



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

Village Hall Council Chamber
675 Village Court
Monday, April 17, 2017 - 7:30 PM

1. CALL TO ORDER AND ROLL CALL

The Regular Meeting of the Zoning Commission of the Village of Glencoe was called to order by the Chairman, at 8:15 p.m. on the 17th day of April, 2017, in the Village Hall Council Chamber.

Attendee Name	Title	Status
Village Board		
Howard Roin	ZBA Chair	Present
Deborah Carlson	Member	Absent
Sara Elsasser	Member	Present
David Friedman	Member	Present
Gail Lissner	Member	Present
Rich Richker	Member	Present
John Satter	Member	Present
Village Staff		
John Houde	Building & Zoning Administrator	Present
Stewart Weiss	Village Attorney's Office	Present

2. PUBLIC HEARING FOR A REQUEST OF SHELL GAS STATION, 635 VERNON, FOR A SPECIAL USE PERMIT AMENDMENT

The Chair stated that the purpose of this meeting was to conduct a public hearing for the applicant JTN Glencoe, Inc. (Shell Gas Station) at 635 Vernon Avenue seeking an amendment to their October 9, 1997 special use permit.

Background: The Zoning Commission will be holding this public hearing to hear public testimony and provide a recommendation to the Village Board on the item below. The Village Board would thereafter consider this recommendation in approving, denying, or revising the request.

JTN Glencoe, Inc. the owner and Glencoe Shell the operator (collectively, the "**Applicant**") of the Shell Gas Station at 635 Vernon Avenue ("**Subject Property**") is seeking an amendment to the existing October 9, 1997 special use permit granted by Ordinance No. 97-15-2038 to remove a

condition prohibiting the sale of alcohol on the premises ("**Requested Relief**"). The Applicant seeks to conduct beer/wine/liquor sales in the service station store. On May 19, 2016 the Village Board of Trustees approved an alcohol license for this location unaware of the special use permit condition barring alcohol sales on the premises. At that time Ordinance No. 97-15-2038 was granted, a special use permit was required for a gas station and for the North Shore Bank drive-through in the B-1 Business District.

The Zoning Commission is required to conduct a public hearing on the Applicant's Requested Relief and make a recommendation to the Village Board of Trustees. The Applicant is required to establish that the Requested Relief satisfies the following standards for an amendment to the original special permit:

- (a) Code and Plan Purposes. The proposed use and development of the Subject Property, as amended, will be in harmony with the general and specific purposes for which this Code was enacted and for which the regulations of the district in question were established and with the general purpose and intent of the Official Comprehensive Plan.
- (b) No Undue Adverse Impact. The proposed use and development of the Subject Property, as amended, will not have a substantial or undue adverse effect upon adjacent property, the character of the area, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.
- (c) No Interference with Surrounding Development. The proposed use and development of the Subject Property, as amended, will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable district regulations.
- (d) Adequate Public Facilities. The proposed use and development of the Subject Property, as amended, will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, water and sewers, parks, libraries, and schools, or the applicant will provide adequately for such services.
- (e) No Traffic Congestion. The proposed use and development of the Subject Property, as amended, will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets.
- (f) No Destruction of Significant Features. The proposed use and development of the Subject Property, as amended, will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.
- (g) Compliance with Standards. The proposed use and development of the Subject Property, as amended, complies with all additional standards imposed on it by the particular provision of this Code authorizing such use.

In determining whether the Applicant's Requested Relief satisfies these standards the Zoning Commission is to 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 that 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.

The Zoning Commission may recommend and the Board of Trustees can impose "such conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this Code upon the premises benefitted by a special use permit as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services and to insure compliance with the standards in this Section. Such conditions will be expressly set forth in the ordinance granting the special use."

The Applicant has submitted the attached March 6, 2017 letter (Exhibit A-1, A-2, & A-3) from his attorney, Philip Novak, ELG Elizer Law Group, Morton Grove. Mr. Novak has addressed each of the standards for special use permits as follows:

1. Code and Plan Purposes. The proposed amendment to the Special Use Permit will be in harmony with the general and specific purposes for which the Code was enacted and for which the regulations of the district in question were established and with the general purpose and intent of the Official Comprehensive Plan, as well as the Downtown Tune Up. The property in question is already part of the B1 Central Business District, which permits the sale of liquor pursuant to Article IV of the Zoning Code. There are already several adjacent and nearby businesses that have liquor licenses, including Walgreens, Foodstuffs, Guildhall, Grand Food Center, An Apple a Day Catering & Meg's Café, Valor Glencoe, and the Writers Theatre.

2. No Undue Adverse Impact. The proposed amendment to the Special Use Permit will not have a substantial or undue adverse effect upon adjacent property, the character of the area, parking, utility facilities, or other matters affecting the public health, safety, and general welfare. In fact, the sale of alcoholic products since the liquor license was granted has had no negative affect whatsoever on the area.

3. No Interference with Surrounding Development. The proposed amendment to the Special Use Permit will not have any effect on the immediate vicinity or the use and development of neighboring properties. The granting of the amendment would not cause any change to the construction or arrangement of the site, and will not affect the property's dominance in the vicinity.

4. Adequate Public Facilities. The proposed amendment to the Special Use Permit is already adequately served by essential public facilities and services such as streets and public utilities.

Drainage structures, police and fire protection, refuse disposal, water and sewers, parks, libraries and schools are not expected to be impacted by the granting of the amendment.

5. No Traffic Congestion. The proposed amendment to the Special Use Permit will not cause changes to the traffic congestion in the area or cause increased traffic through residential streets.

6. No Destruction of Significant Features. The proposed amendment to the Special Use Permit will not impact any natural, scenic, or historic features of the Village.

7. Compliance with Standards. The proposed amendment to the Special Use Permit complies with all additional standards imposed on it by the particular provision of the Code. JTN Glencoe has already received approval for its liquor license, and will continue to be subject to and will abide by the regulations to the license.

Public notice of the Zoning Commission’s hearing on this docket was published in the March 23, 2017 edition of *The Glencoe Anchor*. In addition, 22 neighbors of the Subject Property were provided written notice of the hearing by mail. No written or verbal inquiries have been received by Village staff on this docket.

The Chair then swore in those in attendance who were expecting to testify. The applicant’s attorney, Philip Novak, repeated their request.

The Chair asked if there was any other public testimony.

Barry Fleischer, 580 Vernon, requested clarification on the request. He had no further comments.

The Zoning Commission members further discussed the request with back and forth questions with the applicant.

The Chair made part of the record, as additional testimony the Agenda Supplement, which the Secretary was directed to preserve as part of the record in this matter.

Following consideration of the testimony and discussion, a motion was made and seconded as follows:

“I move to recommend that Ordinance No. 97-15-2038 be amended to remove condition 6(a) barring the sale of alcoholic beverages on the premises of the Subject Property 635 Vernon Avenue.”

RESULT:	ACCEPTED [UNANIMOUS]
AYES:	Elsasser, Friedman, Lissner, Richker, Satter and Roin
ABSENT:	Carlson

3. ADJOURN

There being no further business to come before the Zoning Commission the meeting was adjourned at 8:25 p.m.