

APPROVED Minutes of the **REGULAR MEETING OF THE ZONING BOARD** held on Tuesday, April 9, 2013, in the Public Meeting Room in the Village Hall, One Olde Half Day Road, Lincolnshire, IL.

PRESENT: Chairman Manion, Members Kalina, Van de Kerckhove and Leider.

ALSO PRESENT: Tonya Zozulya, Planner.

ABSENT: Trustee Liaison Brandt.

CALL TO ORDER: **Chairman Manion** called the meeting to order at 7:02 p.m.

1.0 ROLL CALL

The roll was called by **Planner Zozulya** and **Chairman Manion** declared a quorum to be present.

2.0 APPROVAL OF MINUTES

2.1 Approval of the Minutes of the Zoning Board Meeting held Tuesday, February 12, 2013.

Member Kalina moved and **Member Van de Kerckhove** seconded the motion to approve the minutes of the Regular Meeting of the Zoning Board held Tuesday, February 12, 2013, as submitted. The motion passed unanimously by voice vote.

3.0 ITEMS OF GENERAL BUSINESS:

3.1 **Public Hearing** and consideration and discussion regarding a proposed amendment to an existing Special Use (Ordinance #04-1901-17) for the Marathon Gas Station to permit a Dunkin' Donuts restaurant with drive-thru, as an accessory use, for the property at 435 Milwaukee Avenue (GTM/North Shore Management, dba Dunkin' Donuts).

Planner Zozulya presented Staff's memorandum and Dunkin' Donuts proposes to lease 419 sq.ft. within an existing (remodeled) 2,465 sq.ft. Marathon Gas Station convenience store, for a Dunkin' Donuts restaurant (with no kitchen or tables/seating). **Planner Zozulya** stated the request requires a Special Use amendment. She said the existing drive-thru along the north building façade is proposed for re-activation for proposed Dunkin' Donuts use. Peak Dunkin' Donuts hours are projected to be from 5 a.m. to 10 a.m. (accounting for 60% of daily business), with 70% of peak business handled via drive-thru. The Petitioner stated corporate statistics show 80% of patrons use drive-thru during off-peak hours. Dunkin' Donuts anticipates staffing their restaurant with 2 employees at peak and 1 employee at non-peak times (gas station will maintain 1 employee at any given time). The Petitioner stated gas station employees are expected to park at another Dunkin' Donuts location and be transported to this property to minimize parking usage. The Petitioner indicated conflicts between drive-thru, gas pumps and site ingress/egress will be minimized by coordinating deliveries. **Planner Zozulya** stated Engineering and Fire District Staff have reviewed proposed development plans and do not have issues/concerns. **Planner Zozulya** indicated four (4) new parking spaces (including 1 ADA-required space) are proposed along the east property line in addition to 4 existing spaces on-site. A total of 24 parking spaces, including customer parking at gas pumps, will be available on-site, which the Petitioner indicates in the attached cover letter is sufficient for their needs. She said Staff believes availability of pump parking, anticipated significant usage of drive-thru, the non-traditional nature of the

proposed restaurant use, as well as supporting information provided by the Petitioner in their cover letter, will ensure adequate on-site parking. **Planner Zozulya** stated pavement striping and directional signs are provided to designate a clear circulation path for drive-thru traffic. She said site improvements will also include removal of several obsolete light poles, perimeter wall and flag poles as well as new trash enclosure/curb installation, concrete repairs and landscape enhancements. Proposed trash enclosure and menu board placement meets Code with regard to the minimum required distance to property lines. The Petitioner provided the attached responses to required Special Use Standards, which Staff believes are satisfactorily met. **Planner Zozulya** stated Staff supports the proposed request and recommends a condition be placed that the Dunkin' Donuts hours of operation be no later than the gas station hours (this would be important in case the gas station, which currently operates 24 hours a day, limits its hours in the future).

Member Van de Kerckhove and Member Kalina questioned Staff's recommendation to restrict the restaurant hours. **Planner Zozulya** stated while it will not be in issue in the near future (since the gas station operates 24 hours a day), it may become a zoning issue in the future if the gas station reduces its hours, and due to the fact the restaurant is an accessory use.

Member Leider expressed his agreement with Staff's rationale for limiting the restaurant hours as it is necessary for protecting the primary use on this property, which is a gas station.

Mr. Steven Kolber of Kolbrook Design was sworn in by Chairman Manion. He gave a detailed PowerPoint presentation, explaining the proposed use and site/building improvements. He stated no new curb cuts or infrastructure will be required for the proposed use. Dunkin' will be making significant upgrades to the property.

The Zoning Board requested clarification regarding site circulation for the proposed restaurant and whether there will be sufficient room for two cars within gas pump areas. **Planner Zozulya** said the Engineering Department did not express any concerns regarding car maneuvering.

Member Leider inquired whether cross access will be provided between the gas station and the grocery store site. **Planner Zozulya** responded Staff thought cross access was advantageous for both parties and approached the Fresh Market about it. However, their response was they were not interested.

Mr. Karim Khoja, the Dunkin' Franchisee, was sworn in by Chairman Manion. **Mr. Khoja** stated Dunkin' is very much interested in cross access and offered to participate in any meetings the Village may have with Fresh Market to revisit this matter. He said he believes cross access will be beneficial to both properties. **Mr. Khoja** added he owns 40 Dunkin' stores in Chicago and suburbs, with the Marathon Gas Station being the third gas station Dunkin' location in his portfolio. He opened his first Dunkin' store in 1991 and now has 600 employees. **Mr. Khoja** stated he was recently recognized as the "Dunkin' Donuts Operator of the Year." The nearest existing stores he owns and manages are in Vernon Hills, Wheeling and Highland Park. He said he wants to be in Lincolnshire, especially because their corporate statistics show Dunkin' Donuts does well near high schools. **Mr. Khoja** stated 60% of the Dunkin' business is coffee and 40% is donuts. He noted Dunkin' recently released a new Dunkin' store brand, elements of which will be incorporated into the store interior. **Mr. Khoja** said he feels very confident the site

provides ample stacking room for the drive-thru, as it takes 80 seconds or less for their customers move from the menu board to the pick-up window. He does not believe there will be more than 7 cars in the queue at any given time.

Mr. Kolber said gas pump canopies are wide enough for two cars.

Member Kalina asked how big **Mr. Khoja's** other Dunkin' stores are. **Mr. Khoja** replied his stores vary from 1,800 sq.ft. to 3,700 sq.ft.

Member Leider inquired whether a sprinkler system will be installed to maintain the proposed landscaping. **Mr. Kolber** stated they are just starting to look into landscaping maintenance and will consider addition of a sprinkler system.

Planner Zozulya requested **Mr. Khoja** elaborate on Dunkin' deliveries. **Mr. Khoja** stated Dunkin' deliveries, via a small truck, will occur between 4 a.m. and 5 a.m. once a week. In addition, semi truck deliveries will also occur once a week.

Member Van de Kerckhove sought clarification regarding parking availability and whether designated parking signs (e.g., "Dunkin' customers only") should be considered. **Mr. Khoja** said most people who do not use drive-thru park at the pump when they go into the gas station convenience store (regardless of whether they pump gas or not). He said he is open to installing designated parking signs if requested by the Zoning Board.

Member Kalina inquired about construction schedule for this site. **Mr. Khoja** stated they anticipate an 8-week construction period and he would like the store to be open by the start of the school season in late summer. **Mr. Kolber** added they expect to file for building permits before final Board approval is granted.

There was a consensus among the members in support of this request and the following motion was read:

Member Kalina moved and Member Leider seconded a motion to recommend approval to the Village Board of an amendment to Ordinance #04-1901-17 for the Marathon Gas Station, to allow a Dunkin' Donuts restaurant, with drive-thru, as an accessory use to an existing gas station, located in the B1 Retail Business District, as presented in the Petitioner's Presentation Packet and as recommended in Staff's memorandum, and further subject to the Dunkin' Donuts hours being no later than the gas station hours (should the gas station change its hours of operation in the future), and requesting the Village resumes contact with the Fresh Market about permitting cross access between the gas station and grocery store properties.

The motion passed unanimously by voice vote.

4.0 UNFINISHED BUSINESS

Member Kalina inquired whether or not new Zoning Board appointments have been made to fill vacancies. **Planner Zozulya** said no new appointments have been made.

5.0 NEW BUSINESS

Planner Zozulya informed the Zoning Board of the new business (Forever Yogurt) moving into the former Maggie Moo's space at Lincolnshire Commons. She also stated GGP received approvals to amend the PUD to construct a multi-tenant building on Lot C south of Kona Grill.

6.0 CITIZENS COMMENTS (None)

7.0 ADJOURNMENT

There being no further business, **Chairman Manion** adjourned the meeting at 7:50 p.m.

Minutes Submitted by Tonya Zozulya, Planner