

**VILLAGE OF BANNOCKBURN  
PLAN COMMISSION/ZONING BOARD OF APPEALS  
FEBRUARY 2, 2015  
MEETING MINUTES**

1. 01-02/02: **Call To Order.** Chairman McShane called the meeting of the Plan Commission and Zoning Board of Appeals to order at 7:00PM.

Chairman: James McShane

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

Commissioners Absent: Richard Peters

Also Present: Village Manager Maria Lasday, Village Counsel Betsy Gates, Assistant to Village Manager Ryan Mentkowski

Visitors: Jack Koenig (1140 HDR – Del Mar Woods), Chris Prucnal (6448 Eldorado Drive), Mary Meyer (4320 Winfield Road, Warrenville), Al Daniels (4320 Winfield Road, Warrenville), Jeff Tigchelaar (CBRE)

2. 02-02/02: **Pledge of Allegiance.** Chairman McShane led everyone in reciting the Pledge of Allegiance.

3. 03-02/02: **Visitor's Business.**  
No visitors spoke.

4. 04-02/02: **Approval of the January 12, 2015 Plan Commission & Zoning Board of Appeals Regular Meeting Minutes.**

Commissioner Borden moved, seconded by Commissioner Feeney, to approve the January 12, 2015 meeting minutes. On a roll call vote, motion unanimously approved. Ayes: Six (Borden, Elston, Feeney, Knaack, McShane, Montgomery); Nays: None; Absent: One (Peters).

5. 05-02/02: **Continued Public Hearing for the Consideration of Proposed Zoning Code Text Amendments, Special Use Permits, Variations, and any other Zoning Relief Necessary in Connection with a Proposed Fast-Food Restaurant Use with a Drive-Through and the Associated Landscaping, Lighting, Parking, Signage, Setbacks, Impervious Surfaces, and Hours of Operation on the Property Located Generally at the Southeast Corner of Waukegan Road and Half Day Road, Commonly Known as 2529 and 2595 Waukegan Road, Bannockburn (Bannockburn Green Retail Center), Submitted by McDonald's USA, LLC and AP POB Bannockburn, LLC.**

Commissioner McShane opened the Public Hearing.

Mr. Jim Olguin stated that McDonalds USA, LLC and the owners of Bannockburn Green Retail Center (“BGRC”) are requesting approval of zoning relief for a parcel along Waukegan Road between the entry drive, the wing road and the PNC parcel (“Outlot A at BGRC”). They noted they are seeking a recommendation of approval of the following zoning relief: to make minor and major adjustments to the approved plans noted in Ordinance 2006-29 for Phase II at BGRC; to amend the existing Special Use Permit for BGRC; the granting of a new Special Use Permit; multiple variations; and a text amendment to the Village of Bannockburn Zoning Code to allow the operation of the proposed Fast-Food Restaurant Use with a Drive-Through. They noted the zoning relief needed is related to the proposed use, landscaping, 29 lighting fixtures, parking, 16 signs, a setback issue related to the parking lot and a trash enclosure, a proposed 75% impervious surface of the lot, and the need for extended hours of operation at Outlot A at BGRC. They noted the zoning relief requested pertains to the operation of a 3,905 square foot freestanding fast food restaurant at Outlot A at BGRC. They noted the proposed restaurant will have 69 seats and will be open from 5:00AM until midnight Sunday-Thursday and 5:00AM until 1:00AM Friday and Saturday. They noted the proposed restaurant includes 29 LED full cut off fixtures and 16 illuminated identification and business signs.

Manager Lasday noted that the plans submitted were reviewed to determine zoning compliance. She noted Village Engineer David Gewalt found, in part, the final grading plan to be acceptable from an engineering point of view. He recommended changes to the grease trap proposed and that a watershed development permit application be submitted to Lake County Stormwater Management Commission prior to applying for a building permit. He also recommended that the proposed monument identification sign along Waukegan Road be set back 5 feet from the lot line instead of the requested setback of 1 foot lot from the lot line.

The Applicant explained that the monument sign needed to be 1 foot from the lot line otherwise, the sign would not be visible from the Route 22 and Waukegan Road intersection. They noted that the proposed site has certain limitations and contains extensive landscaping which impairs the visibility of the restaurant. They also noted it is blocked by the Shell gas station and fence located on its north side and the visibility from the Route 22 and Waukegan Road intersection is limited.

Manager Lasday noted that Village Forester Todd Sinn reviewed the Applicant’s Landscape Plan. She noted Village Forester Todd Sinn acknowledged that a variance would be required from the opacity requirements set forth in Section 9-107 of the Village of Bannockburn Zoning Code due to restricted planting space at the site location. He noted that the proposed landscaping shown incorporates as much plant material as possible within the available planting space. Village Forester Todd Sinn noted in his report that any more new landscaping would begin to encroach within the critical root zones of the existing trees. Manager Lasday noted that since the Applicant will not be able to meet the opacity requirements set forth in Section 9-107 of the Village of Bannockburn Zoning Code, they

are seeking a recommendation of approval of a variation from Section 9-107 of the Village of Bannockburn Zoning Code.

Manager Lasday also noted that 163.5 caliper inches of trees will need to be mitigated from the property. She noted that the applicant will be required to “pay a tree replacement mitigation fee assessed at the amount of \$150.00 for each one inch caliper of replacement trees that are not being planted on the property at the full replacement rate that would otherwise be applicable” for a total of \$24,525.00. The applicant noted that they have agreed to pay the tree mitigation fee.

Mr. Dan Olson, the landscape architect for the applicant, described screening and landscaping proposed for the property. He noted two native planting areas, which included two rain gardens that would serve as a 2,000 square foot storm water collection area along Waukegan Road. He noted that many trees in Outlot A are ash trees and are in decline or dead. He noted they are proposing to add a variety of landscaping that includes trees that are 2 ½” caliper sized trees, which are primarily a medium size standard tree.

Chairman McShane expressed concerned about how well the trees will hold up to salt, whether there would be a problem with vehicular access to the adjacent parking used by the bank and the width of the proposed parking stalls. Mr. Olson stated that the trees selected are all hearty trees that are typically planted in commercial areas and there was a general agreement for BGRC regarding parking and did not feel there would be a problem. He further stated that the applicant has actually increased parking. He noted the proposed parking is over the current Special Use Permit requirements noted in Ordinance 2006-29 and that the parking stalls would be 9 feet wide.

Commissioner Borden asked about McDonald's relationship with franchisees, whether the lease for the McDonald's at BGRC will be between McDonalds and BGRC ownership or between the franchisee and BGRC's ownership. Mr. Olguin noted that the lease would be between McDonalds and BGRC, not the franchisee. He noted that McDonalds will be selecting the franchisee at a later date.

Chairman McShane inquired about the location of the trash enclosure. Mr. Olguin noted that from a planning perspective it is depicted in a good location, 7.6 feet from the lot line instead of Special Use Permit requirement of 19 feet. He stated that they will be using the same building material for the trash enclosure as the building so it will match. He further stated that the trash enclosure will include a board on board wood fence with pick up expected 2-3 times a week.

Mr. Olguin then noted that McDonalds needs a drive around the building, which requires a variation from the required 50 foot corner yard setback. He noted that from a traffic perspective, the cars will be able to flow properly if a variation from the 50 foot corner yard setback is obtained because the current site has constraints. Commissioner Bob Borden questioned how a person will be able to go into McDonald's. Mr. Olguin explained the details of the traffic and circulation plan included in the application material.

Mr. Olguin described the proposed lighting plan and noted that the property is across the street from a residential area and has strict requirements. He noted the proposed lighting is compliant with the foot candle requirement as noted in the photometric plan. He further stated that the proposed lumen count is not zoning compliant and a variation is needed.

Mr. Olguin then explained the proposed signage requests. He noted that multiple signs are required because McDonalds is not a destination location. He noted that if people see a McDonalds, they come in. He noted that signage or ability to recognize McDonalds is very important and helps with the visibility of their location.

Commissioner Elston inquired whether the proposed lighting was included to address safety concerns. Mr. Olguin noted it was and that lighting at night will minimize the impact between pedestrians and cars. Mr. Jeff Tigchelaar, manager of BGRC, noted that the current lights at BGRC are on a timer and some lights are left on for safety purposes 24 hours a day. Mr. Tigchelaar noted that the existing lighting fixtures are Full Cutoff Metal Halide, not Full Cutoff LED light fixtures like the proposed fixtures. Commissioner Feeney asked whether the lights will be off when not open. Mr. Olguin noted they will be off when not open.

Chairman McShane inquired about the proposed hours of operation. Mr. Olguin stated that the proposed restaurant will be open from 5:00AM until midnight Sunday-Thursday and 5:00AM until 1:00AM Friday and Saturday. He further stated that the drive thru hours may be different than the store hours and drive thru hours are usually longer than inside seating hours.

Commissioner Elston asked for an explanation of the function of the proposed signs. Mr. Olguin noted that they would be illuminated.

Commissioner Elston then highlighted each of the proposed wall signs and noted that he felt too many were being requested. Mr. Olguin commented that the proposed monument sign will be oriented toward Route 22 and the Waukegan Road intersection. He noted it needs to be 1 foot from the property line otherwise the visual line will be affected because the sign will be obstructed. He added that if the sign is pushed further from the lot line, an existing tree area will have to be removed. He noted they are trying to preserve the tree with the reduced setback. Commissioner Knaack noted that the sign will only be visible going south on Waukegan. Mr. Olguin stated that the signage will also be visible from the Route 22 and the Waukegan Road intersection. He noted that the signage is needed since McDonalds will not have signage on the existing monument pylon sign along Waukegan.

Commissioner Knaack noted that the Village has been fighting against a drive thru in the Village for 20 years, that it's an awful building, and is a cookie cutter building design. Commissioner Elston noted that he agreed with the cookie cutter aspect. He further noted that the Lake Forest McDonalds does not have all of the proposed McDonalds signs.

Commissioner Borden asked why they like the location with the Lake Forest and Deerfield locations being so close. Mary Meyers, a representative from McDonalds, noted that there

will be no impact to the Deerfield location and she couldn't speak to the impact to the Lake Forest location. She further stated that the proposed location is a perfect location for McDonalds. She also noted that the current Highland Park location along Route 41 and Route 22 is closing.

Commissioner Montgomery inquired whether there would be an impact to the adjacent properties resulting from the menu boards' noise. Mr. Olguin stated that there would not be an impact since the menu board takes in the ambient sound, which reduces output from a decibel standpoint.

The Commissioners asked Staff whether there would be a police issue with the proposed use going in. Village Manager Lasday responded that she checked with the police department and they had no concerns with the use. She also noted that she spoke to a representative from Township 113 and indicated that the high school was happy about the project because it will provide an additional location for the students to go to.

Commissioner Elston asked Mr. Olguin to explain the proposed signage again in more detail. He noted that the Lake Forest McDonalds doesn't have as many signs. Mr. Olguin stated that the proposal has 7 wall signs, 3 Logo "M" signs, 2 wall signs and 2 Welcome signs, 5 ground signs, a monument sign with the wood mark, ground directional signs, Drive Thru signs and some functional signs (2 order canopies and Menu boards). He further noted that an Erehwon sign is needed along Half Day Road since Erehwon is losing signage on the existing Half Day Road monument pylon sign because McDonalds negotiated the right to take their signage space on the monument sign.

Mr. Jack Koenig, a Del Mar Woods resident, expressed two concerns: a safety issue and a business issue. He noted that we are not immune from crime in Bannockburn. He was concerned about gangs hanging out at McDonalds like the Lake Forest McDonalds. He noted that people would be migrating into the Bannockburn location. He felt the institution has a longstanding problem. He inquired whether the Village stands by its existing operations. He also stated that Del Mar Woods residents are experiencing crime and home invasions, similar to other communities in the area. He also stated that he was concerned about the existing businesses in Bannockburn Green. He noted they are all having problems. He felt that McDonalds will drain customers from established facilities.

Mr. Jeff Tigchelaar responded to the business concerns and stated that there are restrictions in existing leases with negotiated lease points. He noted that the McDonalds current concept does not violate any existing lease provisions or exclusive restrictions or obligations. Village Manager Lasday stated that in regards to safety, the Village has an excellent police department. She did not note that safety will be an issue. She further noted that Bannockburn did not experience the home invasion problem like the other communities because of its police department.

Mr. Olguin stated that McDonalds will add to traffic at BGRC which should help the retail center. Mr. Tigchelaar agreed that McDonalds will have a good effect to the current

operations at BGRC. He noted there will be a significant positive impact. He further noted that Panera signed off on the deal and Dogout's exclusives in its lease do not exclude McDonalds.

Commissioner Borden stated McDonalds would be a destination for kids at Deerfield high school.

Mr. Olguin stated that from a safety perspective lighting is important and that McDonalds works well with police departments in their communities. He further noted that originally McDonalds wanted 24 hours but limited the hours to not be 24 hours due to the Bannockburn police department's request. He noted that extended hours are helpful because McDonalds' customers make a drive by decision. He noted that McDonalds' customers are a different type of user than the existing tenants' customers.

Mr. Paul Swanson, owner of Newport Coffee at Bannockburn Green, stated that Eggsperience, Heinens, and McDonalds will all sell coffee. He noted that he doesn't have an exclusive provision in his lease and that he was not able to negotiate such a provision. He further noted that a cafe with a drive thru is a serious threat to his business.

Commissioner Elston expressed concern about the variations being requested for lighting, especially the facade lighting and wall sconces. Mr. Olguin stated that the facade lighting was for accent and the proposed sconces are needed for safety. He further addressed other variations being requested, and referred to the responses provided in Exhibit A of the packet. He noted that the rain gardens mitigate impervious surface. He noted that there is a monument sign issue because a one foot setback is being requested. He noted that the sign cannot be moved and if it were required to be moved it will impact one tree.

Commissioner Elston asked the applicant if they were aware of all of the conditions in the plan review, in particular the mitigation requirement to pay \$24,525.00. Mr. Olguin stated that yes McDonalds was willing to pay the full tree replacement rate of \$24,525.00 as mitigation of the proposed tree removals.

Commissioner Elston highlighted each of the conditions in the plan review for the applicant to address. Mr. Olguin stated that McDonalds accepted and agreed with each condition presented. He further noted that regarding the hours of operation McDonalds may not be operating during all of the hours being requested.

Commissioner Elston stated that the McDonalds proposed signage was excessive. He noted that the commission gave Panera a hard time when they previously came in. He noted that the monument sign was acceptable and he would prefer only 2 wall signs versus the 5 proposed.

Commissioners Borden and McShane noted that there is a challenge with visibility at the site and that is why McDonalds needs the additional signage.

Manager Lasday noted that the following zoning relief is being requested and should be included in a recommendation of approval by the PCZBA to allow the operation of a fast food type restaurant with a drive-through to be located at Outlot A within BGRC:

- A text amendment to Section 4-106(A)2 of the Zoning Ordinance to allow a Special Use Permit to be granted to permit the operation of a fast food restaurant with an accessory drive-through.
- A Special Use Permit pursuant to the terms of Section 4-110.H of the Village of Bannockburn Zoning Code to permit a proposed fast food type restaurant with a drive through to be open from 5:00AM until midnight Sunday-Thursday and 5:00AM until 1:00AM Friday and Saturday.
- A variation from the 50 foot corner yard setback required by Section 4-111 of the Village of Bannockburn Zoning Code to allow Applicant's proposed parking lot for the fast food restaurant to be only 8 feet from right of way line on Waukegan Road in lieu of the required 50 feet.
- An amendment to the existing Special Use Permit to allow the location of a proposed trash enclosure to be situated 7.6 feet from the closest point to the existing Shell gas station instead of the required 19 foot setback required under the existing Special Use Permit granted in Ordinance 2006-29.
- Pursuant to Section 4-106.D.16 of the Village of Bannockburn Zoning Code, a new Special Use Permit to permit the lot coverage on the property to be 75% in lieu of the required maximum lot coverage of 70 percent.
- An amendment to the existing Special Use Permit to permit the lot coverage on the property to be 75% in lieu of the 72.4% permitted for Phase II in the existing Special Use Permit granted in Ordinance 2006-29.
- A variation from the maximum lumen requirements permitted in Section 9-101.D.10.a.iii.B of the Village of Bannockburn Zoning Code to permit 6 proposed VP-L lighting fixtures to be 17,856 in lumen count in lieu of the maximum light output limitation of 2,800 lumens each.
- A variation from the maximum lumen requirements permitted in Section 9-101.D.10.a.iii.B of the Village of Bannockburn Zoning Code to permit 11 proposed Radius Wall Sconces to be 2,815 in lumen count in lieu of the maximum light output limitation of 2,800 lumens each.
- A variation from the maximum lumen requirements permitted in Section 9-101.D.10.a.iii.B of the Village of Bannockburn Zoning Code to permit 11 of 12 proposed Hiraf Linear LED Façade Lighting Fixtures to have a lumen count between 2,952 and 5,904 in lieu of the maximum light output limitation of 2,800 lumens each.
- A variation from Section 9-107 of the Village of Bannockburn Zoning Code to allow Applicant to not meet the opacity requirements for the proposed fast food restaurant with a drive-through.
- Pursuant to the terms in Section 9-106.I.3, a Special Use Permit to allow Applicant to install 6 wall signs in lieu of the maximum 2 walls signs.
- Pursuant to the terms in Section 9-106.I.3, a Special Use Permit to allow Applicant to install 5 ground signs in lieu of the maximum 2 ground signs.

- Pursuant to the terms in Section 9-106.I.3, a Special Use Permit to allow Applicant to install the proposed Menu Board, Order Here, Drive Thru, Lane Depiction sign, and the Confirm Order Here sign that are not presently considered to be structurally a type permitted in the Retail District.
- A variation from Section 9-106.I.2 to allow pylon signs in the Retail District that include the proposed Menu Board, Order Here, Drive Thru, Lane Depiction, and the Confirm Order Here signs.
- A variation from Section 9-106.I.4 to allow the proposed front elevation signage to be 47 square feet in lieu of the maximum allowed of 45.25 square feet.
- A variation from Section 9-106.I.6 to allow the proposed ground monument identification sign to be situated 1 foot from the lot line in lieu of the required 10 feet from the lot line.
- A variation from Section 9-106.G of the Village of Bannockburn Zoning Code to allow the Menu Board, Order Here, Drive Thru, Lane Depiction sign, Confirm Order Here signs to be permitted structural type On-Site Informational Signs.
- A variation from Section 9-106.G of the Village of Bannockburn Zoning Code to allow the Menu Board, Order Here, Drive Thru, and the 2 Directional Signs to be greater than three square feet in area.
- An amendment to the existing Special Use Permit granted in Ordinance 2006-29 to allow Applicant to install an additional ground monument identification sign at BGRC.

Chairman McShane closed the public hearing.

Commissioner Montgomery moved, seconded by Commissioner Borden, to recommend approval of the Zoning Code Text Amendments, Special Use Permits and Variations described in detail by Staff at the meeting in Connection with a Proposed Fast-Food Restaurant Use with a Drive-Through and the Associated Landscaping, Lighting, Parking, Signage, Setbacks, Impervious Surfaces, and Hours of Operation on the Property Located Generally at the Southeast Corner of Waukegan Road and Half Day Road, Commonly Known as 2529 and 2595 Waukegan Road, Bannockburn (Bannockburn Green Retail Center), Submitted by McDonald's USA, LLC and AP POB Bannockburn, LLC, subject to the following conditions: pursuant to the Engineer's recommendation, applicant shall change the proposed grease trap shown on the plans to a three compartment, rectangular grease trap; pursuant to the Engineer's recommendation, applicant shall submit a Lake County Stormwater Management Commission watershed development permit application which shall be prepared and be signed by the owner and the engineer prior to applying for a building permit; applicant shall pay the full tree replacement rate of \$24,525.00 as mitigation of the proposed tree removals; applicant shall submit an early action plan for all the preserved trees, as required by the Village Forester and shall be reviewed by the Village Forester to determine final mitigation requirements; applicant shall indicate where tree protection fencing will be installed prior to construction, as required by the Village Forester; applicant shall reduce the number of maples by at least one and changing this tree to a different species to keep diversity of the species to a maximum of 33% for each species, as required by the Village Forester; applicant shall install a silt fence (tree protection fencing), as required by the Village Forester; that the Village Engineer David Gewalt monitors and

approves the establishment of the rain gardens. On a roll call vote, the motion was approved. Ayes: Four (Borden, Feeney, McShane, Montgomery); Nays: Two (Elston, Knaack); Absent: One (Peters).

6. 06-02/02: **Other Business: Discuss Lawfully Existing Non-Conforming Use in a Structure.**

Village Counsel Gates explained the non-conforming use regulations which Village Counsel provided as a memorandum in the PCZBA materials. She noted, in part, that they are based on the type of structure and meant to allow residents to capture and appreciate value. She noted there is 5-40 years amortization period for nonconforming use.

No action was taken.

**Adjournment.**

Commissioner Borden moved, seconded by Commissioner Feeney, to adjourn the meeting. On a voice vote, the motion was approved. Ayes: Six (Borden, Elston, Feeney, Knaack, McShane, Montgomery); Nays: None; Absent: One (Peters).

The meeting was adjourned at 8:49PM.