of a request to rezone a 7.27 acre parcel from R1 Single Family Residential to R-3 Single Family Residential, for the proposed 7-lot Forest View Subdivision, located at 13 Half Day Road (on the south side of Half Day Road, west of Oakwood Lane). (Antonio Fanizza Associates, Ltd.)

Steve McNellis, Director of Community Development, summarized Staff's memorandum dated April 6, 2007, and noted that, when this issue was last discussed in December, there were several issues in which the Petitioner was requested to further research and respond to in order to make a better informed decision on a recommendation. These issues were:

1. Discussions with IDOT regarding the possibility for full vehicular access on Rt. 22.
2. Provide a fence landscaping plan, with details including species, planting sizes, etc.
3. Detention pond safety and security.
4. Follow-up with ComEd regarding their utility plan for the site.

The Petitioner has provided the aforementioned information within their packets. Also, due to the delay in returning to the Zoning Board, Staff once again provided the same letter of notice to the surrounding residents. Secondly, **Director McNellis** noted the presence of Adam Simon, Village Attorney, and Jennifer Hughes, Village Engineer, who are available to assist in any deliberations in this matter.

John Pikarski, Jr., Attorney, for the Petitioner, Antonio Fanizza, introduced Kevin Lewis, Project Civil Engineer with IG Consulting, Inc., and Neil Koenig, with Koenig, Lindgren, O'Hara, Aboona, Inc. (KLOA), traffic consultants, and reiterated the four issues of concern which have been addressed and information provided to the Zoning Board.

Chairperson Itkin alluded to the responses from both the Village Engineer and Mr. Koenig and noted the various options in lieu of left turn movements to access the proposed site. She inquired if Mr. Koenig felt that there was still a possibility for Forest View Subdivision to get full vehicular access on Rt. 22. **Mr. Koenig** responded that a representative from his firm is going to IDOT later in the week to explore their policy which only allows full vehicular access to two or three lot sites while restricting sites with four or more lots to only right-in/right-out access. He stated that, in all the years of working with IDOT, he had never heard of this policy before, and questions if this policy is restricted to Rt. 22 only. He noted his preference to have the opportunity to pursue further; however, he does not want to hold back approval of the subdivision and proceed with the development. In Mr. Koenig's professional opinion, **Chairperson Itkin** asked him what maneuver would people most likely take to access the site going westbound, to which he responded that they will most likely make a left turn into the subdivision. He also noted that Oakwood Drive is a right-in/right-out and similar traffic movements occur for access to same. **Chairperson Itkin** reiterated her concerns that Forest View is a small subdivision and it makes sense to have full vehicular access, and the access issue is a huge concern. **Mr. Koenig** referenced his traffic study and noted that the numbers show approximately 15 cars in a 24-hour period making a left turn into the proposed subdivision, which would have a negligible effect on an existing street like Oakwood Drive, for example. He assured that they would do their best to get IDOT to give a positive response for full access, however, he noted that the Village would have a better chance of getting IDOT to consider same. **Village Engineer Hughes** noted that she has not been asked to push one way or

another with this issue, as she has simply been gathering information and obtaining IDOT's policy in this regard. She pointed out that IDOT's policy was communicated to her by two different people at IDOT and it was apparent they were not going to vary on this matter. Further, **Ms. Hughes** explained why some of the existing intersections in Lincolnshire have been configured with regard to their access, which relates to available median space and right-of-way. She also indicated that the condition exists wherein vehicles are allowed to make a left turn into their driveway from Rt. 22. **Ms. Hughes** expressed concern for the extent in which the Village can push this issue and the fact that IDOT is not inclined to go further in varying their policy. Therefore, it becomes a policy issue and it becomes the Village Boards' decision to push for this policy. **Chairperson Itkin** maintains her belief that the right-in/right-out access is a safety issue, in spite of the traffic study results.

Mr. Brusso noted that the most dangerous condition would be allowing a left turn into the proposed subdivision. He suggested that a left turn out of the development with limited hours may be an acceptable alternative as a compromise, as a left turn into the site would definitely be a safety issue. **Chairperson Itkin** concurred with Mr. Brusso.

Mr. Pikarski suggested that the subdivision process should continue while negotiations are taking place with IDOT and the combined forces of the Village of Lincolnshire and KLOA can have a significant impact upon the decision makers at IDOT.

Director McNellis pointed out that the Zoning Board should consider whether the five Standards for Re-Zoning, as referenced in the memorandum from the Village Attorney, have been met. **Chairperson Itkin** read the Standards and agreed with 4 out of 5. It was her belief that the vehicular access to the site would not be an issue if the zoning classification were to remain R1. **Mr. Pikarski** respectfully disagreed, as the zoning classification has nothing to do with the traffic issue. He explained that the size of the lots are dictated by the Comprehensive Plan and the legislative intent of the community, as the underlying zoning of the adjacent properties was not dictated by the traffic patterns. He stated that the five Standards have been met as presented. Based on the assumption that the principal issue is limited only to traffic and access, **Village Attorney Simon** noted that traffic and access are not expressly described in the five Standards; however, they are drawn from case law which has evolved over the past 50 years or so. Therefore, in assessing the criteria, the Zoning Board should consider whether or not the relative gain to the Village, forcing the developer to have only a three-lot subdivision with R1 zoning and mitigating the traffic impacts that would result from same, necessarily offsets the hardship imposed upon the individual property owner, who must sacrifice those four extra lots. **Attorney Simon** pointed out that consideration should also be given to the evidence heard during the Public Hearing and further supplemented with regard to the traffic studies in balancing the benefit to the public and the burden to the property owner.

From the information presented and discussion, **Mr. Rubinstein** noted that too much emphasis has been put on the amount of traffic and on the density, and based upon the small amount of traffic, a left turn into the subdivision would not be a traffic hazard, as

motorists will do as they please, irregardless of the hazard or law. He believes the traffic issues should not keep the development from progressing and is in favor of recommending a re-zoning to R3. Further, **Mr. Rubinstein** suggested the recommendation should be subject to full access and IDOT's approval to the subdivision. **Mr. Pikarski** stated that the Petitioner would not be at all interested in accepting such a recommendation. However, a right-in/right-out, as presented, would be acceptable if they would be allowed to petition and lobby IDOT for the full access. **Village Attorney Simon** reminded the Zoning Board that Trustee Liaison McDonough will be able to relay the concerns expressed at length to the Village Board at the time this recommendation is presented for discussion. **Mr. Pikarski** reiterated that the Standards have been met and requested a vote from the Zoning Board. **Village Attorney Simon** restated the scenario of a three-lot subdivision with full vehicular access and the traffic generated from same versus a seven-lot subdivision with right-in/right-out access and incrementally the benefit to the Village as compared to the burden to the property owner restricted to a three-lot subdivision.

Chairperson Itkin indicated her understanding and requested input from the other members. **Mr. Pratt** noted his willingness to accept the motion as presented, to which **Mr. Rubinstein** and **Mr. Brusso** concurred. **Mr. Brusso** added that a compromise of a left turn out of the subdivision should be considered.

Having made Findings of Facts, date stamp received November 6, 2006, Mr. Pratt moved and Mr. Rubinstein seconded a motion to approve and recommend approval to the Village Board of the rezoning of a 7.27 acre parcel located on the south side of Rt.22, approximately 811' east of Oxford Drive from R1 - Single-Family Residence District to R3 - Single Family Residence District to permit a seven-lot single-family residential subdivision, in general conformity with the Preliminary Site Engineering Improvement Plans, prepared by IG Consulting, Inc., date stamp received March 6, 2007.

With a roll call vote, the motion carried as follows:

	<i>3 - Ayes (Rubinstein, Pratt, Brusso)</i>
	<i>1 - Nay (Chairperson Itkin)</i>

- 3.4 Consideration and discussion of a variation to Sections 6-15-2(A)(3) and 6-15-5(A)(4)(b) of the Lincolnshire Zoning Code, to permit a solid fence, rather than the permitted maximum 60% opaque fence, and to further permit that fence, located along parts of the west property line, to be greater than the permitted 4' maximum height, for the 7.27 acre parcel on the south side of Rt. 22, approximately 811 feet east of Oxford Drive, known as the proposed Forest View Subdivision (Antonio Fanizza Associates, Ltd.)

Steve McNellis, Director of Community Development, noted Staff's recommendation for the following five stipulations should the Zoning Board recommend approval of the Variation for fence height and opacity along with the inclusion of two additional stipulations which were not listed in Staff's memorandum dated April 10, 2007, and have been included below:

1. The fence material be required to be Cedar (as noted by the Project Engineer)
2. The fence have no greater than 25% of it's overall height in the top rail, lattice and cap.
3. The fence should have the same "finished" design on both sides (as noted by the Project Engineer).
4. The overall height should be increased to 7'.
5. Essex Lane residents who do not wish to have the approved landscaping along the fence behind their individual property line, will have the option of having no landscaping screening the fence.
6. Inclusion of upright yews at a size and spacing to be determined by the Village Forester.
7. Ornamental trees be a minimum 3" in diameter and shrubs 48" in height, at the time of planting.

Mr. Pikarski stated that the Petitioner is in total agreement with the aforementioned stipulations.

Chairperson Itkin noted that she has no issues with the Fence Variation as presented.

Having made Findings of Facts, date stamp received December 7, 2006, Mr. Rubinstein moved and Mr. Pratt seconded a motion to approve and recommend approval to the Village Board of a variation to permit a solid fence, rather than the permitted maximum 60% opaque fence, and to further permit that fence, located along parts of the west property line, to be greater than the permitted 4' maximum height, in general conformity with the fence Landscaping Plan and detail prepared by IG Consulting, Inc., date stamp received March 6, 2007, subject to the recommendations in a Staff memo, dated April 6, 2007, and further subject to the following:

1. *Inclusion of upright yews at a size and spacing to be determined by the Village Forester.*
2. *Ornamental trees be a minimum 3" in diameter and shrubs 48" in height, at the time of planting.*

The motion passed unanimously by voice vote.

- 3.5 Consideration and discussion of a Preliminary Plat of Subdivision and Preliminary Engineering Improvement Plans for the Forest View Subdivision. (Antonio Fanizza Associates, Ltd.)

Steve McNellis, Director of Community Development, noted that this is a technical review and the technical standards of preliminary engineering have been met; however, Staff would recommend approval of the Preliminary Plat and Preliminary Engineering with the following conditions:

1. The IDOT Signature Block shall be added to the Plat.
2. The location of water, storm and sanitary sewers be located in substantial

accordance with the plan (to preserve trees), and the requirements of Title 7 Ch.6 with respect to such locations be waived.

3. The Plan Commission Certificate shall be retitled "Zoning Board Certificate".
4. The Conservancy Area Easement language be replaced with approved language from the Village.

There were no issues with the request and conditions as presented.

Mr. Pratt moved and Mr. Rubinstein seconded a motion to approve and recommend approval to the Village Board of the Preliminary Plat of Subdivision, prepared by IG Consulting, Inc., date stamp received March 6, 2007 and Preliminary Engineering Improvement Plans, prepared by IG Consulting, Inc., date stamp received March 6, 2007 for the proposed seven-lot Forest View single-family residential subdivision on the south side of Rt.22, approximately 811' east of Oxford Drive, subject to the recommendations in a Staff memo, dated April 6, 2007.

The motion passed unanimously by voice vote.

4.0 UNFINISHED BUSINESS (None)

5.0 NEW BUSINESS

Director McNellis noted that he spoke with Marv Salzenstein last week and he is progressing in his recovery from his accident; however, he and his wife have decided to make Florida their permanent residence and he offered his resignation from the Zoning Board. Also, Norm Topping has resigned effective immediately from the Zoning Board. Both gentlemen were original members to the Zoning Board and their insight and knowledge will be missed.

6.0 CITIZEN COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, **Mr. Brusso** moved and **Mr. Pratt** seconded a motion to adjourn. The motion passed unanimously by voice vote and **Chairperson Itkin** adjourned the meeting at 8:50 p.m.

Respectfully submitted,

Linda S. Jones, Secretary