



**MINUTES
VILLAGE OF GLENCOE
ZONING COMMISSION
REGULAR MEETING**

Village Hall Council Chamber
Tuesday, January 10, 2023 - 7:00 p.m.

1. CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Commission of the Village of Glencoe was called to order by the Chair, at 8:07 p.m. on January 10, 2023, held at Glencoe Village Hall.

Attendee Name	Title	Status
Zoning Commission (ZC)		
Scott Novack	ZC Chairman	Present
Sara Elsasser	Commissioner	Present
Alex Kaplan	Commissioner	Present
Debbie Ruderman	Commissioner	Present
Michael Koppersmith	Commissioner	Absent
Jake Holzman	Commissioner	Present
Dena Fox	Commissioner	Present
Village Staff		
Stewart Weiss	Village Attorney	Present
Taylor Baxter	Development Services Manager	Present
Richard McGowan	Planner	Present

2. CONSIDERATION OF MINUTES OF THE NOVEMBER 7, 2022 ZONING COMMISSION MEETING

RESULT:	ACCEPTED
AYES:	Novack, Elsasser, Holzman, Fox
NAYS:	None
ABSENT:	Koppersmith
ABSTAIN:	Kaplan, Ruderman

3. CONSIDERATION OF A REFERRAL FROM THE VILLAGE BOARD OF A PROPOSED ZONING CODE AMENDMENT TO ALLOW PERMANENT OUTDOOR CAFES AS A SPECIAL USE IN THE B-1 AND B-2 ZONING DISTRICTS

Taylor Baxter gave a brief overview of the referral from the Village Board and stated that this proposed amendment came from Village Staff due to several inquiries for permanent outdoor dining. Mr. Baxter clarified that this referral is not for dining in the public right-of-way (ROW), such as the tent structures that Guildhall currently has; it's for outdoor dining on private property. Mr. Baxter added that the 2016 Plan for Downtown encourages the Village to support restaurant uses, and the current regulatory structure is not well-equipped to review and accommodate permanent outdoor dining on private property.

Mr. Baxter noted that the current regulations require all business operations to be within a 'fully enclosed building' except approved temporary uses, which include 'outdoor cafes' that are an annual permit approved by the Village Manager, and are valid from April 1st through November 30th on an annual basis. Mr. Baxter stated that an issue with temporary uses is that they may not involve 'the construction or alteration of any permanent structure'. Mr. Baxter explained that permanent outdoor dining on private property has potential negative impacts, and each property is unique, so a Special Use Permit (SUP) would allow the Village to maintain control, hold public hearings, apply conditions of approval, or deny applications. An SUP would potentially allow for the construction of permanent structures, such as pergolas, shade structures, and seating, while simultaneously providing more certainty to restauranteurs compared to a discretionary annual permit. Mr. Baxter clarified that allowing a permanent outdoor café with the approval of a SUP would also allow for the continuation of the current temporary outdoor dining program without SUP approval.

Mr. Baxter referenced a public comment that was sent to the ZC by Nicole Downie, a neighbor who lives near the B-1 Zoning District.

Mr. Baxter reiterated that allowing permanent outdoor dining through a SUP would allow the Village to review proposals on a case-by-case basis, which would entail public hearings, impacts to neighbors, conditions of approval, and would evaluate all components of the proposal, including light and sound, if applicable. Commissioner Sara Elsasser and Chairman Scott Novack agreed that it may not be necessary to codify requirements for light and sound as this would be evaluated during the SUP process on a case-by-case basis. Chairman Novack said that he is hesitant to put specific noise and light conditions in the code because it could miss elements that vary on a case-by-case basis, so it would be better to evaluate all conditions of a proposal rather than narrowing it down to a few. Commissioner Alex Kaplan agreed that it would be the conditions to evaluate a proposal would be more than noise and light. Commissioner Debbie Ruderman agreed that it would not be helpful to get too specific with conditions.

Commissioner Elsasser noted that this SUP would not apply to areas such as the tables and chairs in front of "Meg's Café" (on the public sidewalk), and Mr. Baxter confirmed that is correct. Chairman Novack asked if Winnetka allows permanent outdoor dining and Mr. Baxter was unsure, though some ZC Members seemed to be aware of a few examples in

Winnetka. Commissioner Dena Fox asked what happened with “Poppy’s Social”, which is a former restaurant at 668 Vernon Avenue that was seeking permanent outdoor dining. Mr. Baxter stated that there were several concerns from neighbors regarding the noise and light that would come from a permanent outdoor dining area (abutting a residential district) and in 2021, Poppy’s was told that the dining structures outside could not be permanent, and the conditions of the temporary outdoor dining structures were done through conditions of an annual liquor license, which is not ideal. Mr. Baxter clarified that the proposed amendment would set up a formal process to allow the Village to attach certain conditions and mitigate potential impacts to neighbors if a SUP for permanent outdoor dining was approved.

Commissioner Jake Holzman asked if it would be possible for the ZC to recommend this as a permitted use, rather than requiring a SUP. Mr. Baxter confirmed that the ZC can make that recommendation, but the SUP would be the more conservative approach. Village Attorney Stewart Weiss noted that some municipalities allow for similar uses by means of a “Conditional Use Permit” which essentially allows for something to be approved by matter of right, so long as certain conditions are met, although a Conditional Use Permit would likely involve more preparation before a recommendation could be appropriate. Mr. Baxter added that a Conditional Use Permit might be tougher to apply to different projects on a case-by-case basis. Commissioner Fox and Commissioner Elsasser agreed that the Village can be much more specific with conditions of approval through a SUP compared to a hypothetical Conditional Use Permit. Commissioner Holzman stated that he thinks the ZC can continue to evaluate a Conditional Use Permit in case it is the right step to promote restaurants.

Chairman Novack noted that this amendment essentially creates a procedure where there is no procedure in place. Chairman Novack thanked staff and asked the ZC if there were any questions or comments.

PUBLIC COMMENT

Chairman Novack asked the audience if there are any public comments. Terry Dason, the Executive Director of the Winnetka-Northfield-Glencoe Chamber of Commerce stated that anyone in the Village of Winnetka can have tables and chairs for outdoor dining, but they need to get a SUP on an annual basis. Ms. Dason noted that there has never been any significant issues or complaints, and if there were concerns, they were simply hashed out with the business owners. Chairman Novack asked Ms. Dason if there was a public hearing for the restaurant “Spirit Elephant” in Winnetka, and Ms. Dason did not recall one. Chairman Novack thanked Ms. Dason and noted that a SUP should make neighbors more comfortable. Commissioner Holzman and Commissioner Kaplan asked about hypothetical outdoor business activities on private property, and Mr. Baxter noted that this ordinance is intended to establish a SUP process outdoor dining only. Mr. Baxter added that a structure in the public ROW would still require Village Board approval.

A motion was made and seconded to recommend approval to amend the Zoning Code as proposed.

RESULT:	ACCEPTED
AYES:	Novack, Elsasser, Kaplan, Ruderman, Holzman, Fox
NAYS:	None
ABSENT:	Kuppersmith

4. PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no public comments on non-agenda items.

5. MOTION TO ADJOURN

The meeting adjourned at 8:41 p.m.

RESULT:	ACCEPTED
AYES:	Novack, Elsasser, Kaplan, Ruderman, Holzman, Fox
NAYS:	None
ABSENT:	Kuppersmith