

Plan Commission  
Public Hearing- Special Use  
Harry Chapman  
20 E. Rte 134, 27470 W.  
Rte 134, 1253 and 1225  
Rte 12  
October 5, 2016

I. **CALL TO ORDER:** David Gauger called the Plan Commission Public Hearing Harry Chapman for a Special Use on property at 20 E. IL Rte 134, 27470 W. IL Ret 134 and 1253 and 1255 S. Rte 12, Fox Lake, IL at 6:33 pm

II. **ROLL CALL**

A. Present

- 1: Jeff Bell
- 2: Danice Moore
- 3: David Schultz
- 4: Tim Foster
- 5: Rick LaPiana
- 6: Judy Martini
- 7: David Gauger
- 8: Donovan Day Director of Community Development
- 9: Brian Marr, Trustee

Jeff Bell recused himself from this hearing and left the building due to conflict of interest

III. **HEARING**

A. **Presentation by Mark Huonder**

- Hired by a franchisee of Burger King to help roll out stores throughout the greater Chicagoland area
- We are a real estate development firm base out of Southlake Texas
- This site fits all Burger King's pre-requisites for traffic count, demographics, things of that nature
- In our opinion we see Fox Lake as a community ready to grow in the future
- The site is made up of 4 parcels, about 3 ½ acres, this will maximize our efficiency as far as traffic flow, landscape and make the site as community orientated as we can
- We needed to get the codes for our preliminary site plan/things may change
- Presented a Power Point presentation of their plans
- Property is located in a B-4 commercial district
- Our Special use requests fits with the Comprehensive Plan and zoning code going forward
- Currently applying for an IDOT permit for ingress and egress off of Big Hollow/Rte 12 and continue to Nippersink Rd.
- Two way traffic throughout the majority of the site with the exception of North and South side to allow for the double drive thru
- Site plan shows 53 parking spaces exceeding the code for a 2,800 sq. ft. building/tis may be reviewed and parking reduced
- A Power Point presentation of the preliminary architectural and landscaping plans were presented

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**IV. BOARD QUESTIONS/DISCUSSIONS**

A: Mr. Gauger, Mr. Huonder and Michael Caldwell project civil engineer discussed;

- The location of the building on the property
- The future use of the unfused/owned land
- IDOT refusal of access off of Rte 12
- Delivery semis access/Nippersink is residential
- Landscaping plan for depression area, preliminary sizing for detention basin/meds to meet Lake County requirements
- Plans for utilities/underground, overhead
- Set back minimums
- East parking area location/natural tree line retention

B: Mr. LaPiana, Mr. Huonder and Mr. Caldwell discussed

- Eyesore in the North sector/clearing, leveling, terracing it/Burger King's image, options
- Elevation difference between South and North side of the development relative to Rte 12

C: Ms. Martini and Mr. Huonder discussed:

- Projected traffic count
- Not a destination location
- Standards for lumen level
- New development coming onto Nippersink Rd./Volo's Com-p Plan

D: Mr. Foster, Mr. Huonder and Mr. Caldwell

- Proximity of existing Burger King/corporate considerations
- Ownership of this project and existing Burger King
- Burger King's business model

**V: AUDIENCE PARTICIPATION**

A: Christine Olson, 34529 Helen Ct

- Traffic flow/ingress, egress location
- Accident rate at Nippersink and 134/addition of vehicles
- Use of the frontage road/an auxiliary road
- Need for a traffic light
- Parking area very close to my property
- Hours of operation
- Need for a final site plan before approval
- Proper screening requirements between parking and homes

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B: Tim Trenkle 34837 Helen Ct

- Owned since 1985
- Why build at this location when there are out lots with all the access, utilities, etc. across the street
- Lighting
- Noise/view/sound barrier
- Traffic flow backup/accident rate
- Frontage road development to handle additional traffic and trucks
- Odor
- Security
- Additional wild life drawn to food
- Best use for this site/limited access lot

C: George Kirkwood, 34860 Helen Ct

- When site annexed to Fox Lake a wall or berm was to be built
- What does "for now" mean
- No additional cuts off of Rte 12 from IDOT
- Hours of operation
- Additional hours of the drive thru/noise from pa systems
- Future resident notifications of progress/decisions
- Unresolved issues in the presentation

Vi: **BOARD COMMENTS/DISCUSSIONS**

A: Members. Audience, Mr. Huounder and Mr. Caldwell discussed

- Speaker noise regulations/drive thru speakers not specified in codes
- Speaker direction
- Hours of operation
- 12 and 134 is like an echo chamber
- Change of traffic pattern for drive thru speakers
- Lighting codes available in the Building Department
- Meeting notices need to be made clearer/addition of address of meeting
- Traffic study not required by IDOT/ways traffic studies are determined
- 3 plus acres site/1 1/2 to be developed rest will be detention basin
- Permitted uses for this commercial site that would generate as much or more traffic
- Traffic pattern to access site from Rte 12/IDOT request to exit unto 134 from site
- Signage necessary to enter site
- Increased traffic when Bright Oaks opens many induce IDOT to install a light at Nippersink and 134
- WEB site information for drive thru hours of operation of adjacent restaurants
- Elimination of billboards currently on property
- Need of township permission to erect directional signs to Burger King

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B: Mr. Huonder's response to concerns

- Unnecessary demands on placed developer/alleviation of problems with elimination of 18 parking spaces
- Not all information needed to address neighbors' concerns is available at this time
- 24 hour Burger King not feasible for this site
- Speaker improvements will eliminate a lot of the noise/how noise levels are determined
- Strict emission standards for smells/improved technology to reduce odors
- Total development of this site not economically feasible at this time nor in the near future
- Manager's responsibility to call police on delinquent activity
- Trash enclosures kept close to the building for varmint reduction

C: Mr. Gauger, Director Day and Mr. Huounder discussed

- Director Day's recommendation for combining all the lots on site into one
- Elimination of legal hurdles for servicing the property for violations
- Number of lots to be used for construction

D: Mr. Lapiana:

- Limit parking on east side of lot
- Drive thru audio moved to the south or west side of the property
- Site needs development
- Traffic will be an issue
- Suggested condition to recommendation "18 parking at the far east end of the property be reconfigured"

a: Trustee Marr

- Condition needs to be more specific on how far the parking needs to be moved

b: Mr. Gauger

- Change condition to read "no parking within 30' of property lines"

c: Mr. Huonder

- This condition will hinder us from moving forward on the project

E: Members discussed the need for Mr. Lapiana's condition

F: Mr. Schultz

- Commercial property existed when residents moved in/a restaurant existed there long ago
- Codes and ordinances are much better and stricter now
- Large corporation investing a lot of money and should follow the rules
- Not in favor or requiring this corporation to go above and beyond what is already existing in the zoning ordinance

Mr. Gauger asked the member is they feel there is a need for this kind of Condition added to this petition

*Conclusion:* Members agreed with the parking but cannot tell them how to develop the site

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VII: **MOTION**

A Danice Moore made a motion to recommend approval for the petition for Special Use of Harry Chapman for a drive-thru as presented according to the Fox Lake Zoning Ordinance 9-1-6-10C items 1 thru 6 with the following conditions:

- 1: The billboards that are currently installed on the property must be removed and will not be permitted to be reinstalled on the properties.
- 2: A landscape design will be required to be submitted to the Village for approval and should include the northern portion of the property into the design.
- 3: Separate lots, as applicable, that will be developed under the proposed restaurant and including the parking area will be combined into one parcel.
- 4: No parking will be within 30' of any adjacent property line

Tim Foster seconded the motion.

**DISCUSSION**

Trustee Marr

- Just the 3 lots affected by this building or all 4 lots?

Mr. Caldwell

- When is landscape needed?

Mr. Gauger

- Talk to Director Day
- Previous motion needs to be amended with condition to read "All PINS and separate lots need to be combined into one parcel"
- Need a motion for the amended recommendation

**AMENDED MOTION**

A: Danice Moore made a motion to recommend approval for the petition for Special Use of Harry Chapman for a drive-thru as presented according to the Fox Lake Zoning Ordinance 9-1-6-10C items 1 thru 6 with the following conditions:

- 1: The billboards that are currently installed on the property must be removed and will not be permitted to be reinstalled on the properties.
- 2: A landscape design will be required to be submitted to the Village for approval and should include the northern portion of the property into the design.
- 3: All PINS and separate lots need to be combined into one parcel
- 4: No parking will be within 30' of any adjacent property

Ayes: Danice Moore, David Schultz, Judy Martini, Tim Foster, David Gauger

Nays: Rick LaPiana

Motion passes.

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VIII: ADJOURNMENT

A: David Gauger closed the Plan Commission Public Hearing for the request of Harry Chapman for Special Use on property at 20 E IL Rte 134, 27470 W. IL Rte 134, 1253 and 1225 S. U.S. Rte 12 , Fox Lake, IL at 8:15pm.

Respectfully submitted by,  
Sue Langowski  
Secretary

Plan Commission  
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Copies of the ordinance discussed is available for review at the Village Hall or on our web site at [www.foxlake.org](http://www.foxlake.org)