

Long Grove Plan Commission & Zoning Board of Appeals (PCZBA)

Regular Meeting Minutes – May 2, 2023

Long Grove Village Hall

3110 Old McHenry Road, Long Grove, Illinois 60047

Present:

PCZBA Commissioners Helen Wilson, Chair, Magdalena Dworak-Matthews, Richard Terrett and Charles Cohn.

Also Present: Brett Smith, PCZBA Secretary, Village Attorney _____, Taylor Wegryzn, Planner

Absent: Sheldon Rubin, Brooke Bauer, and Jeffrey Kazmer

Visitors/Applicants: Applicant Kevin Rose (owner of 3305 Old McHenry Road), Richard Grossman (attorney for Applicant Rose), Applicant Ken Siwieck, representing New Midwest Capital, the owner of Joanie's.

Call to Order:

The meeting was called to order by Chairperson Wilson at 7:00 pm.

Visitor Business/Public Commentary:

There was no visitor business.

Approval of Minutes:

The minutes from the April 4, 2023 meeting are up for approval. Commissioner Terrett made a motion and Commissioner Dworak seconded the motion to approve the minutes. On a vote, the motion passed 3-0 and Commissioner Cohn abstained.

The minutes from the August 2, 2022 meeting are up for approval with the caveat that the minutes be revised to change the location of the meeting. Commissioner Dworak made a motion and Commissioner Terrett seconded the motion to approve the minutes. On a vote, the motion passed 3-0 and Commissioner Cohn abstained.

New Business:

a. PUBLIC HEARING – PCZBA—02-2023 – Public Hearing – Side Yard Setback Variation – 3305 Old McHenry Road

Planner Wegryzn presented his report. The house is located near the intersection of Old McHenry Road and Cuba Road. 3305 Old McHenry Road has a single family dwelling. The request is a variation from the required side yard setback. Required side yard setback is 50 feet and the requested side yard setback is 5 feet to locate a newly constructed 4-car detached garage. Petitioner provided renderings of the proposed structure. The detached garage is 40 feet by 20 feet and will be located between the existing driveway and property line. In considering a

variation, the standards are (i) that the lot in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located, (ii) that the plight of the owner is due to unique circumstances; or (iii) that the variation, if granted, will not alter the essential character of the locality. Commissioner Cohn asked if any neighbors have objected to the proposed structure. Planner Wegryzn stated that he has not received any comments from the community. Two people in the audience did state that they have an objection and sent an email that was not forwarded to the Planner. Commissioner Wilson asked Petitioner Rose to present his case. Petitioner's attorney addressed the Commission to discuss the legal standards (including the supplemental standards) regarding the variance request. His attorney also discussed the reasons for the garage such as he needs a place for certain vehicles (lawnmowers, snow plows, etc). Petitioner's attorney does not think the proposed structure will negatively impact the surrounding properties and that most of the standards have been satisfied. Petitioner Rose stated that the reason for locating the garage where proposed is that it is the only place on the property that can be accessed from the driveway and will not be visible from Old McHenry Road. Additionally, Petitioner stated that the color and style will be consistent with the existing home on the property. Commissioner Wilson asked if any Commissioners have questions. Commissioner Cohn replied that he does have questions but wants to hear the community feedback first.

Jerry Kugler and Lidia Kugler of 3128 Cuba Road are the owners of a house located next to the property in question. They just received notice of this meeting today. They may have received notice of a certified letter two weeks ago but did not receive the letter until today. Mr. Kugler stated that he walked the property previously with the Petitioner and told him that he was not in favor of the location of the proposed garage and Mr. Kugler proposed a different location that he would be in favor of. Mr. Kugler thinks the proposed garage will lower the value of his property. Commissioner Dworak stated that she is actually a neighbor of the Petitioner and believes she is conflicted out on approving/denying this variance request. Mrs. Kugler also stated that she thinks there are plenty of other locations on Petitioner's property to locate the garage. Commissioner Cohn asked if the variance request should be tabled for a month to give the Petitioner time to discuss further with the Kuglers because of the Kuglers' serious objection and because Commissioner Dworak is conflicted out. Commissioner Terrett feels similarly that the request should be tabled so that the neighbors have a chance to further discuss. Chairperson Wilson discussed the General Standard language and agreed that the neighbors should try to come to an agreement on a location for the garage. She asked Petitioner if he is willing to discuss the location with the Kuglers. Petitioner and the Kuglers both agreed to further discuss. Commissioner Cohn made a motion to table the request to the June 6, 2023 meeting for further discussions on the placement of the garage. Commissioner Terrett seconded the motion. The motion passed 3-0 with Commissioner Dworak abstained. A discussion then ensued between Petitioner's attorney and Planner regarding the next public hearing.

b. PUBLIC HEARING – PCZBA-04-2023 – Public Hearing – Special Use Permit Outdoor Dining – 215-235 Robert Parker Coffin Road

Planner Wegryzn presented his report. Joanie's Pizzeria of Long Grove has 2.1 acres improved with an approximate 3,000 square foot restaurant with a 700 square foot outdoor dining covered deck constructed per a 2003 special use permit. The Architectural Commission approved Petitioner's request for an expanded deck with conditions on May 16, 2022. Petitioner withdrew request at that time and resubmitted the request. The current request is for a special use permit

to allows for a proposed 15' x 39' deck expansion located on the north side of the building and east of the existing deck. Joanies' parking lot currently has 58 parking spaces and only 45 parking spaces are required for all businesses located in the complex. General standards for a special use permit are set forth plus specific standards for outdoor dining in the B1 District are as follows: (i) the outdoor dining use must be an integral part of the principal use, (ii) the outdoor dining area may only be in use during the hours that the primary restaurant use is in operation, but in no event shall the outdoor dining area be in use between the hours of 11:00 p.m. and 8:00 a.m., unless otherwise approved by the Village Board, (iii) unless otherwise provided in the special use permit upon good cause shown, the operation of the outdoor dining use shall not eliminate any required open space, green areas, or parking spaces, and the use of the outdoor dining area shall comply with the off-street parking requirements of section 5-9-4 of this title. The outdoor dining area shall be considered as part of the principal use when determining the maximum floor area permitted in footnote 8 of the table in section 5-4-10 of this chapter, (iv) the principal use must have adequate restrooms for the additional capacity. If the Village determines that the additional capacity of the outdoor dining use necessitates additional public restrooms, such additional restrooms shall be provided. In addition, any such additional capacity shall be subject to the approval of the Fire Marshal, (v) no music or amplified sounds shall be permitted in the outdoor dining area, unless otherwise approved by the Village Board, (vi) any outdoor dining area illumination system shall be subject to the review and approval of the Architectural Board, (vii) foodstuffs and beverages sold or delivered in the outdoor dining area must be consumed on site, and (viii) if the special use would be in proximity to a residential use, mitigating strategies may be required, dependent upon distance to the residential use, intervening structures, the proposed hours of operation, and other pertinent factors.

Commissioner Cohn asked about the location of the existing deck and the location of the proposed deck expansion. A discussion ensued between the Commissioners and Planner regarding location of the deck, parking requirements, location of wetlands, and ownership of the pond.

Petitioner made his request for the deck expansion. Chairperson Wilson asked about the seating capacity for the restaurant. Petitioner thinks it is almost 64 inside with 32 on the existing deck with another 24 for the deck expansion. Petitioner also stated that the reason for the deck expansion is that there is a need for it and lots of people now want to only eat outside. They turn away business because some people simply do not want to eat inside. They don't play music outside and comply with the 2003 ordinance rules regarding hours of operation. Chairperson Wilson stated that there have been many objections from local residents that live near the property.

Chris Beckord lives directly behind the pond. He objects because of the noise from the downtown businesses including Joanies. He feels that the noise is untenable and affects his ability to enjoy his property. He also mentioned the Outdoor Dining code and said that the restaurant is already located too close to a residential lot. Planner clarified that the Outdoor Dining code that Mr. Beckord specified does not apply to a special use permit request and only applies to a temporary use request. Mr. Beckord asked that landscape barriers should have been required initially. The 2003 permit did not require landscaping between the pond and the existing deck. A discussion ensued regarding the different between the special use permit standards, the temporary use permit standards and the outdoor dining license requirements.

Brian Booker of 4136 Three Lakes Drive mentioned the noise issue and the adverse effect on his property value.

Pam Goble of 4139 Three Lakes Drive mentioned the noise and the adverse effect on her enjoyment of her property. She has lived on her property since 1984. She thinks there are alternate locations for the restaurant in Long Grove. Commissioner Dworak asked if any neighbors have recorded the noise. Mr. Beckord stated that he hasn't recorded the noise from the restaurant.

The owner of 4141 Three Lakes Drive stated that the standards for a special use permit should be more stringent than temporary use permit.

Jim and Jane Weir of 4122 Three Lakes Drive objected due to the noise and that the pond creates an attractive nuisance.

The Petitioner stated that other workers in the downtown area park in the lot and they cannot control when those people come and go. Petitioner also mentioned that the pond is completely fenced in so that no children can get into the pond unless they climb over the fence.

Mark Piper, a Long Grove resident who used to be a Village of Geneva commissioner that had similar issues as to Long Grove, stated that the deck expansion will help grow downtown businesses. He thinks that Joanies should try to work out the objections with the neighbors. A discussion ensued between some of the community members which Chairperson Wilson stopped. Mike Blumenthal, a Long Grove resident who lives on Old McHenry Road, stated that he is in support of the deck expansion because it will support business growth.

Petitioner then stated that no existing landscaping is being affected by the deck expansion. The area of the deck expansion used to have a deck back in the 1980s and was removed in the 1990s. Petitioner distributed pictures of the area that show where the existing piers are located.

Chairperson Wilson closed the public portion of the meeting and asked the commissioners for their feedback. Commissioner Cohn feels that the noise issue is existing and that Joanie's location is unique in that it faces residential lots as opposed to the other restaurants in Long Grove. He would like to see as much landscaping noise mitigation as possible be added to make sure that the noise is no worse than what currently exists. A discussion ensued regarding Commissioner Cohn's comments. Commissioner Terrett feels similarly. Commissioner Dworak asked why there seems to be conflicting facts as to why so much sound emanates from the parking lot and the existing deck after the restaurant closes. A discussion ensued regarding additional landscaping measures including whether new trees and landscaping will destroy the view of the pond from the deck and parking lot. Chairperson Wilson agreed with Commissioner Cohn's feedback that 24 additional seats shouldn't substantially increase the existing noise levels. A discussion ensued between the commissioners and the Village Attorney on next steps.

Commissioner Terrett made a motion that Petitioner's application be continued to allow for a noise mitigation plan involving substantial landscaping or other factors to make it no worse than the existing noise level be created and reviewed. Chairperson Wilson asked the Petitioner if they will be willing to create such plan. Petitioner asked for guidance from the Village. Planner said that the onus is not on the Village and that Petitioner needs to seek third party professional

assistance to prepare such plan. Petitioner agreed to such request. Commissioner Dworak seconded the motion. A discussion ensued regarding whether such plan can be presented at the June 6th meeting. On a vote, the motion passed 4-0.

Questions and Comments:

No further questions or comments. Chairperson Wilson will not be in attendance at the June meeting. Commissioner Terrett made a motion that Commissioner Dworak act as Acting Chairperson for such June meeting. The motion passed 3-0 with Commissioner Dworak abstaining.

Adjournment:

Commissioner Terrett moved to adjourn and seconded by Commissioner Cohn. On a vote, the motion passed 4-0.

The meeting was adjourned at 9:10 pm.

Respectfully Submitted,

Brett Smith

Brett Smith, PCZBA Secretary