

Item #1:
Report Of The PCZBA - June 2, 2015



**MEETING AGENDA OF THE
PLAN COMMISSION & ZONING BOARD OF APPEALS
REGULAR MEETING**

Tuesday, June 2, 2015 at 7:00 P.M.

Village Hall, 3110 OLD MCHENRY ROAD LONG GROVE, ILLINOIS

1. Call to Order
2. Visitor Business
3. New Business;

PUBLIC HEARING: Consideration of a request for a special use permit to allow permanent outdoor dining at "Broken Earth Winery" 215 Robert Parker Coffin Road and zoned under the B-1 zoning district classification as submitted by New Midwest Capital L.L.C .

PUBLIC HEARING – Consideration of amendments to the Village Code for the Village of Long Grove, Title 5, Zoning Regulations, including without limitation modifications to the maximum floor area, impervious surface coverage limitations, floor area ratio and other regulations

4. Old Business; None.
5. Approval of Minutes; May 5, 2015
6. Other Business;
7. Adjournment:

Next Regular Meeting – July 7, 2015

Village Board Representative; (6/9/15) Commissioner Rubin.

The Village of Long Grove is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities, are requested to phone David Lothspeich, Long Grove Village Manager at 847-634-9440 or TDD 847-634-9650 promptly to allow the Village of Long Grove to make reasonable accommodations for those persons.

**MEETING
PROCEDURES**

Plan Commission meeting follow the procedures outlined below. In the spirit of fairness to all parties, any of these procedures may be modified for a particular item at the discretion of the Chair.

1. Introduction of item by the Chair.
2. Village Staff's summary of Petition.
3. Presentation by the Petitioner.
4. Public Testimony and Comment.
5. Cross-Examination.
6. Response by the Petitioner.
7. Questions by the Commission.
8. Commission Discussion and Deliberation.
9. Commission Action.

Item #1A:
Report Of The PCZBA - June 2, 2015
SUP Permit For Outdoor Dining, Broken Earth Winery



STAFF REPORT

TO: LONG GROVE PCZBA

FROM: JAMES M. HOGUE, VILLAGE PLANNER

DATE: 5.14.15

RE: PCZBA REQUEST 15-03 - Request for SUP- "Permanent Outdoor Dining "
Submitted by Broken Earth Winery

Item: PCZBA PETITION 15-03

Status: Request submitted 4/27/15. Referral by Village Board not required. Publication in newspaper accomplished 5.14.15 and is therefore timely.

Proposal: Consideration of a request for a Special Use Permit within the B-1 Historic Business District submitted by Mr. Gerald Forsythe to allow permanent outdoor dining and/or additional relief necessary and/or appropriate under the zoning code for property known as 215 Robert Parker Coffin Road and zoned under the B-1 Historic Business District classification.

HISTORY/STAFF REVIEW:

History:

The property is located on the on the north side of Robert Parker Coffin Road and is part of the Mill Pond Development. The Mill Pond property consists of 2.1 acres of land area and contains two structures. The property formerly housed "Woodland Grove Gallery & Trillium". The property is zoned under the B-1 Historic District Classification. Petitioners had sought to establish outdoor dining on a temporary (annual) basis but could not meet the separation requirement (300") from a residential zoning district. All other requirements for temporary outdoor dining could be met. The Village allows for consideration of outdoor dining as a special use in such instances as follows; *"In the event that a proposed (temporary) outdoor dining use does not meet the standards set forth in this section, the owner may apply for a special use permit for the outdoor dining use pursuant to subsection [5-4-5\(A\)3](#) of this title"*.

Land Use, Zoning and Locational Data:

1. Proposed Zoning: The subject property will retain the B-1 District classification.
2. Surrounding Land Uses and Zoning;

<i>Direction</i>	<i>Existing Use</i>	<i>Land Use Plan Designation/Zoning</i>
NORTH	Residential	Residential/"R-2" PUD .
SOUTH	Commercial	Commercial/ "B-1".
EAST	Residential	Single Family Residential/ "R-2 PUD "
WEST	Commercial	Commercial/ "B-1".

3. Location; Mill Pond; common address of 215 R.P.C.
4. Acreage; 2.1 Acres +/- (91,476 Sq. Ft.)
5. Based upon information available through Lake County GIS, the property contains floodplain/flood hazard area & wetlands around the pond on the north side of the property. (See Maps).
6. Topography; See attached topographic survey.

Zoning Data

	Existing	Proposed	PUD	Zoning Code (B-1 Standard)
Lot Area	91,476 sq. ft	No Change	N/A	10,000 sq. ft. w/Sanitary Sewer
Floor Area	N/A	No Change	N/A	N/A
Lot Coverage	N/A	No Change	N/A	.80 (lot coverage)
F.A.R.	N/A	No Change	N/A	N/A
Height	N/A	No Change	N/A	30 feet

Staff Review

The property in question is located on the north side of Robert Parker Coffin Road and is the site of the Mill Pond Development. The property is on the edge of the B-1 Historic District and abuts a residential zoning district to the north and east (Lakes of Long Grove; R-2 PUD).

As submitted the petitioner proposes outdoor dining to take place on the on the existing deck area on the Robert Parker Coffin Road (front) side of the building (215 – 223) Robert Parker Coffin Road). As proposed a total of six (6) tables seating sixteen (16) total patrons will be accommodated. Hours of operation for the establishment are Tuesday through Thursday 11:00 AM to 9:30 PM and weekends (Friday through Sunday) 11:00 AM to 10:30 PM. The business is closed on Mondays. Outdoor dining activities are to be seasonal and anticipated to run from May through November.

The Village Code permits outdoor dining in two ways; as a temporary use and, through the special use permit process as a permanent use. The petitioners first applied for a temporary (annual) outdoor dining permit. Standards for Temporary Outdoor dining are included in this report. The application submitted met all the criteria for temporary outdoor dining except the separation requirement of 300' feet for a residentially zoned lot. The zoning code allows for consideration of the request as a special use in instances where the temporary outdoor dining criteria cannot be met.

Review of the request against the temporary outdoor dining standards reveals the proposed use would not displace and parking spaces, required or otherwise, will not provide any amplified sounds, will operate within the hours of the primary use and not occur between the hours of 11:00 PM and 8:00 AM. Proposed seating would be below the maximum permitted as a temporary use.

The use is proposed in the front of the building and will not encroach into a required yard. Configuration of the building on the lot and proximity of residential uses on the side of the structure constitute “good cause” for allowing the use in the front of the building in the opinion of staff.

The proposed use is shy of the separation requirement from a residentially zoned lot on both the north and east sides of the property. Residentially zoned property is situated approximately 80 feet to the east of the subject property and approximately 285 feet to the north of the subject property. Residences on these lots are located 204 & 420 feet respectively from the proposed outdoor dining use.

Aerial photos indicate that the configuration of the structures in the Mill Pond development provide a buffer between the proposed outdoor dining use and the residential properties to the north and east. A similar request for outdoor dining was previously granted for the "Long Grove Café" which is much closer proximity to residential uses and lacks any sort of buffering between the two.

Permanent Outdoor Dining Standards

Attached to this report are the standards for outdoor dining per the Village Code. These standards are similar to those for temporary outdoor dining.

Review of the request against these standards indicates that the as proposed the use is integral to the principal use, will occur within the hours of the primary use and not occur between the hours of 11:00 PM and 8:00 AM will not eliminate any open space, parking areas or green areas. No new space is being added on to the structure. Seating areas will be placed on the existing wooden deck of the structure. As this area is covered under roof it would have been calculated as part of the square footage of the existing structure which is less than 5000 sq. ft. (Per footnote 8, Section 5-4-10). Adequate restrooms exist and were renovated as part of the building remodeling completed with the use of the structure as "Broken Earth Winery". As the use will be outdoors occupancy of the structure should not be an issue. No amplified sounds are proposed in connection with the use nor is any additional outdoor lighting proposed.

The only issue with the proposed use is the proximity to residential structures. The Village Code offers the following with regard to this issue

(h) 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.

Staff suggests that the current configuration of the intervening structures on the property and the distance to the abutting residences (not just zoning district boundary) should provide suitable "screening" of the proposed use from the residential uses. This is particularly true with the residences to the north. The residence to the east, although much closer than those to the north, is separated by intervening structures on the subject property and substantial vegetation (on the adjacent residential property) to provide adequate separation and screening between the uses.

STANDARDS for SPECIAL USE

The PCZBA should also evaluate the request taking into consideration of the Standards for Special Use Permits as identified in the Village code and listed below;

Standards for Special Use Permits:

1. General Standards: No special use permit shall be recommended or granted pursuant to this section unless the owner shall establish that:

(a) It is deemed necessary for the public convenience at that location;

(b) It is so designed, located and proposed to be operated that the public health, safety and welfare will be protected;

(c) It will not cause substantial injury to the value of other lots in the neighborhood in which it is located;

(d) It conforms to the applicable regulations of the district in which it is to be located, except as may be recommended by the plan commission and approved by the village board or, except in the case of a planned development; and

(e) Owner can demonstrate, to the satisfaction of the village, that it has the capability and capacity, including, without limitation, the technological, personnel, and financial resources, to complete the project as proposed.

Considerations: In determining whether the owner's evidence establishes that the foregoing standards have been met, the plan commission shall consider:

(a) Public Benefit: Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

(b) Alternative Locations: Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

(c) Mitigation Of Adverse Impacts: Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

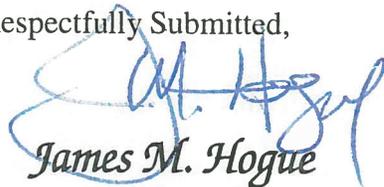
Conclusions

The PCZBA should determine the appropriateness of the proposed use at this location as well as evaluate the proposal against the Standards for Special Use and outdoor dining standards as identified in the Village Code.

With the exception of the separation requirement from residential zoning districts all other outdoor dining standards can be adequately met. No disruption parking, open space, reconfiguration of the site or principal structure will result from this request.

The only issue with the use as proposed is the proximity to residential structures. The current configuration of the site, including intervening structures on the property and the distance to the abutting residences (not just zoning district boundary) should provide suitable buffering of the proposed use from the adjacent residential uses.

Respectfully Submitted,



James M. Hogue

James M. Hogue
Village Planner

PERMANENT OUTDOOR DINING STANDARDS

Outdoor dining use that is ancillary to a primary restaurant use and that is conducted within or on a permanent structure that is located higher than grade level, subject to compliance with the license requirements of section 3-7-1 of this code and the following:

- (a) The outdoor dining use must be an integral part of the principal use.
- (b) 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 eleven o'clock (11:00) P.M. and eight o'clock (8:00) A.M., unless otherwise approved by the village board.
- (c) 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.
- (d) 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.
- (e) No music or amplified sounds shall be permitted in the outdoor dining area, unless otherwise approved by the village board.
- (f) Any outdoor dining area illumination system shall be subject to the review and approval of the architectural board.
- (g) Foodstuffs and beverages sold or delivered in the outdoor dining area must be consumed on site.
- (h) 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.**

Lake County, Illinois



Lake County
Department of Information Technology
18 N County St
Waukegan IL 60085
(847) 377-2373
Map Printed on 5/15/2015



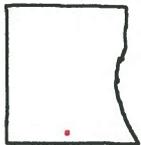
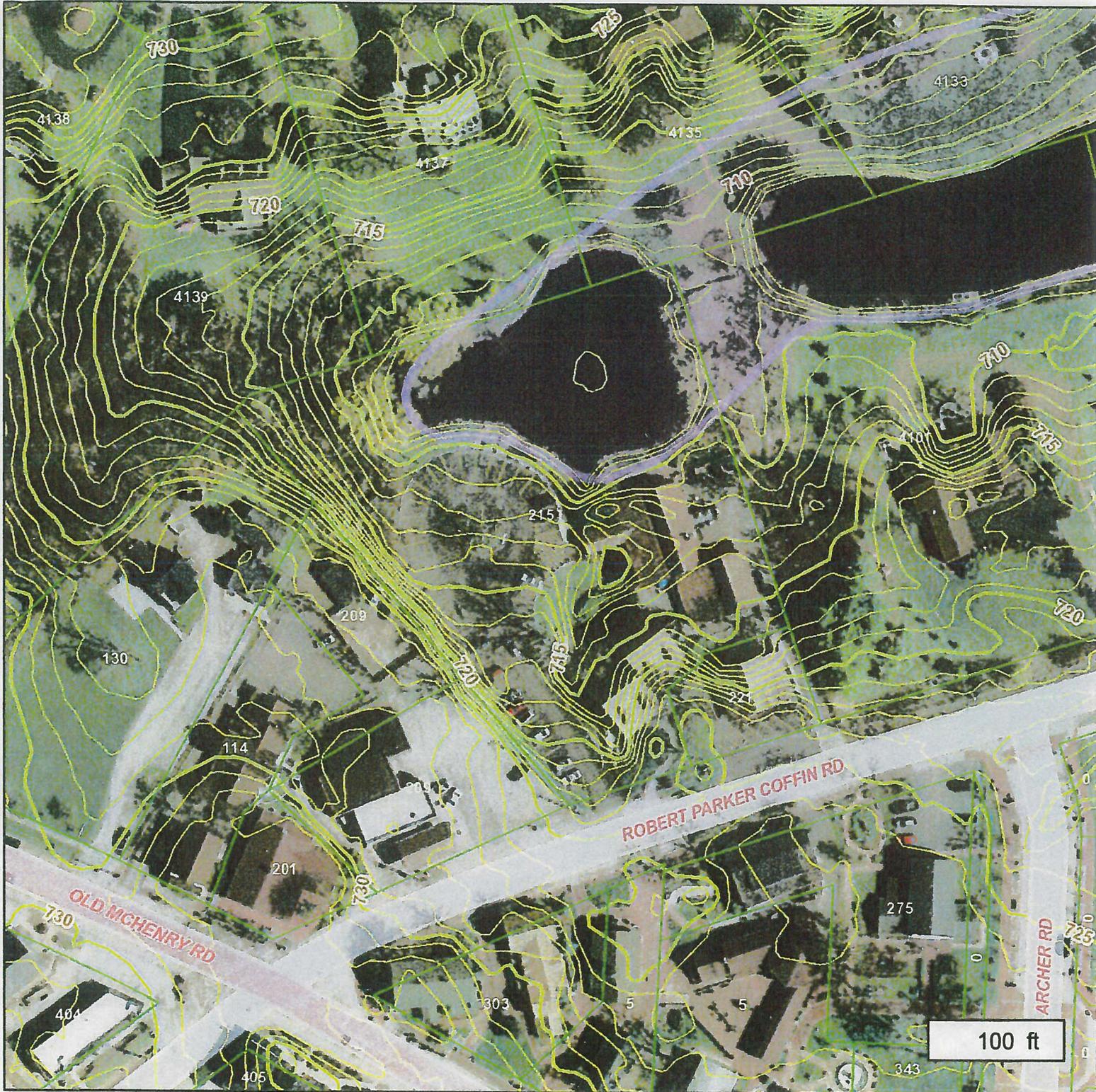
- Tax Parcels
- Special Flood Hazard Areas
- Wetlands



Disclaimer:

The selected feature may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.

Lake County, Illinois



 **Lake County**
Geographic Information System

Lake County
Department of Information Technology
18 N County St
Waukegan IL 60085
(847) 377-2373

Map Printed on 5/15/2015



-  Tax Parcels
-  Minor Contour
-  Major Contour
-  Special Flood Hazard Areas

Disclaimer:

The selected feature may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.

Lake County, Illinois



Lake County
Department of Information Technology
18 N County St
Waukegan IL 60085
(847) 377-2373

Map Printed on 5/15/2015



— Tax Parcels



Disclaimer:

The selected feature may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.





RECEIVED

APR 27 2015

VILLAGE OF LONG GROVE

APPLICATION FOR OUTDOOR DINING PERMIT
IN THE B-1 HISTORIC BUSINESS DISTRICT

Business Name and Address: Broken Earth Winery
215 Robert Parker Coffey Rd

Business Owner's Name: Gerald Foraythe

Business Owner's Phone: Day: 847-541-8300 Evening: Fax: 847-215-8483

Property Owner's Name and Address: New Midwest Capital LLC
1111 Willis Ave, Wheeling IL 60094

Time restaurant is currently opened for dining activities:
Tu-TH 11:00 AM - 9:30 P.M., Fri + Sat + Sun 11:00 AM - 10:30 P.M.

Dates and Times for Proposed Outdoor Dining Activities:
Closed - Mondays
Date: (month/date to month/date): 5/2015 to 11/2015 -> Spring thru fall months
Hours: Weekday (M-F) to Saturday and Sunday: to

Describe the setup for outdoor dining, including colors and materials of chairs, tables, umbrellas, tablecloths, etc. (Photo's are acceptable)

Number of Tables 6 Maximum Number of Patrons 16
2-2 Person tables + 1-4 Person table in front 219
2-2 Person tables + 1-4 Person table in front of 215/223 (same as above).

Attach a site plan of proposed outdoor dining facilities with setup indicated.

Provide photograph of the location on the property where outdoor dining activities will take place.

My signature indicates compliance with the restrictions and limitations of the Village Code 5-9-3 (3) regarding Outdoor Dining as a Temporary Use and License Requirements of Section 3-7-1 of this code.

Property Owner Signature: [Signature] Date: 4-14-2015

Business Owner Signature: Same ↑ Date: —

TEMPORARY OUTDOOR DINING STANDARDS

3. B1 district:

(a) Outdoor Dining: Outdoor dining that is ancillary to a primary restaurant use and that is not conducted within or on a permanent structure that is located higher than grade level, shall be permitted as a temporary use in the business districts, subject to compliance with the license requirements of section 3-7-1 of this code, and the following restrictions and limitations:

- (1) A temporary use permit shall be required for the outdoor dining use. Applications for a temporary use permit shall be submitted to, and reviewed by, the building superintendent. A temporary use permit for an outdoor dining use shall expire one year after its issuance; however, an owner may submit an application to renew the temporary use permit, which shall be reviewed by the building superintendent or the manager's designee.
- (2) No more than six (6) tables with a maximum capacity of twenty four (24) patrons shall be permitted for any outdoor dining use.
- (3) The outdoor dining use may only be in use during the hours that the primary restaurant use is in operation, but in no event shall the outdoor dining use be in use between the hours of eleven o'clock (11:00) P.M. and eight o'clock (8:00) A.M., except as otherwise approved by the village board.
- (4) The lot upon which the outdoor dining use is to be conducted shall not abut any residential zoning district nor be located within three hundred feet (300') of a residentially zoned lot.
- (5) The outdoor dining use shall be confined to the rear of the principal restaurant building; provided, however, that upon good cause shown to the building superintendent, it may be located in the front or side of the restaurant building, provided it is not located in the required front or side yard setback.
- (6) No music or amplified sounds shall be permitted in connection with the outdoor dining use.
- (7) No additional outdoor lighting shall be permitted, except for safety lighting, unless otherwise approved by the building superintendent upon good cause shown.
- (8) No outdoor dining use shall displace required parking on the lot upon which the outdoor dining use is located.
- (9) A temporary use permit for an outdoor dining use may be revoked by the building superintendent upon any failure or refusal to meet all of the requirements of this subsection and this title.
- (10) In the event that a proposed outdoor dining use does not meet the standards set forth in this section, the owner may apply for a special use permit for the outdoor dining use pursuant to subsection 5-4-5(A)3 of this title.**



3110 Old McHenry Road 60047-9635
Phone: 847-634-9440 Fax: 847-634-9408
www.longgrove.net

PLAN COMMISSION ZONING BOARD OF APPEALS GENERAL ZONING APPLICATION

1.0 General Information (See Subsection 5-11-8(E) of the Long Grove Zoning Code).

1.1 **Applicant Name:** BROKEN EARTH Winery
Address: 215 Robert Parker Coffin Road
Telephone Number: 847-383-5052 **E-mail Address:** _____
Fax number: 847-383-5378
Applicant's Interest in Property: _____

1.2 **Owner (if different from Applicant).**

Name: Gerald Forsythe
Address: 1111 Willis Ave Wheeling IL 60090
Telephone Number: 847-541-8300 **E-mail Address:** _____
Fax number: 847-215-8483

1.3 **Property.**

Address of Property: 215 Robert Parker Coffin Rd.
Legal Description: Please attach **Parcel Index Number(s):** See attached.
Present Zoning Classification B-2 **Size of Property (in acres)** _____
Has any zoning reclassification, variation, or special use permit/PUD been granted for the Property?
Yes: _____ **No:**
If yes, please identify the ordinance or other document granting such zoning relief: N/A

Describe the nature of the zoning relief granted: N/A

Present use of Property:

Residential _____ Commercial Office _____ Open Space _____ Vacant _____

Other (explain) _____

Present zoning and land use of surrounding properties within 250' of Property:

	Zoning Classification	Land Use
North:	_____	_____
South:	_____	_____
East:	_____	_____
West:	_____	_____

1.4 Trustees Disclosure.

Is title to the Property in a land trust? Yes _____ No

If yes, full disclosure of all trustees, beneficiaries and their legal and equitable interests is required. Attach a copy of all documents showing ownership of the Property and the Applicant's and/ or Owner's control of or interest in the Property.

1.5 Requested Action (Check as many as are applicable).

- _____ Appeal
- _____ Variation
- _____ Zoning Map Amendment (rezoning)
- _____ Preliminary PUD Plat
- _____ Code Interpretation
- Special Use Permit (non-PUD)
- _____ Zoning Code Text Amendment
- _____ Final PUD Plat

1.6 Supplemental Information (General):**

Every Application filed shall, in addition to the data and information required above, provide the following general information when applicable to the use or development for which approval is being sought:

- (a) A description or graphic representation of any development or construction that will occur or any use that will be established or maintained if the requested relief is granted.
- (b) A table showing the following, as applicable:

- the total lot area of the lot, in acres and in square feet; and
 - the total existing and proposed lot area, expressed in acres, in square feet and as a percent of the total development area, devoted to: residential uses, business uses; office uses; college uses; institutional uses; open space; rights-of-way; streets; and off-street parking and loading areas; and
 - the existing and proposed number of dwelling units; and gross and net floor area devoted to residential uses, business uses, office uses, college uses, and institutional uses.
- (c) A table listing all bulk, space, and yard requirements; all parking requirements; and all loading requirements applicable to any proposed development or construction and showing the compliance of such proposed development or construction with each such requirement. When any lack of compliance is shown, the reason therefore shall be stated and an explanation of the village's authority, if any, to approve the Application despite such lack of compliance shall be set forth.
- (d) The certificate of a registered architect or civil engineer licensed by the State of Illinois, or of an owner-designer, that any proposed use, construction, or development complies with all provisions of this code and other village ordinances or complies with such provisions except in the manner and to the extent specifically set forth in said certificate.
- (e) A landscape development plan, including the location, size and species of plant materials.

1.7 Supplemental Information (per specific request):

_____ Appeals, Code Interpretations, and Variations: See 5-11-8(E)3, 4, & 5 of the Zoning Code and Form "A"

_____ Special Use Permit (non-PUD): See 5-11-8(E)7 of the Zoning Code and Form "B"

_____ Zoning Map Amendment (rezoning): See 5-11-8(E) 8 of the Zoning Code and Form "C"

_____ Zoning Code Text Amendment: See Form "D"

_____ Preliminary PUD Plat: See 5-11-18(D)(2) of the Zoning Code and Form "E"

_____ Final PUD Plat: See 5-11-18(D)(3) of the Zoning Code and Form "F"

** The scope and detail of information shall be appropriate to the subject matter of the Application, with special emphasis on those matters likely to be affected or impacted by the approval being sought in the Application. Information required in the application shall be considered the minimum information required for filing an application. Additional information including but not limited to graphic depictions, environmental impacts, plans for sewer and water service and storm water management, photometric plans, traffic studies and effects on property values, among others, should also be considered and may be helpful in detailing the Application.

Special Data Requests. In addition to the data and information required pursuant to this Application, every Applicant/Owner shall submit such other additional data, information, or documentation as the

building superintendent or any board or commission before which the Application is pending may deem necessary or appropriate to a full and proper consideration and disposition of the particular Application.

1.8 Consultants.

Please provide the name, address, and telephone number of each professional or consultant advising Applicant with respect to this Application, including architects, contractors, engineers or attorneys:

Name: _____	Name: _____
Professional: _____	Professional: _____
Address: _____	Address: _____
Telephone: _____	Telephone: _____
E-mail: _____	E-mail: _____

Name: _____	Name: _____
Professional: _____	Professional: _____
Address: _____	Address: _____
Telephone: _____	Telephone: _____
E-mail: _____	E-mail: _____

1.9 Village Officials or Employees.

Does any official or employee of the Village have an interest, either directly or indirectly, in the Property? Yes: No:

If yes, please identify the name of such official or employee and the nature and extent of that interest. (Use a separate sheet of paper if necessary.)

MARSHA Lynn Forsythe - ^{Part} owner
of property

1.10 Successive Applications (5-11-9).

Second Applications Without New Grounds Barred. Whenever any Application filed pursuant to this code has been finally denied on its merits, a second Application seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought unless in the opinion of the officer, board, or commission before which it is brought there is substantial new evidence available or a mistake of law or fact significantly affected the prior denial.

New Grounds to Be Stated. Any such second Application shall include a detailed statement of the grounds justifying consideration of such Application.

Summary Denial With or Without Hearing. Any such second Application may be denied by the building superintendent summarily, and without hearing, on a finding that no grounds appear that warrant a new hearing. In any case where such Application is set for hearing, the owner shall be required to establish grounds warranting reconsideration of the merits of its Application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the Application may be summarily dismissed for such failure.

Exception. Whether or not new grounds are stated, any such second Application filed more than two years after the final denial of a prior Application shall be heard on the merits as though no prior Application had been filed. The Applicant or Owner shall, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first Application. In the absence of such evidence, it shall be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first Application.

2.0 Required Submittals (See Specific Supplemental Information Form for filing Fees).

- _____ Fully completed Application with applicable supplementary information
- _____ Non-refundable Filing Fee. Amount: \$ _____
- _____ Planning Filing Fees. Amount: \$ _____
- _____ Minimum Professional Fee/deposit Escrow. Amount \$ _____

3.0 Certifications. The Applicant and Owner certify that this Application is filed with the permission and consent of the Owner of the Property and that the person signing this Application is fully authorized to do so.

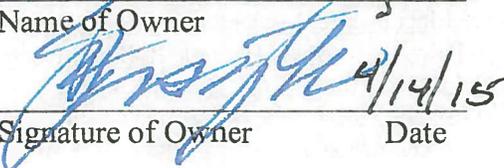
3.1 The Applicant certifies that all information contained in this Application is true and correct to the best of Applicant's knowledge.

3.2 The Applicant acknowledges that the Village may seek additional information relating to this Application and agrees to provide the Village with such information in a timely manner. Failure to provide such information may be grounds for denying an Application.

- 3.3 The Applicant and Owner agree to reimburse the Village for any and all costs relating to the processing of this Application, including any consultants' fees. By signing this Application, Applicant and Owner agree to be jointly and severally liable for such costs, and Owner further agrees to the filing and foreclosure of a lien against the Property for all such costs plus all expenses relating to collection, if such costs are not paid within 30 days after mailing of a demand for payment.
- 3.4 The Applicant agrees that the Village and its representatives have the right, and are hereby granted permission and a license, to enter upon the Property, and into any structures located there on, for purposes of conducting any inspections that may be necessary in connection with this Application.
- 3.5 The Owner, Applicant, and/or designated representative is required to be present during the meeting.

Gerald Forsythe

Name of Owner

 4/14/15

Signature of Owner

Date

Same

Name of Applicant

—

Signature of Applicant

Date

VILLAGE OF LONG GROVE, ILLINOIS
 NOTICE OF A PUBLIC HEARING FOR
 CONSIDERATION OF A REQUEST FOR A SPECIAL
 USE PERMIT FOR PROPERTY WITHIN THE B-1
 HISTORIC BUSINESS DISTRICT CLASSIFICATION
 AND/OR ADDITIONAL RELIEF NECESSARY AND/OR
 APPROPRIATE UNDER THE ZONING TO ALLOW
 PERMANENT OUTDOOR DINING AT
 215 Robert PARKER COFFIN ROAD.

PUBLIC NOTICE IS HEREBY GIVEN that on Tuesday
 June 2, 2015 at 7:00 p.m. a public hearing will be held at the
 regular meeting of the Plan Commission & Zoning Board
 Appeals of the Village of Long Grove, Lake County, Illinois,
 of the Long Grove Village Hall 3110 RFD, Long Grove, Illi-
 nois 60047 (unless otherwise posted) in connection with a
 petition for a Special Use Permit within the B-1 Historic
 Business District submitted by Mr. Gerald Forsythe to ob-
 tain a permanent outdoor dining and/or additional relief
 necessary and/or appropriate under the zoning code for
 property known as 215 Robert Parker Coffin Road, and
 zoned under the B-1 Historic Business District classifica-
 tion within the Village of Long Grove, Illinois.
 No reclassification of the subject property is requested.
 The subject property is legally described as follows:

LEGAL DESCRIPTION

That part of the east 1/2 of the Northwest 1/4 of Section 30,
 Township 43 North, Range 11 East, of the Third Principal
 Meridian, bounded by a line as follows: Beginning at a point
 on the centerline of Dundee-Hall Day Road at the Southeast
 corner of the William Umbdenstock Subdivision, the plat of
 which was recorded as Document 991676; thence North-
 easterly along the centerline of said road 50.75 feet, more
 or less, to the northeasterly corner of Lot 2 of Fannings
 Subdivision the plat of which was recorded as Document
 1257511; thence south along the east line of lot 2 10.20 feet
 more or less to the northwesterly corner of that part de-
 scribed by that deed recorded May 4, 1876 as in book 56 of
 deeds page 549; thence Northeasterly along the Northerly
 line of said property, 136.62 feet to the northeasterly corner
 thereof; thence northwesterly at right angles to said last
 described line, 392.29 feet; thence northwesterly at right
 angles to the last described line; 310.34 feet to the easterly
 line of William Umbdenstock Subdivision First Addition,
 the plat of which was recorded as document 1257688;
 thence southwesterly along the northeastern line of said
 subdivision and the northeastern line of William Umbden-
 stock Subdivision aforesaid, to the place of beginning in
 Lake County, Illinois.

Commonly known as: The Broken Earth Winery;
 215 Robert Parker Coffin Road
 P.O. #: 15-30-203-019

Persons attending the hearing shall have the opportunity to
 provide written and oral comments and questions concern-
 ing the proposal. The above information, together with the
 zoning application, will be available for inspection at the
 Long Grove Village Hall, 3110 RFD, Long Grove, Illinois
 during regular business hours.

The Plan Commission & Zoning Board of Appeals reserves
 the right to continue the hearing to a later date, time and
 place should that become necessary.
 James M. Hogue, Village Planner, Village of Long Grove
 Published in Daily Herald May 14, 2015 (4407581)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Corporation organized and existing under and by virtue of the laws of
 the State of Illinois, DOES HEREBY CERTIFY that it is the publisher
 of the DAILY HERALD. That said DAILY HERALD is a secular
 newspaper and has been circulated daily in the Village(s) of
Algonquin, Antioch, Arlington Heights, Aurora, Barrington,
Barrington Hills, Lake Barrington, North Barrington, South Barrington,
Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills,
Carpentersville, Cary, Deer Park, Des Plaines, South Elgin, East Dundee,
Elburn, Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Geneva,
Gilberts, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire,
Hanover Park, Hawthorn Woods, Hoffman Estates, Huntley, Inverness,
Island Lake, Kildeer, Lake Villa, Lake in the Hills, Lake Zurich,
Libertyville, Lincolnshire, Lindenhurst, Long Grove, Mt. Prospect,
Mundelein, Palatine, Prospect Heights, Rolling Meadows, Round Lake,
Round Lake Beach, Round Lake Heights, Round Lake park, Schaumburg,
Sleepy Hollow, St. Charles, Streamwood, Tower Lakes, Vernon Hills,
Volo, Wauconda, Wheeling, West Dundee, Wildwood, Sugar Grove,
North Aurora

County(ies) of Cook, Kane, Lake, McHenry
 and State of Illinois, continuously for more than one year prior to the
 date of the first publication of the notice hereinafter referred to and is of
 general circulation throughout said Village(s), County(ies) and State.

I further certify that the DAILY HERALD is a newspaper as defined in
 "an Act to revise the law in relation to notices" as amended in 1992
 Illinois Compiled Statutes, Chapter 7150, Act 5, Section 1 and 5. That a
 notice of which the annexed printed slip is a true copy, was published
May 14, 2015 in said DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK
 PUBLICATIONS, Inc., has caused this certificate to be signed by, this
 authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
 DAILY HERALD NEWSPAPERS

BY Daula Baltz
 Authorized Agent

Control # 4407581

RECEIVED

MAY 18 2015

VILLAGE OF LONG GROVE

Item #1B:
Report Of The PCZBA - June 2, 2015
Zoning Code Amendments Re: Max FAR, Impervious Coverage



MEMORANDUM

TO: Village of Long Grove Planning Commission & Zoning Board of Appeals
FROM: James M. Hogue, Village Planner
DATE: May 28, 2015
RE: Ordinance amendments to the Village Code for the Village of Long Grove, Title 5, Zoning Regulations including modifications to the maximum floor area, impervious surface, coverage limitations, floor area ratio and other regulations within the Village of Long Grove.

History

At their April 14th Village Board meeting the Village Board made the following referral to the PCZBA;

Trustee Marshall moved to refer amendments to the Village Zoning Code regarding Floor Area Ratio (FAR) & Impervious Surface Coverage limitations to the Plan Commission & Zoning Board Of Appeals for consideration; seconded by Trustee Yaeger. ROLL CALL VOTE: Trustee Marshall – aye; Trustee Barry – aye; Trustee Yaeger – aye; Trustee Borys- aye. (Motion carried 4 – 0; 2 absent Trustees).

In 2007 the Village was considering a “major” amendment to the zoning code. During those deliberations the issues of “bulk” loomed large and in particular floor area and lot coverage. Minutes from those meetings (2.6.07 & 10.4.07) are attached for reference by the PCZBA. The concern was the “bulkiness” of structures on the “rural character” of the village.

The results of those deliberations formed the current “bulk” regulations under which the village operates. In general, these regulations have worked well, particularly in dealing with large structures on small lots. The issue presently raised has been the maximum square footage limitation on larger lots (e.g. 5 acres and above). The current village code has a maximum cap of 13,000 square feet (minimum of 3 acres) regardless of how large the lot may be. To achieve the maximum floor area greater setbacks also apply.

Current Bulk Regulations

Bulk Regulation as currently established by the Village Code are as follows;

5-3-12: BULK, SPACE, AND YARD REQUIREMENTS:  

The building height, lot, yard, floor area ratio, coverage, and spacing requirements applicable in the residential districts are set forth in the following table. Footnote references appear at the end of the table.

	R1	R2	R3
Maximum building height (feet) ¹	35	35	35
Minimum lot area ²	3 acres	2 acres	1 acre
Minimum yards and setbacks ^{3,4} :			
Front and corner side (feet)	100	75	50
Side (feet)	50	40	30
Rear (feet) ⁵	50	40	30
Conservancy area/scenic corridor	See note 4		
Maximum gross floor area ⁶	See note 6		
Maximum impervious surface coverage ⁷	40%	40%	40%
Minimum spacing between principal and accessory buildings (feet)	20	20	20

Exceptions And Explanatory Notes:

1. Height Limitation For Accessory Structures: The maximum building height of any accessory structure shall be 15 feet unless otherwise permitted pursuant to section [5-9-1](#) of this title.
2. Nonconforming Lots: See section [5-10-5](#) of this title for lot requirements with respect to legal nonconforming lots of record.
3. Permitted Obstructions In Required Yards: See section [5-9-8](#) of this title for certain structures and uses that may be located in certain required yards.
4. Special Conservancy Area And Scenic Corridor Setbacks: Special setbacks for conservancy areas and scenic corridor areas established in [title 7](#) of this code shall control over the yard and setback requirements established in this table.
5. Rear Yard Regulations For Certain Accessory Structures And Uses: Accessory structures and uses (except for tennis courts, playing courts, swimming pools, and guesthouses) may be located in required rear yards, provided the accessory structure or use is located not less than 30 feet from any lot line.
6. Maximum Floor Area: The maximum floor area for a lot in any of the residential zoning districts shall be calculated based on the lot area. The calculation of lot area will exclude 50 percent of the wetlands and conservancy district areas on a lot, except in the cases of: a) lots in planned unit developments to which the 50 percent exclusion under subsection [5-11-18\(E\)2\(m\)\(1\)](#) of this title has been applied; b) any lot that had been improved with a single-family detached dwelling prior to February 24, 2009; or c) any lot created as part of a plat of subdivision approved prior to February 24, 2009.

(a) For any lot that meets all of the setback requirements for the underlying zoning district, the maximum floor area is set forth in the following chart:

<u>Lot Area</u>	<u>Calculation For Maximum Floor Area</u>
10,000 square feet to 43,559 square feet	5,500 square feet building size plus 0.098 square foot of floor area for each square foot of lot area over 10,000 square feet
43,560 square feet to 130,679 square feet	8,800 square feet building size plus 0.025 square foot of floor area for each square foot of lot area over 43,560 square feet
130,680 square feet and greater	11,000 square feet building size plus 0.022 square foot of floor area for each square foot of lot area over 130,680 square feet. Where a principal building is 11,000 square feet or greater, for each 1,000 square feet or fraction thereof over 10,000 square feet, the front yard setback shall be increased an additional 50 feet. In no case shall a principal building exceed 13,000 square feet

(b) For any lot in any of the residential zoning districts that does not meet 1 or more of the setback requirements for the underlying zoning district, the maximum floor area is set forth in the following chart:

<u>Lot Area</u>	<u>Calculation For Maximum Floor Area</u>
33,000 square feet to 43,559 square feet	3,500 square feet building size plus 0.134 square foot of floor area for each square foot of lot area over 10,000 square feet
43,560 square feet to 130,679 square feet	8,000 square feet building size plus 0.034 square foot of floor area for each square foot of lot area over 43,560 square feet
130,680 square feet and greater	11,000 square feet building size plus 0.022 square foot of floor area for each square foot of lot area over 130,680 square feet. Where a principal building is 11,000 square feet or greater, for each 1,000 square feet or fraction thereof over 11,000 square feet, the front yard setback shall be increased an additional 50 feet. In no case shall a principal building exceed 13,000 square feet

The maximum floor area restrictions contained in this paragraph (b) do not apply to any lot that either: 1) is developed with a single-family dwelling unit as of February 24, 2009; 2) is part of an approved planned unit development or subdivision as of February 24, 2009; or 3) is part of an approved planned unit development within a woodland conservancy area for which specific building boxes are prescribed on the plat for purposes of preserving the wooded character of the development. These lots will be subject to the maximum floor area restrictions contained in the chart set forth in paragraph (a) of this note.

(c) No variance or other relief shall be granted from this note 6 except as permitted in an approved planned unit development pursuant to section [5-11-18](#) of this title.

7. Public Safety Uses: In the R1 and R2 districts only, a local governmental use designed to provide public safety services directly to the residents of the village, limited to a fire station, police station, or similar

municipal use, may exceed the maximum impervious surface coverage restriction pursuant to a special use permit; provided that the owner must demonstrate that the proposed increase in the maximum impervious surface coverage will: a) satisfy all of the standards for a special use permit set forth in section 5-11-17 of this title; b) enhance the capability of the local governmental unit to serve the village and its residents; and c) not adversely impact stormwater drainage for the lot subject to the special use permit, any adjacent lot, or existing stormwater management facilities.

(Ord. 2009-O-07, 3-10-2009)

Bulk Regulations in other Communities (i.e. Kildeer & Hawthorne Woods)

Attached is a synopsis of the regulations from Kildeer (2 residential zoning districts) & Hawthorne Woods (2 single family districts & 1 multifamily district). An analysis of these regulations in contrast to the Long Grove regulations is also included. Kildeer and Hawthorne Woods were chosen for comparison as they are more similar to Long Grove than other surrounding communities.

Due to the differences in regulations an “apples to apples” comparison is not possible. For example, Kildeer has a FAR (Floor Area Ratio & Lot Coverage) and a minimum floor area but no maximum. Hawthorne Woods utilizes a only a maximum lot coverage calculation. In the analysis provided, page 2 of the April 9th memo is likely the most useful for comparison purposes. The comparisons have been generalized to apply the regulations of each village in a like manner in this table.

Conclusions

Historically the “bulk” discussions have focused on the large house - small lot scenario. The concern is the impact of this “bulkiness” on the “rural character” of the village and the openness associated with that character.

The 2007 revisions to the code have addressed this issue well. Little concern was given to the large house on large lot scenario as the character concerns are not apparent under this scenario.

One option for consideration therefore is the maintenance of “status quo” and not recommending any changes to the “bulk” regulations as listed above.

As noted above during the 2007 ordinance update the “bulk” issue under consideration was the large house on a small lot scenario. As a second option, consideration could be given to creating additional categories to the lot area floor\floor area tables listed above. Additional categories such as three to five acres, five to seven acres, 10 acres and above, etc, could be established to allow larger houses on larger lots in a manner similar to what presently exists in the code. A cap on maximum square footage for a residence would presumably exist under this scenario.

Finally, the simplest solution is to remove the 13,000 square foot cap from the current code but keep all other “bulk” regulations (including the greater setbacks for large structures). A minimum lot size, for example, of five (5) acres or greater, should be considered. Under this scenario lot coverage (.40) would be the limiting factor in house size on lot of 5 acres or more.

Hawthorne Woods Bulk Regulations		R1 (Art. "A")	R2 (Art. "B")	R3 (Art. "C")
Maximum building height (feet)		35	35	35
Minimum lot area*		40,000 Sq. Ft	20,000 Sq. Ft.	20,000 Sq. Ft.
Lot Width		130'	100'	100'
Lot Width (Cul-de-Sac)		90'	60'	-
Minimum yards and setbacks:				
	Front and corner side (feet)	30'	30'	30'
	Side (feet)	20'	15'	15'
	Rear (feet)	50'	40'	40'
	Cul-de Sac (Front Yard)	50'	50'	50'
Maximum impervious surface coverage		15%	25%	45%

* Sanitary Sewer Connection Required

Zoning District	Calculation For <i>Minimum</i> Floor Area
R-1 (Art. "A") Ground Floor	1 Story; 1700 sq. ft. Greater than 1 Story; 2200 sq. ft.
R-2 (Art. "B") Ground Floor	1 Story; 1500 sq. ft. Greater than 1 Story; 1800 sq. ft.
R-3 (Art. "C") Ground Floor	No standard Identified; this is a multi-family dwelling district.

Kildeer Bulk Regulations		R1	R2
Maximum building height (feet)		35	35
Minimum lot area		1 acre	1 acres
Lot Width		150'	150'
Lot Depth		175'	175'
Minimum yards and setbacks:			
	Front and corner side (feet)	75'	75
	Side (feet)	35'	35'
	Rear (feet)	50'	50'
Maximum impervious surface coverage		35%	35%
F.A.R.		.30	.30

Zoning District	Calculation For <i>Minimum</i> Floor Area
R-1 (Ground Flr).	1 story structure; 2500 sq. ft. Greater than 1 story; 1500 sq. ft.
R-2 (Ground Flr).	1 Story Structure; 2000 sq. ft. Greater than 1 story; 1500 sq. ft.



MEMORANDUM

TO: David Lothspeich; Village Manager
 FROM: James M. Hogue, Village Planner
 DATE: April 9, 2015
 RE: Review of Maximum Dwelling Unit Size

Per your request I have reviewed the bulk regulations for Hawthorne Woods, Long Grove and Kildeer as they relate to maximum dwelling unit size. My findings are as follows;

BACKGROUND

Attached are table which identify the applicable bulk regulations as they pertain to maximum dwelling unit size for each of the three communities reviewed. Of the only Long Grove establishes a “maximum” dwelling unit size but no minimums. The other communities establish minimums but no maximum for dwelling units. Maximum dwelling unit size is calculated on a combination of the “bulk” regulations on a given piece of property. Of the three communities only Kildeer has an FAR as part of their zoning regulations.

ANALYSIS

Making an “apples to apples” comparison of the various community regulations is difficult. Principally this analysis looks at lot coverage and floor area restrictions as applicable. Included below are generalizations regarding maximum dwelling unit sizes for the three communities based upon 1, 3 & 5 acre lots.

Lot Coverage (in Sq. Ft.)	HW			LG	KD
	R1	R2	R3		
Lot Area					
1 Acre – 43,560 Sq. Ft.	6,534	10,980	19,602	17,424	15,246
3 Acres – 130,680 Sq. Ft.	19,602	32,670	58,806	52,727	45,738
5 Acres – 217,800 Sq. Ft.	32,670	54,450	98,010	87,120	76,230

FAR & Lot Size (Kildeer Only)					
Lot Area x FAR (.30) = Max Structure Size			Minus Max. Lot Coverage		Equals Available Lot Coverage
1 Acre – 43,560 Sq. Ft. x .30	=	13,608	- 15,246	=	2,178
3 Acres – 130,680 Sq. Ft. x .30	=	39,204	- 45,738	=	6,534
5 Acres – 217,800 Sq. Ft. x .30	=	65,340	- 76,230	=	10,890

Maximum Structure Size Long Grove Only			
Lot Area		Max. Structure Size (in Sq. Ft.)	
1 Acre – 43,560 Sq. Ft.		5,500 + 3,298 = 8789	
3 Acres – 130,680 Sq. Ft.		8,800 + 2,178 = 10,978	
5 Acres – 217,800 Sq. Ft.		11,000 + 1917 = 12,917*	

*Greater Setbacks apply to achieve a structure size over 11,000 sq. ft.

Maximum Lot Coverage Hawthorne Woods Only	R-1	R-2	R-3
Max. Lot Coverage	.15	.25	.45
Lot Area x Max Coverage			
1 Acre – 43,560 Sq. Ft.	6,534	10,890	19,602
3 Acres – 130,680 Sq. Ft.	19,602	32,670	58,806
5 Acres – 217,800 Sq. Ft.	32,670	54,450	98,010

Long Grove Plan Commission

September 4, 2007 Meeting Minutes

Commissioners Present: Jeff Kazmer, Wendy Parr, Shelly Rubin, Tobin Fraley, Charles Cohn

Chairman present: Fred Phillips

Also present: Village Planner James Hogue, Planning Commission Secretary Terri Taylor, Village Attorney Julie Tappendorf

Also present in the audience: Village President Maria Rodriguez, Village Trustee Ed Acuna and two members of the public.

1. **Call to Order:** Chariman Phillips called the meeting to order at 8:05 p.m.
2. **Public Hearing:** Consideration of a proposal for various amendments to the Village Code for the Village of Long Grove, Title 5, Zoning Regulations including without limitation modifications to the maximum floor area, building height and other regulations within the Village of Long Grove, Illinois.

Four audience members were sworn in.

Attorney Julie Tappendorf began the discussion by reviewing the Zoning Code Issues memorandum (dated July 12, 2007) that summarizes the issues at hand and presents recommendations for further modifications to the Zoning Code.

First topic reviewed in the memo was "Maximum Floor Area." The issue of "too big, too close" was described as when larger homes on smaller lots are clustered together. The first recommendation for controlling this in the future is the "Consideration off Two Separate Formulae for Calculating Maximum Floor Area." A current formula exists, but a second stricter formula could be added that would apply to any lot within a PUD that does not meet one or more of the setback requirements.

Discussion of topic ensued with clarification of the "lots under 1 acre" reference.

Attorney Tappendorf presented the second recommendation for control of "Maximum Floor Area". The Village could "Consider Establishing Minimum Setbacks in PUDs". By setting minimums, the village could only allow modifications presented by builders that would fall within an "absolute" setback minimum or other limitation.

A third recommendation was presented for control of "Maximum Floor Area". The Village could "Consider Establishing Minimum Lot Area for Lots in PUDs". Establishing this would prevent developers from requesting modifications that fell below the minimum area requirement.

Commissioner Fraley looked to confirm that this concept would, in fact keep development in Long Grove rather than pushing away potential developments to other communities.

Discussion moved on to the second topic of concern which is "Large Homes on Any Lot" and how modifications could be made to control the bulk of large homes in general. Areas for recommendation include: 1. Basements with Exposed Lower Levels, 2. Habitable Attic Space, and 3. Exclusion of a Portion of Wetlands and Conservancy Areas.

Attorney Tappendorf reviewed each topic as outlined in the memorandum.

Recommendations to change how various definitions of basements are distinguished was presented. A new formula using the amount of exposed lower level would be used.

A definition of "habitable attic space" was also presented due to a lack of prior definition. A specific height would trigger the home to contain "habitable attic space".

Tom Macintosh (2562 RFD) brought up his concern over potential attic remodels after a home met zoning codes when it was originally built.

A third recommendation regarding "Large homes on Any Lot" covered the "Exclusion of a Portion of Wetlands and Conservancy Areas" when determining the maximum floor area of a proposed home was discussed. The new formula used would result in smaller homes with more non-buildable areas.

Trustee Acuna was concerned over the language regarding density bonuses in the memo. Discussion with board ensued. He also had a question regarding the amount of space being considered for the exposed basement.

Chairman Phillips points out that an ultimate goal of all the recommendations is not to penalize PUDs with too many restrictions.

A final topic was presented by Attorney Tappendorf regarding the Public Assembly Regulations and the possibility of an institution parceling out it's facilities among multiple adjoining lots. An amendment could be made to require a minimum distance between public assembly uses on a block.

Many questions and concerns over teardowns and remodels were brought up by board members and clarifications by Attorney Tappendorf were made throughout the presentation. Examples of how other suburban communities have handled the issues were shared by her as well.

Many members felt that it was important to consider how many existing homes would be affected by all of these changes and that a review of existing setbacks, FAR's and so forth would be necessary to be able to determine the appropriate new zoning code

recommendations. Village President Maria Rodriguez indicated that continued discussion over these issues was necessary and a new ordinance covering this topic would be brought to the Village Board to discuss further and possibly refer back to the PCZBA for additional consideration.

It was also suggested that due to significant discussion over the amendment language anticipated regarding the issues identified in the zoning code-memorandum, that additional amendments would be necessary before the new recommendations could be approved. Commissioner Rubin asked that a committee be formed with PCZBA and Village Trustees to discuss issues and amending language further before bringing back to the PCZBA for a vote. All members approved the request.

Commissioner Parr volunteered to serve on the committee. All Commissioners recommended that Commissioner DiLorio also serve on the committee.

Chairman Phillips made a motion; seconded by _____ to continue the public hearing regarding the topics until the next meeting of the Planning Commission and Board of Appeals on October 2, 2007. On a voice vote; all aye.

3. Approval of Minutes for June 5, 2007 and August 7, 2007

Commissioner Parr made a motion; seconded by _____ to approve the minutes from both meetings. On a voice vote; all aye.

4. Adjournment

Commissioner Parr made a motion to adjourn; seconded by _____ to adjourn the meeting. All ayes no nays. Meeting was adjourned at 9:45 p.m.

5. Other Business

Chairman Philips indicated that he would not be present at the next scheduled meeting. He suggested that a Commissioner who had not yet served as a "Chairman Pro-Tem" consider serving in his absence.

6. Next Scheduled meeting – October 2, 2007

Respectfully Submitted,

Terri Taylor

Secretary,
Long Grove PCZBA

**LONG GROVE PLAN COMMISSION
FEBRUARY 6, 2007 MEETING MINUTES**

Commissioners Present: Eduardo L. Acuna, Charles Cohn, Joe Di Iorio, Tobin Fraley, Robert Jenkins, and Wendy Parr.

Commissioners Absent: Shelly Rubin

Chairman Present: Fred Phillips

Also Present: Village Superintendent Bob Block, Village Planner James Hogue, Plan Commission Secretary Jeff Kazmer, and Village Attorney Julie Tappendorf

1. **Call to Order:** Chairman Phillips called the meeting to order at 8:05 p.m.
2. **PUBLIC HEARING; CONTINUATION – Consideration of Comprehensive Amendments to the Village of Long Grove Zoning Code.** *Discussion by full PCZBA.*

Chairman Phillips opened the Public Hearing Continuance by informing the audience that the Commission will continue where they left off. He also informed the audience that the Plan Commission was a recommending body, and that the Village Board would have final approval on the proposed Zoning Code. He then informed the audience that anyone in attendance that was sworn in at the last hearing is still under oath. He then swore in any new attendants that wished to give testimony to provide honesty.

Attorney Tappendorf stated that the Commission received a new letter from the LGBCP, which raised some new issues. She said that these issues could take some time to discuss and recommended saving them for later. She said that the Commission would start where they left off, with the open issues in Village Planner Hogue's memo.

1. The Commission would refer to the Village Board whether or not the Village Board wanted to review events, or if they should be reviewed by staff.
2. The Commission proposes no Architectural Board review of single family homes. The Village will wait for the Illinois Legislature to make a ruling on the subject.

Commissioner Acuna asked whether PUDs would get Architectural Board review.

Attorney Tappendorf replied that they would if it is a condition of the PUD.

3. Swimming pools are covered in the Building Code. The language should be the same in the Zoning Code.
4. Concerning the regulations for O and OR, the regulations were crafted to fit the two existing properties in those districts to put them in compliance.

5 & 6. Height and floor area are the two biggest issues. Included in the memo are samples of current and proposed regulations, as well as regulations of nearby towns.

Commissioner Dvorak asked if there was a formula that the towns used to base their regulations on.

Attorney Tappendorf replied that she was not familiar with these particular formulas.

Superintendent Block said that he would give a brief history of the thirty five foot height regulation as he remembers it. In the sixties, fire departments were required to carry a thirty-five foot ladder. Many communities adopted the thirty-five foot height regulation so fire departments could reach the roofs of homes and ventilate them in the event of a fire.

There was some discussion by the Commission. It was noted that Long Grove measures height from the lowest point of the structure.

Commissioner Acuna stated that the intent of the Commission was to reduce bulk in sub-acre lots. He then asked if there were any lots in Long Grove less than 10,000 square feet.

Superintendent Block replied that he believes the only smaller lots were in the Indian Creek subdivision, but they have Lake County sewer and water.

Commissioner Acuna said he believes that any empty lots not governed by PUD regulations must conform to any new height requirements in the proposed Zoning Code.

Superintendent Block stated that there are approximately 240 unbuilt lots in Long Grove. In a PUD, the Village can regulate lot and home size. The Ravenna subdivision was a court ordered judgment as to the number of lots and home size. He then gave a summary of home size and setback requirements in the Ravenna subdivision. He said he believes a thirty-one foot mean roof height would not allow a home with a walkout basement to be built. He said he believes that if the terrain of a lot supports a walkout, then it should be allowed to be built.

Commissioner Acuna stated that he agrees that the proposed Zoning Code should allow an exception for roof height for a walkout.

Commissioner Cohn also agreed to an exception for roof height for a walkout.

Commissioner Dvorak said he agrees with the proposed approach to walkouts.

Commissioner DiIorio said that other surrounding suburbs have relatively flat land that does not support walkout lower levels.

There was some discussion among the Commission.

Commissioner Di Iorio said that he agrees with the exception for walkouts.

Dave Korshak, of 3878 Woods End, a resident and a builder, said he likes high roof lines and thinks the Village would be lowering home values by adopting the proposed height regulations.

Mark from Reese Classic Homes, said that Barrington adopted similar restrictions some years ago. All the homes then began to look alike, with the same gutter lines. He said that the restriction ruined the architecture. Roof height dictates the architecture and limiting it limits creativity.

Susan Coveny, of ReMax Prestige Realty, said that this is a bad market with high taxes. These new regulations will drive customers away. She stated that if the Village passes these new regulations, it will ruin the market in Long Grove.

Peter Di Iorio, a builder, said the competition is in Barrington, Kildeer, and Deer Park. Customers won't want to build here with the new restrictions. It is unfair to change the rules mid-stream. Long Grove already penalizes for garages and two story spaces. Builders around the country are building houses with ten foot ceilings. This cannot be done with a thirty-one foot height restriction.

Commissioner Fraley read an excerpt from the Long Grove Comprehensive Plan, describing the Village's uniqueness, rural charm, open space, and its occurrence through thoughtful planning. He stated that we were trying to create something different and special. Long Grove is not one of those other communities.

Commissioner Acuna said that the changes to height are on sub-acre lots. The Commission is discussing possible walk-out/lookout exceptions. The purpose of these proposed regulations is to control the sense of scale on lots which are relatively small.

Attorney Tappendorf said that language could be drafted to exempt PUDs that have already been approved.

Commissioner Acuna asked if we make exemptions for one subdivision, do we have to make an exemption for all.

There was some discussion.

Dee McLaughlin, of 4560 RFD, said that she appreciates beautiful architecture, but we are talking about lots of less than one acre. She said that she supports the proposal in keeping with the Comprehensive Plan and scale.

Lee Stein, 4459 RFD, in Royal Melbourne, said that everything should be to scale. The builders are right about scale, and the Village shouldn't be driving customers away.

Carolyn Denaro, 3327 RFD, said that she moved here from California, where many people built huge homes on postage stamp size lots to maximum land use. She thinks the Plan Commission should encourage larger lot size.

Mike DeMar, 7222 RFD, a resident and developer, thanked the Plan Commission for their work. He stated that he called twenty-two recent homebuyers in Long Grove. Eighteen answered the phone. Of them, two had no opinion, and sixteen were happy with the way things were. He said that in Revenna, none of the homes are taller than thirty-four feet to roof peak.

Commissioner Di Iorio said that the majority of subdivisions consist of lots less than one acre. Builders are not coming here with all the current restrictions Long Grove has.

Resident Brad Williams asked what was the catalyst that made the Village look at these new proposals.

Chairman Phillips stated that homes were looking out of scale. For the last year, the Plan Commission has held open meetings to discuss these issues.

Attorney Tappendorf said that the Comprehensive Plan states that there should be a balance between the housing market and the character of the Village. Consistency with the Plan is important as to why the Plan Commission is looking at the entire Zoning Code.

Commissioner Dvorak said that the Village thought that it might be straying from the Comprehensive Plan, and it was time to take a step back and look at the Zoning Code.

Mark from Reese Classic Builders said that the Village was penalizing builders after projects have started. He said that the projects that the Board approved should remain as is. The restrictions should be on new developments.

Commissioner Dvorak stated that this was not a knee-jerk reaction. A lot of time has been spent discussing these issues.

Commissioner Acuna stated that he has been on the Plan Commission for approximately five years. Bulk has always been an issue, but it has been hard to

define and change. The Village does not want to unduly prohibit builders and homeowners, but it must protect the character of the Village. He stated that he believes that the character of the Village has changed over the last ten to fifteen years, but the Plan Commission has a responsibility to follow the Comprehensive Plan.

Mike DeMar asked about sub-acre lots automatically being part of a PUD, and if so, cannot the Village regulate them anyway.

Commissioner Acuna said that the proposal is that only a percentage of the non-build able land would be counted when determining the build able area.

Don Silich, a custom home builder, said that the Village should keep the thirty-five foot roof height regulation. He said it was not about money for the builders, but about creativity.

Commissioner Cohn said that the new proposals are comparable to surrounding communities.

Chairman Phillips asked the Commissioners if they would like to take a vote.

There was some discussion about walkouts, lookouts, and bulk. Exposed lower levels with more than two feet above grade should be counted in the floor area ratio. Any side exposed more than two feet would add twenty-five percent of that level's floor area to the total, assuming a four sided structure.

Chairman Phillips asked the Commissioners for their recommendations.

The recommendations were a thirty-one foot mean roof height. An exception should be made for homes with a walkout or a lookout to have a thirty-five foot mean roof height. Any lower level with more than two feet exposed above grade would add twenty-five percent to the floor area for each side exposed, assuming a four sided structure. Definitions will be added for these regulations.

All on the Commission were in favor of the proposal. None opposed.

Attorney Tappendorf said that the next subject for consideration was floor area.

Commissioner Acuna said that changing the maximum floor area of homes on sub-acre lots would bring them closer to the regulations used in neighboring communities, but the main reason for changing them is to more closely follow the Comprehensive Plan.

Commissioner Di Iorio said that he was concerned about the ten thousand square foot lots. He said he believes that the proposed floor area for those lots is too small.

There was some discussion. There are very few unbuilt lots of ten thousand square feet or less in the Village.

Superintendent Block said that the Village prefers having a minimum of thirty-three thousand square foot lots in new PUDs.

Mike DeMar said that on a thirty-five hundred square foot house, when you subtract for a walkout, a two-story space, and a garage, you are left with only nineteen hundred square feet of living space. He said on a thirty thousand square foot lots, it works out to sixty one eighty, and when you subtract the above mentioned items, you are left with only thirty-two hundred square feet of living area. He asked if this is what the Commission wanted to do. He said that lots are very expensive.

Chairman Phillips asked the Commissioners if they are in agreement with the proposed floor area regulations.

All were in favor except for Commissioner Di Iorio.

Commissioner Di Iorio said that he wants four thousand, fifty-five hundred, and seven thousand square feet of floor area for the ten, twenty, and thirty thousand square foot lots respectively.

The majority of the Commissioners agreed on the original proposal.

Superintendent Block said these new regulations may block some home additions because of the maximum floor area ratio.

There was some discussion, and it was asked if a variation could be applied for.

Attorney Tappendorf said that only some variations are allowed for in the Code, including yards and signs, but not floor area ratio.

Commissioner Di Iorio said he wants covered, un-enclosed porches excluded from the floor area calculation if they are on the front side of the house.

There was some discussion on the architectural merits of front porches and their use as a gathering place.

Superintendent Block said that the most recent remodels included sunrooms, master bedrooms, bathrooms, extra garages, and kitchens.

Chairman Phillips asked the Commission for a vote on the proposed floor area regulations.

All were in favor except for Commissioner Di Iorio.

Commissioner Di Iorio said that he was against the square footage regulations and wanted to exclude front porches from the calculations.

Attorney Tappendorf explained the parking proposal. She noted that there was a study done by BDI concerning parking requirements in another town. She suggested that the Village defer decreasing the parking requirements until a similar study is done in the Village.

Chairman Phillips asked the Commission for a vote on the parking proposal.

All Commissioners were in favor of the parking proposal.

The question of affordable housing parking requirements was scratched.

The next topic for discussion was signage.

Commissioner Fraley said the he believes that signage quality is more important than the overall size of the signs for the downtown area, and could enhance the character and feel of the downtown.

The topic of signs was tabled for later.

The next topic for discussion was fences.

Superintendent Block said that subdivisions and single lots with no subdivision relate to the new regulations for fencing differently. The site determines whether something makes sense or not. He said that under the current building codes, a fence can be erected anywhere except in a scenic corridor or along a State Highway. The Village does not regulate most fences.

The Commission unanimously agreed to leave the current fencing regulation as is.

Superintendent Block explained yard setbacks. He recommended that Section 5-11-18 (E) 2. (j) Yards (2) (PAGE 153) be completely removed from the Code as unnecessary.

Attorney Tappendorf said that Long Grove must comply with State Law for variation procedures. She said the LGBCP would like to streamline the process for hardship for signs. Since Long Grove is not a Home Rule community, it must comply with State Law.

Superintendent Block said there needs to be some changes to the definitions in the proposed Code on page 180 concerning floor area gross and floor area net. For Floor Area Gross, commercial basements must be added to the floor area ratio. For Floor Area Net, commercial basements must also be added.

The proposed changes were noted.

Commissioner Fraley made a motion to continue the Public Hearing to the February 20, 2007 Special Meeting.

Second by Commissioner Cohn.

All ayes, no nays. Motion carried.

3. Approval of Minutes; December 5, 2006 & January 16, 2007

Commissioner Dvorak made a motion to postpone the approval of the meeting minutes in question to the next meeting.

Second by Commissioner Jenkins.

All ayes, no nays. Motion carried.

4. Other Business;

Village Planner Hogue stated that at the March 6, 2007 regular meeting of the Plan Commission, there could be two Public Hearings on the agenda. The first being a revision to Sanctuary Creek, and the second being a redevelopment of the Midwest Bank property.

There was no other business.

5. Adjournment;

Commissioner Fraley made a motion to adjourn the meeting.

Second by Commissioner Parr.

All ayes, with Commissioner Jenkins abstaining. No nays. Motion carried.

Meeting adjourned at 11:17 p.m.

6. Next Special Meeting – February 20, 2007 at 8:00 p.m.

Respectfully submitted,
Jeff Kazmer
Long Grove PCZBA Secretary