

Planning and Zoning Commission – Meeting Minutes
July 26, 2023 - 7:30 p.m.

I. Call to Order and Roll Call

Chairman Morris called the meeting to order at 7:30 PM.

Attendance: Chairman Morris, Commissioners Cotton, Fluno, Heidner, Lis, Nabat, and Smith were present.

Also attending: Andrew Jennings, Director of Community Development.

II. General Public Comment

No one from the public came forward to speak.

III. Items for Review

Chairman Morris called for the opening of the following public hearing:

1. Case #2023-05, a petition filed by Kimley-Horn and Associates Inc., on behalf of Centennial Real Estate (owner), requesting a variation from Article 13, B-1 District, lot and yard requirements, per Section 21.5 of the Zoning Code, to allow a 35,479 sq ft lot (40,000 sq ft required).

Subject Property: 950-1050 Milwaukee Avenue, zoned B-1 (General Business District)

ALL PERSONS PROVIDING TESTIMONY WERE SWORN IN

Daniel Grove, Kimley-Horn and Associates, was present on behalf of the petitioner.

Mr. Grove presented the background of the petition. The prior amendment to the mall PUD included a 3-lot subdivision in this area. The owner, Centennial, worked with Perry's Steakhouse on the northernmost lot and is currently working with another restaurant on the southernmost lot. Both ended up requiring more land than originally anticipated. Lot 2 is below the 40,000 sq ft minimum lot. Mr. Grove added that Centennial is confident that they will be able to find a tenant that can utilize the smaller lot.

Commissioner Heidner referred to the proposed plat and noted that the lot has an irregular shape. Mr. Grove stated that the lots are irregular so that the shared drive aisles would be split, but that parking stalls would be fully on one lot or the other.

Commissioner Heidner asked whether the valet at the steakhouse was impacted. Mr. Grove explained that the valet would use traditional stalls as shown on the site plan.

Chairman Morris asked if there would be an access and shared parking easement. Mr. Grove stated that it isn't necessary at this time because they would be held in common ownership. He also confirmed that parking in the new garage to the west would be allowed.

PUBLIC NOTICE

Chairman Morris noted that public notice went out and no comments were received.

STANDARDS FOR A VARIATION

Chairman Morris noted that petitioner's responses to the Standards were included in the staff report, and would be part of the record for the Commission's recommendation if there was no objection.

THE HEARING WAS OPENED FOR PUBLIC COMMENT

No one from the public spoke. Public comment was closed by Chairman Morris.

Chairman Morris stated that before the Commission that there is a standing motion to recommend approval, and read the draft motion from the staff report. Commissioner Cotton seconded the motion. Chairman Morris requested discussion on the motion.

Commissioner Heidner asked if there were other similarly sized lots. Director Jennings stated that he compared the lot size to two items on the agenda (the proposed Taco Bell and the two-unit building at 890 N. Milwaukee Avenue). Both were slightly larger, but accommodate the businesses and required parking.

Commissioner Lis questioned whether the easements would constrain the development potential. Director Jennings noted that the easements were being modified to align with the master engineering plans. Mr. Grove indicated that there is a 10 ft storm sewer easement that is large and cuts through the parcel. They have worked on sample site plans putting the building on either side of the storm sewer.

Commissioner Lis referred to the water main easement. Mr. Grove stated that some of the easements are to be vacated. The only one that is an issue is the storm sewer. Commissioner Lis asked whether the water main had already been constructed. Mr. Grove was not sure.

Chairman Morris requested procedural clarification from Staff. Director Jennings indicated that the lot lines are the focus of the request, and noted that easements can be corrected administratively. Chairman Morris asked whether Commissioner Cotton, who seconded the motion, would agree to a condition of approval referencing potential corrections to the easement. Commissioner Cotton agreed.

Commissioner Heidner asked how the lot would be maintained if it is difficult to market. Mr. Grove stated that all three lots were graded and seeded, and that Lot 2 is currently used to stage construction on the north parcel.

There being no additional discussion on the motion made, Chairman Morris requested a roll call vote on the following motion:

Make Findings of Fact and Recommend Approval of a variation from Appendix C, Zoning, Section 13.4, Lot Area Regulations in the B-1 District, to permit a subdivision that would establish a 35,479 sq ft lot (40,000 sq ft required), for the property located at 950-1050 N. Milwaukee Avenue, Vernon Hills, Illinois, in accordance with Section 21.5 (Variations), as illustrated on The Final Plat of Subdivision of Hawthorn Center Resubdivision No. 1, by Compass Surveying Limited, dated February 28, 2019, and last revised June 21, 2023.

And with the following conditions of approval:

1. The easement locations are subject to the final review of the Public Works Department

AYES: Cotton, Fluno, Heidner, Lis, Nabat, Smith, Morris

NAYS: none

ABSENT: none

Motion approved.

THE PUBLIC HEARING WAS CLOSED AT 7:44 PM.

Chairman Morris called for the opening of the following public hearing:

2. Case 2023-06, a petition filed by Flynn Restaurant Group, contract purchaser, requesting the following actions to facilitate the construction and operation of a restaurant with a drive-through at 700 Milwaukee Avenue Unit 148: (1) Special Use Permit with associated site plan and appearance approval per Section 13.3 and 18.3 of the Zoning Code; (2) Variations from Article 13, B-1 District, lot and yard requirements, per Section 21.5 of the Zoning Code; and (3) Variations from the requirements of Chapter 19, Signage, of the Village Code per Section 21.5 of the Zoning Code.

Subject Property: 700 Milwaukee Avenue, Unit 148, zoned B-1 (General Business District)

ALL PERSONS PROVIDING TESTIMONY WERE SWORN IN

Molly Redmon, Civil & Environmental Consultants, and Bob Lach, Flynn Restaurant Group, were present to represent the petition. Kentucky Fried Chicken currently operates a drive-thru and the request is to continue a similar use when converting the restaurant to a Taco Bell.

Ms. Redmon introduced the project. The property is zoned B-1 and a drive-thru requires a special use permit in the district. She referred to the slide illustrating vehicle stacking at the drive-thru.

Ms. Redmon stated that the second aspect of the petition is a zoning variation to address existing conditions. Taco Bell intends to use the site as-is, except for modifications for ADA

accessibility and to improve the drive-thru. She noted that the curb location makes food handoff difficult.

Ms. Redmon reviewed the variations for the existing non-conforming conditions: Lot size of 39,675 sq ft (40,000 sq ft required); side yard of 33.9 ft (35.0 ft required); rear yard of 39.5 ft (40.0 ft required); and parking stall length of 19 ft (20 ft required).

Mr. Lach added that Taco Bell plans to use the building in its current configuration, and the petition includes the continuation of existing issues with properly documented variances. The construction plans would reduce the curb bump out at the drive thru window so it is easier for customers to pick up their orders.

Ms. Redmon introduced the sign variation petition. The sign package requires variations due to the logo size; logos are restricted to the height of a letter and width of two letters.

Mr. Lach stated the current sign package is Taco Bell's preferred branding. The bell image is important to them. They understand that the Village prefers reduced logo sizes. A reduced logo, or displaying text only, could be an option if needed.

Commissioner Heidner questioned whether the monument sign was compliant. Mr. Lach and Ms. Redmon confirmed that it was [note: additional clarification follows].

Mr. Lach referred to the photo of the monument sign. He noted that the panel below the identification sign displays "breakfast" at some locations. They are promoting delivery at this location, and intend for this sign to display "delivery."

Commissioner Cotton asked about the nature of the delivery service. Mr. Lach confirmed that the delivery is by a third party (typically Door Dash). Commissioner Cotton stated that her preference would be to display "drive-thru". That's the more important feature; essentially every business can have delivery through a third party.

Mr. Lach questioned whether "breakfast" would be acceptable. Commissioner Cotton stated the restaurant's advertising campaigns promote breakfast, and that signage for the drive-thru would be more appropriate.

Chairman Morris asked whether the ordinance addressed the verbiage on the sign. Director Jennings stated that the logo on the monument does require a variation. With respect to content on the additional sign, he suggested that a panel identifying the presence of a drive-thru could be appropriate especially since it relates to the other aspect of the petition. Reviewing other potential messages for content is not advisable. Chairman Morris asked whether a future change, such as displaying hours, would be allowed. Director Jennings noted that a changeable copy area on a sign has specific rules in the code and the petitioner is not asking for a changeable copy sign.

Chairman Morris reviewed the scope of the sign package. Commissioner Nabat asked whether the scope included signage in each location that KFC displays signage. Mr. Lach confirmed that was the case.

Chairman Morris requested discussion on the petition in general.

Commissioner Smith asked what the lumen output on the purple light band near the roof line would be. He asked the petitioner to compare it to the light output for the signs. Mr. Lach referred to the sample photo. He was unaware of the lumen output in numbers, but could guarantee it would not be bright.

Commissioner Smith requested confirmation as to which elevations had backlit signs. Mr. Lach confirmed that the east, south and west sides had backlit signs. Commissioner Cotton requested clarification on the number of signs, and Mr. Lach confirmed that the south elevation has a logo and text separately, which would be one or two depending on how they are counted.

Commissioner Cotton requested details on the art panels. Mr. Lach explained that the art is an exterior wallpaper. It would be refreshed periodically. Commissioner Cotton asked whether they would display services. Mr. Lach stated that they would be art, possibly with food, but not advertising. Commissioner Cotton requested a condition of approval restricting advertising and business identification from the art display area. Director Jennings referred to the draft motion.

Commissioner Cotton was concerned with the precedent set by potentially allowing a larger logo and text on the same elevation. She noted that McDonald's wanted something similar, but was approved for a sign package that had the logo on one elevation and text on the other.

Chairman Morris noted that the signage was not consistent between the architectural elevations and the sign package. Director Jennings suggested that the sign package was newer and more detailed, and that the architectural elevations could be considered as illustrative only. Mr. Lach agreed.

Commissioner Cotton questioned the size and calculations of the south elevation signs. The bell is separated from the text and should count as a second sign. Mr. Lach indicated that the text is on the canopy and the bell logo is behind it on the wall.

Chairman Morris reviewed the sign company's submittal:

- West: Bell logo with "Taco Bell"
- South (main entrance): Bell logo with "Taco Bell"
- East (Milwaukee): Taco Bell with bell logo inline
- Monument sign on Milwaukee

Mr. Lach confirmed the scope of the submittal, and added there would be nothing on the north.

Commissioner Fluno referred to the landscape plan. He noted that a lot of the mature plant material would be removed near the drive-thru along Milwaukee. The replacement material is all low. Ms. Redmon confirmed the replacement material was lower height. Commissioner Fluno stated that the proposed plants at 2 ft to 4 ft mature height would not provide much screening for the drive-thru. Mr. Lach agreed that they could add to the screening.

Commissioner Cotton asked whether the trees were healthy. Mr. Lach replied that they are healthy, but old and the large root system would be damaged when they work on the parking lot anyway. They are spending roughly \$1.5M on the project and expect it to look much nicer.

Commissioner Fluno suggested that they also review the plant density on the plans. He noted that the quantities seemed low compared to the spacing on the plant schedule.

Commissioner Heidner commented that the plans do not call for the removal of some trees that appear to be dead, and referred to the technical review memos. Director Jennings offered to update the draft condition of approval relating to landscaping to include the specific issues discussed at the hearing. Mr. Lach did not object to the suggestions.

Chairman Morris requested a recap of the various requests. There were no additional questions or comments on the Special Use petition. Commissioner Fluno suggested a condition relating to plant density adding height and diversity in the landscape area between the drive-thru and Milwaukee Avenue. Commissioner Smith suggested that the light band is effectively advertising the brand, and should fall within the sign package.

Chairman Morris requested feedback as to whether the band would be considered a sign. Director Jennings suggested it was hidden and lighting a portion of the wall, and would be part of the architectural review under the purview of the Commission.

THE HEARING WAS OPENED FOR PUBLIC COMMENT

No one from the public spoke regarding the text amendment. Public comment was closed by Chairman Morris at 8:18pm.

Chairman Morris requested final comments on the Special Use petition. Director Jennings referred to the Staff report. The report suggested that the rooftop screening be replaced and match the new color scheme; the delivery question has been discussed; the hours of operation had not been discussed. Mr. Lach stated that they open at around 8am and close on demand. He suggested the adjacent McDonald's would be a good example of demand. He noted that they operate similar to Wendy's. They close at hours when they don't make any money. He estimated 11pm to 1am for closing.

Director Jennings mentioned that the adjacent shopping center had just submitted a permit application to replace the parking lot lights. He recommended a condition of approval to match the lights to the greatest extent possible to produce a more cohesive appearance. Mr. Lach was in agreement.

Commissioner Fluno stated that the plan does not have call for any landscaping for the monument sign along Milwaukee Avenue. He suggested a condition adding that area to the refresh.

PUBLIC NOTICE

Chairman Morris noted that public notice went out and no comments were received.

Chairman Morris stated that before the Commission that there is a standing motion to recommend approval, and read the draft motion from the staff report along with the conditions of approval discussed during the hearing. Director Jennings summarized the full list of conditions of approval, including a change to condition 4 as requested by Commissioner Cotton. Mr. Lach referred to the photographs

Commissioner Smith referred to the light band. His position is that it should be considered part of the sign package because it is an element of the branding for the building. He thought the motif could be repeated on other buildings if it is considered to be architectural. Chairman Morris requested a poll of the Commission regarding the consideration of the light band (include with signage, or include with architectural review):

Signage: Cotton, Smith

Architectural: Nabat, Fluno, Heidner, Lis, Morris

Chairman Morris stated that the original motion is on the table, and asked if the Commission would like to add anything with respect to the light band. Director Jennings suggested that Commissioner Smith's original comment on lumen output could be incorporated by requiring confirmation of the impact on site photometrics.

Commissioner Cotton noted the distance from the subject property to existing Taco Bell locations. She asked whether the new store would negatively impact existing Taco Bell stores. Mr. Lach stated that they research the markets and believe that the demand justifies the new store. They have been looking for a location in this area since 2016 to fill a gap.

Commissioner Fluno asked when the light band would be turned off and Mr. Lach stated that it turns off at closing. He added that the light is important to their current operation. It shows that they are open, helps identify the restaurant rapidly, and it helps feel more vibrant.

Commissioner Heidner seconded the motion to:

Make Findings of Fact and Recommend Approval of a Special Use for a Restaurant with a Drive-Thru, with associated site plan, landscape plan, and architectural approval, for the property located at 700 Milwaukee Avenue, Unit 148 Vernon Hills, Illinois, as required by Section 13.3 (Special Uses in the B-1 District), Article 18 (Special Use Standards), and Section 21.6 (Special Use Procedures), as described in the application by Flynn Restaurant Group, LLC, dated June 29, 2023, in accordance with the following plans and exhibits:

- ADA Construction Plan set by Civil & Environmental Consultants, Inc., dated May 25, 2023
 - Existing Conditions and Demolition Plan (C100)
 - Site Plan / Grading Plan (C200)
 - Landscape Plan (C700)
- Architectural Plans by MRV Architects Inc., dated January 4, 2023
 - Colored Elevations (A4.2)
 - Elevation details (A4.0-A4.1)
 - Equipment Plan / Floor Plan (A2.0)

And with the following conditions of approval:

1. The landscape plan is subject to the final review and approval of Public Works, including but not limited to the following modifications:
 - a. Add an element with greater height in the northeast corner near the drive-thru
 - b. Remove the proposed tree from the narrow parking lot island.
 - c. Confirm the density and spacing of proposed plants
 - d. Add landscaping to the sign area
2. The rooftop unit screens shall be replaced with materials designed to complement the appearance of the new restaurant color scheme.
3. The parking lot light poles shall be painted or replaced as determined by Public Works, matching the parking lot lights at the adjacent shopping center to the greatest extent possible.
4. The artwork within the display areas shown on the north and south elevations may be updated periodically without additional review, but may not be replaced with advertising signage or business identification signage.
5. The existing elevations and proposed modifications are subject to the Village Board granting an exception to the masonry coverage requirement in the building code.
6. Signage on the elevation plans is for illustrative purposes only.
7. The petitioner shall provide details of the lumen output of the purple accent lighting and the impact on site photometrics for Staff review.

AYES: Cotton, Fluno, Heidner, Lis, Nabat, Smith, Morris

NAYS: none

ABSENT: none

Motion approved (7-0).

Chairman Morris stated that before the Commission that there is a standing motion to recommend approval, and read the draft motion from the staff report. Commissioner Heidner seconded the motion to:

Make Findings of Fact and Recommend Approval of the following variations from Appendix C, Zoning, for the property located at 700 Milwaukee Avenue, Unit 148 Vernon Hills, Illinois, as required by Section 21.5 (Variations), as described in the application by Flynn Restaurant Group, LLC, dated June 29, 2023, and illustrated on the Site Plan / Grading Plan (C200) by Civil & Environmental Consultants, Inc., dated May 25, 2023:

1. Section 13.4, Lot Area Regulations in the B-1 District: to permit a lot that is 39,675 sq ft (40,000 sq ft required);
2. Section 13.6, Yard Regulations in the B-1 District: to permit a side setback of 33.9' (35.0' required);
3. Section 13.6, Yard Regulations in the B-1 District: to permit a rear setback of 39.5' (40.0' required);
4. Section 19.5, Design and Maintenance of Parking Facilities: to permit parking spaces with a dimension of 10' x 19' (9' x 20' required).

AYES: Cotton, Fluno, Heidner, Lis, Nabat, Smith, Morris

NAYS: none

ABSENT: none

Motion approved (7-0).

Chairman Morris requested feedback from the Commission regarding the structure of the motion with respect to sign code variation. The consensus of the Commission was to split the vote to apply to different elements of the sign package separately.

Chairman Morris stated that before the Commission that there is a standing motion to recommend approval, and read the draft motion from the staff report. Commissioner Nabat seconded the motion to:

Make Findings of Fact and Recommend Approval of the following variations from Chapter 19, Signs, for the property located at 700 Milwaukee Avenue, Unit 148 Vernon Hills, Illinois, with respect to the West Elevation Signage, as required by Section 21.5 (Variations), as described in the application by Flynn Restaurant Group, LLC, dated June 29, 2023, and illustrated on the Taco Bell Sign Package by Everbrite LLC, dated May 15, 2023:

1. Section 19-3 Sign Standards by District, Subsection (c)4d: To permit a logo that exceeds the height of the lettering
2. Section 19-3 Sign Standards by District, Subsection (c)4e: To permit logos that exceed the width of two letters
3. Section 19-3 Sign Standards by District, Subsection (c)4f: To permit logos that exceed four (4) square feet when not in line with the lettering

AYES: Nabat, Morris

NAYS: Cotton, Fluno, Heidner, Lis, Smith

ABSENT: none

Motion failed (5-2).

Mr. Lach requested that the sign variation petition return in at a later date. Chairman Morris stated that the petition could be withdrawn without impacting the Special Use or Zoning Variation petitions. Mr. Jennings noted that a continuation could also be granted at the Commission's discretion, and that the next meeting was anticipated to be August 23rd. Mr. Lach requested a continuation.

Chairman Morris made a motion to continue the hearing to August 23, 2023, seconded by Commission Cotton. All were in favor on a voice vote.

Motion approved.

Chairman Morris called the following item for review at 8:51pm:

3. Case PZ 23-01, a petition filed by Vernon 890 LLC, owner, for minor modifications to the site plan and building appearance approved through Ordinance 2022-097, to facilitate the tenant buildout for CAVA Restaurant, to be located in Unit 100.

Subject Property: 890 Milwaukee Avenue, Unit 100, zoned B-1 (General Business District)

Diane Menza, Vernon 890 LLC, and Orlando Vivaqua, Soos Architects, were present on behalf of the petitioner, and sworn in.

Ms. Menza provided an introduction. She explained that Cava is a Mediterranean Restaurant and has certain elements that they like to include at their locations. Mr. Vivaqua referred to the site plan. They are proposing to remove 3 parking stalls near the southeast corner of the building to accommodate a patio area; add a new storefront door on the east for the interior traffic pattern; and an alabaster color for the east and west elevations as opposed to gray.

Commissioner Nabat requested clarification of the parking layout near the patio. Ms. Menza confirmed that the patio would remove 3 stalls, but there would still be 4 on that side of the building.

Commissioner Lis asked whether the patio would be raised. Mr. Vivaqua confirmed it would be curbed and flush with the adjacent sidewalk.

Commissioner Heidner requested confirmation from Staff that the site met the parking requirements. Director Jennings stated that it would meet the parking lot based on the number of seats and employees indicated on their plans. Commissioner Heidner suggested that they remove a fourth spot and add green space next to the patio. Commissioner Fluno agreed; car doors might hit the patio fence.

Commissioner Cotton suggested relocating the ADA stall next to the patio so that they wouldn't lose a space. Mr. Vivaqua offered to pull the fence back slightly if the concern is adequate space for car doors. Commissioner Heidner clarified that his suggestion was to make it look more appealing, not just about space to open a door. Ms. Menza was in agreement with additional landscaping west of the patio.

Chairman Morris stated that before the Commission that there is a standing motion to recommend approval, and read the draft motion from the staff report, including the additional condition related to landscaping west of the patio. Commissioner Heidner seconded the motion to:

Recommend Approval of Minor Site Plan and Appearance Approval Modifications, for the property located at 890 N. Milwaukee Avenue, Suite 100, Vernon Hills, Illinois, as required by Chapter 16, Article IV, and Appendix C, Section 4.12, with the work to be completed in substantial accordance with the following plans by Soos Associates, last revised July 11, 2023:

- Sheet A0: Site Plan (3 versions provided, aerial overlay, paving plan, isolation)
- Sheet A1.5: Patio plan and fencing specifications
- Sheet A2-A3: Elevations
- Sheet A4-A5: Perspectives

And with the following conditions of approval:

1. The petitioner shall work with both tenants to verify that the trash enclosure is appropriately sized for the two businesses. Expansion of the trash enclosure may be permitted without additional review provided that the parking requirement is met; and
2. That the parking space immediately west of the patio would be removed and replaced with landscaping.

AYES: Cotton, Fluno, Heidner, Lis, Nabat, Smith, Morris

NAYS: none

ABSENT: none

Motion approved (7-0).

IV. Approval of minutes the April 26, 2023 Planning & Zoning Commission minutes

Chairman Morris requested that the minutes be revised to reflect a 7:35 start time as opposed to 7:05. A motion was made by Chairman Morris, seconded by Commissioner Cotton, to approve the minutes of the April 26, 2023 Planning & Zoning Commission meeting. All were in favor by a voice vote (6-0, Heidner abstaining).

V. Development Review

Director Jennings provided the following updates:

- Hawthorn Mall:
 - Domaine occupancy is at 44 units, with additional 25 leased.
 - Two-level plaza project is underway
 - Perry's Steakhouse construction is ongoing
- Everleigh held its grand opening event June 25th
- Belle Tire: wall nearly complete, building preparation starting
- Kyuramen work underway (former Jason's Deli)
- Guidepost Montessori work ongoing
- Mellody Farm
 - Crisp & Green opening
 - Crumbl Cookie recently opened
- Golf Galaxy opening in new unit at Townline Commons
- Hawthorn Hills Square
 - Bullfrog Spa (hot tubs with showroom)
 - Fireplaces Plus expanding into adjacent unit
- The Fitness Institute within Lil Kickers space
- Sephora in Kohl's

Commissioner Nabat asked whether Staff was aware of any specific tenants moving into the mall. Director Jennings stated that there is nothing official yet.

Commissioner Heidner requested an update on Townline Commons. Dick's outlot has been open for a while and they haven't worked on the parking lot yet. Director Jennings explained that they had a potential sale of the property that paused the discussion of the lot work around the deadline. Staff has since resumed working with the owner.

Commissioner Heidner requested an update on Urban Air. Director Jennings stated that they have gone through permitting but haven't started work.

VI. Adjournment

With no further items on the agenda, Chairman Morris made a motion to adjourn, seconded by Commission Cotton. The motion was approved by a voice vote.

The meeting adjourned at 9:11.

Respectfully submitted,

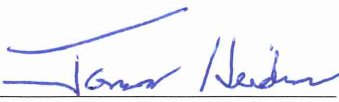
Andrew Jennings
Director of Community Development

Distribution:

President and Board of Trustees
Village Manager/Village Clerk
Commission Members

August 23, 2023
Approval Date


Chairman Morris


Secretary Heidner