

**VILLAGE OF LAKE BLUFF
JOINT PLAN COMMISSION & ZONING BOARD OF APPEALS
REGULAR MEETING**

NOVEMBER 15, 2017

APPROVED MINUTES

1. Call to Order & Roll Call

Chair Kraus called to order the regular meeting of the Joint Plan Commission and Zoning Board of Appeals (PCZBA) of the Village of Lake Bluff on Wednesday, November 15, 2017, at 7:00 p.m. in the Village Hall Board Room (40 E. Center Avenue).

The following members were present:

Members: Sam Badger
Leslie Bishop
David Burns
Mary Collins
Elliot Miller
Gary Peters
Steven Kraus, Chair

Also Present: Ben Schuster, Village Attorney
Glen Cole, Assistant to the Village Administrator (AVA)
John Scopelliti, Administrative Intern

2. Non-Agenda Items and Visitors (Public Comment Time)

Chair Kraus stated the PCZBA allocates 15 minutes during this item for those individuals who would like the opportunity to address the PCZBA on any matter not listed on the agenda. Each person addressing the PCZBA is asked to limit their comments to a maximum of three minutes.

Ms. Kate Briand (resident) shared her comments which she expressed at the November 13th Village Board meeting regarding a proposed demolition/subdivision for 664 Pine Court. The proposed subdivision will impact flooding because there is 3,200 sq. home being built in place of a 1,100 sq. ft. home directly behind this particular lot. The proposed subdivision does not require zoning relief but it is her opinion that flooding issues will be exacerbated especially if pervious surfaces continue to be eliminated. She said things can get bad and she applauds any efforts that could help the flooding issue.

3. Approval of the October 18, 2017 PCZBA Regular Meeting Minutes

Member Burns moved to approve the October 18, 2017 PCZBA Regular Meeting Minutes as amended. Member Miller seconded the motion. The motion passed on a unanimous voice vote.

4. Approval of the September 26, 2017 PCZBA Special Meeting Minutes

Member Bishop moved to approve the September 26, 2017 PCZBA Regular Meeting Minutes as amended. Member Burns seconded the motion. The motion passed on a unanimous voice vote.

5. Chair Kraus Administered the Oath to Those Participating in the Public Hearings.

Chair Kraus administered the oath to those individuals present to testify.

6. Continue Public Hearing for 718 Sheridan Road

Chair Kraus introduced the item and requested an update from Staff. He stated that this was first on the agenda two months ago. There was a robust discussion, and the PCZBA deferred consideration until October. In October, further consideration was deferred until the November meeting.

AVA Cole stated that the plans do not differ from the September petition, which contemplate an approximately 10x20 addition to the north side of the structure to create a primary entrance from Woodland Road. The big problem is that along the Woodland Road lot line this house was built to the lot line before bulk regulations were established. The setback requirements are 20 ft. and the house right now is approximately 19 ft. into the setback; therefore, it would require variations in order to change the exterior envelope in that area.

AVA Cole said there were three questions coming out of the meeting 1) would the applicant want to reduce their scope of work for that area to minimize variation required, 2) general hesitation to allow more things in the green space along Woodland Road, and 3) concern that work in that area would further impede sight lines. The Village Engineer asserts that the work will not further impede the sight of any drivers in the intersection.

Member Miller stated to clarify the Woodland side is already intruding past what is allowed for zoning. A discussion followed.

Ms. Marina Puryear (owner) said she purchased the house to renovate and live in. Currently, the front entrance is on Sheridan Road and there is nowhere to park to get to the front entrance. The driveway is on the east side of the house and makes it difficult to get to the entrance. She reviewed the proposed plans.

Chair Kraus said that when the plans were previously presented, there was some discussion as to the width of the requested porch, and she was asked to think about if it could be smaller going east/west. Ms. Puryear said she thought about it. She showed the proposed plan for the screened porch in relation to the driveway. She stated the goal is to draw attention to a proper entrance and it is to scale.

Member Collins stated that this is the same plan that was submitted previously. Ms. Puryear said yes, but the plan illustrates how to direct people onto the driveway.

Member Miller said part of it is going to still have pervious surface or pavers and will not be a complete block. Ms. Puryear said it will be “L” shaped. A discussion regarding green space ensued.

Member Bishop asked how much smaller it is than the original that was presented. Ms. Puryear said it is the exact same size, you only get to see the scale better on this set of plans.

Member Collins said she is sorry to see that the applicant did not incorporate any of the PCZBA’s suggestions. She asked to review the slide with the roof elevations and noted it reflects the

complexity of the roof work that needs to be done for the “L” shaped area. She said that her philosophy regarding zoning variations is that, if you are requesting a large variation, to try and scale it down as much as possible. She believes this request would be a special privilege to intrude so much into the setback with three different roof peaks which she does not think is needed. The screened porch would be better if it was simplified and scaled back. Ms. Puryear said she would lose the ability to direct people off the street.

Chair Kraus asked to review the slide with the proposed floor plans noting there was discussion regarding possibly cutting the porch off.

Member Collins said that better options include not roofing the porch or installing a sidewalk leading to the porch/entrance. She said that she has never seen a porch with so much complexity in such a small square footage, especially, when there are so many other ways to construct this. She is not in favor of the proposal. A discussion followed.

Member Bishop commented on the appearance of the home and said if adding much more the house would appear to be on the street. To add this streetscape could be a problem and she would be concerned about the porch so much to.

Chair Kraus asked Members Collins and Bishop if their comments would change if the porch was smaller. Ms. Puryear said the reason for the north/east “L” is to allow french doors to open outward onto the porch.

Chair Kraus asked if the “L” was eliminated would it change the commissioner’s viewpoints. Member Collins said she does not want to dictate the design. She would prefer a design that was simplified, reduced scale, less mass and with a modest roof design.

Member Burns said he is fine with the proposal. Considering the bulk this house could have if built out to its full size, it could be much bigger and bulky. The proposal may bring the form closer to the street, but he thinks it will look better and improve the view for the neighbors.

Member Miller asked if the relief would interfere should the Village decide to put sidewalks on that street. He noted the Village’s Comprehensive goals is to put sidewalks on all Village streets. AVA Cole said no, because the property line is just after the porch and everything else is right-of-way where a sidewalk would be installed.

Member Miller said he does not think design is within the PCZBA purview. The size is, and he agrees with Member Burns that it could be much more bulky. Currently he has no further opinions on the proposal.

Member Peters said it is sort of an exacerbation of a current non-conformity but he is not troubled or opposed to the request.

Member Badger said he would echo Members Burns and Miller. It could be more bulky and it seems to him that the intricate roof looks better. He is happy to hear that it is not adding more impervious surface.

Member Bishop clarified that she is not talking about the design of the porch, she is concerned that the proposed plans would bring the small house closer to the street in a larger manner.

Chair Kraus said the PCZBA has the authority to recommend that the Village Board approve, approve with conditions, or deny the request.

Member Badger made a motion to approve the variation as presented. Member Burns seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Miller, Peters, Burns, Badger and Chair Kraus
Nays: (2) Bishop and Collins
Absent: (0)

7. Continued Public Hearing for 1 Sherwood Terrace and 915 Sherwood Drive

Chair Kraus introduced the item and requested an updated from Staff.

AVA Cole said the PCZBA's requests from this item's consideration at the October meeting: 1) revised plans that show the height of the display pads and landscape plans (which the applicant have provided); 2) that the Architectural Board of Review (ABR) examine the display pads proposed by the applicant. The ABR wondered if there should be fewer display pads along Skokie Highway but made a positive recommendation regarding the plans presented as-is; 3) a parking plan that quantifies parking capacity and shows adequate emergency clearance. After a review of the plan by Staff the applicant (a) amended the plan to eliminate three parking spaces to ensure proper turning radius for emergency vehicles, (b) replaced the connecting driveway with an 8' wide pedestrian path and additional landscape; 4) a verbal report on the Exchange's plans for their outparcels discussed at the September meeting. Staff has asked the applicant to provide a verbal report; and 5) plan for car deliveries and drop offs. (a) Staff advises the road width at the Sherwood Drive is sufficiently wide to allow the safe passage of traffic when a heavy commercial vehicle is parked on the shoulder, (b) the Police Department is unaware of pattern of traffic concerns or accidents on Sherwood Drive attributable to heavy trucks standing during deliveries (c) this behavior is not a traffic violation. AVA Cole explained why Staff recommends caution in imposing conditions on these type of deliveries.

Member Collins expressed her concern regarding some of the statements expressed in the memo, such as it is not uncommon for trucks to be standing on road shoulders. She said that particular road does not have a striped shoulder. The other thing that concerned her was that adjacent to this is an office building with a large medical practice and the carrier could obstruct the westerly view. She wonder if any effort was made on this issue by the applicant.

Member Badger said he had noticed that as well but it seems to him there is enough room to unload the truck without obstructing the adjacent property. He is concerned about the amount of cars parked in the lots because this could impact emergency vehicle access. He said the last meeting minutes indicated the 915 Sherwood Drive building would be used primarily for storage but that office building is right next to it, and asked if they should desire to take the building down and use it as a parking lot, would they have to come before the PCZBA. AVA Cole said part of the special use permit requirement is that they comply with the site plan, the site plan for this particular property would be the survey as it exists today for that lot.

Member Badger said if for some reason the building does come down there needs to be some landscaping for separation between the office building on the west and what is there today. Village Attorney Ben Schuster said they can tear down the building without coming to the PCZBA, but they cannot put the space to use until and unless they come back to the PCZBA to amend the special use permit.

Member Badger said he is in favor of commerce, wants to support Chevy's Exchanges success and he would love to figure out a way to make this work.

Chair Kraus said one of the major questions was the fire access and he assume that the notes in the memorandum have the approval of the Building Codes Supervisor and Fire Chief and that every parking space is full. AVA Cole said that is correct and explained the emergency vehicle access options.

Member Bishop said on the far west side of 915 Sherwood Drive building, the parking space on the far west, she inquired of the parking configuration for the vehicles. AVA Cole said he believes that is north/south parking in parallel. A discussion regarding parking ensued.

Chair Kraus invited the petitioner to the podium.

Mr. Alan Garfield, an attorney with Garfield & Merel, Ltd. in Chicago, IL, said he would like to emphasize that they worked with the Fire Chief and Building Codes Supervisor to create a proposed parking plan. They determine that the parallel parking on the west end would not hinder emergency vehicles from accessing that area. He said they do not intend to remove the 915 Sherwood Drive building. This will be used for personal property for the owner, and will not have anything to do with any inventory or sales for the dealership.

Mr. Garfield reviewed the proposed landscape plan noting there will be no display pads at the 915 Sherwood Drive building. The delivery carriers should have no problem with the access way.

Mr. Garfield introduced Mr. Jeff Lietz to discuss the landscape plan.

Mr. Lietz reviewed the proposed plans for the fire apparatus access; parking configuration for both buildings; the landscaping plan, the display pads as viewed from U.S. Route 41, the building material for the vehicle display pads, the elevation for the raised display pads, and a rendering of the landscaping and material for the retainer wall block and areas they are proposing to illuminate.

Chair Kraus opened the floor for comments.

Member Miller asked what type are the existing trees and if the pad construction would disturb the trees. Mr. Lietz said he does not know the type and will not be putting in a deep foundation so as not to harm the existing trees.

Member Miller said it seems like a lot of pads. He assumes that entering from the back the vehicles will drive right onto the pads. Mr. Lietz said yes.

Member Collins said the display pads to the south will not look like the Knauz Automotive display pads because the pads will be at grade, not raised, and the grass could conceal the pads.

Mr. Lietz said they purposely wanted to keep the pads approximately 6 inches above grade and noted the pads will be flat.

Member Collins asked if they wanted to have raised pads. Mr. Lietz said no, they wanted to keep them close to the adjacent parking lot. This will make for easier access to drive on the pads.

Chair Kraus said the top of the rendering are the five proposed pads to the south and those are the ones that will be plus or minus 6 inches. The bottom shows the two proposed pads for the north side and those would be larger than shown. Mr. Lietz briefly explained why they did not want raised pads.

Member Collins expressed her concern with the need for a 2.6 ft. guard rail. Mr. Lietz said the height limit is 3 ft. and they will ensure that it does not exceed the required height.

Member Burns asked what the applicant used as hardship in regards to the display pads. Mr. Garfield said we used competition with the surrounding dealerships. It would be a hardship to the dealership to have not have the display pads to attract motorists. They think it is a necessity for a dealership of this size. They tried to keep it aesthetically pleasing by putting the five pads to the south in between the existing trees.

Member Burns asked if the other dealerships need a variation for their display pads. He said this seems like it is a special privilege for the applicant as the surrounding dealerships are using the display pads within the required zone. Mr. Garfield said it is a point well taken but if you look at the other dealerships their area is substantially greater than the applicant's lot area. He said it is very difficult to come up with a hardship for a dealership and parking is always a question but this is what generates sales and customers.

Member Collins asked if they thought they could have an equal impact with not quite so many display pads. She asked if it would be better to have fewer vehicles displayed. Mr. Garfield explained his thoughts regarding the matter noting how line of sight affects the building.

Member Collins said that when you have a lot of pads spaced closely together it starts to look like parked cars. Mr. Garfield said he understands that is why they tried to work within the tree line.

Member Miller said the applicant contradicts themselves because when the highway comes around from north to south, two display pads may not be seen. He expressed his opinion that this is a lot of pads and he is not sure that the ones on the north side are needed.

Chair Kraus inquired of the dealer's other property. Mr. Garfield said the additional item is the lot at 0 Skokie Highway located north of IL. 176 past the railroad. He said approximately 20 years ago a developer sought to develop the property and it fell through at the time. He cannot locate a survey at this time for the property. The thought process for the next step in the development of this dealership would be in the spring and dependent upon the parking for 915 Sherwood Drive. They may come before the PCZBA to look at that property being developed for parking.

In response to a question from the PCZBA regarding how many vehicles could be parked at the location, Mr. Garfield said the property is approximately 8.3 acres, but there were substantial development issues.

Member Burns inquired of the enforcement process, if approved, because currently there are vehicles parked on the grass area. He understand that the special use permit is contingent upon them following the conditions of the special use. He asked how the enforcement process would work and if the PCZBA was part of the enforcement process. He wants to make sure the special use permit has teeth to ensure they follow the parking plan or else.

Village Attorney Ben Schuster said the Village has a couple of different mechanisms available to enforce the parking restrictions. The Village could issue daily citations. The Ordinance that will say “the Village Board, upon a hearing, can rescind the special use and variation.” The PCZBA is not an enforcement body but if it believes there are certain conditions such as they must comply with the parking plan, the PCZBA can recommend that condition be included. It is the decision of the Village Board and Staff to select the best strategy to enforce compliance.

Member Collins said two of the PCZBA Members have expressed concern about the quantity of display pads and asked if it was possible to approve the request with not quite so many pads.

Chair Kraus polled the commissioners regarding the number of proposed display pads.

Member Badger had no problem with the number of pads, but is concerned about putting some teeth in the conditions in the event the building is demolished and to enforce parking.

Member Peters said, in light of the fact that the five display pads to the south will only be elevated approximately 6 inches, he thinks they are a lot less intrusive and from his perspective makes it less of an issue.

Member Bishop said she is okay with the number of proposed display pads. She expressed her concern regarding the number of vehicles physically parked on the 915 Sherwood Drive lot. Mr. Garfield said the cars that are parked there today do not meet Village standards. He said parking mistakes were made in the past and now his client is more cognizance of the manner. This is why they worked hard to get a certain amount of parking spaces that would comply with the fire code. He said 915 Sherwood Drive is an inventory lot, it is not for customers, and it is up to the Chevy Exchange to police the lot and enforce the regulation.

Chair Kraus asked for clarification about the parking plan.

As there were no other questions, Chair Kraus said we have discussed four issues that the PCZBA may want to put into the recommendation. The number of display pads, the landscape plan which includes the number of display pad is subject to the Architectural Board of Review process. He said he does not mind the five low display pads, and he would rather have one as opposed to two, but there should be a maximum number of display pads in the approval process that can be identified. He said it should be put in the approval that parking is striped and should be strictly enforced by the Village. It should be the maximum identified in the fire safety plan for both properties. The approval should include the passageway between the two building be for pedestrians only. He would like to specify that automobiles not be allowed to unload on U.S. Route 41 because that is a safety hazard. Also, any unloading on the shoulder does not hinder ingress/egress for any of the adjacent properties.

Chair Kraus opened the floor for public comments.

Mr. Tim Wagener provided the PCZBA with a handout and said that his property is a multi-tenant building with 24 units located directly north of the Chevrolet Exchange (37 Sherwood Terrace). He understands they are seeking zoning approval extend onto the existing special use permit to take over 915 Sherwood Drive. He said one of the items that has not been addressed is screening. He asserted that the dealership needed a bigger view from the highway so they clear cut the trees on his property and their property along the north lot line. Mr. Wagener reviewed his handout which consisted of a surveillance video timeline showing the removal of the trees, vegetation and staging of landscape service vehicles, permit information, mitigation fine pages, google picture of the previous landscape features and removal of trees at the 915 Sherwood Drive site. Mr. Wagener said the General Manager advised him that those were not his trees but theirs and they will not be replanted because they want to open up the view. He advised of the actions he took regarding the removal of trees and outcome of the legal proceedings. Mr. Wagener expressed his opinion they are violating the special use permit by not having a buffer between the properties.

Mr. Wagener said it is not right that the Chevrolet Exchange gets to sell more vehicles at his expense; this is not a good neighbor policy. He expressed his concern regarding screening and possible devaluation of his property. At the previous discussion, it was expressed that the proposed display pads would not be illuminated but that has changed and asked for a honest presentation. He said he would replant his side of the area if the dealership put up a fence.

Member Peters said he thinks, during the previous meetings, the PCZBA tried to address the buffering issue and whether it could be included as a condition in the special use permit. He said he is under the impression this is not a realistic option which the PCZBA could impose.

Village Attorney Schuster said the PCZBA's role is not to adjudicate disputes between neighbors. The question is if there is a nexus between a condition on buffering and the relief that is being applied for based on the evidence and application that has been submitted.

In response to a question from Member Collins, Village Attorney Schuster said if the PCZBA believe there is a nexus between the requested relief and the screening they can impose conditions regarding screening, but if there is no nexus, that is beyond the PCZBA purview.

Member Collins said she is bothered because they are saying they have a hardship because they do not have great visibility, but they created a lot of visibility by removing the screening that was impacting the visibility, this also took away the hardship. She noted there are some inexpensive ways to create screening. Member Collins noted that a lot of trees on the 915 Sherwood Drive lot appeared to have been removed and she is concerned as to why so much of the landscaping on that lot has been removed.

Mr. Garfield said Mr. Wagener made the same argument during the legal proceedings and commented on the courts findings. He said the buckthorns was impacting the sight lines of the property but only three trees in front of the property were mistakenly removed. Mr. Garfield said fences will not make good neighbors and there is not enough room to install any fences or plant vegetation. They do not plan on installing a fence or planting any vegetation and he asked the PCZBA to consider the Court's finding.

Member Collins said in general, in Lake Bluff, businesses landscape their properties beautifully and this particular dealership does not see vegetation as an asset. She said when additional

parking was approved for the west side of the building there was a promise for beautiful landscaping for that particular entrance and noted that most of the landscaping has been removed. The dealership should be trying to enhance the beauty of the property. Mr. Garfield said there is only so much they can do on the north/south border because the space is limited. He understands if they want to see something better on the western entrance to enhance the property. He said if that was a condition of zoning approval that is something that will be considered to enhance the west entrance. That has nothing to do with the north/south enhancement and they have no intention of planting any vegetation there.

Chair Kraus summarized the conditions as follows:

- Display pads: a maximum of seven on the interior portion of the property and subjected to ABR review;
- Parking maximum: as per plan the parking spaces will be striped, a maximum number enforced, and parking is only allowed in the striped and marked spaces and restricted on the grass areas;
- The passageway between the two buildings is for pedestrian use only;
- No unloading of transportation vehicles on Route 41 is prohibited, necessary loading or unloading of vehicles on the shoulder of the area adjacent to the dealership should be done so in a manner not to impact egress/ingress for the surrounding properties as well as allowed for adequate turning radius;
- Two properties shall be operated as a single dealership and not as individual dealerships;
- A landscape plan be developed to enhance the western entrance;
- Any change in use not contemplated in the application for the 915 Sherwood Drive property would be subject to Village approval; and
- The front yard variation granted for 1 Sherwood Terrace will not apply to 915 Sherwood Drive.

Member Bishop asked if approved, does the PCZBA need to specify the amount of time they have to meet the requirements. The changes should be made quickly for safety reasons. Village Attorney Schuster said applicants are normally allowed 12 months to complete the project, but there can be a condition for specific items such as striping the parking lot.

Mr. Garfield said that relief may not be approved until December and questioned if the striping can be done during the winter months. Chair Kraus said we could require by May 1, 2018 that all the conditions including landscaping and striping will be completed.

As there were no further questions, Member Miller made a motion to approval the variation with conditions and the special use. Member Badger seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Peters, Bishop, Badger, Collins, Miller and Chair Kraus
Nays: (1) Burns
Absent: (0)

Mr. Garfield said if the landscape plan is not done in time to present to the ABR, can the final documents be submitted for consideration by the Village Board. He asked who would approve the landscape plan for the western end of the property. AVA Cole said that is within the ABR's purview.

8. Staff Report

AVA Cole said the Village received communication regarding the proposed development at 15 East Washington Avenue and noted no application has been submitted for this project.

9. Commissioner's Report

Chair Kraus said during the workshop session we discussed the difficulties related to the R-5 District and it would be beneficial for the PCZBA to study that some more, so we can get or give more guidance to actually how to facilitate the wishes of the Village in the development in the R-5 District. We should consider what tools would be more helpful when considering future developments.

Member Collins said she would love to have it resolved and she would not want Mr. Brad Andersen's project be the template for multi-family housing in the R-5 District.

Chair Kraus stated the PCZBA will be touring the Village on Saturday at 9:00 a.m. and reviewed the route. A discussion followed.

Chair Kraus said the lots on the east side of the Village were previously reviewed and he would be curious how many structures in the Terrace could be subdivided. AVA Cole said Staff will utilize GIS mapping to provide the information.

AVA Cole said the Historic Preservation Commission previously had someone interested in a subdivision come before them regarding the corner lot on Prospect Avenue and noted the applicant has ultimately decided to keep the existing structure and tear down a lot of the interior additions, and build a more modern structure.

Chair Kraus reported the next regular PCZBA meeting will be January 17, 2018 and a Comprehensive Plan Workshop meeting on January 11, 2018 (6:00 p.m.) to review the Annexation/Development and Open Space. (The workshop was later rescheduled)

10. Adjournment

As there was no further business to come before the PCZBA, Member Miller moved to adjourn the meeting. Member Badger seconded the motion. The meeting adjourned at 10:31 p.m.

Respectfully submitted,

Glen Cole
Assistant to the Village Administrator