03/13/25
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VILLAGE OF BARRINGTON

ORDINANCE NO. 2025-4513

AN ORDINANCE GRANTING A SPECIAL USE TO
BARRINGTON ASIAN SPA CORPORATION FOR
A MASSAGE ESTABLISHMENT, LICENSED
AT 660 S. NORTHWEST HIGHWAY IN THE
LUCKY STONE SHOPPING CENTER

(RE: ZBA 25-01 – Petition of Barrington Asian Spa Corporation
By Its Agent Shuang Qian)

ADOPTED BY THE

CORPORATE AUTHORITIES

OF THE

VILLAGE OF BARRINGTON, ILLINOIS

THIS 28 DAY OF April, 2025.

Published in pamphlet form by authority of the Corporate Authorities of the Village of Barrington, Cook and Lake Counties, Illinois, this 28 day of April, 2025.

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BARRINGTON ASIAN SPA CORPORATION FOR
A MASSAGE ESTABLISHMENT, LICENSED
AT 660 S. NORTHWEST HIGHWAY IN THE
LUCKY STONE SHOPPING CENTER

(RE: ZBA 25-01 – Petition of Barrington Asian Spa Corporation
By Its Agent Shuang Qian)

WHEREAS, the Village of Barrington (the "Village") has received from the Petitioner Barrington Asian Spa Corporation by its agent, Shuang Qian (hereinafter collectively referred to as the "Petitioner") who is the proposed tenant of an approximately 694 square foot tenant space located within the multi-tenant commercial building commonly known as the Lucky Stone Shopping Center located at 600-660 S. Northwest Highway, Barrington, IL (the "Property"), a request for approval of a Special Use pursuant to Chapter 7, Section 7.2-D25 of the Village of Barrington Zoning Ordinance (the "Zoning Ordinance") to permit the Petitioner to establish, operate, and maintain a massage establishment as a principal use within the tenant space on that portion of the Property commonly known as 660 S. Northwest Highway (hereinafter, the "subject Tenant Space"), which massage services shall be performed by the Petitioner's Agent, Shuang Qian so long as he is a massage therapist licensed by the State of Illinois and/or by one or more other massage therapists licensed by the State of Illinois and who is or are employed by the Petitioner Barrington Asian Spa Corporation for that purpose, which is a special use that is authorized within the Village's B-1 General Business Service Zoning District in which the Property is located, and the Petitioner has not requested any variation(s) from the Village's Zoning Ordinance relative to the build-out modifications proposed to be made to the subject Tenant Space, which Special Use as herein approved shall not be transferrable or assignable to any other person, entity, or location, all subject to those conditions, restrictions, and limitations as set forth herein; and

WHEREAS, the owner of record of the property commonly known as the Lucky Stone Shopping Center located at 600-660 S. Northwest Highway, Barrington, Illinois (the "Property"), is reported to be Lucky Stone Shopping Center, LLC, the registered agent of which limited liability company is Yan Yin Wu; and

WHEREAS, the legal description of the Property is as follows:

LOTS 10, 11, 12 AND 13 IN BLOCK 3, EXCEPT THAT PART TAKEN FOR ROADWAY PURPOSES IN CASE NUMBER 20011050344 IN ARTHUR T. McINTOSH AND COMPANY'S MAIN STREET ADDITION TO BARRINGTON, BEING A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS
; and

WHEREAS, the Petitioner will occupy and conduct its business in that portion of the Property commonly known as 660 S. Northwest Highway, Barrington, IL; and

WHEREAS, the Comprehensive Plan indicates that the Property is located in Neighborhood 6, and the proposed Special Use is consistent with the Village's Comprehensive Plan recommended uses, to wit: Commercial (Retail/Office); and

WHEREAS, the Petition was referred to the Zoning Board of Appeals of the Village, and the Zoning Board of Appeals, after due publication and such other notice as required by law, held a public hearing on said Petition, at which public hearing all interested persons were given an opportunity to be heard; and

WHEREAS, the Zoning Board of Appeals thereafter submitted to the President and Board of Trustees a report and recommendation which recommended the approval of the Petition for the Special Use as herein granted for the Property, subject to timely and continued compliance by the Petitioner with the conditions and restrictions set forth in this Ordinance, which report and recommendation was thereafter considered by the President and Board of Trustees and which is on file with the Village Clerk and thereby made a part hereof; and

WHEREAS, the Corporate Authorities of the Village do hereby find that the requested Special Use is in harmony with the general intent of the Comprehensive Plan of the Village of Barrington (the "Comprehensive Plan") and the Zoning Ordinance for the following reasons and that, upon review of the required standards for a special use, the Corporate Authorities of the Village do hereby find that those standards have all been or will be met; and

WHEREAS, the following has been considered, and the Corporate Authorities of the Village of Barrington, Cook and Lake Counties, Illinois, do hereby find that:

1. The proposed special use is, in fact, a special use listed and authorized in the zoning district regulations within which the Property is located.

The proposed use, a "Massage Establishment, Licensed" (hereinafter sometimes referred to as the "massage establishment") is listed in Chapter 7, Section 7.2-D25, "B-1: General Business Service District Uses", of the Village's Zoning Ordinance ("ZO") as #24 Massage Establishment, Licensed under "Special Uses" in the B-1 General Business Service District. Therefore, this standard has been or will be met.

2. The proposed special use is consistent with the objectives of the Comprehensive Plan and the Zoning Ordinance.

Map 3 of the Land Use Plan in the Village's 2021 Comprehensive Plan recommends the Property for B-1, General Business Service District. The proposed Massage Establishment, Licensed, is consistent with the intended land use and objectives of the Comprehensive Plan and the Zoning Ordinance. Therefore, this standard has been or will be met.

3. The proposed special use is designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

The proposed Special Use for a massage establishment will be operated as a principal use within the subject Tenant Space on the Property and will be harmonious with the existing character of the other properties in the general vicinity thereof. The proposed Special Use will be located in a single story multi-tenant commercial building where there are a variety of uses. The proposed Special Use will not affect the exterior of the building as no exterior modifications are being proposed at this time. The proposed massage establishment use would not be out of character relative to the surrounding area. Therefore, this standard has been or will be met.

4. The proposed special use will not significantly diminish the safety, use and enjoyment of surrounding property.

The proposed Special Use for a massage establishment as a principal use within the subject Tenant Space will be compatible with uses, including other service uses, in the vicinity thereof and will not diminish or negatively impact the safety, use and enjoyment of surrounding properties. The Petitioner, Barrington Asian Spa Corporation, is currently in good standing with the Illinois Secretary of State, and the Petitioner's agent, Shuang Qian, is a massage therapist currently licensed by the State of Illinois, and the Petitioner, by its agent, Shuang Qian, will also be required to secure and maintain a massage establishment license for this location from the Village of Barrington, after compliance with the Village's requirements for such a license, which includes annual site inspections of the premises, and the Petitioner will only be able to employ massage therapists licensed by the State of Illinois to provide these services. Therefore, this standard has been or will be met.

5. The proposed special use is adequately served by essential public facilities and services such as streets, police and fire service, drainage, refuse disposal, water, sewer and schools, or the persons or agencies responsible for the establishment of the proposed special use shall adequately provide any such services.

The Property where the proposed Special Use will be established is already adequately served by all essential public facilities. Massage Establishments are required to permit an annual inspection of the licensed premises by an authorized representative of the Village pursuant to the Village's licensing requirements, but the massage establishment would not generally require additional building and/or police inspections throughout the year, unless a specific complaint is received. Therefore, this standard has been or will be met.

6. The proposed special use does not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community.

The proposed Special Use will not create any additional public expense for public facilities or services. Therefore, this standard has been or will be met.

7. The proposed special use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

The proposed Special Use for a Massage Establishment, Licensed as a principal use will be conducted by the Petitioner on the Property and contained solely within the subject Tenant Space (i.e., 660 S. Northwest Highway), and therefore, should neither produce excessive traffic to the site nor generate any additional noise, smoke, fumes or odors. Therefore, this standard has been or will be met.

8. The proposed special use provides vehicular access to the Property that does not create an interference with traffic on surrounding public thoroughfares.

The vehicular access to the Property will remain unchanged. Therefore, this standard has been or will be met.

9. The proposed special use does not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

There are no natural, scenic, or historic features on the Property. Therefore, the proposed Special Use will not result in the loss or damage of natural, scenic, or historic features. Therefore, this standard has been or will be met.

10. The proposed special use complies with all additional regulations in the Zoning Ordinance specific to the special use requested.

If granted a Special Use, the proposed use will comply with all applicable regulations of the Zoning Ordinance. The Petitioner is not requesting any exceptions from the Zoning Ordinance. Therefore, this standard has been or will be met.

WHEREAS, the President and Board of Trustees of the Village of Barrington have also considered the following additional standards with respect to the approval of the proposed Special Use for the Property and find as follows:

11. The existing uses and zoning of nearby property.

The surrounding uses are primarily service uses, and the proposed Special Use would be compatible with the surrounding land uses. Therefore, this standard has been or will be met.

12. The extent to which property values are diminished by the particular zoning restrictions.

Neither the denial nor approval of this proposed Special Use will diminish the value of the Property or the value of properties within the vicinity thereof. There is an extensive list of uses that are permitted at this location, and therefore, the current zoning restrictions should have little impact on the leaseability of the Property or its value. Therefore, this standard is not applicable.

13. The extent to which limitation or destruction of property values of the petitioner promotes the general health, safety, and welfare.

Neither the denial nor approval of the proposed Special Use will limit or destroy the value of the Property or of properties within the vicinity thereof. Therefore, this standard is not applicable.

14. The relative gain to the public as compared to the hardship imposed upon the petitioner.

The public will gain another location to receive massage therapy services if the requested Special Use is approved. If the requested Special Use is not approved, the Petitioner will be denied the opportunity to open a Licensed Massage Establishment at this location. Therefore, this standard has been or will be met.

15. The suitability of the particular property for the purpose for which it is now zoned.

The Property is located within the Village's B-1 General Business Service District. The intent of this Zoning District is to promote and preserve small-scale, limited shopping and business uses that serve the needs of the people who live and work in the neighborhoods in which the business uses are located. It is also designed to provide an environment for efficient and attractive shopping center development at a community-level scale. Therefore, this standard has been or will be met.

16. The length of time that the property has been vacant as zoned considered in the context of land developed in the area in which the property is located.

The subject shopping center on the Property has approximately 9,500 square feet of tenant space available at any given time. The Petitioner indicated that the subject Tenant Space is 694 square feet and will be dedicated in its entirety for massage therapy. Therefore, this standard is not applicable.

17. The care with which the community has undertaken to plan its land use development.

The Village has taken great care in its land use planning and recently updated the Comprehensive Plan in 2021. This request is consistent with the Village's Zoning Ordinance and its 2021 Comprehensive Plan. Therefore, this standard has been or will be met.

18. The evidence or lack of evidence of community need for the use proposed by the property owner.

A massage establishment being operated by the Petitioner within the subject Tenant Space in the Village will complement as well as diversify the uses of the surrounding area. Therefore, this standard has been or will be met.

WHEREAS, the Corporate Authorities of the Village desire to grant the requested Special Use to authorize the establishment and operation of a Massage Establishment, Licensed, to be established

and operated as a principal use within the subject Tenant Space on the Property, subject to the Petitioner's timely and continued compliance with conditions as provided for herein:

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington, Cook and Lake Counties, Illinois, in exercise of the authority of this Village as a Home Rule unit, as follows:

SECTION 1: FINDINGS. The Corporate Authorities of the Village do hereby find that the recitals hereinabove set forth are true and correct, and such recitals are incorporated into the text of this Ordinance as findings of fact to the same extent as if each such recital had been set forth herein in its entirety and the report and recommendation of the Zoning Board of Appeals is hereby approved.

SECTION 2: SPECIAL USE GRANTED SUBJECT TO CONDITIONS. Subject to the provisions, restrictions, and limitations contained herein, a Special Use is hereby granted to the Petitioner, Barrington Asian Spa Corporation and its agent, Shuang Qian, for the subject Tenant Space located at 660 S. Northwest Highway, to establish, operate, and maintain a Massage Establishment, Licensed, to be operated by the Petitioner as a principal use within the subject Tenant Space on the Property. Said Special Use is hereby granted subject to the Petitioner's timely and continued compliance with the following terms, conditions, and restrictions as set forth below:

A. The Special Use for a Massage Establishment, Licensed herein authorized to be established, operated and maintained by the Petitioner as a principal use (sometimes referred to as the "massage establishment") is specific to the Petitioner and authorized to be established within the subject Tenant Space on the Property commonly known as 660 S. Northwest Highway (the "subject Tenant Space"), and such massage establishment shall be established, operated, and maintained in safe and sanitary condition in compliance with all applicable laws and regulations. Such massage establishment use shall not be permitted to be expanded beyond the subject Tenant Space and shall not be assignable or otherwise transferable to any other personal services establishment or to any other person and/or business and may not be relocated or otherwise transferable to any other location within the Village, other than within the subject Tenant Space, unless a new Special Use Permit is granted for the other location.

B. Any modification to the subject Tenant Space on the Property would require the submission of plans therefor to the Village for the Village's prior written approval, and the Petitioner shall be required to apply for and obtain from the Village all applicable building permit(s) for the proposed construction.

C. The Petitioner shall be required to maintain Barrington Asian Spa Corporation in good standing with the Illinois Secretary of State and the massage therapist license issued by the State of Illinois to Shuang Qian in good standing during the entire term of the Special Use herein granted. The Special Use for a massage establishment to be established on the Property as herein approved shall be operated and maintained by the Petitioner in full and timely compliance with all applicable state and federal laws as well as with all applicable Village ordinances, including but not limited to the provisions of Chapter 5 of Title 3 of the Village of Barrington

Village Code related to massage establishments, as said regulations may be amended from time to time.

D. The Special Use for a massage establishment as a principal use as herein approved is and shall be specific only to the Petitioner, Barrington Asian Spa Corporation and Shuang Qian, it agent, and shall not be transferrable to any other person and/or entity, and/or to any other location, and/or to any other operator, employee, and/or agent of the massage establishment or of the Petitioner, and neither control nor ownership of the subject massage establishment shall be changed or assigned to another party without the prior written approval of the Corporate Authorities of the Village by an ordinance amending the Special Use granted herein.

E. All massage services shall be provided only by licensed massage therapists who are employees of Barrington Asian Spa Corporation employed for that purpose and who possess and maintain in good standing a current, valid, massage therapist license issued by the State of Illinois.

F. With the exception of the proposed massage establishment use, the uses listed and authorized as permitted uses within the Village's B-1 General Business Service District, and no other uses, shall be established and/or maintained within the subject Tenant Space on the Property without a specific amendment to this Ordinance, or unless the Special Use herein authorized is abandoned or discontinued by the Petitioner and/or by the Owner of the, in which event, all B-1 permitted uses shall thereafter be permitted in the subject tenant space located on the Property.

G. The Special Use herein granted to the Petitioner shall automatically become null and void if the massage establishment use herein authorized is abandoned or discontinued for a period of twelve (12) consecutive months, regardless of any evidence of intent not to abandon and/or to resume such use, or if the Owner of the Property or the Petitioner files a written declaration with the Village indicating that such use has permanently ceased to operate on the Property.

H. Signage: Any signage relative to the Special Use for a massage establishment as herein granted shall be installed and maintained by the Petitioner in compliance with all applicable provisions of the Barrington Village Code and with the Sign Regulations of the Zoning Ordinance.

I. ADA and Other Code Compliance: Any and all improvements to the Tenant Space on the Property shall be required to be fully compliant with all of the applicable provisions of the Village's Building Code and Fire Code as well as all local, state and federal ADA requirements relating to the building, parking, and the site in general.

J. No Variations or Waivers Implied: The Petitioner has not requested any variation(s) from any of the provisions of the Village of Barrington Zoning Ordinance or the Barrington Village Code, and nothing contained in this Ordinance shall imply or be construed as approving or granting any such variation or waiver from any of such provisions or from the provisions of any other ordinances of the Village, except for the Special Use for a massage establishment as herein granted.

SECTION 3: MISCELLANEOUS PROVISIONS

A. Escrow Account Required: The Petitioner shall be required to establish a cash escrow account with the Village in an amount determined by the Village Manager to provide for the reimbursement to said Village for all staff and outside consultants' time required to review and approve the Special Use herein granted and related documents, including plans and specifications and inspections thereof. Charges will be made to the account for actual time spent by various staff members and/or for reasonable charges invoiced to the Village by outside consultants in connection with all such reviews, approvals and inspections. If such an account becomes substantially depleted during the pendency of this matter, the Petitioner shall be required to make additional deposits in such amounts as determined by the Village Manager to cover future expenses.

B. Binding Effect: The provisions of this Ordinance, including, without limitation, the grant of a Special Use for a massage establishment which shall be operated by the Petitioner as a principal use within the subject Tenant Space on the Property and all obligations, conditions, restrictions, limitations and rights related thereto shall be personal to the Petitioner, Barrington Asian Spa Corporation and its registered agent, Shuang Qian, for the subject Tenant Space located at 660 S. Northwest Highway, and the Special Use herein granted may not be assigned by the Petitioner, and the establishment, maintenance and operation of a Special Use for a massage establishment by any other person or entity within the subject Tenant Space on the Property shall require the grant of a new Special Use by an Ordinance of the Corporate Authorities of the Village.

C. Amendment or Repeal by Mutual Consent: The Village, by an ordinance approved by its Corporate Authorities and the Petitioner, may by mutual consent agree in writing to repeal this Ordinance or to amend the terms and conditions set forth in this Ordinance, but any amendment shall only occur after a public hearing before the Village of Barrington Zoning Board of Appeals or Plan Commission, and no purported oral amendment to or repeal of this Ordinance shall be binding or enforceable.

D. Petitioner's Responsibility for Certain Costs and Expenses: The Village agrees to cooperate with the Petitioner in defending any action which contests any aspect of this Ordinance, but all costs, including attorneys' fees, incurred by the Village in connection therewith shall be paid for by the Petitioner or reimbursed to the Village by the Petitioner. The Village may require reasonable deposits by the Petitioner from time to time to cover the Village's costs of such defense as estimated by the Village Manager, or his designee.

E. Indemnification: The Petitioner hereby undertakes and agrees, to the greatest extent permitted by law, to indemnify, defend, save and keep harmless the Village and its elected officials, officers, employees, contractors, subcontractors, and other agents (collectively, the "Indemnified Parties") from and against any loss, cost, damage, liability, claim or expense, including attorneys' fees, which any of the Indemnified Parties may suffer, incur or sustain from or arising out of any injuries to or death of any person or persons, or damage to or loss of any

real or personal property, resulting directly or indirectly from the Petitioner's use and occupancy of the subject Tenant Space on the Property and/or the Special Use herein granted.

F. Remedies. Any violation of this Ordinance shall constitute a violation of and be subject to the penalties contained in the Village of Barrington Zoning Ordinance, as amended, and each day any such violation occurs or continues to exist shall constitute a separate offense. In addition to all other remedies available to this Village, and not as a sole or exclusive remedy, while any violations of this Ordinance remain uncured, the Village may decline to issue any building or other permits or license(s) required by any ordinance of this Village. In addition to other remedies available to the Village, and not as a sole or exclusive remedy, in the event the Corporate Authorities of the Village find that the Petitioner or any of its employees or agents has failed to comply with any applicable State or federal laws relative to massage establishments, or with any of the provisions of this Ordinance or any other applicable ordinance of this Village, the Corporate Authorities of the Village may, after twenty-one (21) days written notice to the Petitioner, mailed to the Petitioner by regular U. S. Mail, postage prepaid, at the last address of the Petitioner provided to the Village, suspend or revoke the Special Use herein granted, provided, however, the Petitioner, if the Petitioner so requests within said notice period, shall be given an opportunity to be heard prior to any action by the Corporate Authorities of the Village to suspend or revoke the Special Use herein granted. Notice shall be deemed given when deposited in the U. S. Mail.

G. Effect of Existing Ordinances: Except as expressly set forth herein, the Petitioner and the Owner of the Property shall comply in all other respects with the conditions and requirements of the Village of Barrington Zoning Ordinance, the Village of Barrington Village Code, and all other applicable ordinances of the Village as they may exist from time to time, including but not limited to obtaining all required permits, the deposit of all required security in the form required, and the payment of all fees in connection with the review of plans and/or the issuance of such permits.

H. Severability Clause: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Corporate Authorities hereby declare that it would have approved each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

I. Exhibits Each exhibit which is attached to this Ordinance is deemed to be and is expressly made a part of and incorporated into this Ordinance to the same extent as if each such exhibit had been set forth in its entirety in the body of this Ordinance, provided, however, the approval of any plans for the purposes of this Ordinance and the Special Use herein granted shall not constitute approval of said plans for any other purposes under the Barrington Village Code, or under any other applicable ordinances of this Village, and no grant of any exception from any other ordinance(s) of the Village shall thereby be implied.

J. Approval Authority:

(1) If any provisions of this Ordinance delegate approval authority to any Village officer, employee, or agent for any aspect of this Special Use, then either the Petitioner or such officer, employee, or agent, as the case may be, or his or her designee, shall have the right to have any such decision of such Village officer, employee or agent, or his or her designee, reviewed, reconsidered, and a final decision thereon made by the Board of Trustees.

(2) Any reference in this Ordinance to the authority of the Village Manager to grant or deny an approval shall, whether or not so specified, include the authority for such decision to be made by a designee of the Village Manager.

SECTION 4: This Ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law and its acceptance and approval as provided below.

PASSED THIS 28 DAY OF April, 2025 BY ROLL CALL VOTE AS FOLLOWS:

AYES: Trustees Lehmeyer, Sholeen, Wondrasek, Moran and President Darch

NAYS: NONE

ABSENT: Trustees Duncan and Prigge

ABSTAIN: NONE

APPROVED THIS 28 DAY OF April, 2025

Karen Y. Darch

Karen Y. Darch, Village President

ATTESTED AND FILED
THIS 28 DAY OF April, 2025

Tony Ciganek

Tony Ciganek, Village Clerk

Published in Pamphlet Form the 28 day of April, 2025

Village of Barrington CORPORATE SEAL Cook & Lake Counties, IL

ACCEPTANCE

The undersigned each state under oath that they are respectively the Petitioner herein and the Owner of the Property, and/or the respective duly authorized agents of the Owner and the Petitioner, and have the respective authority to execute this Ordinance on behalf of the Owner and the Petitioner as set forth below and on behalf of all of their respective heirs, successors, and assigns, and on behalf of said Owner and Petitioner, the undersigned hereby accept and agree to the provisions of the foregoing Ordinance this 1 day of May, 2025.

PETITIONER:

BARRINGTON ASIAN SPA CORPORATION

By: Shuang Qian
Shuang Qian, its Authorized Agent

Subscribed and Sworn to this 1st day of May, 2025

CASSANDRA AILEEN STREGE
NOTARY PUBLIC MINNESOTA
My Commission Expires Jan 31, 2028

Notary Public
My commission expires: 01/31/2028

Shuang Qian
Shuang Qian, for herself individually

Subscribed and Sworn to this 1st day of May, 2025

CASSANDRA AILEEN STREGE
NOTARY PUBLIC MINNESOTA
My Commission Expires Jan 31, 2028

Notary Public
My commission expires: 01/31/2028

OWNER: LUCKY STONE SHOPPING CENTER, LLC

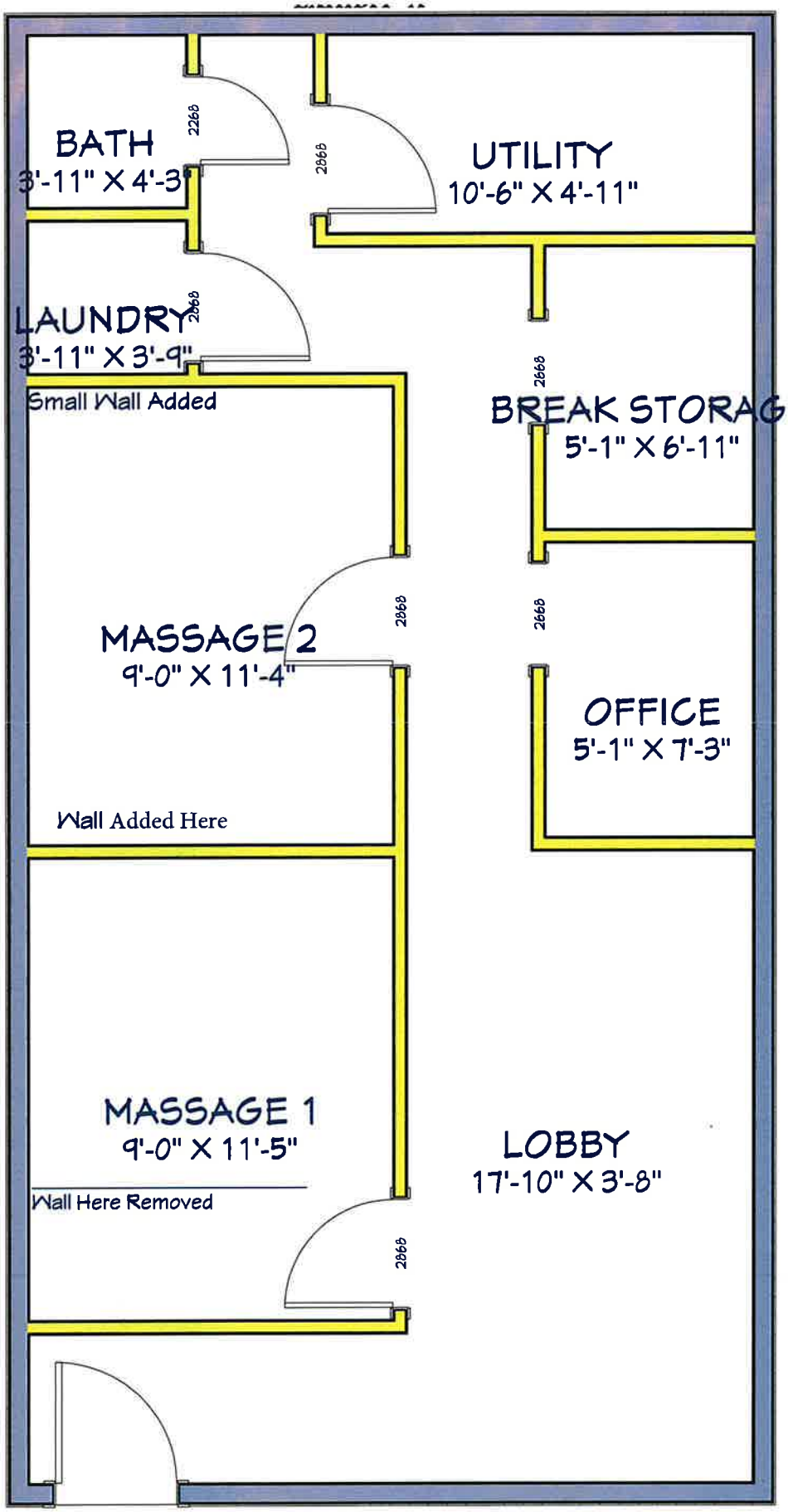
By: Yan Yin Wu
Yan Yin Wu, its Manager and Authorized Agent

Subscribed and Sworn to this 5th day of May, 2025

OFFICIAL SEAL
FANG CHEN
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires Nov. 14, 2026

Notary Public
My commission expires: 11/14/2026

EXHIBITS



LIVING AREA
694 SQ FT

BARRINGTON
Be Inspired.

April 14, 2025

Village President Karen Darch & Village Board of Trustees
200 South Hough Street
Barrington, Illinois 60010

Re: ZBA 25-01 – 600-660 S. Northwest Highway – Special Use

Dear President Darch and Board of Trustees:

The Petitioner is seeking approval of a Special Use for the purpose of opening and operating a Massage Establishment, Licensed at 660 S. Northwest Highway pursuant to ZO Section 7.2-D24. All massage establishments in the Village must be licensed and they all require a Special Use.

Katie Rivard, Village Planner, presented the staff report. Ms. Rivard gave an overview of the project and explanation of the requested Special Use. Staff finds that all applicable standards are met and recommends approval of the requested Special Use.

The Plan Commission discussed the request in relation to the applicable standards and determined that all standards were satisfied. The Plan Commission recommended approval of ZBA 25-01 subject to the findings listed in the Staff Report.

No members of the public were present in regards to this request. No members of the public commented.

Motion:
Vice-Chairperson Hogan moved to recommend approval of ZBA 25-01 subject to the findings in the Staff Report and Commissioner Gall seconded the motion. The motion carried, 6-0.

Respectfully Submitted,
Katie Rivard, Village Planner

Zoning Board of Appeals
Staff Report

TO: Zoning Board of Appeals

HEARING DATE: March 11, 2025

FROM: Development Services Department

PREPARED BY: Katie Rivard, Village Planner

ZBA 25-01: 660 S Northwest Highway (Massage Establishment, Licensed): The Petitioner is seeking approval of a Special Use to open and operate a Massage Establishment, Licensed. The subject property is zoned B-1 General Business Service District.

PETITIONER(s):	Shuang Qian, Barrington Asian Spa Corporation, 12 Oak Creek Drive, Unit 2220, Buffalo Grove, IL 60089
PROPERTY OWNER(s):	Lucky Stone Shopping Center LLC, 600-660 S Northwest Highway, Barrington, IL 60010
EXISTING ZONING:	B-1: General Business Service District
EXISTING LAND USE:	Commercial
PROPERTY SIZE:	Approx. 9,500 sq. ft., Business Space: 694 sq. ft.
COMPREHENSIVE PLAN:	Neighborhood 6: Bounded by Northwest Highway to the south and west, Main Street to the north and Eastern Avenue to the east.
SURROUNDING PROPERTY:	See attached Location Map for surrounding zoning and land uses

SUBMITTALS

This report is based on the following documents submitted, which were filed with the Development Services Department:

1. Petition for Public Hearing
2. Cover Letter & Project Summary
3. Site Photos & Floor Plan
4. Plat of Survey
5. Massage License

Figure 1: 660 S Northwest Highway (Lucky Stone Shopping Center) - Proposed Location of Massage Establishment (Source: Google Map)

PROJECT DESCRIPTION

Shuang Qian with Barrington Asian Spa Corporation, Petitioner, is requesting approval for a Special Use to open and operate a "Massage Establishment, Licensed" to be located at 660 S Northwest Highway. All massage establishments in the Village must be licensed and they all require a Special Use permit.

The special use is consistent with the objectives of the Village's Comprehensive Plan and the Zoning Ordinance. The exterior of the building where the leased premise is located will not be affected or altered. There are no proposed changes to the current property and no additional variations are requested.

FACTORS TO CONSIDER

- Massage Establishments became a Special Use throughout the B-1, B-3, B-4, and B-5 in 2015. This zoning change was due to concerns about illegal activity and code compliance issues.
- There are currently six (6) active licensed massage establishments within the Village.
- All Massage Establishments must be licensed with the Village of Barrington, and all massage therapists must be licensed with the State of Illinois.

SPECIAL USE STANDARDS

1. **The proposed Special Use is listed and authorized in the B-1 General Business Service District regulations.**

   The proposed use, "Massage Establishment, Licensed", is listed as #24 under Special Uses in the B-1 General Business Service District. *-Staff finds that this standard is met.*

2. **The proposed Special Use is consistent with the objectives of the Village's Comprehensive Plan and this Ordinance.**

   Map 3: Land Use Plan of the 2021 Comprehensive Plan identifies the site as Commercial (Retail/Office). The B-1 General Business Service District is intended to "promote and preserve small-scale, limited shopping and business uses that serve the needs of the people who live and work in the neighborhoods in which the business uses are located. It is also designed to provide an environment for efficient and attractive shopping center development at a community level scale". A service use, such as a "Massage Establishment, Licensed" is consistent with the intended land use and objectives of the 2021 Comprehensive Plan. *-Staff finds that this standard is met.*

3. **The proposed Special Use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.**

   The proposed Special Use will be located at 660 S Northwest Highway, a tenant space of 694 sq. ft. in the Lucky Stone Shopping Center at 600-660 S Northwest Highway; a multi-tenant building. Lucky Stone Shopping Center has a variety of uses, including two restaurants, a personal service establishment and a fitness use. The proposed Special Use will not affect the exterior of the building as no exterior modifications are being proposed at this time. In addition, the surrounding area has a variety of business, service, and office uses. The proposed business would not be out of character for the surrounding area. *-Staff finds that this standard is met.*

4. **The proposed Special Use will not significantly diminish the safety, use and enjoyment of surrounding property.**

   The proposed business will not diminish the safety of the surrounding properties as Massage Establishments are heavily regulated. The Petitioner is licensed by the State of Illinois and has applied for a Village license pending approval from the Village Board. The Village of Barrington's Massage License requires fingerprinting, background

checks, as well as annual site inspections. The proposed Special Use is compatible with the surrounding uses and will not negatively impact the surrounding properties' safety, use, and enjoyment. *-Staff finds that this standard is met.*

5. **The proposed Special Use is adequately served by essential public facilities and services such as streets, police and fire service, drainage, refuse disposal, water and sewer, and schools, or the persons or agencies responsible for the establishment of the proposed Special Use shall provide adequately any such service.**

   The Special Use is adequately served by all essential public facilities. Massage Establishments require annual building inspections through the Village's licensing requirements. Staff does not believe that the massage establishment will require additional building and/or police inspections throughout the year beyond what is already required. *-Staff finds that this standard is met.*

6. **The proposed Special Use does not create excessive additional requirements at public expense for public facilities and services and is not detrimental to economic welfare of the community.**

   The proposed Special Use does not create an excessive additional public expense for public facilities or services. *-Staff finds that this standard is met.*

7. **The proposed Special Use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.**

   The proposed Massage Establishment, Licensed will be contained within Lucky Stone Shopping Center. The proposed Special Use will be included within the existing building and therefore will not generate any additional noise, smoke, fumes, or odors. *-Staff finds that this standard is met.*

8. **The proposed Special Use provides vehicular access to the property design that does not create an interference with traffic on surrounding public thoroughfares.**

   The vehicular access to the site will remain unchanged. *-Staff finds that this standard is met.*

9. **The proposed Special Use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.**

   The proposed Special Use will not result in the loss or damage of natural, scenic, or historic features. *-Staff finds that this standard is met.*

10. **The proposed Special Use complies with all additional regulations in the Zoning Ordinance specific to the Special Use requested.**

    The Petitioner has complied with all the additional regulations of the Zoning Ordinance. The Petitioner is not requesting any additional exceptions from the Zoning Ordinance. *-Staff finds that this standard is met.*

Additionally, the following standards shall be given consideration:

11. **The existing uses and zoning of nearby property.** The surrounding uses are primarily services uses. *Therefore, Staff finds this standard is met.*

12. **The extent to which property values are diminished by the particular zoning restrictions.** Neither denial nor approval of this use will diminish the property values of the subject property. There is an extensive list of uses that are permitted at this location. Therefore, Staff does not find that the current zoning restrictions have any impact on the leaseability of the property or its value. *Therefore, Staff finds this standard is not applicable.*

13. **The extent to which limitation or destruction of property values of the Petitioner promotes the general health, safety, and welfare.** Neither denial nor approval of this use will limit or destroy the property values of the subject property. *Therefore, Staff finds this standard is not applicable.*

14. **The relative gain to the public as compared to the hardship imposed upon Petitioner.** If the requested Special Use is not approved, the Petitioner will be denied the opportunity to open as a Massage Establishment, Licensed. The public will lose out on the opportunity for a new business. *Therefore, Staff finds this standard has been met.*

15. **The suitability of the particular property for the purpose for which it is now zoned.** The subject property is zoned B-1 General Business Service District. This zoning district intends to promote and preserve small-scale, limited shopping and business uses that serve the needs of the people who live and work in the neighborhoods in which the business uses are located. It is also designed to provide an environment for efficient and attractive shopping center development at a community level scale. *Therefore, Staff finds this standard has been met.*

16. **The length of time that the property has been vacant as zoned is considered in the context of land developed in the area in which the property is located.** The Lucky Stone Shopping Center has approximately 9,500 sq. ft. of tenant space available at any given time. The Petitioner indicated that his business will be 694 sq. ft. of tenant space. *Staff finds that this standard is not applicable.*

17. **The care with which the community has undertaken to plan its land use development.** The community has taken great care in land use planning through the Zoning Ordinance and the 2021 Comprehensive Plan. *Therefore, Staff finds this standard has been met.*

18. **The evidence or lack of evidence of community need for the use proposed by the property owner.** Staff believes that the proposed Special Use will complement as well as diversify the uses of the surrounding area. *Therefore, Staff finds this standard has been met.*

Special Uses that are not Retail Sales Tax Generating Uses. Conversion of an existing use which generates retail sales tax to a use which does not generate retail sales tax has an adverse effect on the retail sales tax base of the Village. Where a Special Use that does not generate retail sales tax is proposed on a site currently or most recently occupied by a use which generates retail sales tax, evidence shall be provided that the benefits to the community provided by the proposed Special Use are greater than the benefits provided by a use which generates retail sales tax on the site. The Lucky Stone Shopping Center has two (2) restaurants, personal service establishment uses and a fitness use. There are no retail uses in this shopping center.

RECOMMENDED MOTION

Approve the Special Use to open and operate a Massage Establishment, Licensed to the Village Board of Trustees subject to the following conditions:

1. *Barrington Asian Spa Corporation* **must maintain State of Illinois, and Village of Barrington Massage License at all times.**
2. ***If granted, this special use applies only to this business in this location and shall not be transferred to another business or another location.***