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**Village of Gurnee**  
**Planning and Zoning Board Minutes**  
**February 6, 2019**

**1. Call to Order and Roll Call**

The meeting was called to order at 7:30 p.m.

Planning and Zoning Board Members Present: Chairman James Sula, Brian Baugh, Tim Garrity, David Nordentoft, Edwin Paff, and Laura Reilly

Planning and Zoning Members Absent: Josh Pejsach

Other Officials Present: David Ziegler, Community Development Director; Tracy Velkover, Planning Manager; Clara Schopf, Associate Planner; and Bryan Winter, Village Attorney

**2. Pledge of Allegiance**

Mr. Sula took a moment to acknowledge the service of Mr. Richard McFarlane, who had been a long-time member of this Board before his leaving. He then welcomed the Board's newest member, Ms. Laura Reilly. He noted that she is married, has two children, a twenty-year resident of Gurnee, and a realtor by profession.

**3. Approval of Meeting Minutes:**

**a. Minutes of December 5, 2019**

Mr. Garrity, seconded by Mr. Paff, motioned to approve the minutes for the meeting of December 5, 2019 as submitted.

**b. Minutes of December 19, 2019**

Mr. Sula requested that this item be pulled from the agenda for possible corrections. He asked staff to review the tape of the meeting as he remembers there being significant discussion that is missing from the minutes regarding the shed variance petition, including discussion regarding hardship.

**4. Public Hearing: Dunkin' (5414 Rt. 132 Suite 400)**

*Suresh Patel has petitioned for a Special Use Permit to allow the establishment and operation of a drive-through without a bail-out lane for an existing Dunkin' facility. The subject property is located at 5414 Route 132 Suite 400 and is zoned C-2 PUD, Community Commercial as a Planned Unit Development.*

Ms. Schopf introduced the item by stating that Suresh Patel is seeking a Special Use Permit to allow the establishment and operation of a drive-through without a bail-out lane for an existing Dunkin' facility. The subject property is located at 5414 Route 132 Suite 400 and is zoned C-2 PUD, Community Commercial as a Planned Unit Development. As with all Special Use petitions, the Planning and Zoning Board will make a recommendation that will be forwarded to the

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Village Board for their determination. The petitioner is in attendance to present his request and answer any questions the board may have.

As this was a Public Hearing, Mr. Sula asked that anyone wishing to speak on the matter be sworn in; Mr. Winter then conducted the swearing-in.

Mr. Sula asked the petitioner to explain the plan and request.

Vaishali Katyarmal, architect on the project, spoke on behalf of the petitioner, Suresh Patel. She explained that the location of the drive-through lane was made in collaboration with the Village's traffic consultant. In describing the proposed drive-through, she noted that the ordering window provided stacking for approximately 11 vehicles from what would be the entrance of the lane. While the creation of the lane will eliminate 11 parking spaces, they have plans to compensate by entering into an agreement with the landlord and the neighboring hotel, Baymont Suites, which allows Dunkin' the ability to use 15 parking spaces. The agreement expires on November 30, 2026, and Dunkin' has the ability to extend for 2 consecutive periods of 10 years each. Ms. Katyarmal added that one of the neighboring tenants is an office and the other is a restaurant that operates under very different hours than that of a coffee shop.

Mr. Patel then offered to answer any questions.

Mr. Sula asked if there were any questions/comments from members of the Board.

Mr. Nordentoft expressed concern not so much with the number of parking spaces being eliminated, but rather with the location of the spaces eliminated and those left in place. He expressed concern with customers pulling in and finding the limited number of parking spaces in front of the building occupied and then being trapped between the entrance and the drive-through. The only way they could exit would be to make a six-point turn to get back out of the lot.

Mr. Garrity pointed to the "berm of sorts" that Ms. Katyarmal identified as a landscaping island on the property. He asked if this could be eliminated to create more room for vehicles to make the maneuver that Mr. Nordentoft just eluded to.

Mr. Paff concurred that he has concerns similar to those of Mr. Nordentoft, but did question whether or not the shop would ever be busy enough for it to become a constantly occurring problem.

Mr. Sula also concurred, adding that removal of the berm (island) may actually create a loss in defining the path of the drive-through lane, noting that there will be two stacks—one approaching the ordering board, and the other approaching the pick-up window. He stated that he feels the island is necessary to the location of the ordering board.

Ms. Velkover offered that the project was designed to allow the use of the unoccupied portion of the handicapped parking stalls near the front of the building for making these maneuvers. However, the striping and signing of a parking space for "no parking" to accommodate these maneuvers has been used in other projects where there are "dead-end" parking bays.

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Mr. Sula expressed great discomfort in the reliance of parking spaces designated for those with handicaps, as one may never know when such spaces will be needed for their actual, intended purpose.

Mr. Sula then opened the floor to the public on this matter. As there was no one in the audience, Mr. Sula closed the floor to the public. He asked if there were any more questions from Board members.

Mr. Sula stated that he would be more supportive of this project if there were to be a designated space for turning around within the lot. However, he added that he was not comfortable with a decision to eliminate yet another parking space for the sake of this project with the owner of the property not present, noting that the building on this property housed other tenants that may be effected by such a decision.

Mr. Baugh agreed with Mr. Sula, and asked if the owner of the property and the other tenants are aware of the proposed project.

Ms. Reilly added that one of the other tenants is also a restaurant.

Mr. Patel stated that he has spoken to the new property owner (located in California) and that he was informed that the owner contacted the other tenants and is agreeable to whatever may be worked out between all respective parties.

Mr. Garrity summed up his feelings by stating that he feels the drive-through is a desirable amenity, but could only support the project with the stipulation of a designated space in which cars can be turned around, and—the documented permission of the property owner.

Mr. Sula brought up what he feels is another pressing consideration in this project, the absence of a bail-out lane.

Mr. Garrity cited another Dunkin' location with a drive-through lacking a bail-out lane.

Ms. Velkover remind that the requirement of a bail-out lane for a drive-through facility is relatively new, as it was added with the update of the Zoning Ordinance in 2015. Therefore, many drive through facilities in town exist without a bail-out lane.

Mr. Paff agreed that the drive-through is a necessary amenity, and indicated that he would support the project so long as there was a designated space for customers to turn around within the lot.

Mr. Sula agreed that a drive-through would be an asset, but noted that the shop has existed without one for quite some time. He stated that consideration be given to the impact this project may have on the other tenants on the property.

Mr. Garrity agreed with both Mr. Paff and Mr. Sula, stressing that certain conditions be attached to any favorable recommendation of this project. He explained that he would rather see an attempt made to accommodate the request, rather than see the business leave for another location.

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Mr. Sula clarified with Mr. Winter that a recommendation could be forwarded to the Village Board to approve the request with certain conditions attached.

Mr. Sula and Mr. Winter also clarified with Ms. Velkover that--while this request would not have even been presented at this evening's meeting without the property owner having granted his/her permission--he/she will have to be notified of any changes to the plans (such as the elimination of another parking space to make room for a designated space in which to turn around in the lot) and then sign off on any such changes.

Mr. Paff then asked if the other tenants on the property would be made aware of any changes.

Ms. Velkover explained that responsibility to notify tenants occupying space on property for which any projects are being proposed (or, of any changes/conditions set to such proposals) is that of the property owner. There is no requirement that the Village or petitioner notice anyone other than property owners. She noted that a sign was posted on the property in advance of tonight's hearing (and continuing through the Village Board process) and that if the property owner didn't notify his tenants, it was possible for them to become informed via this sign posting.

Mr. Patel stated that, based on what he was told by the property owner, the other tenants in the building have been notified.

Mr. Sula asked if there were anymore questions from members of the Board.

Mr. Baugh clarified with Ms. Velkover that this property has its own Planned Unit Development (PUD) Agreement and that the site plan would be amended as part of this Special Use Permit process.

Mr. Garrity clarified what is to be included in a motion, including what conditions could be attached.

Mr. Paff asked if the green area in front of the building could be removed, to move the lane farther away from the building and preserve parking.

Ms. Velkover responded that this was one of the options, but that it placed the drive-through lane into the front setback and would need a variance and PUD amendment.

Mr. Sula then asked if there were any more questions/comments from the Board, and stated that—if not—a motion would be in order; he also reminded that a motion is to be made in the affirmative.

Mr. Garrity clarified with Mr. Winter as to the simplest, clearest way to advance a motion while including the discussed stipulations/conditions.

Mr. Garrity motioned, seconded by Mr. Paff, to forward a favorable recommendation to the Village Board on the petition of Mr. Suresh Patel for a Special Use Permit to allow the installation and operation of a drive-through without a bail-out lane at the existing Dunkin' facility, located at 5414 Rt. 132, Suite 400, subject to the following conditions: 1) that a parking licensing agreement executed as proposed; 2) that an existing parking space, nearest to the

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front door of the establishment, be converted to a striped and signed turnaround area; and 3) that the property owner consent to this change.

Mr. Sula asked if there was any discussion on the motion. As there was not, a vote was taken.

Roll Call Vote:

Ayes: Baugh, Garrity, Paff, and Reilly

Nays: Nordentoft and Sula

Abstain: none

Motion carried: 4-2-0

### **5. Public Hearing: Zoning Ordinance Text Amendment**

*The Village of Gurnee has petitioned for a Text Amendment to Article 13.12 of the Gurnee Zoning Ordinance titled Master Sign Plan. Specifically proposed is a reduction, from three to two, in the number of required ways signage must be unified for office/service and industrial uses as part of a Master Sign Plan.*

Ms. Schopf introduced the item by stating that the staff has submitted a petition for a Text Amendment to Article 13.12 of the Gurnee Zoning Ordinance titled Master Sign Plan. Specifically proposed is a reduction, from three to two, in the number of required ways signage must be unified for office/service and industrial uses as part of a Master Sign Plan. The Zoning Ordinance previously required that new multi-tenant developments provide a Master Sign Plan that providing unification of signs in at least 3 ways. About 3 years ago the code was amended because of a concern that franchise retail tenants were not able to be as flexible as other non-franchise businesses in regards to sign color, font style, sign type, etc. For that reason, we amended the code to require that retail tenants only need to unify signs in 2 ways. At this time, office/service tenants that are also franchise businesses are expressing an inability to unify in three ways. Because these businesses have the same trademark ID issues associated with franchise retail businesses, staff is proposing an amendment to the text of the ZO to require that all Master Sign Plans, no matter if for office, service, industrial, retail, etc., be required to unify in 2 methods and not 3. This would keep all types of businesses consistent in the number of methods that signs need to be unified, which makes it easier for buildings that have a mix of office/service and retail uses. As with all Zoning Ordinance Text Amendment petitions, the Planning and Zoning Board will make a recommendation that will be forwarded to the Village Board for their determination.

Mr. Paff asked how signs are required to be unified.

Ms. Schopf indicated that the property owner has a choice of ways in which signs can be unified, including such things as sign type, lettering color, background color, font style, mounting height, etc.

As this was a Public Hearing, Mr. Sula asked anyone wishing to speak be sworn in. As there was no one from the public, Ms. Sula closed the floor.

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Mr. Nordentoft motioned, seconded by Mr. Paff, to forward a favorable recommendation to the Village Board on the petition of the Village for an amendment to the text of Article 13.12 of the Zoning Ordinance, Master Sign Plans, as proposed

Roll Call Vote:

Ayes: Baugh, Garrity, Nordentoft, Paff, Reilly, and Sula

Nays: none

Abstain: none

Motion carried: 6-0-0

#### **6. Next Meeting Date: February 20, 2019**

Ms. Schopf stated that there is a Public Hearing on the agenda for February 20th.

#### **7. Public Comment**

There were no public comments made at this meeting

Mr. Sula then took a moment to discuss what he interprets as a hesitancy on the part of Board members to make a motion. It was suggested that, perhaps, there is concern over proper wording while making a motion, or—that a sort of deference to more experienced members was felt among the Board. It was suggested that, perhaps, a template of a motion could be designed and placed into the notes to help guide those while making motions in the future.

#### **8. Adjournment**

Mr. Nordentoft motioned, seconded by Mr. Paff, to adjourn the meeting.

Voice vote:

All "Ayes," no "Nays," none abstaining

Motion carried: 6-0-0

The meeting was adjourned at 8:25 p.m.

Respectfully Submitted,

Joann Metzger,  
Recording Secretary, Planning and Zoning Board