

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

Regular Meeting Minutes – June 6, 2023

Long Grove Village Hall

3110 Old McHenry Road, Long Grove, Illinois 60047

Present:

PCZBA Commissioners Magdalena Dworak-Matthews, Acting Chair, Brooke Bauer, Jeff Kazmer and Richard Terrett.

Also Present: Brett Smith, PCZBA Secretary, Taylor Wegryzn, Planner

Absent: Sheldon Rubin, Charles Cohn and Helen Wilson

Applicants: Applicant Kevin Rose (owner of 3305 Old McHenry Road) and Richard Grossman (attorney for Applicant Rose); Applicant Ken Siwieck, representing New Midwest Capital, the owner of Joanie's Pizzeria.; Applicant Stephen Cross, representing the owner of Philip Estates, LLC

Call to Order:

The meeting was called to order by Acting Chairperson Dworak-Matthews at 7:02 pm.

Visitor Business/Public Commentary:

There was no visitor business.

Approval of Minutes:

The minutes from the May 2, 2023 meeting were up for approval. Commissioner Kazmer made a motion and Commissioner Terrett seconded the motion to approve the minutes. On a vote, the motion passed 4-0.

Old Business:

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

Planner Wegryzn presented his report. As set forth in the May 2, 2023 minutes, the house at 3305 Old McHenry Road is located near the intersection of Old McHenry Road and Cuba Road and is 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 has been revised to 15 feet (as opposed to 5 feet) to locate a newly constructed 4-car detached garage. Applicant Rose 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. At the May 2, 2023 meeting, the Committee requested

a continuation to allow additional time for Applicant Rose and neighboring owner (Jerry Kugler and Lidia Kugler of 3128 Cuba Road) to agree on a location for the garage. Applicant Rose has resubmitted the application with a revised location for the garage and a request for a variance for a 15 foot setback. Planner Wegryzn discussed a public comment from the Kuglers and showed a video of the Kuglers' property and the view of the proposed garage from the Kuglers' property.

Acting Chair Dworak-Matthews swore in all visitors. Applicant Rose presented an update on the discussions with the Kuglers. The neighbors have tried to reach a compromise and have been unable to do so over the last thirty (30) days. Applicant Rose has offered to increase the setback to fifteen (15) feet and leave some vegetation on his property in place. They have also had two (2) arborists inspect the property and provide suggestions. Applicant Rose offered to fill in any gaps between the two (2) properties with additional landscaping. Applicant Rose discussed (i) the root structure of the trees located on the Kuglers' property and whether the garage would cause any harm to the Kuglers' trees, (ii) the location of his current driveway and the location of utility lines located on either side of the driveway which limits the potential location of the proposed garage, (iii) that any runoff water would be directed away from the Kugler property, (iv) that major rain storms have occurred over the last four (4) years and stated that none of the storms affected the Kuglers' trees, and (v) that he has an elderly parent who requires a wheelchair and is one of the reasons why the proposed garage needs to be close to the house. Other than the Kuglers, two (2) of the other neighbors are supportive of the proposed garage. Acting Chair Dworak-Matthews is also a neighbor and is abstaining from voting on the application.

Jerry Kugler then presented his position. He purchased the property in 2002 and stated that all of the main views from the house look at the location of the proposed garage. Lidia Kugler showed the prior location of a pool on the Rose's property. Commissioner Bauer asked questions regarding the location of the pool and utilities. A discussion ensued between the Kuglers, the Commissioners and Applicant Rose regarding the garage location, the history of the landscaping located between the two (2) properties and the discussions between the two (2) parties.

The attorney for Applicant Rose then spoke and pointed out where Applicant Rose was willing to add additional landscaping to fill in any gaps in the views between the two (2) properties. Mr. Kugler then responded that some of the trees between the two (2) properties are not evergreens and that the views are much different in the winter time.

Commissioner Bauer asked about the location of the trees along the Kugler property line. A discussion ensued between Commissioner Bauer and Mr. Kugler regarding same. A discussion then ensued between Commissioner Bauer and Acting Chairperson Dworak-Matthews regarding additional testimony being presented. Steve Melnick, a resident of Long Grove and a custom home builder, then spoke on behalf of Applicant Rose regarding redirection of water away from the property line and adding a swale to keep water away from the property line. A discussion ensued regarding same.

Commissioner Kazmer asked why the garage is not located on the other side of the property. Commissioner Terrett also asked why the garage is not located on a different portion of the property.

Acting Chairperson Dworak-Matthews then asked for a motion to approve, deny or continue Applicant Rose's request. Commissioner Kazmer made a motion to deny the request.

Commissioner Terrett seconded the motion. On a roll call vote, Applicant Rose's request was denied 2-1 with Commissioner Bauer voting against the motion to deny. Acting Chairperson abstained.

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

Planner Wegryzn presented his report. As set forth in the May 2, 2023 minutes, Joanie's Pizzeria of Long Grove ("Applicant Joanie's") 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 Applicant Joanie's request for an expanded deck with conditions on May 16, 2022. Applicant Joanie's withdrew its request at that time and has since resubmitted the request. The current request is for a special use permit to allow for a proposed 15' x 39' deck expansion located on the north side of the building and east of the existing deck. The application was continued to this meeting to give Applicant Joanie's additional time to propose an audio and visual mitigation plan in order to reduce the existing noise levels.

Applicant Joanie's proposed installing additional landscaping. The Architectural Commission approved of the new deck at the 5/16/23 meeting subject to conditions which Applicant Joanie's has then incorporated into the revised plans. Applicant Joanie's then spoke and said that they are trying to address the noise emanating from the parking lot as well as the deck. The owner of Joanie's then spoke and said that he hired an audio expert who took readings between 7:00 – 8:30 pm on a Tuesday, Friday and Saturday from across the pond. There were approximately eighteen (18) people on the deck on such Tuesday, approximately twenty-four (24) people on the deck on such Friday and approximately twenty-two (22) people on the deck on such Saturday. At the highest level, the noise level was approximately seventy-five (75) decibels but the sound mostly came from car doors. The decibel level was approximately fifty (50) decibels when the parking lot was empty. Most of the sound was actually coming from the water fountain in the pond. The audio expert's professional opinion was that the additional deck would not create additional noise and that the landscaping is currently sufficient to mitigate the noise from the deck. He also recommended that additional landscaping be added to the parking lot.

Chris Beckord, an adjacent property owner to Joanie's, who spoke at the May 2, 2023 meeting, then provided commentary. He stated that there has been significant objections from the adjacent landowners to the deck expansion. He also stated that the noise rises and that the sound readings aren't accurate. He was hoping that more landscaping would be proposed to be added and asked that the motion be denied. A discussion then ensued between Applicant Joanie's and Mr. Beckord.

Acting Chairperson asked why the Commission hasn't received any audio/video of the noise from the adjacent landowners. She also stated that she drove by Mr. Beckord's house at various times during the week and said that she did not hear any obnoxious noise. She felt that the majority of the noise wasn't coming directly from Joanie's but more from the downtown area in general. A discussion ensued regarding Acting Chairperson's commentary. Commissioner Kazmer stated that he doesn't think the additional deck will substantially increase the noise so long as there is no music. A discussion also ensued regarding Joanie's operating hours and the design of the new deck.

Acting Chairperson asked for a motion to approve, deny or continue Applicant Joanie's request. Commissioner Kazmer made a motion to approve the request with the following conditions: (i) no lights on the deck and no amplified music on the deck, (ii) outdoor dining ends at 9:00 pm and (iii) the landscaping proposal to be presented to the Village Board needs to show additional landscaping to mitigate the noise as much as possible from the new deck and the parking lot for the Village Board to consider and approve. Commissioner Terrett seconded the motion. On a roll call vote, the motion passed 4-0.

New Business:

a. PUBLIC HEARING – PCZBA—05-2023 – Public Meeting – Final PUD/Subdivision – Philip Estates

Planner Wegryzn presented his report. The Philip Estates is located on the south side of Cuba Road east of Deerwood Drive. Canterbury Park PUD was approved in 2006 and sat vacant for fourteen (14) years. Starting in 2020, a new plan for a nineteen (19) lot subdivision for Philip Estates was introduced and has gone through the approval process since then. The current request is to approve the Final PUD and Subdivision. Applicant Cross is seeking a density bonus to allow for smaller lots as long as each lot is at least 33,000 square feet in area. For this subdivision, lots would vary from 40,148 square feet to 51,422 square feet. The relevant changes from the preliminary plan include the removal of a lift station, no private water system and new landscaping details/tree removal plans. Planner Wegryzn's opinion is that the final plan is in substantial conformity with the preliminary plan.

Applicant Cross stated that a lift station was removed per the County's recommendation and allowed them to increase the size of two of the lots and that approximately thirty-three percent (33%) of the overall property will be open space. A discussion ensued with Commissioner Bauer regarding the adjacent property owner's concerns regarding water runoff and trees that run along the property line.

Rick Berger, 3713 Spring Valley Road, doesn't neighbor the property but lives nearby and is concerned how the subdivision would affect Spring Valley Road and the location of the conservancy areas. A discussion ensued with Mr. Cross regarding same.

Commissioner Bauer made a motion to approve the final PUD/subdivision for Philip Estates. Commissioner Kazmer seconded the motion. On a roll call, the motion passed 4-0.

Questions and Comments:

No further questions or comments.

Adjournment:

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

The meeting was adjourned at 9:24 pm.

Respectfully Submitted,

Brett Smith

Brett Smith, PCZBA Secretary