



CITY OF PARK RIDGE

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DEPARTMENT OF COMMUNITY
PRESERVATION AND DEVELOPMENT

ZONING BOARD OF APPEALS

Thursday, January 24, 2008
City Hall, City Council Chambers
505 Butler Place
Park Ridge, Illinois

MINUTES

Chairman Tennes called the meeting to order at 7:35 p.m.

A. ROLL CALL

Present

Ann Tennes, Chairman
Anita Bloom
Alice Borzym-Kuczynski
Atul Karkhanis
Kurt Prinz
Joe Sweeney

Staff

Carrie Davis
Tom Hoff
Everette Hill, City Attorney
Carolyn Lombardo, Secretary

Others Present

Approximately 9 citizens

Absent

Gary Zimmerman

B. APPROVAL OF MINUTES – November 29, 2007

A. Kuczynski made a motion to approve the minutes of the November 29, 2007, Zoning Board of Appeals meeting, which was seconded by J. Sweeney. The Board, by voice vote, unanimously approved the minutes, with the exception of A. Karkhanis who abstained.

C. ZONING APPEALS – None

D. VARIANCES

1. ZONING CASE NUMBER: V-08-02: 2648 Dempster Street

Chairman Tennes addressed the Board, applicant and citizens advising that this is one of the most extraordinary cases she has seen before the Board. She stated it would not likely be acted upon tonight because of the number of variance requests.

G.B. Illinois 2, LLC, applicant, requests several variances related to signs, landscaping and the parking lot as part of the construction of a new CVS/Pharmacy to be located at the Landings Shopping Center at 2648 Dempster Street. The specific variances requested are as follows:

1. The ground sign shows six items of information (including the three lines for the manual reader board). Only three items are permitted, in accordance with Section 14.5. G.1.
2. The ground sign would consist of 78 square feet of sign area. The maximum permitted is 32 square feet for signs in the B-2 District, in accordance with Section 14.6.C.1.
3. The ground sign must be 10 feet from the property line, in accordance with Section 14.6.C.2. The plans do not indicate the dimension between the sign and the property line and, therefore, is unable to determine if a variance is necessary.
4. Twelve walls signs are proposed and would be located on all elevations. The building would be eligible to have one wall sign for a wall facing a public street and a second smaller sign of no more than 16 square feet for a secondary entrance, in accordance with Section 14.6.F.1.
5. The elevations appear to show the proposed walls signs at nine feet, five inches above the main display windows, instead of the maximum height of five feet above the main display window allowed by Section 14.6.F.2.
6. The proposed square footage for all 12 walls signs would be 371 square feet. The maximum permitted is 232 square feet, based on one square foot of sign area per lineal foot of zoning lot frontage, in accordance with Section 14.6.F.5.
7. Directional signs are listed as Secondary Signs C1, C2 and C3 and would include additional wording, such as "CVS/Pharmacy." Section 14.7.C.1 allows the words "entrance" or "exit" only.
8. The applicant proposes four-inch white pavement striping between the drive-through aisles, instead of the required six-inch curb required in Section 10.3.F.4.
9. Section 12.10.C allows a reduction in the number of required stacking spaces for the drive-thru lanes upon review by the Planning and Zoning Commission only. The plans do not show stacking spaces on the outer most drive-thru lane, as required by Sections 12.10.A.1,2,3 and 4; and Section 12.10.B.
10. Only the Planning and Zoning Commission may waive building foundation landscaping. The applicant requests reducing the planting width to seven feet, instead of the ten feet required in Section 13.7.C.2, and reducing the length of the required landscaping from 75 percent to 50 percent of the front facade of the building, in accordance with Section 13.7.D.1.
11. The proposed parking lot does not provide sufficient parking lot islands. Section 13.10.A.1 requires an island for every 10 to 15 contiguous parking spaces. The plans reflect a reduction of four islands along each of the south and west sides of the building and along the south and east property boundaries.
12. One off-street loading space is required for the use, in accordance with Section 12.14, Table 10. An overhead delivery door is shown at the southeast corner of the building, but it is not clear if this is the purpose of this area or if it will satisfy the requirements of this section. The applicant did not request a variance.

13. Only the Planning and Zoning Commission may review and approve a reduction in the transition yards. The plans show that the east lot line does not meet the requirements of Section 13.12.E, but no variance request is included with the application. A transition yard of 10 feet, including plantings that buffer the parking area from the residential zoned property to the east, is required.

The following exhibits were entered into the record:

1. Application
2. Proof of Ownership
3. Plat of Survey
4. Site Plan
5. Site Location Map
6. Building Plans
7. List of Neighboring Property Owners
8. Statement in Support for Requested Variance
9. Legal Notice Published in Park Edge Herald-Advocate January 4, 2007
10. Posting of Zoning Hearing Sign
11. Notice of Appearance by City of Park Ridge

Andrew Kolb, attorney for the applicant, introduced himself and the project team to the Board. He gave an overview of the project and stated that procedurally, they met with the Appearance Commission on January 22, 2007. The applicant plans to demolish the existing Crystal Banquets facility and replace it with a new 12,900 square foot building containing a CVS/Pharmacy. A 24-hour drive-through would be located around the rear of the building. Portions of the existing parking lot and parking spaces around the building and near the access off Dempster Street would be reconfigured to accommodate the new building. A new ground sign would be installed to replace the existing ground sign for the shopping center. Twelve wall signs are also proposed.

Chairman Tennes asked staff why this case is not a planned development. Ms. Davis explained that the application is coming before the Board for several variance requests because this is the most appropriate process. The applicant originally requested that the case be reviewed as a planned development. However, it was determined that this process was not applicable because it is primarily geared towards projects that can offer a substantial community benefit, such as a park or making traffic improvements, in return for receiving relief from regulations in the Zoning Ordinance. In this case, the applicant is not proposing community benefits. If the City approves some or all of the requested variances, the applicant would need to proceed to the Planning and Zoning Commission for a site plan review, master sign plan review and a subdivision. The applicant would also need to go to the Appearance Commission for review of the building architecture, landscaping and signs.

Additional information regarding the subdivision of the property and parking were discussed. Ms. Davis informed the Board the applicant needs the variance requests whether they are a stand-alone building or part of the mall. Just to clarify, staff reviewed the variance requests in terms of the CVS and the shopping center as an entire unit and not with the CVS as an independent entity.

Mr. Kolb and the project team addressed the Board stating the property that is the subject of this application contains approximately 1.23 acres and lies at the northeast corner of Potter Street and Dempster Street. Several goods and services would be offered by the proposed CVS/Pharmacy, which warrant advertising.

The proposed CVS/Pharmacy is being planned as part of the improvement of an existing shopping center. While the redevelopment of this property will involve the subdivision of land to create a new zoning lot, the property will actually function and appear as if it is still part of the larger shopping center. The imposition of the provisions from the Zoning Ordinance, noted in Section III, will impose undue hardship upon the applicant given the configuration of the lot. In order to meet the nationwide criteria established by CVS/Pharmacy, the applicant will need the variances set forth in Section III to make the project feasible. With respect to signage, although functioning as a corner property, the strict application of the Ordinance limits the signs to those allowed for the single lot with one frontage. The variances proposed by CVS/Pharmacy essentially allow it to function as the corner lot.

The current configuration of the center has a parking lot located between the proposed CVS/Pharmacy building and Potter Road. The layout of the shopping center from which this property is being subdivided creates a unique circumstance where the proposed building will be visible from Potter Road and accessed by motorists directly from Potter Road without having direct frontage. Since there will be a cross-access easement with the adjacent property, which has frontage on Potter Road, and there will be no visible delineation between the adjacent parking lot and the proposed development, the CVS/Pharmacy will essentially function as a corner property. The unique relationship and connection to the adjacent parcel supports the request for the variances.

CVS/Pharmacy also faces unique circumstances in that the products and services that will be offered at this location area not available at all stores. The proposed sign package includes multiple signs on one façade notifying the public of these goods and services. As much as 60 percent of the revenues for CVS/Pharmacy can be attributed to these services making identification critical for the success of the business. The use of this style of signage is also consistent with the adjacent development by breaking the information into multiple smaller signs. This is conducive to the smaller scaled signs of multiple businesses versus a larger single sign for a development the size of the proposed CVS/Pharmacy.

During the process the lot will be subdivided from the existing center but will continue to appear and function as if it is one larger development. Granting the variance for the proposed signs on the west elevation will reflect the same essential character that currently exists. The proposed ground sign is in accordance with the character of the area and will improve upon the sign that currently exists for the banquet facility. Granting the remaining variances will not alter the essential character of the locality as the redevelopment of the shopping center will improve the overall look and feel of the locale.

While the redevelopment of this property will involve the subdivision of land to create a new zoning lot, the property will actually function and appear as if it is still part of the larger shopping center. Although functioning as a corner property, the strict application of the Ordinance limits the signs to those allowed for the single lot with one frontage. The existing lot configuration limits the location and placement of the proposed CVS/Pharmacy in such a manner that the desired corner location is not available. Given the dimension of the proposed lot, the remaining variances are needed to make the project functional in accordance with the adopted national standards of CVS/Pharmacy.

The proposed variances are not detrimental to the public and will foster these critical services. With respect to signage, careful consideration is given to the design of the signs for CVS/Pharmacy to balance the necessary signage needed to ensure a successful operation with the appropriate aesthetic and safety concerns of the site. The proposed variances cause no detriment to the public, and, in fact, improve the safety of the site by providing the appropriate advanced notification needed to ensure proper traffic safety. Furthermore, successful commercial property will improve the community by

providing a critical service needed by the public and ensuring a positive tax revenue generation for the community.

The proposed variances will in no way impair the adequate supply of light and air to the adjacent property. The applicant is not requesting any variance with respect to the height of the building. Further, the height of the building is consistent with the existing structure, which is scheduled for demolition. With respect to signage, the wall signs proposed will be attached to the building and will face the street and parking lot frontages. The proposed ground sign is appropriately placed as to not affect the adjacent properties as well. If granted, the proposed sign variances will actually prevent any congestion in the public streets related to this project by providing appropriate notification to ensure safe traffic maneuvers and eliminate any traffic confusion by potential customers. Finally, the proposed variance would not impair the property values within the neighborhood. The requested sign variance is designed to ensure the success of the proposed CVS/Pharmacy. A successful commercial use of this property would likely improve the values within the neighborhood and would have a similar impact on the community as a whole.

The proposed variances are consistent with the spirit and intent of the Ordinance for a property with multiple frontages. The subject property is zoned B-2 and the proposed use is consistent with the designation. While the subject property would only have one frontage as defined by the Ordinance, it will function as part of a larger corner development with multiple frontages. With respect to signage, the proposed sign requests are consistent with this type of development. The proposed sign requests are consistent with the 10 percent allowance for wall signs, even though the area is divided among multiple signs.

The variances set forth in Section III are critical so as to allow the applicant to meet the nationwide standards imposed by CVS/Pharmacy. With respect to signage, careful consideration is given to the design and placement of the signs for CVS/Pharmacy. Extensive research is conducted to ensure the operation for CVS/Pharmacy is successful. The proposed variance request to allow additional wall signs directly relates to goods and services that comprise up to 60 percent of the revenues generated for the CVS/Pharmacy. Without proper notification of these goods and services, the success of the business could be significantly hindered.

Mark Rice, project engineer, explained the project in detail with the aid of the site plan exhibit. The drive-thru lanes will be for prescription pick up only. Operationally it is different from a bank or fast food chain because CVS/Pharmacy experience across the country shows two to three vehicles stacked during peak hours. CVS/Pharmacy is prepared at this site to stack a total of six vehicles, two of which are at the window. Mr. Hoff corrected Mr. Rice stating that the code states they need to stack one at the window and three behind that. He read the code under section 12.110.1b and stated he has been consistent that stacked cars do not include the one at the window.

Mr. Rice explained the request to vary from a six-inch concrete curb to a four-inch pavement stripe because of the difficulty the truck traffic would have to service the trash compactor, which is required. He explained the reason they would like the variance to have the foundation landscaping strip seven feet wide instead of required ten feet, is because of the distance from south property line and existing building that will remain from the banquet, they cannot provide adequate space. CVS/Pharmacy has experienced operational problems with landscaping too close to main entrance, it is hard to maintain and becomes trashy.

Chairman Tennes noted she would like staff to inquire whether the six-inch curb is a safety issue.

Mr. Rice stated that CVS/Pharmacy is proposing 58 parking spaces when 43 spaces are required. The location of the overhead delivery doors is at grade level. The units are serviced by one full-size delivery truck once per week. The truck will pull in off Dempster, sit adjacent to the vertical compactor. The store manager has flexibility in scheduling the CVS/Pharmacy merchandise truck.

Ms. Davis stated according to the staff report, #9, #10 and #13 would all need to be reviewed by the Planning and Development Commission. These items were not initially pointed out in the application, they were found during staff review. They are not part of the variance request, but part of review by Planning and Development. There is an error in #13, eliminate the word 'not'.

Mark Nosky, project architect, explained the elevations and how they evolved from his meeting with staff. He explained the function of the building; the entrance is on the corner opposite the double drive-thru pharmacy in the back. They added more windows, at the City's request and are trying to match the brick that is surrounding the mall.

Doug Marins, Sure White Sign Company, explained the main and ancillary signage for the project site. Out of their 6,000 stores, CVS/Pharmacy chooses 'photo center, beauty and pharmacy' to show prospective shoppers. The ancillary signs are different, depending on the area in which the store is located.

- Three items are permitted on a sign; this is not a corporate standard sign. He asked for an exception from the Board to incorporate the overall development.
- They would like to remove the existing ground sign and feel the proposed sign is comparable to competitors in the area; it appropriately addresses site and site needs.
- Determined the setback is compliant.
- The drive-thru canopy is directional in nature and function and did not expect that to be counted against them as a wall sign. Mr. Hoff explained that anything facing the street is an additional wall sign.
- CVS/Pharmacy has centered their trade name allowing for ancillary signage to be in appropriate lines. This is a typical standard and they feel it would detract from the overall scale and symmetry if they lowered the sign.
- The signage layout, taking into consideration the overall development, is keeping with the overall feel with the signs breaking up the façade. CVS/Pharmacy needs exposure for motorists because these are services not found at all CVS/pharmacies.
- Non-illuminated 3M Scotch Brite reflective tape, headlights would help identify and locate the drive-thru in an expeditious manner. They want to point people in the correct direction.

The Board questioned Mr. Marins regarding the standard signage package for CVS/Pharmacy. He stated that CVS/Pharmacy does extensive research and found that each property uses different amounts of signage. They will not likely use the same amount of signage at another location; the drive-thru signage would be the same, but not for beauty or the photo center.

The Board noted a discrepancy with the exhibits. Exhibits #13 and #14 were inconsistent when compared to each Board members packet. Chairman Tennes requested Mr. Marins remove the exhibits that do not apply from each Board members packet. He complied.

In answer to further questions from the Board, Mr. Marins stated the window, door and drive-thru signs above the window, not against the glass are supplied by the vendor. The receiving door sign is a door plaque for the truck operator. They would have a temporary freestanding sign and banner

announcing CVS/Pharmacy coming soon. They may need a sign in the future stating a 24-hour drive-thru window only.

No other persons addressed the Board regarding this case.

Chairman Tennes stated she believed a CVS/Pharmacy would be an economic benefit to Park Ridge. The location is attractive for a pharmacy with the hospital, school and Lurvey's located closely. She explained the criteria the Board considers for basing their decisions, the three findings of fact. CVS/Pharmacy states 60 percent of revenue standards are from ancillary signs and regrettably revenue profit is not part of the three findings of fact. Previous cases have requested approximately three variances, this case is challenging because of the numerous requests. She supports economic development and submits to the applicant there must be other parcels in the area that would work better.

Mr. Prinz stated that the scale of the project concerns him. He questioned Mr. Kolb on the average store size for stand-alone sites and encouraged reducing the square footage of this site. The benefits being it would create additional land space and reduce the variance requests. He understands the benefit to two drive-thru lanes but is there a necessity? The loading/unloading area is very tight.

The Board questioned what is the hardship to consider for removing parking islands for more parking spaces? Mr. Kolb stated it was an economic hardship because CVS/Pharmacy needs signs to compete in the marketplace. He feels it is a hardship to add amenities when it detracts from the functionality of the parking lot.

Sam Marcos, property owner, was questioned by the Board regarding other options for the parcel; they are concerned there might be too much going into that small area. Mr. Marcos stated if he leases to smaller stores, different tenants, the parking will remain the same. The banquet sees the same problem. Leasing to CVS/Pharmacy will eliminate the parking problem because they are not requiring the same amount of spaces as the banquet hall. He was questioned about the Cook County ordinance and stated that it is recorded with the County that presently with the cross easement anyone can park anywhere, there is underground parking too.

Board members discussed a previous signage case and the hardship regarding this case. Several members did not find a valid hardship with this case, while another member felt it was up to interpretation. As Ms. Bloom scrutinized this case, she related the hardship to a residential request in terms that if they want to have their property keep pace with the prevailing standards (by adding a bathroom), if it weren't for zoning ordinances they would be able to get reasonable economic return for their property.

The Board felt there is a lot on the table. There is sufficient parking for code, the applicant is requesting a variance to suit their needs and if they enforce the codes they will still comply. Some Board members would like to see the development, but cannot see hardships for the development. A traffic and parking study has not been an issue, some members would like to study one. The issue of the overhead garage/delivery door, which is in the path of the drive thru, is a considerable issue.

A motion was made by J. Sweeney, seconded by K. Prinz, that Zoning Case Number V-08-02 for 2648 Dempster Street be continued to the next Zoning Board of Appeals meeting to be held on Thursday, February 28, 2008.

Vote on the motion was as follows:

AYES	<u>6</u>	Ms. Tennes, Ms. Bloom, Mr. Karkhanis, Ms. Kuczynski, Mr. Prinz, Mr. Sweeney
NAYS	<u>0</u>	None
ABSENT	<u>1</u>	Mr. Zimmerman

E. OTHER ITEMS FOR DISCUSSION – Procedures for Cases Dealing with the Americans with Disabilities Act (ADA)

The Board questioned Mr. Hill regarding the ADA requirements and Kathie Henn’s information. He stated ten years ago variations to medical/disability issues did not have to be considered; now the ADA says you have to consider them. How can you reach a decision whether a disability makes a circumstance unique without knowing how the disability relates? Park Ridge will ask the applicant to sign a HIPAA release to protect them against a lawsuit. In terms of what the Board needs to know, the applicant is waiving their right by submitting their application and their issue will be discussed in public forum.

Mr. Karkhanis questioned if there was a procedural way for the applicant to submit their medical information without full disclosure. He shared a scenario of how as a teacher he gets written verification from an authorized person if he has to give a student special consideration. He is not comfortable in determining if a person’s disability meets ADA criteria.

Mr. Hill stated that the decisions the ADA makes can be different with the same criteria. Maybe the Board should question do we want to accept if someone comes before the Board with a doctor’s note and don’t question if it meets ADA. More people would qualify under that standard. If we apply what Ms. Henn is recommending, it might send a person away. The doctor’s note will get them before the Board and it can be decided. Can remove the standard that the Board needs to make the determination if it is ADA qualified; use the doctor’s note to verify.

Ms. Kuczynski believes the authorization is too expansive. The Board should have medical records for the disability alone, not for any other conditions. Mr. Hill stated that the Board will ask for what relates to the case, we need to protect ourselves by getting a release signed and he wants a valid HIPAA release.

Chairman Tennes requested that Item #4 on the HIPAA Privacy Authorization should state “ZBA” as it does under Item #8.

F. CITIZENS WISHING TO BE HEARD ON NON-AGENDA ITEMS – None

G. ADJOURNMENT – The meeting adjourned at 10:00 p.m.

ZONING BOARD OF APPEALS

Ann Tennes, Chairman

Date Approved