

**VILLAGE OF BANNOCKBURN
PLAN COMMISSION & ZONING BOARD OF APPEALS
MAY 1, 2017
MEETING MINUTES**

1. 01-05/01: **Call To Order.** Chairman James McShane called the meeting of the Plan Commission & Zoning Board of Appeals to order at 7:00PM.

Chairman: James McShane

Commissioners Present: David Elston, Louise Feeney, Gerald Laures, Glenn Morris, John Ryan

Commissioners Absent: None

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

Visitors: Steven Kaminski (Mackie Consultants), Greg Zinn (Midtown Athletic Club), Mike LaManna (Midtown Athletic Club), Adam Findlay (O'Donnell Haddad), Robert Schauk (Bentley's Pet Stuff)

2. 02-05/01: **Pledge of Allegiance.** Chairman McShane led everyone in reciting the Pledge of Allegiance.

3. 03-05/01: **Visitor's Business.**
No visitors spoke.

4. 04-05/01: **Approval of the March 13, 2017 Plan Commission & Zoning Board of Appeals Regular Meeting Minutes.**

Commissioner Laures moved, seconded by Commissioner Feeney, to approve the March 13, 2017 Plan Commission & Zoning Board of Appeals Regular Meeting Minutes, as amended. On a voice vote, the motion was approved. Ayes: Six (Elston, Feeney, Laures, McShane, Morris, Ryan); Nays: None; Absent: None.

5. 05-05/01: **Consideration of Zoning Code Text Amendment(s) to the Bannockburn Zoning Code, Amendments to Existing Special Use Permits, Granting of New Special Use Permits, Variations, and/or Any Other Zoning Relief to Permit the Installation of New Signage for Bentley's Pet Stuff in the Existing Bannockburn Green Retail Center on the Property Located at 1111 Half Day Road, Bannockburn, Illinois, Submitted by Bentley's Pet Stuff and AP POB Bannockburn, LLC.**

Bentley's Pet Stuff's attorney, Adam Findlay, requested a recommendation of approval from the PCZBA of proposed exterior window signage at their store fronts at Bannockburn Green Retail Center ("BGRC"). He indicated that the proposed window signage will be "four high-quality, visually appealing photographs" and are needed to cover the back side of storage racks used in the business. The proposed window signs include three 8' x 6'10" signs and one 12" x 5" signs. The gross surface area of the four window signs is approximately 224 total square feet.

Staff and Mr. Findlay noted they would require relief from the following zoning sections:

- A text amendment, special use permit and / or variation from Section 9-106.I.1 of the Village of Bannockburn Zoning Code will be required to allow window signs that obscure equipment to be a permitted “Functional Type” sign in the Retail District.
- A text amendment, special use permit and / or a variation from Section 9-106.I.3.c of the Village of Bannockburn Zoning Code will be required to allow 6 permanent signs (two wall signs and four window signs) at Bentley’s Pet Stuff in lieu of the maximum allowed of two wall or permanent window signs per occupancy.
- A text amendment, special use permit and / or variation from Section 9-106.I.4.c of the Village of Bannockburn Zoning Code will be required to allow the proposed square footage of signage of 260 square feet to exceed the maximum allowed of 252 square feet of signage.
- A text amendment, special use permit and / or a variation from Section 9-106.D.2 of the Village of Bannockburn Zoning Code will be required to allow the 4 proposed permanent windows to each have more than the maximum allowed of 3 colors.
- A text amendment, special use permit and / or a variation from Section 9-106.D.7 of the Village of Bannockburn Zoning Code and confirmation of Bannockburn Building Code compliance will be required to allow the proposed signage to substantially or fully obstruct the window surface required for light.
- A text amendment, special use permit and / or a variation from Section 9-106.D.13 of the Village of Bannockburn Zoning Code will be required to allow the 4 proposed permanent windows to be nearer than six feet to any other sign or structure.

One or more of the Commissioners noted the following discussion related to this subject:

- If zoning relief is granted, other tenants at Bannockburn Green Retail Center would want similar signage at their spaces. A Special Use Permit may open the desire of similar signage for others. Some of the Commissioners stated that they want to try to avoid Pandora's box.
- The variances requested from the Village’s existing zoning code regulations were deemed extensive. The Commissioners thought it may be “slippery slope” if variations were granted. The desire for the signs to cover the back of shelving was not deemed a hardship. Bentley’s Pet Stuff’s attorney, Adam Findlay, further stated that the purpose of the photos was to “cover an eyesore” and to “advertise and draw in customers”.
- The signs appear to be selling dogs instead of pet food.
- White backing with temporary signage may be more acceptable.
- Traditional window coverings such as drapes and shades that can be readily drawn back and bring in light instead of the proposed window signs may be a better alternative. It was noted that light would not come through with blinds since the shelving inside the store would block the light.
- That we need to be business friendly. The Village needs BGRC to be successful and therefore should accommodate the request to enable Bentleys Pet Stuff to be successful, especially since Bentleys Pet Stuff is located in a part of the shopping center that has had problems in the past.

Adam Findlay, and Rob Schauk, a representative from Bentleys Pet Stuff, noted that Bentleys Pet Stuff wants to be part of the community and follow the Village’s codes. They requested that the PCZBA provide input on acceptable signage. They noted, however, that they couldn’t wait a few months for a decision without hurting Bentleys Pet Stuff’s business.

Commissioner Morris moved, seconded by Commissioner Elston, to continue the public hearing related to this application to the next available meeting. On a roll call vote, the motion was approved. Ayes: Six (Elston, Feeney, Laures, McShane, Morris, Ryan); Nays: None; Absent: None.

6. **06-05/01: Consideration of a Proposed Amendments to Existing Special Use Permits and any other Zoning Relief Necessary, including Zoning Code Text Amendment(s) to the Bannockburn Zoning Code, New Special Use Permits, Variations, or Other Relief, In Connection with Proposed Changes to the Previously-Approved Site Plan, Including Changes Relating to Parking and Landscaping Improvements, for the Property Commonly Known as Midtown Athletic Club, located at 2211 Waukegan Submitted by Midtown Athletic Club.**

Village Manager Maria Lasday noted that the applicants for 2211 Waukegan Road and the next item 2201 Waukegan Road are jointly requesting a recommendation of approval from the PCZBA of an amendment of their existing Special Use Permits to make parking lot modifications at Midtown Athletic Club and 2201 Waukegan Road. She noted that Midtown Athletic Club wants to procure an easement of approximately 6,795 square feet from the Bannockburn Lakes Office Building IV (2201 Waukegan Road) owner so that Midtown Athletic Club can construct a new 21 space parking area entirely of pervious pavers (4,844 square feet of additional pervious paver system located on the easement from owner of 2201 Waukegan Road). She also noted that Midtown Athletic Club and the owner of 2201 Waukegan Road wish to formalize the prior agreement with a parking license document that designates an additional existing 39 existing spaces at 2201 Waukegan Road for Midtown Athletic Club's use. She noted the requested relief was an amendment to the existing Special Use Permits to modify the existing site plans.

Steve Kaminski, Applicants' engineer, noted the proposed parking lot modifications will only impact Midtown Athletic Club's impervious surface calculations. 2201 Waukegan Road's impervious surface calculations will not change as the area to be used for the proposed additional parking will be constructed with pervious pavers. He noted the total new impervious surface calculation at Midtown Athletic Club's property will be 48.31%, which is below the maximum allowed of 50% for the Office District properties and considered zoning compliant. Mr. Kaminski further clarified that the following additional items were classified as impervious: Har-Tru tennis courts, which are a crushed granite stone product that is more permeable than a typical lawn; The paddle tennis deck, which consists of ~6" planks spaced about 1/8" apart and constructed over a pea gravel ground cover; Permeable paver system which has specially shaped spacers cast into the blocks and a course gravel layer underlying to assure large water volume capture and infiltration rate; and Traditional brick pavers are classified as 33% pervious by the Village since the gaps between blocks are narrower and the underlying crushed stone structure has less void volume.

One or more of the Commissioners noted the following discussion related to this subject:

- That the proposed conditions "Landscape and Pond" category appeared to have been reduced by the same amount as the sum of the additional sidewalk and permeable pavers proposed. Since some of this proposed improvement is located on the Glenstar (owner of 2201 Waukegan Road) property under the easement agreement, he questioned the accounting method. Mr. Kaminski noted that since the purpose of the exhibit was to demonstrate that the

overall site met the 50% impervious maximum allowed under the zoning code, the distinction is moot as to whether an area is classified landscape or permeable paver since both are classified as 100% pervious.

Commissioner Laures moved, seconded by Commissioner Morris, to recommend approval of the Amendment to the Existing Special Use Permit in Connection with Proposed Changes to the Previously-Approved Site Plan, Including Changes Relating to Parking and Landscaping Improvements, for the Property Commonly Known as Midtown Athletic Club, located at 2211 Waukegan Submitted by Midtown Athletic Club, conditioned on: all the required detention storage for the existing impervious surfaces for the property is tabulated. This should include storage volume, high water level and actual release rates for the detention system listed on the plan. The overland flow path must be maintained and sufficient for the 100 year overland flow; Tabulation of the total square footage of impervious surfaces currently on the property and the total number of regular parking spaces and ADA spaces, both existing and proposed. The ADA parking ratio must comply with the Illinois Accessibility Code for number of ADA spaces and ADA signage; The special use permit be amended to show 48.31% impervious coverage at Midtown Athletic Club and the required detention in order to move forward; 20” caliper inches of tree mitigation be required; Compliance with the Village’s Bufferyard requirements; and Compliance with the Lake County Stormwater Management Commission Watershed Development Ordinance. On a roll call vote, the motion was approved. Ayes: Six (Elston, Feeney, Laures, McShane, Morris, Ryan); Nays: None; Absent: None.

7. **07-05/01: Consideration of a Proposed Amendments to Existing Special Use Permits and any other Zoning Relief Necessary, including Zoning Code Text Amendment(s) to the Bannockburn Zoning Code, New Special Use Permits, Variations, or Other Relief, In Connection with Proposed Changes to the Previously-Approved Site Plan, Including Changes Relating to Parking and Landscaping Improvements, for the Property Commonly Known as 2201 Waukegan Road, Bannockburn, Illinois and also known as Building IV in the Bannockburn Lakes Office Development, Submitted by Glenstar Properties and WSC-GSP B/L Office Park, Owner VII, L.L.C.**

Commissioner Laures moved, seconded by Commissioner Morris, to recommend approval of the Amendment to the Existing Special Use Permit in Connection with Proposed Changes to the Previously-Approved Site Plan, Including Changes Relating to Parking and Landscaping Improvements, for the Property Commonly Known as 2201 Waukegan Road, Bannockburn, Illinois and also known as Building IV in the Bannockburn Lakes Office Development, Submitted by Glenstar Properties and WSC-GSP B/L Office Park, Owner VII, L.L.C, conditioned on: all the required detention storage for the existing impervious surfaces for the property is tabulated. This should include storage volume, high water level and actual release rates for the detention system listed on the plan. The overland flow path must be maintained and sufficient for the 100 year overland flow; Tabulation of the total square footage of impervious surfaces currently on the property and the total number of regular parking spaces and ADA spaces, both existing and proposed. The ADA parking ratio must comply with the Illinois Accessibility Code for number of ADA spaces and ADA signage; The special use permit be amended to show 48.31% impervious coverage at Midtown Athletic Club and the required detention in order to move forward; 20” caliper inches of tree mitigation be required; Compliance with the Village’s Bufferyard requirements; and Compliance with the Lake County Stormwater

Management Commission Watershed Development Ordinance. On a roll call vote, the motion was approved. Ayes: Six (Elston, Feeney, Laures, McShane, Morris, Ryan); Nays: None; Absent: None.

8. **08-05/01: Consideration of Potential Zoning Code Text Amendment(s) to the Bannockburn Zoning Code Regarding: (i) Zoning Application Fees and Other Fees as Set Forth in the Zoning Code; and (ii) the Definition of “Family” as set forth in the Zoning Code.**

Village Manager Lasday noted that this application was for Potential Zoning Code Text Amendment(s) to the Bannockburn Zoning Code Regarding: Zoning Application Fees and Other Fees as Set Forth in the Zoning Code; and the Definition of “Family” as set forth in the Zoning Code.

Village Manager Lasday noted that in regards to the zoning application fees, on April 24, 2017, the Village Board approved an Ordinance further Amending Ordinance No. 2008-45 creating the Bannockburn Fee Schedule and since the amended Bannockburn Fee Schedule will include an increase to the filing fee for zoning applications, Section 11-301.D.1 of the Village of Bannockburn Zoning Code needs to be amended. The PCZBA members noted no objection to this modification.

Village Manager Lasday noted that the other proposed text amendment was to the definition of family defined in Section 12-206(F) of the Village of Bannockburn Zoning Code. She noted that Village Counsel provided comments related to the proposed amendment, which was noted in the Village Staff Report.

One or more of the Commissioners noted the following discussion related to this subject:

- A concern that the definition as proposed would allow 5 college buddies to live together.
- Asked if you could adopt a definition of family more narrowly tailored to accommodate handicapped persons as required by the Fair Housing Act, without allowing larger groups of unrelated and non-handicapped people to live together.

Commissioner Laures moved, seconded by Commissioner Feeney, to approve, Section 11-301.D.1 of the Village of Bannockburn Zoning Code related to fees and Section 12-206(F) of the Zoning Code related to the definition of family, as presented by Village Staff. On a roll call vote, the motion was approved. Ayes: Four (Feeney, Laures, McShane, Ryan); Nays: Two (Elston, Morris); Absent: None.

9. **09-05/01: Referral by the Village Board of Trustees of Modifications to the Village’s Tree Regulations.**

Commissioner Elston moved, seconded by Commissioner Laures, to continue the discussion on the Referral by the Village Board of Trustees of Modifications to the Village’s Tree Regulations till the next meeting. On a roll call vote, the motion was approved. Ayes: Six (Elston, Feeney, Laures, McShane, Morris, Ryan); Nays: None; Absent: None.

Adjournment.

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

The meeting was adjourned at 8:34PM.