

Zoning Board of Appeals Meeting of January 8, 2025**Application No. ZBA 2024-017**

Applicant: Rogue Event Rentals LLC

Location: 13000 and 13019 N 2nd Street (Parcel #s 04-21-151-004 and 04-21-151-005)

Requested Action: Planned Development Approval

Existing Use: Professional Office; Vacant

Proposed Use: Professional Office; Light Industrial

Existing Zoning: IL (Industrial – Light)

Adjacent Zoning:

North: CH (contiguous)

East: IG (contiguous)

South: IH (contiguous)

West: UT (Across Highway 251)

Background: The applicant is seeking approval for a Planned Development at the properties at 13000 and 13019 N 2nd Street. These parcels were recently annexed into the Village and given the zoning designation of Industrial-Light (IL) to facilitate the development and use of an inflatable rental business. The applicant would like to construct a storage building for inflatables. There is an existing office building on-site that will be used by the applicant as well. These two parcels are intended to be combined in the near future, which would require a Planned Development to allow multiple principal buildings on the same lot. At the same time, a Planned Development would be required to allow the proposed storage building's close proximity to the existing lot line that runs through the middle of the parcels. In short, whether the parcels are combined or not, a Planned Development is necessary for this project to move forward.

Submittal: The site plan submitted by the applicant shows several improvements to the property, including the following:

1. A new 19,200 sq. ft. HMA pavement area.
2. A new 11,520 sq. ft. warehouse and storage area.
3. Additional landscaping provided on the front façade of the new building.

The site plan indicates the existing improvements on the property as well as the existing office building, parking lot, accessory garage building, and billboard present on the property.

Zoning Analysis: The following table details the requirements for buildings and structures in the Industrial-Light (IL) district:

	District Standard (IL)	Proposed Building
Lot Coverage	60% Maximum (76,432 sq. ft.)	11,520 sq. ft. (9%)
Front Setback	100 foot minimum (1/2 of ROW)	201 feet
Side Setback	10% of lot width (32.74 ft required)	0 feet on south side; 58.1 feet on north side
Rear Setback	30 foot minimum	100+ feet
Height	100 foot maximum	NOT PROVIDED BY APPLICANT

The applicant has not provided elevations for the proposed building and it will need to go through Design Review anyway. That being said, the Zoning Board of Appeals should not allow a flexibility to the height maximum in the Industrial-Light zoning district. However, the setback flexibility should be allowed given the proximity of the warehouse/storage building to the office building and the intended combination of the parcel.

Land Use Analysis: Having multiple principal buildings on the same lot is not allowed according to Section 15-513 *General requirements*. However, the Section goes on to state that Planned Developments can offer flexibility on this requirement. Granting the property a flexibility for two principal buildings, as shown in the site plan provided to staff is consistent with the spirit and intent of the zoning district, the land use, and general development attitude in the Village.

Regarding the actual use of the building, storage of material and equipment is permitted within the Industrial-Light zoning district. ‘Machinery sales and rentals’ is also listed as a permitted use in the zoning district, which would allow the existing office building to continue operating.

Landscaping Plan: The applicant has submitted a landscaping plan in addition to the site plan. The plantings listed on the landscaping plan indicate that new plantings shall only be installed on the west/street-facing façade of the proposed warehouse/storage building. This site plan includes:

- 5 Summerwine Ninebark
- 10 East Friesland Blue Salvia
- 6 Goldmound Spirea
- 2 Autumn Blake Maple

The site is heavily wooded on both the north and southern lot lines, which will provide adequate screening from public and neighborly view. Article XI of the Zoning Code governs landscaping

regulations. Required landscaped areas include: building foundation, parking lot perimeter, parking lot interior, and transition zone areas.

Building foundation plantings require foundation plantings for at least 80% of the entire building's façade length (excluding walkways). The applicant's provided site plan shows plantings along the entire length of only one of the building's façades. The applicant has indicated that they would like to request a flexibility from this requirement in the code, with the justification that the building would be heavily secluded and not often seen from public view. Staff agrees with this interpretation and recommends approval of the flexibility request.

The parking lot perimeter landscape area requires additional plantings between parking spaces, walkways, and terrace areas. The applicant's site plan does not indicate that the expanded parking lot will receive any new plantings. The Zoning Code indicates that these landscaping requirements apply only to the creation of new surface parking lots or new sections of expanded parking lots. The applicant is also requesting a flexibility from this portion of the code as well, with the justification that these parking spaces will be setback significantly far from the public road and screened by existing landscaping for the existing parking lot area onsite. Staff agrees with this interpretation and recommends approval of the flexibility request.

Parking lot interior landscaping regulations only apply if the resulting parking lot would contain 15 or more parking stalls. The applicant's site plan shows an additional 5 parking spaces. These requirements do not apply.

Transition area landscaping is required between newly constructed buildings and neighboring properties. The intent of these areas is to provide varying levels of screening dependent on the adjacent uses. Neighboring industrial uses, such as these, require notably less screening than other pairs. The area between the proposed warehouse/storage building and the tree service use to the north is densely vegetated and provides more than adequate screening. As a condition of approval, the applicant must submit a landscape plan showing a basic inventory of the vegetated area to the north to ensure that this area will remain heavily screened in the future.

Off-Street Parking Requirements: The off-street parking requirements for this 'warehouses, wholesale establishments, storage, and distribution centers' is:

- 1 space per 2,000 square feet, AND;
- 1 space per employee.

The applicant has indicated that there will be 5 new parking spaces in the extension of the paved area. The applicant indicated that staff would be on-site in the existing office building and not the storage building. Therefore, this development will require at least 6 parking spaces. The applicant

indicated to staff that painting additional space(s) would not be an issue. As a condition of approval, the Design Review of the proposed storage building will need to indicate at least 6 parking spaces in addition to 1 parking space per employee on-site at the storage building in the future.

Table of Requested Flexibilities:

	Code Standard	Proposed	Staff Recommend?
Multiple Principal Buildings on a Single Lot	Not allowed except for PD zones.	One office building and one storage/warehouse.	Staff recommends approval of this flexibility.
Setback to Southern Lot Line	32.74 feet required.	0 feet to the lot line given for new warehouse building.	Staff recommends approval of this flexibility.
Building Foundation Landscaping	80% of entire building façade covered.	One façade facing the public street entirely covered.	Staff recommends approval of this flexibility.
Parking Lot Perimeter Landscaping	New areas must comply with Section 15-658.	No parking lot perimeter landscaping indicated.	Staff recommends approval of this flexibility.

Staff Recommendation: Staff recommends **approval** of the Planned Development, subject to the following conditions:

1. The two lots must be combined no later than March of 2025.
2. The proposed warehouse must receive Design Review approval prior to the issuance of any zoning or building permits.
 - a. Revision of the provided landscaping plan to provide a basic inventory of the vegetation on the north lot line of 13000 N 2nd Street to ensure continuance of thick tree cover.
 - b. Detailed building schematics and elevations will be required for the Design Review process.
 - c. A sixth parking space will be required on the Design Review approval.