

Village of Riverwoods
Plan Commission Meeting
November 2, 2006

1

In Attendance:

Ron Pankau
Joan Becker
Laurie Breitkopf
Cheryl Chamberlain
Kristine Ford
David Ritter
Bruce Huvad
Pat Glenn
Sherry Graditor

Absent:

Larry Kanar

Minutes taken by Debbie Limer

The meeting was called to order at 7:30 PM.

IV. Approval of Minutes

Plan Commission Meeting – August 3, 2006

Commissioner Becker moved to approve the minutes. Commissioner Breitkopf seconded the motion. Motion was carried by voice vote. Commissioner Chamberlain abstained.

Plan Commission Meeting – October 5, 2006

Chair Pankau told the Commissioners that the minutes will be approved at the next meeting after corrections are made.

V. Visitors Wishing to Address the Plan Commission

None

VI. Current Matters

Nonconforming lots

Pat had given the Commissioners a map of the areas that have nonconforming structures or nonconforming lots. He stated that the map portrays the general lot structure, give or take a little in the north Duffy area. Atty. Huvad wanted to know how many new houses there are on North Duffy West. Pat stated that there is one. Atty. Huvad commented that it is 3190 Duffy. Pat reported that the side yard on that lot is within the requirements. He added that the lot at 2085 North Robinwood Lane is only 99 feet wide. Commissioner Ford wanted to know if all of the houses are noncompliant. Pat stated that they were. They were all built using County zoning. Commissioner Ritter pointed out

Village of Riverwoods
Plan Commission Meeting
November 2, 2006

2

that 3194 Duffy is a new house. Pat stated that 3190 Duffy and 3194 Duffy was one parcel that was subdivided.

Commissioner Chamberlain told the Commissioners that she visited the area. She looked at it as if she was living next door and the next door neighbor was considering an addition. Commissioner Ritter commented that the houses do not feel that close together. Commissioner Chamberlain gave her list of what would be an issue with an addition. The list included: whether or not the home would become multi-story, how the addition would affect light or privacy, the proximity to the house, the percentage of allowable space already occupied, how much flora would be removed, and how the addition would affect other structures already in place such as a patio or pool. Atty. Huvad asked why we would let someone build outside of the side yard. Pat responded that the problem is builders come in with their plan that makes the house fit into the allowable building box. Commissioner Ritter commented that the building boxes are huge.

Variance issues

Atty. Huvad brought up the subject of the proposed addition on Dawson Ct. Staff felt setting up a new rule would be easier than going to the Zoning Board of Appeals every time a new owner came in requesting a variance for an addition. Commissioner Ritter stated that the owners should go to the Zoning Board. Every situation is going to be a little bit different. The houses should fit into the box. Commissioner Ford reported that the map was very helpful. The owners are able to build on the lots. They just have to be more creative. Commissioner Ritter added that there is plenty of buildable space. Trustee Graditor pointed out that this is not an issue of a bigger house. This is an issue of a nonconforming house with a proposed addition that will increase the nonconformity. The owners may want to add a garage or a family room. In the future we are going to see a greater number of this type of situation. The question is whether or not we want to add to the nonconformance. Trustee Graditor stated that she feels every house merits its own review. Each has its own issue. As it is set up now, an owner cannot increase his or her nonconformity without going to the Zoning Board of Appeals. Atty. Huvad explained that we have relaxed the standard with the Zoning Board of Appeals if an owner is saving woodlands. Most of these houses that we are looking at will not have that as an issue. The Zoning Board is going to have to think about precedent.

Commissioner Chamberlain stated that she is more sympathetic to an owner of a small house where he or she wants to put on a small addition. It will still be a small house. Commissioner Breitkopf reported that is a tough argument because an owner knew what house he or she bought and limitations of the lot before the house was purchased. Atty. Huvad brought up the example of the house at 2413 Dawson. They will have to go to the Zoning Board. It will be their job to demonstrate hardship. There is nothing different about this lot versus others. If they cannot prove hardship, there will be no variance.

Village of Riverwoods
Plan Commission Meeting
November 2, 2006

Chair Pankau pointed out that every case is different. They should all have to follow the process. He did not want to put in a new amendment that opens the door to new problems. Commissioner Chamberlain stated that the exception rules should be tough. Atty. Huvard reported that the rules are tough. The Zoning Board will probably turn most of the requests down. Commissioner Ford commented that it is okay that the rules are hard.

Atty. Huvard reminded the Commissioners that the variance is considered using the hardship characteristics of the lot, not the hardship of the owner. Commissioner Becker wanted to know if the Zoning Board can look at other options. Atty. Huvard responded that they could. He wanted to explore the idea of a text amendment with the Commissioners since there are some houses with similar situations. Chair Pankau stated these situations should go to the Zoning Board of Appeals. Commissioner Ford reported that historically the Village has had an issue with enforcement. The Zoning Board is the place to go. **Commissioner Ford explained that after exploring the issue she moved that the recommendation be to not consider a text amendment. These issues should go to the Zoning Board. Commissioner Becker seconded the motion. The motion was carried by voice vote.**

37 acre development

Commissioner Becker told the Commissioners that she talked to Andrew Katlin of the IEPA about the issue of whether or not the 37 acre parcel can have trees. He told her that the 37 acres was an un-permitted landfill. Before there were permits the rules were not as stringent. There are ways to get trees on the site. Atty. Huvard explained that too many trees will degrade the landfill because they will allow water to penetrate. Commissioner Becker stated that Mr. Katlin explained that the developer can put in asphalt or put in 10 feet of dirt above a geo-membrane. The geo-membrane will support trees. Atty. Huvard reported that there is plenty of room for trees. The issue is that the trees tend to break through the barrier because of the weight. We have talked about potted trees, but they are very expensive. He added that Chuck Stewart is looking into the issues. The developer is going to have to take out some of the trees currently on the site to put in the buildings. Chuck had identified areas for trees on the parcel. Atty. Huvard explained that this is only Round One with the developer. We have a long way to go.

Atty. Huvard explained that we have told the developer that we want sales tax revenue from the development. The developer is trying to base their development around that. We could bring in \$600K to \$700K a year assuming there is a retail base to the development. Chair Pankau asked what if we did nothing with that land. Trustee Graditor stated that Village expenses are going to catch up with us. Atty. Huvard explained that our utilities are under funded. There is no money if something major happened to our water or sewer systems. Trustee Graditor added that the Village is going to need money. We do not own the 37 acres. It is going to be developed. Chair Pankau added that we are giving them the

Village of Riverwoods
Plan Commission Meeting
November 2, 2006

4

TIF. Trustee Graditor stated that they could get the same TIF, if this was developed as a part of Buffalo Grove. Commissioner Ford reported that it is very important for the Village to control its borders. Commissioner Breitkopf commented that the Plan Commission needs to have a fundamental discussion about protection of Village borders versus approving a development with the Riverwoods name on it that is not appropriate as an entry to the Village. Chair Pankau indicated that the developer is still working on the budget. The developer is trying to decide if it is worth the money. Atty. Huvad stated that giving them the TIF gives us some leverage. The developer is struggling with the costs. It could just be developed as out lots. The developer bought the property for \$5.75M. The developer probably needs \$7M to get out ahead. Chair Pankau added that they could donate the unusable land to the Village. It would be tax write off. Atty. Huvad reported that the developer is concerned about the environmental liability. Commissioner Breitkopf commented that the Village might be faced with liability if the land were donated to the Village.

VII. New Business

None

VIII. Comments from the Chairperson

None

IX. Adjournment

Commissioner Ritter moved to adjourn the meeting. Commissioner Breitkopf seconded the motion. Motion was carried by voice vote.

The meeting adjourned at 8:40PM

Respectfully Submitted,

Debbie Limer

Village of Riverwoods
Plan Commission Meeting
October 5, 2006

1

In Attendance:

Ron Pankau
Joan Becker
Laurie Breitkopf
Cheryl Chamberlain
Kristine Ford
Larry Kanar
William Kaplan
Bruce Huvad
Pat Glenn
Sherry Graditor

Absent:

David Ritter

Minutes taken by Debbie Limer

The meeting was called to order at 7:33 PM.

IV. Approval of Minutes

Plan Commission Meeting – August 3, 2006

Chair Pankau told the Commissioners that because they have not had enough time to review the minutes he would table the approval.

V. Visitors Wishing to Address the Plan Commission

None

VI. Current Matters

Public Hearing for text amendment

Commissioner Breitkopf moved to go into the Public Hearing to consider a text amendment to Section 9-2-6-5 and 9-4B-5 of the Riverwoods Zoning Ordinance as well as related definitions and sections, as all relate to regulations governing nonconforming uses, lots, structures and buildings and setbacks for nonconforming buildings or nonconforming lots. Commissioner Kanar seconded the motion. The motion was carried by voice vote.

The meeting went into the Pubic Hearing at 7:38PM.

Atty. Huvad explained that we are having a problem with certain lots in the Village. He referred to sections 9-2-6-5 and 9-4B-5 of the Zoning Ordinance. The lots being considered are all non conforming lots. Commissioner Ford responded that she is not

Village of Riverwoods
Plan Commission Meeting
October 5, 2006

2

prepared to vote or discuss anything tonight because they did not receive anything ahead of the meeting. Atty. Huvard stated that he is not suggesting any action tonight. Tonight is just for discussion. He explained that there can be several different scenarios. The first would be a nonconforming use. He has never seen a nonconforming use in the Village. The second would be a nonconforming structure on a nonconforming lot. That would be a structure that sits on the site in a manner that currently violates building setbacks. There are many lots of this type in the Village. The house has no side yard or the house is in the side yard. In most cases a nonconforming lot is too narrow or too small to accommodate the existing structure within the setbacks. Many of the lots are less than 42,000 square feet; which is less than an acre. Past Plan Commissioners put together a report suggesting standards for lots. That is why we have the R1 zoning equal to 42,000 square feet rather than one acre. He explained that a flag lot is a nonconforming lot that still conforms in area. They are not considered good for planning in the Village, so in the 80's it was decided that there would be no more flag lots.

Atty. Huvard told the Commissioners that the area that has the most nonconforming lots is on Rose Terrace and Maple Place. There are about 23 homes on nonconforming lots. The north side of Duffy has about 40 nonconforming lots. The residents on Rose Terrace and Maple Place approached the Village about annexation years ago. They wanted sewer. It was a voluntary annexation. Each lot is about $\frac{1}{2}$ of an acre. Once the residents got sewers, we started to see tear downs. The existing homes fit into the category of a nonconforming lot with a nonconforming structure. The average width of the lots is 120 feet. Atty. Huvard explained that the existing homes encroach on the side yards. According to the annexation agreement if a new home goes in, the new home has to follow all of the applicable zoning. It is tough to get a good configuration for a house to fit in the nonconforming lot. The builders have had issues with where the driveway and garage can be located for a new home. Most residents and Village staff prefer a side loading garage. The builders are struggling with the design issues because it is very difficult to get a side-loading garage in on a nonconforming lot.

Atty. Huvard reported that the third scenario is a nonconforming structure on a conforming lot. That was the situation with the hardship variance that was granted for Jones and Edick.

Atty. Huvard handed out a proposed addition for a house on Dawson Court. The owners want to do an addition and not tear down the house. The rule in the past has been that an owner can add on to a nonconforming structure, but he or she cannot add to the nonconformance. On this house that is hard to do. Atty. Huvard questioned if the Village wants to change the Zoning Ordinance to address this house and all of the others like it. He stated that Trustee Haber suggested that each resident go to the Zoning Board of Appeals and ask for a variance, rather than change the Ordinance. Variances are hard to

Village of Riverwoods
Plan Commission Meeting
October 5, 2006

apply to small lots. One of the overall goals is to save trees. That was the reason we granted our last variance. For this house that criteria does not apply. We could change the side yard requirements for lots of this size, but that would create a different zoning area.

Commissioner Ford commented that this sounds like a smaller version of Thorngate. She wondered if there was any way to set them up on comparable measures. Atty. Huvad pointed out that is not possible because Thorngate is an overall PUD with conservancy. Pat stated that the area being considered is more like some of the lots in Hiawatha Woods. Commissioner Ford questioned if it could be done by area. Atty. Huvad stated that would add a new zoning of something like R.8. Commissioner Kanar commented that R.8 would encourage developers to go to smaller lots. Atty. Huvad admitted that he knew when he brought this matter in, it would be a create issues. He questioned if we want to require each homeowner to apply for a variance individually. There could possibly different vote for each situation. Commissioner Breitkopf stated that she was okay with that possibility because each situation is different. Pat pointed out that it is tough to fit a house in on some of the lots. Commissioner Becker told the commissioners that she did not think that we had to make this as easy as possible for the developers. Mayor Kaplan commented that this is for the people who do not want to tear down their existing house. Atty. Huvad commented that we can always say no. He read some possible additional language for a nonconforming recorded lot. Our community is challenged with these situations. We have been very defensive on side yards and variances. A positive with the current situation is that homes with additions would not end up as big as they would be as tear downs. Commissioner Chamberlain stated that she would rather look at this on an individual case basis. Chair Pankau indicated that he agreed. By making a blanket statement we look like we are trying to avoid variances.

Atty. Huvad explained that the history of the Village is large lots. In the past we have not needed to go into the side yards. We are looking for a policy direction. He suggested that the Commissioners go out and look at the areas affected. Commissioner Kanar indicated that he would like to come up with guidelines for the Zoning Board of Appeals, and have the residents appear before the Zoning Board of Appeals. He would rather see that happen than build a house that looks like a bowling alley. Chair Pankau stated that with the added language that was mentioned, he is afraid there would be a rash of additions. He liked the idea of giving the Zoning Board of Appeals guidelines to work with on a case by case basis. That provides them with a lot of flexibility. He does not want to see a blanket statement for the entire Village. With guidelines the Zoning Board of Appeals does not always have to say yes. He added that it sounded like the majority of the Commissioners felt the same way. Atty. Huvad stated that he may have to play with the language on any level.

Village of Riverwoods
Plan Commission Meeting
October 5, 2006

4

Commissioner Ford asked for a map of the nonconforming lots. Pat stated that he could do that for Rose Terrace and Maple Place, but it will be harder to get a list together of the nonconforming lots that are scattered within the Village. Chair Pankau pointed out that we have not solved the problem, but have provided a direction. Commissioner Breitkopf asked to have materials provided ahead of the meeting. Atty. Huvad stated if there is a change in the language, we will have to publish for another Public Hearing.

Commissioner Kanar moved to close the Public Hearing. Commissioner Becker seconded the motion. The motion was carried by voice vote.

The Public Hearing closed at 8:30PM.

VII. New Business

Commissioner Ford told the commissioners that she was not happy with what happened with the Comprehensive Plan. The role of the Plan Commission is advisory, but she wanted to know if there is anything written about the relationship of the Plan Commission to the Board of Trustees. The way that the Comprehensive Plan was handled made her angry. Commissioner Chamberlain wanted to know what the Board of Trustees wants from them. She questioned whether the Board preferred the Commission to be specific or broad. Chair Pankau asked about the Plan Commission's defined role. He did not know the answer himself. Commissioner Ford stated that the Plan Commission spent a lot of time on the Comprehensive Plan, and then the Board rewrote it. Mayor Kaplan clarified that the Board deleted a lot because the provisions were not appropriate to be in a comprehensive plan document. Commissioner Ford reported that it became the Plan Commission's role versus the Board's role. Mayor Kaplan explained that today he came in looking for an ordinance. Now that he has heard what the Plan Commission has to say, he will be looking to have these issues go before the Zoning Board of Appeals. He added that the Comprehensive Plan was edited because it had too much information in it. Commissioner Ford stated that we are looking for a future direction. She wanted to know if the Plan Commission is going far enough. She questioned if there is more that they should do for the Board. Trustee Graditor reported that she is more comfortable with a plan when it comes from the Plan Commission first. She feels fortunate that she is able to come to the meetings to hear the Plan Commissioner's conversation. Commissioner Ford asked if there is a charter. Atty. Huvad reported that the functions of a Plan Commission are in the Municipal Code. Riverwoods is smaller than the average community. We have the luxury of having the time to put into most issues.

Trustee Graditor told the commissioners that Trustee Haber single handedly changed the plan for BP Amoco. Commissioner Becker stated that she learned from him at that Board of Trustees meeting. We can demand more. She stated that she felt dismayed about the wall on the five acre parcel. We were told it would be temporary; now it is permanent.

Village of Riverwoods
Plan Commission Meeting
October 5, 2006

5

Mayor Kaplan stated that the Board of Trustees looked at the wall as being permanent because it may end up being permanent. Commissioner Becker indicated that in the future she is going to ask to see renderings. Atty. Huvard told the commissioners that the Board has also looked at the wall and expressed some concerns. When the rest of the parcel is developed the wall will be half covered because they need to build up to get the building pad to the right level.

Atty. Huvard went on to give the commissioners the update on the 37 acres. He reported that the landfill site is supposed to be bald and bow from the center. That would allow for less seepage. The site is currently being mismanaged, according to the IEPA. The developer is working very hard with the IEPA. They were told to remove the trees. He explained that Chuck Stewart, Village Forester, thinks it is ridiculous that the trees have to be removed. They are currently looking at putting in structured troughs that are lined with geo-fabric. It is a huge expense, but we told the developer that we want trees. The developer has told us that there are environmental liabilities with trees on the property. Atty. Huvard stated that the latest rendering of the development is prairie looking. We have told them that we want more trees. The landfill parcel is seven feet higher than the adjacent five-acre site. The developer is currently looking at the problems that they anticipate encountering and their budget to deal with the problems. We have been told that because of the landfill settling they can expect to have to redo the parking lot yearly. All of the pipes that are put in have to be supported on caissons. There is a lot involved in the construction. The overall feeling of the Commissioners was that a lot more work was needed in upgrading the design. They struggled to find positive comments. Commissioner Chamberlain stated that she likes the stone work. Chair Pankau added that he likes the prairie look. Commissioner Breitkopf commented that she did not like the straight line of the buildings. It looks like a strip center. She asked whether there could be separate buildings, or offset areas not on a straight line. Atty. Huvard explained that the developer needs to keep everything on one line. It is easier for construction. He told the Commissioners to submit comments on the design. Commissioner Becker asked if they are going to put in pergolas. Atty. Huvard added that they are trying for a grocery store. Trustee Graditor reported that they are trying to put in a gathering spot with a fountain.

VIII. Comments from the Chairperson

None

IX. Adjournment

Commissioner Kanar moved to adjourn the meeting. Commissioner Ford seconded the motion. Motion was carried by voice vote.

The meeting adjourned at 8:55PM

Village of Riverwoods
Plan Commission Meeting
October 5, 2006

Respectfully Submitted,

Debbie Limer

Village of Riverwoods
Plan Commission Meeting
August 3, 2006

1

In Attendance:

Ron Pankau
Joan Becker
Laurie Breitkopf
Larry Kanar
David Ritter
William Kaplan
Bruce Huvad
Sherry Graditor

Absent:

Cheryl Chamberlain
Kristine Ford

Minutes taken by Debbie Limer

The meeting was called to order at 7:40 PM.

IV. Approval of Minutes

Plan Commission Meeting – May 2, 2006

Commissioner Breitkopf moved to approve the minutes as amended. Commissioner Kanar seconded the motion. Motion was carried by voice vote.

V. Visitors Wishing to Address the Plan Commission

None

VI. Current Matters

Chair Pankau told the commissioners that we are calling a Public Hearing in order to discuss a text amendment to the Zoning Ordinance. The notice for the Public Hearing read: “The Plan Commission will consider text amendments to the sections 9-2-6-8, 9-2-10, 9-4-3:H-6, and 9-5B-11:G, all of the Riverwoods Zoning Ordinance (title 9 of the Village Code), as well as related definitions and sections. The forgoing sections relate to the requirements for exterior lighting and will be reconsidered given the adoption of the Residential Outdoor Lighting Ordinance (Ordinance 06-2-4).” Atty. Huvad explained that in our zoning ordinance and other locations there are references to exterior lighting standards. We have passed an ordinance on residential exterior lighting and therefore some of the references in the Zoning Ordinance are outdated or non-existent. Sterling Codifiers pointed out some changes that we need to make. The Public Hearing has to be held because we are modifying the Zoning Ordinance. He added that the new lighting ordinance has had the effect we wanted. Upon no comments from the public, Chair Pankau closed the Public Hearing.

Commissioner Kanar moved to recommend to the Board of Trustees that the changes to the Zoning Ordinance be made as presented. Commissioner Becker seconded the motion. The motion was carried by voice vote.

VII. New Business

Chair Pankau asked for an update on BP Amoco and the 37 acre parcel. Atty. Huvad started with the 37 acres. We met with the owner's representatives a few days ago. They are doing a great job and pulling the project together. They received eligibility status from the IEPA to become a "brownfill" site. That designation changes the regulations that the developer falls under and makes development of the site easier. The developer put in groundwater monitoring wells. The wells are showing that no contaminants are moving from the site. That is good news. The site plan has changed and improved. The developer has created a focal point around the restaurant outlots. There will be a line of retail shops and two restaurants. None of the access points has changed. The developer has checked with the fire department to discuss access. He is going to address the concerns of Thornmeadow residents. Atty. Huvad reported that we are going to talk to the developer about annexation.

Commissioner Ritter asked about possible tenants. Atty. Huvad explained that the developer does not have any tenants in particular. He is looking for a grocery store. The other uses seem to be a restaurant, bank, or pharmacy. Commissioner Breitkopf wanted to know if the restaurants would face Milwaukee Avenue. Atty. Huvad stated that they want the buildings to face Milwaukee Avenue rather than parking lots. The restaurants are going to have to be double faced, so that they are attractive from both the Milwaukee Avenue and parking lot sides of the buildings. Commissioner Breitkopf questioned whether the development would be attractive. Atty. Huvad told the commissioners that the architectural drawings came in. Staff did not like the first draft. The updated version will come in on Tuesday. He explained that we suggested that they look at the fire department on Saunders as an example of architecture that blends in with the surroundings.

Atty. Huvad brought up the subject of BP Amoco. The Plan Commission has approved the preliminary plan. IDOT and LCIDOT need to sign off on the plan. The Board of Trustees has not yet approved the final development plan. The final development plan would include the Special Use. The Village has suggested an E85 pump to BP Amoco as part of the Special Use. Their attorney has sent us a letter about the issue. BP Amoco is very concerned about the Village dictating the type of gasoline that they sell at their station. Atty. Huvad pointed out that we suggested it in good spirit. He brought up the issues with the retaining wall that is being recommended by BP Amoco. The Board of Trustees has asked for a rendering, but it has not yet come in. The reason that the Board

has not passed the preliminary plan is because all of the issues the Board has raised have not yet been addressed by BP.

Commissioner Becker asked if people will be able to park and then walk around the 37 acre development. Chair Pankau stated that walkways were discussed. Atty. Huvad indicated that the site plan is better now than it was before. They are creating parking areas for each pad. The parking areas will be linked with pedestrian walkways. He added that through this process we have learned things about the landfill. We have been told that it was poorly maintained. The trees should not have been allowed to grow on the site. Steps should have been taken to keep the water out. Tree roots grow into the landfill and allow water to enter the landfill. We have been told that as soon as the tree roots hit the methane in the landfill, the trees will die. Atty. Huvad stated that he and Chuck Stewart have walked the property, and the trees look very healthy. The developer would like to put in native grasses rather than trees.

Commissioner Becker asked if Chuck will be overseeing the landscaping of the BP site. Atty. Huvad stated that a trustee wanted to know if we can go in and take care of the landscaping if necessary. The owner of the Shoppes of Riverwoods is the same as the BP site. There have been some issues with the upkeep of the Shoppes of Riverwoods property. The owner wants to keep the BP site and lease it. That means that we will have to address the maintenance issues with the owner. He added that the main issue with the landfill is going to be putting in utilities and structures. That has to work with the vents that need to be put in to vent the methane. It is not going to be an easy process. We are very lucky that we have a developer who seems to be dedicated to the project.

VIII. Comments from the Chairperson

Chair Pankau stated that Commissioner Becker wants to speak on the Comprehensive Plan. Commissioner Becker told the commissioners that she was very disappointed that they were not notified that the Comprehensive Plan was on the Board's agenda. We were not made aware of the changes. We spent a lot of time on the Comprehensive Plan. It would have been nice to be notified. She commented that she does not even have the latest copy of the plan. Atty. Huvad explained that there weren't really additions as much as deletions. Sherry Graditor stated that the notification was published, and the Comprehensive Plan has been discussed frequently on the Board level. Atty. Huvad added that comments have been made by the Board of Trustees. He can send the commissioners out the text. Sherry Graditor explained that several of the trustees felt the text was biased. The Comprehensive Plan is a future planning document. It should be unemotional. Atty. Huvad stated that the Board had a discussion of what should be in the plan. Some communities are wordier about the changes in the community. The Board preserved the better parts. He added that the most important result of the Comprehensive Plan revision process was the passage of the Woodlands Preservation Ordinance.

Village of Riverwoods
Plan Commission Meeting
August 3, 2006

4

Chair Pankau told the commissioners that his house is on the market. He has a business in western Illinois. His family is currently living there and going back and forth has gotten very hard on him. He will eventually be leaving the Plan Commission and does not want to get involved in a Village project that he cannot see through to the end. He will remain on the Plan Commission a couple of more months.

IX. Adjournment

Commissioner Ritter moved to adjourn the meeting. Commissioner Breitkopf seconded the motion. Motion was carried by voice vote.

The meeting adjourned at 8:20PM.

Respectfully Submitted,

Debbie Limer

Village of Riverwoods
Plan Commission Meeting
March 2, 2006

1

In Attendance:

Ron Pankau
Joan Becker
Laurie Breitkopf
Kristine Ford
Larry Kanar
William Kaplan
Bruce Huvad
Pat Glenn
Sherry Graditor
Russ Kraly

Absent:

Cheryl Chamberlain
David Ritter

Minutes taken by Debbie Limer

The meeting was called to order at 7:30 PM.

IV. Approval of Minutes

Plan Commission Meeting – February 2, 2006

Commissioner Becker moved to approve the minutes as amended. Commissioner Brietkopf seconded the motion. Motion was carried by voice vote.

V. Visitors Wishing to Address the Plan Commission

Anita Guziec of 2775 Edgewood told the commissioners that she is the one with the tree damage. She is having trouble with the insurance company for the trucking company. She knows that she is going to have a problem. This should be addressed by the Plan Commission. Ms. Guziec explained that she lives on a cul-de-sac. A tree in her portion of the cul-de-sac was severely damaged after the truck got dammed in. A police report was filed, and Arborsmith verified the damage and the long term implications. She stated that if the tree has to be eventually removed, she will have to pay. It is a catch 22 situation because no one knows what will happen down the road to the tree. Chair Pankau reported that we will have to put a time limit into whatever is written. Ms. Guziec stated that the commissioners should address this issue for the future. Things like this will continue to happen with all of the building that is going on in the Village. Chair Pankau asked if there was any policy now. He questioned if there is any recourse for action. Mayor Kaplan explained that we currently only have a road bond. Commissioner Ford asked about delivery trucks, but it was explained that most delivery trucks are considerably smaller than the construction vehicles. Ms. Guziec added that there were witnesses to the

incident. The attitude of the people involved in the incident was very difficult to deal with.

VI. Current Matters

A. Final Plat Trillium Woods Subdivision.

Pat Glenn explained to the commissioners that yesterday there were issues that were worked out today. He got together with the Lincolnshire engineer and went over the issues. The drainage that goes to the storm sewer is normal. When there are excessive storms the water ponds up in the adjacent property until it overflows. The elevation point is very near to Ms. Guziec's basement window. The proposed development should not make the problem worse. A benefit is the conservancy that is being established. We can restrict regrading in the conservancy. Some modest regrading can be done at Ms. Guziec's house to improve her situation as well. Pat stated that the Lincolnshire Public Works will inspect the storm sewer. The plat has been revised based on his comments. He reported that the commissioners had a letter with his comments. The Village's wetlands consultant has not yet looked at the buffer requirements. The approval should be subject to the wetland consultant's approval. Atty. Huvad pointed out that we have a format for restrictive covenants that will be part of the plat. For recording purposes the dimensions of the wetland buffers do not need to be included. Pat added that we require wood markers to delineate the areas for the conservancy. Native plantings must remain and drainage must be maintained. Commissioner Becker questioned if there are existing wetlands on the property. Pat stated that the current conditions of the property include wetlands. Commissioner Becker asked who determines what native plantings are. Pat explained that the SMC provides a list, but it is between the wetland consultant and Chuck Stewart. He added that it is basically "not grass."

Commissioner Ford questioned if we should allow Pat to have a chance to go over the new plat before we recommend this subdivision. Chair Pankau stated that he is relying on Pat to help us make that decision. Pat reported that the lot structure will not change. He questioned the buffers may change a bit, but that is a process issue to work out with the wetland consultant. There are a couple of minor encroachments that constitute non conformances on lot 2. He stated that Mr. Kelleher will work as quickly as possible to fix them. Steven Daul of Greengard explained that they want to keep the building envelope completely out of the buffer. They want the conservancy area clearly defined with straight lines. Chair Pankau stated that there are no major hurdles left for this project. Pat pointed out that the only change would be in lot 2, as the lines are shifted to eliminate the non conformances. Atty. Huvad questioned if Mr. Daul would have a problem with the restrictive covenants. Commissioner Ford indicated that there seemed to be a lot of open issues with this development. Ms. Guziec stated that it is her observation that her pond has suffered dramatically with run off from other lawn's pesticide and herbicide use. Chair Pankau asked the rest of the commissioners if they would be willing to recommend

Village of Riverwoods
Plan Commission Meeting
March 2, 2006

this to the Board of Trustees with open issues. Commissioner Kanar stated that he would be willing to approve it subject to the conditions we have discussed. Chair Pankau added that he would hate to make them wait another month with only minor issues left.

Mayor Kaplan asked about the paving of Trillium. Mr. Kelleher stated that the road will be paved to the end. Ms. Guziec added that that will increase the run off. Pat reported that there will be some increase in run off with a paved road, but it will not be a dramatic change. Atty. Huvard explained that the owner was willing to use the form of wetlands Declaration of Restrictions used throughout the village and this should ensure the protection of the wetlands. Half of the property will be conservancy. Most people like the declaration that we already have written for that purpose. Chair Pankau stated that he felt like we could bring it to a vote. He felt the conditions will be met. Commissioner Kanar moved to recommend the final plat of subdivision for the Trillium Woods Subdivision subject to approval of the Village Engineer, Village Wetland Consultant, and Village Attorney. Commissioner Ford seconded the motion. Motion was carried by voice vote.

B. Final Plan for BP gas station

Atty. Huvard explained that this will be a special use for a mixed use plan development. We have to make sure that the final plan matches the preliminary plan. The plan is a two lot subdivision with an out lot. We are ready to act on BP with a service station, convenience store, and a car wash. We are looking for a recommendation to send this plan back to the Board of Trustees for final approval of the special use. There are a few conditions to go over. When the owners are ready to develop the rest of the site, they will need to come back to amend the special use to add to the development. The use of the empty lots is not decided now. Pat explained that he sent out a review letter dated 2/26/06. Two detention areas are proposed. The retaining wall by the BP was removed. Atty. Huvard indicated that the larger detention was made deeper to compensate for the changing detention on the west side. A retaining wall was a required addition to the east detention. Chuck Stewart suggested plantings go around the detention and the fence. We want the planting around the detention on the landscape plan. Atty. Huvard stated that the final landscaping would be required two years after completion. The plan is for the detention to eventually move onto the 37 acres.

Dave Shindoll of BP told the commissioners that they have received another round of comments from LCDOT. They are almost ready for approval of the LCDOT permits. They have worked with IDOT and are almost ready for those permits. They anticipate getting permits from LCPW to start excavating for water and sewer. Mr. Shindoll went over Pat's issues, and how BP has responded. He handed out a picture of what the proposed retaining wall will look like. He stated that the applicant does believe the wall will be temporary. Atty. Huvard added that we will need a time constraint for the

Village of Riverwoods
Plan Commission Meeting
March 2, 2006

4

permanent landscaping and final fence. He questioned if two years was a fair time frame. Mr. Shindoll responded that it seemed reasonable. He added that phase two is forthcoming. Atty. Huvad told the commissioners that they could require that funds are set aside for the final landscaping in the letter of credit. Pat reported that it was made clear that there will be no pay phones in the development. He stated that most of the items about which he made comments will not be visible to anybody. Atty. Huvad indicated that we can include landscaping in the letter of credit for the retaining wall to make sure it gets done. We can have Chuck come out and provide us with an estimate of the costs. Mr. Shindoll reported that they are willing to put up arbor vitae around the wall. Commissioner Kanar told the commissioners that we can approve this plan subject to Chuck's recommendations on the landscaping. Pat stated that the big ticket engineering issues are all settled except that IDOT and LCDOT have to approve the plan as well. Atty. Huvad explained that the plat and the special use must be approved separately. Chair Pankau stated that we wanted it in the record that the "natural" color is the preferred choice for the retaining wall stone.

Commissioner Kanar moved to recommend approval of the final development plan for the mixed planned use development based on documents presented to the Plan Commission. The motion to approve is subject to

- (1) The approval of the special use by the Board of Trustees with such conditions as the Board of Trustees finds necessary;
- (2) Letter of credit or further escrow to assure the installation of permanent phase two landscaping and wrought iron fence, which should be installed within two years from the date of the approval of the special use.

Commissioner Ford seconded the motion. Commissioner Becker asked if Chuck has looked at the final landscape plan because the plant list is not native plants. She questioned if Chuck has approved the plan. Atty. Huvad explained that Chuck probably had to balance what will survive in that location with native plant materials. Motion was carried by voice vote.

VII. Comments from the Chairperson

Chair Pankau told the commissioners that we should look into the bond issue for damage to trees. We need to look into reparations. We should think about herbicide run off.

Commissioner Ford stated that she is very disturbed when our advisors get things the day of the meeting. That is not fair to anyone. Pat explained that the procedure varies. Some communities have hard deadlines. We, historically, have been more cooperative. He stated that he follows his gut on whether or not a development is ready for approval.

Village of Riverwoods
Plan Commission Meeting
March 2, 2006

Commissioner Ford reported that she does not want to push things off on the Board of Trustees. We do not want to miss things. She does not like putting so much reliance on our advisors.

VIII. Old Business

None

IX. New Business

None

X. Adjournment

Commissioner Ford moved to adjourn the meeting. Commissioner Breitkopf seconded the motion. Motion was carried by voice vote.

The meeting adjourned at 9:15PM

Respectfully Submitted,

Debbie Limer

Village of Riverwoods
Plan Commission Meeting
January 5, 2006

1

In Attendance:

Ron Pankau
Joan Becker
Cheryl Chamberlain
Kristine Ford
Larry Kanar
William Kaplan
Bruce Huvad
Pat Glenn
Sherry Graditor
Linda Dunn
Russ Kraly

Absent:

David Ritter

Minutes taken by Debbie Limer

The meeting was called to order at 7:30 PM.

IV. Approval of Minutes

Plan Commission Meeting – December 1, 2005

Commissioner Kanar moved to approve the minutes as amended. Commissioner Ford seconded the motion. Motion was carried by voice vote.

V. Visitors Wishing to Address the Plan Commission

Anita Guziec of 2775 Edgewood Lane told the commissioners that the north side of her property backs up to the proposed Trillium Woods Subdivision. She stated that she already has water problems. A pond off her property runs into the pond on her property. From there it is supposed to go into the storm sewer in Lincolnshire. That ditch is filled in. The proposed subdivision will have an impact on her property. Ms. Guziec stated that she would like the Village to help get Lincolnshire to keep the ditch cleaned out. She added that her property is lower than the road. Pat Glenn reported that he needs to get out and look at the property. We will try to get Lincolnshire to do the necessary maintenance. Chair Pankau stated that we try not to have a new development have any adverse affects on other properties. Pat told the commissioners that there is an indirect benefit with this development. The overflow area of the Trillium Woods Subdivision will not be developed. A conservancy will be established.

Commissioner Breitkopf arrived at 7:40PM.

Village of Riverwoods
Plan Commission Meeting
January 5, 2006

2

Ms. Guziec brought up another issue. She told the commissioners that there is new home construction on her street. There has been damage to her trees by the construction trucks. She questioned if there is a bond for property damage. She explained that she is responsible for the trees, if they die. Russ reported that if Chuck Stewart agrees there is damage to the trees, we can make the builder responsible. They would have to remove the trees and plant new ones. Commissioner Becker stated that there was a Police Report written. She added that no one in the Village is really sure how to handle a situation like this one. Pat pointed out that we require all construction companies to post a construction and road bond. The last step in the process is that everyone goes out at the end to check everything. A copy of the Police Report should be part of the file. Russ stated that the owner has verbally committed to taking care of the problem. Ms. Guziec reported that no one told her. Pat added that the bond will not be released until the issue is resolved.

VI. Current Matters

A. Trillium Wood Subdivision

Atty. Huvad told the commissioners that the owners are here. Pat has reviewed the plans. He is recommending approval of the preliminary plat. One lot is being subdivided into two. There will be a conservancy easement that is heavily wooded. Pat updated everyone on the changes since the last time the owners were here. He stated that studies have been done on the ponds on the property. The ponds that hold water will continue to hold water. Everyone has agreed on the wetland delineations. They are proposing a new placement for the driveway. SMC proposed to change the driveway to the south side to keep it out of the wetlands. Because of this change the lot line between the two properties can be straightened out. Chair Pankau asked about water run off. Pat stated that the base flood elevations have been developed. The houses will be built higher. We know how far the water will spread. We will make sure that the property holds the same amount before and after the second house is built. We have the baseline of what needs to be maintained. There is always more impervious surface and more run off with additional building. It is very hard to provide detention on an individual basis. We do not want the overflow to go any higher. We want to maintain the status quo. Atty. Huvad pointed out that new homes are providing for water detention. The original homes in the Village did not because there was no standard back then. Newer developments provide detention. Thorngate provides for 120% of its detention. Atty. Huvad added that some villages make builders pay into a fund and then look into new areas for detention. The Woodland Preservation Ordinance helps with detention because it limits impervious surface. Commissioner Ford asked how we are going to solve this now for Ms Guziec. Pat stated that he is going to go out and look. He hopes to get Lincolnshire to do the necessary maintenance. Chair Pankau reported that he wants to hear about the follow up to this issue.

Village of Riverwoods
Plan Commission Meeting
January 5, 2006

Steve Daul of Greengard told the commissioners that they are putting in compensatory storage because of the driveway. The grading plan will be scrutinized. Good changes have already been made. Pat explained that Chuck Stewart suggested that a note be added to the plat that no tree removal has been approved. Commissioner Chamberlain moved to approve the preliminary plat for the Trillium Woods Subdivision. Commissioner Kanar seconded the motion. Motion was carried by voice vote.

B. BP Gas Station

Atty. Huvad explained that the Plan Commission approved the preliminary plan for the BP station. The Board of Trustees then approved it as well. They are now back with the final plan for the commissioners to consider. Pat has sent out an engineering letter, and we have met with them ahead of tonight's meeting. There will be some changes. We want to make sure that the final plan is consistent with the preliminary plan. Atty. Huvad suggested that the BP representative do a quick review for the new Plan Commission members.

Walter Hainsfurther of Kurtz Associates explained that he is representing BP. He introduced the rest of the team. He gave a basic review of the plan and illustrated everything on drawings and renderings. The right in-right out is awaiting IDOT approval. He laid out the plan for the station including the landscape plan and material samples. Chair Pankau asked about the lighting. Mr. Hainsfurther stated that the lighting will be recessed with flat lenses, exactly as discussed. He added that the lighting meets all of the Village's requirements. Commissioner Chamberlain asked about a bike path on the property. Mr. Hainsfurther stated that the bike path is already on the plan. Atty. Huvad explained that there is some engineering that needs to be revised, and then the plan will be ready for final approval.

C. Comprehensive Plan

Atty. Huvad told the commissioner that Bob Teska has reviewed the Comprehensive Plan and has suggested some good changes. He suggested moving a few things around and changing some of the language. Commissioner Ford asked about the idea of an impact fee for drainage. Atty. Huvad commented that the impact fee is a good idea. He stated that Bob Teska suggested taking a more active approach to "Context Sensitive Design." We should have a plan and advocate for that plan in regard to the widening of Deerfield Road. We should include transit in the traffic section. Atty. Huvad explained that Commissioner Breitkopf had some suggestions on how to rewrite the Water System Expansion Section. Atty. Huvad provided Commissioner Breitkopf's suggested revisions to the commissioners for review. He reported that the section on Deerfield Road is the only major change. He would come back with a final draft of the Comprehensive Plan at the next meeting. If anyone wants to get him changes or suggestions, he needs to have them by January 27th.

Village of Riverwoods
Plan Commission Meeting
January 5, 2006

D. Public Hearing on a text amendment on the Village of Riverwood Zoning Ordinance pertaining to outdoor lighting

Commissioner Becker moved to open the Public Hearing. Commissioner Chamberlain seconded the motion. The motion was carried by voice vote.

Atty. Huvard told the commissioners that we have published for this hearing. We want to change section 9-2-10 of the Zoning Ordinance. That means that we need to have a public hearing. We have been looking at the ordinance regulating outdoor lighting. When the Police Department is called out on a lighting issue, they are not aware that there are regulations in the Zoning Ordinance. The proposed ordinance is not going to be part of the Zoning Ordinance. It is confusing that lighting is addressed in two different ordinances. Atty. Huvard stated that we want to give the Board of Trustees some suggestions. We are not sure what we are going to do with it. This is a difficult issue that the Board of Trustees has asked us to look at

Atty. Huvard summarized what has been agreed upon. Residents should be able to ask neighbors to point their lighting down. Motion lights are not a problem as long as they do not stay on longer than the yet-to-be-determined amount of time. Atty. Huvard stated that most houses are not a problem. The problem is that some people have very bright non-shaded lights. He handed out the current ordinance. He added that Trustee Haber does not like it. Mayor Kaplan reported that 90% of the homes in the Village do not have shaded lights, but they are not objectionable. Atty. Huvard stated that he is interested to see if a wattage restriction would solve the problem. Chair Pankau indicated that we cannot enforce that all outside lighting be shaded. Commissioner Chamberlain pointed out that the ordinance does not address the color of lighting. Linda Dunn of 2920 Orange Brace suggested going out into the woods and test different wattages to see what is objectionable. Trustee Graditor stated that we are not going to ask every resident to buy new lighting. We can talk about limitations for new homes and additions. Atty. Huvard reported that we can treat this as a nuisance issue, and only address if it is a nuisance. Trustee Graditor pointed out that a nuisance issue is hard to enforce because it is an issue between neighbors. Commissioner Ford stated that their complaint to the Police was done after a lot of direct attempts with their neighbor. Enforcement is hard, but we have to try.

Atty. Huvard stated that we could consider measuring illumination within a lot as another approach. Trustee Graditor reported if we do that, the measurement should be taken from any given height, not three feet off of the ground. Atty. Huvard indicated that he has looked at the Highland Park ordinance. Our .2 foot candles limitation is more restrictive than in Highland Park. Chair Pankau stated how we measure lighting is a problem. We want to control direction and the standard for measurement. Commissioner Ford told the commissioners that we want to look at height of the lighting and the character of the

Village of Riverwoods
Plan Commission Meeting
January 5, 2006

5

neighborhood. Atty. Huvad asked about hours of operation. Commissioner Chamberlain stated that should depend on the type of light.

Commissioner Breitkopf moved to close the Public Hearing. Commissioner Ford seconded the motion. The motion was carried by voice vote.

The Public Hearing closed at 9:00PM.

Atty. Huvad told the commissioners his recommendations to the Board of Trustees will be to address height, direction, and a form of standard measurement that works for our Village. We can regulate lighting for remodels and new home construction. Commissioner Ford stated that objectionable hours of operation should also be discussed.

Atty. Huvad stated that he recommends dropping the section on extracting additional income from the hardship regulations. Trustee Kanar moved to remove the section on extracting additional income from the hardship regulations. Trustee Ford seconded the motion. Motion was carried by voice vote.

VII. Comments from the Chairperson

Linda Dunn told the commissioners that everyone should have received a letter from the Board of Trustees about the CCI meetings. She requested that everyone come to the meeting for their neighborhood. She added that the Town Meetings for Home Rule will be February 7th and the 21st at 7PM at the Village Hall. Commissioner Becker wanted to know if they will be publicized. Mayor Kaplan stated a letter is going out. Commissioner Chamberlain reported that anyone can email or drop off comments for the CCI.

VIII. Old Business

None

IX. New Business

None

X. Adjournment

Commissioner Kanar moved to adjourn the meeting. Commissioner Ford seconded the motion. Motion was carried by voice vote.

The meeting adjourned at 9:10PM

Respectfully Submitted,
Debbie Limer