

APPROVED

Village of Riverwoods
Plan Commission Meeting
Meeting Minutes April 20, 2023

A meeting of the Village of Riverwoods Plan Commission was held on Thursday, April 20, 2023 at Village Hall. Chairperson Laurie Breitkopf called the meeting to order at 7:30 PM.

Present:

Laurie Breitkopf, Chairperson
Karl Blalock
Jay Datt
Sherry Graditor
Stephen Levin
Carey Rothbardt

Also Present:

Kris Ford, Mayor
Henry Hollander, Village Trustee
Russ Kraly, Director of Community Services
Carissa Smith, Village Engineer
Vivian Hofeld, Village Building Coordinator
Bruce Huvad, Village Attorney

1. Approval of Minutes

Commissioner Graditor moved to approve the minutes from the March 16, 2023 Plan Commission meeting. Commissioner Rothbardt seconded the motion. The motion passed unanimously on a voice vote.

2. Visitors wishing to address the Plan Commission

There were no visitors wishing to address the Plan Commission on non-agenda items.

3. Old Business

Continuation of Public Hearing for 3750 Deerfield Road (Federal Life property) on application of Lexington Homes L.L.C.

In response to points raised in previous meetings, Lexington modified the form of zoning relief requested and now requests approval of (A) amendments to Section 9-4A-3 of the Village Code regarding the determination of the bulk regulations to be applied to a multiple-family housing development in the 1-R 42,000 Square Foot (Inclusive Of Road Easements) Single-Family Residential District; (B) the reclassification and zoning of the

Property to the 1-R 42,000 Square Foot (Inclusive Of Road Easements) Single-Family Residential District; and (C) a Special Use Permit for multiple-family housing pursuant to Sections 9-11-9 and 9-4A-3 of the Village Code and with such bulk regulations as may be approved pursuant to Section 9-4A-3 of the Village Code, as amended pursuant to Lexington Home's application.

Because the nature of the requested relief changed, Mr. Huvard noted that the Village published a new notice describing the modified relief on March 23, 2023 and caused notice of the revised zoning relief to be mailed to nearby properties as required by the village code.

Lexington Homes shared a PowerPoint presentation with the Plan Commission containing slides for a revised site plan, engineering and landscaping plans and other project submissions.

Hal Francke, Meltzer Purtil & Stelle, attorney representing Lexington Homes, referred to the revised site plan for 54 units (5.8 dwelling units per acre as the net density). Under current Section 9-4A-3, some but not all bulk regulations for a multifamily special use would be determined by the Village Board; the petitioner in the proposed text amendment is requesting that text provide that all bulk regulations would be determined by the Village Board in the ordinance adopted to approve a specific development.

Mr. Francke explained the revised site plan would improve the internal circulation. He noted the total impervious area under existing conditions before the project was 104,523 sf. or 2.4 acres and after the project would be 148,530 sf or 3.41 acres, but noted that a significant portion of the increase arose from the proposed new access road to Colonial Court.

Nate Wynsma, Vice President of Lexington Homes, noted they would comply with Village ordinances including dark sky codes. He explained the site lighting includes coach lights on the garages. There would be three dedicated areas in the site for delivery trucks. The townhome building height would be essentially the same as the existing Federal Life building, but there would be some change to the grade as it relates to the flood zone.

Todd Schaffer, P.E., with Haeger Engineering, appearing for Lexington Homes, discussed the FEMA flood maps, which show significant flooding in the Federal Life parking lot. The grade for the building pads will be raised to comply with the Lake County Watershed Development Ordinance; the project provides required compensatory storage for future Lake County Deerfield Road widening, the new access road, and the new site improvements. There are no changes to the grading in the woodland protection area. The site will continue to accept drainage from other offsite areas, which will all be conveyed to the same point at the northeast corner of the site at which water is currently conveyed overland easterly to the Des Plaines River. This drainage route handles all storm water from the site except for a small area next to the north boundary that currently drains north. The existing drainage going north will not be

increased by the project. The drainage to the east is through a 42 inch pipe as well as overflow capacity in the drainage swale above the pipe.

Sharon Dickson, PLA, landscape architect for Dickson Design Studio, appearing for Lexington Homes, presented the proposed landscape design for the project. They propose removing 26 protected trees to accommodate the drainage. There will be footpath bridges on the east and west ends of the drainage swale providing access from the townhomes to the protected woodland. The woodlands have a rustic feel but the other areas would be more manicured. Ms. Dickson presented views of the project from various site locations showing the landscape screening. She listed the canopy and understory plant material which were selected for quality, design and enhancing the property. Native forbs and grasses would be planted in the storm water detention basins.

Mr. Francke noted an updated traffic study from KLOA was submitted to take into account the revised site plan and onsite traffic circulation. The study found no concerns with the onsite traffic circulation pattern and no significant impact on traffic movement on Deerfield Road.

Mr. Francke explained the developer's proposal to provide three (3) onsite affordable housing units and to pay fees-in-lieu for five (5) additional units. The three units would go to income-qualified families.

Commissioner Graditor expressed concern about Lexington's removal of a proposed fence between this development and Meadowlake. She is concerned about kids going into the lakes of Meadowlake and believes it would be a dangerous situation. She noted Meadowlake residents have expressed concern about having non-residents on their streets. Mr. Huvard noted for the Plan Commission that a fence could prevent residents of Meadowlake from walking to the shopping center using the new paths. As the fence would likely be placed at the northern boundary of the site, would it still be desirable considering the views of adjoining properties? Mr. Francke explained that Lexington Homes is willing to install a fence if that is what the Village and residents prefer. Mr. Wynsma concurred.

Commissioner Graditor asked if landscape screening around the motor courts is proposed. Mr. Wynsma explained they would have screening with the intent of screening headlights.

Commissioner Datt asked about the density requirements. Mr. Huvard explained the requirement is 7,000 square feet per dwelling unit in the 1-R zone. Mr. Francke noted the proposed density is below the required density per Village code.

Commissioner Levin asked how the Deerfield Road construction would affect the project. Mr. Huvard noted that the project combines the work to provide compensatory storage to widen Deerfield Road with work needed for the new access road and Lexington improvements into one project that will take place approximately 2 ½ years

before the County road widening would otherwise occur. Mr. Wynsma explained Lexington better controls the design by installing site detention and compensatory storage as part of the townhome development. He believes the impact of the road widening on the project will be limited to the installation of curbs and gutters for Deerfield Road and a sidewalk to be located within the right-of-way.

Commissioner Blalock believes that woods and fences are not compatible. He feels the mulch path will draw residents to Meadowlake. Commissioner Blalock suggested removing the mulch path.

Commissioner Rothbardt asked about the width of the roads leading into the development. Mr. Schaffer noted the roads are 25' wide at the entrance where there is two-way traffic and 20' wide where traffic becomes one-way, which meets the requirements for emergency vehicles.

Ch. Breitkopf asked about the affordable housing. The Village affordable housing goal is 15 percent of the units in a new residential development., That would total 8 on-site affordable units. Lexington has proposed 3 on-site affordable units, with a fee-in-lieu of \$125,000 per unit for each of the remaining 5 units. This is the first time the Village has an opportunity to carry out its affordable housing policy, and it should not shy away from its goal. Ch. Breitkopf suggested 6 on-site units with two fees-in-lieu, if the Plan Commission and Village Board accept the concept of fees-in-lieu. She noted Highland Park uses \$175,000 per affordable unit as its fee-in-lieu. Ch. Breitkopf added that a fee-in-lieu is intended to assist construction of future affordable housing in Riverwoods, and that the median value of a Riverwoods home in 2020 was \$706,000. She feels that a fee-in-lieu in Riverwoods of \$125,000 per unit is inadequate to subsidize future affordable housing units in the Village. Ch. Breitkopf suggested the Village retain an expert to calculate the appropriate fee-in-lieu for affordable housing in Riverwoods before accepting Lexington's proposal.

Commissioner Graditor noted that, if there are only three affordable units added to the Village's housing stock, the Village would be decreasing the percentage of affordable units overall in the Village.

Ch. Breitkopf opened the floor to visitors wishing to comment. Paul O'Dell lives in the lowest point in Meadowlake. Mr. O'Dell believes the capacity to handle water runoff would be reduced with the proposed plan. He asked who would look at it to ensure that the drainage system is maintained. Mr. O'Dell noted there is a fence on Chicory with barbed wire. If a fence is installed, he believes someone should control the fence maintenance in perpetuity. Mr. O'Dell suggested Lexington provide a fund, to be controlled by Meadowlake, for fence maintenance.

Randy Yaffe, Meadowlake HOA president, questioned what type of fence would be used. Mr. Yaffe recently updated the HOA insurance policy and he was questioned about lake safety to obtain insurance. He suggested an aesthetically pleasing fence with "no trespassing" signs. The proposed path would bring people closer to

Meadowlake. Mr. Yaffe does not believe other residents would use the Lexington paths to enter the shopping area. He is not against the proposal, but believes Lexington should add foliage in the woodland buffer with Meadowlake so people can't walk through.

Christy Sherman would like to see this development work but is concerned about the possibility of someone drowning in the lakes. She questioned why Lexington Homes would build this development with all the restrictions. Ms. Sherman believes that approval of this proposal would give up Riverwoods principles about protection of its woodland environment as expressed in the Village's Comprehensive Plan. The project does not provide adequate guest parking. She noted the Village wants an access road and affordable housing, but it is at the expense of Meadowlake. Ms. Sherman does not believe a fence is the right solution because people can walk around the fence. The memo from Teska Associates suggested adding sidewalks from the rear to the front of the townhouses, but this design element was not included because there is not enough space. This indicates that the project is too dense. Ms. Sherman expressed concern about the 17' wide x 4' deep balconies overlooking Meadowlake properties. The average house in Riverwoods is 7,200 square feet and these townhomes are between 1,600 and 2,200 square feet. The units are not "big," as Lexington writes.

Matthew Eisenstein is against this project. He questioned when the landscaping would mature. The current proposal does not include enough landscaping between Meadowlake and the proposed project. Mr. Eisenstein questioned the maintenance of the landscaping and believes there should be a fund for landscape maintenance and replacement.

Marvin Himmelstein asked about the tax revenue that would be generated by this development and how this development would benefit the Village. Mr. Huvard noted that the Village has a consultant preparing a fiscal impact analysis. The assessed value of the new project will exceed the current Federal Life assessed value and the property tax revenues are expected to generate tax increment. Mr. Himmelstein said Federal Life does not use services and does not have children in schools but explained people want to get into the Deerfield school district and the developer's estimate of five students is too low.

Mr. Huvard noted this site is in a TIF district, which is required by law to share TIF increment with the school districts according to the projected school population. The school districts also determine school population.

Mr. Himmelstein stated maintaining the property has been an ongoing issue with other developments. Mr. Huvard noted that the Village's procedures had evolved since the detention basin for the Shoppes of Riverwoods was designed; the Village Ecologist approved the design of the Lexington detention basin so it could be successful as a naturalized basin. The Village is now requiring qualified ecological contractors be hired annually to maintain naturalized basins.

Mr. Himmelstein stated Lexington would walk away once all of the units have been sold, and he questioned who would maintain the property. Mr. Huvad noted that the duty to maintain the basins and landscaping would be written into the HOA covenants, similar to the restrictive covenants for Thorngate. The Village would have the right to enforce the covenants. Mr. Schaffer explained the basin would have to be built correctly in accordance with the declarations and covenants.

Meadowlake resident Mary Oler believes the path would bring people into the woodlands and they would not know there is water at the end of the woodlands. The water is 7 feet deep and people can drown. The water is not something to fool around with. She is concerned that Meadowlake residents would be liable if a child were injured in the lake. Ms. Oler would want to do the best she can to ensure everyone's safety.

Ms. Oler believes the walking path would potentially burden Meadowlake homeowners and the potential costs and risks should be known before making a recommendation. Ms. Oler is opposed to the project as it currently exists. She believes the row of buildings look like barracks and would be a huge invasion of privacy. It would change the neighborhood and negatively affect home values in Meadowlake. Ms. Oler does not believe this development is right for Riverwoods.

Jason Goodman asked if the new access drive would go through to Milwaukee. Mr. Huvad explained, as with other shopping centers, the Village police would not permit cut-thru traffic. Mr. Goodman suggested adding a sign restricting cut-thru traffic. He believes the current layout looks like public housing. He believes it would be nicer with more randomness with the placement. Mr. Goodman believes the walking path would bring additional pedestrian traffic to Meadowlake and suggested adding deeper foliage. However, he would not want the Village to pass on this proposal as they may get something worse, like a massive warehouse. Mr. Goodman noted there are many kids in Thorngate, which has a lot of water features, and no one has drowned. He does not believe a fence would fit with the natural feel of Riverwoods.

Ms. Sherman responded that kids will go the lakes in Meadowlake, She does not want people trespassing in Meadowlake and possibly getting injured. There is a risk. Page four of the Village staff memo cites standards the Plan Commission needs to consider before approving an application. She is particularly concerned about standard #2. She does not believe this development meets the standards.

Dave Matzen discussed what Lexington has done right. They selected Riverwoods, which is a "gem". They would like to rezone to 1-R, which is correct. Parkside Homes of Glenview, another Lexington property, are substantially larger and more expensive, and are nestled into a garden-like setting. Lexington has not described its Riverwoods project in that way. The Riverwoods proposal would set a precedent. The Village should consider the impact on services like police and fire protection, which would probably need additional employees to handle the increased population.

Kristina Averbuch has several concerns about this development which have not changed since the beginning of the proposal. Meadowlake's lakes are different than the retention ponds; they have beaches with kayaks and canoes. Ms. Averbuch believes this will attract other residents to Meadowlake. She asked what guarantee of safety Meadowlake residents will have. Ms. Averbuch believes the architecture does not fit in Riverwoods as the units look like barracks and are exactly the same. There is not enough parking for guests. In addition, there are no backyards or playgrounds. Ms. Averbuch noted these barracks are the first thing people will see when they enter the Village. She questioned if this is what the Village wants. Ms. Averbuch is not opposed to townhouses, but would like something that reflects the Village of Riverwoods by being welcoming, inviting and having unique architecture. She is also concerned about schools being overcrowded. Ms. Averbuch noted the flooding issue has not been properly addressed. The builder does not care; they are only interested in making money. She suggested a fund be set aside to address the future flooding caused by this development. She noted flooding would affect the value of her home. Ms. Averbuch would like other developers to be given the opportunity to create a development more in line with Village of Riverwoods standards.

Mr. Francke believes that fence and path issues are up to the Village to decide. The developer will accept a Village decision to remove the path and add a fence. The developer is open to supplementing the woodland in discussion with the Village Ecologist. Concerning the impact on the schools, this community would not create a lot of students. The children in this community will attend Stevenson High School and Aptakisic school, so it will not affect Deerfield schools.

Commissioner Rothbardt moved to close the Public Hearing. Commissioner Blalock seconded the motion. The motion passed unanimously on a voice vote.

Mr. Huvad noted the Plan Commission options are to recommend approval of the applicant's zoning requests, recommend denial, or recommend approval with conditions.

Commissioner Datt explained the Commissioners are all residents of Riverwoods. The current state of the parcel is basically vacant land. Something will be built there. He believes the Lexington proposal is now pretty responsible and they have made a number of changes from where they started. Lexington has spent a lot of time meeting with residents and the Village. It is important to listen to all residents in Riverwoods, not only Meadowlake residents. This could set a precedent and is important to listen, but it is difficult to appease everyone. Some of the comments were contradictory, but it is very subjective. There will always be some element of the design that is not acceptable to everyone. There was a comment in October questioning how this development fits in Riverwoods. The Lexington presentation was good, but he is conflicted because the development does not fit in Riverwoods. He would not be in favor of this development adjacent to his own home.

Commissioner Graditor said the current proposal is a lot better than originally proposed. She questioned what other uses could be built on this property. The site is not conducive to single family homes. Brick and mortar stores are going away and there are very few new retail stores. Some people would like a restaurant, which comes with cooking smells, bars and traffic. Commissioner Graditor believes a townhouse community would work, but this development is not charming. There are no places for kids to play. She is torn between what she would like to see and what is feasible.

Commissioner Datt noted the Plan Commission does not design the project. There are always things they would like to see. He does not really like the way it looks, but questioned how much the Plan Commission can redesign the project.

Commissioner Rothbardt lives in Thorngate and looks at what is proposed across the street on the Baxter property. He questioned how many times the Village has looked at proposals for the property. What else can be built there and will the next proposal be worse? The Plan Commission is trying to appease everyone but that is not possible. There will not be many opportunities to make that decision. He is leaning toward approval, with conditions.

Commissioner Blalock's initial concern was density. He still thinks this is too much density. He believes four units per acre is more palatable. Commissioner Blalock believes Lexington has made a lot of good changes, but he struggles in accepting the proposed density.

Mr. Huvad noted that many communities often award a density bonus to incentivize affordable housing.

Commissioner Graditor does not believe three affordable units would warrant a density bonus. She believes the Plan Commission should allow three affordable units with less density and asked about the possible use of the fee-in-lieu payments.

Mr. Huvad noted that Rob Anthony, President of Community Partners for Affordable Housing, a nonprofit organization that is actively maintaining affordability restrictions in Highland Park, suggested the possibility of subsidizing a single-family home as affordable. Mr. Anthony also expressed a willingness for his organization to administer the affordable housing restrictions that would be adopted in Riverwoods.

Ch. Breitkopf suggested requesting more affordable housing units, such as 5 or 6, less density and a more attractive development.

Commissioner Datt believes affordable housing is important but should not be the main consideration. This project would be the first multi-family development in Riverwoods. The first time it happens will be important for the residents as Riverwoods is different from other communities. There is currently no precedent, so this is the hardest project and must make residents feel comfortable that it fits the character of Riverwoods. Commissioner Datt believes character is important to Riverwoods. The Riverwoods

standards are high, the Lexington design is good, but it may not be good enough for Riverwoods.

Commissioner Levin stated this development could allow residents to remain in Riverwoods or have their families come into Riverwoods.

Mr. Huvad explained that communities often work to get different types of housing. The use of zoning to prevent any housing other than single family could be challenged as a legal matter. There is a national conversation about the housing crisis and the Village's Comprehensive Plan suggests consideration of multi-family housing.

Commissioner Datt stated many residents are not opposed to multi-family housing on this site, but this proposal does not have the feel of Riverwoods. This development has considered a lot of things including school impact and drainage.

Ch. Breitkopf asked what changes Commissioner Datt would suggest to make him comfortable with this project. She said she is not hearing any objection by Commissioners to the concept of multi-family housing on this site.

Commissioner Datt believes density makes a big difference as it is fundamental to the Village.

Mr. Huvad asked if removing one or two buildings would make a key difference to density while keeping the overall site plan the same? The reduced density in this example would not address the design challenge that was raised. This developer has developed a layout, unit mix and size based on targeted price points and buyers.

Commissioner Datt does not believe removing a building makes a difference. He believes it would be difficult to create an affordable project with lower density.

Ch. Breitkopf suggested the possibility of fewer units that are more expensive.

Commissioner Graditor noted there will be some people that will be happy with development and others that will not be happy with any development. She believes this will be the only type of development that will work on this site. Commissioner Graditor believes adding the possibility of an elevator to units is great and the developer has tried to satisfy the needs of the public. She noted the developer has worked hard to satisfy the Village's requirements. There are some criticisms but we do not know what will come next. She would prefer some differentiation in the buildings so they do not look so similar. Although she loves walking paths, she does not believe it works in this circumstance. She does not know if the Village could do better with a redesigned proposal or another developer.

Commissioner Blalock believes density is the issue. He likes Ch. Breitkopf's suggestion of fewer, more expensive units.

Mr. Huvad said that having more expensive units would mean a different target buyer and likely require the developer to start over.

Commissioner Graditor noted if this development is for people who want to downsize, increasing the size would price the units out of the market. Larger units would also bring in more kids. Commissioner Graditor believes there should be some additional conditions, but this could be the best proposal the Village could get in that location. Commissioner Graditor is impressed with the work Lexington has done to address the Village's questions and concerns.

Ch. Breitkopf suggested increasing the native infill in the woodland area. Commissioner Blalock suggested the screening should be enhanced as well.

After further discussion, Commissioner Levin moved to adopt the following motion:

1. Approve the text amendment amending Section 9-4A-3 of the Village Code in accordance with the changes shown below:

Multiple-family housing, provided that the minimum lot area per dwelling unit shall be seven thousand (7,000) square feet ~~and no multiple-family building shall have a total lot area of less than forty thousand (40,000) square feet nor have a lot width of less than two hundred feet (200')~~. The applicable bulk regulations, including minimum lot area per building, minimum lot width, floor area, building height and yard requirements for any multiple-family housing development shall be determined by the President and Board of Trustees upon recommendation of the plan commission.

2. (a) Rezone the Subject Property to the 1-R 42,000 square feet district;
- (b) Approve the Preliminary Subdivision Plat; and
- (c) Grant a special use under Section 9-4A-3 (as amended) and under section 9-11-9 for multiple family dwellings, and for the subdivision that includes lots without frontage on public rights of ways, for a project to be constructed and operated subject to the following conditions:

i. The project shall be constructed in accordance with the Development Plan, consisting of the documents enumerated in the attached exhibit to this motion, as the same may be revised before issuance of a building permit (provided all revisions are consistent with the Development Plan and approved by the Board of Trustees). The regulations of the 1-R District shall be modified for the project as reflected in the final Development Plan.

ii. The access road (Access Road) shall be dedicated to the Village per the Subdivision Plat; all public and infrastructure improvements will be assured by completion security.

iii. The project shall comply with the requirements of the Woodland Protection Ordinance.

iv. The project shall satisfy the requirements of the Village's Affordable Housing Plan; the Plan Commission recommends that there should be 5 or 6 on-site affordable units and the fee-in-lieu for offsite units should be based upon the recommendation of a knowledgeable consultant.

v. The project shall satisfy the requirements of the Lake County Watershed Development Ordinance as enforced by the Village.

vi. A homeowner's declaration of covenants to provide for the perpetual care and maintenance of the common areas and improvements, including the engagement of a qualified ecological contractor to maintain native plantings, shall be submitted and approved by the Village and recorded before issuance of a certificate of occupancy.

vii. The project shall grant easements to Lake County and the Village (which may be notated on the Subdivision Plat) for compensatory storage as reflected in the applicant's storm water reports, as requested by the County in connection with the widening of Deerfield Road and the creation of the Access Road.

viii. The project shall maximize native plantings in manicured areas and, in consultation with the village ecologist, enhance the northern woodland buffer area, especially with native plants.

ix. The Board should explore the desirability of installing a fence and removing the mulch path in the northern woodland buffer area, to address the concerns of the Meadowlake community.

Commissioner Graditor seconded the motion. The motion passed by the following vote:

AYES: Breitkopf, Blalock, Graditor, Levin, Rothbardt (5)

NAYS: Datt (1)

4. Adjournment

There being no further business or discussion, Mr. Rothbardt moved to adjourn the meeting. Commissioner Graditor seconded the motion. The motion passed

unanimously on a voice vote. The meeting was adjourned at 10:46 pm. The next scheduled meeting of the Plan Commission is May 4, 2023 at 7:30 pm.

Respectfully submitted,

Jeri Cotton