

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

JUNE 26, 2018

APPROVED MINUTES

1. Call to Order & Roll Call

Chair Peters called to order the special meeting of the Joint Plan Commission and Zoning Board of Appeals (PCZBA) of the Village of Lake Bluff on Tuesday, June 26, 2018, at 7:00 p.m. in the Village Hall Board Room (40 E. Center Avenue).

The following members were present:

Members: Sam Badger
David Burns
Jill Danly
Elliot Miller
George Russell
Gary Peters, Chair

Absent: James Murray

Also Present: Ben Schuster, Village Attorney
Glen Cole, Assistant to the Village Administrator (AVA)

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 minutes.

There were no requests to address the PCZBA.

3. Approval of the May 16, 2018 PCZBA Regular Meeting Minutes

Member Miller moved to approve the May 16, 2018 PCZBA Regular Meeting Minutes as amended. Member Burns seconded the motion. The motion passed on a unanimous voice vote.

4. Approval of the June 4, 2018 PCZBA Special Meeting Minutes

Member Russell moved to approve the June 4, 2018 PCZBA Regular Meeting Minutes as presented. Member Danly seconded the motion. The motion passed on a unanimous voice vote.

5. Chair Peters Administered the Oath to Those in the Audience

6. A Public Hearing for 968 North Shore Drive

Chair Peters introduced the agenda item then invited the petitioner to the podium.

Joe McCarthy of JF McCarthy, representative for the petitioner Forest Bluff Animal Hospital, said the petitioner, a 30 year Veterinarian, is seeking to open her own veterinary hospital with related companion animal services at 968 North Shore. He said approximately 3,400 square feet would be developed and dedicated to a veterinary hospital for companion animals, noting that no

agricultural or exotic animals will be allowed. The rear will be slightly developed (new air conditioning and lighting improvements) to be used for physical therapy and obedience training of pets.

In response to a question from Member Danly, Mr. McCarthy said the dog daycare, boarding and grooming services may be phased in over time and operated in the rear of the facility.

Member Danly asked if there was sufficient parking in that area with the existing businesses. Mr. McCarthy said the allotted parking spaces will be sufficient for owners to drop-off and pick-up animals and employees will use the large parking lot in the rear of the building.

Member Russell inquired of the number of employees and the maximum number of visitors anticipated at any one time. Mr. McCarthy said full time staffing is equivalent of 2.5 veterinary doctor, veterinary assistant and receptionist and between 1 to 2 visitors during non-surgical hours (12:00 and 2:00 p.m.).

Member Russell asked if there will be designated visitor parking in front of the facility. Mr. McCarthy said he believes the landlord will designate parking spaces for the suite and patrons will be required to enter through the front entranceway. In addition, he stated employees will be permitted to enter through the rear of the facility.

Member Russell inquired of the improvement plans for the dumpster area. Mr. McCarthy said there will be one commercial dumpster in the rear for normal office waste and doubled bagged fecal waste. The biomedical waste will be kept inside the building and pick-up by a commercial licensed special waste hauler.

AVA Cole said letters of supports were placed at the dais and noted the applicant had submitted waste removal and fire evacuation plans for Staff to review. He reviewed the general parking standard for the L-1 Light Industry District in relations to the proposed building noting Staff does not anticipate any problems.

In response to a comment from Member Badger, AVA Cole said Yuppy Puppy did not trigger a variation because it did not receive a text amendment nor special use.

Village Attorney Ben Schuster said if the PCZBA desires to move forward, the recommendation could have a condition that would contingent upon the adoption of an ordinance granting a variation if the plans does not change.

In response to a comment from Member Russell regarding conflict with the competing service, Mr. McCarthy said the owner of Yuppy Puppy submitted a letter of support for the business.

Member Russell expressed his concern regarding customers parking in the rear of the facility. To protect customers he recommends designated customers parking in front of the building, customer parking sign be placed at the driveway entrance and that employees be allowed to enter the rear of the facility. Mr. McCarthy said the plan is to encourage owners to park in the front and have employees park and enter through the rear of the facility.

Member Russell recommended the proposed services be limited to indoor operation.

Member Badger expressed his concern regarding limiting tenant use of the existing grounds. A discussion followed.

Mr. McCarthy said they are okay with no dog runs or animal holding pens outdoors but desires to place a double chain linked door on the rear of the facility.

Village Attorney Schuster asked the PCZBA to consider if the conditions would apply to the text amendment or special use permit. Member Russell said the condition to limit services to indoor operations should be a condition of the text amendment.

In response to a comment from Member Burns, Staff said the proposed double chain linked door would probably have to go through the ABR process.

Following a brief discussion, Member Russell moved to recommend Village Board approval of the text amendment to allow a veterinary hospital, dog day care, kennel, boarding, grooming, and training business, with the condition that the use exclude outdoor activities such as runs or cages. Member Miller seconded the motion. The motion passed on the following roll call vote:

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

Member Burns moved to recommend Village Board approval conditional upon: satisfying the parking requirements with new stalls or a variation if required; designating customer parking in the front of the building; installing a customer parking entry sign at the driveway entrance; and allow employees to access the facility from the rear of the building. Member Danly seconded the motion. The motion passed on the following roll call vote:

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

7. A Public Hearing for 40 Oak Terrace

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

AVA Cole said that he has distributed to the PCZBA additional public comments and revisions from the applicant in response to comments from the PCZBA and Staff. The degree of relief now sought is smaller by 141 sq. ft. approximately 13% of the requested variation. He said Village Engineer Jeff Hansen reviewed the area in response to a comment from a neighbor regarding flooding and determined the requested variance would not contribute to the flooding in that area. The Village has an impervious surface requirement for lots as a whole and an impervious surface requirement within the front yard setback to avoid the appearance of excessive pavement in the front yard. This request complies as to the entire lot and only seeks relief for the impervious surface limitation applicable to the front yard.

Katie Boehm of Great Oaks Landscaping spoke on behalf of the homeowner Lisa Grube. She said the home was purchased with a straight driveway and limited on-street parking and the owner desires to have the benefit of a circular driveway. The circular driveway either constructed with or without relief will give the existing oak tree on the north side of the property an additional 4.5 ft. of space. The plan is to save the existing oak tree by pulling the north access point further south thus encroaching into the setback area which creates the need for the variance.

Following a request from Chair Peters, Ms. Boehm read aloud the statements submitted concerning the standards for variations:

- 1) Practical difficult or hardship – compliance would require the removal of 26” oak and disturb root system of 16’ hickory compliance also brings the proposed drive to within 1 foot of the building and requires the removal of a complex drainage system which prevents the house from flooding,
- 2) Unique physical condition – House is set on a diagonal axis to the street northeast corner of the house sits just inside the 30 ft. setback. Northeast property line ties into an extensive existing drainage system and compliance would require removal of the dry river bed/drainage system,
- 3) Special privilege – request is to eliminate removal of oak tree, not endanger health of hickory and keep established drainage system and mature property line planting intact,
- 4) Code purposes – Homeowner intends to not only leave planting material as is on the northeast property line but also enhance planting within the setback to soften the look of the drive and
- 5) Public health and safety – variance will maintain supply of light and air by keeping two established trees, more parking cars on property not in the street, no structure for fire hazard, no danger to public, additional planting will increase property value.

Ms. Boehm said the property owner has submitted renderings of the landscaping which will increase the streetscape aesthetic value of the property as well as buffer the hardscape visible within the property. Also, the neighbors submitted letters of support regarding the circular driveway.

Chair Peters opened the floor to comments from the commissioners.

Member Badger said it sounds like a small variation in exchange for preserving two existing trees. He said drainage is definitely any issue and noted the Village has enacted a tree preservation ordinance. He complimented the application on the plan and their attempt to save the existing trees.

Member Burns expressed his agreement with Member Badger. He asked if there was any internal commentary from the Village Forestry on the possibility that the excavation/construction could harm the existing trees. AVA Cole briefly reviewed the critical root zone for a tree. The applicant proposed to move the driveway approximately 5 ft. from the trunk of the existing oak tree. Staff is comfortable that the existing hickory on the adjacent property will not be affected but the oak might be affected by the construction. AVA Cole recommended that a covenant be a condition of the approval and would allow the Village not to require the payment of a cash tree escrow, which would otherwise be held for approximately five years.

In response to comments from Member Burns, Ms. Boehm said the base of the existing driveway should be sufficient and noted there are no plans to dig on the south side. Also, an arborist will be present during the excavation for root pruning and fertilization will be done twice a year at the expense of the property owner.

Member Danly expressed her appreciation for the letters from the neighbors and asked if any environmentally friendly or porous type materials had been considered. Ms. Boehm said crushed gravel was considered but it was her understanding that anything other than turf or open bed is considered impervious. She said if this is a recommendation they would consider incorporating those types of material into a design.

AVA Cole said from a zoning perspective impervious surface is treated as an all or nothing affair. He said there are many semi-pervious paver type materials available which allow water to drain into the soil base but these materials do not reduce stormwater runoff if they are not carefully maintained.

Member Russell clarified that a variation would be required even if the entire driveway was crushed gravel. Ms. Grube expressed her concern regarding the loose gravel and said she would prefer to keep the aesthetics of the existing driveway.

Member Miller asked what the applicant would do if the request was denied. Ms. Boehm said the applicant would proceed with the no relief driveway and remove the existing oak tree.

Member Miller said he likes the idea there is a banking system, if needed, to replace the oak tree if removed. He expressed his disagreement with the hardships, removal of the oak tree and on-street parking, because the concept of a hardship is something needed to make the house better.

Member Russell asked if a two stall driveway was considered, to avoid having a driveway loop across the front yard, with a sidewalk or pavers on the northerly side yard. Ms. Grube said because of limitation that is not a design she would consider. A discussion followed.

Member Russell said there is a way to construct the driveway in compliance with Village regulations. He is concerned that the plan will shave off a lot of the existing double driveway entrance near the garage in order to keep the overall impervious surface to the minimum amount possible. Also, he is concerned that the northerly garage will be non-functional if there is a car parked in the southerly bay and he would prefer the applicant leave the driveway at the southern edge as it exist today because it is more functional. The Village Forester believes that as proposed the existing oak tree could be impact and he would favor a condition that the homeowner incur the cost if the tree dies. In response to a comment from Member Russell, Ms. Grube said she does not plan to do any extensive planting around the existing trees.

In response to a comment from Member Miller, Village Attorney Schuster said the approval could be draft with a condition that run with the property stating, if the tree dies with 5 years the owner will be responsible for the amount owed pursuant to the tree ordinance.

Chair Peters said it might be beneficial for the PCZBA to consider Member Russell suggestion with respect to the 19.5% variance versus a 14.5% variance as he thinks the greater variance will benefit society as a whole. AVA Cole said picking up the remaining part of the driveway left with

these changes would not be 19% it would be approximately 25% yet still would be within the PCZBA's purview. A discussion followed.

AVA Cole said four affirmative votes are needed to approve the request even though Member Murray was absent.

Member Russell moved to recommend the PCZBA approve the variation request as presented with the modification of the southerly existing driveway edge and the provisions regarding the care/warranty of the existing oak tree. Member Burns seconded the motion. The motion passed on the following roll call vote:

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

8. A Public Hearing for 102 West Washington Avenue

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

AVA Cole said this particular lot is on a corner lot and subject to an additional corner lot/side lot setback in addition to the front yard setback of 20%. The applicant is requesting to build an open covered patio at the 25% line and approval of the request is within the PCZBA's purview. He said that four affirmative votes are needed to approve the variation despite Member Murray's absence.

Following a request from Chair Peters, Mary Sullivan introduced herself and the architect for the project. She said the house was built in the 1990s and is in need of some improvements. Ms. Sullivan commented on the safety concerns associated with the steps, stoop, landing and staggered walkway. The existing zoning regulations does not allow her to try and remedy to create a safe access/egress to the house without seeking a variance which in her opinion will improve the overall esthetic of the neighborhood. Ms. Sullivan said the impact to the surrounding neighboring properties is limited and expressed her belief there have been no negative comments received from the neighbors at this time.

Chair Peters asked how far the porch would extend left to right in relation to the windows. Ms. Sullivan said the proposed porch and landing would be wider in an attempt to the keep the step base closer to the home. She confirmed the total width would be approximately 12 ft. 9 in. and her desire for a roof pitch off the bottom base of the window line, columns and a railed blue slate sidewalk.

Chair Peters opened the floor to comments from the commissioners.

Members Miller, Danly, Burns, Badger and Russell expressed no objections to the variation.

Member Badger moved to recommend the PCZBA approve the variation as presented. Member Miller seconded the motion. The motion passed on the following roll call vote:

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

Staff Report

AVA Cole reported on possible petitions for the upcoming PCZBA meeting. In response to a question from the PCZBA, he said the Kings and Convicts Brewery does not plan to pursue their prospective Lake Bluff location.

9. Adjournment

As there was no further business to come before the PCZBA, Member Burns moved to adjourn the meeting. Member Miller seconded the motion. The meeting adjourned at 8:29 p.m.

Respectfully submitted,

Glen Cole
Assistant to the Village Administrator