

**VILLAGE OF LAKE BLUFF  
BOARD OF TRUSTEES  
VIRTUAL MEETING  
SEPTEMBER 28, 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 Village Clerk Megan Michael 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

Also Present: Megan Michael, Village Clerk  
Peter Friedman, Village Attorney (VA)  
Drew Irvin, Village Administrator  
Bettina O’Connell, Finance Director  
Jeff Hansen, Village Engineer (VE)  
David Graf, Fire Chief  
Mike Croak, Building Codes Supervisor (BCS)  
Glen Cole, Assistant to the Village Administrator (ATVA)

President O’Hara said due to the COVID-19 emergency, this meeting will be held primarily virtually. As required by law, at least one representative from the Village will be present at Village Hall and the virtual meeting will be simulcast for members of the public who do not wish to view the virtual meeting from another location. The Board Room can accommodate 13 people, including members of the public body and Village Staff, while maintaining the six feet of social distance between individuals required by Executive Order 2020-43. Accordingly, the opportunity to view the virtual meeting at Village Hall is available on a “first come, first-served” basis. She further stated Members of the public may view and participate in the meeting via online [lakebluff.org/VirtualMeeting](https://lakebluff.org/VirtualMeeting) or Dial-in: (312) 626-6799. (Enter meeting ID **884 1619 0394**) Press # when prompted for a Participant ID. Additional instructions are available in the agenda packet immediately following the agenda. Also, the meeting will be live-streamed at [lakebluff.org/Channel19](https://lakebluff.org/Channel19), broadcast live on Comcast Channel 19 and once available, a recording of the meeting will be posted on the Village website and periodically rebroadcast on Channel 19.

**2. PLEDGE OF ALLEGIANCE**

President O’Hara led the Pledge of Allegiance.

3. **AWARDS AND PROCLAMATIONS**

President O’Hara read the proclamation designating October 2020 as *Fire Prevention Month*.

Trustee Towle moved to accept the proclamation. 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)

4. **CONSIDERATION OF THE MINUTES OF THE SEPTEMBER 14, 2020 VILLAGE BOARD MEETING**

Following a comment from Village Administrator Drew Irvin regarding a typo identified by Trustee Charlot, Trustee Ankenman moved to approve the September 14, 2020 Board of Trustees Regular Meeting Minutes as amended. 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)

5. **ITEM #5 – NON-AGENDA ITEMS AND VISITORS**

President O’Hara said the Village President and Board of Trustees allocate fifteen (15) minutes during this item for those individuals who would like the opportunity to address the Village Board of Trustees 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.

Maureen Brebner said years ago she went door to door to collect petition signatures regarding the property to the south of her to remain Estate Zoning (R-1), and the petitions from the lawyers and group surrounding the area of Green Bay Road and West Witchwood Lane were brought to the Board. The Board President at that time overruled against having the property remaining Estate Zoning, which is why she bought a house in that area. Since then the property has been sold again and again to developers that indicated that they plan to build 98 homes in that development, take off the Harrison Conference Center addition, and eliminate the pool. Ms. Brebner said the density was greater than the Sanctuary Subdivision because the total land mass included the 98 duplexes which were to be put in the whole area versus the buildable acreage. The developers did all the building, zoning and everything which included access to the property off of Sunset which is directly east of her street. The petition of 2,500 signatures was overruled by the Village Board President and the property went to this developer who was supposed to go ahead and make the landmarked development, Harrison Conference Center, into condominiums. She said this is an historic building and the developer has not fulfilled their covenant and said the developer got the property at a steal because the housing market collapsing under the 2008 development under the prior administration. Ms. Brebner said to look at the developer to ensure that he does his due diligence. She said that this is an abomination of the Village Board if they do not hold him to that, otherwise take the property back and make it a historic development or museum.

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

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

7. **ITEM #7A – WARRANT REPORT FOR SEPTEMBER 15 – 28, 2020 AND AUGUST 2020 PAYROLL EXPENDITURES**

President O’Hara reported expenditure of Village funds for payment of invoices in the amount of \$124,677.77 for September 15-24, 2020, and expenditure of Village funds for payment of payroll in the amount of \$297,097.92 for August 2020 for a total amount of \$421,745.69.

As there were no questions from the Board, Trustee Ankenman moved to approve the Warrant Report. 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)

8. **ITEM #7B – FINANCE REPORT**

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

- Sales tax revenues received in FY21 May-August of \$918,062 are \$267,505 or 22.6% less than FY20 receipts;
- Building Permit revenue for FY21 May- August is \$106,170, \$25,875 less than the same reporting period last fiscal year.
- General Fund total revenues are \$3,932,424 or \$338,701 less than FY20 May-August revenues. The largest declines are in Sales and Home Rule Tax - \$226,370, Permits and Licenses - \$66,819 and Interest Earnings - \$30,278. She said these differences are on an accrual basis from year to year.
- FY21 current expenditures are consistent with or less than budgeted; the May-August expenditures of \$2,918,668 are \$163,274 less than the expenditures for the same period in FY20.
- Cares Act reimbursable allocations from the County have increased to \$234,000 including Public Safety payroll expenses. This additional revenue will be received in FY20 and help offset the General Fund revenue losses. She noted the additional revenue will be received in calendar year 2020 or FY2020.
- To address the financial uncertainty of the COVID-19 pandemic, the Village adopted a budget that incorporated numerous reductions in revenues and expenditures:
  - sales and income tax expectations were **reduced by \$749,356**,
  - a freeze of **\$180k** in General Fund transfers to the Vehicle Replacement Fund was enacted,
  - a reversal of the **\$410k** interfund transfers was approved,
  - expenses were reduced in the General Fund by **\$639,600** (operational and capital improvements), and
  - transfers from the General Fund were decreased **\$630,000**.

As there were no questions from the Board, Trustee Ankenman moved to accept the Finance Report. Trustee Towle 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)

9. **ITEM #8 – VILLAGE ADMINISTRATOR’S REPORT**

Village Administrator Irvin said Staff have received phone calls and emails regarding ribbons placed on trees along East Prospect Avenue. He said Common Wealth Edison (ComEd) has been working on an infrastructure reliability improvements project for several months. The Village issued a permit in April 2020 and ComEd is now moving westerly along East Prospect Avenue. He said ComEd approached the Village and asked if they could remove several trees (13 trees) as part of this permitted project which is distinctly different than what was submitted in their original application materials. Village Administrator Irvin said Staff has issued a Notice of Suspension as well as Stop Work Order pursuant to Village Code which will pause the project and allow Staff an opportunity to meet with ComEd to determine the full scope of the work. He commented on what might be discussed in the meeting and noted the primary goal is to save the beautifully tree lined Village streets and ensure safety of those streets.

Trustee Charlot thanked Staff for these efforts.

Village Administrator Irvin continued his report by commenting on the upcoming removal of the public dog art and said this was a great public art project for the community and he is sad that it was not permanent.

President O’Hara said the dogs will go to their forever homes and approximately 12 dogs will be auctioned and the money generously donated to the Lake Bluff History Museum. A discussion followed.

Trustee Markee said the auction site can be accessed through *Lakebluff125* website and noted the bidding will close at 9:00 p.m. on September 30.

10. **ITEM #9 – VILLAGE ATTORNEY’S REPORT**

Village Attorney Peter Friedman had no report.

11. **ITEM #10A – 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 which has been subsequently extended at each meeting since that time 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 (October 12) or emergency Village Board meeting. Trustee Meyer 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)

12. **ITEM #11 – ACCEPTANCE OF THE CORRESPONDENCE**

President O’Hara introduced the correspondence from the Informational Reports on September 11 and 18, 2020.

Trustee Dewart made a motion to accept the correspondence as submitted. Trustee Markee 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)

13. **ITEM #12 – A RESOLUTION APPROVING A LICENSE AGREEMENT FOR THE USE OF VILLAGE PROPERTY FOR THE CONSTRUCTION OF BLUFF STABILIZATION IMPROVEMENTS**

President O’Hara reported Jason and Kimberly Beans own the property located directly to the south of the Lillian Dells Property (718 Mountain Road). During the heavy rains of May, the eastern 50 feet of their property collapsed and deposited fill material (construction debris) into the lake. Fortunately, no one was injured but the slope needs immediate attention and debris continues to drift towards and into the Lake Bluff Park district swimming beach areas. The Beans have applied for emergency permits from the US Army Corps of Engineers, the Illinois Department of Natural Resources and the Village to complete the necessary erosion control and slope stabilization activities. President O’Hara further reported additionally, the Beans have requested to be allowed to utilize Village-owned Lillian Dells property to facilitate the completion of the improvements. We anticipate that there will be large construction vehicles transporting stone and fill to the lakefront in two phases (stabilize/clean-up followed by establishing the new slope) which should take about 9 months to complete. To that end, the Village Attorney prepared a license agreement to allow the Beans temporary use Lillian Dells provided they satisfy the following:

1. Provide for safe egress/ingress along North Avenue and Maple Avenue during construction.
2. Protect and restore the ravine and any damaged infrastructure due to their improvement activities (post \$50,000 security).
3. Improve the Lillian Dell Drive to help ensure its intended use as a scenic lake access.
4. Keep the Village whole by providing the right to a pedestrian easement from the Dell south towards the Park District beach.

President O’Hara reported while Village staff and the Beans have continued discussions since this request was presented and discussed by the Village Board at the September 25, 2020, an agreement has not been reached and the Beans have made it clear that they are not willing to provide a pedestrian easement across their property. It is anticipated that Staff will give an update regarding the progress of the discussions and that the Board of Trustees will discuss the necessity of the easement as a condition of the license agreement.

Following a request from President O’Hara, Village Administrator Irvin said Staff was hoping to provide more specific information regarding the final appearance of how Lillian Dell once the project is complete; unfortunately, the information came in late and Staff have not had a chance to review it. The Village Engineer did have a preliminary conversation with Hey and Associates, Village Consultant, engaged to help come up with the specifications to which the Village may aspire Lillian Dell to be improved. Village

Administrator Irvin said the Beans have stated at this point they are not interested in providing an easement along the property. The concept was to make the Village whole in regards to the existing Village owned property which is presently underwater and should the Beans complete their work, will be on the 2:1 slope. He added that an upcoming neighborhood zoom meeting has been scheduled to discuss the project.

Jason Beans said he thought “make the Village whole” on the easement was just to put an easement from the Village owned property coming out of the water and ran about halfway across their property. However this is basically confiscating the whole water front, whole value of the projected land and this would crush their property value. Mr. Beans said he has never went into his backyard on a Friday or Saturday night during the summer month because the noise from teenagers or a party down at the edge of the bluff is incredibly frustrating. This is not something he would like to encourage in any shape or form and from his perspective is a deal breaker and if this protracts the project then they would have to explore other means. Mr. Beans said he did not realize they were talking about confiscating their backyard.

In response to a question from Trustee Towle, Mr. Beans said he does not think anything can be done before the winter so it is a roll of the dice to see if any more of the bluff collapsed. He said he measured the bluff today and it is approximately 25 ft. to his back deck. The main option is that the barges are booked up for approximately 2 years and they are looking to see if they can get one by the spring. There may be other options but, independent of that, it is really coming down their driveway as the sole access, the way they did originally. He said according to their engineer this would make the project longer because it is tighter and steeper and they would not be able to get the trucks in and out as quickly.

In response to a question from Trustee Charlot, Village Administrator Irvin said VE Hansen spoke with one company who stated barges are available this year but for a job of this scope they would be reluctant to commit and suggested another company. He said he would be hesitate to recommend the Village secure barges on behalf of the property owners.

Mr. Beans said he would love to review any barge information from the Village because he is operating on the information told to him by his engineers and contractors. He said out of curiosity when they do the ravine and build the road, the expectation was to leave it in a much better state and asked if that was a benefit to the Village or will it be considered a detriment. Village Administrator Irvin said he thinks the Board has viewed to date that Lillian Dell could be improved and maintained as it was intended to be a “pleasure driveway.” He thinks the Board viewed this as a potential to improve the area and the goal would be to make sure the improvements stays intact and not be washed out in a future storm event.

Mr. Beans said he spoke with his engineer regarding having little back slope that act as a dam to slow water and a few other designs could really make a massive difference in reducing erosion down that ravine, which make complete sense to him to do at the exact same time as their project.

Trustee Markee asked if this project might positively impact Lillian Dells and make that part of the beach less noisy. Mr. Beans stated that areas is sometime loud and creates disturbances for his family.

President O’Hara said approximately 15 years ago the piece of land in the front, which is now their beach, was actually owned by the Park District who sold it to the original developer, as the property use to be a continuous strip of land from Lillian Dells down to the beach. Mr. Bean said when he looked at the history Lillian Dells ended halfway at their yard (150 ft. in the historical records), exactly as it does today, that was the easement portion but he does not know if there was a separate park portion.

In response to an aforementioned question from Trustee Markee, Village Administrator Irvin said operational plans for that area have not been discussed yet. The idea of “daylighting” and opening up the space and not leaving Lillian Dells a dead end as it is today, would probably change for the better in terms of more activity because at that point it would be a bend in the pathway or active trail versus a dead end space that is difficult to reach.

Trustee Dewart said he thinks it is really imperative to understand the level of improvements for Lillian Dell drive as this is critical for both the Village and Beans to describe the outcome, figure out the cost, and resilience of that structure to the weather, stormwater and use. Trustee Dewart expressed his understanding that the proposed improvements to the base of the bluff would raise above the water level line and extend out to typically include the Village easement. By design in order to effectively protect the Beans property will we be elevating the surface of the Village easement and making their bluff more substantial.

Mr. Beans said you cannot have an easement on your own property so there is a portion currently underwater and technically the Village was supposed to maintain as a gift or else it would revert to the landowner but we are not disputing that right now. He said when the build comes, it comes out of the water and the Village does not need an easement for that land. Mr. Beans expressed his understanding that an easement means taking the property of someone else, so that means that we would build the water out of the land, on the portion he just found out that the Park District sold to the developer. He said they own the portion that would be the waterfront and after paying for it in our property purchase, we then would be “gifting” it back to the Village to make a path on that portion. Mr. Bean said you do not need an easement on the portion that comes out of the water that automatically becomes the Village. There is actually in front of that there is another property owner that will come out of the water. He said they moved in at historically low levels and they were all underwater when they moved in so they were lose for life until this project.

In response to questions from Trustee Dewart, VE Hansen explained existing conditions and water elevations as shown in the topography and noted the Village owned property (purple area) will probably be 20 ft. out of the water on a very steep slope basically in the middle of the bluff. He said the area is not an easement but Village owned property, so regardless of whether they use Lillian Dell to access the area, an agreement is requirement to work on Village owned property.

Mr. Beans said the “orange property” shown in the topology is 665 Maple Avenue and that is another landowner on the other side of the ravine that he guess was part of the original agreement. Then the easement is further down in the white area and that is the part that needs the easement to continue the purple area across the yard.

Trustee Towle said he thinks the Board needs to have a more definitive expectation of the Lillian Dell trail improvements and a plan could help the Beans understand their potential cost and the Village will know what to expect in the end.

Trustee Dewart said he is personally concerned about the resilience of the improvements to stormwater, lake storms, because he thinks it is in the Village best interest to maintain what is put down there to correctly stabilize the area.

In response to a question from Trustee Markee, Village Administrator Irvin said the Beans contractor would build and manage the restoration of Lillian Dell pursuant to the proposed terms and the Village would inspect the Improvements.

Trustee Meyer expressed his concern regarding the amount of truck traffic need for the project, potential damage to Village infrastructure from the project, and Village stormwater pipe that going down to Lillian Dell, and said he would like to see that protected as well as be provided with information as to how this could impact the Village infrastructure including roadways leaving up to Lillian Dell. Also, he is concern and would like to have information on how the congestion, noise and smell from the construction traffic could impact neighboring properties. Trustee Meyer said he understands the need to help the Beans as much as possible but the Board also has a duty to the public. He thinks these are all pieces of data that goes into the decision making and he would like to be cognizant of as we are considering how this all fits together because the cost to the Village could have some parameters out of that that we need to understand.

In response to a comment from Trustee Ankenman, BCS Mike Croak briefly summarized the definition of illegally and practically traversable. He said below the mean high water mark it is considered part of the navigable part of Lake Michigan so when you change the level of the land, you are changing what area can legally be walked on. At the end of the Village property (purple) that affects the ability for people to continue walking because if that is raised out of the lake and above the mean high water level then they can no longer legally walk outside of that area.

Ms. Bean said at the three feet below historic, when we moved in, so it is not at the mean high water mark, you could probably walk at ankle deep at that time. Also, the metal barriers in front of their yard were at the edge of the water when they moved in and now there is three feet of water up on them.

In response to a comment from Trustee Ankenman, VE Hansen explained how the Village owned property (purple area) would appear when the improvements are done and noted it will not be walkable in that area in any real practical way when their done.

Trustee Ankenman said it seems there will be a lot of new land when the project is completed and the issue has been brought up about connecting Lillian Dell further south to the Park District. The land was sold to the developer and subsequently to the Beans and the Village cannot consider making itself whole again unless the land is sold to the Village. She does not think the statement “making the Village whole again” would apply in this situation unless the Beans grant the Village an easement. She expressed her understanding that an easement does not change ownership but changes permission to use on a limited level within certain parameters. The Beans are asking for an easement to use Village property to bring their trucks down and the Village in theory would be asking the Beans permission to have access to connect Lillian Dells to the south beach.

Mr. Bean said technically it is a temporary easement for a permanent easement. The permanent easement because of the way it was written has lights paths, intrusion, fencing, and in his mind it replaces eminent domain it will be confiscated without being compensated for as you. The permanent easement eliminated that from ever being a value for their land.

Trustee Ankenman said to her the pedestrian easement is not a deal breaker but a formal decision cannot be made without all the facts.

In response to a question from Trustee Markee, VA Friedman said the document as written is a non-exclusive pathway and pedestrian access easement which does not prevent the property owner from continuing to use the property, it just cannot be inconsistent with our use. However, we have not gotten into any serious type of negotiation over the specifics of the easement to deal with the kind of issue being raise and whether or not we could.

Mr. Beans commented his understanding of the easement and questioned the value of it to the Village.

Trustee Towle said he thinks the idea is that this could be a future Park District project. It is unfortunate that the Park District may have sold the right to the property but it is his opinion the Village needs to be made whole by requiring access to the property. Trustee Towle said his major concern is making ensuring Lillian Dell is restored to an appropriate condition. It is his opinion the agreement could be made but details regarding enhancement improvements, ensure protect of Village infrastructure and road use study needs to be done.

Trustee Charlot agreed with the comments and said he is concern that the Village and Beans may incur costs but he is concerned for the property owners. The Board has an obligation to do what is best for the community but he also supports the Beans because he has seen the property and there is a sense of urgency to resolve the situation.

Mr. Beans thanked the Board for the comments and said he know there were some conversations with their engineers about the road. He said he understand the Village's goal to protect its infrastructure.

In response to a question from Trustee Dewart, Village Administrator Irvin said notices regarding the upcoming neighborhood zoom meeting were delivered to properties within 300 feet of the subject property.

Village Administrator Irvin responded to the question "how is the existing easement written?" posted on zoom. He said as of today there is no existing easement the Village is seeking an easement. Village Administrator Irvin said typically the Village does not negotiate agreement in an open meeting but this matter is expedited given the concerns of the property owners and trying to work through this as it continues to evolve on a daily basis. Staff will review the information received this evening and provide the Board with an update.

Following a procedural comment from VA Friedman, President O'Hara declared the matter be deferred to the next regular meeting. There were no objections from the Board.

14. **ITEM #13 – AN ORDINANCE AMENDING A SPECIAL USE PERMIT AND GRANTING PARKING VARIATIONS FOR THE CENTER AVENUE PARTNERS DEVELOPMENT (79 and 91 East Scranton Avenue) (Prairie Espresso)**

President O'Hara reported this is the first of several Village Board items related to a zoning relief application filed by Prairie Perspective, LLC (d/b/a Prairie Espresso) to allow their expansion into the tenant space addressed as 79 Scranton Avenue (approximately 768 square feet). In addition to the items on Monday's agenda, Prairie Espresso would require an amendment to their license agreement for the use of Village property (to add outdoor seating), which would be prepared by Staff for consideration at the Board's October 12 meeting. Prairie Espresso would also require sign and site plan approval at a later date for their proposed exterior alterations.

President O’Hara reported this zoning relief (if granted) would allow Prairie Espresso to accommodate indoor customer seating and offer additional food and beverage options. The new and existing tenant spaces would have an interior service hallway for employees, but customers would reach the property through two separate entrances. The Petitioner has indicated that they would operate the pedestrian alley only seasonally following their expansion. President O’Hara further reported allowing the expansion would require approval of a special use permit and parking variations and would take the form of an amendment to Ord. 2020-13, which governs the various special uses and variations on the property (including Prairie Espresso). At the conclusion of its public hearing on September 16 to consider the application, the Joint Plan Commission and Zoning Board of Appeals (PCZBA) unanimously recommended the Village Board approve the requested relief with the condition that the hours of operation be limited such that:

- The Walkway Restaurant continues to close at 10 p.m. daily.
- Except on Saturday, the Restaurant may operate only between 7 a.m. to 11 p.m.
- On Saturday, the Restaurant may operate only between 7 a.m. and midnight.

In addition, President O’Hara reported the other conditions applicable to Prairie Espresso today (such as the requirement that employees park in the train station parking lot) would continue to apply. Members of the PCZBA emphasized various concerns expressed in testimony regarding parking in the Central Business District.

As there were no comments or questions from the Board or Public, Trustee Dewart moved to approve first reading of the ordinance. Trustee Charlot 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)

President O’Hara moved to take Agenda Item #16 and #17. There were no objections from the Board.

15. **ITEMS #16 – AN ORDINANCE AMENDING THE LAKE BLUFF ZONING REGULATIONS RELATING TO SUBTERRANEAN GARAGES**

**AND**

16. **ITEM #17 – AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR THE PROPERTY LOCATED AT 541 EAST PROSPECT AVENUE TO PERMIT THE CONSTRUCTION OF A SUBTERRAEAN GARAGE**

President O’Hara introduced both agenda items and requested as update from Staff.

Village Administrator Irvin said earlier today Jamie Sickles, Agenda Item #17 Petitioner, decided to withdraw her application for a special use permit to construct a subterranean garage at 541 East Prospect Avenue. He added that Agenda Item #16 received first reading approval at the August 24 meeting and given the concerns, the Board may desire to defer the text amendment back to the PCZBA to consider whether or not to allow subterranean garages or reassess the conditions. A discussion followed.

Following a procedural comment from Village Attorney Friedman, Trustee Meyer made a motion to deny second reading approval and defer the matter back to the PCZBA. 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)

**17. ITEM #14 – AN ORDINANCE AMENDING TITLTE 3 OF THE VILLAGE OF LAKE BLUFF MUNICIPAL CODE AND THE COMPREHENSIVE FEE SCHEDULE CONCERING LIQUOR LICENSES**

President O’Hara reported this is the second of two Board items related to a pending zoning relief application filed by Prairie Perspective, LLC (d/b/a Prairie Espresso). The attached Ordinance, recommended by the Liquor Commissioner, proposes the following changes to the Village’s liquor regulations:

- Expands Prairie Espresso’s Class U license into their new tenant space, and increases the fee associated with a Class U license accordingly.
- Expands Inovasi Restaurant, LLC’s off-premises retail sales license to include liquor in addition to wine and beer.

As there were no questions, Trustee Markee moved to approve first reading of the ordinance. 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)

**18. ITEM #15 – AN ORDINANCE GRANTING A SPECIAL USE PERMIT, SITE PLAN APPROVAL, AND VARIATIONS FOR AN AUTOMOBILE DEALERSHIP (Imperial Motors – 39 -47 Sherwood Terrace)**

President O’Hara reported on February 6, 2020, the Village of Lake Bluff received an application from Green Bay Properties, LLC, for a special use permit and variations necessary to develop the subject property as a new automobiles dealership. The Petitioner is also the operator of Imperial Motors (Jaguar) located nearby, and intends to relocate that dealership to this property. This would allow their existing dealership to be repurposed by a new dealership or other tenant. In total, this application requires site plan review; a special use permit for a new automobiles dealership; and variations concerning the location of parking and loading zones. She further reported the Architectural Board of Review (ABR) reviewed the proposed site plan on March 3, 2020 and recommended approval subject to the following conditions:

- Install the strip windows on the west side elevation with a sun shade over the windows.
- Maintain the exterior lighting at a color temperature of 4,000 degrees Kelvin.
- Combine the entry and welcome sign with the directional sign at the entrance from Route 41.
- Revise the garbage enclosure to horizontal cedar painted or stained to match the building.

President O'Hara reported thereafter, public meetings were suspended due to the COVID-19 pandemic. During this period, the Illinois Department of Transportation (IDOT) notified the Applicant that it would refuse access for a right-in, right-out access to the property from Route 41. (The Applicant intends to continue to seek Route 41 access from IDOT.) At the Applicant's request, the PCZBA considered the requested zoning relief during a public hearing on September 16. The PCZBA unanimously recommended approval of the application as originally submitted (with Route 41 access) or under an alternate site plan that eliminates the Route 41 access. The only recommended condition of approval was a series of conditions designed to prevent car deliveries from taking place on the shoulder of Route 41. President O'Hara further reported after first reading, the ABR will conduct a second public hearing at their October 6 meeting to consider the site plan variation without Route 41 access. The Board may provide first reading approval pending this hearing to avoid any delay to the applicant. An updated ordinance reflecting the ABR's October 6 deliberations would be prepared for second reading and approval on October 12.

Following a request from President O'Hara, Village Administrator Irvin introduced the queued caller Jordan Aron, President of Imperial Motors.

In response to a question from Trustee Dewart, Village Administrator Irvin since IDOT initially denied the request, Staff has been trying to schedule a meeting with the District One Engineer to further discuss the matter.

In response to questions from Trustee Ankenman, Village Administrator Irvin said the Village does not know the future tenant for the existing dealership building and IDOT general policy guidance is to limit the amount of access sources or points on freeways like Route 41.

In response to questions from President O'Hara, Jordan Aron, President of Imperial Motors, said back when we built the current dealership, approximately 20 years ago, we kind of had the same initial turn down by IDOT and at that time the Village also got involved and assisted with regarding the right-in, right-out access. The reason it is called a freeway, they are not terribly interested in having right-in, right-out access. Over the course of the 20 years we have had this there has been zero collisions at the site so we have got a pretty good track record of egress/ingress. The other thing they said it is on a curve whereas the new site which is slightly south is actually on a straightaway so one of their reasons for denying us is that it is on a curve. Well it actually gave us a right-in, right-out access on a curve and this one is on a straight away. Also the deceleration and acceleration lane would be basically a continuation of our current acceleration lane and the Chevy Exchanges deceleration lane so we are not really creating too much interference, if any at all, with the right-in, right-out access. He said IDOT does not like to give deviations from their stated purpose so it takes some conversation. We hope to get it because it is a much better obviously when you have all the car dealerships on the Route 41 Corridor with right-in, right-out access, and the building actually faces the highway so having people be able to come in from the east side is best. Mr. Aron said the reason why we are building this new building is due to the dealer agreement, of any franchise dealer; he said the manufacturer basically stipulates what kind of building you have so the new building is a very contemporary building, and would take a huge amount of change to our existing which we happen to think is very attractive and want to keep it. That is why we are building the new structure and he thinks it will a lot to the Village so if we ultimately cannot get approval, we still need to move forward with the project. We are hoping that with the Villages support we can get it as this would be the best case scenario.

Trustee Dewart asked if the Board was prepared to approve first reading with the access question pending; although, the Board can amend an ordinance this seems to be a substantial change and concept. A discussion followed.

Mr. Aron said in this packet they have both the site plan with right-in, right-out access and without and the reason we need to go back to the ABR is the committee did not see the site plan without the right-in, right-out access.

Following a comment from Village Administrator Irvin, VA Friedman said the wording in the ordinance can be revised to include both options prior to second reading.

ATVA Glen Cole said Section 6(b) of the draft ordinance addresses this matter. The way the ordinance is structured right now is it presumes that the Applicants will build their alternative site plan, which is to say they will build the site plan that does not have right-in, right-out access onto Route 41. It provides an administrative pathway for the Village Administrator to approve that curb cut without any further action by the ABR, PCZBA or Village Board. That is presuming that the PCZBA has seen both plans and has recommended approval of both, the ABR has seen one and made a positive recommendation and would have the chance to review and make a recommendation regarding the alternative plan without the curb cut. A discussion followed.

Trustee Meyer said he thinks it is important for the Village to support the car dealerships and if the Route 41 access is obstructed by IDOT, the Village should do everything within reason to facilitate a decent sign that will get attention on Route 43.

President O'Hara said the Village will do its utmost to try to persuade IDOT to grant the request.

In response to a question from Trustee Dewart, Mr. Aron said the front side facing the highway is a very dramatic part of the building. It is a structural glass like a jewel box so when you drive by you can see into the building, especially at night with the lighting scheme changes through the day, into the evening and then into the night. The back of the buildings is on the west side and we have tried to make it a front rather than a back of the building because it has got a lot of windows and definition to make a nice looking building as you approach from what would be theoretically the back side. This is a concern because the front of the building is really fantastic looking. We went through this 20 years ago and the Village really helped out a lot so if Staff can connect with IDOT it may help them knowing that the Village is in support of the project.

As there were no questions, 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)

19. **ITEM #18 – AN ORDINANCE INITIATING A REVIEW OF CERTAIN VILLAGE ZONING REGULATIONS AND DIRECTING THE VILLAGE ADMINISTRATOR TO UNDERTAKE PLANNING AND ADMINISTRATIVE PROCEDURES RELATED THERETO**

President O'Hara reported the Lake Bluff Zoning Regulations govern the use and development of private property within the Village and create specific zoning districts that provide specific and unique regulations for property located in those districts. More specifically, the Zoning Regulations provide for three different types of planned use developments: (i) planned commercial developments (adopted in 2013), (ii) planned mixed-use developments (adopted in 2016), and (iii) planned residential developments (adopted in 1987). Through the flexibility afforded by planned use developments, the Village seeks to achieve the specific objectives that are in the best interests of the village including but not limited to: stimulating creative approaches to commercial development of land; providing more efficient use of land; preserving natural features and providing open space areas and recreation areas in excess of those required under standard zoning regulations; developing and implementing new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities; and promoting long-term planning to allow harmonious and compatible land uses or combination of uses with surrounding areas. President O'Hara further reported it is in the best interests of the Village to undertake a review of the planned residential development regulations and the underlying zoning districts in which planned residential developments may be located in order to determine whether and to what extent these regulations should be revised, updated, or replaced in advance of any future developments. If approved, the attached ordinance directs the Village Administrator to initiate a thorough review of the planned residential development regulations and the underlying zoning districts in which planned residential developments may be located.

President O'Hara opened the floor for public comment.

Rick Lesser said has several points to add to the discussion, the first is that the zoning code for the Village in particular Section 10-2-9(d)(4) contains a provision that if there is a zoning change, the neighbors people owning 20 or more of the neighboring properties, can object to the change, and that would trigger a requirement of the Board of Trustees to vote in favor of it and would eliminate the possibility of the Village President breaking the tie. He said we ran into this problem on the Stonebridge project, on Stonebridge there were only three (3) Trustees who would support it but, because it was a PRD rather than a zoning change, the Village ruled that the frontage protest right would not apply. These are both land use changes you can quibble over a PRD is or is not a zoning change, but just the same it is a land use change. He concern at the time was that the PRD can be used as a device to avoid this frontage protest requirement and he would like the Village to consider that when they re-examine the PRDs. Mr. Lesser said secondly he believes there use to also be a limit on the size of a PRD that is the number of units that would be created. He thinks that is appropriate in that when you overlay a PRD on a larger area you can do a lot of damage to the existing zoning and expectations of the people around there. There is some point to having PRDs limited in size and scope, and he would like the Village to consider that limitation as well. Mr. Lesser thanked the Board for their service on behalf of the Village.

In response to a question from Trustee Charlot, Village Administrator Irvin said he would get back to the Board in terms of laying out a schedule for this effort.

As there were no further questions, Trustee Ankenman moved to approve first reading of the ordinance. Trustee Meyer 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)

Trustee Dewart moved to waive second reading of the ordinance. 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)

**20. ITEM #19 – TRUSTEE’S REPORT**

Trustee Markee said approximately 330 engraved bricks will be installed beginning October 5 in front of Village Hall and she thinks the brick walkway will be a nice beautification project for the Village.

Following a comment from Village Administrator Irvin regarding technical issues, President O’Hara moved to take Agenda Item #21. There were no objections from the Board.

**21. ITEM #21 – CONSIDERATION OF THE AUGUST 24, 2020 EXECUTIVE SESSION MEETING MINUTES**

Trustee Markee moved to approve the August 24, 2020 Board of Trustees Executive Session Meeting Minutes as presented. Trustee Towle seconded the motion. The motion passed on the following roll call vote:

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

**22. ITEM #20 – EXECUTIVE SESSION**

At 9:03 p.m. Trustee Dewart moved to enter into Executive Session for the purpose of discussing Probable or Imminent Litigation (5 ILCS 120/2(c)(11)) and Security Procedures (5 ILCS 120/2(c)(8)). Trustee Ankenman 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)

There being no further business to discuss, Trustee Meyer moved to adjourn out of executive session. Trustee Ankenman seconded the motion and the motion passed on a unanimous voice vote at 9:21 p.m.

**23. ITEM #22 – ADJOURNMENT**

Trustee Dewart moved to adjourn the regular meeting. Trustee Towle seconded the motion and the motion passed on a unanimous roll call vote at 9:24 p.m.

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

Respectfully Submitted,

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R. Drew Irvin  
Village Administrator

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Megan Michael  
Village Clerk