



**APPROVED** Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, May 10 2016, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

**PRESENT:** Chairman Manion, Members Bichkoff, Kalina, and Van de Kerckhove

**STAFF PRESENT:** Tonya Zozulya, Economic Development Coordinator

**ABSENT:** Member Brady, and Trustee Liaison McDonough.

**CALL TO ORDER:** **Chairman Manion** called the meeting to order at 7:00 P.M.

### 1.0 ROLL CALL

The roll was called by **Economic Development Coordinator Zozulya** and **Chairman Manion** declared a quorum to be present.

### 2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes for the Regularly Scheduled Zoning Board Meeting held on Tuesday, January 12, 2016.

**Member Kalina** moved and **Member Van de Kerckhove** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board, as submitted. The motion passed unanimously by voice vote.

2.2 Approval of the Minutes of the Special Zoning Board Meeting held on Tuesday, January 26, 2016.

**Member Kalina** moved and **Member Van de Kerckhove** seconded the motion to approve the minutes of the Special Meeting of the Zoning Board, as submitted. The motion passed unanimously by voice vote.

### 3.0 ITEMS OF GENERAL BUSINESS

**Chairman Manion** recessed the Zoning Board meeting and opened the following three Public Hearings:

3.1 **PUBLIC HEARING** Regarding a Request to Rezone the Property from R1 Single-Family Residence to B2 General Business District, 21657 and 21661 Milwaukee Avenue (Trisha Bumpass & Standard Band & Trust Co.)

3.2 **PUBLIC HEARING** Regarding a Request for Special Use Permit to Establish and Operate an Assembly Use, 21657 and 21661 Milwaukee Avenue (Trisha Bumpass & Standard Band & Trust Co.)

3.3 **PUBLIC HEARING** Regarding a Request for Village Code Variations to Permit a Banquet Hall, 21657 and 21661 Milwaukee Avenue (Trisha Bumpass & Standard Bank & Trust Co.)

**Tonya Zozulya, Economic Development Coordinator**, noted Trisha Bumpass, contract purchaser for the property located at 21657 and 21661 Milwaukee Avenue, and Standard Bank & Trust Co. property owner, seek to rezone the property from R1 Single-Family Residence to B2 General Business District. The petitioner also seeks a Special Use permit to allow an assembly use (banquet hall) and related Village Code variations for the former Cubby Bear property. The subject property was annexed into Lincolnshire earlier this year. The proposed Loft 21 plans to host corporate, social and charity events and house a non-cooking kitchen, offices and storage on the lower level. The petitioner has also provided a cover letter with additional information regarding proposed business operations and interior and exterior improvements.

**Economic Development Coordinator Zozulya** pointed out the property is currently zoned R1 Single-Family Residence, which is the default zoning classification for newly annexed properties in the Village. Banquet halls are commercial uses not permitted in residential zones. Given the property location along the Milwaukee Avenue arterial with established business uses, the petitioner requests a rezoning to B2 Business Zoning District. The adjacent CityPark and Lincolnshire Commons retail centers to the northwest are zoned B2. Additionally, surrounding properties to the north and south will likely develop for commercial use in the future. The petitioner has submitted the responses to the Rezoning Standards for the Zoning Board's review.

With regard to the petitioner's request for a Special Use for the proposed banquet hall, **Economic Development Coordinator Zozulya** explained banquet halls are permitted in the B2 District with a Special Use permit only. The Special Use provides an opportunity for the Village to evaluate additional characteristics regarding parking, sound levels, and general operations to ensure the use does not adversely impact surrounding properties. In 2013, Noah's Event Venue was previously permitted with a Special Use permit in the Office/Industrial Zoning District. As stated in the petitioner's cover letter, the office hours will be 10 a.m. to 7 p.m. Monday through Saturday. They expect special events to end at midnight on weekdays and at 1 a.m. on Fridays, Saturdays and Sundays. The petitioner anticipates 2 to 3 weekday events and 3 to 4 weekend events per month. Staff requests the Zoning Board consider whether time limitations on the use of live or recorded music on the outside deck should be incorporated into the Special Use approvals to prevent nighttime sound impacts on adjacent developments. Please note the Special Use Ordinance granted to Noah's banquet center establishes a 9 p.m. outdoor patio music limitation on weekdays and 11 p.m. on weekends given the proximity of a hotel. Albeit, it is anticipated a total of 15 employees in the building, the Code-required parking ratio is 1 space per 4 persons at maximum occupancy established for meeting and event venues. The site plan shows 255 parking spaces will be provided, including 7 ADA spaces, which is sufficient for over 1,000 building occupants based on a code-required parking ratio, as well as this will meet their desired peak occupancy levels. Further, Loft 21 does not intend to change the existing wet-bottom storm water detention area in the rear of the building at this time. Based on their discussions with the Lake County Storm Water Management Commission (SMC), no changes to the existing detention facility are required. The Petitioner is required, by the SMC, to remove existing fences adjacent to the pond due to floodway conditions (no fences are permitted in floodway zones). Loft 21 will comply with this requirement. Staff recommends a stipulation be made to require the petitioner remove any debris from the

detention pond and surrounding areas and enhance the pond aesthetics by adding plantings in appropriate locations. The petitioner is also encouraged to consider relocating the detention area to the far back of the property and convert it for a dry-bottom pond to enhance aesthetics in the future to improve the functionality and appearance of the site. The petitioner has submitted responses to the Special Use Standards for the Zoning Board's review.

Along with the rezoning and Special Use request, there are several variations related to the parking lot being sought due to existing hardships on the property as noted in Staff's memo. The petitioner indicates compliance with the code regulations (without variations) would require redesigning the parking lot in such a manner as to vastly diminish the amount of available parking to service the existing building, resulting in the loss of approximately 109 parking spaces. In consultation with the Village Attorney, the following non-compliant items are to be addressed as legal non-conformities (rather than variations), subject to the Village Code's Non-Conforming regulations to ensure they are brought into compliance when significant future improvements are made: 1.) Pavement within 5' of the property line; and 2.) Light poles taller than 25'. The petitioner has submitted responses to the Variation Standards for the Zoning Board's review.

In conclusion, **Economic Development Coordinator Zozulya** noted recommending approval to the Village Board of a Rezoning from R1 Single-Family Residence to B2 Business. With regard to a Special Use permit for a banquet hall, Staff recommends approval to the Village Board with the conditions outlined in Staff's memo. Also, Staff recommends approval to the Village Board of the requested variations.

**Larry Freedman, Attorney**, with Ash, Anos, Freedman & Logan, L.L.C., was sworn in by **Chairman Manion**, and stated he represents the petitioner and contract purchaser, Trisha Bumpass. He noted the existing facility is legally non-conforming as it was constructed under Lake County standards prior to annexation into the Village. In conjunction, the petitioner intends on making significant changes to the front of the existing building to bring it up to Lincolnshire standards, as well as removing all current parking spaces between the building and Milwaukee Avenue and adding extensive landscaping. Also, she proposes to substantially maintain the current legally non-conforming parking plan in the rear, and as such is requesting a number of variations related to the parking lot.

**Edward (Ted) Peck, Architect**, with D & K Architecture & Interior Design, was sworn in by **Chairman Manion**, and presented an overview of the changes to the building front elevation and noted the elimination of the parking along Milwaukee Avenue and the addition of landscaping. The current drive aisle in front of the building will remain, but the flow of traffic will be reversed to one-way traffic into the parking lot which will serve to eliminate egress congestion onto Milwaukee Avenue. A drop-off/loading area will be provided for any catering vehicles or equipment etc. used for event operations and the drive aisle will be restriped accordingly. The landscaping will include low height shrubs and native grasses along the building front and a berm along Milwaukee Avenue is also being considered. **Mr. Peck** continued his presentation showing the existing plat of survey and the parking spaces along the south side of the parking lot which will be removed. The existing parking spaces and dead-end drive aisle along the east side of the detention pond will also be removed and the remaining parking aisles east of the detention pond will offer circulation by the elimination of two parking stalls on the south end of these aisles to provide a better traffic flow in that area. He also noted the parking lot is planned to be resealed and restriped. With regard to the detention pond, **Mr. Peck**

explained the removal of the existing chain link fence and the possibility of adding bollards in the southeast corner along the perimeter of the pond to keep cars from entering onto the adjacent property. The addition of plants, landscaping, and regrading around the pond is planned in conjunction with SMC regulations. Further, the proposed site plan was presented with the parking lot revisions shown, which includes 7 ADA spaces, mechanical equipment screening, and the location of the new ground monument sign. A landscape plan and assorted sample photos of plantings were presented for the site, as well as an existing photometric lighting plan to show its compliance with Code.

**Economic Development Coordinator Zozulya** requested the petitioner address the hours of operation. **Attorney Freedman** stated it is anticipated that during the week no events would likely continue past midnight, or 1 a.m. on Fridays, Saturdays and Sundays. Office hours are anticipated to be 10 a.m. to 7 p.m. Monday through Saturday. It is also anticipated two to three weekday events per month and three to four weekend events per month.

**Tricia Bumpass, Petitioner**, was sworn in by **Chairman Manion**, who asked if there would be any bands playing outside or speakers proposed on the balconies. **Ms. Bumpass** stated there would be no bands playing outside, but there are speakers planned for the outside and to be used for background music only for patrons to enjoy if they take their cocktails or desserts outside and not for rowdy entertainment purposes. **Chairman Manion** requested a limitation for the duration of time the outside speakers are being used. **Economic Development Coordinator Zozulya** noted Noah's Event Venue has established a 9 p.m. outdoor patio music limitation on weekdays and 11 p.m. on weekends. **Ms. Bumpass** noted that the sweet tables typically do not open until 11 p.m. at events which are held on weekends. **Attorney Freedman** suggested midnight, and **Member Kalina** pointed out Noah's outside music hour of 11 p.m. is considerate of the adjacent hotel. **Chairman Manion** pointed out Sedgebrook and Hampton Inn are in the vicinity, as well as take into consideration any future development adjacent to Loft 21. **Chairman Manion** expressed concern for the possibility of a hundred people outside during the later hours. **Ms. Bumpass** pointed out the ambient music would serve as a background to cocktails or "coffee and dessert" consumption and due to the size of the balconies, it would only hold approximately 40 people. **Attorney Freedman** suggested making the allowance for outside music to continue to midnight conditional upon future review within six months to a year from occupancy. **Member Kalina** inquired as to the price point of weekend events, to which **Ms. Bumpass** indicated the cost minimum is \$10,000 which does not include food etc. **Chairman Manion** asked the Petitioner if they wanted the Findings of Fact entered into and made part of the record, to which **Attorney Freedman** responded affirmatively and it is applicable to all three dockets.

**Bonnie Boznos**, representative for the Par King Mini Golf facility to the north of Loft 21, was sworn in by **Chairman Manion**, and stated Par King has speakers for outside music and expressed concern for any conflicts of the types of music from either facility which could be caused by wind direction. She noted the Par King is open until 11 p.m. on weekends, albeit closing time is dependent upon the weather and the customers attendance. **Chairman Manion** questioned if the outside music from Par King ever raised any noise complaints from Sedgebrook, to which **Ms. Boznos** responded there were none. In reference to **Ms. Boznos** comments regarding the wind direction, **Mr. Peck** added the wind rows for our region come primarily from the northwest 8 to 10 months during the year towards the southeast, and any concerns for wind direction would be carrying music noise away from the properties to the north.

There being no further testimonies or concerns from the audience, **Chairman Manion** closed the Public Hearings and reconvened the Zoning Board meeting.

**Chairman Manion** requested comment from **Member Kalina** and he noted his satisfaction with midnight as the limiting hour for outside music on weekends, considering this type of use. **Member Bickhoff** offered some concern, but given it is most likely two weekends nights, Friday and Saturday, with an occasional third, he pointed out the Hampton Inn is across Milwaukee Avenue. **Member Kalina** added the hotel is also adjacent to Viper Alley and The Emporium which are open late and typically have loud music playing inside, as well, which hasn't been a problem up to this point. **Member Van de Kerckhove** suggested 11:30 p.m. and **Chairman Manion** concurred to the compromised time. **Member Kalina** added a half hour time difference would not make much of a difference, as well as the people would make the bulk of the noise and not the music. **Ms. Bumpass** further noted in her 23 years of business, the dessert table is not offered until 11 p.m. and given the formalities taking place at that time and the opportunity to consume and mingle, it is usually winding down around 11:45-11:50 p.m. before this part of the event concludes. Discussion ensued with **Chairman Manion's** concerns for any complaints arising from outside music and strongly suggested a stipulation for revisiting the time limitation for outside music, to which he was comfortable with midnight as the limited time. There being no further comments, **Chairman Manion** sought motions from the Zoning Board for the three requests.

3.1 *Member Kalina moved and Member Bickhoff seconded a motion that having made findings based on facts covered in a Public Hearing held on May 10, 2016, the Zoning Board recommends approval to the Village Board of a rezoning from R1 Single-Family Residence to B2 Business, for Loft 21 Banquet Hall, located at 21657 and 21661 Milwaukee Avenue, as presented in a presentation packet prepared by Loft 21, Inc, dated May 2, 2016, and as presented in Staff's memorandum dated May 10, 2016.*

*The motion passed unanimously by voice vote.*

3.2 *Member Kalina moved and Member Bickhoff second a motion that having made findings based on facts covered in a Public Hearing held on May 10, 2016, the Zoning Board recommends approval to the Village Board of a Special Use to permit a banquet hall at 21657 and 21661 Milwaukee Avenue, as presented in a presentation packet prepared by Loft 21, Inc., dated May 2, 2016, and as presented in Staff's memorandum dated May 10, 2016, and further subject to the following conditions:*

1. *The existing detention pond shall be improved to comply with Section 13-2-8 of the Village Code, Landscape Requirements for Stormwater Facilities.*
2. *The parking lot shall be sealcoated and refinished.*
3. *Parking lot markings, including applicable handicapped markings, shall be reapplied to clearly demarcate the location of each parking space and all no parking zones.*
4. *The owner shall install bollards in the southeast corner of the property to prevent any invitee or guest from parking or driving on an adjacent property to the south.*
5. *The banquet center shall establish 9 p.m. outdoor patio music limitation on weekdays and a 12 a.m. (midnight) outdoor music limitation on weekends, and further subject to a revisitation 12 months after opening by Staff.*

*The motion passed unanimously by voice vote.*

- 3.3 *Member Kalina moved and Member Bickhoff second a motion that having made findings based on facts covered in a Public Hearing held on May 10, 2016, the Zoning Board recommends approval to the Village Board of variations to Section 6-11-2 (C) to allow a reduction in the minimum required length of a parking stall from 19' to 18'; Section 6-11-2 (C) to allow a reduction in the minimum required parking lot drive aisle width from 25' to 24'; Section 6-11-2(E)(2) to allow no landscaping on islands at the end of each parking row; Section 6-11-2(E)(3) to allow no parking islands at each end of parking aisles; Section 6-11-2(E)(5) to allow no landscape islands for every 15 parking spaces, and Section 13-2-4(C)(5)(b) to allow no continuous 8' landscape planting area between the building and parking areas, for Loft 21 Banquet Hall, located at 21657 and 21661 Milwaukee Avenue, as presented in a presentation packet prepared by Loft 21, Inc, dated May 2, 2016, and as presented in Staff's memorandum dated May 10, 2016.*

*The motion passed unanimously by voice vote.*

- 4.0 **UNFINISHED BUSINESS (None)**
- 5.0 **NEW BUSINESS (None)**
- 6.0 **CITIZENS COMMENTS (None)**
- 7.0 **ADJOURNMENT**

There being no further business, **Chairman Manion** sought a motion for adjournment. **Member Kalina** moved, and **Member Bickhoff** seconded the motion to adjourn. The meeting adjourned at 8:17 P.M.

Minutes submitted by Linda Jones, Administrative Assistant, Community & Economic Development.