

**August 22nd, 2017 Public Hearing for a Special Use Permit
to Allow Outdoor Seating and A Drive-Thru For a New
Dunkin' Donuts Located at 83 West Belvidere Road in B-1
Commercial/Business District**

Meeting called to order at the Village of Hainesville Council Chambers by Gerry Daley at 6:34 p.m.

Clerk Kathy Metzler took roll call. The following Officials were present: Zoning Board Commission Gerry Daley, Georgeann Duberstein, Derenoski, Hein, Kriese and George Duberstein

Also present were: Village Clerk Kathy Metzler, Village Attorney Jim Rock, Chief Perlini and Deputy Chief Jeff Myhra

Absent: Barrett. For the record, Daley stated that he has not heard from Mr. Barrett as to his attendance.

Establishment of quorum

Agenda Approval:

George Duberstein moved, seconded by Dena Hein to approve the Agenda as presented. Roll call vote: Ayes: Daley, Georgeann Duberstein, Derenoski, Hein, Kriese and George Duberstein, 6 - Motion carried. Absent: Barrett

Gerry Daley introduced Eric Carlson, owner of ECA Architects, and Community Planner John Houseal. Eric state that Mr. Patel is stuck in traffic and will be here shortly. Gerry read this statement:

"I'd like to provide a little background to this meeting. In the 8 years as a Trustee we had 1 Special Use Permit meeting. That was for the new lift station on Washington Street. This is my second since being seated as Mayor on May 9th.

I contacted Mr. Patel in mid-May to pursue the sales contract that Mayor Soto had initiated in July, 2016. We discussed and agreed upon a sales price and incentives to purchase. The Board was informed of these actions. Those will be voted on at a future meeting.

Mr. Patel began the Special Use Permit process on June 9. It was my belief that the Special Permit only concerned the drive thru and the outdoor eating area.

Here is where my education began. During my search for a new Community Planner, as part of the interview process, I pulled out the initial Dunkin Donuts plans for the candidate to view and comment. Mr. Houseal's comments, and later the comments of Bill Ganek the consultant I used, made me understand that the Special Use Permit was the only zoning tool that we could use to place conditions on the design of the building and landscaping.

That information, since substantiated by Jim Rock and Greg Gruen got me moving. I contacted John Houseal while he was on vacation and asked him to perform a plan review, which he did. I submitted his recommendations to Sarah Dring of ECA on Monday of last

week. As most of you know the plans have been going back and forth for changes. The Board received copies of all the renderings as they arrived on my desk.

The point I'm trying to make is that the meeting date was set prior to me getting smarter. After I got smarter, I've been working with all parties with the goal of having an agreement going into the regular Board meeting this evening. I wish to commend Mr. Houseal for his help, Mr. Patel, and Sarah Dring and the other involved ECA staff for their efforts in this process. It is my hope that we can do that.

This session that we are now entering is the forum for all parties to express their ideas for how this Dunkin Donuts should look when it is completed. This is the time for some give and take.

Finally, the reality of this, is that the decision lies in two places. The first is Mr. Patel's. He must decide how much he wishes to invest in this project and the second place is in the Board's hands as they must decide what they will accept. With that said, let's proceed."

Overview of Purpose and procedure for public hearing

Purpose of the Public Hearing is to give everyone the opportunity to express their views and to provide evidence in support of those views for the official record. The Zoning Board of Appeals relies on this record for its findings, conclusions and recommendations to the Board of Trustees.

Notice Requirement Review

Applicant must send Certified Return Receipt letters to all properties within 250 feet from parcel. They must also publish a notice in newspaper and post a sign on the property which states the date, time and location of the hearing.

Notice was published on Monday, July 31st. Certified letters with return receipt was mailed to 5 property owners within 250 feet of parcel. Public Hearing sign was posted on Monday, August 14th. All requirements have been met.

Administration of Oath to all who will testify

Anyone wishing to speak must complete a green form (back table) and give to the Clerk. The Clerk swore in all persons intending to speak.

Presentation of Petitioner's Testimony

The applicant will give an overview of their request and provide factual information in support of their request.

Mr. Carlson presented a slide show presentation regarding the outdoor seating and drive through at Dunkin Donuts. He showed the visual of the site and explained Dunkin Donut's history. Mr. Patel owns over 100 Dunkin Donut franchises. Visibility to traffic going east is important because that is the traffic they are trying to inform. Signage and landscaping will be important. He also showed where the entrance and exit will be as well as the drive thru. The landscape ordinance requires two evergreen trees in front yard and others are low lying shrubs and flowers. With this plan, the landscape ordinance was met. He also had samples of the paint colors and aluminum siding and stone. He stated that Mr. Patel is willing to work

with a monument sign which is smaller than the pylon sign. This version complies with the ordinance. He also went over the siding.

Kevin Barrett entered the Council Chambers at 6:45 p.m. Mr. Patel entered the Council Chambers at 6:47 p.m. They were sworn in by Kathy Metzler.

Presentation of Village's Testimony

The Village Zoning Board, Staff and Consultants may ask questions to clarify applicant's request. They can provide their views and recommendations on the proposal. In some cases, the hearing may be adjourned to the next meeting. This would provide additional time to consider the recommendation(s).

Members of the Zoning Board asked for clarification on siding, lighting, tower material, colors, roof and shape of building. Dunkin Donuts should comply with the Comprehensive Plan for our Village. Village Planner John Houseal recommended that they take a simplistic approach based on quality and material and that the whole tower be river stone and remainder of the building should be the darkest color. He also suggested spreading the windows around the building. He also did not propose a sloped roof or anything fancy and go with as much stone as they are willing to do and as much landscaping as possible. John stated that Dunkin Donuts is following the Village's Comprehensive Plan with regard to siding and landscaping.

Mr. Houseal stated that if the Zoning Board stipulates the darker color that is preferred, Dunkin Donuts will let them know if it is not possible. The Zoning Board reached a consensus with the darker siding.

The Zoning Board went over the lighting fixtures. Mr. Carlson stated that they will comply with whatever the Village ordinance is for lighting. Mr. Houseal reminded everyone that the Comprehensive Plan is an indication of character and what the Village would like to see but it is not an ordinance. When looking at parking lot lighting it can be decorative or lighting that disappears, which is what should be done in this case.

Construction is typically four months. They are about a month away from the drawings being submitted so it should be a total of six months.

Testimony of any interested party (Public)

Members of the public may ask questions.

Sandra Mirez representative for Specialty Marble & Granite, located behind the Dunkin Donuts. She is excited that Dunkin Donuts is coming but she would like to know about the separation of properties. Will there be a fence or nothing at all. Mr. Carlson stated that there is nothing but there will be a grass and a retention area.

Mr. Houseal thanked the applicant for the concessions they made because you only get a chance to incrementally improve you community one project at a time.

Response of Petitioner

John Derenoski asked what they hours will be and Mr. Patel stated that generally it is 4:00 a.m. to 9:00 p.m. seven days a week.

Village Attorney Jim Rock summarized that Mr. Patel would need to become the owner of the property within 120 days. Mr. Patel did not see a problem with that. The entire tower will be made of stone material and the stone will be installed at the base of the North and West side of the building per the drawings; the siding will be jute brown in color; the onsite lighting plan to include photo metric plan and will be subject to submittal and approval and there will additional stone materials above the parapet on the return of the tower.

Findings of Fact

The Zoning Board of Appeals Board will consider whether the Proposal:

1. Will be harmonious with and in accordance with the general objectives of the comprehensive plan and the Zoning Ordinance. – **all 6 members were in agreement.**
2. Will be designed, constructed, operated and maintained so as to be harmonious with the existing or intended character of the general vicinity. – **all 6 members were in agreement.**
3. Will not change the essential character of the general vicinity. – **all 6 members were in agreement.**
4. Will not be hazardous or disturbing to existing or future neighborhood uses; and – **all 6 members were in agreement.**
5. Will not cause substantial injury to the value of other property in the neighborhood in which it is located. – **all 6 members were in agreement.**

Recommendation to the Village Board

John Derenoski motioned and Kevin Barrett seconded to recommend to the Village Board that the Special Use Permit is accepted with the conditions established here this evening.

Roll call vote: Ayes: Daley, Barrett, Georgeann Duberstein, Derenoski, Hein, Kriese and George Duberstein, 7 in favor; Motion carried.

Georgeann Duberstein motioned to adjourn the July 25th, 2017 Public Hearing for a Special Use Permit to Allow Outdoor Seating and a Drive-Thru for a new Dunkin' Donuts located at 83 West Belvidere Road in B-1 Commercial/Business District; seconded by George Duberstein.

All in favor say aye, motion carried.

The August 22nd, 2017 Public Hearing for a Special Use Permit to Allow Outdoor Seating and a Drive-Thru for a new Dunkin' Donuts located at 83 West Belvidere Road in B-1 Commercial/Business District; adjourned at 7:56 p.m.

Respectfully submitted,



Kathy Metzler, RMC, CMC
Village Clerk