

**VILLAGE OF BANNOCKBURN
PLAN COMMISSION/ZONING BOARD OF APPEALS MEETING
MARCH 4, 2013**

1. **01-03/04: Call To Order.** Chairman McShane called the meeting of the Plan Commission and Zoning Board of Appeals to order at 7:00 p.m.

Chairman: James McShane

Commissioners Present: Robert Borden, David Elston, Susan Knaack, Louise Feeney, William Montgomery, Richard Peters

Commissioners Absent: None

Also Present: Village Manager Maria Lasday, Village Counsel Betsy Gates, Village Counsel Hart Passman, and Village Administrative Assistant Blanca Vela-Schneider

Visitors: Mike Arnold (Wanxiang, LLC), Ajibade Adebawale (Wright Heerema Architects), Mark Cicero (McShane Construction), Tony Cincinelli (McShane Construction), Village Resident Sheila Elston (1920 Duffy Lane), Village Resident David Kotowsky (1775 Duffy Lane), Village Resident Dale Mason 1760 Duffy Lane), Village Residents Bruce and Susan Nelson (1665 Meadow Lane), John Ryan (Ives Ryan Group)

2. **02-03/04: Pledge of Allegiance.** Chairman McShane led everyone in reciting the Pledge of Allegiance.
3. **03-03/04: Approval of the February 4, 2013 Plan Commission & Zoning Board of Appeals Regular Meeting Minutes.** Commissioners Borden, Elston, and Knaack offered corrections to draft February, 2013 Plan Commission & Zoning Board of Appeals regular meeting minutes. Commissioner Borden moved, seconded by Commissioner Knaack, to approve the February 4, 2013 Plan Commission & Zoning Board of Appeals regular meeting minutes, as amended. On a voice vote, the motion was unanimously approved. Ayes: Seven (Borden, Elston, Feeney, Knaack, McShane, Montgomery and Peters); Nays: None, Absent: None.

05-03/04: Continued Public Hearing for the Consideration of a Text Amendment(s) to the Bannockburn Zoning Code, Amendments to Existing Special Use Permits, Granting of New Special Use Permits, Variations, and any other Zoning Relief Necessary to Permit the (i) Retention of Some of the Existing Exterior Lighting, (ii) Installation of New Exterior Lighting (iii) Installation of a New Illuminated Nameplate Sign along the Illinois Tollway Frontage of the Property, and (iv) Installation of a New Ground Identification Sign along Lakeside Drive at the Property, Located at 2275 Half Day Road, Submitted by Bannockburn Wanxiang, L.L.C. Noting a conflict in interest,

Chairman McShane recused himself from this issue. Commissioner Peters opened a public hearing at 7:04 p.m. for the consideration of a text amendment(s) to the Bannockburn Zoning Code, amendments to existing Special Use Permits, granting of new Special Use Permits, variations, and any other zoning relief necessary to permit the (i) retention of some of the existing exterior lighting, (ii) installation of new exterior lighting, (iii) installation of a new illuminated nameplate sign along the Illinois Tollway frontage of the property, and (iv) the installation of a new ground identification sign along Lakeside Drive at the property located at 2275 Half Day Road. He swore in the witnesses: Mike Arnold (Wanxiang, LLC), Ajibade Adebawale (Wright Heerema Architects), Mark Cicero (McShane Construction), Tony Cincinelli (McShane Construction), and John Ryan (Ives Ryan Group).

Mr. Mike Arnold indicated that Wanxiang bought the mortgage on this property and received the title from Dolan Associates. He stated that Wanxiang was initially interested in redeveloping the property for retail use but due to the terms of the existing tenant leases, Wanxiang has decided to renovate the existing property to make it more attractive to prospective tenants. Village Manager Lasday gave a brief update on the landscape issues on the property but noted that the renovations that the property owner proposes do not trigger bufferyard regulations. She stated that Wanxiang understands the need to install additional landscaping and will be working with the Village Forester on a final landscape plan.

Commissioner Borden inquired about the primary reason for the modifications. Mr. Arnold stated that the property is 38% occupied and that the modifications would act as speculative development with the belief that new tenants will follow once they are complete. Commissioner Peters inquired whether this request has been reviewed by the Architectural Review Commission. Village Manager Lasday replied that zoning relief would be needed prior to this issue going before the Architectural Review Commission.

Mr. Arnold stated that Wanxiang is proposing to keep the existing sign on the property but change the name on it. Village Manager Lasday stated that the existing nameplate sign (with two names) is 160 sq. ft. and had previously been approved by the Village last year. She stated that the property owner is also seeking to add an identification sign on Lakeside Drive. She stated that the property also received zoning relief to have a pylon sign with a height of 28 ft. She stated that they would like to replace this sign but maintain the height to allow visibility along the Tollway.

Village Counsel Passman indicated that there is some overlapping in regards to the definition of nameplate and identification signs. He stated that the language is still being worked out but indicated that the focal points for the Plan Commission should be the number of signs, the size of the signs, and the height of the signs.

Mr. Arnold identified the proposed curb cut on the property on a site plan. He stated that the new curb cut would guide guest traffic.

Commissioner Borden inquired whether the café will remain. Mr. Arnold replied that the café will remain but there are plans to enhance it and improve customer experience.

Commissioner Peters clarified that the sign along the Tollway would have four tenant names, the sign along Half Day Road would only have the new sign face identifying the management company or owner name, and that the sign on Lakeside Drive would direct guest traffic. Mr. Arnold replied that this is correct.

Commissioner Peters inquired whether all the signs would be internally lit. Mr. Arnold replied that they would be internally lit. Village Manager Lasday stated that the Village's zoning regulations now permit signs along the Tollway to be lit 24 hours per day. She stated that the Half Day Road and Lakeside Drive signs will only be lit during business hours. Commissioner Peters inquired whether there are any plans to modify the signage on Half Day Road to match the colors on the two new existing signs. Mr. Arnold replied that the existing sign will keep the three colors as it currently exists (black, red, and white).

Commissioner Borden inquired whether the café will stay open beyond business hours. Mr. Arnold replied that the café is paid a certain amount of money but it is up to the café owner to determine the hours of operation. Commissioner Borden inquired whether there are any overnight tenants. Mr. Arnold that there are three employees in the building that work the 3rd shift. Commissioner Feeney inquired about the type of tenants that the property is hoping to attract. Mr. Arnold replied that it will be geared primarily toward office use.

Village Manager Lasday clarified that the issues requiring zoning relief include the 28 ft. sign on Lakeside Drive, the collective amount of square footage on a property, and setback regulations.

The Commission discussed the possibility of having the sign along the Tollway sign be considered a pylon sign. Commissioner Elston stated that he and Village Manager Lasday prepared a revised memorandum identifying why the sign along the Tollway should be considered a pylon sign. Village Counsel Passman stated that the Commission, if desired, could use the revised language in the memorandum if it desires.

After further discussion, Commissioner Elston moved, seconded by Commissioner Montgomery to recommend approval of 1) a new Special Use Permit and/or an amendment to allow the three collective area signs to exceed 300 square feet; and one nameplate sign to exceed 3 square feet in area and four feet in height, 2) a new Special Use Permit and/or an amendment to the existing Special Use Permit to allow 2 ground signs and 1 pylon sign on the property (1 nameplate sign and 2 identification signs), 3) allow the proposed nameplate sign along the Illinois Tollway frontage of the property to have a setback of 5 feet from the lot line and the curb in lieu of the required 10 feet from any lot line and 15 feet from the edge of any curbed payment, 4) one illuminated nameplate sign by the Village President and Board of Trustees in accordance with the standards set forth in Paragraph 9-106D1 of the Village's Zoning Code, and 5) text amendments to the Zoning Code to allow a variation to permit a 28 foot tall sign along the Tollway and the bottom edge of the proposed sign to be 15 feet, 8 inches and a new Subparagraph 9-106H2(d) is proposed that will mirror the current language in Paragraph 9-106F10 (existing regulations for pylon signs). On a voice vote, the motion was unanimously approved. Ayes: Six (Borden, Elston, Feeney, Knaack, McShane, Montgomery, Peters), Nays: None. Abstain: One (McShane). Absent: None.

Mr. Arnold presented the proposed lighting plan. He stated that Wanxiang is proposing to maintain the existing parking lot lights and is asking for a variance. He stated that the maintenance of these lights will have less of an impact than installing additional fixtures to comply with the Village's zoning regulations while maintaining a safe atmosphere for those who work late in the evening. He stated that the other lights that they are proposing will be zoning compliant. Commissioner Elston stated that the application requests to keep the existing parking lot lights until they reach the end of their life. He stated that while he is comfortable with Wanxiang maintaining the existing lights, he does not feel that this should be allowed in perpetuity. Mr. Arnold stated that he would be amenable to putting a timeframe of 5 years on it to allow the Village to review the fixtures. The consensus of the Commission is that this would be acceptable. Mr. Arnold indicated that the existing poles will be maintained and painted.

Mr. Arnold continued to review the proposed light fixtures, noting that there would be up lights on the columns on the building and a number of fixtures around the entire entryway. Commissioner Peters inquired about the height of the ground fixtures. Mr. Ajibade Adebowale replied that they would be between 4 and 5 feet.

Commissioner Peters noted that Village Engineer Gewalt has suggested that the parking lot be restriped and that additional handicap spaces be added. Mr. Arnold stated that the parking lot is planned to be restriped but he would like to keep the existing number of handicap parking spaces. Village Manager Lasday stated that they would have to comply with State regulations. Mr. Arnold noted that there would also be some patching and paving to the parking lot.

Commissioner Peters inquired about the landscaping. Mr. Arnold stated that there are plans to do significant landscaping. He stated that ash trees will be removed. Village Manager Lasday stated that the work proposed does not trigger bufferyard regulations but the applicant is working with the forester to install significant landscaping.

Commissioner Elston moved, seconded by Commissioner Borden, to recommend approval of variations and Special Use Permits as set forth in the Commission's packet subject to maintenance of the existing light poles, restriping the parking lot and maintaining the appropriate number of handicap parking spaces in accordance with State Law and approved by the Village Engineer, working with the Village Forester on a final landscape plan, and review of the existing parking lot light fixtures in five years by the Board of Trustees. On a voice vote, the motion was unanimously approved. Ayes: Six (Borden, Elston, Feeney, Knaack, Montgomery, Peters), Nays: None, Abstain: One (McShane), Absent: None.

4. **07-03/04: Discussion Regarding Nonconforming Structures and Legal Nonconforming Lots of Record.** Chairman McShane stated that at the February 4, 2013 PCZBA meeting, there was discussion regarding the ambiguity of the language regarding nonconforming structures and legal nonconforming lots of record. He stated that Counsel was requested to address this issue although there would not be anything decided regarding this matter at this time. Village Counsel Passman stated that there are two memoranda in the Commission's

packet. He stated that the first memorandum is an attempt to address the concerns conveyed by the Commission while the second memorandum is an analysis of two subdivisions that contain the majority of undersized lots. He stated that the second memorandum does not address every lot in Bannockburn nor does it attempt to provide an in depth analysis of the lots in the two subdivisions. Commissioner Elston indicated that the Commission had been presented with two issues. He stated that the first was the need for clarification to provide some comfort to those who occupy these nonconforming structure and legal nonconforming lots of record as well as to address how the properties can be reconstructed. He stated that the second issue is whether a third residential district should be created.

Village Resident Bruce Nelson indicated that the existing setback regulations make it difficult to build a new home on his property. He stated that there are lots in Deerfield that are selling for \$100,000 more than lots in Bannockburn. Chairman McShane stated that there may be multiple factors contributing to the pricing of lots but noted that the Village of Bannockburn is different than the Village of Deerfield and cannot be properly compared.

Village Counsel Passman stated that there are still legal procedures that need to be followed including legal notice and a public hearing before a text amendment could be considered but suggested language to amend 10-104 and 10-105 of the Village's Zoning Code. Commissioner Elston stated that the language could be simplified directing those who have a structure on a nonconforming lot to review the provisions in section 10-104 of the Village Zoning Code.

Village Counsel Passman stated that those who extend past the deadline to rebuild a structure on a nonconforming lot can still go through the legal process to get zoning relief to rebuild beyond the period identified in the Village's Zoning Code.

Chairman McShane stated that the Commission needs to address whether it wants a third residential district. Commissioner Peters stated that he did not think the Comprehensive Plan is an appropriate place to discuss whether a third residential district should be considered. Commissioner Elston disagreed, stating that the Comprehensive Plan answers the fundamental question of what Bannockburn is about.

Mr. Nelson expressed concern regarding the ability of the Village to take a person's land. Village Counsel Passman stated that the Village would not be taking the land, just limiting the use of the land. Chairman McShane stated that he did not think that the residents would like to see empty lots.

After some further discussion, the consensus of the Commission is to continue this issue until a later date.

5. 06-03/04: Work Session on the Comprehensive Plan Update. Chairman McShane noted that this is a work session. Village Manager Lasday stated that she used the Commission members' suggestions as well as the Village's brochure to bolster the language in Chapter 1. Commissioner Borden stated that the language reads much better. Chairman McShane

stated that he would still like to see the census numbers of residents actually residing in the Village of Bannockburn, not including those at the University.

Commissioner Elston stated that there seems to be inconsistency in the language of the Comprehensive Plan with the talk of empty nester housing. Chairman McShane stated that the Commission needs to consider the possibility of empty nester housing when preparing the Comprehensive Plan. Commissioner Elston disagreed. He stated that the language in the Comprehensive Plan is written in a way that would be difficult for someone to build multi-family housing.

Village Resident David Kotowsky (1775 Duffy Lane) and Village Resident Dale Mason (1760 Duffy Lane) indicated that multi-family housing should not be in the Village of Bannockburn. Chairman McShane stated that incorporating language regarding multi-family housing is important and noted that having something in place will help control what happens in the unincorporated area of Lake County that abuts the Village of Bannockburn. He stated that the issue as to whether or not there should be multi-family housing is not on an agenda item for discussion. Commissioner Elston stated that he feels that these residents should be heard, noting that the previous issue regarding nonconforming lots and legal nonconforming structures was brought up because a resident had concerns while discussing the Comprehensive Plan.

Mr. Kotowsky stated that having multi-family housing would negatively impact the value of homes in Bannockburn. Village Resident Sheila Elston (1920 Duffy Lane) stated that the Comprehensive Plan is an odd place to address concerns of some elder residents. Chairman McShane stated that it appears that Mr. Kotowsky, Mr. Mason, and Mrs. Elston are on Duffy Lane and are concerned with having multi-family housing by their properties. He stated that he is not saying that multi-housing family should be on the Village's 12 acre parcel that is near Duffy Lane, but the Commission should consider whether there is an appropriate area to have multi-family housing and if it is appropriate, where it should be located. Commissioner Elston identified instances in the Comprehensive Plan where the 12 acre parcel has been identified for Open Space use. Mr. Kotowsky inquired what elderly residents have done when faced with a decision to downsize their homes. Chairman McShane replied that they moved away. Mr. Mason indicated that the elderly typically move to warmer climates. He expressed concern regarding having empty nester housing by his home because it would create a traffic issue as well as impact the value of his home due to the management of multi-family housing units not sufficiently maintaining properties. He stated that he likes the vision that was presented in the existing Comprehensive Plan and it should not be altered. Chairman McShane inquired whether the residents would be against having multi-family housing in an area along Waukegan Road. Mrs. Elston replied that she is not sure whether she would like it because she hasn't seen plans, but generally speaking, she is against multi-family housing in the Village of Bannockburn. Mr. Kotowsky stated that residents of Bannockburn were aware when they moved into the Village that there is not a place for empty nesters.

Commissioner Peters stated that there is some ambiguity in regards to the language of empty nester housing and multi-family family housing which could cause alarm for people. He

stated that he can see both sides of this issue. After some further discussion, the consensus of the Commission is to continue this issue until the next meeting.

6. 07-03/04: **Other Business.** Village Counsel Passman noted that the next scheduled meeting is set for Monday, April 8, 2013.
7. 08-03/04: **Adjournment.** There being no further business before the Commission, Commissioner Borden, seconded by Commissioner Borden, to adjourn the PCZBA meeting. On a voice vote, the motion was unanimously approved. Ayes: Seven (Borden, Elston, Feeney, Knaack, McShane, Montgomery, Peters), Nays: None, Absent: None. The meeting was adjourned at 9:35 p.m.