

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

JUNE 17, 2020

APPROVED MINUTES

1. Call to Order & Roll Call

Chair Peters called to order the virtual meeting of the Joint Plan Commission and Zoning Board of Appeals (PCZBA) of the Village of Lake Bluff on Wednesday, June 17, 2020, at 7:00 p.m. in a Virtual Meeting.

The following members were present:

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

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

Chair Peters read aloud a statement determining that in-person meetings of the Joint Plan Commission and Zoning Board of Appeals are not practical or prudent at this time and until further notice due to the COVID-19 pandemic and pursuant to Public Act 101-0640.

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.

There were no requests to address the PCZBA.

3. Consideration of the February 19, 2020 PCZBA Regular Meeting Minutes

Member Miller moved to approve the February 19, 2019 PCZBA Special Meetings Minutes as amended. Member Rider seconded the motion. The motion passed on a unanimous voice vote.

4. Public Hearing - 709 Sheridan Road - Residential Bulk Variations

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

AVA Cole said that the subject property is an existing non-conforming structure with a commercial use on the first floor and a single family residence on the second floor. The building is in an R-4 district and is planned as a single family residence. The structure is built corner to corner on the lot with a

proposed addition of a master suite onto the existing apartment/living area. The extension requires variations from Section 10-5-6 (Floor Area Ratio), Section 10-5-5 (Daylight Plane Height Restrictions), and Section 10-5G-2 (individual and combined side yard setbacks in the R-4 district). AVA Cole also noted that the Village Comprehensive Plan anticipates that this building will be an open space use and a continuation of the greenbelt going north to south. These points could be noted by the PCZBA, but the variation could be granted despite these reasons.

Grace and Robert Janda addressed the PCZBA as the property owners and shared that their building is non-compliant and getting it compliant did not seem possible under the circumstances in which they bought the building. The building takes up the entire lot, but the proposed change does not affect the existing conditions. Mrs. Janda would like to make their building more residential and Mr. Janda stated that they are expecting an expansion to their family and would like to invest in their space and the community. Mrs. Janda said that they do not ask for a special privilege and said that the code purpose is an enhanced use in this zone. For public health and safety, Mrs. Janda said that there is a small gap between the structure and roof which is an outdoor garden space, so they do not feel that the change they are proposing will have an effect to the people around them. As Washington Park is on the south side of their building, Mrs. Janda found their proposition to be less impactful to have on the north end where it cannot be seen.

AVA Cole read a letter that was received from Bart Hebert that he was in favor of the expansion.

AVA Cole introduced the next speaker on the phone.

Candace Queeney said that she owns the building directly to the north of the residence under discussion and raised her concern about the light that she will lose in her backyard as a result of the expansion. She currently loses light in her backyard at 3:00 p.m. from the building. Ms. Queeney expressed that her front yard is unusable because of the noise and traffic as it is adjacent to Sheridan Road and the train tracks. Ms. Queeney found that this expansion will negatively impact her.

In response to a question from Chair Peters, Ms. Queeney said that her backyard loses 10 ft. of sunlight during the day from the building. She also stated her concerns if windows will be added to the expansion and if she will lose her privacy.

In response to a question from Chair Peters, Mr. and Mrs. Janda said that they had not planned for windows to be added, but there is a possibility that there will be windows on the brick wall. Mrs. Janda pointed out that the additions proposed are adjacent to the house and not adjacent to the backyard. Mr. Janda said that their building is covered in ivy and the ivy is at the same height as their proposed expansion. Mrs. Janda said that their current plan is to add a skylight to their expansion.

Chair Peters opened the discussion to the commissioners.

In response to a question from Member Burns, Mrs. Janda said that putting their expansion on the south side of their building would be a more in-depth endeavor in terms of the position of their current electrical and plumbing design. Member Burns asked how tall the ivy wall is to which Mr. Janda responded that it is 18 in. under the current roofline.

Member Danly raised concerns about the daylight plane, but found the rest of the expansion to have a minimal impact, so she did not have any other questions.

In response to a question from Member Miller, Mrs. Janda said that the roof will slant down and the highest point will be on the west side and the lowest point will be on the east side. Member Miller asked if the extension will be 10 ft. tall to which Mr. Janda responded that the highest point of the roof will be 9.8 ft. sloping down to 8 ft. Member Miller found that the expansion will not change the light plane dramatically from the existing roof.

Member Murray said that this pre-existing mixed use building is in consistent fashion of a pre-existing condition and he had no further questions.

Member Russell said that in reference to a FAR variation, he does not have any concerns because he suggested that almost all commercial structures in the downtown of the Village violate FAR requirements. Extending the brick wall, however, concerned Member Russell as it will be a long lasting, permanent condition that will affect the adjacent property. Member Russell asked if Mrs. Janda considered shifting the master suite 8 ft. towards the center of the building. Mrs. Janda said that the issue is that the living room cuts into the patio space and would create a small bedroom and bathroom if they were to do that. Mr. Janda suggested to use glass panes instead of a brick wall. In doing glass, Mr. Janda proposed for a brick wall to be shorter when adding in the glass. Member Russell recommended for the expansion to be shifted 8 ft. or he will vote no.

AVA Cole said that he would need to research more on sloped ceilings to answer Member Murray's concern on 8 ft. sloped ceilings, but he indicated that 8 ft. is a usual height for sloped ceilings.

In response to a question from AVA Cole, Mr. and Mrs. Janda said that the existing brick wall is 4.5 to 5 ft. and the ivy is 4 ft. on top of the existing brick wall. AVA Cole suggested for the expansion to break into the daylight plane with the brick wall so that Mr. and Mrs. Janda can gain privacy. AVA Cole said that a condition of approval could be that the brick wall cannot have any windows built onto it.

In response to a question from Member Miller, Mr. and Mrs. Janda said that they are willing to lower the ceiling of the expansion.

Chair Peters asked Ms. Queeney if she has any further comments.

Ms. Queeney said that the ivy is not present all year long, so the sun comes into her yard for the majority of the year. Ms. Queeney asked how much sun she will lose from the proposed brick wall.

In response to a question from Chair Peters, AVA Cole said that a daylight plane study has not been conducted, but this could be studied by Mr. and Mrs. Janda's architects.

Member Murray raised a concern of the cost imposed on the petitioners. He concluded that he does not want the petitioners to undergo more of an expense from additional applications or a light study.

In response to a question from Chair Peters, Mr. and Mrs. Janda said that reducing the height of their brick wall to 8 ft. is feasible.

In response to a question from Chair Peters, Member Murray finds the petitioners' extension to be marginal and it will allow for the community to become more family oriented.

Member Burns made a motion to recommend the Village Board approve the residential bulk variation on the conditions that the wall on the north and wall on the east will not include windows. Member Murray seconded the motion. Member Russell added to approve the residential bulk variation on the condition that the height of the ceiling must be the minimum allowable by code. The motion passed on the following roll call vote:

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

5. Public Hearing - 28-38 E. Center Ave. and 53-91 E. Scranton Ave. (PIN 12-21-115-015) Relief for Restaurant Uses (Special Use Permits, Variations, etc.)

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

AVA Cole presented a PowerPoint that the Petitioner is seeking to:

1. Relocate BONK from an existing tenant space to an adjacent one and issue a SUP for the relocation of the eating space with the bicycle shop;
2. Authorize part of the dining space in Inovasi to accommodate for a retail space for liquor sales to consume off-premises; and
3. Convert a basement in the CBD into a basement bar called Cache.

AVA Cole stated that a fourth series of requests have been added by the staff to clarify their different approvals, which are:

1. Defining a restaurant for a special use;
2. Not reauthorizing parking variations unless there is a physical change to the building; and
3. Noting that architectural changes are not to be presented before the PCZBA.

AVA Cole read the conditions that BONK can relocate in the adjacent tenant space with the same conditions of only being open until 10:00 p.m. and employees must park at the train station parking lot. This facility must also co-exist with another permitted use that can compliment the restaurant. The retail area will need changes to its liquor license and the retail space can be passed as an accessory use to Inovasi. The downstairs bar, Cache, will be allowed to be a drinking place, similar to the brewery. BONK could be a takeout restaurant as its current plumbing code reasons do not allow seats in the building, which will generate less parking demand. Similarly, the retail space in Inovasi will generate less parking demand. The solutions would be to have employees parking in the train station parking lot, Inovasi provide a valet service, or Mr. des Rosiers pay a small fee so that the Village can administer a parking study and analyze the demand in the CBD.

Member Russell asked for clarification if all employees of Inovasi are required to park at the train station parking lot. AVA Cole said Inovasi purchased 22 parking permits last year for its employees.

Member Murray asked how many employees are with the Inovasi group and he was interested to see a breakdown as well as the amount of people purchasing train station parking passes in the CBD. AVA Cole said that there are approximately 40 to 45 employees with the Inovasi group.

VAT Schuster stated that in terms of the options to enforce the parking regulations, a violation of the conditions of the zoning would be grounds to revoke the special use that was given. Also, the Village could enforce fines against the restaurant or other businesses that are violating the ordinance. Lastly, the Village can seek better ways for employees to register their cars. A sticker for their car designated for the train station parking lot could be a method to monitor the Inovasi employees parking in the correct lot or not.

AVA Cole presented the applicant.

John des Rosiers spoke before the PCZBA and asked for flexibility with his business to serve different needs of the community in order for Inovasi to be more financially successful and able to grow as a company. Mr. des Rosiers predicts dining to change in the next 5 to 10 years and must find a new approach to address expected difficulties. Mr. des Rosiers would like to provide the community with what he sees it currently lacks. Mr. des Rosiers does not expect any adverse effects on adjacent properties and will not change the exterior of the building. He does not expect interference with external construction and does not expect an increase in traffic. He will reduce the total number of seats by 15 to 16 in anticipation to reduce parking need. Mr. des Rosier said that his requests so far comply with zoning, fire, health, and safety regulations in the CBD.

Chair Peters inquired about the impact on traffic and parking.

Mr. des Rosiers said that the restaurant has 30 to 32 employees. The only time 40 employees are needed is during the summertime when they have part-time help, but 30 employees are needed nine months out of the year. Four employees have permit parking in the private lot behind Inovasi, between four to six employees take the train or carpool, and 20 to 25 parking permits are used by Inovasi employees during the year. Mr. des Rosiers pointed out that his employees are not the only ones who occupy parking spaces throughout the CBD as there are other employees from surrounding businesses.

Chair Peters opened discussion to general commissioners.

Member Burns stated that he is in favor as it will make the community vibrant. He does think employees across all Village businesses must comply with parking regulations and the Village must enforce employees of the CBD to follow parking regulations.

Member Danly is in favor and adds that CBD will benefit from the additions. She believes businesses need to be creative to survive due to the effects of COVID-19. Her one concern was fire safety of Cache.

Mr. des Rosiers said the space where Cache is located was originally designed as a kitchen and will meet the standards and codes of modern fire safety compliances.

AVA Cole added that he spoke with the original architect of the building and that the space was designed as a kitchen type of occupancy. A space with an occupancy of less than 50 patrons requires one escape path and the site is currently equipped with two escape paths, not including the elevator.

Member Miller is in favor of the proposal. He stated that parking is not a new concern, but an old concern. He asked Mr. des Rosiers if there will be a limited amount of indoor dining

Mr. des Rosiers said that dining will be at half capacity and he has witnessed a huge response of a need from the community for a wine and beer retail store. Mr. des Rosiers does not expect Cache to open until August at the earliest and it will be opened at a lower capacity.

In response to a question from Member Miller, Mr. des Rosiers said that while a valet is possible, it is a huge expense and the only possible place to put the parking is at the train station parking lot. Inovasi and the Otherdoor have less seats than before which should reduce the parking impact. Additionally, Cache will not be opened every day of the week as it will only be Tuesday to Saturday from either 4:30 or 5:00 p.m. to 10:00 p.m.

Member Murray applauded Mr. des Rosiers' influence on the North Shore, but questioned the practical implications of Mr. des Rosiers opening a third place of business in a town that has a limited number of sustainable sources of entertainment. Member Murray said that as a Planning Commission, members must think of new ways of innovation through their establishments and consider avoiding one business owner, despite how successful or capable he or she may be. Member Murray said that he would like to hear from his fellow commissioners on their thoughts of one business owner occupying multiple establishments throughout the CBD.

VAT Schuster said what the Commissioners think and want for their community must not be taken lightly. However, ownership of a business is not in keeping with the land use factors in their code; the commissioners must focus on how the land is being used. Considerations of competition or anti-trust issues should not be included in considering the appropriate use of the property.

Member Rider asked VAT Schuster if the issues that Member Murray raised are within their purview.

Member Murray asked VAT Schuster if it is not in the commissioners' purview to make a public interest decision around an application.

Member Rider said she is interested to know if it is pertinent for commissioners to consider the use of the land or by whom it is used. Member Rider also said that she does not see a need for a retailer for beer and wine.

VAT Schuster read the standards for special uses. VAT Schuster said that while there are general provisions that mention general public health, safety, and welfare, the general case law on land use and zoning focuses on the use itself, in this case, a restaurant. VAT Schuster said that how the parcel negatively affects the surrounding area is in the commissioners' code purview.

Member Murray said that he understands and respects the response of VAT Schuster and asks the commissioners if and where the Village should look carefully at its hospitality industry. With that, he

is supportive of Mr. des Rosiers' innovation in the Village, but asks the commissioners to think about the plan if one operator controls dining and entertainment options in the Village.

Chair Peters reiterated that the Petitioner is looking to keep the footprint throughout the Village the same. He wants to make sure that the majority of the members are on this path and he does not want to hold any prejudices against the Petitioner. Chair Peters then asked Mr. des Rosiers if he has specific time constraints such that a one month continuance will adversely effect his proposal.

Mr. des Rosiers said that a time constraint will adversely affect his business due to construction plans and the delays already caused by the COVID-19 pandemic. Mr. des Rosiers expressed his love for food and drinks available in the Village and that these businesses positively serve and affect the community. He said that the only space that they are looking for is the BONK store, which would be 35% of the space in the current bike shop. The bike shop sees active business primarily in the summer months so the restaurant will aid in bringing revenue year round. Mr. des Rosiers said commercial need for wine and beer is still present and he sees a need for his business, even if it is not for everybody.

Chair Peters thanked Mr. des Rosiers and asked for any additional comments or questions from the commissioners

Member Russell commented that he is in favor of the proposal as presented. He is concerned if Inovasi will have a stand-alone retail liquor store, but he sees that this is not what is being proposed. He does not see that Inovasi is taking over the CBD. He asked AVA Cole if he was able to identify the indoor closing times for Inovasi if its approved for Mr. Lawrence's property.

AVA Cole said that the PCZBA approved the hours of operation for Mr. Lawrence's property to Monday through Friday (Noon to 11:00 p.m.), Saturday (7:00 a.m. to 10:00 a.m.) and (2:00 p.m. to Midnight) and Sunday (2:00 p.m. to 10:00 p.m.) and the outdoor dining area will close at 10:00 p.m. every day of the week. By comparison, Cache will match hours of operation as Inovasi and close no later than 11:00 p.m.

In response to a concern from Member Russell, Mr. des Rosiers said that he takes responsibility to police his employees' parking and will enforce his employees to park in the train station parking lot.

Member Murray is in favor of Mr. des Rosiers' proposal and asks if Village commissioners will have a discussion around guiding development around the Village.

Member Murray moved to recommend the Village Board approve the relief. Member Russell seconded Member Murray's motion to approval. The motion passed on the following roll call vote:

Ayes: (7) Burns, Miller, Rider, Murray, Danly, Russell, and Chair Peters
Nays: (0)
Absent: (0)

6. Staff Report

AVA Cole addressed delayed PCZBA meetings due to the COVID-19 pandemic and that this is the first meeting virtually. He complimented Chair Peters' flexibility as meeting rules have changed due to Governor Pritzkers' Senate Bill.

AVA Cole introduced Samantha Lench, the Village's new Administrative Intern.

Member Miller asked what agenda items will appear next month.

AVA Cole said the Jaguar dealership item chose not to proceed in this particular meeting and they will wait until they can have a regular meeting.

In response to a question from Member Miller, VA Schuster said that the owners of Stonebridge withdrew their application and filed legal action against the Village.

In response to a question from Member Russell, AVA Cole said that the 500 Arden Shore Road proposal has not yet submitted a development proposal, but they may or may not still be interested in the property.

7. Commissioner's Report

There was no report.

8. Adjournment

As there was no further business to come before the PCZBA, Member Burns moved to adjourn the meeting. Member Murray seconded the motion. The meeting adjourned at 9:24 p.m.

Respectfully submitted,

Glen Cole
Assistant to the Village Administrator