

**MINUTES OF A REGULAR MEETING AND PUBLIC HEARING OF
THE KENILWORTH PLAN COMMISSION HELD AT THE
KENILWORTH VILLAGE HALL, 419 RICHMOND ROAD
AT 7:30 P.M. ON MONDAY, July 6, 2009.**

The regular meeting of the Plan Commission of the Village of Kenilworth was held at 7:30 p.m. on Monday, July 6, 2009. Chairman Johnson called the meeting to order at 7:34 p.m. The following Commissioners were present:

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| Present: | Cary Johnson | Chairman |
| | Robert Smietana | Member |
| | Elizabeth Bannon | Member |
| | Vicki Thompson | Member |
| | Gwen Sommers Yant | Member |
| | Dirk Degenaaars | Member |
| | Dan Noel | Member |
| | Eileen Madigan | Member |
| | Sunil Chopra | Member |
| Absent: | Gregory Matic | Member |
| Other Village Officials Present: | Bradly Burke | Village Manager |
| | Susan Criezis | Community Development Director |
| Others Present: | Frank Cavalier | 507 Kenilworth Avenue |

Chairman Johnson explained the purpose of the meeting was to continue consideration of proposed amendments to the Kenilworth Zoning Ordinance, and requested the minutes of the June 1, 2009 Plan Commission meeting be held for review and approval at the end of the meeting. Chairman Johnson administered an oath to those in the audience who wished to speak on the proposed Zoning Ordinance amendments. Chairman Johnson opened the Continued Public Hearing of the Plan Commission which was continued from the June 1, 2009 Plan Commission meeting.

Continued Public Hearing to Consider Amendments to the Zoning Ordinance of the Village of Kenilworth, 1969, as Amended Related to Planned Unit Developments, Off-Street Parking Regulations, and Adding Various Administrative and Procedural Provisions and Amending the Official Zoning Map of the Village of Kenilworth

Chairman Johnson welcomed the continuing and new Plan Commission members, and asked the commissioners and staff to introduce themselves. He asked Village Manager Burke to explain the background of the Comprehensive Plan and the Business District zoning changes already approved by the Plan Commission and Village Board. Chairman Johnson provided a foundation for the remaining Business District zoning amendments to be reviewed by the Commission which included planned unit developments and parking regulations.

Village Manager Burke explained the roles and typical work activities of the Zoning Board of Appeals, Architectural Review Commission and the Plan Commission. He introduced the Planned Unit Development (PUD) ordinance reviewed at previous Plan Commission meetings, explained past discussion points in the PUD ordinance and presented the process to be followed. Manager Burke explained how the proposed ordinance would address major and minor changes to approved PUD's, and explained the role of the Plan Commission and Village Board in considering changes to approved PUD's.

Village Manager Burke provided a brief review of existing parking regulations and introduced proposed changes to parking regulations contemplated with the proposed Zoning Ordinance amendments. He explained the first parking regulations proposal reviewed by the Plan Commission early on in the Public Hearing process and how the proposed changes evolved over the course of the last several months to include second floor off-street parking requirements.

Chairman Johnson asked Member Bob Smietana, Chair of the Plan Commission during the development of the proposed ordinance changes, if he had anything to add regarding the business before the Plan Commission. Member Smietana provided a brief history of the Plan Commission beginning in 2006 with the development of the Comprehensive Plan. He said the Village's planning consultant focused on explaining to the Plan Commission the difference between planning and zoning. Member Smietana said he hopes the Plan Commission can complete review of the PUD and parking regulations, and then move onto the Plan Commission's to-do list. Member Smietana noted it is up to the Plan Commission to implement the vision of the Comprehensive Plan.

Chairman Johnson referred to the Business District zoning amendments approved by the Village Board at their June meeting, and noted a significant portion of the work completed by the Plan Commission over the last year is now finished, and the ordinance amendments under consideration tonight are the final pieces of that project.

Member Chopra noted, as a new member to the Plan Commission, it can be a challenge to understand the nuances of all the issues at hand. Member Chopra asked Chairman Johnson to summarize any remaining issues at stake of which the members of the Commission should be aware prior to taking action on the proposed amendments.

Member Madigan asked about the 10,000 square foot threshold for a Planned Unit Development. Staff and other Plan Commission members explained the concept behind the 10,000 sf. threshold. A discussion of the size threshold for PUD's followed. Frank Cavalier asked if an applicant can choose not to go through the PUD process and just go through a special use process. A general discussion of whether or not an applicant can choose to go through the PUD or special use process followed.

Member Yant said she thought all projects of 10,000 square feet or more should go through the PUD process. Member Yant asked about the definition of a PUD she had presented at the April 6, 2009 Plan Commission public hearing. Village Manager Burke noted Member Yant's suggested definition was not incorporated into the draft language presented at tonight's meeting as there had been no direction from the Commission to change the language. Member Yant said she would like the Plan Commission to consider revising the definition of PUD to reflect her suggested changes. A discussion regarding the definition of PUD and whether or not the definition should be more prescriptive or descriptive followed.

Member Degenars said there are two issues which define what a PUD is and the applicability. Frank Cavalier said he felt a PUD was intended to be an option, but not a requirement for buildings over 10,000 square feet. Member Thompson expressed her opinion the definition language should be more like the purpose in Section 17.7(B). Chairman Johnson agreed and said it should be more descriptive. Member Smietana noted, based upon the discussion, it appears some members feel the proposed definition is not reflective of the defined purpose for Planned Unit Developments found elsewhere in the draft ordinance. There was a general consensus the definition needed to be revised to reflect the provisions pertaining to purpose and intent for PUD's.

Member Yant said there is a need to decide if PUD is a choice. Village Manager Burke said the "elective" choice was removed from the proposed ordinance language at previous Plan Commission meetings. Member Smietana said the PUD process is a positive process for the applicant. Member Bannon read Member Smietana's statement that above 10,000 square feet is not a choice, but below 10,000 square feet is a choice. Member Madigan clarified that an applicant can choose to go through the PUD process.

A discussion regarding revisions to the definition of Planned Unit Development followed. Member Yant expressed her opinion the Plan Commission should change the "Applicability" part to be very clear and make sure "Purpose" is clear. Member Degenars expressed concern regarding the impact of changing the definition. Member Thompson said Section 17.7(B) in the proposed PUD regulations has the language with a similar intent but uses different wording. It was the general consensus of the Plan Commission to revise the proposed definition of PUD to reflect language proposed by Member Yant with the non-italic print to be removed.

A discussion of the proposed changes to the off-street parking regulations for the Business District followed. Frank Cavalier noted even with the proposed changes there may still be a need for parking variances and such variance requests will be handled separately and apart from a special use process. Chairman Johnson asked if parking variations, separate from special use or PUD, would go to the Zoning Board of Appeals. The Plan Commission agreed the Zoning Board of Appeals would hear traditional variances applicable to off-street parking regulations in the Business District.

Member Smietana clarified special use in the Business District would be heard by the Plan Commission and special use in Residential Districts would be heard by the Zoning Board of Appeals. There was general discussion about special uses and their application and review process.

Member Degenars asked if the Plan Commission can require an applicant to go through the PUD process and the Plan Commission was in agreement that it should be voluntary. Member Degenars agreed to strike "with a floor area of at least 10,000 square feet" from 17.7(A) Applicability statement. Member Yant's definition was that PUD was accepted by the Plan Commission with minor changes including eliminating the threshold of 10,000 square feet. Member Yant read the revised PUD definition to the Plan Commission and there was general agreement on the changes proposed. Chairman Johnson asked the Commission if they wanted to recommend this definition to the Village Board for approval.

Member Smietana made a motion to recommend Village Board approval of the PUD definition as revised. Member Degenars seconded the motion.

A roll call vote was taken as follows:

Yea: Thompson, Smietana, Johnson, Noel, Madigan, Yant, Chopra, Degenaars, Bannon
Nay: None
Absent: Matic
Abstain: None

The motion was approved 9-0.

Chairman Johnson opened discussion of parking and tandem parking definitions. Member Smietana asked about the applicability of 1 or 2 spaces for residential use. Member Yant said Section 14.3(E) should state "only in the Business District", so other districts, including Municipal or Park Districts, would be excluded. She also requested changes to Section 14.7 which is Requirements of Size, etc, and said tandem parking, however, is permitted in the "B" Business District. Frank Cavalier expressed his opinion tandem parking should be available to all uses, not just residential. There was disagreement with tandem parking for business uses in the Business District.

Member Yant expressed her opinion any use on the second floor and above should have parking requirements of 1 space for each 600 square feet as previously discussed and agreed upon by the Plan Commission. Member Yant suggested minor language changes to the proposed parking regulations amendment language to make the ordinance read clearer. Member Degenaars proposed stating parking regulations in the following manner: "Any non-residential use in the "B" Business District shall require 1 parking space for each 600 square feet for all areas above the ground floor."

Member Madigan said she thought restaurants should have parking requirements. Frank Cavalier said there was previous discussion about this and if these parking requirements were enacted for 1st floor restaurants, there would be no restaurants in Kenilworth.

Member Yant noted one of the items on the Plan Commission's docket is to complete a study of parking in the Business District, and Chairman Johnson said safe parking is the issue and there will be a future study. Member Smietana talked about transit oriented parking and gave an example of a new restaurant in Evanston. Chairman Johnson reviewed the three parking amendments discussed by the Plan Commission.

Member Yant made a motion to recommend Village Board approval of the proposed parking amendments as revised. Member Smietana seconded the motion.

A roll call vote was taken as follows:

Yea: Thompson, Smietana, Johnson, Noel, Madigan, Yant, Chopra, Degenaars, Bannon
Nay: None
Absent: Matic
Abstain: None

The motion carried 9-0.

Chairman Johnson asked about the zoning map amendment and if action needed to be taken. Village Manager Burke said it was previously recommended to the Village Board for approval and will be brought before the Village Board at their August meeting.

Member Smietana said he would like to look at the Green Bay Road right-of-way. Village Manager Burke said the Village researched this area and the land was acquired by the Village previously, but the Village's garden clubs opposed parking in the green landscape strip. Member Madigan asked about usage of existing parking spaces and if a study should be completed regarding existing parking needs and availability. Member Smietana said a parking study would be included as part of any big development proposal.

The minutes of the June 1, 2009 Plan Commission meeting were placed before the Commission and there were several corrections made.

Member Smietana made a motion to approve the June 1, 2009 Plan Commission meeting minutes as corrected. Member Degenars seconded the motion, and the minutes, as amended, were unanimously approved by a voice vote.

Chairman Johnson discussed the next Plan Commission meeting and Member Thompson asked about the next projects coming before the Commission. Member Smietana expressed his opinion the items on the previously agreed upon work list can be done in any order and he thought signage could be easier to address before moving into design guidelines.

Member Smietana asked if a working group would be a good approach to work on signage regulations. He suggested that if there wasn't sufficient time to be ready with signage for the August Plan Commission meeting, then the issue can be moved to the September meeting.

Village Manager Burke said three members is a good number for a working group and would also maintain compliance with the Open Meetings Act. Village Manager Burke said Houseal Lavigne, the Village's planning consultants, has a visual preference system for looking at signage and other elements that they have previously referenced as a possible resource to use in developing sign regulations. Member Bannon expressed her opinion the Plan Commission could do the work without using a consultant. Chairman Johnson asked who would like to be part of the sign working group. Members Yant, Bannon and Madigan volunteered to be on the sign working group and prepare a report for the September Plan Commission meeting. Member Smietana asked if staff could provide sign ordinances from other Villages that are good examples.

Member Smietana made a motion to adjourn. Member Bannon seconded the motion, and the meeting adjourned at 10:30 p.m.

Respectfully submitted,

Susan Criezis