

APPROVED AS SUBMITTED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, January 13, 2009, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL

PRESENT: Chairman Manion, Members Rubinstein, Pratt, 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, December 9, 2008.

Mr. Rubinstein moved and **Alternate Kalina** 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 Special Use Permit request, to permit the establishment and operation of a children's daycare center at 100 Village Green Drive, within the Village Green of Lincolnshire Retail Center, in the R5 Mixed Use General Residence Zoning District (Bright Stars Kids University, Inc.)

Tonya Zozulya, Planner summarized Staff's memorandum dated January 9, 2009, and noted that the Petitioner is a prospective tenant of the existing multi-tenant Village Green of Lincolnshire Retail Center, and interested in leasing 3,240 square feet of first-floor space in the existing two-story 100 Village Green building, in order to operate a licensed daycare/learning center for children ages 2-5. The proposed hours of operation for full-time programs are from 7 a.m. to 6 p.m. Monday through Friday, with an anticipated enrollment of 15-50 children and 3-8 Staff members. In addition, they are proposing to use an existing 1,700 square foot unimproved area to the northwest of the 100 Village Green building, along the property line with the Vernon Township Cemetery, for their children's playground area. As proposed, the Petitioner will also install a new 4-foot tall ornamental fence along the south, east and west side of the playground area, with a lockable gate, while maintaining the existing bushes to provide an additional level of safety for their children. All children will be supervised by daycare Staff, who will escort children from/to the building, and will remain at the playground for the duration of each playtime. The northern building entrance, facing the Cemetery, will be used as their route of ingress and egress. The daycare center would require 20-25 parking spaces for their Staff and children's parents. However, it is important to note that all but approximately 8 of those spaces will be used on a short-term basis for drop off/pick up. Given that the proposed daycare center would occupy

an existing first-floor space (which was originally “parked” for a retail user), while being required to provide 65% less parking than a general retail user, Staff believes that the Center’s existing parking ratios would not be negatively impacted by the proposed daycare center. The Petitioner has developed drop off/pick up procedures for children’s parents to ensure that the parking areas are utilized in the most effective and orderly manner.

Planner Zozulya noted that, in Staff’s view, the proposed daycare center would be an appropriate use within this mixed-use development, in the R5 Mixed Use General Residence District. She also pointed out that, since daycare centers in Illinois are regulated by the Department of Children and Family Services (DCFS), Bright Stars Kids will be required to obtain all applicable approvals from that agency and other appropriate agencies, and the Village will not permit occupancy by this user, without those approvals and state permits. Further, the Petitioner contacted Vernon Township regarding their proposal, and the Township does not appear to oppose the placement of the playground area in terms of service disruption. However, they do have concerns with regard to potential liability related to daycare children injuring themselves on the existing fence, and the Township requested that an additional fence along the north side of the playground area, parallel to an existing fence, be built by the Petitioner. In Staff’s opinion, a double fence would have an aesthetically displeasing appearance, in addition to decreasing the amount of land available for children’s activities, and causing maintenance issues for the area between the two fences. Based on Staff’s research, the existing spacing meets the International Building Code’s maximum allowable spacing to prevent a baby from passing their head or body through the fence (please note that there are no gaps at the bottom of the fence, as balusters touch the ground). Additionally, as previously stated, all children will be monitored by DCFS-required number of adult supervisors while the playground is in use.

In accordance with the Village Code requirements, this Public Hearing notice was published in the December 25, 2008, issue 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 request to permit the establishment and operation of a children’s daycare center, and these responses have been entered into and made of the public record. **Planner Zozulya** noted that the Zoning Board must find all standards have been met in order to recommend approval for this request. Further, Staff is recommending approval of this request with the seven specific conditions listed in the January 9, 2009, Staff memorandum within the presentation packet.

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

Barry Rosenbloom, Attorney, with Ottenheimer, Teplinsky Rosenbloom LLC., 750 Lake Cook Road, Suite 140, Buffalo Grove, IL, and representing the Petitioner, Bright Stars Kids University, Inc., was sworn in by Chairman Manion. He noted that the proposed project will be a very high-end daycare and educational center, as well as improving the area adjacent to the rear of the property. They have been working with

Staff and DCFS to meet the necessary criteria to operate such a business with a fenced and gated playground area. When the children are taken outdoors to the playground area, there will be at least three staff members present leading and guiding the children with the use of a 10-ring holder rope, and a LED rim lighted “stop sign” for traffic control. **Mr. Rosenbloom** stated that, in the discussions with Vernon Township with regard to enclosing the playground area and the fence along the Cemetery which separates the properties, the Petitioner would be in agreement to a waiver of liability to resolve the issue of a possible double fence. In terms of the parking, it will be carefully regulated by DCFS with special guidelines for both pickup and drop off of children, and the parents will be given strict parking guidelines for same. The children must be accompanied by an adult to and from their means of transportation. He also noted that it is very likely that the initial number of students will be less than 50, and with a smaller number, it would be more manageable. Further, he pointed out that the enclosed playground area will have locking gates and be carefully monitored by their staff. The Special Use request for this type of daycare/learning center will be a benefit to the Village in a stable and safe environment.

Both **Chairman Manion** and **Mr. Soifer** requested clarification with regard to any potential liability and/or the need for a means of surveillance within the playground area and the walking route to same. **Mr. Rosenbloom** explained that no more than 10 children at any given time will be using the playground area, and an adult will be at each end of the line of children, along with a third adult monitoring traffic. **Planner Zozulya** added that Staff has recommended at least one of the adults have a cell phone in their possession as a means of communication should an emergency arise. **Mr. Rosenbloom** added that the center will operated in strict accordance with DCFS guidelines and regulations, and all necessary agency approvals and state licenses will be obtained prior to occupancy.

Chairman Manion inquired if the space is properly insulated to dampen any noise from the daycare center. **Matt Baumann**, representative for the ownership of the Village Green of Lincolnshire Retail Center, Lincolnshire Center, LLC., 555 W. Jackson Blvd., Chicago, IL, was sworn in by Chairman Manion. He noted that, at the time of construction, consideration was given to the mixed use of retail and offices, and to date, there have been no complaints with regard to any impact of noise from the first floor retail to the second floor office spaces, as there is 6 inches of concrete between the floors. He also added that currently the only adjacent retail space to the west of the proposed space is vacant, and they will make sure there will be no bleed of sound to that space should it become occupied. There is a public lobby area to the east of the proposed space.

Alternate Kalina expressed concern for the available parking for the parents, to which **Mr. Rosenbloom** noted that, because of the age of the children, any parking in the vicinity of the center can be used in order for the parent to bring their children into the daycare facility. **Planner Zozulya** pointed out that each parent will have a copy of an “Organization and Administration Policies” manual outlining the strict procedures. Further, **Mr. Rosenbloom** stated that DCFS conducts “field visits”, and it is imperative from a “stay-in business” standpoint to make parents adhere to these guidelines.

There being no further comments from the public, **Chairman Manion** closed the Public Hearing and reconvened the Zoning Board meeting

- 3.2 Consideration and discussion regarding a Special Use Permit request, to permit the establishment and operation of a children's daycare center at 100 Village Green Drive, within the Village Green of Lincolnshire Retail Center, in the R5 Mixed Use General Residence Zoning District (Bright Stars Kids University, Inc.)

Chairman Manion read the seven Staff recommendations as listed in Staff's memorandum dated January 9, 2009, for the benefit of the public and any further additions by the Zoning Board. There was a consensus of acceptance and the following motion was formed and read.

Having made findings based on facts covered in a Public Hearing held on January 13, 2009, Alternate Kalina moved and Mr. Rubinstein seconded a motion to recommend approval to the Village Board of a Special Use to permit the establishment and operation of the Bright Stars Kids University, Inc. children's daycare center at 100 Village Green Drive, within the Village Green of Lincolnshire Retail Center, in the R5 Mixed Use General Residence Zoning District, based on the facts in the Petitioner's presentation packet, date stamp received January 6, 2009, and subject to Staff's recommendations, as presented in Staff's memorandum dated January 9, 2009 and further subject to the Petitioner reaching a liability waiver agreement with Vernon Township for an existing fence north of the proposed playground area, in lieu of constructing a dual fence.

The motion carried with an unanimous voice vote.

4.0 UNFINISHED BUSINESS (None)

5.0 NEW BUSINESS (None)

6.0 CITIZEN COMMENTS

Sylvia Rubinstein, Lincolnshire, offered as a point of information to the Zoning Board, that the rear entrance to the 100 Village Green building accommodates handicapped accessibility for patients to the adjacent medical office and physical therapy facility.

7.0 ADJOURNMENT

There being no further business, **Alternate Kalina** moved and **Mr. Rubinstein** seconded a motion to adjourn, **Chairman Manion** adjourned the meeting at 7:35 p.m.

Respectfully submitted,

Linda Jones, Secretary