

Village of Riverwoods
Plan Commission

Meeting Minutes

March 4, 2010

A meeting of the Village of Riverwoods Plan Commission was held on Thursday March 4, 2010. Chairman David Niedelman called the meeting to order at 7:30 pm.

Present were:

David Niedelman, Chairman
Stephen Levin
Brian Meltzer
Lisa Peckler (arrived 8:10 pm)
Joe Schwartz
David Shimberg

Also Present:

William Kaplan, Mayor
Cheryl Chamberlain, Village Trustee
Patrick Glenn, Village Engineer
Sherry Graditor, Village Trustee
Bruce Huvad, Village Attorney
William Svatik, Village Trustee

Absent was:

Kristine Ford

Minutes taken by Jeri Cotton

1. Approval of Minutes

Commissioner Schwartz made a motion to approve the minutes from the December 3, 2010 Plan Commission meeting. Commissioner Shimberg seconded the motion. The motion passed unanimously.

2. Visitors Wishing to Address the Plan Commission

There were no visitors present for non-agenda items.

3. New Business

A. Public Hearing to consider Text Amendments to the Zoning Ordinance proposing the creation of a new Zoning District to be known as the transitional business overlay district

(TBO District) and the creation of a new Zoning District to be known as the Business Compatible District.

Mr. Huvard opened the Public Hearing. He explained the Notice of Public Hearing was published in the Deerfield Review and refers to the Transitional Business Overlay District (TBO). The TBO District would overlay the B-1 District and allow the same permitted uses, but also potentially authorize the uses found at the Mulch Center and the Pantle property.

The second newly proposed district is the B-2 Business Compatible District, which would allow the same permitted uses as the R-1 district plus, potentially authorize a number of "cultural center" uses similar to the Estonian House, as special uses. The one key limitation is that it can only be applied to property that adjoins a B-1 or TBO district and has street access to a major street without passing through a residential district. A cultural center would be on a minimum of four acres.

Mr. Huvard discussed the draft Text Amendments dated February 6, 2010. He explained the B-1 District allows for restaurants, bakeries, coffee shops, etc. and was originally designed to accommodate the former Riverwoods Restaurant. Mr. Huvard stated the B-1 District also allows storage facilities, gas stations, convenience stores and mixed use planned developments with a minimum of three and a half (3.5) acres as special uses.

Mr. Huvard explained the TBO was designed to be a district that is adjacent to the B-1 District and over time could be zoned with special uses from the B-1 District but has other uses such as the Mulch Center and the Pantle property. The overlay districts are zoned twice, as it would be classified to both the B-1 District and the TBO District. The permitted uses in the B-1 District would be allowed in this district as well as the special uses in the TBO District. Mr. Huvard explained the specific uses that are unique to the TBO zoning classification. These permitted uses include any permitted use in the B-1 neighborhood business district, open space non commercial parks, nature preserves, public uses, veterinary clinics, retail use accessories that are less than 1000 square feet in floor area and administrative offices.

Mr. Huvard discussed the special uses in the TBO district as well. The special uses include mixed use planned developments, container rental facilities, tree care contractors, wood waste recycling centers, garden supply centers, lumber and material sales. Mr. Huvard stated that both the Estonian House and the Pantle property would have a caretaker that was at least 18 years of age.

Mr. Huvard discussed the defined terms to be added to Section 9-2-3 of the Riverwoods Zoning Ordinance. He explained the draft states that all containers on-site must be empty except for scrap metal or salvage items retrieved from jobs which are kept entirely within containers for not more than 72 hours until such materials are sorted and moved off-site. Mike Ralph, Attorney for the Pantle property, requested the 72 hours be

changed to seven days. Commissioner Shimberg asked how enforceable seven days would be. He also asked if there was a penalty or implication if this were violated. Mr. Huvard explained the Village has the ability to have periodic inspections. They could control the number of containers within the special use.

Mr. Ralph explained they do not like to store items for more than four days, even though they would be contained. He stated it does not make sense to take just one or two pieces of scrap metal to be recycled.

Ch. Niedelman asked if the Village needed to be concerned with any of the definitions and if they need to be permitted or inspected. He asked if the Village should build in some protection with the text amendments. Mr. Huvard explained that special uses could be contingent upon them operating under sound hygiene procedures. The special use regulations could also be conditions of the Ordinance; not just a provision within the Zoning Ordinance. Ken Pentle explained everything would always be contained within the dumpster.

Ch. Niedelman asked if the materials were always non-porous metals. Mr. Pantle explained the material was only metal. Ch. Niedelman asked why they would have containers for more than 72 hours. Mr. Ralph explained the 72 hour request took holidays into consideration. Ch. Niedelman wanted to ensure there would only be one container on premise and the material would not rot. Commissioner Schwartz asked if there have been complaints from Riverwoods residents. Mr. Glenn explained that he has not heard any complaints.

Mr. Huvard summarized the definitions try to capture what the Village would authorize as a special use within the district. He stated other conditions may be imposed. Mr. Huvard explained the TBO was only for the Mulch Center and Pantle Property while the B-2 District was for the Hockman property and the Estonian House. Commissioner Shimberg asked what restrictions would be imposed if the property were sold. Mr. Huvard explained the B-2 District could have residential while the B-1 District could not.

Mr. Huvard discussed the B-2 Compatible District. He explained properties in the B-2 Compatible District must be adjoining the B-1 District or the Transitional District. Mr. Huvard explained the purposed of the B-2 Compatible District allows for certain social, cultural, educational, conference and office uses, as well as single-family residential use. The definitions do not apply to rented out facilities.

Ch. Niedelman asked about liquor in private dining facilities. Mr. Huvard explained they would have to receive a license classification to serve liquor, which would not be addressed by the Plan Commission.

Commissioner Shimberg expressed concern about the definition of a cultural center. He mentioned that he has attended plays at the Estonian House. Mr. Huvard explained the definition may need to be adjusted, but does allow for a limited number of events.

B. Public Hearing to consider amending the Village Comprehensive Plan to change the suggested land use designation of certain properties not currently located in the Village from open space to business or business compatible use.

Mr. Huvard explained State law requires that if a property rezoned different than what is in the Comprehensive Plan, the Comprehensive Plan would need to be updated with a hearing. He explained the properties were currently shown as open space in Comprehensive Plan. If classified Business Compatible or TBO, the Comprehensive Plan map would also need to be update so they are shown as indicated on map.

Ch. Niedelman explained open space is important to the Village. As the property is located on the far, north corner and the Village is not eliminating open space, it would not bother him.

Bill Cotey, 182 Blueberry, Libertyville, questioned whether adjacent land owners should be notified, because there could be a change in the Zoning. Mr. Huvard explained the Plan Commission is a recommending body to the Village Board. The Board would need to discuss annexation before zoning is changed. Mr. Cotey stated he would like to be notified of future discussions.

Matt Eisenstein explained the house next to the Estonian House would not be able to remain if it were rezoned to R-1 because they would need access on Estonian Lane. He stated his neighbors own a portion of Estonian Lane, and it would be accessed through a neighborhood. Mr. Huvard explained they meant the boundaries of the Residential District as defined on the Zoning Map. Scott Puma, Attorney for the Estonian House, expressed concern about the lot lines on Estonian Lane. He explained there were some questions as to where the lines fall and he is unsure how to make it work.

Commissioner Levin made a motion to close the Public Hearing. Commissioner Shimberg seconded the motion. The motion passed unanimously.

The Commissioners returned to the proposed Text Amendment discussion. Commissioner Levin explained the Mulch Center was previously governed by County guidelines. He asked whether those guidelines were consistent. Mr. Huvard explained the Mulch Center was not considered an Industrial District in the County.

Commissioner Levin stated there was a performance agreement for the Estonian House over the last three years. Mr. Huvard explained those were part of the intensity of use. Mr. Einstein explained his concern is that he did his due diligence and now the Village is proposing changing the Zoning of the property. He does not have any problem with the plans of the Estonian House but is concerned they would abuse the zoning. Ch.

Niedelman stated that would be part of the special use requirements and standards. Commissioner Levin stated the Commission wants the Estonian House to maintain their current standards. Mr. Eisenstein questioned how to rein it in if they get out of control. Ch. Niedelman stated that would also be part of their special use.

Commissioner Shimberg asked if there was an easement. Mr. Huvad explained they tried to define the District by Zoning. Mr. Glenn explained egress and ingress were not granted as easements by document. He stated easements have to come about in the Village over time. The southern half of the Estonian House easement is in the Meadow Lakes subdivision. All the documents acknowledge it as half in Meadow Lakes and half adjacent. Mr. Huvad stated that if Meadow Lakes owns half the street, they would be going through residential property. He explained the district does not give them any rights to use the street. The right to use the street goes back to those specific agreements. Mr. Einstein explained he did not want it to be used as a thoroughfare. Mr. Huvad stated the boundary of the Zoning District may not extend to the property line border. Mr. Glenn asked if it could be twisted and not have access to residential properties. Mr. Huvad explained they could have street access to Milwaukee, Deerfield and Saunders but uncontrolled access to the residential districts.

Mr. Huvad discussed section 9-5F-9, limitations on the intensity of use. Mr. Puma stated he had a number of concerns. He stated the Sunday school has grown and may have as many as 75 parents at one time. Mr. Huvad explained the Village Board may allow 20 percent of the parking spaces, but would want a standard that is objective and could be triggered. Ch. Niedelman questioned whether there would be enough parking. Mr. Puma stated they currently have 60 spaces, which is enough parking. Commissioner Peckler asked whether those spaces were black topped and marked. Mr. Puma states some were not marked. Mr. Glenn will investigate. Mehis Vahtra with the Estonian House, stated they needed to satisfy the requirements of the County, where 75 percent of the parking was paved. In the past, they had enough parking for 200 people. Commissioner Peckler asked if any adjustments needed to be made for the fire code. Mr. Vahtra explained they were certified by the fire department for up to 200 people.

Mr. Puma discussed 9-5F-11D and stated that new buffers could not be added. He explained they were not changing the existing use. He explained they have planted a berm and there were plenty of large trees. Mr. Huvad explained that requirement could be modified for special uses.

Mr. Puma asked if they could appear before the Commission in the future, if they wanted to change their use. Mr. Huvad explained they could come in with a one paragraph text amendment in the future, if applicable.

Commissioner Shimberg asked about the fire extinguisher water supply. Mr. Vahtra explained they were on well water and septic. Mr. Puma stated that sewer and water was a key concern. Mr. Huvad explained that an annexation agreement would require

that a sewer be installed. He asked Mr. Cotey if he would be interested in installing sewer in his property. Mr. Cotey would be interested.

Mr. Cotey asked if a PUD were considered, when developing the Text Amendments. Mr. Huvad explained they have a PUD, but the idea for these uses is to eventually go into that type of use in the future.

Mr. Huvad suggested continuing the hearing on Text Amendments until the April meeting. Dan Dowd, Attorney for the Mulch Center, explained the next meeting was during Spring Break. He asked if the meeting could be moved to March 25, 2010. Ch. Niedelman suggested moving the meeting to April 8, 2010, because Commissioner Schwartz would be out of town on March 25, 2010. He will send out an email to all the Commissioners and determine the next meeting date.

Commissioner Levin made a motion to continue further discussion until the next Plan Commission meeting. Commissioner Peckler seconded the motion. The motion passed unanimously.

C. Continued discussion of proposed annexation on Milwaukee Avenue and Comprehensive Plan Amendment

Mr. Huvad opened Hearing on the Pantle Property and read the published notice. He explained Ken and Patricia Pantle applied to be classified as B-1 and TBO Districts as well as a Special Use in the TBO District for a container rental facility.

Commissioner Levin made a motion to continue further discussion until the next Plan Commission meeting. Ch. Niedelman seconded the motion. The motion passed unanimously.

Mr. Huvad opened the Hearing on the Mulch Center and read the published notice. He explained they would like to be voluntarily annexed to the Village in the TBO District, B-1 District and B-2 Compatible Districts.

Commissioner Levin made a motion to continue further discussion until the next Plan Commission meeting. Commissioner Schwartz seconded the motion. The motion passed unanimously.

Mr. Huvad opened the Hearing on John Hockman's application for the property at 14722 Estonian Lane, to classify the Text amendment for the B-2 Compatible District.

Commissioner Peckler made a motion to continue further discussion until the next Plan Commission meeting. Commissioner Shimberg seconded the motion. The motion passed unanimously.

Hr. Huvad opened the Hearing on the Estonian House, Inc., at 14614 W Estonian Lane and authorizes the cultural center as permitted use. Commissioner Peckler asked why people want to transition from unincorporated. Mr. Huvad explained some property owners have run into problems with the County. Some have issues with water and sewer.

Commissioner Schwartz made a motion to continue further discussion until the next Plan Commission meeting. Commissioner Shimberg seconded the motion. The motion passed unanimously.

4. Comments by the Chairman

There were no additional comments by the Chairman.

5. Adjournment

There being no further business or discussion, Commissioner Peckler made a motion to adjourn the meeting. Commissioner Schwartz seconded the motion. The meeting was adjourned at 9:05 pm. The next regular meeting of the Riverwoods Plan Commission is scheduled for March 25, 2010 at 7:30 PM.

Respectfully submitted,

Jeri Cotton