

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

MARCH 16, 2016

APPROVED MINUTES

1. Call to Order & Roll Call

Chair Kraus called to order the regular meeting of the Joint Plan Commission and Zoning Board of Appeals (PCZBA) of the Village of Lake Bluff on Wednesday, March 16, 2016, at 7:00 p.m. in the Village Hall Board Room (40 E. Center Avenue).

The following members were present:

Members: Sam Badger
Leslie Bishop
Mary Collins
Michael Goldsberry
Steven Kraus, Chair

Absent: Elliot Miller, Member
Gary Peters, Member

Also Present: Benjamin Schuster, Village Attorney
Brandon J. Stanick, Assistant to the Village Administrator (A to VA)

2. Approval of the December 16, 2015, February 9, 2016 Joint PCZBA and Architectural Board of Review (ABR) Workshop Meetings and February 17, 2016 PCZBA Regular Meeting Minutes

Member Goldsberry moved to approve the minutes of the February 9, 2016 Joint PCZBA and ABR Workshop Meeting with comments requested by Member Bishop. Member Collins seconded the motion. The motion passed on a unanimous voice vote.

Chair Kraus stated the December 16, 2015 Joint PCZBA and ABR Workshop Meeting and February 17, 2016 PCZBA Regular Meeting Minutes will be considered at the next PCZBA meeting.

3. Non-Agenda Items and Visitors

Chair Kraus stated the PCZBA allocates 15 minutes for those individuals who would like the opportunity to address the PCZBA on any matter not listed on the agenda.

There were no requests to address the PCZBA.

4. A Public Hearing to Consider a Petition Filed by Lake Effect Holdings, LLC Seeking: (i) a Special Use Permit to Allow the Operation of an Eating Place Without a Drive-Through Facility (SIC 5812) at 600 Walnut Avenue; and (ii) Any Other Zoning Relief as Required to Operate the Business

Chair Kraus introduced the agenda item and requested an update from Staff.

A to VA Stanick stated at its meeting on February 17, 2016 the PCZBA conducted a public hearing and recommended the Village Board deny the zoning petition from Lake Effect Holdings, LLC (Petitioner) seeking a special use permit (SUP) to operate an eating place without a drive through facility at 600 Walnut Avenue. The proposed tenant for the space is Hansa Coffee. On February 22nd

the Village Board voted to refer the zoning petition back to the PCZBA for further consideration due to new information provided by the Petitioner that was not available to the PCZBA during the public hearing.

Chair Kraus stated the proposal presented at the February 17th PCZBA meeting has not changed. As traffic and parking were the issues addressed at that meeting this will be the bulk of the conversation for tonight's meeting.

Chair Kraus administered the oath to those in attendance and opened the public hearing.

Mr. Robert Douglass, Managing Partners for the Petitioner, stated the previous SUP was denied pursuant to standards for special use permit concerning traffic congestion and noted the new information addresses how Hansa Coffee may impact parking in Central Business District (CBD). The Lake Bluff Downtown Parking Study (Rich & Associates, Inc.) indicates peak business hours in the CBD occurring 11:00 a.m. to 1:00 p.m. where the peak operating hours for Hansa Coffee is 7:00 to 11:00 a.m. As this is the case there would be adequate parking to handle any increase in traffic in the CBD. Mr. Douglass stated at peak capacity Hansa Coffee would utilize approximately 19 parking spaces, as Hansa Coffee proposes 28 seats, he expressed his belief that would amount to 19 spaces with the café at full capacity. Based on the data presented by the Petitioner, he stated at full capacity the coffee shop would account for 9% of the parking in the entire CBD bringing average total during the timeframe described to 34% total occupancy in the CBD.

Mr. Douglass described how the proposed use would not interfere with the development or use of surrounding properties noting the Staff memorandum describes the surrounding land use: North - Parking lot & multi-family residential, East - Office, South - Village Green Park, West - Office, restaurant & train station. Mr. Douglass expressed his belief that Hansa Coffee will enhance the development and attract more customers to the CBD. He stated when the Block One site plan was approved (Ordinance 2007-14) the 600 Walnut Avenue retail space was accounted for by the Village which included all retail spaces in Block One. He expressed his opinion, that given the additional information provided, the application satisfies all the standards for special use permits and is consistent with the goals of the CBD.

Chair Kraus recapped the new information provided, which included a letter from Rich and Associates, Inc. concerning the potential impact of the new use and a memorandum from Village Engineer Jeff Hansen verifying the consultant's information.

Member Goldsberry expressed his concern with increased vehicular traffic during peak periods and the potential for double parking along Walnut Avenue. Mr. Tom Maegdlin, Co-Owner of Hansa Coffee, stated parking is an enforcement issue which should be addressed by the Police Department when such incidents occur.

Member Goldsberry inquired of their marketing strategy to attract customers. Mr. Maegdlin stated the goal of a private enterprise is to get as many customers as possible, local or out-of-towners.

In response to a comment from Member Goldsberry, Mr. Kevin Kane, Co-Owner of Hansa Coffee, stated the Libertyville location does not have "grab and go" customers. The patrons

actually park their vehicles and come inside to place an order which takes approximately seven minutes to complete. During the morning hours commuters and business people use the shop and it is also used in the evening by high school students, college students, professionals and parents/couples that desire a non-alcoholic environment.

Member Collins stated the business model described is not reflected in any of the materials provided to the PCZBA. She stated Walnut Avenue is a unique street as traffic tends to feed onto North Avenue and the matter needs to be addressed more seriously. She commented on the Rich and Associates, Inc. demand model and quotes mentioned in the Village Engineer's letter. She expressed her opinion six parking spaces per 1,000 is not credible to the 28 seats available in addition to the customers that come in to purchase coffee and are not seated.

Member Collins stated in order for the business to work there needs to be adequate short-term parking and she expressed her opinion there wasn't enough information given from the parking study. Mr. Douglass stated the three parking spaces located immediately to the east of the building along Walnut Avenue and the first two spaces on the north side of the building are 15 minute parking spaces, which also serve the Post Office.

Member Badger expressed his appreciation for the new information and for the Co-Owners attending the meeting. The graphs showing the peak hours helped to better understand the situation and stated he is more satisfied with the parking situation given the new information. He expressed his belief the proposed operating hours should not interfere with the surrounding businesses as many establishments will be closed and the employees are no longer using the spaces.

Member Bishop stated the new information provided by the Petitioner is much clearer. She asked if the SUP could be restricted to apply only to Hansa Coffee and not transferable to any future restaurant at this location.

Chair Kraus stated he likes that the proposal will not prepare food on-site and concurred with the reports received from experts that a coffee shop is different than a full service restaurant. He stated if there is significant change in use the Village may want the opportunity to review again should any change occur to the business that would impact the area.

Mr. Kane stated food preparation will not occur at this establishment because of labor costs and it takes the focus off of their main product which is coffee. Should there be a need to serve outside food it will be prepackaged items from local vendors.

Mr. Douglass stated the Petitioner and the business is receptive to having conditions placed on the SUP requiring Village approval for any changes. Lastly, Mr. Douglass provided a stack of letters of support for the public record.

Chair Kraus opened the meeting for public comments.

Chair Kraus administered the oath to Ms. Marina Carney Puryear (resident). Ms. Puryear showed a picture of a vehicle double parked on Walnut Avenue in front of the proposed establishment. She expressed her concerns regarding parking and increased traffic especially during the Farmers' Market. Ms. Puryear stated she lives next to the CBD and shared her personal experience with

discarded trash from food establishments that will attract animals. She also expressed concern for the mail truck which travels along Walnut Avenue.

Mr. Terry Levin (member of Lake Forest/Lake Bluff Chamber) expressed his support for Hansa Coffee. He stated the benefits of having this type of business in the community will far outweigh any problems it could cause.

Chair Kraus administered the oath to Mr. Luke Stow (Libertyville resident). Mr. Stow stated he works for the City of Evanston which has approximately 25 coffee establishments and noted their economic development team has been working with Hansa to recruit them to come to Evanston.

Mr. Paul Bettendorf (Lake Bluff resident) expressed his opinion that Hansa Coffee has a superior espresso product. He stated many of the local region roasters in Lake County have moved for various reasons. He stated the best Lake County has to offer is mediocre espresso products and Lake Bluff has an opportunity to get a superior product. He expressed his opinion the PCZBA or Village government should not determine how many coffee shops are allowed, but provide a level playing field so the market can determine who wins and loses.

Ms. Kathryn Briand (Lake Bluff resident) stated this is not a referendum on the quality of Hansa Coffee or the integrity of their business model. She stated Prairie Espresso has been using their product and as a result of their due diligence it is believed the restaurant will do well in this community. She expressed her concern for traffic and asked if the PCZBA had received all the necessary information to make an informed decision. The decision should not be based on the vibrancy in the downtown but for the safety of the community.

Chair Kraus administered the oath to Ms. Katherine Murray (Lake Bluff resident). Ms. Murray commented on the proposed location noting if Evanston cannot find a location for Hansa Coffee how could Lake Bluff. She expressed her concern for how the business will impact parking and traffic in downtown. She also expressed her concern for local businesses and asked the PCZBA to consider the shop local slogan.

Member Collins commented on parking and stated there need to be a somewhat realistic idea for what a typical day at the restaurant would be. Mr. Douglass stated there is no precise science for CBD parking. He stated even if the business is at full capacity it is still below 50% on-street parking for downtown during the morning peak demand hours.

Mr. Maegdlin shared monthly parking data based on their Libertyville location which averaged approximately 275 transactions per day.

Chair Kraus administered the oath to Mr. Lonnie Hodge (Great Lakes resident). Mr. Hodge stated he lives on the Naval Base but visits Hansa Coffee in Libertyville on a regular basis. The establishment has very few parking spaces, but he has never experienced any parking issues. He also noted the establishment is within close proximity of other coffee shops which appear to be thriving as well. He commented on how the business has contributed to the military community and expressed his belief it is going to attract more traffic and interest for the area.

Ms. Murray (Lake Bluff resident) asked if a more recent study of similar businesses in the area, such as Starbucks, can be provided to help make an informed decision.

Member Goldsberry asked if this was the correct SUP for a grab and go business. He stated should the business change the Village may not have any recourse.

Village Attorney Benjamin Schuster explained the conditions that could be placed in a SUP.

Chair Kraus closed the public hearing.

Village Attorney Schuster explained the voting protocol noting a majority of at least three is needed for a positive recommendation to the Village Board.

Member Badger moved to recommend the Village Board approve a SUP to allow the operation of an eating place without a drive-through facility with the following conditions: i) Hansa Coffee Roasters (Restaurant) shall be the exclusive Restaurant operating at this location; ii) the Restaurant shall be a coffee shop that shall not prepare food on-site; iii) the Restaurant shall operate from 6:00 a.m. to 9:00 p.m. Monday through Friday, 7:00 a.m. to 10:00 p.m. on Saturday, and 12:00 to 6:00 p.m. on Sunday; iv) no more than 28 seats may be provided for customer use; v) the maximum space for the Restaurant shall not exceed 1,030 sq. ft.; vi) the Restaurant shall meet regularly with Village Staff to review traffic, parking and other issues relating to business operations; and vii) all Restaurant employees must obtain a Downtown Employee Parking Permit and park at the Train Station. Member Goldsberry seconded the motion. The motion passed on the following roll call vote:

Ayes:	(4)	Badger, Bishop, Goldsberry and Chair Kraus
Nays:	(0)	
Abstain	(1)	Collins
Absent:	(2)	Miller and Peters

5. Continuation of a Public Hearing to Consider a Petition Filed Jointly by Mr. Edward Fiorentino and the Village of Lake Bluff Seeking: (i) a Text Amendment to Section 10-5-9 of the Lake Bluff Zoning Code, Concerning Accessory Buildings and Structures, to Allow Pool Houses that Facilitate the Use of Swimming Pools but are not used as Dwellings to Contain Heat, Light, and Shower Facilities, and (ii) Any Other Zoning Relief as Required to Allow Pool Houses that Facilitate the Use of Swimming Pools but are not Used as Dwellings to Contain Heat, Light, and Shower Facilities

PCZBA Chair Kraus introduced the agenda item and requested an update from Staff.

A to VA Stanick stated the Village is serving as Co-Petitioner with Mr. Fiorentino for a text amendment to allow accessory structures (a pool house in this case) to have shower facilities. Although the zoning petition is requesting the Village amend the definition of “Living Quarters”, there are several ways the Village can approach regulating the number of dwelling units on one property.

Chair Kraus administered the oath to those in attendance and opened the public hearing.

Mr. Christopher Derrick, architect representative for Mr. Fiorentino, stated the request is for a text amendment to allow a shower in a pool house. Currently, the Zoning Code defines Living Quarters as an accessory building or structures that has heat, light and bathing or shower facilities. Pursuant to the Zoning Code bathing or shower facilities are prohibited to accessory buildings;

however, showering before swimming in a pool is a way to promote health. Mr. Derrick showed a slide of the site and floor plans for the pavilion, and elevations of the pool house in relation to the property.

Member Badger inquired of the violation if the Petitioner were to move forward as planned. A to VA Stanick stated the definition of living quarters includes bathing and shower facilities, and because this is an accessory structure, showers and bathing facilities are not allowed. A discussion followed.

Members Bishop and Goldsberry expressed concerns about allowing more than one dwelling unit on a property.

Mr. Derrick clarified the ongoing construction process noting the pool house is under construction with no shower facility. A discussion regarding the review process and the requirements followed and it was the consensus of the PCZBA to have Staff prepare a draft ordinance approving a text amendment allowing pool houses as a special use.

Member Goldsberry moved to direct Village Staff and Legal Counsel to prepare a text amendment to the Zoning Code establishing pool houses as a special use in single-family residence districts for consideration at its next meeting. Member Bishop seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Bishop, Collins, Goldsberry, Badger and Chair Kraus
Nays: (0)
Absent: (2) Miller and Peters

6. A Public Hearing to Consider a Petition Filed by the Lake Bluff Park District Seeking an Amendment to the Existing Special Use Permit (Ordinances #2009-05 and #2012-05 as Amended) to: (i) Lengthen the Time for the Installation, Operation and Maintenance of a Smaller Tent Structure on the South Lawn of the Lake Bluff Golf Course Club House (355 W. Washington Avenue); and (ii) Any Other Zoning Relief as Required

PCZBA Chair Kraus introduced the agenda item and requested an update from Staff.

A to VA Stanick provided background information on the existing SUP. The SUP for the tent first expired on November 1, 2011 and the Petitioner, through Ordinance 2012-05, was granted an extension of time through November 1, 2015. The Petitioner is requesting an amendment to the existing SUP to allow the construction, operation and maintenance of a tent facility for an additional four years through December 31, 2019.

Chair Kraus administered the oath to those in attendance and opened the public hearing.

Mr. Ron Salski, Executive Director of the Lake Bluff Park District, provided background history on the existing SUP and noted the request is to amend the existing SUP to continue to operate the tent pursuant to the current conditions. The Golf Club has revised its business model to focus on growing golf outings; therefore, the plan is to install a smaller tent, 40 ft. x 60 ft. (2,400 sq. ft.). The Park District would also like to setup an additional tent on the exposed asphalt area for special events such as the Firemen’s Ball. Lastly, Mr. Salski stated the surrounding neighbors have been contacted and a few have expressed their support for a smaller tent.

As there were no concerns from the PCZBA, Member Bishop moved to recommended the Village Board amend the existing special use permit allowing the installation, operation and maintenance of a smaller tent structure (2,400 sq. ft. in size) each year (from March 1st to October 31st) through December 31, 2019 on the south lawn of the Lake Bluff Golf Course Club House in addition to the previous conditions of the special use permit. Member Goldsberry seconded the motion. The motion passed on the following roll call vote:

Ayes: (5) Collins, Goldsberry, Badger, Bishop and Chair Kraus
Nays: (0)
Absent: (2) Miller and Peters

7. A Discussion Regarding Lake Bluff Park District Zoning Matters

Chair Kraus introduced the agenda item.

Village Administrator Irvin provided an update noting neither Artesian Park nor Sunrise Park and Beach operate under a special use permit. The Park District has agreed to prepare and submit to the Village an application for approval of a special use permit for the operation of Sunrise Park and Beach as a public park; however, before the Park District begins the zoning process, and so that Staff can best counsel the Park District, Staff is seek direction from the PCZBA regarding certain related considerations: (i) creation of Institutional Zoning District and (ii) planning for the North Shore Water Reclamation District Overflow Basin Project.

A discussion ensued amongst the PCZBA of matters relating to the Lake Bluff Park District, including the establishment of an institutional zoning district for the Park District and other similar public entities. Village Staff advised a draft ordinance establishing an institutional zoning district will be presented to the PCZBA at a future meeting.

8. Commissioner's Report

Chair Kraus reported the next regular PCZBA meeting is scheduled for April 20, 2016.

9. Staff's Report

Staff had no report.

10. Adjournment

As there was no further business to come before the PCZBA, Member Goldsberry moved to adjourn the meeting. Member Bishop seconded the motion. The meeting adjourned at 9:17 p.m.

Respectfully submitted,

Brandon Stanick
Assistant to the Village Administrator