

**Meeting Minutes
Sycamore Township Zoning Commission
Township Administration Building
8540 Kenwood Road
Monday, August 14, 2023
6:00 p.m.**

Mr. Roger Friedmann – Chairman
Mr. Rich Barrick – Vice-Chairman
Ms. Anne Flanagan – Member
Mr. Bill Mees – Member
Mr. Steve Roos – Member
Bill Swanson - Alternate

Item 1. – Meeting called to Order

Mr. Friedmann called the meeting of the Zoning Commission to order at 6:00 p.m. on Monday, August 14, 2023.

Item 2. – Roll Call of the Board

Mr. Mees called the roll.

Members Present: Ms. Flanagan, Mr. Barrick, Mr. Friedmann, Mr. Roos, Mr. Mees

Alternate present but not voting due to a full board: Mr. Swanson

Members Absent: None

Staff Present: Jeff Uckotter, Jon Ragan

Item 3. – Approval of July 10, 2023, Meeting Minutes

Mr. Friedmann asked if there was a motion to approve the July 10, 2023, meeting minutes.

Mr. Barrick noted that the list of conditions approved at the meeting was added to the minutes.

Ms. Flanagan made a motion to approve the July 10, 2023, minutes with the addition of the approved conditions.

Mr. Barrick seconded the motion.

All in favor, none opposed.

Item 4. – Old Business

Case: 2023-06MA

Applicant: KMK Law

Location: 7700-7724 Montgomery Road

Request: Major Adjustment to a PUD

Mr. Friedmann explained the logistics of the present meeting, explaining that anyone in the audience who wishes to speak can do so. Mr. Friedmann then asked Mr. Uckotter to present the case.

Mr. Uckotter presented the case. Mr. Uckotter noted the applicant was KMK Law, on behalf of the Atlanta based owner RCG Cincinnati LLC (herein RCG). He explained that the case originated from a resident's complaint in January of 2023. He gave the background of the case, explaining that the site is governed by a PUD from multiple notable cases (2000-01Z, 2000-10MA, 2009-10MA (GFS)). Mr. Uckotter explained the request for the major adjustment (amendment) to the PUD, being the proposed start time of 5:30 a.m. and originally a request to allow for rear entrance to a business (Homegrown Strength and Conditioning), a CrossFit Studio. He noted that the CrossFit Studio was made noticeable to the neighboring resident(s) due to the level of increased activity behind the building, such as the early start time of 5:30 a.m., as well as illegal signage at the back of the building. Mr. Uckotter stated that this business has been commencing operations without a Zoning Certificate and without Township approval.

Mr. Uckotter also referenced the breakfast restaurant at the site, "6 in the Mornin", which currently operates at 6:00 a.m.; however, was issued multiple Zoning Certificates by the Township in 2020/2021. He noted that these activities are not in conformance with the original PUD operation times of 7:00 a.m.-1:00 a.m., as well as other activities at the rear of the building associated with HomeGrown Strength and Conditioning. Township staff has found the rear garage door open related to the CrossFit Studio. Mr. Uckotter noted that there has never been a tenant in the rear of the building and that plans from the early 2000s show this space as "mechanical." He spoke on the lack of parking in the rear and how it is insufficient to serve the CrossFit Studio.

Related to other PUD violations (from Case 2000-01Z), Mr. Uckotter noted the fact that the site consists of eight (8) multiple parcels. Noting that the applicant has proposed to consolidate this into three (3) separate parcels. Two (2) which are controlled by the Shoppes of Kenwood, and one (1) which is controlled by 5/3 Bank.

Mr. Uckotter spoke on condition twelve (12), which requires a filtering system to prevent exterior odors for restaurant uses; staff has observed restaurant odors at Buffalo Wild Wings.

Mr. Uckotter then spoke about condition twenty-one (21), which explains the fence requirements for the site. Mr. Uckotter noted the current issue of unscreened dumpsters, showing pictures of the multiple illegal dumpsters on site, as well as the issue of

cardboard that is unscreened behind G.F.S.. The trash compactor and grease trap were mentioned, as well as the original thirty (30) foot requirement (requires dumpsters to be setback 30' from residential properties).

Mr. Uckotter spoke on the three (3) real estate signs that do not meet condition thirty (30). Mr. Uckotter mentioned the original landscape plan and the absence of numerous trees that were shown on the original plan.

Mr. Uckotter noted that in review of the property (early 2023), trash and open dumping were an issue in the rear of the building. Since June 2023, the property owner has taken action to rectify this issue.

Mr. Uckotter then reviewed all recommendations and conditions, including staff proposals (listed in the staff report). He reviewed the conditions from previous zoning compliance cases such as 2000-10MA, 2000-01Z, 2009-10MA, and 2000-01Z. Mr. Uckotter asked the Board if there were any questions.

Ms. Flanagan asked for clarification on which cases affirmation of the conditions was requested.

Mr. Uckotter stated 2000-01Z, 2000-10MA and 2009-10MA.

Mr. Roos asked about the dumpster behind Buffalo Wild Wings, asking if it is too close to the neighboring residents.

Mr. Uckotter explained that this dumpster is located in the inset of the building, it does not block the drive, and the thirty (30) foot setback rule only applies to building two (2).

Mr. Roos asked about the remaining dumpsters and the plan for them.

Mr. Uckotter showed a site plan submitted by the applicant and the updated dumpster location proposal. There was talk about the trash compactor and grease "pit" locations.

Mr. Friedmann asked if there were any other questions or comments from the Board.

Mr. Mees asked about the no restaurant zone on the site plan, asking if this was part of the original submission from the original PUD case.

Mr. Uckotter explained that this was part of case 2000-10MA, specifically mentioning the grease pit. The staff interpretation is that this is a restaurant accessory use.

Mr. Mees mentioned the consolidation of parcels, asking if the intention was to have one parcel.

Mr. Uckotter explained the proposal of two (2) different parcels, with 5/3's parcel (that 5/3 owns) being the third (3rd).

Mr. Mees asked about the "New Condition 34" and if this is feasible (relating to customer entry).

Mr. Uckotter explained how this "New Condition 34" would be possible.

Mr. Barrick requested clarification on the street signs.

Mr. Uckotter showed the current "for lease signs" via Google Street View. There was then discussion on the temporary sign regulations regarding what is allowed and not allowed on site.

Mr. Friedmann asked the Board if there were any questions or comments for Mr. Uckotter. There was none. He then asked if anyone was here for the applicant, asking that they please come up to the podium and give their name and affiliation.

Tom Tepe of KMK Law introduced himself from the podium, stating that he was the representative for RCG. Mr. Tepe explained that RCG is willing to work with the Township. He explained the request for the CrossFit studio (HomeGrown Strength and Conditioning), to open at 5:30 a.m., noting that they have agreed only to allow entrance from the front door, to only have employee parking in the rear, to not have the door open in the back and no outside activity. Noting that a 5:30 a.m. start time is no different than a 6:00 a.m. start time proposed by staff. The garbage dumpsters were discussed. Mr. Tepe noted a concern about reduced parking counts. Mr. Tepe noted that the dumpster inset into the building should not be moved. He proposed a new location for the grease trap behind the CrossFit Studio location. He then discussed the fence behind Buffalo Wild Wings, noting that the fence has been spruced up after prior conversations with Mr. Uckotter.

Randy Garfinkle, Chief Operating Officer for RCG, introduced himself. He gave some background on RCG. Mr. Garfinkle presented a PowerPoint showing that 6 'N The Mornin would like to open at 6:00 a.m. and HomeGrown Strength & Conditioning would like to open at 5:30 a.m. He addressed the property maintenance concerns, noting that they are taking action to fix these issues, as well as stressing that HomeGrown Strength & Conditioning has agreed to restrict rear access. Mr. Garfinkle explained the parcel consolidation and how two (2) parcels would be formed due to multiple leases on site. He addressed the dumpster concerns, as well as the grease pit. Landscaping was addressed, as well as the fence and cosmetic repairs. Mr. Garfinkle noted that he is in full agreement with the no music condition and has no issue with the proposed landscape improvements. Mr. Garfinkle stated that the cardboard on site is stacked in an orderly fashion and kept in a clean condition, so he does not see an issue. However, he is willing to incorporate some kind of screening. He mentions the parking in the rear, noting that RCG is willing to install "no customer parking signs."

Mr. Friedmann asked if anyone else would like to come up to the podium.

Tom Kreitinger from 6150 St. Regis Dr. introduced himself from the podium.

Mr. Kreitinger noted that he had a petition signed by sixty-seven (67) neighbors, stating that the business in the back of The Shoppes of Kenwood was their main concern. Mr. Kreitinger sees the back parking lot as a buffer between the Shoppes and residential. He believes there should be no storefronts in the rear of the building that faces residential, parking should be limited to only employees, and the rear door shall be for deliveries only. Mr. Kreitinger expressed concern over people hanging out behind The Shoppes Of Kenwood. He noted that they hear loud music, yelling, and the smell of marijuana. People are lifting the boards and crossing through the rear fence into the residential neighborhood. He noted that his truck had been stolen out of his driveway, and he has caught someone rooting through the interior of his vehicle.

Janelle Bookout, co-owner of HomeGrown Strength & Conditioning, introduced herself from the podium. Ms. Bookout stated that she did reach out to Sycamore Township and The City of Kenwood to obtain proper permitting. Ms. Bookout made a claim that multiple calls were unanswered. Ms. Bookout noted that the City of Kenwood told her she was able to operate. Ms. Bookout noted that since March 2023, CrossFit Studio attendees have been entering the location from the front of the building. Employees and Moeller High School students are the only people entering from the rear. Ms. Bookout stated that she feels uncomfortable having high school students enter the building through the front because it is abandoned. She noted that the hope is to acquire the suite in the front and combine it with the one in the back to make one space. Ms. Bookout noted that a 5:30 a.m. start time for the CrossFit Studio is non-negotiable. She also noted that any illegal activity behind the CrossFit Studio has nothing to do with her.

Patricia Kreitinger from 6150 St. Regis Dr. introduced herself from the podium. Ms. Kreitinger noted that she is still uncomfortable with the high school students being dropped off in the rear. She also wants to ensure that deliveries will still be prohibited before 7:00 a.m. Ms. Kreitinger noted that she does not want a grease pit in the "no restaurant" zone due to the attraction of rats and other varmints to grease containers.

Pauline Barthel from 5953 Winnetka Dr. introduced herself from the podium. Ms. Barthel noted that rats have been an issue in the past. She also noted that delivery trucks have been an issue.

Sean Ryan, a Moeller High School coach, introduced himself from the podium. Mr. Ryan noted that Moeller High School has partnered with HomeGrown Strength & Training to provide training for their students. Mr. Ryan noted that as soon as the front suite is rectified, the Moeller students have no issue using the front entrance.

Anthony Harris from 6148 St. Regis Dr. introduced himself from the podium. Mr. Harris stated that a 5:30 a.m. start time is an issue. He gets home at 11:30p.m.-Midnight. Noise and trucks that early in the morning are an issue for him. He asks that the Board protect the residents as they have done in the past.

Barrie Marten from 6970 Rosemary Ln. introduced herself from the podium. Ms. Marten stated that her issue is the people entering the neighborhood through the fence, noise,

and loud music. She also spoke about the grease pit, noting that she does not want rats, roaches, or raccoons.

Rachel Ruehl, a HomeGrown Strength & Conditioning member, introduced herself from the podium. Ms. Ruehl stated that she works at Jewish Hospital, and the 5:30 a.m. start time is essential for her to work out before going to work. She asked for an amendment for "New Condition 36". Ms. Ruehl asked that if operation hours are 5:30 a.m., could the CrossFit coaches be allowed to park in the rear at that time rather than wait until 7 a.m.

Carol Schnider from 5960 Winnetka Dr. introduced herself from the podium. Ms. Schnider asked why the Township allotted hours of operation were not put in the CrossFit Studio's lease. Thus preventing hours of operation issues.

Jennifer Evans with Sports Center on E. Kemper Rd. introduced herself from the podium. Ms. Evans spoke about the start time of 5:30 a.m. and how a later start time could cause Ms. Bookout to lose her business. Ms. Evans stated that her son attends Moeller High School, and she does not want him walking through the abandoned suite to get to the CrossFit Studio in the back.

Randy Garfinkle with RCG introduced himself again from the podium. Mr. Garfinkle explained that the rear entry for students is temporary and only in place until the front corridor is renovated. Once it is renovated, everyone will be entering from the front of the building. He also addressed the grease pit, stating they are trying to locate it farther away from residents.

Ms. Flanagan asked if lights are available in the abandoned suite, which was once a tanning salon.

Mr. Garfinkle stated that there are currently lights available.

Mr. Uckotter shed some clarification, noting the provision from the original case 2000-01Z that restricts deliveries before 7 a.m. He also noted condition 34, showing "no customer entrance or activity" in the rear of the building. Mr. Uckotter spoke on the GFS Cardboard, stating that the Township supports screening (masonry preferred). In light of Mr. Tepe's comment on parking counts, Mr. Uckotter noted that the PUD would allow for reduced parking, and the grease pit location in the north would be the furthest from residential property.

There was some discussion on who uses the grease pit.

Ms. Flanagan mentioned the dumpster recessed into the building, asking if it is thirty (30) feet away from residential.

Mr. Uckotter stated that it is roughly Seventeen (17) feet away from the residential property line.

Mr. Mees asked if the grease pit was moved to the collection of dumpsters and if it would be the required distance from the property line.

Mr. Uckotter noted that it would exceed thirty (30) feet. However, it would be in the "No Restaurant Use" zone.

Mr. Friedmann asked if the Board had any more questions.

Mr. Barrick stated that he was confused about the proposed dumpster locations.

Mr. Uckotter explained the proposed locations and logistics of the dumpsters, compactor, and cardboard.

There was discussion on dumpster three (3) and whether it needed to be enclosed.

Mr. Uckotter brought up the fence on site.

Mr. Mees asked if the current six (6) foot fence is compliant.

Mr. Uckotter stated that the current fence is compliant; however, in rickety shape.

Mr. Roos asked about people going through the fence and where this is happening.

Mr. Uckotter noted that he is unsure exactly where this is occurring. There was discussion on the eight (8) foot wood privacy fence.

Mr. Mees asked about the statement made by Ms. Bookout about getting approval from the Township.

Mr. Uckotter noted that his conversation with the CrossFit Studio was that everything would be held in abeyance until the case was worked through. RCG agreed to be the applicant. Mr. Uckotter stated that the communication with the CrossFit Studio was him letting them know there were no guarantees and, ultimately, it would go before the Zoning Commission and the Board of Trustees for a potential Major Adjustment.

Mr. Mees asked if there was any zoning permit for the CrossFit Studio.

Mr. Uckotter stated that there is no permit.

Mr. Friedmann noted that even if a landlord states that a tenant can operate at 5:30 a.m., they have no right to do so. The lease between owner and tenant is not binding on the Township. Mr. Friedmann then asked if a site plan showing everything in its new proposed site was available.

Mr. Uckotter explained some of the conditions regarding dumpsters.

Mr. Friedmann asked if anyone would like to make a motion.

Ms. Flanagan moved that the board consider case 2023-06MA, currently with the conditions as noted on the staff report.

Mr. Barrick seconded the motion.

Mr. Friedmann asked if there was any comment.

Mr. Mees spoke about the location of the grease pit.

There was further discussion regarding the consolidation of the lots and odor mitigation.

Ms. Flanagan stated that she is okay with the 5:30 a.m. start time so long as all entry is from the front.

Mr. Barrick asked if this time change was for the two (2) tenants in question or for the entire site.

Mr. Mees stated that he would propose that the 5:30 a.m. start time be solely for these two (2) tenants.

Mr. Uckotter asked if the proposal was to keep the 7:00 a.m. time for others, and in the event that a new tenant comes in, they would then file for a Major Adjustment if they requested an earlier start time.

The board unanimously answered, "Yes".

Mr. Mees spoke in agreement on the no music condition. Landscaping was mentioned, as well as rear parking for employees. Mr. Mees mentioned that dumpster three (3) has been on site for years and has not been an issue. He feels it's fine where it is currently located.

Ms. Flanagan brought up the temporary signage on site.

Mr. Uckotter noted that a condition could be made regarding the signage.

Mr. Mees suggested a distinction between permanent signage on site and temporary signage.

It was agreed to allow up to two (2) temporary leasing signs on site for at most 180 days if there is vacant tenant space.

There was a discussion between the Board, staff, and the applicant regarding cameras on site.

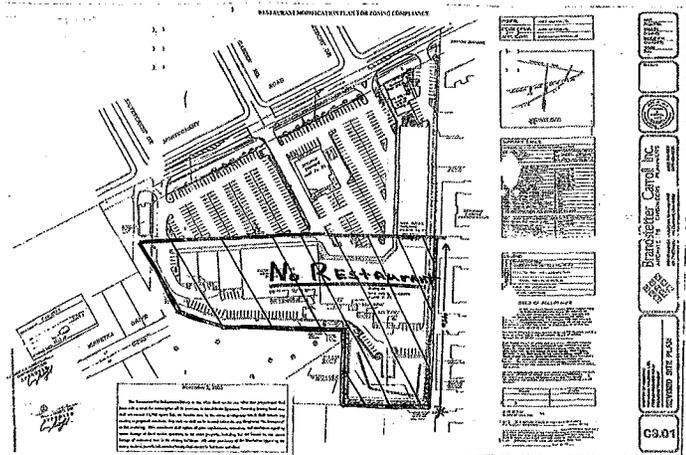
Mr. Friedmann asked Ms. Flanagan if she would like to modify her motion.

Approved conditions as follows:

1. All of the conditions of Case 2000-10MA and 2009-10MA shall remain in full force and effect.
2. All conditions of Case 2000-01Z shall remain in full force and effect.
3. (Amending Condition 4 from Case 2000-01Z) No dumpsters are permitted in the drive aisle of the east access lane, and all dumpsters shall be setback a minimum of 30 feet from residential property lines. All dumpsters, cardboard/ recycling dumpsters, and grease traps require masonry dumpster enclosures in accordance with Chapter 10-5 of the Sycamore Township Zoning Resolution (regulating commercial dumpsters). With the following exceptions:
 - A) The Dumpster in the notch of the building by the east access lane shall remain.
 - B) The GFS cardboard waste shall be screened. However, a masonry enclosure is not required.
 - C) The original/existing rear brick/block dumpster enclosure along the rear property line (behind GFS) shall remain.
4. (Amending Condition 5 from Case 2000-01Z) All parcels shall be consolidated into two (2) RCG parcels, less the 5/3 parcel (as that is not under common ownership). The consolidation into three (3) separate parcels must occur prior to the approval of the Zoning Compliance Plan.
5. (Amending Condition 10 from Case 2000-01Z) No restaurant accessory uses such as grease traps shall be located in this area. The area being the "No Restaurant" zone as shown on the zoning compliance plan for case 2000-10MA:

The Restaurant/Bar/Delicatessen/Bakery or any other food service use, other than prepackaged food items sold at retail for consumption off the premises, as stated in the Sycamore Township Zoning Resolution shall not exceed 13,500 square feet, net leasable area, in the entire development which shall include any existing or proposed structures. Any such use shall not be located within the area designed "No Restaurant" on this rendering. This amendment shall replace all prior requirements, restrictions and conditions regarding square footage of food service operations on the entire property, including, but not limited to, any square footage of restaurant uses in the existing buildings. All other provisions of the Resolution approving the zoning on these parcels not amended hereby shall remain in full force and effect.

"November 2, 2001"



6. (Condition 11) Repeal of Condition 11 from Case 2000-01Z. See revised Condition 10.

7. (Amending Condition 12 from Case 2000-01Z) The property shall provide evidence of the installation of a sufficient odor mitigation system for all restaurants. This system shall be maintained. The property owner shall provide documentation of the system prior to approval of the Zoning Compliance Plan.
8. (Amending Condition 13 from Case 2000-01Z) The two (2) businesses in question (Homegrown Strength & Conditioning and 6 'N The Mornin') shall be allowed to operate between the hours of 5:30 a.m.-1 a.m. The remaining businesses shall continue to operate between 7 a.m. and 1 a.m. The only exception being the out-parcel financial institution Automated Teller Machine(s) shall maintain 24 HR. a day service or operate during the hours of 1 a.m. to 5:30 a.m. In the event that a new tenant wishes to operate outside of the 7 a.m.-1 a.m. hours, a new major adjustment case must be applied for.
9. (Amending Condition 15 from Case 2000-01Z) There shall be no music, public address system, or other exterior noise source audible from the exterior of the building at any time. No business with building elevations that face residential properties shall maintain open doors unless only accepting deliveries.
10. (Amending Condition 23 from Case 2000-01Z) The developer shall restore the landscape plan. The revised landscape plan shall incorporate the number of missing deciduous trees somewhere on the site and be approved by staff prior to approval of the Zoning Compliance Plan. The missing evergreen trees shall be incorporated into the area of the vegetative buffer, the area, as specified by the original 2000-01Z landscape plan. The revised landscaping shall be installed by November 30, 2023, and shall be maintained in healthy condition; if plantings are in unhealthy condition or dead, plantings shall be replaced as specified in the revised landscape plan.
11. (New Condition 33) The site plan for development shall be revised to show all masonry dumpster locations consistent with Condition 4, Condition 5, and applicable regulations specified by the Sycamore Township Zoning Resolution.
12. (New Condition 34) All customer entrances and parking locations be maintained on the Montgomery Road side/parking of the building. No customers shall enter from the rear of the building (see rendering, right). If a tenant space is rented out in front of another tenant space, effectively blocking the entrance of a tenant space further back in the building, for the tenant space situated further back in the building, it shall be required that a customer-access hallway be built to access the Montgomery Road side of the building. Any hallway construction shall be compliant with all applicable fire, building and zoning regulations.
13. (New Condition 35) No space outside of the development's building(s) shall be used for business purposes other than normal vehicular movements (e.g., parking, ingress, and egress). For example: A use such as a gym (or the like) or a grocery store shall not move operations outside of the building (e.g., no outdoor farmer's market or no outside exercising activities).
14. (New Condition 36) All rear parking, at the rear of the building, shall only be used for employee parking. So as not to disturb nearby residential zoned property, no rear employee parking shall occur from 11 p.m. to 7 a.m. High-reflectivity signs shall be erected at equal intervals noting no parking between 11 p.m. to 7 a.m. Staff shall review the no parking sign plan in the Zoning Compliance Plan phase.

15. (New Condition 37) No commercial business shall maintain outdoor storage of materials. All waste and materials (such as cardboard) shall be in masonry-screen dumpsters located in designated areas as conditioned by New Condition 33.
16. (New Condition 38) A revised site plan showing the location of dumpsters and other site features shall be consistent with this case. The plan shall be finalized prior to the approval of the Zoning Compliance Plan.
17. (New Condition 39) A maximum of two (2) temporary signs (such as real estate signage) shall be displayed on the site up to a maximum of 180 calendar days per year in the event of a vacancy.