

MINUTES OF A SPECIAL MEETING OF THE BUILDING, PLANNING AND ZONING  
COMMITTEE OF THE VILLAGE BOARD OF THE VILLAGE OF KENILWORTH HELD AT THE  
VILLAGE HALL, 419 RICHMOND ROAD AT 7:30 P.M. ON  
WEDNESDAY, FEBRUARY 15, 2006

Chairman Bossu called the meeting to order at 7:30 p.m. Attendance was as follows:

Present:	Jackie Bossu	Chairman
	Robert Smietana	Member
	Craig Miller	Member
Other Village Officials Present:	Max Slankard	Village Manager
	Susan Criezis	Community Development Director
	Cristy Laier	Village Trustee
Others Present:	Jim Hughes	538 Kenilworth Avenue
	Gwen Yant	706 Cummings Avenue
	Cameel Halim	533 Roslyn Road
	Nefrette Halim	533 Roslyn Road
	Tim Dugan	426 Essex Road

The minutes were not prepared for approval. Manager Slankard said he would have them ready by Friday evening for approval at the February 22 meeting.

The Board opened the discussion of Design Review. She noted that Attorney Adams did not prepare a draft ordinance as of yet. She noted that she had sent 10 ordinances for Ms. Adams to review, Manager Slankard had sent one, and Tim Dugan had sent five or six. Chairman Bossu asked Attorney Adams not to attend the meeting this evening, as she did not want to pay for unnecessary legal services. Chairman Bossu did want to discuss with the committee adjunct planning services. She felt that the Village needs additional assistance with the items before the Committee, but is missing a piece. She stated that the Village has a team in place, and while everybody is working hard, we do not have the expertise necessary to given quality ordinances to the community for consideration. The Village is on the right track, but she would like to get someone on board as soon as possible to help with planning. Some of the proposals to the Board of Trustees are compromises. At times that can be, politically, a good thing, but that may not always represent the best solution. She felt residents would feel more comfortable with ordinance proposals if they were more fully thought through.

Trustee Miller said the Ad Hoc Committee had 1½ years working with Lee Brown of Teska Associates. He said he did not feel he had a grasp on what specifically Attorney Adams is comfortable with. He said he feels many issues start with the legal considerations. Chairman Bossu said she thought they needed both. Trustee Smietana commented on his experience with the Ad Hoc Committee. He felt that working with a planner could provide leadership for the Building, Planning and Zoning Committee. He felt that the Plan Commission had found a good consultant in Houseal Lavigne, who brought tremendous examples of melding the legal language and visuals. He felt it might be good to engage someone for a fresh look. Trustee Miller asked, from a financial point of view, where they came in with their proposal. Trustee Smietana said they are a small firm with 3 principals. Manager Slankard said they had quoted a price of \$30,000 for the commercial area plan, which was very price competitive. He noted that there was a meeting earlier in the day, in which Houseal Lavigne was given all the Ad Hoc Committee's background. He has asked them to quote adjunct plan services.

Gwen Yant said they were very impressive. She said they had good graphics and had done their homework.

Chairman Bossu said she was concerned that we are not asking all the right questions. She said she thought we need help. Manager Slankard noted that one of the principles has worked with Attorney Adams in Northbrook. Trustee Miller said we could use them a couple of hours here and there. He noted any larger block of time would need Board approval. Manager Slankard said his sense is that the Committee would benefit from only a portion of their time.

Trustee Smietana said Attorney Adams is clicking away on legal reviews. Trustee Miller said he did not think the people on the Ad Hoc Committee wanted changes made to their recommendations. Trustee Smietana said the Ad Hoc Committee was trying to process up, and they always knew their recommendations would have to be translated into an ordinance. He did not know if they envisioned another planner, but that may be good. Trustee Miller said this cannot become a permanent operating cost. Chairman Bossu said in March we can have a long-term discussion, but she would like to have these services available, not that we would need them all the time. Manager Slankard said he thought Mr. Houseal would be helpful. He will have a proposal for an expansion of their scope of services next week.

Next, the discussion turned to Zoning Incentives. Chairman Bossu said this really should be labeled zoning credits. She reviewed Attorney Adam's memo and concerns. She said at the last meeting, there was a basement height issue which Attorney Adams took out of floor area and set an absolute limit on. Trustee Miller questioned if this would apply to existing homes. Susan Criezis said it would apply only to new homes. Chairman Bossu asked if the Committee was comfortable with the route of just capping first floor height, or should it be allowed, while counting it as floor area. Trustee Miller said capping does the same thing, while simplifying it. Chairman Bossu noted that Attorney Adams forgot to differentiate the height of the first floor by zoning district. She noted that the Ad Hoc Committee recommendation was at 3 feet above grade for Districts R-1 and R-2E, and at 2 feet for the rest of the Village. Ms. Criezis said at a two foot limit, a Victorian house could not do a first floor height while getting proper proportions. Chairman Bossu asked the Committee if they felt comfortable with 2 feet for the balance of the community. The Committee concurred.

Cameel Halim asked how this applies to riparian houses on the bluff. Ms. Criezis noted the elevation would be tied to the natural, unaltered grade at the front of the home.

Next, Chairman Bossu reviewed the question on definition of covered entry and open front porch. Trustee Miller asked why screened porches were included. Ms. Criezis said their concept was tied to open air features, not enclosed 3 season rooms. Trustee Laier said she thought it was because this was not useable space year round. Mr. Halim observed it is easy to cut out screens from porches. Trustee Miller asked what the difference was between screened and glassed-in porches. Trustee Smietana said we started with covered entries, then porches and unscreened porches at the front, back and side. He could not remember why the Ad Hoc Committee got there. Ms. Criezis said the memo says front porches. Chairman Bossu read the minutes and said the intent was to make up for inefficient space on older homes. Mr. Tim Dugan said the benefit of front porches was to break up the mass. Chairman Bossu asked if it mattered if the feature was the front, side or back. Trustee Smietana said if not, you could have all kinds of features. Manager Slankard said this mimics the Ad Hoc Committee discussion. He believed that Ad Hoc felt, if the maximum benefit of such spaces was limited, then a more broad definition was okay.

Trustee Smietana said an alternative is to do a 10% credit, irrespective of particular features, as per Clif Weaver's letter. Chairman Bossu expressed concern that you could have a Georgian house that is big without those features, and his proposal would allow that home to become even bigger. She said the crux of the matter was, should there be a limit on such features. Trustee Miller suggested allowing for all

houses, old or new. Chairman Bossu said she understood his comment, but did not feel the Committee and community were at that point yet. Trustee Miller said this goes back to his concern about breaking this into too many pieces, instead of bundling the different pieces and considering them together. Chairman Bossu said that it needs to be thought through before they do anything.

Trustee Smietana asked how many port cocheres there were in the community. Nefrette Halim presented research about existing port cocheres in the Village. She presented photos, and said there were about ten in the Village. Ms. Halim said there were 7 with no structure on top of them and 1 with a second story on top, and she thought there were 11 in total. Given that, Chairman Bossu asked if they should count at all. Trustee Smietana asked if anyone was familiar with an ordinance that carves out just 1 exception. He went on to say that the group is talking about bulk, and there really is no impact. Trustee Miller said it is very different from screened porches. Mr. Halim said we need to preserve port cocheres and front porches. He asked what the impact would be to the community of not counting port cocheres at all, suggesting it would be minimal. Ms. Criezis said port cocheres are very different because you cannot enclose them. Ms. Halim said now may not be the time for this, but she thought it should be discussed.

Chairman Bossu suggested taking port cocheres out altogether, except when there are floors above them. Then she said the Committee needed to go back to the discussion of porches. She said she may have confused the issue by proposing no limit, but asked if the Committee wanted to give credit to open or closed porches, and if limited, at what percentage. Trustee Miller said 10% in District R-1 is 550 to 600 square feet of credit. Trustee Smietana said he was uncomfortable with unlimited credits. He felt that the Village may end up with a lot more bulk. Ms. Halim asked if the credits would be based on particular elements. Trustee Smietana replied that they would, but up to a maximum of 10% of the floor area.

Mr. Halim said 500 square feet will rarely be used. He said at his property at 157 Kenilworth Avenue, 1,400 square feet of floor area is lost between porches, screen porches and the port cochere. He added that 157 Kenilworth is not bulky. He said the problem is not 800 port cocheres, but 10 or 12 of them. Trustee Miller said he has 6500 square feet, less 1400, which leaves 5100 square feet. Mr. Halim would get that 500 square feet back. He added that we cannot create zoning based on exceptions. Mr. Halim commented on the home at 416 Cumnor. Ms. Criezis said this proposal would have addressed her problem.

Chairman Bossu said she wondered if the Committee was missing something if they do limit the credits. Both Trustee Miller and Trustee Smietana said we are missing something if they do not limit it. Trustee Smietana said this provides flexibility to some extent without going to the Zoning Board of Appeals. There will still be people who need relief from hardship. Trustee Smietana said he understood Chairman Bossu, but also understood what Trustee Miller was saying about legislating to the extreme. Chairman Bossu said she did not want to zone out some houses. Trustee Smietana said 157 Kenilworth Avenue is a beautiful house. It could still receive variance consideration, and that consideration would start at the 10% point.

Mr. Dugan said the space has use to some degree. He said a 25% credit would be arbitrary as well. Ms. Criezis said this keeps you out of more specificity in space. Manager Slankard said he thought the Zoning Board of Appeals would look at these examples as unique examples. Ms. Halim said the largest wrap around porches are on the east side of town. Chairman Bossu said her pictures indicated that on the west side, there are mostly screened and front porches. Ms. Halim questioned the need for limiting bay windows.

Chairman Bossu said she is hearing stick to a percentage limit. She suggested leaving it at 110% and getting the consultant's input. She asked if the Committee wanted to make a distinction between open and closed porches. Trustee Miller said the Committee should talk about heaters in such spaces. Ms.

Criezis said we could make this open air. Chairman Bossu suggested screened and open. The Committee agreed.

Chairman Bossu next called for discussion on the effective date of the proposed ordinance. Manager Slankard said logically it should go back to 1990, but it would simpler using today's date. Chairman Bossu said she would like to discuss this at the next meeting. Trustee Smietana said this could involve a record-keeping issue if the date is set at 1990.

Trustee Miller discussed the element relating to measurement of volume or atrium spaces. He drew an example of the type of structure that could be built, resembling a school house bell tower. Chairman Bossu asked for background on the 14 foot issue. Manager Slankard said the question was, at what point such volume spaces should be counted twice under the floor area limit. This is currently undefined. It has not been an issue at this point, but was suggested as something that may become an issue.

The Committee had general discussion abut variation issues and subdivision issues that are before the Committee. On the variation language, Trustee Smietana asked what points the Village Attorney needs direction on. Manager Slankard explained some of the finer points, noting concerns about variance considerations based on aesthetic appeal. Trustee Miller said he was not sure they needed the aesthetic piece of the proposed ordinance. Trustee Smietana said the Ad Hoc Committee's intent was not just for restoring originality. Chairman Bossu asked the Village Manager to get further input from the Village Attorney.

Chairman Bossu said the draft subdivision ordinance was sent back to the Building, Planning and Zoning Committee to consider how the proposed legislation effects 2 lots of record that are considered to be one zoning lot. The Committee will take this issue up at a subsequent meeting.

Trustee Miller made a motion to adjourn. Trustee Smietana seconded the motion which was unanimously carried.

Respectfully submitted,

Max Slankard  
Village Manager