

**VILLAGE OF LAKE BLUFF
BOARD OF TRUSTEES
VIRTUAL MEETING
JUNE 22, 2020**

APPROVED MINUTES

1. CALL TO ORDER AND ROLL CALL

Village President O’Hara called the meeting to order at 7:00 p.m. and in the absence of Village Clerk Megan Michael, Deputy Village Clerk Drew Irvin called the roll.

The following were present:

Village President: Kathleen O’Hara

Trustees: Barbara Ankenman
Regis Charlot
Mark Dewart
Joy Markee
William Meyer
Aaron Towle

Absent: Megan Michael, Village Clerk

Also Present: Peter Friedman, Village Attorney
Drew Irvin, Village Administrator
Jeff Hansen, Village Engineer
Bettina O’Connell, Finance Director
Mike Croak, Building Codes Supervisor
Glen Cole, Assistant to the Village Administrator (ATVA)
Samantha Lench, Administrative Intern

President O’Hara read the following announcement: Determination by Village President regarding in person meetings of the Village Council and subsidiary board and commissions of the Village of Lake Bluff. Pursuant to recently adopted amendments to the Illinois Open Meetings Act included in Public Act 101-0640, public bodies may in certain circumstances hold entirely virtual public meeting without a forum physically present at any one location. On March 18, 2020 the Village President issued a declaration of emergency pursuant to the authority granted by the Village Code, Illinois Municipal Code, and the Illinois Emergency Management Agency Act, who addressed the health proposed by the COVID19 pandemic. On May 29, 2020 Governor Pritzker issued a disaster Proclamation that declared in-person attendance at public meetings of more than 10 people, at a regular public meeting location, to be infeasible in accordance with the Illinois Open Meetings Act as a Public Act 01-0640. In accordance with the Governor’s disaster proclamation and the Village President’s declaration of emergency, I, Kathleen O’Hara, hereby determined that given the ongoing emergency associated with the COVID19 pandemic, in-person meetings of the Villages Village Board, and other commissions of the Village are not practical or prudent at this time until further notice.

2. PLEDGE OF ALLEGIANCE

President O’Hara led the Pledge of Allegiance.

3. CONSIDERATION OF THE MINUTES OF THE JUNE 8, 2020 VILLAGE BOARD MEETING

Trustee Ankenman moved to approve the June 8, 2020 Board of Trustees Regular Meeting Minutes as presented. Trustee Markee seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Ankenman, Charlot, Dewart, Markee, Meyer and Towle
Nays: (0)
Absent: (0)

4. ITEM #4 – NON-AGENDA ITEMS AND VISITORS

President O’Hara stated the Village President and Board of Trustees allocate fifteen minutes for those individuals who would like the opportunity to address the Village Board on any matter not listed on the agenda. Each person addressing the Village Board of Trustees is asked to limit their comments to a maximum of five (5) minutes.

Following a request from President O’Hara, ATVA Glen Cole said there are no queued requests.

5. ITEM #5 – VILLAGE BOARD SETS THE ORDER OF THE MEETING

There were no requests to change the order of the meeting.

6. ITEM #6A – WARRANT REPORT FOR JUNE 16-30, 2020

President O’Hara reported expenditure of Village funds for payment of invoices in the amount of \$637,038.27 for June 16-30, 2020 for a total amount of \$637,038.27.

As there were no comments, Trustee Dewart moved to approve the Warrant Report. Trustee Meyer seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Charlot, Dewart, Markee, Meyer, Towle and Ankenman
Nays: (0)
Absent: (0)

7. ITEM #6B – MAY FINANCE REPORT

At President O’Hara’s request, Finance Director Bettina O’Connell provided a summary of the May 2020 Finance Report highlighting major revenue sources and expenditures for the period.

- Due to the State of Illinois deadline extensions, April Sales Tax revenues may not be received until August. The monthly revenue on a cash basis for FY20 through April was \$3,045,924, \$181,391 or 5.6%, less than the same reporting period in FY2019;
- Building Permit revenue for May FY21 is \$24,545;

- The May FY21 expenditures of \$473,373 are \$30,754 less than the expenditures for the same period in FY20; and
- Current expenditures are consistent with or less than the budget.

As there were no questions from the Board, Trustee Towle moved to accept the Finance Report. Trustee Markee seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Dewart, Markee, Meyer, Towle, Ankenman and Charlot
Nays: (0)
Absent: (0)

8. ITEM #7 – VILLAGE ADMINISTRATOR’S REPORT

Village Administrator Irvin said the Village’s Risk Management Group, Intergovernmental Risk Management Agency, which consists of a pool of approximately 72 municipalities in the Chicagoland area, annually recognizes agencies that have good risk management programs and/or zero accidents for the year. He said he is pleased to report that the Village Police and Public Works Departments were recognized for zero reported accidents for 2019 and he congratulated everyone for safely doing their jobs. In addition, Village Administrator Irvin said the Village has been doing well under Phase 3 of the Governor’s Restore Illinois Plan and has received guidance from the Department of Commerce and Economic Opportunity regarding Phase 4 which will begin Friday, June 26 and allow for the reopening of several industries, including indoor dining at restaurants. Village Administrator Irvin said even as restaurants return to indoor dining the outdoor dining areas will be allowed throughout the summer and that Lake Forest/Lake Bluff Chamber of Commerce have been provided with the next phase information which is being shared on their website.

Village Administrator Irvin continued his report stating Central Lake County Joint Action Water Agency (CLCJAWA) is requesting a waiver of permit fees for a project that includes the replacement of the centrifuges in the rear building at 200 Rockland Road and the installation of sound attenuating hoods over the exterior vent louvres on that building. The total cost of the work is \$2,300,000, without a waiver the permit fees would be \$69,000, and if desired Staff could be directed to recover any out of pocket cost incurred by the Village.

Member Dewart said he supports the Village seeking reimbursement for any out of pocket cost.

Member Towle said there needs to be future discussion regarding fee waivers because the Village is not the only beneficiaries of the cost savings to CLCJAWA, but he does not want to change the policy and history with CLCJAWA at this time.

President O’Hara said she serves as a Village representative on the CLCJAWA Board and she thinks at this time the Village should honor the request. The Finance Committee has discussed a proposed policy in which only requests over \$1,000 would be consider and she agrees it would be worthy to review the overall fee schedule considering the Village’s revised budgets and income.

Following a brief discussion, Trustee Dewart move to waive the permit fee in the amount of \$69,000, with the condition the Village seek reimbursement for out of pocket expenditures. Trustee Ankenman seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Markee, Meyer, Towle, Ankenman, Charlot and Dewart
Nays: (0)
Absent: (0)

Following a request from Village Administrator Irvin, Administrative Intern (AI) Samantha Lench, a graduate of the University of Illinois at Urbana-Champaign, introduced herself to the Board. She said her initial plans were to bike across the country to raise awareness for cancer research with Illini 4,000, a non-profit organization, but she is pleased to have been selected for this position. AI Lench also noted that she is currently assisting a professor at U of I with GIS Maps and research on educational healthcare policies in Central Asia.

President O'Hara welcomed AI Lench to Lake Bluff and said she will be working with a highly professional staff.

9. ITEM #8 – VILLAGE ATTORNEY'S REPORT

Village Attorney Peter Friedman had no report.

10. ITEM #9A – VILLAGE PRESIDENT'S REPORT: MOTION TO EXTEND THE VILLAGE PRESIDENT'S DECLARATION OF CIVIL EMERGENCY

President O'Hara reported on March 18, 2020 President O'Hara issued a Declaration of Emergency for the Village of Lake Bluff (Declaration) related to the COVID-19 emergency and requested that the Declaration be extended until the next regular Village Board meeting.

Trustee Ankenman made a motion to extend the Declaration until the adjournment of the next regular or emergency Village Board meeting. Trustee Charlot seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Meyer, Towle, Ankenman, Charlot, Dewart and Markee
Nays: (0)
Absent: (0)

President O'Hara said she recently received questions in regards to misleading information posted on Facebook by a group called the "Lake Bluff Militia", announcing that a community-wide summer celebration will be held on the Village Green on Saturday, June 27. She said this is not a Village approved or sanctioned event and in order to be held it needs to have a Village permit. However, due to the COVID19 pandemic and the desire to protect the health and safety of residents as much as possible, the Village will not be issuing permits for community-wide events at this time.

President O'Hara said Lake Bluff has a new gem in town, the refurbished Washington Garden located at the corner of Sheridan Road and Washington Street. The Woman's Club have maintained the garden for years and was recently awarded a \$65,000 community grant, from Kinnucan, for additional improvements and landscaping. President O'Hara thanked Crabtree Farms for donating the sculptured benches and Mike Jarvey for the work he done on the project.

11. ITEM #10 – ACCEPTANCE OF THE CORRESPONDENCE

President O’Hara introduced the correspondence from the Informational Reports on May 22 and 29, 2020.

Trustee Ankenman made a motion to accept the correspondence as submitted. Trustee Meyer seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Towle, Ankenman, Charlot, Dewart, Markee and Meyer
Nays: (0)
Absent: (0)

12. ITEM #11 – A RESOLUTION APPROVING A SITE PLAN FOR THE INSTALLATION OF SOUND ATTENUATING HOODS AT THE CLCJAWA WATER TREATMENT FACILITY AT 200 ROCKLAND ROAD

President O’Hara reported CLCJAWA is proposing to replace the centrifuges inside the Residual Solids Building (the rear building) at 200 Rockland Road. They hired Wave Engineering, an acoustical engineering firm, to evaluate whether the noise levels of the new centrifuges would comply with the maximum sound levels allowed by Illinois law. The firm found that it will be necessary to install sound attenuating hoods over the exterior vent louvres. The new hoods will be similar to ones installed three years ago on the main building. The hoods are the only exterior change. President O’Hara further reported the Architectural Board of Review (ABR) considered the Site Plan at their June 2, 2020 meeting and voted 6-0 to recommend approval. Grant Wollert, JAWA Operations Director, and Village Staff will be in attendance at the meeting to answer questions from the Board.

In response to comments from the Board, Grant Wollert, CLCJAWA Operations Director, said other options were considered but the plan is to install hoods similar to the existing ones for building aesthetic and maintenance purposes.

As there were no further questions from the Board, Trustee Meyer moved to adopt the resolution. Trustee Dewart seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Ankenman, Charlot, Dewart, Markee, Meyer and Towle
Nays: (0)
Absent: (0)

13. ITEM #12 – A RESOLUTION APPROVING A LICENSE AGREEMENT TO USE A PORTION OF VILLAGE PROPERTY (626 East Scranton Avenue)

President O’Hara reported Brad and Molly Harper built a new house at the corner of Mountain Road and Scranton Avenue and moved in one year ago. The configuration of the property lines at the corner where the two streets meet is such that there is an unusually large area of Village right-of-way, as shown on their plat of survey. The Harpers would like to re-landscape the area, replace dead and dying trees, and install two fences in the right-of-way to provide increased privacy for their home. The proposed landscaping and fence locations are shown best on the first page of the attached plans. They are proposing a 6’ tall fence, shown as the blue line on the plan that would run from their driveway south, parallel to the sidewalk, to a point even with the front face of their house. The northern end of this fence would be on private property, but the southern portion would be on public property since the property line angles away from the sidewalk. President

O'Hara further reported a condition of the draft license agreement requires this fence to be a minimum of 2' from the edge of the sidewalk to allow room for such things as sidewalk snowplowing and handlebars of kids' bikes. The Harpers are also proposing a 4' tall fence that would extend into the right-of-way along Scranton Avenue. The Village has previously approved other license agreements to authorize the installation of private improvements, such as fencing and landscaping, in Village-owned areas adjacent to private property.

Trustee Towle said he lives across the street from the property and he does not have a problem with the fence aesthetics and he thinks the owners deserve more privacy because the property is exposed to quite a bit of foot traffic. Trustee Towle expressed his concern regarding the visual impact of southbound traffic on Mountain Road as drivers may not be able to see westbound Scranton Avenue traffic without a stop or yield sign at that location. He commented that if traffic sight lines are visually impacted the Village has full authority to require the property owners to remove the fence.

Following a request from Village Administrator Irvin, Village Engineer Jeff Hansen said Staff reviewed the request and determined that it complies with the provision in the Village Code regarding visual clearance at intersections.

Trustee Dewart said the resolution is fairly definitive with respect to the 6' fence and expressed his concern regarding the length of the 4' fence which is not defined well in the resolution. He expressed his agreement with Trustee Towle that the fence will look attractive and provide the property owners with a modicum of privacy but questioned if the description regarding the 4' fence is sufficient enough to consider at this time.

Following a comment from Village Administrator Irvin, Brad and Molly Harper said thanks for all the dialog. Mr. Harper said as far as the 4' fence we put that in there as a future proposal because currently there are no immediate plans for the front area. He thought it would be in compliance and conform with the Village Code to have the Board consider it now, in the event we did desire to do something down the road, it would not have to come back to the Board for consideration because it was on their property. Mr. Harper restated there are no immediate plans for the area it was more for future consideration and he would understand if the Village do not approve or tentatively approve the request.

Village Administrator Irvin said Staff discussed a future development plan with the owners with the understanding that the proposed improvements may not be done all at once, but they may pursue them at a later date.

In response to a question from Trustee Markee, Mr. Harper said the drawings provided is specifically for the Village owned property located outside of their private property.

As there were no further questions from the Board, Trustee Markee moved to adopt the resolution. Trustee Charlot seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Charlot, Dewart, Markee, Meyer, Towle and Ankenman
Nays: (0)
Absent: (0)

14. ITEM #13 – A RESOLUTION APPROVING A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH CHRISTOPHER B. BURKE ENGINEERING LTD (East Terrace Subdivision Overland Stormwater Flow Study and Stormwater Utility Studies)

President O’Hara reported the Village requested a proposal from Christopher B. Burke Engineering Ltd. (CBBEL) to perform a study on the feasibility of creating an overland flow path in the East Terrace neighborhood to safely route water through the side yards of homes between Pine Court and Mawman Avenue. As presently envisioned, the project would construct a drainage swale to take water in excess of the existing storm sewer capacity and route it through the yards to the east to minimize property damage and street closures due to flooding. This project is considered an alternative to significantly increasing the size of the storm sewers in the northern portion of the East Terrace neighborhood which is estimated to cost \$5 million. President O’Hara further reported the Village also requested a proposal from CBBEL to study the potential of establishing a stormwater utility to create a dedicated funding source for stormwater projects. CBBEL submitted a proposal to complete the two tasks for a total fee not to exceed \$33,100.

In addition, President O’Hara reported the Village’s FY2021 budget includes \$10,000 for the work on the stormwater utility study. The budget does not include the overland flow path project. That project is proposed to be funded by a transfer from the water fund to the general fund as recommended by the Finance Committee during its meeting on June 2nd.

Following a request from President O’Hara, ATVA Cole introduced the queued caller.

John Copp said he lives in the East Terrace Subdivision and he is glad to hear that a study is being done in regards to the overland flow option. He said his house is located above where he believes the flow is occurring because his backyard floods significantly to the point where it creates a lake in his backyard, sometimes knee-deep when the storm sewer gets inundated. Mr. Copp asked if there will be an opportunity to consider some kind of remediation that would take place from his backyard which he believes is located right up the downhill slope where the study is be considered.

Village Engineer Hansen said he is familiar with the aforementioned property and the proposed agreement is for an initial study. However, when a final engineering study is considered Staff will certainly look to connect adjacent side yards and attempt to make it work for as many people in the neighborhood as possible. Mr. Copp expressed his appreciation and said he thinks the flooding in his backyard could lead to potential problems and he would appreciate any opportunity to further study this matter.

As there were no further questions from the Board, Trustee Dewart moved to adopt the resolution. Trustee Towle seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Dewart, Markee, Meyer, Towle, Ankenman and Charlot
Nays: (0)
Absent: (0)

15. ITEM #14 – SECOND READING OF AN ORDINANCE REGARDING THE RETURN OR FORFEITURE OF GUARANTEE DEPOSITS FOR BUILDING AND RIGHT-OF-WAY PERMITS

President O’Hara reported the Village collects cash deposits in connection with major construction projects (such as new houses) as well as construction in the Village right-of-way (such as driveways). These deposits ensure that permittees pursue their work to completion or else restore construction sites (including Village property) to their original condition. By ordinance, the deposit is returned upon the completion of the permitted work or forfeited to the Village if the work is not properly completed. She

further reported as of the Village's last audited financial statements (April 30, 2019), the Village holds a total of 211 such deposits totaling \$429,217.51 that are not associated with an active permit. The oldest deposit held dates to 1993. These deposits no longer need to be maintained by the Village. The Finance Committee considered this item on May 27 and recommended approval. The Ordinance would establish a process for Staff to dispose of these deposits as discussed by the Committee, including:

- Following a review of outstanding deposits, any that were associated with a permit that was clearly not completed would be forfeited to the Village.
- In all other cases, the permit applicant would be mailed a notice at their last known address and asked to demonstrate that work was completed. A refund would be provided if they do so. Subsequent notices would be mailed at 30-day intervals. If an applicant still had not replied 30 days after a third notice (90 days total), the deposit will be forfeited to the Village.
- Provisions have been made for publishing notice in the newspaper for deposits where no address is known, as well as for the ability for the Village to inspect work before a refund in certain cases. In addition, Staff recommends a change to one code provision to clarify that the applicant bears the burden of requesting a timely final inspection in order to receive their deposit back.

As there were no questions, Trustee Markee moved to approve the ordinance. Trustee Ankenman seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Markee, Meyer, Towle, Ankenman, Charlot and Dewart
Nays: (0)
Absent: (0)

16. ITEM #15 – A RESOLUTION APPROVING A SIGN EXEMPTION REQUEST FOR THE PROPERTY LOCATED AT 77 EAST SCRANTON AVENUE (Rev Cycles, LLC – Lake Bluff Hub and Cycle)

President O'Hara reported this is the third of three Board items related to a pending zoning relief application filed by Inovasi Restaurants, LLC. As part of their relocation to 77 E. Scranton Ave., REV Cycles, LLC has submitted a sign permit and exemption request seeking to install similar signs as were pre-existing for the Hub and Cycle shop and as were approved by the Village Board for BONK in December 2019. An exemption from the Sign Code is required because the total area of these two signs exceeds the allowable 15% of the window. At their June 2 meeting, the ABR voted unanimously to recommend in favor of approving the exemption and the sign. President O'Hara further reported in preparation for the Village Board's consideration of the request, the neighboring property owners have been notified of the meeting date and a resolution has been prepared transmitting the ABR's recommendation.

Following a brief discussion regarding the proposed lettering, Trustee Ankenman moved to adopt the resolution. Trustee Towle seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Towle, Ankenman, Charlot, Dewart, Markee and Meyer
Nays: (0)
Absent: (0)

17. ITEM #16 – AN ORDINANCE GRANTING A VARIATION FROM THE VILLAGE’S MINIMUM SIDE YARD SETBACK, FLOOR AREA RATIO, AND DAYLIGHT PLANE REGULATIONS (709 Sheridan Road)

President O’Hara reported at its virtual meeting in June, the Joint Plan Commission and Zoning Board of Appeals (PCZBA) held a public hearing to consider granting the following variations concerning 709 Sheridan Road to allow the construction of a 590 square foot residential addition on the second story of the existing mixed-use building on the property:

- (i) A 6,158-foot floor area ratio variation (168%);
- (ii) A 4.9-foot individual side yard setback variation (98%);
- (iii) A 12.4-foot combined side yard setback variation (99%); and,
- (iv) A 12.83-foot daylight plane height variation (107%).

She further reported at the conclusion of the public hearing, the PCZBA voted 6-1 to recommend approval of the variations with the conditions that:

- a. The applicant reduce the height of the ceilings to the minimum permissible under the building code. Staff recommends this condition be set at 7’ and that the applicant proportionately reduce the height of the ceiling.
- b. The applicant not construct windows in the new north (side) or east (rear) facing walls to protect the privacy of the adjacent back yard.

In addition, President O’Hara reported the dissenting member believed that allowing the addition to continue would be contrary to the purposes for which the applicable regulations were adopted, even given the building’s existing non-conforming status.

In response to questions from Trustee Charlot, Village Administrator Irvin said members of the public expressed their concern with the project and how it may impact their property at the public hearing. Also, the PCZBA held an extensive discussion regarding proximity of the single family home to a commercial building in a residential district, setbacks and non-conformity issues, and with the exception of the dissenting member, ultimately decided the impact on daylight plane would be nominal.

Trustee Towle said the existing building and proposed improvements are contrary to the Village’s Comprehensive Plan. He asked why create plans, if the intent is not to work toward the long-term goal of implementing the plan. Trustee Towle said he appreciates property rights but the Village is not following the Comprehensive Plan by allowing this renovation.

Following a request from Village Administrator Irvin, ATVA Cole commented on how Village Staff typically seeks an updated set of plans from a petitioner that incorporates any design-related conditions of approval rather than insert descriptive language of the required deviations or changes from the submitted plans. An updated plan set ensures there is no ambiguity about what is being approved.

Following a comment from Village Administrator Irvin, Grace Janda, Petitioner, said the PCZBA had questions regarding the location of the existing parapet wall and reviewed the drawings provided in the packet. She said it is their preference to have the 8’ minimum roofline slope upward to meet the existing roof line. Ms. Janda said 7’ ceilings are pretty low and typically only seen in basements, so their requesting

to start at 8' and extend to the existing roof line, not install any windows on the east or north wall, and possibly add a few more skylights over the bedroom area.

Village Administrator Irvin clarified that the PCZBA voted 6-1 to recommend approval of the variations with the conditions that: (i) the applicant reduce the height of the ceilings to the minimum permissible under the building code. Staff recommends this condition be set at 7' and that the applicant proportionately reduce the height of the ceiling, and (ii) the applicant not construct windows in the new north (side) or east (rear) facing walls to protect the privacy of the adjacent back yard. The request presented this evening is different than the one submitted to the PCZBA, this request is for an 8' ceiling and sloped roof connected to the existing roof line.

In response to a question from Trustee Towle, ATVA Cole said he is not sure if the PCZBA would have been unwilling to recommend an 8' ceiling but there certainly was a desire to minimize as much intrusion as possible on that property.

Village Administrator Irvin said because of the lack of information provided regarding the addition it was difficult for the PCZBA to visualize the existing parapet wall and change in the height of the wall.

In response to a comment from President O'Hara, Village Administrator Irvin said the PCZBA has not reviewed the plan presented this evening that illustrates the parapet wall. A discussion followed.

In response to a question from Trustee Ankenman, Village Administrator Irvin said he thinks the PCZBA's goal was to request these updated plans that show the change of the proposed wall versus the existing parapet wall to demonstrate if this would be a nominal increase into the existing daylight plane intrusion. A discussion followed.

In response to a question from Trustee Meyer, Ms. Janda showed a drawing depicting the 8' ceiling at the lowest point.

In response to questions from the Board, Ms. Janda said the neighbor that submitted the letter in favor of the project is the landlord for the adjacent northern property but does not live in the home. A discussion followed.

Trustee Ankenman commented on the roof line elevations and said if the intent is to minimize the negative impact on daylight plane then the 7' ceiling is definitely a better solution. Trustee Ankenman said she understands both sides of the issues but she prefers not to override the PCZBA recommendation, unless the commission desires to review the new illustration presented to the Board.

Ms. Janda said the COVID19 pandemic has delayed the project several months and their trying to be prepared for their expanded family, so if the requested 8' ceiling will cause additional delays they would prefer to move forward with the 7' ceiling recommended by the PCZBA.

In response to questions from the Board, Ms. Janda said the house immediately north of their property has been vacant since September and she believes their house was built in the 1920s. A brief discussion followed.

Trustee Towle said he does not think the addition would have that much of an impact on daylight plane or exterior aesthetic and the additional ceiling height will allow for a more functional space.

Trustee Ankenman said she would prefer to understand how this would be perceived by the PCZBA as its recommendation was for a 7' ceiling. President O'Hara said the matter could be remanded to the PCZBA to allow them an opportunity to review the 8' ceiling illustration.

Trustee Meyer said he is kind of agnostic to the issue of the light versus the aesthetics but he is concerned that the person of interest gets a full and fair opportunity to be heard, so for that reason he would favor remanding to the PCZBA.

Trustee Charlot expressed his agreement and commented on the daylight plane and building constraints and said he feels uncomfortable with the plan presented this evening.

Village Administrator Irvin clarified that the petitioner's original application was for an 8' ceiling and the PCZBA recommended the ceiling height be reduced to the minimum permissible pursuant to the building code which proportionately would be 7'.

In response to a question from Trustee Dewart, Ms. Janda said they reviewed the 8' plans at the public hearing but the PCZBA had not seen the revised 7' plans, which the PCZBA requested be presented this evening, which show the PCZBA's requested 7' ceiling height and newly show the location of the existing parapet wall.

In response to a comment from Trustee Dewart, ATVA Cole said the petitioner (1) shared a new drawing showing the extent of the existing parapet wall, and (ii) requested that the Village Board set aside the PCZBA's recommendation to lower the ceiling and roof height.

Trustee Dewart asked if the PCZBA understood that the original presentation was for an 8' ceiling prior to making its conditional 7' recommendation. ATVA Cole said the applicable section of the International Residential Code which states "limits most habitable areas to 7'", was read as part of the public hearing.

Village Administrator Irvin clarified that the PCZBA was seeking to reduce the impact of the intrusion to the daylight plane without making the space less functional.

Trustee Markee expressed her preference to defer both of the submitted drawings to the PCZBA for further review. In response to a question about the timing of a remanded request, ATVA Cole said this application was received at the end of March 2020 and to reconvene the public hearing on the PCZBA regular schedule would result in a meeting on July 15, 2020. The Board would have a chance to next consider the request at its July 27 meeting which has been canceled for lack of business from time to time.

Trustee Meyer said he is torn between the daylight plane and lack of aesthetics associated with the roof line. He said he thinks the PCZBA may need to see the whole picture to make a final decision and also noted it is important for the neighbors to have an opportunity to comment on the revised plan.

Following a summary from President O'Hara, Ms. Janda said she would like to accept the 7' ceiling height and have the Board vote on the matter this evening.

Following an extensive discussion, Trustee Markee moved to approve first reading of the ordinance. Trustee Ankenman seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Dewart, Markee, Meyer, Towle and Ankenman
Nays: (1) Charlot
Absent: (0)

18. ITEM #17 – AN ORDINANCE AMENDING TITLE 3 OF THE VILLAGE OF LAKE BLUFF MUNICIPAL CODE AND THE COMPREHENSIVE FEE SCHEDULE CONCERNING LIQUOR LICENSES

President O’Hara reported this is the second of three Board items related to a pending zoning relief application filed by Inovasi Restaurants, LLC. The attached Ordinance, recommended by the Liquor Commissioner, proposes the following changes to the Village’s liquor regulations:

- Creating a new Class AC liquor license, which provides the same privileges as Class V (Restaurant) and X (Off-Premises Sale by Restaurants) licenses for the same fee as well as the ability for a licensee to operate a retail service area and a second bar service area.
- Creating one Class AC license, and eliminating one Class V and Class X license.
- Permanently allowing Class X (Off-Premises Sale by Restaurants) and Class Y (Brewpub) licensees to deliver beer and wine with or without the sale of a meal, as is currently allowed under the Liquor Commissioner’s emergency orders. Specifically, only beer and wine may be delivered in the original package by the restaurant’s employees. The maximum delivery permitted would be either: two wine bottles; twelve standard cans; two standard growlers; or some proportionate combination thereof.
- Other minor changes. Notably, as part of consolidating the various outdoor service area requirements in the liquor regulations, staff recommends eliminating provisions that prohibit music and animals in outdoor service areas.

In response to a question from Trustee Ankenman, Village Administrator Irvin said he thinks when the Village regulations were initially written the idea was to make physical barriers at outdoor dining and drinking areas as restrictive and conservative as possible.

Trustee Ankenman expressed her concern regarding pets in outdoor service areas. John des Rosier, proprietor of Inovasi and The Otherdoor said when he initially opened the restaurant the County did not allow dogs to mingle on the patio with guests, so we would often have to explain to guests that they were not allowed to bring dogs with them. The regulations have changed and guests actually bring their dogs and have them sit under the table with them. In regards to whether dogs will take food off the plates, this has occurred twice both times from bypassers, not customers, walking their dogs along the street.

Following a brief discussion, Trustee Towle moved to approve first reading of the ordinance. Trustee Charlot seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Dewart, Markee, Meyer, Towle, Ankenman and Charlot
Nays: (0)
Absent: (0)

19. ITEM #18 – AN ORDINANCE AMENDING AND RESTATING SPECIAL USE PERMITS AND PARKING VARIATIONS FOR THE CENTER AVENUE PARTNERS DEVELOPMENT (28-38 East Center Avenue and 53-91 East Scranton Avenue) (Inovasi, The Otherdoor, Cache, BONK, and Prairie Espresso Restaurants)

President O'Hara reported this is the first of three Board items related to a pending zoning relief application filed by Inovasi Restaurants, LLC. As further described in the attached Staff memorandum, the attached Ordinance grants special use permits and parking relief necessary in order that:

- **BONK Relocation.** BONK, a fast casual restaurant concept, can relocate along with Lake Bluff Hub and Cycle to an adjacent tenant space. The same conditions of relief would apply as the Board approved in December 2019; namely:
 - Hours of operation no later than 10 p.m. daily.
 - Employees must park at the train station.
 - BONK must be operated in conjunction with another permitted use in the CBD except a food store.
 - BONK currently does not include a restroom or seating. The Ordinance allows for the addition of up to 22 seats (the same as the original approval) at a later date by Board resolution.
- **Cache.** Cache, a drinking place accessory to Inovasi, can open in the basement of Inovasi. It would be subject to the same conditions as Inovasi including hours of operation and employee parking.
- **Accessory Liquor Retail Area.** Part of the Inovasi dining space can be converted into a retail sales area, including for the retail sale of liquor, subject to the following conditions:
 - The floor area of the retail area can only be increased by special use amendment.
 - Any reduction in the restaurant floor area must proportionately reduce the retail floor area.
 - Patrons of at least one dining space must be able to access the retail area without exiting and re-entering the building.
- **Restatement of Prior Relief.** This property has been subject to numerous approvals and amendments since 2003. The Village Attorney has prepared the attached restatement and amendments. Notably, it would:
 - Explicitly allow restaurants to be configured into one or more dining areas, which may have separate entrances provided that they share the same food preparation area and same operator. These may be moved or reconfigured by Board resolution as long as the floor area of each restaurant does not increase. Converting the retail area back to customer seating would not be considered an increase.
 - Clarify that future use changes do not trigger a need to add additional parking stalls, and that future architectural changes do not require review by the Plan Commission and Zoning Board of Appeals.
 - Restate current Village policy that requires the license plate, make, and model of each vehicle (e.g. employee) using a train station parking pass to be provided to the Village.

Trustee Meyer said to his knowledge Cache will be the first instance in which bars or eating areas are located in the basement. He asked if consideration has been given to whether egress is sufficient for public safety. Mr. des Rosier said egress has definitely been considered, it was actually one of the first things looked at when we started to figure out whether the space could be used. He said there are three exits out of the basement, two fire exists located at opposite ends of the building and an elevator which will be used for normal ingress/egress. In addition this area of the restaurant was originally built as a catering kitchen so it has all the infrastructure of a kitchen (exhaust hoods, fire poles, sprinklers, smoke and heat detectors, etc.). The area was built as a full blown kitchen with the ability to have a 12 foot hot line down there with 1 million BTUs burning on the line. The area is a sturdy space built in the newer section of the building in 2005. Mr. des Rosier said the same architect that designed the building will be responsible for all the planning and ensuring up-to-date fire codes and egress codes are met.

In response to a question from Trustee Dewart, ATVA Cole said an omnibus approval was granted in 2003 for the downtown development which consisted of special use permits, variations, site plan,

elevations, and only precise 2D Site Plans (parking lot, circulation, building footprint), not elevation or signage would be required to go through the PCZBA review process.

Trustee Charlot expressed his concern regarding ventilation and asked when Cache is supposed to open. Mr. des Rosier said the projected opening would be the end of July early August, and if it does open at that time, we would follow all the regular guidelines which his restaurant is already abiding by such as reduced seating. The ceiling inside the space is the same height as the ceiling in most of his dining room area or the ceiling located in The Otherdoor. He said while it is in a basement it has three different entrances to the space, and will have a separate HVAC system that will be built just for that space to ensure sufficient ventilation/circulation and fresh air flow as any other first floor establishment. In regards to spacing everything will be six feet apart and generally his restaurants are opened with about half seating, approximately 12 to 15 people at most will be allowed inside the 700 sq. ft. space, so Staff will have time to get use to running the operation before more seats are added.

In response to a question from Trustee Markee, Mr. des Rosier said currently there are no plans for BONK to sell or serve any liquor. This will be a small accessory which may financially help the bike shop and provide something different to the community. He said sandwiches are part of the menu which will also have a number of soups made from scratch, eight different gelatos ice creams, and sorbets it is kind of an ice cream bar. He said just different things for the community to spend time there and grab something to go or eventually hang out.

President O'Hara said there has been a lot of comments about how the COVID19 pandemic would change the future outlook of restaurants and how they would conduct business. She personally complimented Mr. des Rosier for being creative and incorporating changes that will have a positive impact on his restaurants as the industry evolves.

Mr. des Rosier said the community, town and whole area has been amazing. He said his businesses have fared pretty well and he was able to keep all their employees employed and everybody has been really busy, so this is him looking at five years down the road at trying to be more diverse than we are now.

Following a brief discussion, Trustee Meyer moved to approve first reading of the ordinance. Trustee Dewart seconded the motion. The motion passed on the following roll call vote:

Ayes: (6) Markee, Meyer, Towle, Ankenman, Charlot and Dewart
Nays: (0)
Absent: (0)

20. ITEM #19 – TRUSTEE’S REPORT

There was no Trustee’s Report.

21. ITEM #21 – ADJOURNMENT

Trustee Dewart moved to adjourn the regular meeting. Trustee Charlot seconded the motion and the motion passed on a unanimous roll call vote at 9:00 p.m.

Ayes: (6) Meyer, Towle, Ankenman, Charlot, Dewart and Markee
Nays: (0)
Absent: (0)

Respectfully Submitted,

R. Drew Irvin
Village Administrator

Megan Michael
Village Clerk