

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

SEPTEMBER 16, 2020

APPROVED MINUTES

1. Call to Order and Roll Call

Chair Peters called to order a virtual meeting of the Joint Plan Commission and Zoning Board of Appeals (PCZBA) of the Village of Lake Bluff on Wednesday, September 16, 2020, at 7:00 p.m.

The following members were present:

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

Also Present: Benjamin Schuster, Village Attorney
 Glen Cole, Assistant to the Village Administrator (AVA)
 Allie Caskey, Undergraduate Intern

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 August 19, 2020 PCZBA Regular Meeting Minutes

Member Russell offered several corrections.

Member Miller moved to adopt the August 19, 2020 PCZBA Regular Meeting Minutes as amended. Member Russell seconded the motion. The motion passed on the following roll call vote:

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

4. A Public Hearing Regarding Amendments to the Tree Regulations

AVA Cole briefed the Committee on the Historical Preservation Committee's plan to revise the Village's preservation regulations. Among other changes, their draft calls for the introduction of historic districts, realignment of delay periods before structures can be torn down. He said that the Ordinance relates to goals in the 1997 Comprehensive Plan regarding housing, but these regulations are not part of the Village's zoning code. The PCZBA does have to take some action regarding these changes, however, as the Village's tree

regulations are involved. Currently, the regulations provide a reduction in tree removal fees if the tree is being removed from a property with a historic landmark to accommodate a conforming addition to the site. The proposed amendment would change the terminology of these protections from “landmark” to “protected feature” which encompasses the different historic preservation designations.

Chair Peters asked AVA Cole about how many times per year they’ll see reduction of fees associated with the proposed amendment. Cole said he didn’t know, but that any proposed additions to protected sites would come before the HPC before the reductions be made.

Member Miller asked if the Village reduces fees so that the protected building is allowed to stay alongside the additions. AVA Cole clarified that this provision in the zoning code acts as an incentive to landmark a property. Under this provision, a landmark property owner does not pay to remove a tree to build an addition (as a result of being landmarked).

AVA Cole stated that members of the public should identify themselves if they wished to speak. There were no requests from the public.

Member Russell moved to recommend that the Village Board amend the text of the Zoning Regulations as presented in the draft Ordinance. Member Miller seconded the motion. The motion passed on the following roll call vote:

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

5. A Public Hearing Regarding 714 Birch Road

AVA Cole briefed the committee on the request to allow encroachment into the side yard setback. 714 Birch Road is looking to build an emergency natural gas generator. Because the variation requested is less than 25% of the standard, the PCZBA has the power to directly grant or deny the request for relief rather than make a recommendation to the Village Board.

The Digbys, the homeowners, introduced themselves and were sworn in by Chair Peters. Chair Peters asked for a brief overview of their petition. The Digbys stated that they have been residents for five years. They have experienced several power failures, some lasting more than a few hours. They have two sump pumps, batteries to prepare for frequent flooding and testified that a significant flood cost “several thousand dollars’ worth of damage”. As a result, they are looking at installing a generator. They have spoken to neighbors who are understanding and accepting; there are no issues with the neighbors.

AVA Cole displayed an aerial photo of the property and the neighboring property context neighboring property. Member Russell contended that the generator location description in the application is described inaccurately as it does not appear to be adjacent to the neighbor's driveway. His other point of concern was the lack of dimension as to how far back along the wall the generator will be located. The further east the generator is placed, the further it is from neighbors.

Mr. Digby explained that once situated, it will be adjacent to the east corner of their house and the neighbor’s driveway. He noted there are shrubs and trees blocking it from the neighbors as well. Ms. Digby clarified

that the neighbors have a pull-in further away from the driveway not shown. It would be placed away from any of the neighbor's entrances.

Member Danly asked if all other locations have been considered and if this plan was this recommended by a professional. Ms. Digby answered it has to go there because of electrical connections, they have windows and an air conditioning unit on the other side of the house, so they are limited as to where they can locate the generator. This is their only option based on expert advice.

AVA Cole asked for correspondence with the Digby's neighbors that the Digby's referred to in their testimony, as it appeared he had not received copies of the correspondence due to a technical issue.

Chair Peters asked about sound pollution when turned on. Member Russell, referring to the specifications included on the application, said the generator operates at 67dB which he believes is probably not louder than a lawnmower. Member Russell said moving just a few inches isn't going to be a problem.

Member Russell said the generator should be placed no more than 16 feet west of the northeast corner of the building to keep it away from neighbors. Ms. Digby agreed that the placement would be nowhere near even 16 feet.

Member Burns has no further questions. He agreed that the proposed variation isn't going to change anything for neighboring property owners. The Digby's are dealing with a clear hardship, so this is a good solution.

Member Rider pointed out that the neighbors are clearly in support, so there is no real reason for her to object.

Member Russell moved to approve the variation with the condition that the generator should be placed no more than 16 feet west of the northeast corner of the building. Member Burns seconded. Member Murray asked that the motion direct staff to follow up with the Digbys and obtain and confirm a copy of their correspondence with their neighbors. 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. A Public Hearing Regarding 39-47 Sherwood Terrace (PIN 12-19-401-012)

AVA Cole briefed the board on the proposed new Jaguar dealership in the Lake Bluff Business Park. The Architectural Board of Review who then recommended the plan in March and a hearing before the PCZBA was delayed due to COVID-19. One significant change is that the Applicant has submitted a revised site plan after IDOT indicated they would not provide a permit for a proposed right in / right out ramp onto Highway 41. AVA Cole provided a review of other conditions applicable to dealerships in the L-1 District.

Member Russell expressed that there should be no vehicle unloading on the shoulder of Highway 41 for safety purposes.

Robert Flubacker, architect, and Jordan Aaron, developer, were sworn into the Board Meeting.

Mr. Jordan Aaron presented on this item. He stated that his group currently owns two lots to the north of this lot. Jaguar has been developing new dealership branding. They believe it is more efficient to build a new dealership that meets Jaguar's branding requirements and to repurpose their existing dealership.

At the request of a Commissioner, AVA Cole offered clarification on the outcome of this petition. There are distinct forms of relief being sought: a car dealership in this district requires a special use permit; there is a 50 foot parking setback, so proposed parking spaces in this setback would require a variation; and this district has rules about the direction of loading doors.

Member Miller said the special use permit is moot in his eyes as similar dealership permits have previously been approved. The parking setback is also moot in his eyes as other dealerships have previously received this variation due to their unique parking demands. The loading door issue is also resolvable as there is not another feasible option. As all of the issues have been addressed, Member Miller said there are no other concerns and he would recommend approval.

Member Burns, in reference to other dealership's variations, asked about the Chevy dealership setback length and how many vehicles are parked there. AVA Cole answered there was a single-digit amount of vehicles parked within the setback for display purposes as a result of their hearing before the PCZBA a few years ago. Member Burns offered his support based on the precedent of Chevy's encroachment and need to support business expansion in Lake Bluff.

Member Murray expressed his support as the project is an investment into the community. Members Rider, Danly, and Russell offered their support for the variations.

Mr. Flubacker elaborated on IDOT's request denial. He explained that they are pursuing the curb cut, but because Highway 41 is considered a limited access highway, IDOT wants to reduce the number of curb cuts.

Member Burns was supportive of Staff's recommended condition to allow curb cuts to be approved administratively. Member Russell agreed.

AVA Cole stated that members of the public should identify themselves if they wished to speak. There were no requests from the public.

Member Miller motioned to recommend the Village Board approve the requested relief, both with and without a curb cut. Member Murray seconded.

AVA Cole clarified that he understands the PCZBA wishes that their recommendation include the condition regarding no loading/unloading on 41. Member Burns clarified that the curb cut conditions, if needed, will be considered later by Staff and can be approved administratively.

The motion passed on the following roll call vote:

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

7. Public Hearing – 28-38 E. Center Ave. and 53-91 E. Scranton Avenue (PIN 12-21-115-015)

Member Murray recused himself from the Board Meeting due to a potential conflict of interest and announced that he would not return for the remainder of the agenda after this item.

AVA Cole briefed the Board on the expansion request for Prairie Espresso. He said that this was the fourth recent PCZBA hearing regarding this property; the first was introducing a new sandwich shop (“BONK”), as part of the bicycle shop space, the second was the addition of Lawrence pub in the unused bank drive-through, and the third was moving the sandwich shop and reconfiguring Inovasi to add a retail area and basement bar.

This proposed expansion concerns the 79 E. Scranton tenant space. AVA Cole explained that Prairie Espresso is looking to bring the existing outdoor service inside during the winter months along with changes to their liquor license. He discussed the parking concerns noted in some of the correspondence received prior to the meeting as well as the information provided in his memorandum.

AVA Cole summarized the results of the parking survey as evidencing a 45-space parking surplus in 2014. As to the enforcement concerns raised in the public comments received, AVA Cole shared there were 54 parking incidents recorded downtown between November 2019 and February 2020. He said that general parking issues in the downtown are an important matter, but are really a separate planning matter; and while parking is a part of the application, the focus for this agenda item is the application for zoning relief.

Member Russell clarified that independent assessment of parking surplus includes Metra station parking lot, not just downtown.

Matthew Kerouac, architect, and John Davis, proprietor were sworn into the meeting.

Mr. Davis introduced himself and explained that he took a risk on an all-outdoor coffee shop as originally proposed, but this space has grown and proven to be an award winning attraction. He believes the expansion will continue to contribute to the character of the town. The expansion would include bathrooms, an access hallway to the existing building, and creating a service window.

Mr. Kerouac explained the intent is to expand the atmosphere so that it can be experienced in all four seasons, rather than be limited by the weather.

Member Russell asked for clarification about Prairie’s proposed year-long operations. Mr. Davis responded that both indoor and outdoor service will be available when weather makes it possible. Member Russell inquired whether or not parking allocation would change, Davis responded that it would not to his knowledge. Davis explained that patrons who eat outside would now be able to move inside, making their parking net-neutral as both outdoor and indoor seating accommodate relatively the same numbers of patrons.

Member Russell offered insight about making it clear for people looking for parking that there are spaces between Scranton and North. He said that these aren’t private spaces and should be signed differently and more clearly by the Village.

Kerouac explained that if left vacant, the tenant space may be subject to “dying” retail or another restaurant. He said that this use would be an expansion of an existing concept with a familiar and proven entity.

Member Danly expressed her support for the project as it is about the application, not parking. Member Rider also offered her support. She added that a vacant space or a different use wouldn't improve the parking problem anyways. Member Burns and Miller expressed support.

Chair Peters inquired about Davis' intent for hours of operation. Davis answered the idea is Sunday-Thursday 7-10PM, Friday-Saturday 7-12AM.

Ms. Denise Pettiecord, resident, asked Mr. Davis to confirm that outdoor dining will be closed by 10pm. Mr. Davis confirmed this. She pointed out that the Village guidelines are inconsistent with the actual closing times of restaurants. Chair Peters confirmed this.

Member Russell pointed out that the Lawrence Pub is listed as 11PM, same as Inovasi. He asked if the Board cut them back from 12AM or was that a choice made by the proprietor. AVA Cole answered that the 10PM limit was created by the PCZBA. Member Russell suggested making all closing times consistent. Member Burns added the closing time should be no later than 11PM for sake of consistency.

Kerouac responded to the proposed change in times by explaining how exiting customers would spill out into Scranton not into residential areas. Member Miller and Danly clarified that the properties above Inovasi are residential, so there is no viable comparison between Lawrence Pub and Inovasi. Member Danly added that maybe consistency is less important for sake of maintaining vibrancy of the town.

Member Russell stated that he believes the closing time should be 11PM and excused himself from the meeting briefly.

Following a continued discussion, AVA Cole clarified that he understands the PCZBA wishes to recommend the proposed hours of operation as 7 a.m. to 11 p.m. all days except Saturday, 7 a.m. to midnight on Saturday, and maintain the condition that the restaurant operate no later than 10 p.m. outdoors.

Mr. Davis added that he is seeking to amend the current special use permit to be more permissive of amplified sound such as music. Member Miller pointed out that this is a separate issue and was not contemplated in the application. Mr. Davis believed it is relevant to discuss as changes to the property are being made. AVA Cole clarified that there is no prohibition on the use of amplified sound in the Special Use Permit, but Staff routinely imposes this restriction when it provides special event approvals under the conditions of Prairie Espresso's Special Use Permit. Village Attorney Schuster added that the Board doesn't have to give specific relief as it's not prohibited.

In response to a question from Member Burns, Village Attorney Schuster explained there is a prohibition on creating a nuisance in the Village Code. Whether or not it is a "special event" under the special use permit, you can be cited and fined creating a nuisance.

Member Miller moved to recommend the Village Board grant the relief subject to the conditions recommended by Staff and the amended hours of operation (7 a.m. to 11 p.m. all days, 7 a.m. to midnight Saturday, no later than 10 p.m. outdoor service). The motion was seconded by Member Burns.

The Chair recognized Ms. Denise Petticord by phone, who expressed concerns about sound traveling since Prairie Espresso faces the sidewalk and was seeking special consideration from the Board. Chair Peters acknowledged the sound as a potential nuisance, but that it is covered by the code. After some discussion, AVA Cole suggested to not change the conditions of the motion. If Davis wants to bring live bands in, then he would be able to receive a special event approval as provided by the current terms of his special use permit.

The original motion passed on the following roll call vote:

Ayes: (6) Burns, Miller, Rider, Danly, Russell, and Chair Peters

Nays: (0)

Absent: (1) Murray (recused)

8. Workshop Regarding Accessory Dwelling Units

AVA Cole introduced the agenda item and stated that it is a continuation from discussion during the August PCZBA meeting on accessory dwelling units (“ADUs”). The board revised policy outlines that were shared with the Architectural Board of Review. The ABR’s chairman commented that it would be difficult to build based on Village restrictions. This was also brought to the Village Board, and AVA Cole reported that there was potential for a joint workshop. The Board offered overall interest as well as general comments. He said that Staff’s goal tonight was to resolve the outstanding items it can from these meetings including minimum rental periods, public services, and tree regulations. The overall goal is to answer remaining questions and make sure these proposed adjustments fulfill the PCZBA’s concerns.

Chair Peters asked, with respect to tree regulations, if ADUs were permitted, how would the tree ordinance change? AVA Cole responded that if someone were to build an addition, any trees you have to remove would usually be discounted by 50% or fully waived for a landmark. If the proposed structure is detached, the person is responsible for the full tree replacement cost. Based on the proposed regulations, the same rules would apply.

AVA Cole reported that he has been in discussions with Edward Deegan Architects, who have volunteered to prepare three case studies to illustrate the proposed rules.

Member Russell provided comments regarding the proposed height exemption. He said that he believes the height rules are still too permissive and could be misapplied. He also said that a gable ended structure could be built very close to a neighboring property as proposed. He concluded by saying that he was interested in a minimum rental period.

Member Rider was in favor of pursuing the case studies and agreed that an additional workshop would be good. She also expressed support for maintaining the minimum length of a rental period as 30 days.

Member Danly said she had no other issues besides a concern about the view from the backyard given property lots being so close together. She expressed interest in seeing examples/visual aid to see the impact to neighbors.

Member Miller expressed the need to hear from more expertise than just the PCZBA.

Member Burns offered support, believing this project is worth continued pursuit but he is less concerned about specific restrictions. He is good with draft changes and believes a workshop with the Village Board would be helpful. Chair Peters inquired about doing a workshop with both the Village Board and the ABR.

AVA Cole said that they can work towards a joint meeting with the ABR after the Edward Deegan Architects case studies are in hand. He said that there are clearly still important details to be worked out such as the height exemption, smaller lots, and etc., but he recommended that the PCZBA should feel comfortable continuing to joint meetings if there was consensus on 80-90% of the proposal.

Chair Peters reiterated his concern whether Lake Bluff is ready for this type of expansion but emphasized that he is open to discussion.

9. Staff Report

Village Attorney Schuster provided a procedural recommendation as to how the PCZBA should conduct public hearings. He provided an update regarding the Village's ongoing litigation concerning the Stonebridge planned residential development.

Allie Caskey was introduced as the newest Village intern from Lake Forest College.

10. Commissioner's Report

There was no report.

11. Adjournment

As there was no further business to come before the PCZBA, Member Miller moved to adjourn the meeting. Member Danly seconded the motion. Upon a unanimous roll call vote, the meeting adjourned at 9:29 p.m.

Respectfully submitted,

Glen Cole
Assistant to the Village Administrator