

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

**OCTOBER 17, 2018**

**APPROVED MINUTES**

**1. Call to Order & Roll Call**

Chair Peters 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, September 17, 2018, at 7:00 p.m. in the Village Hall Board Room (40 E. Center Avenue).

The following members were present:

Members: Sam Badger  
David Burns  
Elliot Miller (arrived at 7:03 p.m.)  
James Murray (via phone)  
George Russell  
Gary Peters, Chair

Absent: Jill Danly

Also Present: Ben Schuster, Village Attorney (VA)  
Glen Cole, Assistant to the Village Administrator (AVA)  
Mike Croak, Building Codes Supervisor

Village Attorney Ben Schuster reported that a notice was received from Member Murray in accordance with the Village's Electronic Attendance at Meetings Policy. Member Murray will be deemed authorized to attend the meeting electronically unless a motion objecting to his electronic attendance is made. There were no objections and Member Murray was deemed present.

Member Miller arrived at 7:03 p.m.

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

Chair Peters 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.

There were no requests to address the PCZBA.

**3. Approval of the September 18, 2018 PCZBA Regular Meeting Minutes**

Member Burns moved to approve the September 18, 2018 PCZBA Regular Meeting Minutes as amended. Member Russell seconded the motion. The motion passed on a unanimous voice vote.

**4. Chair Peters Administered the Oath to Those in the Audience**

**5. A Public Hearing for 355 West Washington (Blair Park)**

Chair Peters introduced the agenda item and requested an update from Staff.

AVA Cole said the Blair Park complex is governed by a series of special use permits concerning the operation of various aspects of the facility. He provided background information regarding the paddle court development and noted the approved ordinance was designed to protect and mitigate harmful impacts to neighbors immediately east of the paddle courts. After consulting with the surrounding neighbors, the Park District is requesting the ability to, one night per week from October 1 to March 31, to extend the hours of on-court lighting to 10:30 p.m. The Park District seek to select a single weeknight each year to exercise this time extension.

AVA Cole commented on the emails provided at the dais between representatives of the Park District and one of the adjoining property owners.

Chair Peters invited the applicant, Lake Bluff Park District Executive Director Ron Salski, to the podium.

Mr. Salski commented on the provisions in the previously approved ordinance regarding the addition of a fourth paddle court. He said in 2017 the paddle court members raised the funds to build the court. Mr. Salski said the surrounding neighbors have expressed concern regarding the increase noise levels as a result of the fourth paddle court. The paddle court program has been successful and the Wednesday night league seems to have the longest rallies. Currently the lights are turned off at 10:15 p.m. pursuant to the existing ordinance and the league matches are cut short. Mr. Salski said the Park District is concerned with potential revenue sanctions/loss if the series is eliminated. The Park District desires to compromise with the concerned neighbors and the request tonight is to extend the lighting period to 10:30 p.m. to accommodate the Wednesday night league. Mr. Salski said the Park District has considered landscaping and shields to mitigate the noise, but the shields will definitely change the play by creating darker spots in certain areas thus creating a safety concerns for the players. Mr. Salski said the Park District will continue to look at landscaping and shields as additional screening options.

Chair Peters said let the records reflect that the standards for variation and standards for special use permits are incorporated in the records. He opened the floor for questions from the commissioners.

In response to a question from Member Burns, Mr. Salski said he thinks the noise is the neighbors predominate concern because of the late hour and the increase noise generated by the addition of the fourth court. The lights are also a concern because of the glare off the courts.

Member Burns inquired of the methods used to mitigate noise because the lights can be mitigated with the use of shades. Mr. Salski said the Park District have not investigated the matter as of to date.

Member Badger inquired of the start times for league matches. Mr. Salski said the matches begin at 7:00 p.m. and paddle players have been encouraged to being the matches on time. Member Badger agreed that the noise is the major concern and 15 minutes could be detrimental to the surrounding neighbors.

Member Russell asked if there was enough room for another row of evergreens at the east end of the paddle facility or the east end of the two tennis courts that separate the paddle facility from the surrounding homes. He commented on the vegetation planted along the north side which have

contributed greatly to sound attenuation. Mr. Salski said the Park District have not received any noise complaints from the neighbors located to the north. In 2008 the Park District's consultant determined that the slopes were really difficult in that area and it was tight between the back of the fence and the neighboring property line, but the Park District will be glad to investigate the possibility of additional landscaping.

In response to a question from Member Russell, Mr. Salski said if the request is approved the maintenance team will manually shut the lights off or the Park District will install a new programmable system that will automatically turn the lights off at the scheduled time on Wednesday nights.

Member Miller asked how many families are affected by this particular problem. Mr. Salski said he believes there are approximately five families affected by the noise. There is one neighbor to the north which have expressed concern regarding the lights because the fourth court is visible from his property and headlights reflects on the property as patrons leave the facility. The Park District have addressed the neighboring property owners and only one resident have objected to the request.

Member Miller agreed that noise is critical when residents are trying to sleep. If he can get some reassurances that in addition to vegetation that maybe a temporary sound shield could be used during league play to mitigate the noise. Mr. Salski said he would prefer to explore a long term solution. The Park District will continue to work with the neighbors regarding the matter but he cannot guarantee there will be no noise.

Member Miller said he would be in favor of a one-year trial and the feedback reviewed by the PCZBA before the new league begins.

Member Burns agreed with Member Miller. He expressed his disappointment regarding the timeframe associated with the request because the PCZBA typically ask applicants to consider other possibilities. He would feel comfortable if he knew the noise mitigation strategy. Mr. Salski responded to the comments in terms of timing of the request and noted the discussions/process began after the league season. In terms of starting the matches at 6:30 p.m., he said the league play times are governed by the Paddle Association.

Member Murray said he does not want to put process hurdles on what appears to be a straightforward request. Although, there are a minimal number of neighbors impacted, he would prefer the Park District make a concerted effort to actually communicate, or attempt communication, with the neighbors to confirm their point of view before moving forward. It is not so onerous to have five conversations particularly with this combination of noise and light as this has the potential to be disruptive to property owners during the evening hours. Mr. Salski said the Park District have sent emails and letters to the surrounding neighbors requesting feedback and only one resident appeared at the Park District meeting.

In response to a question from Chair Peters, Mr. Salski said he believes there might be two new property owners but there have been no significant changes to the neighborhood.

Chair Peters inquired of the number of paddle members and annual visitors. Mr. Salski said there are approximately 160 paddle members and each member is allowed two visitors which could

amounted to 16 visitors each night. Mr. Salski clarified that the request is only for the league season.

In response to a comment from Chair Peters, AVA Cole said the applicant ask that each year the Park District chose one night not necessarily Wednesday nights, to extend the lighting period. Mr. Salski said it is for the Wednesday night series and the plan is to be consistent.

Member Russell said he is inclined to agree with Member Miller regarding the one-year trial, for the 15 minute extension on Wednesday night as stated in the request. The trail period will provide additional impetus to make sure the Park District will investigate improvements the screening and sound mitigation, and present their solutions to the PCZBA after the season. Mr. Salski clarified that the day will be consistent every week, for each season, from October through March.

Member Badger questioned if adding trees or foliage as a sound barrier is the right solution and asked how could be the vegetation be planted to allow the Park District to present some sort of results by the end of the season. A discussion followed.

In response to a question from Member Burns, Mr. Salski said the Park District have addressed the noise and light issues since the ordinance was approved. Member Burns said he prefers not to rush this matter given this has been an ongoing situation. The PCZBA is not going to see anything that really would provide any kind of empirical feedback until this time next year so he would prefer to delay the approach for one month and give the Park District time to evaluation other options.

Chair Peters asked if there is a Park District representative on duty during the evening hours and if so, does Staff monitor the participant’s noise levels. Mr. Salski said the Park District has a maintenance staff at the recreational center, not within the hut area. The surrounding neighbors have been provided with Park District Staff’s contact information to report any occurrences but there have been no complaints about lights on after hours.

Following an intensive discussion regarding impact on neighbors. Member Miller made a motion to recommend the Village Board approve of the request be for only one year in duration, with the expectation that the Park District will research alternatives and continue neighborhood outreach before resubmitting in 2019; and the Park District will provide a written report regarding neighborhood outreach on or before January 31, approximately halfway through the League play season. Member Badger seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Badger, Murray, Russell, Miller and Chair Peters  
Nays: (1) Burns  
Absent: (1) Danly

Following a request from Chair Peters, Member Badger made a motion to take agenda item #8. Member Russell seconded the motion. The motion passed on a unanimous voice vote.

**6. RIO (Institutional Zoning) Workshop**

Chair Peters introduced the agenda item and requested an update from Staff.

In response to a comment from AVA Cole, Mr. Salski commented on the updates associated with the golf course in relations to institutional zoning. The Park District had requested rezoning because the area is currently zoned residential. Should the RIO District get approved, the Park District would prefer to have all its property rezoned. The Park District has received positive feedback regarding the RIO process because it will provide a better opportunity for a more fluent/efficient planning process. Mr. Salski said the Park District Board approved a five year license agreement with Golf Visions Management, Inc. and provided information regarding the provisions of the license agreement.

Chair Peters congratulated the Park District on its license agreement and asked how the clubhouse issues would be addressed. Mr. Salski said the Park District Board is scheduled to meet on October 29<sup>th</sup> to review interior options but currently there are no anticipated major structural changes or expansions planned for the clubhouse.

Member Burns asked if the license agreement stated that the Golf Vision is using everything as is. Mr. Salski said they are very happy and able to manage with what they have today. He provided information on other facilities managed by Golf Vision, noting the company is known for doing leases.

Chair Peters requested an update from Staff.

AVA Cole provided an overview regarding this matter pursuant to the Village's Comprehensive Plan. He reviewed the new technical revision noting the major change is the introduction of this concept of significant changes the PCZBA would like to see happen.

Village Attorney Ben Schuster said the main change was to Section 10-16-9 of the ordinance which addresses the process for amendments to a real plan. The idea being if a substantial change hits one of those triggers it come back to the PCZBA. If it does not trigger a review the Village Administrator would have the authority to approve it; however, it gets reported to the Village Board, at which point they can ignore it or chose to send it back through the process. The idea is it enable somebody who has real property to be able to make changes without having to go through a lengthy process for minor changes such as fixing a the façade of a building.

Village Attorney Schuster said the recent change placed at the dais is a newer version of the ordinance with all the changes incorporated that was in the packet and one additional change on page 4, in the use table. The question was raised should open space be considered a permitted use. He said additional language was added to the use table regarding "recreational leisure facilities" then read the definition. The idea being if it is something other than a traditional park but something that the Park District or another RIO use desires to designate space and use it for open space, such as a forest preserve without a playground, it would be dedicated for recreation passive or active use, and fall in this open space definition as a permitted use. This is a different use than a vacant lot which does not have an intended use, which from the zoning code understand that a vacant lot is theoretically permitted in every zoning district because they have no designated use. The open space was added to be intended to be used for active or passive recreation or leisure activities.

Member Burns expressed his understanding that the ordinance, as written, if on a masterplan portion of that space, because there could be various uses on a parcel, one of the uses happens to

be open space and they want to change that use to something else, they would still be permitted to do so but that would likely be a substantial change based on the change in use and the plan would have to be updated accordingly. He expressed his understand that the “p” in permitted does not allow the owner to flip back and forth and changes uses as they deem fit on a property, the PCZBA would have to review the substantial changes per the master plan.

Village Attorney Schuster explained the change in use process that would require changes to come back to the PCZBA. A discussion followed.

In response to a comment from Member Badger regarding the 2% variance, Village Attorney Schuster said it is within the PCZBA discretion to set the percentages as it believes appropriate. The percentage was determined after reviewing a bunch of different plan development ordinances noting many use 1% as a trigger for a substantial change. The idea was that a project that may add a de minimis amount of floor area should not trigger the need for a review process and 2% was thought to be the demarcation line.

Member Russell clarified that any changes which involve exterior building changes or any type of addition will still have to go through the Architectural Board of Review process. A discussion regarding de minimis change followed.

In response to a question from Member Miller, Village Attorney Schuster stated the term “minor change” is not really a defined term. Then he read paragraph 10-16-9 – the Village Administrator may approve changes to an approved RIO development plan that do not in the sole discretion of the Village Administrator constitute a substantial change to the RIO development in accordance with the following procedure. If the changes does not meet one of these triggers then it is not a substantial change and can be approved by the Village Administrator who will notify the Village Board. Then within 60 days of receipt of the notice submitted the Village Board shall either ratify the approval by resolution or deny it.

Member Miller asked if there were any changes which gets automatically accepted without going through a review process. Village Attorney Schuster said any changes to the exterior, intensity of use, and change in use has to go through an Advisory Board review process. He said the 60 days provision is standard language but does not bind the Village Board to a timeframe when reviewing any matters. As written the language is beneficial to the applicant as well because it gives them the ability to move forward in the event the Village decides to sit on its hands. He read paragraph 10-16-9, subsection B4, the failure of the Village Board to ratify or deny a minor change within 60 days of the date of receipt or notice thereof shall be deemed a ratification of the minor change. This is also a good legal provision to ensure everyone knows the beginning of the timeframe to address changes deviating from the master/site plan. He clarified that in the case of an emergency repair in which the fix does require a deviation the applicant would apply, with the understanding that there will be risk in waiting to go through the process for sixty days, the Village could consider allowing the applicant to proceed at their own risk, with the understanding that if the applicant is rejected, that an additional change may be required to get back into compliance with the approved master/site plans. A discussion followed.

Member Miller asked for clarification regarding paragraph 10-16-7B – The Building Commissioner having explicitly authority to waive application requirements. Village Attorney Schuster said included in the proposed ordinance is a list of application requirements, different

submittals that must be made as part of the application. This process will not require the application to submit a lot of extraneous stuff that has nothing to do with the approval process but any additional materials can be requested by the PCZBA during its review process. The goal of the process was not to make it an overly onerous expensive on an applicant to make needed changes.

Member Murray said he likes the progress that have been made in terms of incorporating de minimis exemptions and he does not believe anyone desires to impose more process than necessary on the applicant. He does like the rigor that remains with respect to fundamental changes of use in the draft ordinance as this is the paramount concern for most community interest.

Chair Peters commended Staff for addressing the concerns raised by the commissioners. There is a draft ordinance that has been fine-tuned rather extensively and assuming it eventually gets passed, there will always be the opportunity to revisit and make modifications.

In response to a comment from Member Burns, AVA Cole said the Park District requested to have time in advance of a public hearing to review the draft ordinance.

Village Attorney Schuster reviewed the next steps in the RIO District process which consists of publication of a public hearing notice, text amendment to create the RIO District and map amendments regarding properties that needs to be moved from their current zoning districts into the RIO District. A discussion followed.

Village Attorney Schuster said if property is moved to the RIO district that does not mean the property owners have to change anything nor does it make them non-compliant. He said any future land use changes will be governed by the RIO zoning district and the applicant will have to go through the review process if a use change is triggered. A discussion followed.

Chair Peters said the most efficient approach would be to schedule a special meeting to hold a public hearing dedicated solely to RIO district. A discussion followed and it was the consensus of the PCZBA to reschedule the November 21<sup>st</sup> Regular meeting to November 19<sup>th</sup> and to schedule a special meeting for early December.

## **7. Public Hearing for Text Amendments Concerning Signs**

Chair Peters introduced the agenda item and requested an update from Staff. AVA Cole said there was an error in Staff memorandum. The request is a slate of miscellaneous changes recommended by the ABR, whom is responsible for administering the sign chapter of the zoning code. Although, the PCZBA has jurisdiction over recommending changes to this chapter of the code, the ABR administers the chapter. This is a selection of changes which the ABR have based together based on their experiences and presented its recommendation to the Village Board and received a favorable reception. This is the formal step to put the recommended changes into place and making sure it has the PCZBA's recommendation for adoption by the Village Board. He summarized the recommended changes:

- Minimize harmful effects of light pollution generated by sign lighting;
- Remove certain restrictions regarding awning signs, but require that awning signs on a multi-tenant building have a uniform color scheme approved by the ABR;

- Allow door and window signs more generally with certain restrictions as to area coverage;
- Clarify the treatment of ground signs for multi-tenant buildings; and
- Clarify the calculation of maximum permissible area of ground signs in industrial districts.

Chair Peters said this is at the recommendation of the ABR with support of the Village Board.

Member Russell said he agrees with most of the changes and questioned the proposed change on the last page regarding ground signage. Currently the regulations allows signage in the industrial park to be 64 sq. ft. and the change will require both sign faces to be counted individually. He expressed his concern regarding measurement of the ground sign and said he believes the change will reduce the allowable size of the sign face especially for larger multi-tenant buildings.

Building Codes Supervisor Mike Croak said pursuant to the current code the base is counted as signage. The majority of signage in the L-1 and L-2 Districts are measured down to grade but recently the North Shore University Health Care System came in with a sign on poles/piers, no base, with bushes underneath, and was under the impression that square footage did not count. The clarification is regarding signage on poles to ensure everyone is on the same level playing field.

Member Miller commented on Section 3J1 regarding hours of illumination and asked if most property owners would want the sign illuminated overnight to display the building. BCS Croak said this was discussed and the ABR decided to leave the illumination hours open to their subjective ability to determine what is appropriate for each individual sign application.

As there were no further discussion, Member Russell made a motion to recommend the Village Board approve the changes to the sign ordinance regulations as proposed. Member Burns seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Burns, Miller, Russell, Badger, Murray and Chair Peters  
Nays: (0)  
Absent: (1) Danly

## **8. Public Hearing for Text Amendments Concerning Parking in Business and Industrial Districts**

Chair Peters recommended this agenda item be continued to a future meeting date because of the time needed to discuss the matter.

AVA Cole said both of these were based on the Smedbo discussion last month and deferring the discussion will not delay the project.

Village Attorney Schuster said if the PCZBA decides to table the item, it could be continued to a date certain. Should the PCZBA decided to leave it open the public hearing notice must be republished.

Member Miller asked if it was possible to consider the height as it relates to the Smedbo project and review the L-1 and L-2 District parking at a later date. AVA Cole said the second draft ordinance presented makes the bare minimum changes which will allow the Smedbo project to proceed and the broader issues can be reviewed at a future meeting date.

Chair Peters suggested the other proposed amendment be considered this evening and the parking discussion continued to the January 2019 PCZBA Regular meeting.

Member Burns moved to continue the public hearing to January 16, 2019 PCZBA Regular meeting. Member Miller seconded the motion. The motion passed on a unanimous voice vote.

**9. Public Hearing for Text Amendments Concerning the L-1 and L-2 Districts and Planned Commercial Developments**

Chair Peters introduced the agenda item and requested and updated from Staff.

AVA Cole said we have a variation for this draft ordinance that has the bare minimum changes necessary to get the proposed memo development set for parking and height concern. The height concern is an issue whereas last month we heard a desire from the PCZBA to look at more globally in the business park. The Waukegan Road Corridor Study said with the tenant mix at that time here in the business park that the height limit should be extended up to 40 ft. to try and retain some of those businesses. The new warehousing and new white manufacturing had an entry level height of 40 ft. from floor to ceiling to allow sufficient room for warehouse machinery. Since that time a lot has changed and the district is becoming more retail/office focused blend of uses. The thought process in relations to the Smedbo proposed plans stated offices with open floor plans with taller ceilings are running about the 15 ft., four to four ratio. The thought also was if you have bad grades or if you have other interesting circumstances if you leave a couple feet of fudge room that makes sure we do not get a variation for silly reasons or causing unnecessary grading. AVA Cole said there is still a two-story restriction, you still can not have three-stories on a lot. The maps provide an idea of heights in the L-1 District as built, in addition this data was not around for Target development which comes up to 26 at most of the building but the box which defines the front entry actually goes up to 32 ft. There is at least one major building that is built at the 32 ft. line and quite a few that go above or at the 25 ft. line based on building files/measured height noting there is some precedent in this area for going a bit taller. AVA Cole said most of the buildings in this district are flat roofs with two peaked roof facilities (Racquetball Court and Knauz.)

Chair Peters opened the floor for discussion.

Member Badger commented on a business park located in Norman Woods noting within its development agreement all of the buildings are required to have mansard roofs. The architectural design looks nice but does not really serve any functional purpose.

Member Burns said he thinks it is fine for the purposes in the context of the applicant.

In response to a question from Chair Peters, Member Badger said he would not be in favor of requiring mansard roofs but he would be in favor of leniency if an applicant desires this roofing style. For this discussion he agrees with Member Burns in terms of this application. Also, he noticed that the height regulations are different for Block One as opposed to the rest of the Central Business District and that the Light Industrial District regulations (25 ft.) are less than anywhere else in the Village. A discussion followed.

Chair Peters said the PCZBA has checks and balances with the ABR regarding Waukegan Road and the Smedbo property, to ensure when the property is developed it does present well, because it is the entrance point from the south side of Waukegan Road.

Member Murray said he found the materials less controversial than interesting and he agrees with the comment made regarding the variations within the CBD. The proposal tonight is reasonable and consistent with the discussions regarding the L-1 and L-2 Districts concerning the Smedbo property and he is inclined to be supportive.

Member Russell had no additional comments and expressed agreement with the proposal.

In response to a concern from Member Miller regarding setbacks conflicts, AVA Cole said as far as buildings/structures are concerned the setback will still be 100 ft. in both places and parking is based on what is going on in the CBD which addressed screening, no on-site parking in the front yard, and no parking spaces located within 15 ft. of Sheridan Road.

As there was no further discussion, Member Russell moved to recommend Village Board approve the Ordinance sub-labeled, alternative B parking. Member Burns seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Badger, Murray, Burns, Miller, Russell and Chair Peters  
Nays: (0)  
Absent: (1) Danly

**10. PCZBA Work Planning Overview**

AVA Cole said the PCZBA priorities actions should be regarding a public hearing date for the RIO District and for Staff to provide a draft comprehensive plan before the end of the years.

**11. Staff Report**

AVA Cole had no report.

**12. Commissioner's Report**

Member Russell congratulated Member Murray on being the first Village resident to participate internationally in an official Lake Bluff Advisory Board meeting.

**13. 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 9:10 p.m.

Respectfully submitted,

Glen Cole  
Assistant to the Village Administrator