

Zoning Board of Appeals Case #PUD-000368-2018
Summary of Testimony

A public hearing was conducted by the Lake County Zoning Board of Appeals on September 18, 2018, on the application of Jeff Glogovsky, on behalf of Glogovsky Real Estate, L.L.C., record owner, for a Major Modification to a Conditional Use Permit for a Planned Unit Development (PUD) #4080 and PUD Preliminary Plan for the property located at the northeast corner of the intersection of Routes 176 and 43 (Rockland Road and N. Waukegan Road, respectively). The applicant is requesting the Major Modification to allow for improvements to the existing gasoline service station and convenience store, expansion of the accessory parking lot, and to allow for the demolition and reconstruction of a larger restaurant.

The subject property is comprised of 1.1 acres and is described as follows:

Parcel 1: located at 28787 N. Waukegan Road, Lake Bluff, Illinois; PIN 12-19-117-018

Parcel 2: located at 12616 W. Rockland Road, Lake Bluff, Illinois; PIN 12-19-117-019

Parcel 3: located at 12622 W. Rockland Road, Lake Bluff, Illinois; PIN 12-19-117-020

Parcel 4: located at 12610 W. Rockland Road, Lake Bluff, Illinois; PIN 12-19-117-021

The following is a summary of the testimony presented:

Ms. Krista Braun stated the applicant is proposing to apply for a liquor license and video gaming in the refurbished restaurant, however, those issues are to be considered under separate independent hearings and are not germane to this hearing. She also stated that written correspondence was received and forwarded to the ZBA for their consideration and also noted for the record that she has the applicant's original application and plans.

1. Mr. Chris Kalischefski, licensed architect with Corporate Design Development Group and representative for the applicant, presented the case by explaining the modification request is needed to redevelop the property and gave a detailed explanation of the project. Beginning with the restaurant, he stated the new building will be an additional 420 square feet larger to allow for improvements in the preparation, storage, and service of food. He explained the architectural design of the new building will be a dramatic improvement over the existing facility by using high quality materials and raising the height of the building which will improve the interior environment and hide the HVAC equipment currently exposed on the roof. Improvements to the parking lot include a landscape planter to provide a defined and buffered outdoor seating area and moving the parking to one side of the drive aisle. Improvements to the convenience store and gas station include construction of a new screened trash enclosure to be used by the convenience store and restaurant. To facilitate the combined enclosure, four parking spaces and the gas station ID sign will be relocated. Mr. Kalischefski concluded his presentation by stating the design is a creative approach to the use of the site by incorporating shared facilities and mixed uses. The new building will maintain the current building's front setback, the proposed 0.17 floor area ratio (FAR) is under the allowed limit of 0.30 and all other setback and density requirements will be met. The number of proposed parking spaces at 43 is greater than the required 28 spaces for the development. Finally, Mr. Kalischefski testified the proposal meets the standards consistent with the zoning use, does not have any adverse impacts, and represents an improvement to the health, safety, and welfare of the public.

Chairman Bell requested a clarification on the parking spaces located on the east side of the restaurant.

Mr. Kalischefski stated those parking spaces will be eliminated and the single wider parking aisle will be safer and more convenient for people backing out and exiting the parking area. He added that four additional spaces are proposed in the back lot for no net loss in terms of number of spaces.

Member Raymond asked if there were any changes to the gas station ID sign beyond relocation.

Mr. Kalischefski stated relocation was the only change to accommodate the shared trash enclosure.

Member Raymond asked for further explanation regarding improvements to the water supply and questioned if the existing building was not in compliance with building codes.

Mr. Kalischefski replied that the upgrades were necessary to accommodate the proposed plumbing improvements in the new building and not because compliance issues with the existing building.

Member Raymond requested additional explanation of the restaurant seating design.

Mr. Kalischefski responded the design intent was a modern retro feel which, due to limited space, was best accomplished with tables and stools rather than booths.

Member Hockney asked if the proposal was a renovation or reconstruction of the existing building.

Mr. Kalischefski responded that the project originally began with the assumption that it would be a remodel of the existing building but evolved into the applicant desiring to do a new building on a new foundation. Mr. Glogovsky further explained the existing building had deteriorated to the point that a remodel was not feasible, prompting the need and desire to construct a new building. Mr. Glogovsky then gave a summary of his business experience and operations philosophy. He stated his desire to make the new restaurant a destination place that will draw customers from all over the region.

Member Hockney asked if the applicant was aware that conditions have been recommended.

Mr. Glogovsky stated that he was aware and was okay with the conditions.

Member Zerba asked for further clarification on the parking spaces and traffic circulation.

Mr. Kalischefski responded the flow of traffic will remain as is but that four parking spaces will be relocated to allow for additional aisle width adjacent to the restaurant for safety reasons.

Member Zerba requested an explanation for the additional square footage restaurant.

Mr. Kalischefski stated the additional 400 square feet was to accommodate an expanded kitchen area with additional space for food storage and preparation.

Member Reindl asked for clarification regarding restaurant operations.

Mr. Glogovsky stated he was in consultation with Vienna Beef to develop a unique layout and operation and Mr. Kalischefski stated the new restaurant will be fast casual with an elevated menu and liquor service, a minimum standard for a restaurant to be a success.

Chairmen Bell asked for clarification on the new location of the ID sign.

Mr. Kalischefski stated that the new setback for the sign will be ten feet, which meets Code requirements and Ms. Braun stated the new sign location does not interfere with the visibility triangle.

Chairman Bell asked about plans for a drive thru window.

Mr. Glogovsky stated there would not be a drive-thru and Mr. Kalischefski further stated there was not enough physical space to incorporate a drive-thru nor would a drive-thru fit in with the elevated level of food and the restaurant model.

Chairman Bell asked about how to prevent traffic from exiting onto Route 176 and if the property was associated with Angelo's.

Mr. Glogovsky stated he was not associated with Angelo's and Mr. Kalischefski stated that traffic would be discouraged from exiting the parking lot in that direction through directional signage and the orientation of parked cars when the business is back in operation and the parking lot is in use would further discourage traffic from moving in the wrong direction.

Mr. Reindl questioned how many curb cuts existed on the site.

Mr. Kalischefski responded by explaining that there currently are curb cuts by Scooters, a right in/right out by the gas station, one from the gas station to North Avenue, and the alley access. No new curb cuts are proposed.

Chairman Bell opened it up to questions from the public.

Public comments included questions about the following:

1. Mr. Bruce McIlvaine raised concerns about stormwater runoff and the safety of the location of the outdoor seating area and questioned if consideration had been given to swapping the location of the restaurant and accessory parking lot.

Mr. Kalischefski responded that the site improvements installed with the accessory parking lot several years ago not only fulfilled the stormwater requirements for that project but will also be sufficient to meet the requirements for this project. With regard to building placement, Mr. Kalischefski stated that the commercial building is more suited to its existing location due to visibility and increased separation to the residential area. He reiterated the inclusion of the landscaped planter for buffering and stated that the seating area was also buffered by the right-hand turn lane which forces traffic to reduce speed to make the turn. Ms. Braun also stated that staff would have concerns with moving the restaurant closer to the residential zoning district.

2. Mr. Joel Smith questioned the current permeability rating and ratio and if additional seating was proposed.

Ms. Braun responded that the maximum impervious surface ratio (ISR) for the General Commercial (GC) zoning district is 0.70, the site is currently at 0.75, and the proposed ISR for the site is 0.78 and Mr. Kalischefski responded that an additional 5 to 10 seats were proposed.

3. Mr. Dan Rogers requested clarification on how the parking spaces were displayed in the visual drawings shown on the presentation slides.

Ms. Braun stated that the presentation included conceptual renderings submitted with the original application but were not updated during the site plan review process. Mr. Kalischefski confirmed that only one aisle of parking was proposed for the parking area adjacent to the building.

4. Mr. Dan Rogers questioned if the PUD eliminated the nonconformancy of the building.

Ms. Braun stated the purpose of the PUD was to establish development standards at time of approval.

5. Mr. Dan Rogers raised concerns regarding snow removal, traffic circulation through the existing alley, parking issues and potential impacts to the neighbors to the north because of the parking lot expansion.

Mr. Kalischefski responded that since the building addition is dedicated to the kitchen area, the accommodation of additional patrons is limited by the fixed number of seats, and the proposed parking far exceeds the minimum requirements. He also stated that because the alley is a public right-of-way, the width of the alley and the flow of traffic through that space is not stipulated nor controllable by the applicant. He clarified there are two accessible parking stalls included in the new parking area, which is one more than required by code and that all parking spaces are sized to accommodate full-sized vehicles in response to questions by Mr. Reindl. With regard to snow removal, Mr. Kalischefski testified it will continue to be handled as it is currently, with excess amounts hauled off site in order to preserve spaces for customer parking. With regard to impacts from the accessory parking lot expansion, the addition of a retaining wall and additional evergreen landscaping will improve screening year-round. Mr. Kalischefski concluded his response to Mr. Rogers by stating that IDOT had approved the access points from the gas station and that no new curb cuts were proposed.

Mr. Reindl commented that in his opinion, slot machines do not attract additional new customers but rather are used by customers already frequenting the establishment. Mr. Kalischefski added that it is a source of entertainment that helps to retain existing customers.

Ms. Braun stated for the record that all neighbors to the north of the property were included in the mailed hearing notification.

Public comments included statements about the following:

6. Mr. McIlvaine expressed concerns about hours of operation for the restaurant and logistics of food deliveries. He stated that he disagreed with the location of the parking lot in relation to the building. He stated that Starbucks across the street that was approved by the board has significant traffic issues at all times of the business day and on weekends as well.

Mr. Denz clarified the Starbucks on the west side of 43 was reviewed at staff level and did not require a hearing nor was it presented to the board.

Chairman Bell stated the purpose of today's hearing was due to the applicant desire to make building modifications to the formal Planned Unit Development but no changes were proposed to the uses.

7. Mr. Nick Lenox stated that he is in favor and support of the project because the current building is an eyesore and the new building will help to beautify and improve the site. He attested to the quality of other operations owned by Mr. Glogovsky, which had the best customer experiences in retail operations. He also stated traffic issues in the intersection are already existing.
8. Mr. Joel Smith stated that he and his wife are looking forward to the reopening of the restaurant as were fellow co-workers from the high school but had concerns about impacts of traffic and noise.
9. Mr. Dan Rogers reiterated that he is still concerned about traffic flow and is of the opinion that issues from traffic through the alley and exiting onto North Avenue and from North Avenue to 43 would be exacerbated as a result of the project.
10. Mr. Charlie Green stated that he is happy to see the building corner being developed and felt the project would not result in any additional impacts to traffic or circulation. He also stated that Mr. Rogers had outdoor seating in a very similar location as proposed in this project. With the loss of the Grille 43 restaurant across the street, which had video gaming, he feels this restaurant will be a nice, viable addition to the neighborhood.

Chairman Bell moved the discussion of the CUP application to the ZBA members.

Member Raymond stated that he was concerned about the noise and lighting coming from the gas station. Chairman Bell stated that those issues are addressed in the staff recommended conditions. Member Raymond responded he was satisfied with the way it has been presented.

Chairman Bell requested clarification on a hearing for the lighting issues.

Ms. Braun replied that there is a pending hearing and the applicant will have to meet the requirements of the County ordinance.

Member Hockney stated that he was in favor of the project because he liked the appearance of the building and felt it would serve to improve the corner.

Member Zerba expressed appreciation to the public for attending and for their comments. She added that it was her belief the project would be an enhancement to the commercial corridor.

Member Reindl stated that he was not concerned about the impervious surface due to the response from the McHenry Lake Soil and Water Conservation and looks forward to the improvements.

Chairman Bell ended discussion by acknowledging that traffic is an issue but is a problem outside of the control and jurisdiction of the Board, and that overall the project will be an improvement.

Member Raymond moved to close testimony which was seconded by Member Zerba.

MEMBER REINDL: I make a motion PUD-368-2018 be approved and that the standards with the recommended conditions from staff have been met, the site plan should be included and developed as presented. I recommend approval with conditions.

MEMBER HOCKNEY: Second.

Favorable recommendation is passed 5-0.