

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

FEBRUARY 17, 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, November 18, 2015, 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
 Elliot Miller (arrived at 7:23 p.m.)
 Gary Peters
 Steven Kraus, Chair

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

2. Approval of the December 16, 2015 and January 20, 2016 Meeting Minutes of the Joint PCZBA and Architectural Board of Review Meetings.

Members of the PCZBA expressed their preference to have the public comments from the December 16th Meeting memorialized in the minutes before acceptance.

Following a brief discussion, Member Goldsberry moved to approve the minutes of the January 20, 2016 meeting with changes requested by Members Badger, Collins and Goldsberry. Member Bishop seconded the motion. The motion passed on a unanimous voice vote.

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 explained the protocol the PCZBA will use for tonight's various public hearings.

Chair Kraus administered the oath to those in attendance.

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

A to VA Stanick stated the Village received a zoning petition from Lake Effect Holdings, LLC, the owner of the former Village Market building, seeking a special use permit (SUP) to allow an eating place without a drive-through at 600 Walnut Avenue. The proposed tenant is Hansa Coffee, a local small business coffee roaster. The floor plan provided as part of the submittal shows seating for 28 customers at nine tables and one couch. Hansa Coffee will provide a full service coffee bar, assortment of roasted coffee beans, bakery and breakfast items, as well as coffee machines and presses among other coffee accessories. The proposed hours of operation are Monday through Friday, 6:00 a.m. to 9:00 p.m., Saturday from 7:00 a.m. to 10:00 p.m., and Sunday from 12:00 to 6:00 p.m.

A to VA Stanick stated no traffic demands or safety hazards are foreseen with this type of use. There will be minimum impact to public utilities as adequate water and sewer services are currently available. Sanitation service will be provided by the Petitioner's contractor and is currently provided at the rear of the building several times per week. Village Staff does not anticipate any irregular impacts to police and/or fire services.

Village Attorney Andrew Fiske reported the property owner is the applicant for the SUP. If approved, the Petitioner will hold the SUP and will have the authority to establish an eating place consistent with any conditions identified in the SUP and will not require a public hearing with the PCZBA for any future eating places.

Member Goldsberry expressed concern with having too many of the same type of businesses operating in the downtown. He stated he wouldn't want the Village to look like other towns where there are too many of the same businesses in one area.

Chair Kraus stated the issue before the PCZBA is a zoning issue as it is a request for a SUP. The planning was determined when the previous Boards decided this area is for first floor retail. He stated this is a zoning issue because of the change in use from a butcher shop to a coffee shop. In addition, he stated it's up to the market place to determine who succeeds and who doesn't in the event there are similar types of businesses.

Member Bishop asked if a precedent was set when the Village issued a SUP to the property owner to allow Maevery Public House. She expressed concern for doing this for the entire block without coming to the PCZBA. Member Bishop expressed her understanding that any type of restaurant, subject to the landlord's decision, could go into the space in the event this one fails.

Village Attorney Fiske stated each application comes before the PCZBA on its own merit so the action taken on a previous applicant does not bind the decision for other applications. A discussion ensued regarding the purview of the PCZBA.

Mr. Robert Douglass, Managing Partner for Lake Effect Holdings, provided a background summary of the Block One redevelopment process which included the restoration of the Village Market building. He expressed his belief this type of business will bring people to the downtown. This particular business is based in Libertyville where they roast their own coffee beans. He stated the business will drive more traffic into town which will benefit all businesses by attracting people downtown. Mr. Douglass stated this is an independent business and not a national chain. He stated as far as having similar businesses, there are two dry cleaners and several restaurants in the downtown that work well together.

Mr. Douglass stated the Architectural Board of Review has reviewed the exterior façade modifications planned for the building and forwarded its favorable recommendation to the Village Board. Mr.

Douglass stated he is requesting a SUP because a coffee shop is classified as a restaurant and only allowed pursuant to a SUP.

Member Badger asked the Petitioner to comment on his response to the standards for special use permits regarding traffic congestion. Mr. Douglass stated the 15 minute parking duration was based on the average turnaround time for their location in Libertyville. Currently, there are 5 designated 15 minute parking spaces along the west side of Walnut Avenue and in front of Wisma. Mr. Douglass stated the coffee shop will seat 28; however, the likelihood of this being at full capacity all the time is remote.

Member Badger stated he does not have a problem with the use, but does have concerns about the impact on parking.

Mr. Douglass expressed his opinion a parking issue is a good problem and noted the Village has expanded commuter parking to the north at the Train Station Lot. He stated if parking regulations were enforced there would not be any parking issues in the downtown.

Chair Kraus asked if the business will serve breakfast items in addition to coffee. Mr. Douglass stated bakery items, similar to what they have at their current location, would be provided for the morning period. There would also be a large variety of packaged coffee available for sale.

In response to a question from A to VA Stanick, Mr. Douglass stated bakery items are sold at their Libertyville location and nothing at the location that resembles lunch items.

Member Collins stated Hansa Coffee is primarily coffee roasters and expressed her opinion the Libertyville location is not a customer oriented business. Member Collins inquired of the concept for the Lake Bluff store. Mr. Douglass provided background history on the business and noted it is in his best interest that it be successful.

Member Collins stated she does not see a zoning reason to deny a coffee shop at this location and expressed her belief the Village does not want fast food establishments in the downtown. A discussion followed.

Member Bishop inquired of the disability access ramp located at the rear of the building. Mr. Douglass stated the disability access ramp was built in 2008 and there has been no change to any of the exterior of the building except for what was approved by the Village. A discussion concerning the access ramp followed.

Member Bishop stated she feels comfortable with the design of the interior space and she would feel more comfortable with granting the SUP to Hansa Coffee rather than the building owner. Chair Kraus stated Lake Effect Holdings could hold the SUP, but a significant change in use or any conditions would trigger a review by the PCZBA. Village Attorney Fiske stated conditions in the SUP would restrict any type of a blanket approval.

In response to a question from Mr. Douglass, Village Attorney Fiske stated should the use change it would be a similar public hearing process requesting an amendment to an existing SUP.

Chair Kraus opened the floor for public comment.

Mr. John Davis, owner of Prairie Espresso, stated his business has exclusively purchased coffee beans from Hansa Coffee since the opening and he is a bit surprised they are coming to town. He stated what makes Lake Bluff unique is its sense of community and then read his prepared comments. Mr. Davis commented on the long term effects this will have on his business and noted they enjoy the business they built because of the role Prairie Espresso plays in the community.

A resident commented on the planning comments made previously by the Members and expressed his opinion the planning perspective was snuffed out and the Board appears to only be addressing this as purely a zoning matter. He expressed his understanding the PCZBA is to help determine what the Village wants and how it will fit into the community.

Ms. Katherine Murray (resident) expressed her concern regarding the impacts to parking and traffic and noted the need for a better parking study. She expressed her belief that non-resident patrons visiting the coffee shop will have a huge impact on traffic. She stated it is important to keep Lake Bluff unique and special.

As there were no further comments, Chair Kraus closed the public hearing

Member Badger continued to express a concern for traffic due to the proposed hours of operation. The impact on traffic is going to be heavy and with existing restaurants and the brewery this will attract even more people to the downtown. He asked if the hours of operation could be limited to 6:00 a.m. to 2:00 p.m., seven days a week.

Chair Kraus asked if the business would find the change in hours acceptable. Mr. Douglass expressed his concern with the direction this is going and noted we live in a free market society.

In response to a question from Chair Kraus, Mr. Douglass stated Starbucks hours of operation is typically 9:00 a.m. to 10:00 p.m.

Chair Kraus expressed concern regarding impacts to traffic as this use is more intense than the butcher shop.

Mr. Douglass asked if the PCZBA could use the Village Parking Study as a reference to address the parking concerns.

Member Miller stated people could stay at coffee shops a long time to study or work and that will impact parking.

Member Goldsberry stated if zoning is all we are looking at then this petition passes a lot of the things the PCZBA would normally approve. He expressed concern regarding double parking in front of the building. A discussion ensued regarding parking enforcement.

Member Bishop inquired of the parking spaces located behind the building. Mr. Douglass expressed his understanding the parking lot located on Walnut Avenue is designated 4 hour parking. A to VA Stanick stated there is parking available behind the Village Commons after business hours.

Village Attorney Fiske advised of the parking regulations approved as part of the Block One Development and noted the parking at the Village Commons Building must comply with final plat approval.

Chair Kraus summarized the request noting it would be primarily a breakfast location, similar to Starbucks, serving pre-packaged food items. There is a maximum of 28 seats and no on-site food preparation. There is a recommendation to limit the hours of operation to 6:00 a.m. to 2:00 p.m., seven days a week.

Member Peters inquired about the interpretation of the standard concerning interference with surrounding developments and whether the Village Code provides any guidance with respect to the standard. Village Attorney Fiske stated the Village Code does not define the standards. He stated members should apply their discretion and experience to the standards. The terms are not defined and it is within the PCZBA's legislative authority to consider those standards and apply them to their understanding of the community and the location of the business.

A discussion regarding the availability of parking behind Block One followed.

A to VA Stanick advised the Downtown Parking Study reported several things, including, downtown merchants parked in front of their businesses occupying parking spaces that should be used by visitors and that consistent enforcement is needed. He noted several actions the Village has taken in response to the study.

Member Badger stated the hours of operation are going to be the same as existing businesses in the downtown, which will impact parking. He stated one solution would be to limit the hours of operation.

Member Miller moved to recommend the Village Board deny the request for a special use permit (SUP) by Lake Effect Holdings, LLC to allow the operation of an eating place without a drive-through facility. Member Collins seconded the motion. The motion passed on the following roll call vote:

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

Mr. Douglass expressed his opinion regarding the public hearing process and his intent to challenge the decision. Village Attorney Fiske advised this is only a recommendation, which will be considered by the Village Board at an upcoming meeting.

5. A Public Hearing to Consider a Petition Filed by Vlad's Gym, Inc. Seeking the Following: (i) Text Amendments to the Zoning Regulations to Establish "Physical Fitness Facility (SIC 7991)" as a Special Use in the Light Industry District (L-1), (ii) a Special Use Permit to Operate a Physical Fitness Facility at 910 Sherwood Drive, Unit #23, and (iii) Any Other Zoning Relief as Required to Permit the Operation of a Physical Fitness Facility at the Property

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

A to VA Stanick stated the Village received a two part zoning petition requesting a text amendment to the Zoning Code to establish physical fitness facility as a special use in the L-1 District and a SUP to Vlad's Gym, Inc. to operate a physical fitness facility at 910 Sherwood Dr., Unit #23.

Mr. Vladimir Curguz provided information regarding the proposed space and noted the existing conditions of the space are sufficient for the gym. The business will be a one-on-one, private personal training studio. The hours of operation are Monday through Friday (5:00 a.m. to 12:00 p.m.) and occasionally from 4:00 to 7:00 p.m., and Saturday (6:00 a.m. to 12:00 p.m.) The hours are based on

appointment only with the busiest hours occurring between (5:00 and 8:00 a.m.) causing minimal traffic impacts to adjacent businesses. Mr. Curguz reported on his credentials as a trainer and provided background information regarding the business.

Member Miller moved to recommend the Village Board approve the proposed text amendment establishing physical fitness facilities as a special use in the L-1 District, as well as approve a SUP to the applicant with the conditions that it be limited to personal training classes and to the hours of operation specified in the application. Member Goldsberry seconded the motion. The motion passed on the following roll call vote:

Ayes: (7) Peters, Badger, Bishop, Collins, Goldsberry, Miller and Chair Kraus
Nays: (0)
Absent: (0)

6. **A Public Hearing to Consider a Petition Filed Jointly by Mr. Edward Florentino 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**
Chair Kraus introduced the agenda item and requested an update from Staff.

A to VA Stanick stated the Village received a zoning petition for a text amendment to address the definition in the Zoning Code regarding living quarters, which are not permitted in accessory structures. The type of structure being built is a pool house with a shower facility and shower facilities are not permitted in accessory structures. This concept has been discussed internally by Village Staff in the past and the Village is serving as a Co-Petitioner with Mr. Florentino for the text amendment. The request is to consider an amendment to the text of the Zoning Code to change the requirements that determine “Living Quarters”.

A discussion regarding the definition of “Living Quarters” followed.

Chair Kraus stated the public hearing process normally requires the Petitioner to attend, and since there is no representative present at the meeting, the public hearing process will be continued to the next meeting.

7. **A Public Hearing to Consider a Petition Filed by Mr. and Mrs. Bruce Danly Seeking the Following: (i) a Variation from the Maximum Gross Floor Area Regulations of Section 10-5-6 of the Zoning Code, (ii) a Variation from the Maximum Daylight Plane Height Restrictions of Section 10-5-5 of the Zoning Code, and (iii) Any Other Zoning Relief as Required to Build an Addition on the Rear of the House at 611 E. Prospect Avenue**
Chair Kraus introduced the agenda item and requested an update from Staff.

A to VA Stanick stated the Village received a zoning petition seeking a zoning variation from the maximum gross floor area regulations and the R-4 minimum side yard setback requirements to remove and reconstruct a single-story addition on the rear of the house to serve as a mudroom. The new addition will also have a railing on the roof, which does not intercept the daylight plane height. The floor area of the portion being removed is 91.04 sq. ft. The single story addition will be reconstructed at a new size of 108.60 sq. ft. (17.56 sq. ft. greater). The house was constructed in the 1880s and the existing floor area (2,759.54 sq. ft.) exceeds the maximum floor area allowed by 1,000.41 sq. ft.

Because the addition is enhancing the existing legal non-conformity by 17.56 sq. ft., a total maximum floor area variation of 1,017.98 sq. ft. (or 57.87% variation) is required to construct the new addition. The existing side yard setback on the property is 4'4" (5.18 ft. required), a legal non-conformity that encroaches .78" (or 9") into the westerly side yard. Because the addition is enhancing the existing non-conformity, a variation to encroach into the westerly side yard is also required.

Mr. Bruce Danly provided an update of the project and summarized the petition. Mr. Danly stated a hardship exists because the house, constructed prior to the zoning regulations, is closer to the property lines and not centered on the lot and that the house was built larger than what the Village now allows.

In response to a question from Chair Kraus, Mr. Danly stated the backyard is located on the south side of the property and abuts the property line of 615 Prospect Avenue.

Member Collins inquired of the drainage issues addressed in the letter submitted by Mr. John Sorensen. Mr. Danly stated he and Mr. Sorensen have discussed options to address drainage by routing stormwater toward the front of the property. He stated his intent is to get the stormwater away from the back and sides of the property.

In response to a question from Member Bishop, Mr. Jacob Lenzke, (resident) stated he never received notice of the public hearing and is concerned with drainage issues.

Mr. Danly stated the plans were discussed with some of the neighbors, but unfortunately they were not able to address each neighbor. He expressed his opinion the drainage issue would be resolved once the system is routed to the sanitary main along E. Prospect Avenue.

Mr. Charles Clark (resident) expressed his support for the project noting he is an owner of an older home as well and asked the Village to view these types of situations as an opportunity to retain the character of Lake Bluff.

Ms. Karen Curtis (resident) expressed her support for the project and expressed her opinion that many families will find the home more livable based on the decision made by the Board. She thanked the PCZBA for their service and for preserving the character of Lake Bluff.

Ms. Christine DeYoung (resident) expressed her support for the project and the Petitioner's choice for renovation over demolition. She expressed her opinion that some of the homes that were demolished on E. Center Avenue and have since been rebuilt do not fit with the neighborhood.

Mr. Lenzke stated he grew up in Lake Bluff and appreciates renovation of older homes. He asked what it is about the additional 1.10 inches that will make or break the improvements to the home and how this is critical to the daylight plane.

A to VA Stanick stated there is no encroachment into the daylight plane, the proposed improvement encroaches into the westerly setback.

Member Peters asked the Petitioner to ensure that precautionary measures are taken to protect neighbors from any drainage issues as a result of constructing the proposed addition.

Mr. John Sorensen (resident) stated the drainage needs to be addressed appropriately and expressed his concern regarding the garage becoming livable space.

Member Goldsberry stated he does not have any issue with the request.

Member Miller moved to recommend approval of the requested variations from the maximum gross floor area regulations and the R-4 minimum side yard setback requirements with the condition the drainage is addressed appropriately. Member Bishop seconded the motion. The motion passed on the following roll call vote:

Ayes: (7) Peters, Badger, Bishop, Collins, Goldsberry, Miller and Chair Kraus
Nays: (0)
Absent: (0)

8. Commissioner’s Report

Chair Kraus reported the regular PCZBA Meeting is scheduled for March 16, 2016.

9. Staff’s Report

A to VA Stanick had no report.

Member Goldsberry inquired of the status of the Stonebridge Development. Chair Kraus stated the developer has requested an informal discussion with the Village President, ABR Chair and himself to review their changes to date.

Village Attorney Fiske informed the PCZBA this is his last official meeting with the PCZBA and stated it has been a pleasure working with the group. He introduced the new Village Attorney, Benjamin Schuster, who will serve as legal counsel.

10. Adjournment

As there was no further business to come before the PCZBA, Member Goldsberry moved to adjourn the meeting. Member Collins seconded the motion. The meeting adjourned at 9:40 p.m.

Respectfully submitted,

Brandon Stanick
Assistant to the Village Administrator