

MINUTES OF A REGULAR MEETING OF THE
VILLAGE OF NEW LENOX ZONING BOARD OF APPEALS

Held in the New Lenox Village Hall, 1 Veterans Parkway

Tuesday, August 19, 2014 7:00 p.m.

#14-08-B ZBA

CALL TO ORDER

A regular meeting of the Village of New Lenox Zoning Board of Appeals was called to order at 7:03 p.m., by Chairman Mark Muehlnickel.

ROLL CALL

Upon roll call, the following were present: Chairman Mark Muehlnickel, Commissioners Gary Berner, Annette Boyd, Rob Moss, John Kuchler, Terry Schultz, and Joan Byerley.

Also present were Community Development Director Robin Ellis, Senior Planner Jeff Smith, Planner Jennifer Neubauer, and Secretary Pat Hansen.

REQUEST FOR APPROVAL OF MINUTES OF A REGULAR ZONING BOARD OF APPEALS MEETING OF AUGUST 5, 2014.

A motion was made by Commissioner Boyd and seconded by Commissioner Byerley to approve the August 5, 2014 minutes as presented, with Commissioner Berner abstaining. Voice vote was taken. Motion carried.

REQUEST FOR VARIANCES

(Public Hearing)

414 Nelson Road

Brad Fralich / Buffalo Wild Wings – Petitioner

Chairman Muehlnickel asked if proper notice was given for this public hearing. Mr. Smith replied affirmatively. Mr. Muehlnickel asked for a motion to open the public hearing. A motion was made by Commissioner Boyd and seconded by Mr. Kuchler to open the public hearing. Voice vote was taken. Motion carried.

Liz Gardner, Regional Manager for Buffalo Wild Wings said she was present on behalf of Brad Fralich, the franchisee for the proposed New Lenox Buffalo Wild Wings, who was unable to attend. She stated that they are requesting approval of variances to reduce the required number of parking stalls for a proposed restaurant tenant and other existing tenants in the Nelson Plaza shopping center, as well as to permit the installation of secondary business identification wall

sign logos on the north and west elevations for the tenant space to be occupied by Buffalo Wild Wings.

Senior Planner Jeff Smith began the slide show presentation stating that the 3.81 parcel is located southeast of the southeast corner of Nelson Road and U. S. Route 30 and zoned C-3 and improved with the Nelson Plaza shopping center.

Mr. Smith said that in looking at the existing uses in the shopping center, as well as the proposed restaurant, which requires a minimum of 61 parking spaces, the shopping center should have 205 parking spaces, noting that there are only 147 on the site. He said that all of the tenants are listed in Table 1 of the Staff Report, as well as the tenant area, and the hours of operation. Mr. Smith said that although Buffalo Wild Wings will serve lunch, their peak period will be dinner time to later evening hours when other existing tenants are either closed, near closing or not during their peak business hours. On weekends, Mr. Smith advised that the other tenants are either closed, or close much earlier in the day, thereby providing more than adequate parking for the restaurant. Based on those factors, he said Staff is comfortable with supporting a variance to reduce the required parking for the Nelson Plaza Shopping Center from 205 parking spaces to the existing 147 parking spaces, equating to a 58 stall parking deficiency. Mr. Smith noted that if a future tenant comes in with a plan for a sit-down restaurant that creates a larger deficiency than the 58 spaces, they would be required to apply for a variance.

Mr. Smith noted that on the aerial image behind the building, there is currently existing parking, and to allow for additional customer parking, Staff is recommending that these parking spaces be designated for employee-only parking. He said that at the far northeastern portion of the property, there is parking at the very end, and that Staff is recommending that those spaces be designated for employee-only parking as well. Mr. Smith explained that the areas shaded in yellow are parking spaces that immediately front the other tenants in the center. He said Staff wants to be sure there is adequate parking available for the other tenants during their business hours. Therefore, he said that as part of the variance request, Staff is recommending that the spaces highlighted in yellow be designated and posted for "tenant only" parking. Mr. Smith said that when those businesses close for the night, those spaces can be utilized by patrons of Buffalo Wild Wings.

Mr. Smith referred to the next slide pointing out some examples of signage in front of Buffalo Wild Wings. He said they are "15 minutes only" parking signs, and explained that these are the type of signs that will be designated "tenant only" parking for the other tenant spaces in Nelson Plaza.

Mr. Smith stated that the other requested variance is to allow for additional logo wall signs. He said that as depicted on the slide, the petitioner wishes to place a Buffalo Wild Wings identification wall sign on the west elevation facing Nelson Road, and a smaller wall sign on the north elevation facing Route 30. He said these wall signs are allowable per the Sign Code. Mr. Smith stated that a 6,000 sq. ft. tenant space is not allowed to have secondary wall signs, however, they wish to improve the tenant space, which will improve appearance of the overall shopping center as well. In order to provide for enhanced business identification, Mr. Smith said

the petitioner is requesting to install a circular Buffalo Wild Wings logo wall sign on both the west and north tower areas containing the proposed new vertical black metal panels. He said the Sign Code does not allow for secondary wall signs since the subject tenant space is less than 25,001 square feet. Mr. Smith noted that the two 50.2 square foot circular logo signs would necessitate approval of a variance.

Mr. Smith continued by stating that three (3) criteria must be satisfied in order to grant a variance. Addressing the criteria that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located, Mr. Smith said it is Staff's opinion that a reasonable return would be significantly limited without the variance to reduce the minimum required overall parking for the Nelson Plaza shopping center. Regarding the additional circular logo wall signs on the west and north tower area elevations, Staff finds that a reasonable return would be limited if the additional logo wall signs on the north and west tower elevations are not allowed.

Addressing the criteria that the plight of the owner is due to unique circumstances, Mr. Smith advised that Staff's response is that the need for the variances is due to unique circumstances. He said that when the Nelson Plaza Subdivision was platted, provisions for shared ingress/egress between Lots 1 and 2, as well as between Lots 2 and 3, was provided by the construction of shared driveways leading from Nelson Road along the common lot lines. Mr. Smith went on to say that although there are connecting drive aisles between the parking lots within Nelson Plaza, Standard Bank, and Walgreens, there were not shared parking provisions put in place. As a result, he said each lot in Nelson Plaza Subdivision must provide parking meeting the minimum Zoning Ordinance requirement for each use. In terms of the additional proposed logo wall signs, Mr. Smith said Staff reiterates that this variance would provide not only for additional needed business exposure for the proposed restaurant, but will also create an attractive and highly identifiable focal point for the shopping center. He pointed out that Nelson Plaza is almost 20 years old, and the proposed improvements would assist in the revitalization of the shopping center, as well as potential redevelopment of the currently underutilized commercial property directly to the east containing the former F.I.M. store. Mr. Smith said that for these reasons, Staff points out that the proposed additional wall signs for the sole corner tenant space within Nelson Plaza would not set a precedent for other similar sign variance requests.

Addressing the criteria that the variance, if granted, will not alter the essential character of the locality, Mr. Smith explained that the proposed parking and wall sign variances would not alter the locality, but would allow for a major vacant tenant space to be occupied by an established and desirable sit-down restaurant that would benefit other existing and future tenants in Nelson Plaza, as well as the overall New Lenox community.

Mr. Muehlnickel asked if there is adequate lighting in the back of the building. Mr. Smith replied that it appears there is adequate lighting in that location, but advised that he would look into it.

Mr. Berner wanted to know if there will be a need for additional handicapped parking. Mr. Smith answered that the number of handicapped parking spaces meets the requirements of the Illinois Accessibility Code.

Mr. Muehlnickel said he does not have an issue with the sign request or logo, or what is proposed above the door, but asked why everything on the building is all one color, with the exception of Buffalo Wild Wings. Mr. Smith advised that this is a corporate decision, and Ms. Ellis added that it is metal panels, not paint, that is being depicted. Ms. Ellis noted that Staff is going to be contacting the property owner to see if they would consider changing the stripe in order to continue the black color.

Mr. Muehlnickel asked if anyone in the audience has questions or comments. Margie Richardson explained that she works for Newsome Physical Therapy, also located in Nelson Plaza. She said her concern is parking, and asked where everyone is going to park. She explained that between lunch and dinner times, there will be patients using walkers, canes, and crutches coming in for physical therapy. Ms. Richardson noted that there are only two handicapped parking spaces located at each end of the building. As Ms. Richardson wasn't present to hear all of Staff's report, Mr. Muehlnickel asked Mr. Smith to touch on the "tenant-only" parking signs that will be placed adjacent to specific parking spaces fronting the other tenants in the Nelson Plaza shopping center as well as the parking plan for employees.

Mr. Muehlnickel asked for a motion to close the public hearing. A motion was made by Commissioner Boyd and seconded by Commissioner Schultz to close the public hearing. Voice vote was taken. Motion carried. The public hearing was closed at 7:20 p.m.

A motion was made by Commissioner Boyd and seconded by Commissioner Moss to recommend to the Village Board approval of the following variances for the proposed Buffalo Wild Wings Restaurant located on property at 414 Nelson Road within the Nelson Plaza shopping center:

1. To reduce the overall number of parking spaces for the proposed restaurant and other existing tenants within the Nelson Plaza Shopping Center located on Lot 3 of the Nelson Plaza Subdivision from 205 parking spaces to a minimum of 147 parking spaces, or a maximum 58-stall parking deficiency. If an existing vacant tenant space or another currently occupied non-restaurant space is later proposed to be occupied by another sit-down restaurant tenant, resulting in more than a 58-stall parking deficiency for Nelson Plaza, then another future variance request will be necessary.
2. To permit secondary business identification logo wall signs on the west and north tower elevations not to exceed 50.2 square feet each, per the details shown on the provided sign elevation exhibit.

With the following Staff recommendations:

1. The owner of Nelson Plaza shall install “tenant-only parking” signs adjacent to specific parking spaces fronting the other tenants in the Nelson Plaza shopping center. When these other tenants are closed, then these posted parking spaces can be utilized by customers of Buffalo Wild Wings.
2. Employees of Buffalo Wild Wings and other tenants shall be required to park in available parking spaces located at the rear of the shopping center and spaces located at the far northeaster portion of Lot 3 so as to allow for closer parking spaces for customers of the restaurant and other tenants in Nelson Plaza.

Upon roll call, the vote was:

AYES: - Commissioners Berner, Boyd, Moss, Kuchler, Byerley, Schultz, Byerley, and Chairman Muehlnickel

NAYS: - None.

Motion carried.

Mr. Muehlnickel asked when this will go before the Village Board, and Mr. Smith replied that the Village Board will hear the request on Monday, August 25, 2014.

OLD BUSINESS

None.

NEW BUSINESS

None.

ADJOURNMENT

Mr. Muehlnickel asked for a motion to adjourn the meeting at 7:24 p.m. A motion was made by Commissioner Schultz and seconded by Commissioner Kuchler to adjourn. Voice vote was taken. Motion carried.

Patricia A. Hansen – Senior Administrative Secretary