

Long Grove Plan Commission & Zoning Board of Appeals (PCZBA) Special Meeting Minutes – January 15, 2013

Present: Fred Phillips, Chairman, Commissioners Jeff Kazmer, Charles Cohn, Michael Dvorak, Shelly Rubin and Bill Peltin.

Absent: Commissioner Wendy Parr

Also present: Village Planner James Hogue; Marlo Del Percio, Village Attorney, PCZBA Secretary Jason Kupferschmid and members of the public.

1. Call to Order: Chairman Phillips announced the agenda and called the meeting to order at 7:01 p.m.

PUBLIC HEARING; Consideration of a request for a Special Use Permit within the HR-1 Highway Retail District and/or additional relief necessary and/or appropriate under the zoning code to allow a Limited Service Restaurant (NAICS 722211) for property known as 4196 Illinois Route 83 and zoned under the HR-1 Highway Retail District classification within the Village of Long Grove, Illinois, submitted by Mr. Brad Adolph.

Chairman Phillips read the request into the record and swore in all witnesses who were about to give testimony.

Planner Hogue summarized the request noting the restaurant as proposed would be located in “Suite B” of the building known as 4196 Route 83 and within the Sunset Grove Development. As the Sunset Grove Development is designed as a commercial development, restaurant uses were anticipated at this location. However, “carry-out” restaurants, identified as “limited service” restaurants (NAICS 722211) per the PUD approval, require a Special Use Permit.

“Suite B” contains 1,424 square feet of floor area and is approximately 14% of the floor area of “Building B”. “Building B” as approved (as amended and modified) meets all the bulk requirements of the Sunset Grove Development including setbacks, parking, lot coverage, landscaping, infrastructure, etc.

No additional changes or further relief from any of the previously approved or existing conditions of the Sunset Grove development have been made as a part of this request. The request is strictly for a “carry-out” restaurant as defined by the “North American Industry Classification System” (NAICS).

The initial traffic study for the development has been supplemented with an additional traffic evaluation of this specific proposed use at this location. Conclusions of this evaluation indicate that in comparison to the entire development the proposed restaurant will generate a low volume of traffic representing 3% of the peak hour traffic on weekday evenings and 5% of the Saturday midday peak hour traffic. This study also notes no further geometric or traffic control improvements are needed (nor recommended) to accommodate the proposed use at this location.

He urged the PCZBA to determine the appropriateness of the proposed use at this location as well as evaluate the proposal against the Standards for Special Use as identified in the Village Code.

Mr. Jeffery Braiman, attorney for the petitioner, noted the request is for a “carry out” restaurant and not “fast food” as identified in the Village Zoning Code. He indicated this use would be similar to the Caribou Coffee located next door however, no drive- thru is requested. The restaurant would be largely delivery and carry out with limited seating within the store.

He gave testimony to the standards for Special Use noting this is an ideal location for such a use in a building designed for multiple commercial tenants. The use at this location should not devalue property values or create any nuisances for nearby residents. The petitioner will comply with all building code requirements for the structure and no relief from any village regulations, zoning or otherwise, is asked for as part of this request. The proposed use should be useful to the general area as well as the Village of Long Grove in particular.

Mr. Brad Adolph, prospective business owner, testified that there is no drive-thru as a part of the proposal but delivery service is anticipated to be a large part of the business. No alcohol is proposed to be sold or served in the restaurant. He is proposing a limited menu to start with to see what sells and what does not and adjusting the menu from there. No offensive lingering odors or other noxious activities are anticipated with the restaurant. While carry out and delivery service will be the majority of the business limited seating of approximately 10 to 12 seats in the store are anticipated. Plates and silverware will be utilized for in-store for sit down customers. Entrees will be made to order per the customers wishes. Only side dishes and desserts will be pre-prepared. The restaurant will be called “Baby Back Ribs, Chicken & more”.

Mr. Adolph indicated his family has always been in the restaurant business and he had previous restaurant experience with Lou Malnatis Restaurants.

The PCZBA made a recommendation for approval after debating the “fast food issue” and how this establishment differed from “fast food” as defined in the Village Code. Planner Hogue noted that per the Village Code “carry out” could be considered fast food however an exemption was made for “Limited Service Restaurants” (NAICS 722211) per the PUD approval. Key characteristics of that distinction and as proposed by the petitioner include patrons generally order or select items made to their specification. Food and drink may be consumed on premises, taken out, or delivered to customers' location. Per testimony delivery service will be a large part of business unlike standard fast food restaurants. Also, sit down patrons, albeit a small part of the business, will be served on plates with silverware as opposed to “paper, plastic, or other disposable containers” as identified in the “fast food” definition of the Village Code.

Attorney Del Percio further added that while all fast food restaurants are limited service establishments not all limited service establishments are “fast food”. She noted that for the most part food would be made to customers order as opposed to being pre-made and waiting for customer purchase, the delivery aspect of the business which adds a higher and more personal aspect to the proposal as well as the lack of a drive-thru (typically a key feature of “fast food” establishments) as separating this request as a “limited service restaurant” from “fast food”.

Commissioner Rubin made a motion, seconded by Commissioner Kazmer, to recommend approval a request for a Special Use Permit within the HR-1 Highway Retail District to allow a Limited Service Restaurant for property known as 4196 Illinois Route 83 and zoned under the HR-1 Highway Retail District classification finding that the application meets all standards and considerations under the Village Code for the granting of a special use permit, and recommending the granting of a special use permit for the operation of a limited service restaurant as defined by the “North American Industry

Classification System” (NAICS), but not a Fast Food Restaurant, as defined by the Village Code subject to the following conditions;

- Sit down tables shall be part of the restaurant;
- Entrée’s shall be substantially made to order; and,
- Home delivery and pick-up of food shall be integrated in to the business.

On a voice vote; all aye.

2. Approval of Minutes; December 4, 2012 - Regular Meeting

A motion was made by Commissioner Rubin, seconded by Commissioner Dvorak to accept the December 4, 2012 draft meeting minutes as presented. On a voice vote; all aye.

3. Other Business: Resignation PCZBA Secretary Jason Kupferschmid

Planner Hogue noted that PCZBA Secretary Jason Kupferschmid had submitted his resignation effective immediately as PCZBA Secretary.

The PCZBA wished Mr. Kuperschmid well and thanked him for his service to the PCZBA.

4. Adjournment

Commissioner Rubin made a motion to adjourn, seconded by Commissioner Cohn, on a voice vote; all ayes; no nays. Motion carried. Meeting was adjourned at 7:38 p.m.

5. Next Regular Meeting: February 5, 2013 @ 7 p.m.

Respectfully Submitted,

James M. Hogue

Village Planner/PCZBA Secretary Pro-Tem