

**City of Prospect Heights  
Plan/Zoning Board of Appeals  
June 28, 2018**

**I. MEETING COMMENCEMENT:**

The regular meeting of the Plan/Zoning Board of Appeals was called to order at 7:03 pm by Commissioner Tammen, at City Hall, 8 N. Elmhurst Road, in Prospect Heights, Illinois.

**II. ROLL CALL:**

Present: Commissioners Kempa, Tammen, Mellen & Saewert  
Absent: Chairman Dash, Commissioner Patel & Commissioner DeGraf

Quorum is present.

Present at the meeting: Director of Building & Development Dan Peterson and Recording Secretary: Jennifer Myzia

Commissioner Tammen requests a motion to nominate a Chairman in the absence of Chairman Dash.

Commissioner Kempa makes a motion to nominate Commissioner Tammen as Chairman Pro-tem

Second by Commissioner Saewert

Voice Vote: All in favor

Commissioner Tammen will act as Chairman Pro-tem for the June 28, 2018 PZBA meeting.

**III. APPROVAL OF May 24, 2018 MINUTES**

Motion made by Commissioner Mellen, seconded by Commissioner Kempa to approve the meeting minutes.

**ROLL CALL VOTE:**

Motion by Commissioner Mellen

Seconded by Commissioner Kempa

AYES: Commissioners Kempa, Tammen, Mellen & Saewert

NAYS:

ABSENT: Commissioner Patel, DeGraf and Chairman Dash

ABSTAIN:

Motion carried.

**IV. OLD BUSINESS**

Director Peterson states the PZBA recommended denial of the 1208 N Stratford case, 18-05V, the case was heard by City Council which referred it back to the PZBA to hear a new hardship that was raised at the City Council meeting however after the meeting the applicant has withdrawn his case and will be moving forward keeping the project within current code requirements.

**V. NEW BUSINESS**

**1. PZBA – Public Hearing: Case No. ZBA 18-08SU**

Applicant: McDonalds: represented by Lisa Donmeyer, Lingle Design Group  
Address: 1200 N. Milwaukee Ave., Prospect Heights, IL 60070

Description of Request:

Applicant is seeking a Special Use Permit to amend an existing Special Use Permit for a drive-thru restaurant in the B2 General Commercial District per Section 5-7-4C of the City of Prospect Heights Zoning Code

Chairman Pro-tem Tammen requests a motion to open public hearing 18-08SU at 7:06 pm

Motion by Commissioner Kempa

Second by Commissioner Saewert

VOICE VOTE:

AYES: Commissioners Kempa, Mellen, Saewert and Chairman Pro-tem Tammen

NAYS:

Director Peterson describes the McDonald's case request.

Chairman Pro-tem Tammen swears the public in for testimony.

Mr. Joe Kirshner: Lingle Design Group, 158 W Main St., Lena IL 61048 – states that McDonalds would like to do an interior and exterior remodel to bring this location up to the McDonalds standard and improve the future experience at McDonalds. Mr. Kirshner describes the materials planned to be used and a brief description of the exterior changes. He explains that the interior remodel will accommodate all ADA requirements and the work will be in the dining area and washrooms the kitchen will not be changed.

Mr. Kirshner asks if there are any questions on the building portion of the renovation before handing the floor to Mr. Ken Sack.

Mr. Kenneth Sack of Watermark Engineering 2631 Gingerwoods Parkway, Aurora IL – Mr. Sack reiterates from Director Peterson's description of the case that six parking stalls will be removed in the remodel however the code requirement will still be met. The two entry points will remain the same but the circulation along Palatine Rd will be changed. The change being made with the side by side drive-thru is that the cars entering from Palatine Rd. will have to wrap around the building instead of diving into the drive-thru which will create more stacking in the lanes but less on Palatine Rd.

Commissioner Saewert asks if it will create a problem having the stacking so close to the entrance on Milwaukee Ave. where diving into an existing stacking line would be taking place.

Mr. Sack states he does not see that as an issue because the current condition only allows for eight cars to be stacked and the new formation will allow thirteen cars to be stacked. Mr. Sack believed with the efficiencies of the kitchen this should improve the situation.

Commissioner Kempa asks for clarification in the entrance off Palatine Rd and the stacking now compared to the plans and the merging of vehicles from the Milwaukee entrance and if there is concern for a back-up on Milwaukee Ave.

Mr. Sack states that he does not see this as an issue.

Director Peterson states that it is a right turn only at that point on Milwaukee.

Mr. Sack states that three pull forward stalls will be added so that in the event the kitchen is slow or there is a large order the customer can pull up allowing the drive-thru to keep moving.

Commissioner Mellen asks if those stalls are included in the overall count of parking spaces.

Mr. Sack states yes.

Commissioner Mellen clarifies that this will allow only 41 stalls for customers using inside dining.

Mr. Sack answers yes and that those stalls are for mobile ordering as well.

Commissioner Kempa asks for clarification on the location of the three stalls.

Mr. Sack states two are out in front along Milwaukee Ave. and one along the building.

Chairman Pro-tem Tammen asks if a variance will be needed for not meeting the code because of those three spots.

Director Peterson states this question is addressed in his staff report. Does this reduction put a burden on the availability of parking for the patrons going inside? Director Peterson states he is unsure if McDonald's is experiencing less customers going in and is there a correlation of less volume and service inside versus the amount of service at the drive-thru.

Mr. Sack states that about 70-75 per cent of the business is drive-thru so the parking demand has gone down significantly over the last few years.

Commissioner Kempa asks how the code defines how many parking spaces are required for a building.

Director Peterson answers that it is based on the gross square footage of the building. This building is just under 4400 square feet so you have to round up to a full parking space, therefore 44 spaces. Of those 44 spaces, 2 must be designated as handicap spaces because it is under 50 stalls and therefore 42 regular stalls must be provided but there is no designation if those are for overflow or not overflow. That is how staff determined this as being within compliance.

Chairman Pro-tem Tammen states this would require 44 parking stalls and questions if there are in fact 44 stalls.

Mr. Kirshner explains that there are 44 spaces two of which have been designated for handicap parking.

Director Peterson states that from a staff perspective that the code does not define the use of the parking space just that there must be "X" number of parking spaces per 1000 square foot of building. The parking spaces are still servicing the space and it was therefore determined as compliant however we wanted testimony answering the question which you have already stated about 75 per cent of usage is drive-thru.

Commissioner Mellen asks if the number of stalls being used during peak demand at this location has been looked at.

Mr. Sack replies that a study has not been done on that for this particular site.

Commissioner Mellen asks what kind of data there is to support the claim that there will be less stacking on Milwaukee Ave. and Palatine Rd.

Mr. Sack states he does not have data on this per se however data from other McDonald's locations can be provided. He states looking at the geometry there is a capacity for stacking eight cars which will be increased to thirteen with the efficiencies of the double drive-thru and the addition of the pull forward stalls things should keep going.

Commissioner Kempa states his struggle with the new proposed layout is as cars are entering from Palatine Rd. then wrapping around the building to enter the drive-thru, another car is in the pull forward spot and a third car is trying to back out of a parking space there is the possibility of a choke point add to that cars entering off Milwaukee it seems there is potential for a lot of congestion.

Mr. Sack states that it is a possibility and like any McDonald's site there are going to be pinch points. They can add signs and striping to draw attention and advise caution. He states McDonald's is always concerned about safety.

Commissioner Kempa states he feels the increased stacking is great however this seems to be a draw back from the current layout.

Mr. Sack adds that the eighteen angled stalls along Milwaukee typically there are 18-20 foot aisles to allow for traffic flow in this particular case there is 26 feet between the parking stalls and the aisle in front of the building. There is a little more room for maneuverability if people start to stack.

Chairman Pro-tem Tammen asks if there are any other questions or comments from the commissioners.

Commissioner Mellen states he has experienced stacking out on Palatine Rd. several times and anything that can be done to alleviate that is a great public benefit and he would like to see data that this layout will provide greater efficiency.

Mr. Sack states it will as it will force them around the building instead of stacking up onto Palatine Rd.

Director Peterson states that before the public hearing is closed it needs to be in the record that at this meeting the PZBA can take action on approving the drive-thru lanes. However, it was discovered earlier today that there is a section of our sign ordinance related to special use permits and menu boards that go along with drive-thru lanes do require special uses. When this application was submitted it was not properly noticed to include the menu boards so the drive-thru lanes can be approved as not to delay McDonald's if the commission is so inclined to approve the drive-thru lanes but next month an amendment to our ordinance would need to take place if that is what the PZBA

chooses to do. It was an oversight on our part but in talking to the City Attorney that is the recommended course of action.

Commissioner Mellen asks what would happen if the drive-thru is approved but not the menu boards.

Director Peterson states he spoke with the City Attorney, the City Administrator, numerous Council Members and the belief was the special use for a drive-thru lane included the menu boards.

Commissioner Saewert states an option would be to submit for a variance to obtain the additional menu boards. Commissioner Saewert states the options are to amend the code or come up with a variance for the menu boards.

Director Peterson confirms this is correct and the plan of action will be to come back next month and not to do the variance request but most likely it will be to do a text amendment so that in the future if another restaurant with a drive-thru we could have the text amended and have them be the next agenda item for the menu board portion.

Commissioner Saewert asks how long the process for a text amendment is.

Director Peterson states a text amendment can be on the agenda for the PZBA in July and if approved on the agenda for the first Council meeting in August.

Commissioner Mellen asks what the anticipated construction schedule is.

Mr. Kirshner replies that he does not have an exact date but is hopeful for August or end of July for a start.

Director Peterson states the start date needs to be looked at because if the Council has first hearing on July 9<sup>th</sup>, the plans for permit review then the later part of August is more realistic for construction.

Commissioner Mellen inquires that with the text amendment McDonald's could be proceeding at risk.

Director Peterson confirms yes.

Chairman Pro-tem Tammen asks if there are any other questions from the commissioners.

Chairman Pro-tem Tammen requests a motion to close the public hearing on case ZBA 18-08SU

Motion by Commissioner Mellen  
Seconded by Commissioner Kempa  
Voice Vote

AYES: Commissioners Kempa, Mellen, Saewert and Chairman Pro-tem Tammen

NAYS:

ABSENT: Commissioner DeGraf, Patel and Chairman Dash

ABSTAIN:

Motion carried.

Public hearing closed for 18-08V at 7:29 pm

Chairman Pro-tem Tammen calls for motion to vote on the application before us which is a Special Use Permit to amend an existing Special Use Permit for a drive-thru restaurant in the B2 General Commercial District per Section 5-7-4C of the City of Prospect Heights Zoning Code

Motion by Commissioner Kempa  
Seconded by Commissioner Saewert

Roll Call Vote

AYES: Commissioners Kempa, Mellen, Saewert and Chairman Pro-tem Tammen

NAYS:

ABSENT: Commissioner DeGraf, Patel and Chairman Dash

ABSTAIN:

Director Peterson states that this first portion for the drive-thru will be up for a first reading with City Council on Monday July 9, 2018. Over the next few days and some discussion later tonight the consensus of the PZBA as he works with the City Attorney to draft the text amendment or variance request. Under paragraph C when a restaurant is granted a special use for a drive-thru facility it is granted a menu board as part of that approval however we should have some size requirements. Director Peterson continues to state the current code allows 16 square feet and this application shows about 18-20 square feet and currently is at 40 square feet.

Mr. Kirshner states it will be a smaller board that is a standard size now. He is sure it's the old style board that they have and with the new text and clarity of the new menu boards everything can be shrunk down therefore it will be the 18-20 square feet as proposed.

Director Peterson states that from a staff perspective if a restaurant gets a special use permit for a drive-thru lane which is required under the B Zoning Districts that they are allowed a menu board up to a square foot number that is to be determined so that he can make the recommendation as the text is drafted with the attorney.

Commissioner Saewert believes it would be good to research what the corporate standards are now for menu boards. For example, if 18 sq ft is the determined number is that consistent with other corporate menu boards in use now. A comparison should be done with what other current drive-thrus are doing and come up with a recommendation. She also believes the pre-menu board should be addressed because that seems to be another trend now instead of just the menu board. Are we going to allow the pre-menu board and the menu board at each drive-thru? And, if yes she believes there should be a size allotment for that as well. A new text amendment should address all of the issues.

Director Peterson asks Mr. Sack if the pre-menu board is about half the size of the menu board.

Mr. Sack confirms that it is about 10 square feet.

Director Peterson confirms that between the pre-menu board and the menu board it is about 30 square feet.

Mr. Sack confirms combined it will be approximately 30 square feet.

Chairman Pro-tem Tammen asks if we are looking at a pre-menu board and a menu board for each drive-thru.

Mr. Sack confirms there will be a pre-menu board and a menu board for each lane, therefore 30 square feet for each lane.

Director Peterson states currently with a proposed 18 square feet for the menu board and the 10 square feet of pre-menu board that's approximately just under 30 square feet and the question becomes...

Chairman Pro-tem Tammen asks can there be one 30 square foot sign.

Director Peterson states if there is only a menu board you are limited to 20 square feet but if you have a pre-menu board you are maxed out at 30 square feet per lane.

Chairman Pro-tem Tammen poses that he can't combine the two for one board at 30 square feet.

Commissioner Saewert states she believes you would not want to give that option for a 30 square foot menu board.

Director Peterson states the options are you can have a menu board at "X" and if you want a pre-menu board you can have "Y" but you cannot combine the two into one aggregate.

Chairman Pro-tem Tammen asks if staff can be directed to research what other communities are permitting and what seems to be the standard to come up with something that is equitable for everybody.

Director Peterson asks Mr. Sack if McDonald's is their only client.

Mr. Sack replies no.

Director Peterson asks if they have an idea of what the other clients have done.

Mr. Sack states McDonald's is first and foremost with the double drive-thru. McDonald's is very innovative and they have come up with this whole concept. Mr. Sack states others have tried the double drive-thru and maybe not with as much success and have gotten away from it just because the business is different. There has been no kick back from anyone else as far as menu boards and pre-menu boards have gone. In his opinion the size of 30 square feet is reasonable.

Commissioner Saewert states on Rand Road she can think of three scenarios where this would exist. One is another McDonald's, a Chick-Fil-A and a Starbucks that all have drive-thru lanes with pre-menu boards and menu boards. We can use those three examples which are all relatively new.

Director Peterson states he will do some research on that side of it. If the PZBA is comfortable with heading that direction he can communicate what the research shows unless there is anything else that you would like to present.

Mr. Kirshner states he can provide the specs if they haven't already been submitted.

Director Peterson agreed stating that what is on file is difficult to read.

Mr. Kirshner stated it was not a problem to provide a blow up from the sign vendor of the sizes and square footage.

Chairman Pro-tem Tammen asked if that has provided the direction the staff would need.

Director Peterson states that it does and as soon as he has the data he will forward to the PZBA for response on likes, dislikes, and where the board feels comfortable so he can proceed with the text amendment.

Commissioner Mellen asks if the text amendment will be on the next PZBA agenda and asks when it has to be finalized to make the appropriate notice.

Director Peterson responds two weeks. He states this process will move rather quickly.

Chairman Pro-tem Tammen confirms there are no other items on this case.

This case shall go before City Council on Monday July 9, 2018 at 6:30pm.

**2. PZBA – Public Hearing: case No. ZBA 18-09SU**

Applicant: St. Alphonsus Liguori Church: represented by Rich Micelli  
Address: 411 N. Wheeling Rd. Prospect Heights, IL 60070

Description of Request:

- A. Applicant is seeking a Special Use Permit per Section 5-9-5A, to construct a 3' x 6' Electronic Message Center sign into their replacement ground sign at St. Alphonsus Liguori Church in the R1 Residential District.

Chairman Pro-tem Tammen requests a motion to open public hearing 18-09SU at 7:40 pm by

Motion by Commissioner Saewert

Second by Commissioner Kempa

VOICE VOTE:

AYES: Commissioners Kempa, Mellen, Saewert and Chairman Pro-tem Tammen

NAYS:

ABSENT: Commissioners DeGraf, Patel and Chairman Dash

Director Peterson describes the application submitted by St. Alphonsus Liguori.

Chairman Pro-tem Tammen swears the public in for testimony.

Mr. Rich Micelli, St. Alphonsus Liguori, 411 N. Wheeling Rd. Prospect Heights, IL 60070 states the message part of the current fluorescent sign will be replaced with an LED electronic messaging sign.

Director Peterson asks if Mr. Micelli is aware of the restrictions and requirements of the message sign and the content that is allowed.

Mr. Micelli states yes that he is aware.

Director Peterson states this is something the PZBA and Council has approved in other cases and it does not impose any hardship for staff.

Chairman Pro-tem Tammen asks for any comments from the commissioners.

Commissioner Saewert asks for clarifications on the dimensions of the proposed sign.

Mr. Micelli states the overall height will remain at six feet as it is. He states the current sign is six feet tall. The base is all removable bricks and sits on an existing conduit. The new sign will be lighter than what is out there currently. Currently the address sits on top of the sign as a little 411, the new sign will have it incorporated nice and big and it will not get covered by snow, it won't have to be painted every year which will be an additional help.

Commissioner Saewert asks if that will be included in the six foot height.

Mr. Micelli states yes.

Chairman Pro-tem Tammen confirms the replacement sign will be an exact 1:1 size replacement.

Commissioner Mellen asks if the current sign is lit.

Mr. Micelli states yes. It is lit with six fluorescent tubes which are replaced on a regular basis along with sockets and other parts.

Commissioner Mellen asks Director Peterson if there is any requirement to brightness of the sign by day and by night due to being in a residential area.

Mr. Micelli stated yes and that it will be toned down in the evening.

Director Peterson states there are foot candle requirements but that is typically applied to the parking lot lights. There isn't a good standard for the LED's except that they need to be diminished at certain hours. He states the church is along Wheeling Road which is a county road and the houses are setback and he doesn't see this as being a light problem.

Commissioner Mellen confirms it is the intent that the sign will be dimmed in the evening.

Mr. Micelli states this is correct as you would not want the daytime brightness in the evening as it would blind drivers.

Commissioner Saewert compliments the landscaping around the sign and also states that with the electronic sign it is her hope that this will eliminate some of the temporary portable signs that are placed along the roadway.

Mr. Micelli states yes, these signs such as enroll now for school will be incorporated into the electronic message board.

Chairman Pro-tem Tammen confirms there are no other questions or comments from the commissioners and requests a motion to close the public hearing on case ZBA 18-09SU.

Motion by Commissioner Kempa

Seconded by Commissioner Saewert

Voice Vote

AYES: Commissioners Kempa, Mellen, Saewert and Chairman Pro-tem Tammen

NAYS:

ABSENT: Commissioners DeGraf, Patel and Chairman Dash

ABSTAIN:

Motion carried.

Public hearing closed for 18-09SU at 7:46 pm

Chairman Pro-tem Tammen requests any further discussion from the commissioners or staff on this case.

This case shall go before City Council on Monday July 9, 2018 at 6:30pm

Director Peterson states that if St. Alphonsus would like a waiver of first reading he would need that in writing. If not it will be first reading on July 8<sup>th</sup> and formal passage two weeks later.

Chairman Pro-tem Tammen requests a motion to receive into the public record the staff review of the compliance of this application with the zoning standard as presented by staff this evening and to make these standards part of the official record for the application.

Motion by Commissioner Kempa

Second by Commission Saewert

ROLL CALL VOTE:

AYES: Commissioners Kempa, Mellen, Saewert and Chairman Pro-tem Tammen

NAYS:

ABSENT: Commissioners DeGraf, Patel and Chairman Dash

ABSTAIN:

## **VI. Communications - None**

Director Peterson states there will be a meeting in July and briefly describes the cases for the agenda.

## **VII. Adjournment: At 7:49 p.m.**

Motion to Adjourn: Commissioner Saewert

Second: Commissioner Mellen

Voice Vote: Unanimous