

APPROVED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, February 12, 2013, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

PRESENT: Chairman Manion, Members Kalina, Van de Kerckhove and Leider.

ALSO PRESENT: Stephen Robles, Planner.

ABSENT: Trustee Liaison Brandt.

CALL TO ORDER: **Chairman Manion** called the meeting to order at 7:01 p.m.

1.0 ROLL CALL

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

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the Zoning Board Meeting held Tuesday, November 13, 2012.

Member Van de Kerckhove moved and **Member Leider** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board held Tuesday, November 13, 2012, as submitted. The motion passed unanimously by voice vote.

3.0 ITEMS OF GENERAL BUSINESS:

3.1 **Public Hearing** regarding a text amendment to Section 6-6A-3, Permitted Uses, and Section 6-6A-4, Special Uses, of the Lincolnshire Village Code to relocate “Delicatessen” and “Restaurants” from the Special Uses category to the Permitted Uses category within the B1 and B2 Zoning Districts (Village of Lincolnshire).

Planner Robles presented Staff’s memorandum and explained the text amendment would reclassify delis and restaurants as permitted uses in the B1 Zoning District. He noted that the current Zoning Code identifies delis separately from a restaurant, which a reason for such could not be determined. In addition, both uses are categorized as Special Uses, requiring a public hearing with the Zoning Board and final approval by the Village Board before any such business could open. **Planner Robles** continued that the main concern with restaurants or delis was parking demand followed up by liquor sales. However, he noted, both off-street parking and liquor licensing are regulated separately in the Code, therefore a Special Use would not provide any additional protections. Since restaurants and delis operate similarly, Staff believed it was appropriate to eliminate delicatessens as a specific use in the code, and interpret them as restaurants or Food Stores, and be a permitted use in the B1 and B2 Districts. Due to the way the code is structured, uses permitted in B1 are also permissible in the B2 District; and the same applied to Special Uses. As a result, changes to the Permitted and Special Uses list of the B1 District would also affect B2.

Planner Robles continued that during Staff's research, it was noted that the Zoning Code did not delineate restaurants with live entertainment, which could locate in B2 without any Village review. Therefore, Staff added "restaurants with live entertainment" as a Special Use in both B1 and B2 Districts to establish a layer of Village review. In addition, Staff worked along with the Village Attorney to create a definition for "Live Entertainment" and was provided for the Zoning Board's review. **Planner Robles** finished by clarifying fast food restaurants with drive-thru facilities would remain Special Uses, due to their unique traffic issues.

Member Van de Kerckhove noted the Zoning Board approved an Italian deli a few years back and sought clarification if such had eating facilities on premises. **Planner Robles** confirmed a small number of dining tables were included as part of that Special Use approval. **Member Leider** questioned if the deli also had a liquor license and if they would have to return to the Zoning Board if any changes to the deli's operation were to be sought. **Planner Robles** confirmed a liquor license had been issued to the deli by the Village's Police Department who is responsible for issuing such. He further explained that the proposed text amendment, if approved, would classify the deli as a standard restaurant, and all liquor licensing would be reviewed and issued through the Police Department from that point forward.

Antonella Granito, owner and operator of Bonta Italian Deli, expressed her appreciation of the Village's efforts of the proposed text amendment, which would allow her to expand her business offerings to better serve her customers.

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

There was a consensus among the members in support of this request and the following motion was read:

Member Van de Kerckhove moved and Member Leider seconded a motion to recommend approval to the Village Board of text amendment to Section 6-6A-3, Permitted Uses, and Section 6-6A-4, Special Uses, of the B1 Retail Business Zoning District and related definitions in Section 6-2-2 of the Lincolnshire Village Code, to reclassify "delicatessens", allow restaurants as permitted uses with specific restaurant types defined as Special uses, and apply such revisions to the B2 General Business District, as presented in Staff's memorandum.

The motion passed unanimously by voice vote.

4.0 UNFINISHED BUSINESS

Member Kalina sought clarification on the membership status of the Zoning Board and if they were still a four person board. **Planner Robles** confirmed the Zoning Board member count remained at four people and noted the current vacancies had not yet been filled. If anyone had interest to serve, they could obtain an application on the Village's website and submit to the Mayor's Talent Bank.

5.0 NEW BUSINESS

Planner Robles reminded the Zoning Board they may have received Economic Interest Statements from the State, which should be completed and returned per the instructions of the Interest Statements.

6.0 CITIZENS COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, **Chairman Manion** adjourned the meeting at 7:20 p.m.

Minutes Submitted by Stephen Robles, Planner