

APPROVED AS SUBMITTED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, July 8, 2008, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL

PRESENT: Chairman Manion, Members Rubinstein, Pratt, and Soifer and Alternate Kalina

ABSENT: Trustee Liaison McDonough

ALSO PRESENT: Tonya Zozulya, Planner

CALL TO ORDER: **Chairman Manion** called the meeting to order at 7:02 p.m.

1.0 ROLL CALL

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

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the Regular Zoning Board Meeting held on Tuesday, June 10, 2008.

Mr. Rubinstein 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 proposed text amendments to Section 6-6A-4, Special Uses (in the B1 Retail Business District) of the Village of Lincolnshire's Zoning Regulations, for the purpose of considering the addition of a "dance studio" to the list of identified Special Uses in the B1 Retail Business District (North Shore Dancing Inc./Arthur Murray Franchised Dance Studio).

3.2 Consideration and discussion regarding proposed text amendments to Section 6-6A-4, Special Uses (in the B1 Retail Business District) of the Village of Lincolnshire's Zoning Regulations, for the purpose of considering the addition of a "dance studio" to the list of identified Special Uses in the B1 Retail Business District (North Shore Dancing Inc./Arthur Murray Franchised Dance Studio).

3.3 **Public Hearing** regarding a request for a Special Use Permit to permit the establishment and operation of the Arthur Murray Franchised Dance Studio in the Spectrum Office Centre located at 175 Olde Half Day Road within the B1 Retail Business District (North Shore Dancing Inc./Arthur Murray Franchised Dance Studio).

3.4 Consideration and discussion regarding a request for a Special Use Permit to permit the establishment and operation of the Arthur Murray Franchised Dance Studio in the Spectrum Office Centre located at 175 Olde Half Day Road within the B1 Retail Business District (North Shore Dancing Inc./Arthur Murray Franchised Dance Studio)

Tonya Zozulya, Planner, summarized Staff's memorandum dated July 3, 2008, and

noted that the sign variation request, which was included in the legal notice, will be reviewed by the Architectural Review Board, as sign requests fall within their purview. **Planner Zozulya** explained that the Arthur Murray Dance Studio, a prospective tenant of the Spectrum Office Centre, is requesting code text amendments to add dance studios to the list of identified Special Uses in the B-1 Zoning District, where the Spectrum property is located and dance studios are currently not permitted. The Petitioner's second request pertains to a Special Use Permit to allow the establishment and operation of a dance studio in the Spectrum Building. It was indicated that the Petitioner would hold classes on weekdays and Saturdays, with the busiest weekday hours falling outside other Spectrum tenants' peak hours. The site has approximately 120 parking spaces and there will be no changes to the exterior with this Special Use. The Petitioner also indicated that they would hold two types of special events on Saturdays and Sundays. The dance studio anticipates having 4-8 instructors and 20-27 students during the studio's peak hours after 7:30 p.m. on weekday evenings. This would require 28-35 parking spaces based on the assumption that everyone drives separately. As part of this request, Staff is proposing to amend the Village's Off-Street Parking Regulations in order to establish minimum parking standards for dance studios: 1 space per each instructor plus 1 space per 2 students. These standards could be adjusted based on each specific dance studio's locational and operational characteristics. At this time, Staff is not proposing amending the minimal lot requirements or developing a new definition for dance studios. Further, **Planner Zozulya** noted that a legal notice of this Public Hearing to consider the variation requests was published in the June 19, 2008, edition of the *Lincolnshire Review* and the required certified mailings to adjacent property owners within a 250' radius of the subject site were also provided. The Petitioner has submitted responses to the required Special Use Standards, regarding their Special Use Permit request. Therefore, Staff is recommending approval of these requests with five specific conditions listed in Staff's memorandum dated July 3, 2008.

Chairman Manion recessed the Zoning Board meeting and opened the Public Hearings for Agenda Items 3.1 and 3.3.

Steve Schwartz, Baum Realty Group, 1030 W. Chicago Ave., Chicago, IL, was sworn in by Chairman Manion, and on behalf of his client, Arthur Murray Dance Studio. He noted that, based on their research, his client chose the Lincolnshire location as a target market for reasons of density, demographics, as well as a need and desire for this type of service. Also, he stated that there are over 200 Arthur Murray Dance Studio locations world-wide, and indicated that he would be happy to respond to any questions or concerns the Zoning Board may have.

Chairman Manion eluded to Staff's memorandum dated July 3, 2008, with regard to the parking requirements and inquired if same was acceptable to the Petitioner. **Mr. Schwartz** responded that the parking provided by the Spectrum Building is more than sufficient, given the business hours of the studio are opposite of the office building tenants' daily hours. **Chairman Manion** also expressed concern for Staff's recommended limitation of three special events per year. **Planner Zozulya** responded that the Petitioner had originally requested a total of 6-7 special events, some of which would involve serving alcoholic beverages. Based on a conversation with Chief Melvin,

with the Lincolnshire Police Department, and the liquor licensing requirements, a compromise of a total of three special events was suggested in order to avoid monitoring the special events to distinguish between a “liquor” or “non-liquor” event.

Rod Vetter, with Beth Corp., 175 Olde Half Day Rd., Lincolnshire, was sworn in by Chairman Manion, and stated that he is the landlord and one of the owners of Spectrum, LLC. He expressed his concern for the limitation of three alcoholic events and any restrictions which could hinder the Petitioner from a successful business. Albeit the Petitioner wants to hold more events during the year, **Mr. Vetter** suggested that three of those events could be limited to serving alcoholic beverages.

Alternate Kalina asked for a description of the “special events”. **Mr. Schwartz** stated that the Petitioner typically has two different types of events scheduled 4-7 times per year. He explained that “Spotlight Balls” are one type of special events which are held to showcase the dancing abilities of the students and provide them advancement to the next level of dance. These events do not necessarily have to serve alcohol; however, if it were served, it would be wine and/or champagne provided to the students (without charge) to share as a social gathering, thus making it more enjoyable. The second type of event is known as “Guest Parties”, which showcases the students’ dancing abilities and provides them the opportunity to invite their family and friends for viewing pleasure and socializing. At the same time, it brings people into the studio and becomes a catalyst for the dance studio to grow its clientele base. **Mr. Schwartz** stressed that having more than three events per year is important; however, having all the events which include alcohol is not necessarily the issue. **Alternate Kalina** inquired as to the average age of the client, to which **Mr. Schwartz** noted that in the suburbs their clientele tends to be empty nesters and couples looking for a social activity, while in the city, the clientele is usually younger couples learning to dance for their upcoming wedding.

In consideration of the residents of the Village Green condominium building directly to the east of the Spectrum Building, **Mr. Rubinstein** expressed concern for the intent of the landlord with regard to soundproofing the studio. **Cheryl Julcher**, Property Manager, for Beth Corp., 175 Olde Half Day Rd., Lincolnshire, was sworn in by Chairman Manion, and stated that their intent is to soundproof the studio in order to avoid the emission of any music and/or sound from within. **Planner Zozulya** pointed out Staff’s recommendation that requires appropriate soundproofing measures to be in place prior to occupancy of the dance studio. **Mr. Rubinstein** has no objection to the dance studio as long as there soundproofing has been addressed, to which **Mr. Vetter** stated they will make sure that there will be no noise whatsoever from the premises.

Chairman Manion asked the Petitioner the number of yearly special events his client requests in order to be a successful business, to which **Mr. Schwartz** stated that a total of 4-7 parties per year would be sufficient. Due to the client’s intent to only serve alcohol and not sell alcohol, **Chairman Manion** requested clarification as to the relationship between the number of special events and the liquor license distinction of same. **Planner Zozulya** noted that, based on her understanding of the Village’s liquor license requirements, their license category would be non-restaurant and designated as a “not serving alcohol” venue. Therefore, the liquor license would be an overall

approval for the total listed number of events for the specific space and renewed on a yearly basis. **Chairman Manion** offered a total number of seven special events for the first year, dependent upon any issues. **Mr. Rubinstein** suggested permitting seven special events wherein no more than 2 or 3 of those special events would be allowed to have alcoholic beverages. Given the environment of the dance studio and the limited alcoholic beverages served, **Alternate Kalina, Mr. Pratt, and Mr. Soifer** were all satisfied with allowing seven special events, inclusive of serving alcoholic beverages, to which **Chairman Manion** and **Mr. Rubinstein** concurred. **Planner Zozulya** suggested the inclusion of a reference that the determination of increasing the allowance of special events with alcoholic beverages be in accordance with the Village of Lincolnshire liquor license requirements.

There being no further public comment, **Chairman Manion** closed the Public Hearings and reconvened the Zoning Board meeting.

- 3.1 *Having made findings based on facts covered in a Public Hearing held on July 8, 2008, Mr. Rubinstein moved and Mr. Soifer seconded a motion to recommend approval to the Village Board of a text amendment to Section 6-6A-4, Special Uses, and Section 6-11-3, Off-Street Parking, of the Lincolnshire Village Code, to add dance studios to the list of identified Special Uses in the B1 Retail Business Zoning District and to establish minimum off-street parking requirements for dance studios, based on the facts and subject to Staff's recommendations, as presented in Staff's memorandum dated July 3, 2008.*

*With a roll call vote, the motion carried as follows: 5 Ayes
(Chairman Manion, Mr. Rubinstein, Mr. Pratt, Mr. Soifer, Alternate Kalina)*

- 3.3 *Having made findings based on facts covered in a Public Hearing held on July 8, 2008, Alternate Kalina moved and Mr. Soifer seconded a motion to recommend approval to the Village Board of a Special Use Permit to permit the establishment and operation of the Arthur Murray Franchised Dance Studio in the Spectrum Office Centre located at 175 Olde Half Day Road within the B1 Retail Business Zoning District, based on the facts, the Petitioner's presentation packet, date stamp received July 1, 2008, and subject to Staff's recommendations, as presented in Staff's memorandum dated July 3, 2008, excluding Staff's recommendation to limit the number of total special events to three, and further subject to an allowance for up to seven special events in which alcoholic beverages will be served, as long as they are in accordance with Village of Lincolnshire liquor license requirements.*

*With a roll call vote, the motion carried as follows: 5 Ayes
(Chairman Manion, Mr. Rubinstein, Mr. Pratt, Mr. Soifer, & Alternate Kalina)*

- 3.5 **Public Hearing** regarding proposed text amendments to Chapter 3, General Zoning Regulations; Chapter 2, Zoning Definitions; and Section 6-8-4-7, Glare, of Chapter 8, Office/Industrial District, all of Title 6, Zoning, of the Lincolnshire Village Code, in order to address outdoor lighting in all non-residential zoning districts and by all non-residential users in all residential zoning districts in the Village of Lincolnshire (Village

of Lincolnshire).

- 3.6 Consideration and discussion regarding proposed text amendments to Chapter 3, General Zoning Regulations; Chapter 2, Zoning Definitions; and Section 6-8-4-7, Glare, of Chapter 8, Office/Industrial District, all of Title 6, Zoning, of the Lincolnshire Village Code, in order to address outdoor lighting in all non-residential zoning districts and by all non-residential users in all residential zoning districts in the Village of Lincolnshire (Village of Lincolnshire)

Chairman Manion recessed the Zoning Board meeting and opened the Public Hearing.

Tonya Zozulya, Planner, summarized Staff's memorandum dated July 3, 2008, and noted that this is a Village initiated text amendment designed to address exterior lighting and prevent glare by all properties in all non-residential zoning districts and by all non-residential users in all residential zoning districts in the Village. Following Staff's survey of northwest suburban communities, this matter was discussed by the May 27, 2008, Village Board meeting and the Board expressed an interest in establishing standards for outdoor lighting in the Village. Currently, the "glare" standards are contained in the Office/Industrial Zoning District and do not apply anywhere else within the Code. The intent of these amendments is to codify these standards so that they apply to all commercial and industrial properties within non-residential zoning districts and non-residential users in residential zoning districts (such as churches, sports facilities/clubs and other non-profit agencies) to ensure that they do not adversely affect the residential community. **Planner Zozulya** explained that, in consultation with the Village Attorney, Staff is proposing to limit the lighting intensity to 0.5 footcandles, as measured at a height of 60" above grade in a plane at any angle of inclination; limit the maximum luminaire height to 25' (with the exception of government-owned lights in the public right-of-way); add new code definitions for "footcandle", "glare", "luminaire", and to remove the glare requirement from the Office/Industrial section of the Code since it would now be placed in the General Zoning Regulations Section of the Code.

Chairman Manion inquired if all the Village parks are in compliance with this new requirement, specifically North Park with its high light intensity. **Planner Zozulya** responded that, while this requirement is being put in place, and in certain cases, the Village has implemented the majority of these requirements, certain exceptions may exist; however, most non-conforming uses would be grandfathered.

Mr. Soifer questioned if there were any complaints which generated this change in the outdoor lighting standards. **Planner Zozulya** noted that the Village Board had received complaints from residents in the residential zoning district from excessive lighting from neighbor's property cast onto their property. The Village Board directed Staff to investigate further and prepare a survey from the communities represented through the Northwest Municipal Conference to determine the regulations established with regard to lighting intensity and review requirements for residential zoning districts. Once the survey was completed, the results analyzed, and presented to the Village Board, it was determined that the initial residential complaints would be best resolved between neighbors. However, the Village Board expressed a desire to update the Village Code

with regard to outdoor lighting in non-residential zoning districts and non-residential users in residential zoning districts.

Since there were no public present for comment, **Chairman Manion** closed the Public Hearing and reconvened the Zoning Board meeting. **Alternate Kalina** stated that he is against glare, and there was a consensus from the Zoning Board to move forward with the following motion:

Having made Findings of Fact, Mr. Pratt moved and Alternate Kalina seconded a motion to recommend approval of proposed Text Amendments to Chapter 3, General Zoning Regulations; Chapter 2, Zoning Definitions; and Section 6-8-4-7, Glare, of Chapter 8, Office/Industrial District, all of Title 6, Zoning, of the Lincolnshire Village Code, in order to address outdoor lighting in all non-residential zoning districts and by all non-residential users in all residential zoning districts in the Village of Lincolnshire, based on the facts presented in Draft Code Text Amendments, prepared by Staff on July 3, 2008, in a Staff memorandum dated July 3, 2008.

*With a roll call vote, the motion carried as follows: 5 Ayes
(Chairman Manion, Mr. Rubinstein, Mr. Pratt, Mr. Soifer, & Alternate Kalina)*

4.0 UNFINISHED BUSINESS (None)

5.0 NEW BUSINESS (None)

6.0 CITIZEN COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, **Mr. Rubinstein** moved and **Mr. Pratt** seconded a motion to adjourn, **Chairman Manion** adjourned the meeting at 7:46 p.m.

Respectfully submitted,

Linda S. Jones, Secretary