

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

AUGUST 29, 2019

APPROVED MINUTES

1. Call to Order & Roll Call

Chair Peters 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, August 29, 2019, at 7:04 p.m. in the Village Hall Board Room (40 E. Center Avenue).

The following members were present:

Members: David Burns
 Jill Danly
 Elliot Miller
 Gary Peters, Chair
 Susan Rider

Absent: James Murray
 George Russell

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

Chair Peters welcomed new member Susan Rider Porter and said she will greatly contribute socially and professionally to the committee.

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. A Preliminary Workshop for Imperial Motors Jaguar of Lake Bluff

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

AVA Cole said representatives of Imperial Motors Jaguar requested the workshop to review conceptual plans for a new building necessitated by recent changes in Jaguar's appearance standards for dealerships. He stated that rather than demolish and rebuild their existing site, the plan is to construct a new dealership on the vacant lot between 37 and 49 Sherwood Terrace and use the existing site as a separate car dealership. AVA Cole said the proposed project requires multiple forms of zoning relief, including a special use permit and variation. He stated that, should a new dealership occupy the existing facility, it will also require zoning relief.

Jordan Aron, President of Imperial Motors Jaguar, said the conceptual plans are a newly mandated corporate image for Jaguar dealerships worldwide. He stated that the company cannot deviate from the corporate design document; therefore, it determined it would be best to construct a new dealership on a

separate site and relocate the existing showroom. He stated that the existing building looks nice from the highway and can be easily repurposed.

Chair Peters clarified that Imperial Motors Jaguar owns the properties being discussed. He asked if problematic issues such as density, height, etc. have been identified. Bob Flubacher, the architect for the project, said the only issue he is aware of is the special use requirement for the dealership.

AVA Cole said there are no zoning issues with the structure. He stated that the parking location will need a variation because side yard setback requirements are 10 ft. from the property line and no parking is allowed in the 50 ft. setback area along Route 41.

Mr. Flubacher presented his preliminary site plan because he believes many elements in the floor/site plan submitted will not work. He expressed that his plan showed the building flipped with the drive through at the south end of the building. He said they would prefer to have the drive through on the opposite side of the property to allow more time to access the property, extend the deceleration lane north of the property, and construct a curb cut on Route 41.

In response to a question from Member Burns, AVA Cole said a project of this size constructed on an undeveloped lot would be subject to the Lake County Watershed Development Ordinance. He also stated that this particular lot was intended for development when the industrial park was platted and was not specifically set aside for stormwater detention, even though there is a noted amount of conveyance through this area

Mr. Flubacher reviewed possible stormwater issues that must be addressed which included underground stormwater detention, water percolation for green space and possible mitigation of three small segments of wetland as a result of delineation done on the property. He stated there is a small portion of flood plain in the triangular area on the northeast corner of the property that will be compensatory storage for a landscape feature concept similar to the small water area in front of the existing building.

Member Burns said the design is nice and he supports the project. In response to a question from Member Burns, Mr. Aron said with extensive work the existing building could be converted into a two-story office building or used as a car dealership.

In response to a comment from Member Danly, Mr. Aron said they have never experienced nor does he anticipate any overflow parking issues. It is his belief that the new site will allow more parking. Member Danly said she understands the rebranding limitations but the new site could be a nice addition.

Member Miller echoed the other commissioners and asked if the special use permit process could be bypassed for this request as there are other automobile dealerships in that area. VA Schuster explained why the request and text amendment to make automobile dealerships a “permitted use” must go through the public hearing process and could not be handled administratively.

Member Miller asked if there was any interest in changing the use for that area. AVA Cole said the area seems to be evolving more toward automobile dealerships similar to the adjacent Knauz dealership. The PCZBA has discussed if it would be appropriate to rezone the area AP-1 District (auto parks), as a permitted use. AVA Cole commented on why it would be difficult to rezone the area and noted the rules could be modified but the area is not a contiguous block but more of a checkerboard configuration of dealerships mixed with other uses. A discussion followed.

In response to a question from Member Rider, AVA Cole said if the area was zoned AP-1 it could impact future uses for the existing building and commented on various permutations that could be considered. In response to questions from Member Rider and Burns, Mr. Aron said the plan is to start the project in the spring. He stated there will be two curb cuts, one for each site and he does not anticipate any problems but they must consult with the Illinois Department of Transportation.

Chair Peters said he was pleased to learn they would not endure any financial hardship. He stated that obviously there will be drainage related issues and curb cuts, etc. but conceptually he is comfortable with the plan. He thought the architecture on the original structure was exemplary and if they're happy with the more modernistic approach, the Village will be happy with it also from a community perspective. Chair Peters said he does not necessarily anticipate there will be much resistance from Members Murray and Russell.

In response to a comment from Member Miller, Mr. Flubacher said a tree survey will be done on the property and noted that the majority of the foliage on the lot is buckthorn. A discussion followed.

AVA Cole showed an illustration of the site plan presented and asked if the proposed minimum screening is acceptable or if additional landscaping is needed at the lot line.

Member Burns said he would prefer more green space and would be less lenient on variances in regards to impervious surface. Also, he does not think a lot of screening is necessary in the L-1 District. Mr. Flubacher said the corporate design document dictates the type of landscaping for the front of the dealership. He stated the intent is to create a luxurious perimeter and entry points to the lot as opposed to driving up to an industrial building. He commented on the old design and said they're excited to be in the new generation of branding which has a sleeker more modern look.

In response to questions from Member Rider and Chair Peters, Mr. Aaron said he does not know the corporate office position on green roofs and there will be egress access to the west.

Mr. Flubacher thanked the PCZBA for their openness and willingness to review the plans. Chair Peters said we look forward to working with them on this big endeavor and thanked the presenters.

4. Staff Report

AVA Cole reported that recreational cannabis regulations is expected to be on the agenda at the September 18th meeting. A discussion followed.

Member Miller said he would prefer the PCZBA discussions be limited to zoning rules/regulations regarding recreational cannabis facilities. He stated the committee should not be required to determine if the facilities should be allowed or banned in Lake Bluff. He commented on the short term rental public hearing process and said he feels the PCZBA should be given a mandate because the commissioners are not elected officials and should not be making these decisions.

Member Burns commented on what he observed during the short term rental public hearing process and explained why he found it challenging. He asked how recommendations for a draft ordinance could be provided if there is opposition to the issue being discussed. Member Burns expressed his understanding that the Village Board will make the ultimate decision but trying to shoehorn an ordinance is inappropriate.

Member Miller said he feels the Board as elected officials should make the decision regarding recreational cannabis facilities.

In response to a comment from AVA Cole, VA Schuster said it is fine to discuss recreational cannabis and clarified that the decision is not to allow or ban cannabis because the decision to allow recreational cannabis in the State of Illinois has already been made. He clarified that this is a land use decision because the Village cannot prohibit the use of recreational cannabis in Lake Bluff. The issue is whether to allow, and if allowed, under what circumstances from a zoning perspective. This is a zoning decision because recreational cannabis businesses such as cannabis dispensaries, infuser, craft grower, etc. generates sales and products. The Village Board, pursuant to the red flag resolution, has directed the PCZBA to procedurally opine and make a decision but the Village Board will make the ultimate decision.

VA Schuster said it is important to make a decision prior to the January 1st effective date as opposed to leaving it open-ended and possibly allowing someone to make a reasonable argument that they were allowed to operate this use due to the Village's inaction. He stated that there are a lot of policy implications but there is a timeframe associated with the red flag resolution. He stated that at the Village Board's recent meeting, they could not make a definitive decision because they were not collectively adopting an ordinance, but the PCZBA may consider the comments made by the Village Board members.

In response to a question from Member Miller, VA Schuster said the red flag resolution asked (i) do you want to recommend that recreational cannabis businesses be prohibited/banned in terms of zoning use, and (ii) what the regulations would be if allowed. He said this is a difficult policy consideration and the PCZBA recommendations can be altered by the Village Board but the committee must be mindful of the January 1st deadline. He said whatever policy is pursued there are reasons to consider and deal with the matter sooner rather than later.

In response to a question from Member Rider, VA Schuster said the notice for the public hearing is quite broad and many topics can be properly discussed. As part of the PCZBA deliberations, it is the committee's task to determine how to proceed and he suggested that after the public comments that the PCZBA use the red flag resolution to guide its conversation.

AVA Cole said in the short term rental discussion he thinks the PCZBA was given a broader mandate and in this case the red flag resolution sets forth the boundaries for the public hearing. He stated that each member of the Village Board present at the meeting provided informal direction and VA Schuster and himself are here to facilitate the PCZBA deliberations.

In response to a question from Member Rider, AVA Cole said procedurally the Village is the petitioner and at the request of the PCZBA, Staff is close to completing the memorandum which will explain research associated with public health issues, crime, etc. related to this subject. AVA Cole said the following correspondence was received concerning the PCZBA's ongoing public hearing regarding recreational cannabis regulations: a letter from James Arnold, resident which included several academic articles focusing on the health benefits of using marijuana medicinally, and a letter from Andy Duran, resident and Executive Director of LEAD expressing his personal and organization's opposition to allow dispensaries within the Village, or if allowed, more restrictive requirements.

In response to a comment from Member Rider, VA Schuster said he does not think the potential revenue from the 3% local tax will generate significant revenue for the Village. A discussion followed.

In response to questions from Member Rider, AVA Cole said the area north of IL 176 is Lake County's jurisdiction and it is his understanding they have the same rights as the Village to substantially impair or prohibit recreational cannabis establishments in unincorporated Lake County. He stated that the position Lake County has expressed is that its legal counsel does not think they have the ability to prohibit it. He said Lake County's strategy is to convene a task force of Lake County Municipalities to review the best practices and create various model ordinances based on their findings. AVA Cole said he does not know the County Board timeline regarding this matter but if the Task Force process stays on schedule it should be done by October.

VA Schuster said the State regulates the number of licenses that will be issued and the fact this is allowed does not mean this will occur. He stated that there are complicated factors that must be considered such as site availability because certain sites will not work under the State administrative code governing these facilities. He also mentioned leasing space because the landlord may experience issues with a lender because recreational cannabis is prohibited under federal law amongst others.

AVA Cole said throughout the process, "knot holes" have been discovered in the proposed legislation that will either result in unintended consequences or will require clarification by the State. He stated that the State recently issued the first recreational cannabis licenses to existing medical marijuana dispensaries to begin operation effective January 1st assuming they have local zoning permission.

VA Schuster said although a State license is obtained, there are some communities that will not allow these facilities to operate. He stated that staff can provide a full summary of the Act at the public hearing which could help during deliberation.

As there were no further comments, AVA Cole continued his report on expected items for the September agenda (i) a request from the Park District to renew and indefinitely extend the Blair Park paddle tennis hours of operation extension; (ii) a special use permit for an animal training business that would occupy part of the Forest Bluff Animal Hospital at 968 North Shore Drive; (iii) L-1 Use text amendments regarding a restaurant as a permitted use; and (iv) L-1 sign code amendments recommended by the Architectural Board of Review.

Chair Peters said in the past, volatile issues have resulted in lengthy discussions and he wonders if some of the expected agenda items could be considered at the October regular meeting or if staff could consider the order of the agenda. VA Schuster said the PCZBA may call a special meeting because legally the regular meeting start time is at 7:00 p.m. A discussion followed.

5. Commissioner's Report

There was no commissioner's report.

6. Adjournment

As there was no further business to come before the PCZBA, Member Miller moved to adjourn the meeting. Member Burns seconded the motion. The meeting adjourned at 8:02 p.m.

Respectfully submitted,

Glen Cole
Assistant to the Village Administrator