

MINUTES OF A MEETING OF THE AD HOC COMMITTEE FOR COMMUNITY
PLANNING OF THE VILLAGE OF KENILWORTH HELD AT THE VILLAGE HALL,
419 RICHMOND ROAD AT 7:00 P.M. ON MONDAY, NOVEMBER 29, 2004.

Chairman Hester McCarthy was present and called the meeting to order at 7:00 p.m. Max Slankard acted as Secretary and called the roll as follows:

Present:	Hester McCarthy	Chairman
	Randal Nelson	Member
	Beth Baxter	Member
	Tim Dugan	Member
	Bill Folland	Member
	John McGinnis	Member
	Bob Smietana	Member
Absent:	none	
Other Village Officials Present:	Max Slankard	Village Manager
Others Present:	Lee Brown	Teska Associates
	Jackie Bossu	614 Earlston Road
	Cristy Laier	306 Oxford Road
	George Sola	243 Leicester Road
	Gwen Sommers Yant	706 Cummings Road
	Grace Terrill	122 Woodstock Avenue
	Patty Johnson	314 Abbotsford Road
	Carol Schulz	84 Robsart Road
	Bill Sethness	546 Melrose Avenue
	Jeff Brooks	428 Cumnor Road
	Randy Barba	240 Woodstock Avenue
	Don Stephani	538 Melrose Avenue
	Carol Pollock	145 Woodstock Avenue
	Colby Kerr	304 Cumnor Road
	Margaret Goss	1049 Chatfield, Winnetka
	Jack Scott	100 Oxford Road
	Ann Dumler	645 Melrose Avenue
	Ken Branch	345 Ivy Court
	Peter Tyor	313 Ridge Road
	Charles Magolske	421 Ridge Road
	Antoinette Vigilante	157 Kenilworth Avenue
	Ray Ewing	316 Richmond Road
	Dr. Frederick Merkel	151 Sheridan Road
	Pat Babb	349 Ridge Road
	Peter Ciesielski	609 Ivy Court
	Dennis Lingle	307 Melrose Avenue
	Jack Barriger	155 Melrose Avenue
	Robert	708 Park Drive
	Dori Bachman	555 Earlston Road
	Angela Anderson	363 Ridge Road
	James Anderson	363 Ridge Road

Patricia Flentye	85 Robsart Road
James Neidinger	625 Exmoor Road
Paul & Terry Nappi	631 Exmoor Road
David Horberg	502 Greenwood Avenue
Evie Barriger	155 Melrose Avenue
Mike Del Campo	505 Ridge Road
Phil de Roziere	159 Abingdon Avenue
Michael Patterson	626 Warwick Road
Robert Foley	240 Kenilworth Avenue
Steven White	634 Exmoor Road
Kathy Barnett	626 Wayland Avenue
Kathleen Cummings	2130 Fremont, Chicago
James R. McClamroch	229 Essex Road
Mark Hinkamp	221 Woodstock Avenue
Craig Miller	36 Kenilworth Avenue
Jeanne Keiler	551 Park Drive
Rob Deptula	610 Roger Avenue
Curtis Barnett	626 Wayland Avenue
Hank Mawicke	381 Sterling Road
Jeff Geldermann	535 Kenilworth Avenue
Bill Whitt	620 Abbotsford Road

Chairman McCarthy called the meeting to order and reviewed the agenda for the meeting. She advised that the minutes of the November meetings have not been submitted to the Committee for review, and will not be approved tonight.

She advised those in attendance that the proposed moratorium will not be discussed this evening. The Ad Hoc Committee's recommendation for a moratorium has been made to the Village Board, and the Board has scheduled a public hearing for Wednesday, December 1 at the Kenilworth Assembly Hall. Those who wish to make commentary on the moratorium should do so at that time.

For the benefit of those in attendance, she reviewed the goals and objectives that have been developed by the Committee. She noted the Committee's intent to continue review of the tools as it relates to goals three and four. The main tools that have been discussed by the Committee have been dimensional tools and design review. The Committee intends to finish its review of the tools to meet the goals and objectives, and then discuss a recommendation to the Village Board. The major tools that remain to be discussed include incentives for design and additions and historic preservation districts. Prior to beginning that discussion, she opened the floor to public comment.

Mr. Don Stephani asked if the Committee has discussed the projected quality of life in the future for inhabitants of the Village. The Chairman responded that the Committee has discussed at great length the character of the Village. Mr. Charles Magolske cautioned the Committee to be careful in following the dimensional guidelines used in other communities. He noted that regulations in other communities can make it challenging to do interesting architecture. Mr. Bob Foley asked if analysis had been done relating to the multiple survey responses from individual households. Mr. Brown replied that the results were not substantially different when the 2nd responses were separated from the data. Ms. Carol Pollock felt that the moratorium has come out of the dark, and it was not included in the survey. She felt there had not been sufficient discussion, and it was not good governance. The Chairman replied that it was discussed at the last two Committee meetings, and was referred to the Board of Trustees on November 8. The recommendation was made

because the Committee's process has been thoughtful, but that makes it a long process. In order to provide the Village Board the necessary time to develop the proposed regulations and put them into place, the Committee had recommended a hiatus. Mr. Dugan added the moratorium will be discussed at Wednesday's public hearing.

Mr. Randy Barba asked if the Committee has considered zoning recommendations that stop short of design review, and if the Committee had discussed a whole cadre of rules. The Chairman replied that the Committee has, and reviewed those details. Mr. Dugan added that the Committee started with goals and objectives, and is trying to select efficient tools that accomplish the objectives.

The Chairman advised that there are two courses the Committee can take; it can make recommendations on the first three goals, and come back to tree preservation and impacts of construction activity, and/or go forward with the rest of the tools at the same time; or, the Committee can go forward with the dimensional tools, and then spend more time considering the use of incentives and historic preservation.

Mr. McGinnis stated that he would like to discuss incentives that the Committee can make happen. Historic preservation will require a more full discussion. He was not sure the Committee would need to invest a lot of time on tree preservation. He felt that the Committee could make a broad recommendation on that and move that along to ordinance drafting by the Board of Trustees. Ms. Baxter commented on incentives, historic districts and tree preservation. She agreed that trees could move forward more quickly. She felt the Committee should discuss incentives as it goes hand in hand with design review. She agreed that historic districts would be a complex discussion. Mr. Nelson felt that design review had not been discussed in enough detail for it to move forward. He too did not feel that tree preservation would be too difficult. He felt that the Committee should discuss incentives, and get more specific on dimensional standards.

Mr. Nelson advised the members of the audience on the process that would take place on the Committee's recommendations, inclusive of their referral to the Village Board and the public hearing process that would follow prior to adoption. In terms of timeline, he felt that dimensional standards might take only three months, and trees would be quicker than that. When you get into design review that could be much more complicated. He recommended that the Committee get the Village Board involved in dimensional standards, trees and incentives. Neighboring communities have done a lot of the spade work, so there is not need to start from scratch.

The Chairman noted that 86% of survey respondents indicated that construction very negatively impacts trees. The Committee could make a recommendation to the Village Board to put into place an ordinance to protect mature trees. Mr. Smietana stated that the Committee has goals and a list of tools, and has talked often about its deliverable product. He felt that the Committee was going to present a lot of tool options to the Board. He now senses a desire to move a Part A to the Board and continue discussing Part B. Ms. Baxter stated that the Committee has had several meetings in which Mr. Nelson has supported design review for new construction and additions. Mr. Nelson replied that he is not prepared to move that recommendation to the Board at this time. Ms. Baxter felt the Committee could be ready with a little more education on design review. A question was raised regarding tree preservation and replacement. Mr. Nelson advised that former Trustee Bird had quite a bit of information on the variety of tree ordinances. The Chairman advised that the Committee has not discussed this in detail. She asked to get back to the point of where the Committee is at. Mr. Smietana expressed the need for discussion on where we are going. Ms. Baxter added that she thought the discussion had been that tree preservation was part of a larger issue, and the Committee would not take action on trees until it had dealt with the

larger issues that affect it. She noted the impact tree preservation can have on home placement. Mr. Folland agreed that the Committee had decided long ago that the tree problem was part of a bigger problem.

The Chairman stated that, to make a recommendation to the Board, the Committee needs to revisit the dimensional tools, design review and incentives. Mr. Stephani asked if the Committee realized it is now talking about regulating all private trees. Mr. Folland replied he didn't feel that was true. Mr. Nelson stated that the Building, Planning and Zoning Committee will have a number of meetings on that topic to discuss it. The Chairman suggested a review of the dimensional standards. Mr. Dugan suggested that Mr. Brown revisit that issue and be prepared to discuss at the next meeting. The Chairman summarized that point #1 of the Committee's recommendation to the Village Board will be on dimensional tools. Mr. Dugan asked if Mr. Brown could create a draft of a recommendation on that. Mr. Brown replied that he could. He added that, to make clear, the Committee would not just be suggesting modifying dimensional standards as they exist today. The Committee has talked about modifying the regulation to better fit the context of the community, to better fit the block or neighborhood.

Mr. Nelson asked Trustee Wilson how specific the Committee recommendations should be. Trustee Wilson replied as specific as possible. To pass to the Board incentives without some more specific information would require his Committee to have to start over. The more specific Ad Hoc can make it, the more quickly it can be approved. Mr. Nelson asked if Trustee Wilson wanted, in the case of dimensional standards, a specific recommendation on adjustment to floor area, for example. Trustee Wilson replied yes, the Ad Hoc Committee is the one most familiar with the issue. Mr. Ken Branch asked if the Ad Hoc report will include information on the Village's current standards. The Chairman thanked him for the suggestion, and replied it would. Ms. Pollock asked if the Committee has worked with the ZBA on these issues, given the ZBA's experience in dealing with them. The Chairman replied the Committee was given the responsibility to undertake the survey and make recommendations. Mr. Bill Sethness asked if the Committee has compared the survey results to what the Village already regulates. The Chairman replied that they have. Mr. Dugan felt it was important to note that the answers to one survey question do not stand alone. He felt it was a little dangerous to pick the responses to one question in isolation.

Mrs. Pollock stated that the responses relating to preservation of smaller homes and the impact of new homes, at a mean of 3.02 and 3.0 respectively, is an evenly divided response, and she is having a hard time understanding how that indicates that major changes are needed. Mr. Jeff Geldermann noted the responses to question #1 indicate that age of home was the lowest response, which directly relates to teardowns. Mr. Brown advised he felt the question was being mis-interpreted. The question talks about defining attributes of character. The survey is saying that teardowns are a problem, and those are not at cross purposes. It is a recognition that not all homes in the community are of the same age. Mr. Geldermann felt the validity of the survey was being called into question. He cited the example of trees, and felt that the Committee was contriving a problem and contriving a solution. He added he thought the Committee was doing a strategic plan, and he saw no reference in the survey to the business district. The Chairman replied that the survey got too large to include questions on the commercial district. Mr. Geldermann stated that the Committee does not need to develop regulation on everything. The Chairman advised that the Committee is not trying to make people's lives more difficult. Ms. Baxter added that many people in town thought there was a problem. They went to the Village Board, and the Village Board created this Committee.

Mrs. Pollock questioned where the mandate was for a moratorium. Ms. Antoinette Vigilante asked, if the survey results were positive towards new homes, what is the problem. Mr. Dugan replied he did not feel that was a proper reading of the results. There was a fairly consistent view in the results that new homes were viewed negatively. Mr. Magolske felt the Committee should focus on incentives for rehabilitation of existing homes.

The Chairman suggested that the Committee move forward with its agenda. Mr. McGinnis asked to finish the discussion on the Committee recommendation. Mr. Brown replied that the Committee hasn't talked to the point of a specific number, but they have talked in terms of subsets. Mr. Smietana advised that the Committee has deliberately avoided working to a specific number, and tonight that is flipping around on them. Mr. McGinnis asked if the Committee can adequately convey their intent. Mr. Brown advised that it could. The Chairman asked Mr. Brown to draft recommendations on dimensional standards. She also asked that, between now and the next meeting, Mr. Brown develop a primer on design review. She then directed discussion towards incentives. Mr. Brown suggested the conversation be broken into three areas. The first area would be square foot bonuses for additions and/or modifications. The second area would be incentives that deal with processing. The third area would be incentives that relate to cost. Mr. Smietana asked about design review, and whether an incentive could be not having to go through that. Mr. Brown replied that the Committee had discussed design review for additions. There is a type of addition that profoundly impacts on surrounding properties. Others do not. Mr. McGinnis asked what the Committee is trying to solve to. Ms. Baxter replied it was how to encourage rehabilitation. Mr. McGinnis replied that the ZBA already has the ability to grant variances, so what is the Committee trying to fix. Mr. Geldermann advised that the ZBA does not have that latitude outside of a hardship. Mr. Dugan asked why that is. Mr. Geldermann replied that the ZBA's decisions are precedential; also, they are limited to the criteria outlined in the Zoning Ordinance. Mr. Brown added that variations are well defined under law. A process that is not based upon hardship or unique circumstance would need to be some other process than variance.

Mr. Pollock stated that if the problem is new homes are too big, then why not change the density allowed. Mrs. Gayle Geldermann asked about the moratorium effective dates. She asked if it was possible that a new group on the Village Board could extend the moratorium. The Chairman replied that she did not know who would be on the Board, and could not answer that. Mrs. Geldermann expressed she thought this was a delaying tactic. Ms. Vigilante stated she still struggles with how the Committee could recommend a moratorium based on the survey results. Mr. Smietana replied that at least 400 respondents felt that the demolition of older homes was at least somewhat negatively affecting the community. Mr. Bill Witt stated that survey respondent's did not view new homes as negative. Mr. Dugan felt that was not a correct reading of the results. In the context of the entire survey, residents have concerns. Mr. Barba asked why the Committee could not look at more marginal changes in a consistent modest approach, instead of jumping to an extreme approach like design review. He stated people are concerned about green space and height, and those are rational modest changes he is fine with. The Chairman replied that throughout the Committee process, the most time has been spent on dimensional issues. Other measures may be considered extreme here, but they are not in other communities. She felt the Committee should look at all of their choices. Mr. Dugan added that one reason to consider additional tools is that zoning solutions alone have not solved the problem in other communities.

Mr. Jim McClamroch stated that in his experience, the Village identifies issues and then poses solutions. This Committee wants to stop everything while it does that. He felt that was bad government. Ms. Jackie Bossu referenced the results of questions #4 and #5 on the survey regarding how involved the Village should be, and noted that the responses on all tools was over 50% positive. She felt there was too much focus on another question. Mrs. Pollock stated that the

survey return of 54% was exceptional, but that 45% of 54% is not a mandate. Mr. Jim Junewiz stated that the fact that 50% of the community blew off the survey should not affect those that are passionate about these issues. He felt the moratorium was worth exploring while developing answers. Mr. Smietana commented that this process takes a long time, and it has taken longer than anyone expected. Ms. Cristy Laier asked if the survey written comments had been mentioned and the strength of the representative sample. Mr. Brown replied the level of confidence was +/- 4%. Ms. Nefrette Halim commented that when a community destroys what gives it value, it is killing the goose that laid the golden egg, and expressed her support for the moratorium. Mr. Jack Scott stated he thought the Committee was here to discuss tools, and that is what he wants to hear about. Mrs. Pollock asked where in the survey there was a question on the moratorium. The Chairman replied there was no such question.

The Chairman asked that, for the next meeting, Mr. Brown draft recommendations for dimensional standards. She also summarized that incentives could include dimensions, process, fees and design review. Mr. Brown commented that what we are trying to create are incentives for people to invest in properties. The Chairman asked if he has seen in other communities situations where allowing incentives for existing buildings leads to homes that are bigger than the new ones. Mr. Brown replied that you must be careful. The additions may, for example, go deeper into the lot, and at what point does it become a detriment. The Chairman asked for incentive examples. Mr. Brown commented on Wilmette's incentive approach for front porches, allowing qualifying porches to go into the front setback. Mr. McGinnis asked what the best source of knowledge is to talk about these issues, and wondered what input the ZBA could have. Mr. Brown replied that the ZBA may be able to offer some input on the variance issues they see. Mr. Dugan felt that was a good idea. He added that architects who work in the Village are very good at designing to the regulations. Mr. Brown stated that we must admit that we may not understand the underlying economics. Mr. Folland added that rehabilitation is usually more expensive. Mr. McGinnis expressed his unease about suggesting financial incentives.

Mr. Brown asked the Committee how they feel about the process issues. Mr. Dugan stated that he had heard the comment that requests that seem to make sense have been rejected by the ZBA. Mr. McGinnis replied he was not sure that was a process issue, or an answer/outcome issue. The Chairman stated that she was troubled and concerned by comments on this issue. She has been at zoning meetings, and she has seen architects who have not tried to be reasonable in their requests. She is happy to hear about the ZBA's experiences, but it does not compel her to change the process. Mr. Brown stated that the ZBA has to strictly follow a hardship requirement. Mr. Folland expressed that one thing to be careful about on variances is how to grant one, but differentiate it from others. You have to give restrictive guidelines to the ZBA. Mr. Brown commented that Winnetka has a differential FAR for new construction versus some additions. Mr. McGinnis expressed that in a lot of ways we may have that now, as new construction cannot get variances. Mr. Smietana advised his sense was that the process should be different for additions as an incentive. He asked what was wrong with saying the de facto 110% allowance shouldn't be spelled out. Mr. McGinnis stated that if we think we're going to do something, it should be passed on to the legislative body. If it is process, okay, but he doesn't feel that it is.

The Chairman stated, to go back to the survey, people value additions to buildings over new construction. But, the results also indicate that bigger and taller is not always better. Ms. Baxter felt that consideration should be given to cutting back floor area for new construction, and giving it back on additions. Mr. McGinnis felt that was a broad statement. When the Village last surveyed floor area versus surrounding communities, Kenilworth was at the low end. Ms. Baxter felt it was hard to miss that people feel new homes are too big. Mr. McGinnis stated that he does agree there is a streetscape issue, but he is not willing to say across the board that new houses are

too big. The Chairman observed that many houses in the community were built under different rules, and people may not realize those that were built under the current rules. Mr. Smietana observed that people design new houses to the maximum floor area. Ms. Gwen Yant observed that the maximum sideyard setback is ten feet, and questioned whether it is good public policy to have that apply to the whole Village. Mr. Folland wondered whether that could be an incentive when it comes to home additions. Mr. Brown stated that if there is a reasonably consistent standard, and a new home would have to meet it, and an addition could encroach into it, that would be an incentive.

Mr. Dugan felt the Committee could explore what the mandates are that could be given to the ZBA that would make sense and are legal. Mr. Stephani observed that the Village could give existing homes a true third floor. Mr. Sethness observed that if you start trying to judge the appropriateness of sideyard setbacks, it is tough unless you survey the entire Village. Mr. McGinnis stated that the Committee can invite other bodies in here, but it seems to him the BPZ Committee could do the same thing. He felt the Committee is two to three meetings away from getting through incentives. He did not see the benefit of going beyond this into more specifics. Mr. Folland noted that if this Committee goes into specifics, the BPZ Committee will go into the specifics again when it is referred to them. Mr. Dugan advised the Committee could push the determination of specifics to the BPZ Committee. The Chairman commented that if we are talking about re-defining the role of the ZBA, that is not our job. She does agree this may be one of our tools. Mr. Brown stated that he does not know that the Committee needs to develop a separate chapter on additions, but the Committee should keep it in mind when considering other rules.

Mrs. Yant observed that historic preservation is sometimes a standard for granting of a variance, citing examples in Glencoe and Evanston. She also questioned whether consideration could be given in the form of the Village accepting porch easements from homes such as the Spindell house. Mr. James Neidinger commented that he has an oddly shaped house on an oddly shaped lot. Many houses on the west side exceed the floor area limit, yet have very small bedrooms and only one second floor bathroom. He wondered how to allow those homes to remain viable. Mr. Brown commented he has heard a couple of thoughts. One, as new review procedures are established, the Village should look for incentives to apply to additions versus new construction. Second, there is a sense to allow reconstructions or additions to continue anomalous setbacks.

Mrs. Yant suggested that the Committee consider a residential PUD ordinance. Mr. Dugan asked if there was a way to make the broaden the ZBA's authorities when it comes to situations like that just mentioned. Mr. Brown replied that a variance is a legally precise thing. If there is some way to create a conditional use or a special use, that might be beneficial. President Kerr observed that the ZBA tries hard, but he senses that people are becoming greedier in their requests. Ms. Yant commented that the Building Review Board in Lake Forest has a few carrots it can use, and suggested consideration of that. Mr. Dugan commented that, as the Committee and Mr. Brown are looking at dimensional changes, to think about balance, and allowing re-building to historical standards, and some mechanism to loosen the Zoning Board standards. He felt incentive consideration such as fees was insignificant. The Chairman advised that she would like guidance on incentives that would be effective while avoiding an objectionable house in terms of sheer size.

Mr. Dugan commented on the need for some form of tree ordinance that includes tree replacement requirements. Ms. Baxter added that it should consider as well tree protection during construction. Mr. Brown observed that tree removal could be regulated on the basis of caliper size or canopy size. He observed that there is quite a bit of intent here, and we should check

against examples of the best professional practices. President Kerr asked if the Committee was concerned about front yard or back yard trees, or both. Mr. Folland asked how much more specific the Committee needed to get. The Chairman felt a little more detail was needed. Mr. Sethness questioned whether resident's responses on wanting to protect mature trees translated into a willingness to pay fees and fines. Mrs. Kerr wondered when the Committee would be able to get the proposed measures in front of the community for reaction. Mr. Sethness questioned whether the survey responses indicated residents wanted more regulation. Ms. Yant commented that there is a public process to be followed before anything is approved.

The Chairman summarized that the next meeting is scheduled for December 16, 2004. At that meeting, she hopes to review the tree ordinance issue, incentives for additions and rehabilitations, design review and historic preservation commissions, and hoped to have a primer on design review. She asked that the minutes get out to all Committee members in advance.

There being no further business, Mr. Folland made a motion to adjourn, which was seconded by Mr. Nelson and unanimously approved.

Respectfully submitted,

Max Slankard
Village Manager