

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

DECEMBER 18, 2019

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, December 18, 2019, at 7:00 p.m. in the Village Hall Board Room (40 E. Center Avenue).

The following members were present:

Members: David Burns
Jill Danly
Elliot Miller
James Murray
Susan Rider
Gary Peters, Chair

Absent: George Russell

Also Present: Ben Schuster, Village Attorney (VAT)
R. Drew Irvin, Village Administrator (VA)
Glen Cole, Assistant to the Village Administrator (AVA)

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 (3) minutes.

Robert Isham (resident) said he would prefer that the proposed Block Three development be placed on a future agenda when residents have more discretion time at their disposal. He asked the PCZBA to consider the previously reviewed proposal because he believes many of the issues will be the same. The PCZBA may not be legally bound by previous decisions, but unless the circumstances are different, it is at least bound by common principles of estoppel and equity.

Gary Lawrence, said he is co-owner of the properties located at 103 through 113 East Scranton Avenue (Ladybird Design, Lawrence Interiors and Bluffington's Café) and he supports the proposed project. He commented on the current state of Market Square located in the City of Lake Forest following its transition from apartments to office spaces. Mr. Lawrence said he thinks it would be great for the community to have this buzz in the downtown area and he is happy to see that the proposed project will be residential and not office space.

3. Consideration of the November 20, 2019 PCZBA Special Meeting Minutes

Member Miller moved to adopt the November 20, 2019 PCZBA Special Meeting Minutes as amended. Member Burns seconded the motion. The motion passed on a unanimous voice vote.

4. Consideration of the October 30, 2019 PCZBA Special Meeting Minutes (Missing Middle)

Member Murray moved to adopt the October 30, 2019 PCZBA Special Meeting Minutes as presented. Member Danly seconded the motion. The motion passed on a unanimous voice vote with Member Miller abstaining.

5. Chair Peters Administers, the Oath to Those Participating in the Public Hearings

6. A Public Hearing for 700 Mawman Avenue (Residential Bulk Variation)

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

AVA Cole said the request is for a floor area variation (FAR) necessary to complete an addition at 700 Mawman Avenue. The variation will allow the applicants to reconfigure the interior floor plan to rotate the main stairwell, reconfigure the roof line to eliminate snow melt and leakage issues, and connect the attached garage with a mudroom to allow for direct interior access to the garage from the living space. The PCZBA has the authority to approve, approve with conditions, or deny the applicant's request for a 377 sq. ft. (9.8%) variation pursuant to the draft approval order and resolution. AVA Cole said the applicant's letter states the improvements will help overcome some of the hardships and create a more functional home.

Karl Strassburger, Strassburger and Associates, addressed the PCZBA on behalf of the property owners and said the requested variance complies with the allowable impervious surface and FAR because the proposed addition will be built on the rear of the home. He showed pictures of the existing structure and said the plan includes replacing the windows, asphalt roof, and siding. He reviewed the existing and proposed east, north and west elevations and said their proposing a typical gable for the garage and a dormer element below a breakfast window. He reviewed the existing first and second floor plans noting the deficiencies associated with the stairwell, main room, and kitchen. The plan is to reconfigure the stairwell to create entryways to an existing tandem bedroom, enclose the exterior el-cove between the garage and house to enlarge the kitchen area amongst other improvements.

In response to a question from Member Burns, Mr. Strassburger said he is not sure when the house was built but the addition, family room and extra bathroom was built in the 1990s.

Member Danly asked if the neighbors had expressed any concerns. Mr. Strassburger said they had dialogue with the neighbors to the north and they did not express any concerns.

Following a comment from Chair Peters regarding the standards for variations, Mr. Strassburger commented on why the hardship associated with the deficient floor plans and exterior drainage would not be considered a special privilege.

In response to questions from Member Miller, Mr. Strassburger reviewed the location and conditions associated with the basement areas and said the stair case connected to the kitchen door will lead to the new basement area. Also, the basement drainage system has been repaired and there are no issues at this time.

In response to a comment from Member Mille, AVA Cole said new construction stormwater requirements do not apply to this project and that the stormwater drainage from the property has no impact on the natural drainage flow.

Chair Peters opened the floor for public comments as there were no comments, he closed the public hearing.

Member Burns made a motion to approve the zoning variance as requested. Member Danly seconded the motion. The motion passed on the following roll call vote:

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

7. A Workshop for Block Three of the Central Business District

Chair Peters introduced the agenda item and said the workshop will be conducted professionally pursuant to the philosophy of the Village of Lake Bluff and the proceedings will be as follows: (i) allocate (4) minutes for individual comments, (ii) ensure everyone has an opportunity to be heard, (iii) receive as much feedback from the public and prospective developers as possible, and (iv) conduct a civil dialogue. He said the PCZBA will not tolerate any interruptions, personal attacks, negative inferences, or outward expressions such as clapping or shouting.

Presentation from Brad Andersen

Brad Andersen introduced himself and commented on the actions which have been taken since the November workshop. The presentation this evening will include (i) why condominiums? Why Lake Bluff? (ii) property value case studies and (iii) planning and existing conditions. He reviewed a slide with information regarding Lake Bluff’s demographic population and commented on why he thinks condominiums are needed in Lake Bluff. He reviewed the planning analysis based on the Village’s planning documents (1994 comprehensive Plan Survey, 1997 Comprehensive Plan, Teska Associates Central Business District (CBD) Vision Study, and 2023 Lake Bluff Strategic Plan). Mr. Andersen said it was mentioned that if residents desire to stay in Lake Bluff, close to downtown, they could move into a single family ranch home. However, when people are down-sizing it is not just their intent to live on one level but to also live in a maintenance free dwelling. He showed pictures of the current alternative single family housing options available in East Lake Bluff and noted none of the listing are in the price range of what is being proposed for the condominiums.

Mr. Andersen responded to a previous question “How will the development benefit anyone other than the 20 condo unit owners?” He said the proposed development will complete and define the CBD, clean up a vacant eyesore in the CBD, add value to surrounding properties, provide housing type desired by Lake Bluff residents and add much needed tax revenue. He shared information regarding perspective buyers concerns in regards to sales tax, noting Lake Bluff sales tax is more than surrounding communities. Mr. Andersen reviewed the fiscal analysis absorption schedule (5 occupancies in 2021, 7 in 2022 and 8 in 2023) and noted it is unlikely the 20 units will be closed out in the first year of completion.

Mr. Andersen responded to a previous question “What benefit is this proposed development to Lake Bluff residents?” He reviewed the fiscal analysis summary and noted the increased tax revenue and assessed valuation would amount to \$153,000 annual increase in tax revenue of which \$58,000 will go to Lake Bluff School District #65, \$40,000 to Lake Bluff School District #115, \$20,000 to Lake Bluff Park District and \$33,000 to the Village and Lake Bluff Library. He predicted that over a 20 year period there will be an increase of approximately \$2 million in tax revenue to the various taxing bodies.

Mr. Andersen reviewed slides illustrating the property value case studies for single family home sales adjacent to condominiums (McKinley Partners condominiums, McKinley and Westminster Roads, Illinois/Oakwood condominiums, Kelmscott Park development, North Avenue neighborhood, Lake Bluff and proposed condominium for 120 Scranton Avenue, Lake Bluff). He concluded his presentation showing photographs of the existing site conditions for the subject project and expressed his opinion that the vacant site negatively impacts surrounding property values.

Presentation from Peter Witmer of Witmer and Associates

Mr. Witmer introduced himself and commented on the actions taken since the November workshop. He said he thinks that another aspect of this project is that future buyers will be strong users of the CBD businesses. Mr. Witmer reviewed the existing and revised site plans and noted if the buildings were closer together it would increase the setback to 19 ft. off the east property line, 21 ft. to the two story portion on the rear property line, and step-back the penthouse to 12 ft. Also, the plan is to move the sidewalk away from the property line to allow vegetation along the fence line, bury the existing power lines, and plant vegetation appropriate for a residential neighborhood. Mr. Witmer showed a rendering of what he described as a two story massing with a setback third level penthouse. He reviewed the proposed schematic site plan and daylight plane for the east end of the building. He reviewed the stormwater mitigation noting there are opportunities to use pervious pavers in the patio areas, larger storm sewer pipes, and roof garden areas on the third floor which could possible help reduce stormwater to the overall site. Lastly, Mr. Witmer showed photographs of the downtown placing emphasize on Block One, two-story development, with a setback penthouse.

Public Comment

Chair Peters opened the floor for public comment.

Robert Gamrath a 37 year resident, said downtown and the bluff areas are Lake Bluff treasures which must be protected. He said the businesses in East Lake Bluff are challenged because there are not enough residential units and a condominium will bring more resident within walking distance of downtown. The West side of Lake Bluff has three significant business anchors (Heinens, Knauz and Target) but there are none for this side of town. He commented on how the City of Lake Forest is attempting to maintain viability in its Market Square and said he would like to see Lake Bluff protect its CBD businesses.

Robin McAfee (resident) said she previously asked “why not a two story development” and the answer was “that it was not financially feasible” and she wonder why it is the residents’ responsibility to make it financially feasible. She said a three story development on that site would alter Lake Bluff’s character. She acknowledged the three story development on Block One but noted it has a park on one side so as not to create a tunnel effect. Ms. McAfee said she bought into a small community and said she does not think it is fair to compare Lake Bluff to the City of Lake Forest.

Mark Rosenberg said if approved the development would substantially impact surrounding properties and send a message to future developers that high density developments are acceptable in Lake Bluff. He reviewed his analysis of the current and previous proposal and asked if a structure of this magnitude is built, how will Lake Bluff continue to set itself apart as a unique outpost in this increasingly developed region. He commented on the provisions in the current PMD and said there have been no reason to revisit the regulation. Mr. Rosenberg said if density is being considered that building bigger is not a panacea and 20 condo units will not significant increase tax revenue. He shared his concerns regarding the financial impact statement and provided alternative ways to strengthen the Village tax base

revenue. Mr. Rosenberg said it is not the purview of the Village to revise or ignore existing ordinances to provide developers with a return on an investment. He said the people of Lake Bluff do not oppose development, but it needs to be done in a responsible manner to lessen any impact on the community and its residents. The Village should not, and can not, go back on its word that there will be no three-on-three development in downtown.

Lee Nysted (resident) said the PCZBA and Village Board unanimously voted to limit the height, density and created a PMD for this site. He said Block Three cannot be compared to Block One which has never been fully occupied nor is it surrounded by single family homes. He commented on why he thinks Mr. Andersen's actions/involvement conflicts with the project. Mr. Nysted urged the PCZBA to take any retailer or individuals vested in the property opinion with a grain of salt. He showed pictures of his home with a 40 ft. structure located behind his house and commented on how it will impact his property. He showed an overhead of the proposed development and commented on how the structure would impact daylight plane for the surrounding properties. Mr. Nysted commented on the general provisions outlined in Chapter 15 of the Zoning Regulations regarding PMD and said the proposed development cannot exist pursuant to the current regulations and he believes the developers will request to change the law.

Jean Niemi, resident, said she lives directly behind the proposed development and asked what has changed since the initial process. She reiterated that the 3 on 3 petitioners are not opposed to development on this lot but were opposed to the previous three-story, high density development. The Village Board also agreed that a three-story development is not appropriate for the site. She said it gives her pause that the only survey presented was from 1997. She expressed her concern regarding the proposed price range (\$700,000 to \$1 million) and that Mr. Andersen, a realtor, stated the project will not be completed until 2023 because the housing market is just not that strong. It was also stated "that the property is currently vacant and not being maintained" and she is not confident that the condo units will sell or the property maintained. She again asked the question "What has changed since the last proceedings, No 3 on 3?"

Rick Lesser (resident) said he is not a neighbor of the property but he can relate because the Village recently went through disputes regarding a similar development (Stonebridge). In regards to Block Three the Village resolution was there will be no three story development on this site. He shared information regarding the Stonebridge projected real estate tax revenue, which never materialized because the property was never developed, and said he hopes the PCZBA will keep in mind that project revenue is just that a projection.

Tom McAfee (resident) commented on the proposed County demographics and said everyone should be thoughtful about changing the character of Lake Bluff based on demographics. He expressed his opinion there will be a rapid decline, after the baby boomer shift, and the Village will be left with a structure that has an extended lifespan. Also, he thinks whatever is built on Block Three will eventually transition into Block Two and this will allow developments to move significantly deeper into the community. Mr. McAfee said he thinks the perspective condo owners will occupy the units on a part-time basis and the character of Lake Bluff should not change. He said he believes the basic element here is a real estate play and the economic reality associated with the property should not be a burden on the community.

David Mark (resident) said he live directly adjacent to Block Three and have followed discussions regarding potential development of this property. He has consistently expressed his support for the concept of development pursuant to the CBD planning principles but have concerns regarding adverse

impacts. He said not much has changed since the previous debates and this could be a missed opportunity for Lake Bluff. He is rethinking his criteria as he reevaluates the current proposal and he is willing to compromise, if we take a positive step forward for the Village and eliminate the uncertainty regarding home values. Mr. Mark commented on his actions taken since the November workshop which included dialogue with the owners/developers and said he believes the owners who are also residents have a stake in doing what is best for Lake Bluff and not just optimizing their economic interest. He commented on the benefits associated with the proposal such as provide a different housing type, 20 new household in walking distance of downtown, greater vibrancy to the local businesses, and provide a net fiscal benefit to the Village. He expressed his concern regarding the excavation required for the underground parking garage because it could potentially alter drainage for surrounding property and traffic flow regarding the garage entrance on Oak Avenue. He said this type of housing is needed in Lake Bluff but the number of proposed units are a lot for the housing market to absorb, and until the building is completed it would be hard to fully understand the impact on the area. The proposed development would probably not be his first choice for Block Three, but he is willing to compromise and he sees this option as preferable to the status quo. The fact that the owners and developers are his neighbors gives him reason to believe they have sincerely considered the needs of the community and he is inclined to support the proposed development.

Chris Volkert (resident) said he thinks there are concerns regarding size and it would be worthwhile to have a physical model to show how the scale of the proposed development look like in comparison to the rest of the community.

Kevin Considine (resident) said he lives behind the subject property and expressed his concerns regarding its current condition, uncertainty associated with the property and said the commercial ideas (pizza restaurant) for the site will be a major step backwards. Mr. Considine said he is not concerned about density as the variety of housing stock and additional people will be beneficial to the Village. However, he thinks this particular proposal is too big, but the developers/owners have made some thoughtful adjustments to the plan such as recessing the top floor in order to reduce the perception of the size. There have been many concerns about how this many impact Block Two and he believes the concerns are legitimate and should be strong considered by the PCZBA.

Deborah Fischer a resident and local realtor disclosed that she is not associated with the project and said she supports the proposal. She responded to the question “What has changed” stating nothing has changed and commented on why she do not think a developer would not be able to build a two story project on the site. This is an economy of scale because we live in an area with expensive land, construction costs are high and even for the future spreading HOA fees over a three-story unit makes more sense. Ms. Fischer said she thinks it is time to reassess the previous decision because the lack of moving forward is an issue. It is her opinion that the project will be a great bookend for the CBD and will pay homage to Block One which had consternation when going through the development process but is now considered a cherished part of town. Ms. Fischer said she is fine with the proposed three story, height and how the developer has adjusted the plan to address the concerns expressed. It is there opinion that the ruling on the books, that forced the two-story maximum, was arbitrary and somewhat unrealistic. It is a fact that the housing market suffered from 2006 to the present and have declined approximately 30%, however, living near this type of project is not going to diminish surrounding property values. Ms. Fischer commented on what she thinks contributed to slow market sales and said the development could possibly attract millennials not just empty-nesters. There was a past large development, The Children’s Home, in the middle of downtown, surrounded by single family homes and it was a vibrant part of our town. She is hopeful that the Village will support the proposed project.

Kate Briand (resident) said she is not a neighbor of the property but she is a longtime Village resident. It was stated that the Board's previous decision to limit the height of the buildings on Block 3 to 30 ft. was arbitrary but the decision was the result of months of meetings and a petition with many signatures. The petition was an expression of residents "first amendment rights" and anytime a government body seek to override the voice of the people it can only do so with a compelling reason and a vacant property does not meet the requirements. She said it is incumbent upon the owners to maintain their property and it is not up to residents to rescue them from a bad real estate investment. The Village action has been litigated and residents have been heard and she asked if the Village was ready to represent their voices does if it does not matter. It is incumbent upon property owners to find someone who will develop in accordance with the existing regulations and we venture down that path, we will never be able to recover.

Jason Trombley resident and property owner of Lots 4 and 5 located on the northwest corner of Evanston Avenue and Scranton Avenue. He said his family is excited to be living in East Lake Bluff and the property was initially purchased to build a new single family home but circumstances prevented the new construction. He said he loves Lake Bluff and noted that he could as of right, build a house that is 36 ft. tall with setbacks closer to the alley than what is being proposed in the current plan.

Commissioners Comment

Following a request from Member Miller, AVA Cole read Member Russell's letter for the record which stated "let it be known I strongly oppose a three-story project. It is very unfair to the immediate neighbors, zoning regulations and past planning, this is for a purpose and major guidelines are being ignored."

Chair Peters said there have been excellent community involvement, the property owners/developers have had dialogue with some of the neighbors but the height and setbacks from the north side of the building are still critical issues.

Following a request from Chair Peters, Mr. Witmer said they have attempted to minimize the impact of the third story but the underground parking and other amenities makes the project infeasible. He said they are not willing to move forward with the project if limited to two-stories in height because the economic outcome is not feasible. He said if they were allowed to move forward, they would be willing to work with the neighbors and provide a massing model.

In response comments from Chair Peters, Mr. Witmer said the plan would be to engage a landscape architect but most likely they would use a variety of vegetation. The expense to bury the existing power lines will be included in the overall cost because this action is mandatory for the project.

In response to a question from Chair Peters, AVA Cole said the rear setback would be 25 ft. and you could build a structure on the eastern 2/5 of the single family resident up to 36 ft. A discussion followed.

Member Burns said it makes no sense to provide feedback according to the current proposal because it is three stories as opposed to two stories. The owner/developer have no desire to build a two story structure and the only comments he would expressed would be based on the Board's decision to change the 30 ft. guidance. Member Burns said he would prefer to prioritize the transition between the development and the adjacent residential districts. He was happy to see that the owners/developers had considered how to create more setback on the eastern, northern and top level of the building. The most important element

to him is creating a transitional setback and pushback transition between the development and adjacent residential districts.

In response to a comment from Member Rider, VAT Schuster explained the procedural process if the owner/developer desires to move forward. A discussion regarding procedures followed.

Member Murray said he think the petitioner is citing an unmet need for diverse housing, multi dwelling units, empty nest residences this is the case in the community and something that has been identified by the Village as a priority. He said he would not submit a 1994 survey, it is 25 years old, and he thinks it is germane and weakens their case. The petitioner talked about cleaning up an eyesore which is something he think everyone agrees on, he does not think anybody likes the current condition of the subject property. Also, s not dispute the need for first level entry property as it is an important criteria for residents of the Village. Member Murray said he does not dispute the need for more tax revenue, he take issue with the methodology their using for the project, he think it is very speculative but it certainly would create more tax revenue than the present. He really like the development and think with focus on landscaping would all look lovely and it is great they have agreed to bury the power lines. However, he is concerned that they have not provided more green space in the area between the two buildings as this would increase permeable surface and create a more consistent feel with the Village. Member Murray said he thinks the units would sell like “hotcakes” but he have not received any feedback regarding his previous question “what would be the impact of putting 20 more units on the market in terms of housing prices for comfortable homes.” He asked if an additional 20 new homes (prince range \$750,000 to \$950,000) were marketed, what would be the impact on houses of comparable value in the Village, and he would like to know how the development will impact the Village in the long term.

Member Murray asked why this has to be a three story development because it seems to him that the development is being driven entirely by financial factors, significant fix costs such as elevators, underground parking, underlying property cost, etc. He does not think it is the PCZBA job to allow a variation to develop your economics and to make matters worse the specific request was for the PCZBA to recommend that the Village adopt a variation or a text amendment and overturn a recent addition to the Village Code. The approved legislation resulted from a groundswell of opposition to a similar development, and the text explicitly states “this is out of bounds.” Member Murray said the proposed development does not meet the standards for variations specifically the unique physical condition, not merely special privilege and public health and safety. Also, the Village specifically enshrined that there is no impairment an adequate supply of light narrative to adjacent properties. Member Murray said he would love to see a two story plan that addresses all these objectives. Member Murray said this is a political issue not a technical issue, if the Village desire to move forward, the adopted legislation must needs to be reversed. He stated an “eyesore” is not an excuse for a variation and it erodes the credibility of the owners. The Village Administrator should look into whether the owners are living up to their obligations to maintain the property in good order. Member Murray said if the Village Board wants to allow a three story development they should repeal the adopted legislation and they could proceed pursuant to a PMD with requesting a variation.

Mr. Andersen asked if there is a mechanism that will allow them to approach the Village Board regarding a change to the PMD without coming to the PCZBA. A discussion regarding procedures followed.

Member Rider asked if removal of the two story, 30 ft. restrictions, would give anyone as of right the opportunity to build a development similar to the proposal or would the Applicant have to meet all the

other criteria set forth. Member Danly said we are talking about compromise and noted that several voices have changed since the previous discussion. VA Schuster stated the amendment process is outlined in the Zoning Regulations, Title 10, and Chapter 2 Section 10-2-9 (D) “Amendments.” A discussion followed.

Mr. Andersen said he was told the Village Board wants input from the PCZBA. It does not make sense to build a two story building and the developer has no desire to move forward if the PCZBA has decided not to endorse a three story development. He clarified involvement regarding any previous proposals and explained why he wanted to be a part of this proposal. If the proposal does not move forward, he thinks the proposed pizza restaurant suitor may apply, and this is the wrong path for the Village from a planning perspective.

Member Burns said the PCZBA needs clarification from the Village Board otherwise how would the Applicant know how to proceed because he does not see any clarity to the owner/developer based on the PCZBA thoughts. An extensive discussion followed.

Following a comment from Member Rider, Member Murray commented on why he does not think it is appropriate for the PCZBA to consider approving the proposal and noted the action would suggest that the Village Board was wrong in adopting the three story ban because it prohibits economically rational development of this lot. An extensive discussion followed.

In response to a question from Chair Peters, AVA Cole said the PCZBA made its recommendation, with no height restriction, to the Village Board to create the PMD tool and the Board amended the draft ordinance to include the height restriction.

Mr. Andersen said the Village Board referred him back to the PCZBA because they wanted the project judged on its own merits and not on a previous decision.

VA Irvin said the PCZBA was asked to review this project based on the adopted planning principles and comprehensive land use plan and submit its unbiased unvarnished opinion to the Village Board.

Member Burns asked how would the feedback help the Applicant or provide any clarity. Mr. Andersen said he feels that if rational thought and reason is put into its recommendation to the Village Board, they will consider the recommendation. An extensive discussion followed.

VAT Schuster said pursuant to the Open Meetings Act this is titled as a “workshop” on the agenda therefore no formal vote is required. The appropriate procedural action would be for the PCZBA to do a straw poll and request that Staff or the Chair expresses their opinion to the Village Board. An extensive discussion followed.

Chair Peters thanked the public and Mr. Andersen and Mr. Witmer for excellent presentation, engagement, professionalism and civility. He conducted a non-binding straw poll regarding the merits and viability of the proposed three story development the results was as followed:

- Member Burns – said he is in favor of the concept and it would be worthy to continue the process;
- Member Danly – said she is in favor of the proposal as well as working with the developer regarding future compromises;
- Member Miller – Agreed to continue the process;

- Member Murray – said the proposal should be discussed more in detail. He shared his concerns regarding green space, impact on daylight plan and green fence;
- Member Rider – commented on stormwater requirements submitted in the correspondence dated December 13, 2019 from Mackie Consultants, LLC and said she is willing to support that the proposal be further considered if the owners/developers would consider green space on the roof, a garden area on the second story and are willing to continue to compromise;
- Chair Peters – Echoed the positions taken by the commissioners and said the critical issues from his perspective are height, not necessarily the three stories and impact on daylight plan on the north side of the building. The proposed concessions are significant steps in the right direction as the owners/developers are trying to offset potential negative impact to the neighboring backyards;
- Member Russell - Chair Peters incorporated by reference Member Russell’s comments submitted via email.

In response to a comment from Mr. Andersen, Member Rider said she think the project could help more broadly with stormwater issues on the East side of Lake Bluff and we should inspire to that.

Chair Peters conducted a non-binding straw poll regarding a recommend to the Village Board to apply for a text amendment if the PCZBA desire to proceed, the results was as followed:

- Member Burns – Agreed and said he thinks this is a policy issue because if the owners/developers do not proceed this will be an ongoing issue for future developers;
- Members Danly, Miller and Murray – Agreed to the recommendation;
- Member Rider – Agreed and asked if the Village Board applied for a text amendment could a third party applicant undercut the current developer; and
- Chair Peters – Concurred with the recommendation.

In response to a comment from Member Murray, VAT Schuster said provision 10-15-3(C), Maximum PMD Height, states “no building or structure in any PMD shall exceed 30 ft. in height nor shall any building or structure in any PMD exceed two stories.” If this section was removed then anyone could apply for a PMD that exceeds 30 ft. in height; not as of right; but the request would have to meet the PMD standards. A discussion followed.

Chair Peters allowed a brief intermission to allow people an opportunity to leave the meeting.

8. Staff Report

AVA Cole said each year, one or more of the PCZBA meeting dates tend to fall on Jewish major holidays, which can pose difficulties for some participants in the meetings. Staff has noted the conflicting 2020 meeting dates (Wednesday, April 15th and Wednesday, December 16th) and provided alternative dates (Wednesday, April 22nd and Monday, December 21st) if the PCZA desires to adjust its meeting scheduled. Following a brief discussion, it was the consensus of the PCZBA not to adjust the meeting schedule.

AVA Cole advised that he will circulate a more recent survey associated with the 1997 Comprehensive Plan.

9. Commissioner’s Report

Following a request from AVA Cole, VA Schuster reviewed pursuant to the Illinois Case Law, “Ex parte communication” in relations to communication directly with an applicant or member of the public

desiring to provide testimony for a public hearing and the PCZBA role in terms of feedback from the community (vocally or via email) when the public desires to correspond with a commissioner outside an official meeting.

In response to a question from Member Miller, VAT Schuster said pursuant to the Illinois Open Meetings Act, whenever a majority a quorum (3 commissioners) engage in contemporaneous communication regarding public business it must be properly noticed and discussed in a public meeting. A discussion followed.

In response to a question from Member Miller, AVA Cole said public comments are maintained in a folder and after the initial packet is distributed, to reduce paper distribution, a link will be provided for future packets. He reported on possible petitions for the upcoming PCZBA meeting and provided an update on the Stonebridge Development noting the developer have submitted an application to demolish the Manor and Carriage House.

Mark Rosenberg returned to the podium and expressed his concerns regarding transparency. He provided documents from the 2016 PCZBA and Architectural Board of Review 2016 special workshop meetings which were held during the pre-submission process. He said a three story development could potentially have a significant impact on the Village and he hopes all proceedings will be done in the light of day with the maximum amount of transparency possible.

10. Adjournment

As there was no further business to come before the PCZBA, Member Burns moved to adjourn the meeting. Member Miller seconded the motion. The meeting adjourned at 10:09 p.m.

Respectfully submitted,

Glen Cole
Assistant to the Village Administrator