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**Village of Gurnee
Planning and Zoning Board Minutes
November 4, 2020**

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 (remote), David Nordentoft (remote), Edwin Paff, Laura Reilly (remote), and Josh Pejsach (remote)

Planning and Zoning Members Absent: None

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

2. Pledge of Allegiance

Mr. Sula announced that, in accordance with the Governor's Executive Order in response to COVID-19 #2020-07, in-person attendance requirements under the Open Meeting Act have been suspended and relaxed. Therefore, tonight certain members of the Planning & Zoning Board will be attending remotely which will be reflected in the minutes.

3. Approval of the October 7, 2020 PZB Meeting Minutes

Mr. Paff motioned, seconded by Mr. Baugh, to approve the meeting minutes from October 7, 2020.

Roll Call Vote:

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

Nays: None

Abstain: None

Motion Approved: 7-0-0

3. Approval of the PZB's 2021 Meeting Schedule

Mr. Sula noted that the PZB's 2021 schedule is before the Board for approval. He noted that September has only one meeting due to the second meeting date, September 15th, falling on Yom Kippur.

Mr. Baugh motioned, seconded by Mr. Paff, to approve the PZB's 2021 meeting schedule.

Roll Call Vote:

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

Nays: None

Abstain: None

Motion Approved: 7-0-0

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4. Public Hearing: Special Use Permits for Raising Cane's (6415 Grand Avenue)/Parking Modification

Ms. Gable stated that Mr. Dustin Johnston, on behalf of Raising Cane's, is seeking Special Use Permits to allow the following at 6415 Grand Avenue: 1) A drive-through facility without a required bail-out lane; 2) An increase in the allowed height of a dumpster enclosure from 8 feet to approximately 15.7 feet; 3) A reduction in the transparency on the north elevation to less than the required 50%; and 4) Exterior insulation and finish system (EIFS) below the 4'-0" building line. In regards to these requests, the Planning and Zoning Board will make a recommendation that will be forwarded to the Village Board for their determination. The applicant is also seeking a parking modification to allow the number of required parking spaces to be reduced from 51 to 41, on which the Planning and Zoning Board has decision making authority. The applicant is in attendance remotely via Zoom tonight.

As this was a Public Hearing, Mr. Sula asked that all wishing to speak on this matter be sworn in.

Mr. Winter conducted the swearing-in.

Ms. Melanie Bagley, Property Development Manager for Raising Cane's, stated that she is one of the team members helping Raising Cane's move this development through the process. She introduced the other two members of the Raising Cane's team who are in attendance remotely as Dusty Johnson, Architect with ADA Architects, Inc. and Tom Szafranski, Civil Engineer with Kimley Horn. Ms. Bagley stated that her team met with staff nearly a year ago and then shortly after Covid came into play. That put the development on a hold for a while, but all the while keeping touch with this project so that once they felt more comfortable going forward they could do so. She noted that one of the items that they needed to address, that was not a Village restriction but a business park/subdivision plat restriction, was the release of the 50-foot landscaping easement along Grand Avenue. She stated that they have just secured the approval of all property owners within the subdivision for the release of this easement, which they have been working on since February. She explained that for those people not familiar with Raising Cane's that it is a chicken finger concept specializing in fresh chicken fingers only. She stated that their managers have a check-list that they go over every day and walk the site, curb-to-curb, to ensure that there is no trash in the lot, that the dumpster gates are closed, that landscaping is healthy, etc. Ms. Bagley stated that Raising Cane's is seeking Special Use Permits for the following:

1. Special Use Permit for a drive-through restaurant without a required escape lane.

Ms. Bagley stated that Raising Cane's is proposing a dual-lane drive through, partially in response to Covid but also because Raising Cane's sees 70-75% of their business from drive-through service. She also noted that there have been issues with stacking at other locations where there is only a single drive-through lane. She stated that what they are proposing in Gurnee is a dual-lane setup with 2 menu boards and the lanes will be equipped with staff trained to use iPads to facilitate orders. She stated that Raising Cane's has a very fast turn-around on food orders through their drive-through lanes. Prior to designing sites with dual drive-through lanes, amount of time that passes from when a patron orders when their food is delivered is less than 2.5 minutes. With the implementation of the dual drive-through lanes, they are looking at reducing that time to about 2 minutes and 10-17 seconds. The Special Use Permit request is for relief from the request for a true bypass lane, but she noted that in peak hours both lanes will probably be fully operational, but that for off-peak hours it is more likely that only one of those drive-through lanes will be utilized so that the outside lane can act as a

bypass lane should someone needing to exit. She stated that Portillo's is similar in that they have 2 drive-through lanes (only one menu board) and staff assisting people in the drive-through lanes with orders and payments. She asked the PZB to consider the possibility that the second lane can and will function as a bypass lane during non-peak times and that during peak times staff will be out there and can assist in providing a path for someone in need of leaving the stacking lane.

2. **Special Use Permit for a dumpster enclosure that exceeds a height of 8 feet (15'7")**

Ms. Bagley stated that Raising Cane's takes great pride in the appearance of their site and the trash enclosure is a part of that. She explained that at the onset of every project they are required to provide their site plan to their procurement team which includes their waste hauler and that they are required to vet the site (route to service trash receptacles, radius of turns, clearances, etc.). She said that based on a front-loader service, not raising the roof of the enclosure results in it getting hit and dented which results in the structure rusting and then it looks horrible. She explained that in the Midwest environment they design their trash enclosures with roofs to prevent snow and water from accumulating inside making them even more unsanitary than they need to be. The roof helps mitigate that situation.

3. **Special Use Permit for a reduction in the transparency of the north wall from 50% to approximately 33%.**

She stated that their drive-through side faces Grand Avenue and that their prototypical design would mean incorporating windows in the kitchen and food prep areas. She understands that there are concepts that allow people to see into kitchens from the outside, but that their preference instead would be to place a mural with the Village's name on it along that wall. She also noted that Raising Cane's spends \$150,000 on landscaping alone and that material is proposed along the Grand Avenue frontage, where there currently is none.

4. **Special Use Permit to allow EIFS within the bottom 4 feet of the building.**

Ms. Bagley stated that she understands that reasoning for not allowing EIFS in this area. She understands that snow and water splashing up can cause EIFS to rot and that is looks terrible. However, she noted earlier in the presentation, Raising Cane's is very particular about the appearance of their stores and their name brand. Managers literally walk the site every night and if they see any issues, including any issues with the exterior Drivvit, they will take care of it quickly.

In regards to the request for the parking modification, Ms. Bagley stated that she understands that the Village's parking requirement is relatively new and that staff requested they provide information on their other restaurant sizes and number of parking spaces. She noted that they have provided information on 10 other locations in the Chicagoland area that have restaurants that are either the same or slightly larger than the Gurnee facility and that of these restaurants, they all have less parking than what is proposed for Gurnee, with the exception of one store (North Riverside) which has the exact same number of parking spaces that Gurnee does. In the 10 other area restaurants, they average around 30 parking spaces for a restaurant of the same or smaller size. She noted that, with approximately 75% of their business being handled via the drive-through, parking has not been a problem. She noted that they do not have any cross parking agreement with Menards. She stated that she asked Tom Szafranski to pull information where they had a functioning site with less than 30 parking spaces and he provided the Harwood Height restaurant, which is slightly larger than the proposed Gurnee facility and has only 15 parking spaces.

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Ms. Bagley stated that she is there to answer any questions the Board may have, Tom Szafranski is there to answer any questions regarding architecture and building materials, and Dusty Johnston is there to answer any site development questions.

Mr. Nordentoft stated that he's generally supportive of most of the requests. He asked if there were any additional renderings or photographs of existing dumpster enclosures that were this tall. He noted that it is very difficult to imagine what this would look like.

Ms. Bagley noted that the implementation of this design is very new. She noted that the site locations that she provided staff where there are enclosures of this height are all stores that have just recently been approved and/or just started under construction. Therefore, there are no photos that she can provide of this situation. She noted that there is landscaping proposed immediately east of the enclosure and although there are some views from the drive-through lanes, they could probably add landscaping to help shield it. If this is causing the PZB concerns, she suggested that a condition could be added to the SUP that they provide photos of one of the dumpster enclosures at a facility that is currently under construction, once it is completed.

Mr. Sula asked how tall the enclosure is compared to the height of the building.

Ms. Bagley stated that the building is approximately 19 feet, almost 20 feet in height. Mr. Johnston interjected that the building is 19'10" tall and the dumpster enclosure, to the bottom of the enclosure is 14 tall, with the overall height being about 15.5 feet because of the roof construction. He also noted that the dumpster enclosure is finished in the same brick as the building and above that is a metal material that is intended to carry through the building theme of the metal awnings. Ms. Bagley indicated that it is almost as if you wouldn't know it's a trash enclosure. She noted that this is not your typical CMU block enclosure with a chain link gate.

Mr. Pejsach stated that he was reading the information about the EIFS and just wanted some clarification. He stated that it sounds like it's a higher quality of material (EIFS versus Dryvit) for the bottom 4 feet of building. He asked if there was a rendering of what that looks like in the package.

Mr. Johnston referred Mr. Pejsach to the color renderings in the packets. He also explained that the regulations restrict the use of Dryvit/EIFS for the bottom 4 feet of the building. He noted that the bottom 3'2" of the building is actually face brick. It is only in certain areas of the building where the top 10" of this 4 foot height is EIFS. He noted that the Dryvit that they use is a higher end product that has a longer warranty and is more durable.

Ms. Reilly stated that as a real estate agent they tend to steer people away from the use of Dryvit/EIFS in this area because of durability and maintenance concerns. She stated that most agents feel that this is an undesirable material (staining and peeling) and asked if all their locations utilize this material.

Ms. Bagley stated that this material is their standard. She stated that she understands Ms. Reilly's concerns but that a residential property owner might not have the same drive or ability to fully maintain the exterior or put off maintenance for other improvements. Their sites/buildings are part of their branding and as she mentioned earlier, their managers walk the site nightly and if there is any exterior

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maintenance that needs to be completed it will be taken care of promptly. She also noted the extent of the Dryvit/EIFS that doesn't meet code is just the top 10".

Mr. Garrity and Mr. Baugh indicated that they didn't have any questions.

Mr. Sula went through his thought on each request. In regards to the lack of a bail out lane, he stated that the fact that there are 2 drive-through lanes and that the second lane can be used during non-peak times, as well as the fact that the staff will be out there working the drive-through made him feel comfortable that someone who wants out of the lanes can. In regards to the height of the dumpster enclosure, he was still thinking about it, but noted that he was glad to hear that it was shorter than the main building and finished with materials that matched the building. In regards to the reduction in the transparency for the wall facing Grand Avenue, he stated that he thought the spirit behind that regulation was to prevent a blank (monotonous) wall and that the renderings show that the north wall is anything but plain/monotonous. Finally, in regards to the 10" departure for Dryvit/EIFS on the bottom 4 feet of the building in not of concern to him as it is up high and a very small amount of Dryvit/EIFS.

Mr. Sula noted that there is no one from the public in attendance in person. Therefore, he opened and closed the floor to the public. He asked if each member had any further discussion.

Mr. Nordentoft asked if they were going to address the parking modification now or after the Special Use Permit requests.

Mr. Sula stated that the parking modification would be discussed and dealt with separately after the Special Use Permits.

Mr. Pejsach stated that he is very supportive of the petition and the whole Raising Cane's concept. He indicated that he is very familiar with these restaurants having grown up in Louisiana and having gone to LSU, close to some of their original locations. In regards to the specific requests, he noted that Chik-Fil-A has a similar situation with 2 lanes and they do not have an additional bailout lane. In regards to the dumpster height, he believes it beautifies the site keeping the enclosure clean and tightly matched with the building. The transparency reduction is a minor reduction of only 17% and that elevation remains attractive. Finally, in regards to the 10" departure for Drivit/EIFS on the bottom 4 feet of the building, he agreed with Mr. Sula that the amount of Drivit is very minimal and at the top portion of bottom band.

Ms. Reilly stated that she does not have any further concerns.

Mr. Garrity stated that it is a great looking project and noted that he doesn't see any issue with the lack of a bail out lane for the reasons the petitioner and PZB members stated, the height of the dumpster enclosure adds value versus subtracts from the site, and the other two architectural requests (transparency and Drivit/EIFS departure) are minimal.

Mr. Paff stated that he is a little concerned about the dumpster height and asked if none of your other existing restaurants have that specific height. He noted that he was looking at some on-line and didn't see any of the height that is proposed here.

Mr. Johnston stated that a lot of their other locations have a roof on their dumpster enclosures, particularly up here in the north region, but that the new design is slightly higher to improve its functionality. The roof structure keeps out the weather (snow, rain, etc.).

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Mr. Paff stated that he understands why the roof is proposed. He just doesn't understand the need for that tall of a structure. He indicated that it seems that it would look like a tower sitting out there. He asked what the footprint was for the structure.

Mr. Johnston stated that it's a 20 foot wide by 14 feet deep structure and houses 2 dumpsters.

Mr. Paff stated that was a large structure but understood that it would contain multiple trash containers. He noted that it might not look like a tower structure at that size.

Ms. Bagley stated that if the PZB wishes a condition can be placed on the special use permit to require them to come back and show photos of a completed dumpster enclosure before proceeding.

Mr. Baugh stated that he doesn't have any issues and indicated that the project was great.

Mr. Sula stated that he has no further comments. He asked if anyone was willing to advance a motion.

Mr. Pejsach motioned, seconded by Mr. Garrity, to forward a favorable recommendation to the Village Board on the petition of Dustin Johnston, on behalf of Raising Canes, for the following Special Use Permits:

- 1) SUP to allow a restaurant with double drive through lanes without an escape lane;
- 2) SUP to allow an increase in the allowed height of a dumpster enclosure from 8 feet to approximately 15.7 feet;
- 3) SUP to allow a reduction in the transparency on the north elevation to less than the required 50% (in substantial conformance with the plans submitted); and
- 4) SUP to allow Exterior Insulation and Finish System (EIFS) starting at a height of 3'2" on the building's façade (in substantial conformance with the plans submitted).

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

Roll Call Vote:

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

Nays: None

Abstain: None

Motion Carried: 7-0-0

Mr. Sula asked Ms. Gable to provide an overview of the requested parking modification.

Ms. Gable stated that the Zoning Ordinance requires 51 parking spaces for the site and that the proposed site plan reflects 41. She stated that the applicant provided a list of about 10 other stores in the Chicago area that includes their size and number of parking stalls. She also noted that staff had the Village's traffic consultant, Mr. Bill Grieve with Gewalt Hamilton Associates (GHA), review the proposed plan, for parking and overall circulation. Mr. Grieve's report was provided to the PZB and indicates that the site has adequate parking supply to accommodate the peak customer and employee parking demands. Mr. Grieve did recommend revising the middle single-loaded aisle to a two-way parking aisle because of potential circulation conflicts plus difficulties getting in/out of vehicle doors and creating conflicts with side-view mirrors.

The consensus from the PZB was that the requested reduction in the number of parking stalls didn't concern them, given the information from other Raising Cane's locations and Mr. Grieve's report. The

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Board also supported the developer's initial site plan with the middle single-loaded aisle and not the revised plan that would flip those parking spaces to the north.

Mr. Garrity motioned, seconded by Mr. Paff, to approve a parking modification to allow the number of required parking spaces to be reduced from 51 to 41 (in substantial conformance with the plans submitted).

Roll Call Vote:

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

Nays: None

Abstain: None

Motion Carried: 7-0-0

5. Next Meeting Date: November 18, 2020

Ms. Velkover stated that there are no public hearings scheduled for this night, but that there could be a Subdivision Plat or some other non-public hearing item.

6. Public Comment

There were no public comments.

7. Adjournment

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

Roll Call Vote:

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

Nays: None

Abstain: None

Motion Carried: 7-0-0

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

Respectfully Submitted,

Joann Metzger,
Recording Secretary, Planning and Zoning Board