

**PLAN COMMISSION
MAY 21, 1997**

Members Present: Dan Robison, Lyle Foster*, Bill Smith, Kristi Kovarik*, Carl Cepon and Chairman Rudny

Members Absent: Steve Kaplan

Other Officials Present: Tracy Velkover, Village Planner and Tom Hood, Acting Village Attorney

1. The meeting was called to order at 7:30 P.M.
2. Public Hearing: Petition of Barbara J. Swanson to amend an existing Special Use Permit
Chairman Rudny explained that the subject property is located at 4473 Grand Avenue and is zoned C/S-3, Village Center/Residence District. In the C/S-3 zoning district office and business uses must secure a Special Use Permit in order to operate. In 1990 a Special Use Permit was granted for this site which allowed a law office on the first floor and an apartment on the second floor. The petitioner is requesting to amend the existing Special Use Permit to allow the expansion of the law office to the second floor.

*Mr. Foster arrives at 7:35 P.M.

Ms. Barbara Swanson stated that she plans to hire another lawyer for her office. The second floor, which is currently occupied by a residential tenant, is requested to be converted into office space for this additional person. The resident will be moving out on May 31, 1997.

Chairman Rudny asked about parking for the site.

Ms. Swanson stated that the parking lot was striped for 9 spaces when she bought the property in 1990. There is room to accommodate between 10-15 spaces and has talked with Mrs. Velkover about the need to re-stripe the parking lot and provide a handicapped stall.

Mr. Cepon asked about the sign light and whether a restriction should be placed on the time that the light can be left on.

Chairman Rudny explained that in 1990 when this Special Use Permit was originally granted, the Village wasn't setting restrictions on illumination of signs. However, over the past few years every Special Use Petition that has come before the Plan Commission in this area has been limited to 10:00 P.M. on the illumination of signs. He asked Ms. Swanson if she had any problem with such a restriction. Ms. Swanson responded that she did not have an opposition to this condition being placed on her Special Use Permit.

No comments were received from the Public.

Mr. Smith moved, seconded by Mr. Cepon, to forward a favorable recommendation to the Village Board on Ms. Swanson's petition to amend the existing Special Use Permit for 4473 Grand Avenue to allow the expansion of the law office to the second floor on the condition that the sign light be turned off no later than 10:00 P.M.

Roll Call Vote:

Ayes: Robison, Foster, Smith, Cepon & Rudny

Nays: None

Motion Carried 5-0

3. Public Hearing: Petition of Gurnee Properties Associated Limited Partnership for a Special Use Permit to allow the construction and operation of an outdoor eating area

accessory to a restaurant (Planet Hollywood) and an amendment to an existing annexation agreement to allow refinements to the site signage standards.

Chairman Rudny explained that the subject property is located at the northwest corner of the I-94 Toll Road and Rt. 132. Specifically, the site is tenant space #447 (the old Bugle Boy site) in the Gurnee Mills Mall near Entry B. The petitioner is requesting a Special Use Permit to allow the establishment and operation of a 124 seat outdoor dining area accessory to a restaurant (Planet Hollywood) and an amendment to an existing annexation agreement to allow refinements to the site signage standards.

Mrs. Velkover explained that, in addition to the Special Use Permit for the outdoor eating area, the petitioner is requesting an amendment to the annexation agreement in regard to signage. Although the Plan Commission does not review annexation agreements that Village Board will want a recommendation from the Plan Commission on the proposed signage since signage is a planning related matter. The existing annexation agreement for Gurnee Mills Mall limits sign heights to 35 feet. The petitioner is requesting an amendment to this standard to allow an internally illuminated globe with the words "Planet Hollywood" in neon to be installed on top of the silo at Entry B. The top of the globe will be 56 feet high; the top of the lettering in Planet Hollywood will be 52.5 feet high. In addition, Mrs. Velkover indicated that the petitioner is requesting the ability to have the globe rotate. She stated that moving, spinning, rotating signs are prohibited by the Village's sign ordinance. Specific wording would have to be placed in the annexation agreement to allow this.

Mr. David Reifman, attorney representing the Mills Corporation, introduced the following people who will be presenting information this evening: Mr. Howard Patschke, Senior Project Manager for the Mills Corporation, Mr. Larry Costello, Director of Development for Gurnee Mills, Mr. Joe Szymaszek, Gurnee Mills General Manager, Jeff Crowler, Project Manager for Planet Hollywood and T.G. Urich, Director of Construction for Planet Hollywood. Mr. Reifman stated that Planet Hollywood is the type of use that will enhance the regional importance of Gurnee Mills.

*Mrs. Kovarik arrives at 7:40 P.M.

Mr. Howard Patschke showed a site plan of Gurnee Mills Mall. The site for Planet Hollywood is halfway between Wacama and Bed Bath and Beyond. The tenant space that Planet Hollywood is looking to occupy is approximately 13,000 sq. ft. and was formerly occupied by Bugle Boy. The outdoor seating area is proposed in front of the tenant space.

Mr. Tom Urich stated that this is Planet Hollywood's first venture outside of a significant urban area; but they feel that this area has a lot to offer Planet Hollywood and that Planet Hollywood also has a lot to offer for the Gurnee area. He stated that they are requesting approval of a Special Use Permit to allow a 1,900 sq. ft. outdoor dining area that would hold 124 seats. In addition, they are requesting approval of a sign on top of the existing silo at Entry B. The proposed sign is a 10-foot diameter internally illuminated graphite globe that contains the words "Planet Hollywood" in neon. The globe would rotate. He explained that the existing Gurnee Mills sign at the entry would be taken down and that a "Planet Hollywood" sign would be located in its place. The globe on top of the silo would be a second sign at the entry. The total size of both of the Planet Hollywood signs is less than the size of the Gurnee Mills sign which is being removed. The only sign that requires special approval is the globe on top of the silo. It exceeds the height limit in the Gurnee Mills annexation agreement and it rotates which is also not permitted by the underlying sign ordinance.

Mr. Urich indicated that Planet Hollywood is a publicly traded company that has been around for 5 years. The company has approximately 50 restaurants throughout the U.S., Europe and Asia. These facilities rely on their logo as an entrance presentation and they feel that the globe is necessary to attract people to their site. Mr. Urich stated that the

outdoor dining area would operate at the same time as the main restaurant and would not be open after the restaurant closes.

Chairman Rudny stated that Planet Hollywood has met all of the standards for an outdoor dining area with the exception of the requirement to enter the outdoor seating area only through the main restaurant.

Mr. Urich said that the Mills Corporation, at this time, is providing Planet Hollywood access during the restaurant's operating hours through the mall doors. Should for some reason this access not be available, they do have a second exterior entrance available. This second exterior entrance also leads into the outdoor dining area. The exterior entrance to the restaurant will only be open if access from the main mall is cut off. Should this happen, a hostess would be located at the exterior entrance to greet and seat people. It is Planet Hollywood's intent to take their guests through the front door as much as possible. They are particular on how their guests are greeted; all doors will be manned with a host or hostess.

Chairman Rudny expresses concern about the height and the movement of the globe sign. Mr. Urich stated that this sign will not be visible from any residential areas. The sign enhances Planet Hollywood's presence and helps identify the location of this restaurant. The proposed height of the sign provides an opportunity to be seen from Grand Avenue and therefore, is important to Planet Hollywood.

Mrs. Velkover stated that the signage standards were amended for Bass Pro and allowed a height of 40 feet.

Mr. Reifman stated that the signage for Bass Pro is substantially larger than what Planet Hollywood is proposing. In fact, the Bass Pro signage required an amendment to the size standard in the annexation agreement also. The Bass Pro signs face the Tollway and were approved because the store is something different than the typical retailer and the location of the signage would not negatively impact adjacent property owners. He stated that the Planet Hollywood signs are smaller than what is allowed by the annexation agreement and that although the height is a departure, the location (facing out to Grand Avenue) will not result in it being visible to any of the residential areas.

Mr. Smith asked if the silo could be modified and the globe placed on top so that the overall height did not exceed 45 feet; which is the height of the existing silo.

Mr. Reifman stated that the silo is the Mills Corporation identification and that the Mills does not feel that they can lose this, especially since the Gurnee Mills sign over Entry B is going to be taken down to accommodate a Planet Hollywood sign.

Mr. Smith stated that he is not asking for the silo to be removed. He is only suggesting that it be lowered; scaled down so that when the signage is placed on top the total height is 45 feet.

Mr. Patschke stated that the silo sits behind the curved entry sign and shortening it by 9 feet would probably render it not visible.

Mr. Cepon stated that he does not have a problem with the height of the sign because the silo on which it is to be placed is setback a significant distance from Grand Ave. In addition, it will not be visible from any residential areas. He expressed opposition to the rotation of the sign.

Mr. Foster asked if the lighting and the rotation of the sign would be turned off after hours.

Mr. Urich stated that all of their signs would be on a timer and would go off after closing.

Mr. Foster asked if it would be possible to see the globe when traveling on the Tollway.

Mr. Patschke stated that the silo at Entry B is not visible from the Tollway and therefore, he thought that the addition of the 10 foot globe would not render it visible. The view of the silo at Entry B is blocked from the Tollway by anchor buildings. The silo is visible from Grand Avenue.

Mr. Foster asked if the newly approved reader board sign for the Mills could be used to highlight Planet Hollywood.

Mrs. Velkover stated that the Mills would have the ultimate decision over which tenants to highlight on this reader board sign. However, the intent of the reader board sign is to highlight the Mills' premier attractions.

Mr. Robison asked if the "Planet Hollywood" lettering on the globe rotates with the globe.

Mr. Urich indicated that the lettering rotates with the globe.

Mr. Robison stated that his concern is not necessarily with the height of the globe, but with the appearance of a globe on top of the silo. The silos were put out at the Mills to depict the rural character of Lake County and to build on that concept. He feels that a globe on top of the silo is a departure to their original intent. He requested information on the proposed lighting and expressed concern about the amount of lighting planned to illuminate the diorama.

Mr. Urich stated that there are 100 watt metal halide fixtures planned around the outdoor cafe to light the eating area. He stated that along the outside wall of the cafe area is a diorama which is a montage of various portions of Hollywood. He stated that there is a full series of florescent lights that provide up-lighting to this area and some spotlights which highlight the celebrity cut-outs in front.

Mr. Robison asked about the durability of the material on which the diorama is placed.

Mr. Urich stated that the material is sealed and painted, including all edges. He said that they have used this material in other areas that have similar conditions (i.e., New York City and Indianapolis). He said that they don't last forever and that they have a budget and staff for maintenance purposes.

Mr. Robison asked if there are any locations with similar weather conditions where the diorama has been displayed for more than 5 years.

Mr. Urich answered no and explained that Planet Hollywood is only a 5 year old company.

Chairman Rudny asked if music is going to be played in the outdoor eating area.

Mr. Urich stated that he is requesting approval of outdoor speakers through which music can be played. He explained that part of Planet Hollywood's presence is music. He said that the volume would be independently controlled.

Mrs. Velkover stated that there is no restriction on outside music in the Gurnee Mills annexation agreement. Music for outdoor dining areas has been approved before by the Plan Commission and Village Board. Typically, the Village requires a separate volume control for the outdoor music so that if we get complaints the volume can be adjusted.

Mrs. Kovarik asked if a diorama is used outside at the Mall of America. She also asked if there is a rotating globe at that location.

Mr. Urich stated that he was not associated with that project and can't answer these questions.

Mrs. Kovarik asked for specifics on the preserved palm trees.

Mr. Urich stated that they started out life as real palm trees and then the bark is stripped and the tree is fireproofed and weatherproofed. They then apply it to a PVC tube which is slipped over a steel pipe which is bolted into the concrete. The palms for the outside trees are made of a plastic or rubberized material. The palms for the inside trees are actually preserved palms. Again, Planet Hollywood has a budget and staff for maintenance and will ensure that the trees are kept in good condition. The exterior trees will have to be replaced at certain times.

Mrs. Kovarik stated that she is opposed to the rotating sign and the height of the sign.

Mrs. Velkover stated that Planet Hollywood's plans have been circulated to the Fire and Police Departments and they both feel comfortable with them.

Mr. Foster asked if Planet Hollywood has their own security.

Mr. Urich stated that their doorman would serve as security. They also have floor managers as well as managers on-site at all times.

Mr. Szymaszek indicated that the Mills has security people on duty at all times (3 shifts and 365 days per year). They also have security cameras throughout the mall; including some very good camera lines to the Planet Hollywood site.

Chairman Rudny asked if a free standing sign could be gotten for Planet Hollywood. Mrs. Kovarik asked if a sign like the out-parcel signs or the movie theater sign could be approved.

Mrs. Velkover stated that the annexation agreement set forth a very specific number of signs for the out-parcels and that although this would have to be analyzed in greater detail, she did not think that any signage was available for Planet Hollywood without taking away a sign from one of the out-parcels or amending the annexation agreement.

There were no comments received from the Public.

Mr. Smith moved, seconded by Mrs. Kovarik, to forward a favorable recommendation on the petition of Gurnee Properties Associated Limited Partnership for a Special Use Permit to allow the construction and operation of an outdoor eating area accessory to a restaurant (Planet Hollywood) and a recommendation that the Trustees consider alternatives to the sign; specifically not having it rotate and an alternative to the 56-foot height.

Roll Call Vote:

Ayes: Robison, Foster, Smith, Cepon, Kovarik & Rudny

Nays: None

Motion Carried 6-0

4. Informal Discussion: Proposed Development of Pritzker Property (Mandel Group)

The subject property consists of approximately 37 acres and is generally located east of Rt. 21 and south of Gages Lake Road. The land is owned by the Pritzker family, was annexed to the Village in the early 1970's as part of the Heather Ridge Development, and is zoned C/O-2 Office/Research. It is not developed. The Mandel Group is proposing a mixed use development with multi-family and office space. They attended an informal meeting with the Commission last year on this property. They have made adjustments to their plan and would like feedback on these changes.

Mr. Barry Mandel, President of the Mandel Group, introduced his team: Chris Kosen, Vice-President of Development, and Lynn Risch, Development Associate. Also in attendance were Steve Fenel and Robert Caulkins of the Penguin Group, and Paul Chervin, attorney. The Mandel group has developed approximately 2,000 apartments in the Milwaukee and Minneapolis area, the group manages over 2,000 apartments in the greater Milwaukee area and constructed approximately \$100 million worth of development. Mr. Mandel explained that they feel strongly that this is a great location for rental units because of 1) convenient location with great access, 2) good visibility from Milwaukee, 3) good demographics, 4) little likelihood of competition for this type of product, 5) compliments existing Heather Ridge and Spinney Run developments, 6) not adjacent to any other single family neighborhood; and 7) adjacent to a Village open space area.

The proposed product has the following amenities: vaulted ceilings, fireplaces, washer/dryer, patios and balconies, individual control of heat and air conditioning, direct entry from garage to unit, direct entry to unit (no access from a corridor), clubhouse with office equipment, meeting room and pool). The site would have a 4 acre lake.

The plan presented in September of 1996 had 19 buildings with a total of 304 units, a recreation building and management office and a 2 acre lake. Feedback from the Commission included the desire to see a mixed use development (office and residential), decreased density and establish a Milwaukee Avenue scenic corridor. Mrs. Kosen explained that the plan before the Commission this evening reflects 15 buildings with a total of 240 units, it provides a 100 foot scenic corridor along Milwaukee Avenue (building setback), provides view corridors from the west into the open space/lake area and provides 50,000 sq. ft. of office space in two buildings along Milwaukee. The concept for the office building is a two-story office building, but from Rt. 21 it would appear as a one-story building because of the grade change. The office development would be integrated into the overall site by architecture and vehicular access from the residential into the office area. Pedestrian access would also be provided. The residential buildings are two story and taper to one story on the ends.

Mr. Mandel stated that their plan is consistent with the Comprehensive Land Use Plan goal of integrating neighborhoods by providing residential with appropriately scaled commercial development that serves the needs of the residential surrounding it. Another goal of the Comp Plan is to encourage diversity of housing types while preserving natural resources. He stated that they have done this very well with the creation of the scenic corridor and the 4 acre lake and view corridors through the development. Their plan also plants the seed for future office development along Rt. 21.

Mr. Cepon asked if the units were for sale units. Mr. Mandel stated that they are not for sale units, although they are set up in a similar manner as a townhouse unit. The rent will be \$1.10-1.15 per sq. ft.; so that for a one bedroom apartment it would be around \$800+ and for a two bedroom, 2 bath plus den with 2 car garage it would be around \$1,400+.

Mr. Smith expressed concern about this development. He feels that the site is appropriate for office. He stated that in September of last year the Commission did not direct the developer toward a mixed use development. The Commission was pretty adamant that an office/service development is what is wanted for this site and that a mixed use development might be possible, if it is an exciting and unique plan. He does not feel that this is such a plan.

Chairman Rudny stated concern with the land use also. He has a vision for this site and feels that it is perfect for office development. It has great access and visibility which will improve with the Rt. 53 extension and the proposed improvements to Rt. 21. He feels that to departure from the Comp Plan the development must be unique, exciting and creative. He does not feel that the proposed plan would support a departure from the Comp Plan. He noted that the developer's plan is good and so is the product. It just is not the right land use for this site. Placing 2 office structures in a corner of the site does not constitute a mixed

use development. This is primarily a multi-family development with some office on the corner.

Chairman Rudny stated that the density has not really been reduced. Mr. Mandel replied that the number of units has been reduced; the density is slightly reduced. Chairman Rudny indicated that the desire of the Commission was to greatly reduce the density.

Mr. Foster stated that he is struggling with the fact that one of these sites along Rt. 21 may not go as planned with office. He supports the Comp Plan and a departure from this must be exciting. He's not sure that this plan is enough to support a departure from the Comp Plan. He complimented the site plan and the product.

Mr. Robison stated that he envisioned the 100 foot scenic corridor as being completely green; that no parking spaces are to be in it. Chairman Rudny agreed and stated that he doesn't like buildings set right up to this 100 foot greenspace area. He envisioned the 100 foot area as greenspace and then building setbacks to start from this point. The developer needs to determine how much additional ROW the state will require and then start the 100 foot area from there.

Mr. Robison prefers to see the site go all office/service. However, should this not be the case, he would like to see office/service stretched all along the Rt. 21 frontage. He stated that he does not feel that this plan is unique enough for him to depart from the Comp Plan.

Mr. Paul Chervin stated that the plan before the Commission would jump-start the office/service development along Rt. 21. Mr. Chervin explained how this plan works with the Comp Plan and the surrounding land uses. He stated that there is some flexibility built into the Comp Plan in relation to multi-family development.

Mr. Joe Pasallino stated that the office market is not strong enough to build out 35 acres entirely as office. He stated that the Comp Plan provides more than enough office property.

Chairman Rudny feels that this plan won't jump-start office uses along Rt. 21, it will jump-start multi-family.

Mrs. Kovarik stated that she feels that this plan may be a fair compromise between what the Comp Plan is designating and what the developer originally proposed. She asked why the Commission would deviate from the C/O-2 on the Auto Nation site and not be willing to do so here.

Chairman Rudny explained that the petitioner on the Auto Nation site amended their plan to preserve a good portion of the C/O-2. The transition was still maintained. In this area, the petitioner is requesting a complete change to the type of land use - asking for residential instead of office. He explained that they are completely different matters and cannot be compared.

Mr. Cepon suggested that all three Rt. 21 property owners get together and work out a plan together.

The meeting was adjourned at 10:00 P.M.

Submitted by,

Tracy Velkover, Secretary
Plan Commission