

**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, JUNE 1, 2009.**

The regular meeting of the Plan Commission of the Village of Kenilworth was held at 7:30 p.m. on Monday, June 1, 2009. Chairman Smietana called the meeting to order at 7:32 p.m. The following Commissioners were present:

Present:	Robert Smietana	Chairman
	Elizabeth Bannon	Member
	Frank Cavalier	Member
	Gwen Sommers Yant	Member
	Dirk Degenaars	Member
Absent:	Jim Junewicz	Member
	Tom Feeny	Member
	Henry Mawicke	Member
	Tolbert Chisum	Member
Other Village Officials Present:	Bradly Burke	Village Manager
	Susan Criezis	Community Development Director
Others Present:	Bev Kirk	522 Melrose Avenue
	Louis Keiler	551 Park Drive
	Jackie Bossu	614 Earlston Road
	Cristy Laier	306 Oxford Road
	Cary Johnson	722 Roger Avenue

Chairman Smietana explained the purpose of the meeting and requested the minutes of the May 4, 2009 Plan Commission meeting be reviewed at the end of the meeting. Chairman Smietana opened the Continued Public Hearing of the Plan Commission which was continued from the May 4, 2009 Plan Commission meeting.

Continued Public Hearing to Consider Amendments to the Zoning Ordinance of the Village of Kenilworth, 1969, as Amended Related to Consolidation of the Existing Business Districts and Adding Various Administrative and Procedural Provisions and Amending the Official Zoning Map of the Village of Kenilworth

Chairman Smietana said he would like to review the three agenda items containing amendments pertaining to the Business Districts, in which parking regulations and the PUD ordinance have been removed, and if possible have the Commission recommend these amendments to the Village Board for consideration. Member Bannon questioned why the proposed ordinance language pertaining to the planned unit development application process and related regulations were separated from this agenda item. Chairman Smietana explained it is appropriate to simultaneously pass the PUD ordinance and its related regulations.

Chairman Smietana asked if there were questions on the Business District regulations presented. Member Cavalier posed a question regarding the provision on page 16 in the proposed amendments which details what entity of the Village is responsible for considering applications for map amendments or variations specific to properties in the business district. As Chairman of the Zoning Board of Appeals, Member Cavalier expressed his opinion the Zoning Board of Appeals was not equipped to address issues related to the Business District and suggested those variances applicable to the business district be brought before the Plan Commission. Member Degenars asked about statutory regulations which would permit the Zoning Board of Appeals to consider variations in one zoning district in the Village and the Plan Commission to consider variation applications in other zoning districts.

A discussion regarding authority of the Zoning Board of Appeals and Plan Commission relative to variation applications followed. Member Degenars asked if the Zoning Board of Appeals would have any role in Business District regulations. Chairman Smietana agreed with the concerns raised by Member Cavalier, but asked Village Manager Burke about regulations. Manager Burke responded that he did not know if different advisory bodies of the Village could review variation applications made in different districts or if all variations would need to go to the same review body. Manager Burke noted he would research this question.

Jackie Bossu expressed her opinion that in the past, the Zoning Board of Appeals was not apprised of what the Plan Commission was doing, and recommended that should change going forward with the boards working together. Cary Johnson said the Zoning Board of Appeals can only enforce the provisions found in the Zoning Code and not apply concepts merely under discussion by the Plan Commission.

Member Degenars discussed page 3, section 7.4 Restrictions on Permitted and Special Uses and asked about drive-through uses. Community Development Director Criezis explained the Village's past position on drive-through uses and noted such uses have always been viewed as prohibited.

Member Bannon asked about sight triangles in the Business District at street intersections on Green Bay Road. Community Development Director Criezis said sight triangles are required in Residential Districts only. Member Yant expressed concern such regulations should also be applicable in the business district. Jackie Bossu agreed with Member Yant that sight triangles should be addressed in the Business District regulations. Chairman Smietana asked for suggestions and Member Bannon suggested Section 7.3(A) include language for a sight triangle.

Member Bannon made a motion to include a requirement for sight triangles at public street intersections in the Business District. Member Yant seconded the motion, which was unanimously approved.

Member Degenars asked about page 4 and the "For Sale" sign regulations and Member Yant agreed that this is a long-standing concern of the Commission. Member Yant noted signage provisions in the Zoning Ordinance were one of the next topics for consideration by the Plan Commission after the work on business district regulations is completed.

Member Cavalier made a motion to recommend the Village Board approve the Amendments to the Zoning Ordinance of the Village of Kenilworth, 1969, as Amended Related to Consolidation of the Existing Business Districts and Adding Various Administrative and Procedural Provisions and Amending the Official Zoning Map of the

Village of Kenilworth as with the changes pertaining to sight triangles added. Member Yant seconded the motion.

A roll call vote was taken as follows:

Yea: Smietana, Cavalier, Degenars, Yant
Nay: Bannon
Absent: Chisum, Junewicz, Mawicke, Feeney
Abstain: None

The motion passed 4 - 1.

Chairman Smietana asked Member Bannon if she wished to provide any explanation for her opposition to the proposed amendments. Member Bannon explained she voted nay on the motion to approve the amendments due to her opinion all food uses should be treated as special uses, rather than permitted uses.

Chairman Smietana discussed the revised PUD ordinance provisions as presented and asked Village Manager Burke about the ordinance. Village Manager Burke expressed concern regarding the timeline in the proposed regulations and noted the Village may want to provide more flexibility in dates. Manager Burke also noted the various time thresholds outlined will need to be reviewed by the Village Attorney to ensure consistency with state law.

In response to questions posed at the May meeting, Village Manager Burke discussed the Building Review Commission and PUD process timeline presented to the Plan Commission. Community Development Director Susan Criezis discussed the timeline of the two processes and explained the differences between them. Member Yant asked for more time to review the timeline.

Member Bannon requested on page 2(F) to insert "10,000 square feet". She also talked about page 5(E), and said the word "public or private" in the third line was to be taken out in the section about Traffic Plan. Member Degenars noted the reference to "private" streets was previously eliminated from the PUD ordinance.

Member Yant referenced page 6 under "Neighborhood Meeting", noting public hearing input indicated some were uncomfortable with the applicant writing public comments and said it would be preferable for staff to write the comments. Chairman Smietana expressed his disagreement with the requirement that staff prepare the record as it is not the intent of the neighborhood meetings to be held as a public meeting of the Village.

Member Bannon inquired as to why the paragraph detailing the requirements for notice of Neighborhood Meeting had been stricken from the proposed language and Village Manager Burke explained that notification is addressed in a different part of the zoning code, Section 17.10, which would be adjusted to 500 feet per the direction of the Commission at the May meeting. Member Bannon said she disagrees with removing the notification procedures and requirement from the PUD draft. Village Manager Burke said the draft PUD ordinance is based on a different zoning code framework, and the Village has a section in its Zoning Ordinance pertaining to notification processes and regulations. He said the proposed adjustment is to make the PUD regulations and procedures consistent with the rest of Kenilworth's zoning code in which notification is in a separate section.

Member Yant said, based on her review of 5 other PUD ordinances, it is better to have all the requirements in one place and everything to be done in one place. Member Yant thought it would be more user friendly to have everything together. Member Cavalier disagreed and supported the approach Manager Burke explained. Member Degenars expressed his opinion the topic under debate is form over substance.

Village Manager Burke talked about the application and notification parts of the PUD ordinance. Chairman Smietana asked to see the revised PUD ordinance with the changes agreed to at the next Plan Commission meeting. The Plan Commission was in general agreement that staff would come back next month with the proposed PUD ordinance conformed to the format of the Kenilworth Zoning Ordinance.

Member Bannon expressed her concern regarding precedent related to PUDs, and noted that several communities had chosen to expressly address this issue.

Member Bannon made a motion to ask the Village Attorney to write a provision to be included in the PUD regulations stating each PUD stands on its own and is not precedential. Member Yant seconded the motion.

Member Cavalier said this subject was previously discussed.

A roll call vote was taken as follows:

Yea: Bannon, Yant, Degenars, Smietana
Nay: Cavalier
Absent: Junewicz, Mawicke, Chisum, Feeney
Abstain: None

The motion carried 4 - 1.

Chairman Smietana asked if there were other questions on the PUD ordinance. The Plan Commission members had no more comments and recommended the PUD ordinance be revised for final consideration at the next meeting.

Chairman Smietana asked Member Cavalier to present information on parking from the working group. Member Cavalier explained the documents provided to the Plan Commission and said Winnetka does not have first floor parking requirements. He said the Village has always been very stringent on parking for restaurants. Member Degenars noted, based upon the information distributed to the Commissioners; restaurants in Wilmette and Highland Park do not have on-site parking requirements. Member Yant explained the nuances of the code for existing buildings compared with new buildings. Member Cavalier said the issue is how should the first floor and upper floors be addressed. Chairman Smietana said Member Cavalier was previously concerned with office building parking requirements. Member Bannon explained the limitations of the parking working group and said they could only provide information, but not discuss or make formal policy recommendations. Member Cavalier said underground parking requirements, upper floor parking requirements and tandem parking requirements are issues to be discussed.

Chairman Smietana asked if the working group would like to suggest any recommended approaches. Member Cavalier reviewed Kenilworth parking requirements before 2004 and expressed his opinion there should be a requirement for some parking on upper floors. Member

Bannon explained Highland Park's detailed parking requirement and said Kenilworth has no leverage to use with potential PUD applicants and suggested more stringent parking requirements may provide the Village with an opportunity to negotiate concessions during the PUD process. She explained parking requirements could be used as an attractive carrot in a PUD development. Chairman Smietana expressed his opinion the second floor and above should have a parking requirement. Member Yant said there are two approaches to assigning parking requirements, intensity of use and square footage. Chairman Smietana talked about urban areas with on-street parking and public transportation. Member Cavalier said staff information provided shows sufficient on-street parking available in the Business District.

Member Degenars said underground parking could be another carrot. Bev Kirk said all utilities are underground and expressed concern about permitting underground parking. Chairman Smietana responded no developer can go on public property and utilities are in the public right-of-way. Chairman Smietana said underground parking is appropriate for the business district. The Plan Commission members discussed the issue of underground parking.

Member Yant discussed the basis upon which the Commission could determine parking requirements. Member Bannon said she felt that there should be parking requirements for business/commercial use above the ground floor. This requirement should be balanced with that for residential uses so that the requirements do not push developers in one direction or the other. She suggested looking to that requirement for the minimum residential unit size – 600 square feet – and the minimum of 1 parking space per residential unit. She proposed 1 parking space per 600 square feet for second floor uses other than residential.

Member Cavalier made a motion to require 1 parking space for every 600 square feet for non-residential use on upper floors, to allow underground parking and tandem parking for residential use only in the proposed business district. Member Bannon seconded the motion, which was unanimously approved.

Member Degenars asked if this requirement is for existing and new buildings and asked for clarification. Member Yant explained the previous regulations and the proposed parking requirements. Louis Keiler asked about the parking requirements for existing buildings and was concerned about existing parking spaces that should be maintained.

Member Bannon expressed her opinion the ordinance should incorporate provisions to round numbers up in those instances of fractions of required parking spaces which may occur as a result of the one space per 600 square foot requirement. The Plan Commission agreed.

Member Bannon made a motion to continue the Public Hearing to the next regular Plan Commission meeting on July 6, 2009. Member Degenars seconded the motion which was unanimously carried, and the Public Hearing was continued to July 6, 2009 at 7:30 pm.

Member Yant continued the discussion of other parking issues mentioned in the memo and asked about loading requirements. Member Bannon discussed commercial vehicles in parking spaces. Chairman Smietana said loading will typically be addressed in the special use process for restaurants and other uses. Chairman Smietana noted it is his experience typically there is 1 loading space per 10,000 square feet.

Chairman Smietana reviewed the meeting minutes of the May 4, 2009 Plan Commission meeting. Several corrections were suggested by the commission members.

Member Cavalier made a motion to approve the May 4, 2009 Plan Commission meeting minutes as corrected. Member Yant seconded the motion, and the minutes, as amended, were unanimously approved.

Chairman Smietana congratulated the Plan Commission for the work accomplished in tonight's meeting. He thanked the working group on parking.

Member Bannon made a motion to adjourn. Member Yant seconded the motion and the meeting adjourned at 9:50 p.m.

Respectfully submitted,

Susan Criezis