

MINUTES OF A PUBLIC MEETING OF THE BUILDING, PLANNING AND ZONING COMMITTEE OF THE VILLAGE OF KENILWORTH HELD AT THE VILLAGE HALL, 419 RICHMOND ROAD AT 7:30 P.M. ON THURSDAY, JULY 19, 2007

Chairman Bossu called the meeting to order at 7:35 p.m. Attendance was as follows:

Present:	Jackie Bossu	Chairman
	Robert Smietana	Member
	James Hughes	Member
Other Village Officials Present:	Bradly Burke	Village Manager
	Susan Criezis	Community Development Director
	John Houseal	Houseal Lavigne
	Tom Terrill	Village Trustee
	Cristy Laier	Village Trustee
Others Present:	M. A. Feeney	503 Kenilworth Avenue
	Grace Terrill	122 Woodstock Avenue
	Elicia Tippens	532 Kenilworth Avenue
	Patricia Babb	349 Ridge Road
	Bill Holland	342 Sterling Road
	Mary Remien	542 Kenilworth Avenue
	John Roberts	521 Kenilworth Avenue
	Gwen Sommers Yant	706 Cummings Avenue

Approval of Minutes of March 20, 2007 Meeting

The minutes of the March 20, 2007 Building, Planning and Zoning Committee meeting were placed before the Committee. Several corrections were suggested. Member Hughes moved to approve the minutes as corrected. Member Smietana seconded the motion, and the minutes as corrected were unanimously approved.

Continued Discussion of Possible Amendments to the Kenilworth Zoning Ordinance

Chairman Bossu said this is the first Building, Planning and Zoning Committee meeting since the last Village Board Public Hearing on proposed zoning amendments. At that Public Hearing, the Village Board asked the Building, Planning and Zoning Committee to look at the floor area ratio schedule in relation to the lot consolidation issue to see if addressing home size via the floor area ratio or via maximum lot width is the best approach. Chairman Bossu noted the Village Board also requested the BPZ Committee to reexamine the potential non-conformities created in relation to the minimum lot width recommendations under consideration.

Chairman Bossu requested John Houseal begin by presenting information prepared for the Committee on minimum lot width.

John Houseal said the members of the BPZ previously discussed the needs to amend zoning regulations to include minimum lot widths for all zoning districts in order to control the potential for lot consolidation and subdivision. Mr. Houseal noted at the conclusion of the last public hearing, the Village Board directed the Building, Planning and Zoning Committee to do more work to find a balance between the minimum lot width being recommended and the number of potential non-conformities created as a result of the recommendations. Mr. Houseal reviewed the minimum lot width table provided to the members of the committee.

Chairman Bossu stated she wished to clarify that any non-conformity created as a result of a change in the minimum lot width regulations would not prevent a new home from being constructed on an existing legally non-conforming lot.

John Houseal reviewed an exhibit depicting potential lot consolidations throughout the Village based upon the minimum lot widths currently being considered. Mr. Houseal pointed out lots in the R-1 District that could be assembled to create three 70 foot lots. Mr. Houseal noted a minimum lot width proposal would make it more difficult to consolidate or subdivide existing lots to create a third lot. Mr. Houseal explained the challenge for the Committee is to find a balance in creating a certain amount of non-conformities as a result of the proposed minimum lot widths, while at the same time working to prevent teardowns, consolidation or subdivision scenarios.

John Houseal noted, according to work by his firm, a 100 foot minimum lot requirement would eliminate subdivision opportunities in all but approximately two scenarios.

A discussion about legal non-conforming status followed.

Gwen Yant, 706 Cummings Avenue, expressed her opinion the intent of the proposals regarding minimum lot width is to strive to make the Zoning Ordinance more congruent with existing character of neighborhoods in the Village. Ms. Yant asked if it may make sense to have two standards such as one minimum width for corner lots and a different minimum width for interior lots in the R-1 residential district.

John Houseal said this is not a typical approach, but it could be done. Mr. Houseal noted a proposed amendment could change the Zoning Ordinance to require corner lots have a minimum width of 100 feet, while interior lots may be at a different minimum width. Mr. Houseal noted such an approach to the treatment of corner lots and interior lots may help to reduce concern that may be raised as a result of the proposed minimum lot width regulations.

John Roberts, 521 Kenilworth Avenue, asked how the proposed zoning amendment addresses combining lots to create one big lot. John Houseal explained the recommendations pertaining to minimum lot width is not the provision that takes care of potential lot consolidation issues and noted this topic will be covered later in the meeting.

Gwen Yant expressed her opinion if corner lots and interior lots are treated differently in terms of minimum lot widths, such a change may get at the phenomenon other communities have recently experienced where there is an attempt to reorient what is considered the "front yard" on a corner lot. Ms. Yant expressed her opinion such an approach makes a lot of sense.

Member Smietana said he thought the intent of the proposed Zoning Ordinance amendments were to make a recommendation that would minimize the number of non-conformities created while also limiting the potential to consolidate and subdivide lots. Member Smietana noted in finding the right recommendation on minimum lot width that meets both of these objectives will inevitably create some nonconformities.

Chairman Bossu asked if that was the consensus of the Committee to treat corner lots in the R-1 Residential District differently than interior lots in determining the recommended minimum lot width, and the other members agreed. John Houseal said his team can pull information on lot widths for corner lots and interior lots in the R-1 District relatively quickly.

Mr. Houseal explained the next recommendation to discuss is the proposed minimum lot width for the R-2 District. Mr. Houseal noted the proposal currently under consideration is for a 75 foot minimum lot width and explained a 75 foot minimum width would create only 8 non-conforming lots, which represents 12% of all the R-2 lots.

Chairman Bossu requested John Houseal explain how lot width is determined. John Houseal said lot width is determined by measuring the width at the building setback line, and explained different scenarios for measuring lot widths in the R-2 District.

Mr. Houseal said in the R-2 District, he recommended 75 foot minimum lot width. Mr. Houseal reviewed a map depicting parcels in the R-2 District that could be consolidated with a 55 foot minimum width. Mr. Houseal noted the Village could lower the non-conformities by lowering the recommended lot width, but in the process, opportunities for potential lot consolidation will be increased.

Member Smietana said the corner lot phenomenon appears more prevalent in the R-1 District as opposed to all other zoning districts. John Houseal agreed, and stated the issue of creating a different minimum lot width for corner lots in zoning districts other than R-1 does not appear to be needed. Mr. Houseal noted in older communities corner lots were often laid out as the "keystone" lots and were oriented differently than interior lots. Mr. Houseal reiterated he is very comfortable with recommending a minimum lot width of 75 feet in the R-2 District.

Chairman Bossu said 12% potential non-conformity does not bother her, and expressed her opinion she is comfortable with a 75 foot minimum recommendation for the R-2 Residential District.

John Houseal said he recommends 60 feet for the minimum lot width in the R-3 District. Mr. Houseal reviewed an exhibit depicting two areas for possible consolidation and subdivision in the R-3 Residential District. Mr. Houseal noted the opportunities for lot consolidation and subdivision at a 60 foot minimum width were found in parcels along Ridge Road.

Chairman Bossu expressed her opinion she would be more comfortable with knowing the potential for resubdivision at 50 feet and 55 feet in the R-3 Residential District.

John Houseal said it looks like the best balance may be at 50 feet. Mr. Houseal stated he would research the potential for lot consolidation and subdivisions in the R-3 District at both 50 and 55 feet.

Mr. Houseal noted he recommends a 50 foot minimum lot width for the R-4 District. Mr. Houseal noted based upon his study, he found a residential area west of Green Bay Road that would result in 13% non-conformities being created with a minimum lot width proposal of 45 feet. Mr. Houseal noted his proposal currently contemplates a minimum lot width of 50 feet; however, such a proposal still creates 29% non-conformities in the district.

John Houseal said based upon the recommendation contemplated and discussed tonight, he believed almost all consolidation potentials in the R-2 District could be eliminated. Additionally, the proposal contemplated would most likely result in only one instance in the R-3 District and one or two instances in the R-4 District being permitted by the minimum lot widths contemplated.

Gwen Yant expressed her opinion that when describing the intent of this recommendation, the objective should be stated not as trying to reduce places for consolidation but as striving to preserve the overall character of the Village and preventing anomalies from happening.

John Houseal noted he would come back to the Committee with a map depicting the recommended lot width in all districts that shows the potential consolidation anomalies.

Chairman Bossu reviewed the current proposal pertaining to maximum lot width and noted the maximum lot width recommendation is that no lot can be wider than the second widest lot on the block. Chairman Bossu noted the Village Board asked the Building, Planning and Zoning Committee to look at consolidation and the floor area ratio scale before the Board makes its decision on this particular recommendation.

John Houseal reviewed the existing floor area ratio scale in the Zoning Ordinance as well as the proposed extension of the scale. He explained the size of a house permitted does not include the ½ story above the second floor or basement area in the calculation of total floor area.

Member Smietana said a question has been raised about the floor area ratio needing to be totally linear. Member Smietana noted the current breaks in the floor area scale provide the potential for a smaller lot to be permitted to have a larger home than a larger lot.

Mr. Houseal noted he had recently finished a floor area scale in another community. That floor area scale included a caveat that in no case will a home be made to be smaller in total floor area than the largest house allowed on the step just prior on the floor area scale.

A discussion of the need to “smooth” out the floor area ratio scale followed.

Chairman Bossu expressed a concern that any change in the FAR scale contemplated needs to preserve the benefit currently provided existing houses. Chairman Bossu noted any change should not provide an opportunity for more total square footage allowable than what is permitted for existing homes.

Trustee Cristy Laier asked if some communities simply use a formula for the calculation of floor area. John Houseal noted a straight formula could be created; however, the current FAR scale was recently revised and it may be best to try to retain the existing approach if possible.

Member Smietana expressed his opinion there is a problem with the FAR table and there is a flaw in the table as created. Mr. Smietana noted he supports taking action to make the treatment of FAR more linear, and suggested the same type of formula using an amount plus a percentage might be a way to address the problem.

John Houseal said we could adjust the equation that works for existing homes, so it works for new homes as well.

A discussion of the proposed extension of the lot sizes in the existing FAR scale followed. Trustee Cristy Laier asked if the intent of this recommendation is to avoid the potential for mega homes on large lots. John Houseal said the table extension was recommended to get at the potential for new homes on large lots. He said he will study using the approach by formula for existing homes to duplicate the table for new construction.

John Houseal proceeded to review three-dimensional representations of potential lot consolidations and temporary open space lots in all zoning districts. Mr. Houseal explained the same assumptions were used in creating all the exhibits provided to the Committee.

Chairman Bossu expressed her opinion looking at the 3-D models, as presented without rooflines or other architectural representations, is not a real good example because it makes the street look boring. Chairman Bossu noted it has to be kept in mind that Kenilworth’s streets have more interest.

John Houseal agreed, and said the 3-D graphics are really an exercise in studying bulk and volume. A discussion of the graphical representations and the rhythm and pattern of development and green space found in Kenilworth neighborhoods followed.

Gwen Yant said if you really want to talk about massing rhythm, you should include green space rhythm along with building rhythm. Ms. Yant said Kenilworth's neighborhoods generally have homes built at the same time; therefore, building features are all similar. Ms. Yant expressed concern a new home's features would be larger and not in conformance with the existing rhythm in the neighborhood.

John Houseal said architecture can dramatically change or affect the impact on the street. He said he wanted to be 100% above board and not take architecture into account when creating these depictions.

Ms. Feeney, 503 Kenilworth Avenue, asked if it would be possible to find an artist who could do line drawing overlay to provide an architectural rendering. John Houseal said this could be done; however, he expressed reservations that there would be individuals who would be distracted and then debate architectural styles or choices rather than the issue of lot consolidation, lot widths, and floor area..

Chairman Bossu said the Building, Planning and Zoning Committee needs to determine if it is interested in controlling home size. Then floor area ratio is what we may want to look at, but if it is about character then we may want to look at maximum lot width.

John Houseal asked if there was a consensus about maximum lot width. He asked if this was a question the Building, Planning and Zoning Committee wished to consider. Chairman Bossu asked if there is an underlying rhythm that the Village should strive to preserve.

Member Smietana expressed his opinion the question is if the Village wants to control home size by floor area ratio to avoid mega homes on larger lots or does the Committee want to recommend home size should be managed via the size of lots permitted.

Gwen Yant expressed her opinion that before the Committee reaches a decision on this matter; the members should go back to a map of the Village. Ms. Yant noted there is an overwhelming pattern that is characteristic of the Village. Ms. Yant said there needs to be some overwhelming reason to vary from the essence.

Member Smietana said while the potential for larger lots and lot consolidations is an issue, he was not sure it was a prevalent concern.

John Houseal talked about extruding a block to see the potential impact.

Chairman Bossu said she was still very comfortable with the original proposal regarding maximum lot widths to protect the underlying character of the Village. The other members of the BPZ Committee agreed.

Member Hughes asked if there were a demand for consolidation. Community Development Director Criezis said the inquiries or demand for consolidation have been somewhat limited, but is an issue neighboring communities are facing.

Member Smietana said the Committee is focusing on the R-1 District, but there is an even more prevalent rhythm in the R-4 District.

John Houseal agreed and noted consolidation would have a much bigger impact in the R-2, R-3, and R-4 Districts.

It was the consensus of the Committee to not have a 3-D extruded image example of a block of the Village for future consideration.

Chairman Bossu recapped the Committee's work thus far and noted in relation to minimum lot width, Houseal Lavigne needs to run a graphic to show at what level consolidation opportunities are reduced resulting in the least number of non-conformities. With regard to maximum lot width, Chairman Bossu noted the Committee has affirmed the original recommendation.

Chairman Bossu said the Committee was now at the point of discussion of the potential for temporary open space lots. She asked if the Committee should change the approach to temporary open space lots or stay with the current proposal.

John Houseal gave a background on temporary open space lots.

Member Smietana said he had not changed his opinion on the temporary open space lots and is happy with the current recommendation. Member Smietana noted the current proposal represents a good compromise.

Jim Hughes said he had no reason to question the current proposal.

A discussion of the provision followed.

Bill Holland said that with regard to the three-dimensional Lot Consolidation exhibit for the R-1 District, the Village should be provided with an example that would show all perspective views of the houses. The members of the Committee agreed and directed John Houseal to revise the graphics.

Chairman Bossu said she would like the Committee to meet again on August 21, 2007 to make a decision on minimum lot width. John Houseal said he would revise the floor area ratio to achieve smoothing out in the existing scale.

Chairman Bossu asked when this should be presented to the Village Board. Member Smietana expressed his opinion all the recommendations should be taken together.

Chairman Bossu suggested taking the recommendations on minimum lot width, maximum lot width, half story, and temporary open space lot to the Village Board at their September meeting. She said the Committee needed direction from the Village Board before going to Public Hearing. She said she would invite the Village Board to the next Building, Planning & Zoning Committee meeting.

Member Smietana moved to adjourn. Member Hughes seconded the motion, which was unanimously carried and the meeting adjourned at 9:45 P.M.

Respectfully submitted,

Bradly J. Burke