

Village of Riverwoods  
Plan Commission Meeting  
Meeting Minutes July 6, 2023

A meeting of the Village of Riverwoods Plan Commission was held on Thursday, July 6, 2023 at Village Hall. Chairperson Laurie Breitkopf called the meeting to order at 7:32 PM.

Present:

Laurie Breitkopf, Chairperson  
Karl Blalock  
Sherry Graditor  
Stephen Levin

Absent:

Jay Datt  
Carey Rothbardt

Also Present:

Kristine Ford, Mayor  
Vivian Hofeld, Village Building Coordinator  
Bruce Huvad, Village Attorney

1. Approval of Minutes

Commissioner Graditor moved to approve the minutes from the June 1, 2023 Plan Commission meeting as corrected. Commissioner Blalock 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

There was no old business presented.

4. New Business

*A. PUBLIC HEARING (continued): Consideration of proposed text amendments to the Riverwoods Zoning Ordinance, involving sections 9-2-3 (Definitions) and 9-4-1 (Home Occupations) and potentially other sections. The purposes of the text amendment, as proposed, are to revise the descriptions of uses that constitute permitted home occupations while prohibiting certain uses. The*

*amendments, as proposed, would provide that a permitted short term rental is a residential occupancy of a dwelling unit for a term greater than four (4) consecutive weeks and distinguish that use from “transient occupancy”, which would mean the accessory use of a dwelling unit for an occupancy period of less than four (4) consecutive weeks, including any rental use reserved through online marketplace services that facilitate lodging by overnight guests. The ordinance would allow such permitted short term rentals as a permitted home occupation while prohibiting transient occupancy and prohibiting accessory use of swimming pools, playing courts or other amenities by persons who are not primary residents of the dwelling or not occupying the dwelling pursuant to an permitted short term rental.*

Mr. Huvard read the proposed additional wording to the zoning code regarding home occupations. The text includes a new definition for “primary residents”, to refer to persons who actually live in a house either as homeowners or renters. Mr. Huvard chose the term “home stay rentals” to refer to a person or persons who are renting the property for a short term and are not primary residents.

Mr. Huvard reviewed his draft edits to the existing code section 9-4-1. Section B provides that a home occupation should not involve the routine attendance of patients, clients, customers, subcontractors or employees. Section C provides that a home stay rental should be a permitted home occupation if it satisfies the minimum 4-week occupancy term and complies with the stated restrictions: 1) a home stay rental is not the principle use of the dwelling; 2) the use of accessory buildings, swimming pools, playing courts or other amenities is permitted only by the persons authorized to occupy the home as a home stay rental; 3) all vehicles used by occupiers or guests must be parked overnight on the driveway or other improved surfaces on the property; and 4) all garbage and refuse must be stored inside, except on the designated day for garbage and refuse collection.

Mr. Huvard explained the provisions of new paragraphs 11 and 12. Paragraph 11 prohibits any rental of a dwelling unit other than by the primary residents, if such rental does not constitute a home stay rental (with an exception for the temporary use of a dwelling by a seller pursuant to a post-closing agreement). Paragraph 12 prohibits any rental use of accessory buildings, swimming pools, playing courts or other amenities other than by the primary residents or occupants of a home stay rental.

Commissioner Graditor asked if there is anything in the ordinance that prohibits a homeowner from renting out an accessory building, such as a shed with an air conditioner and bathroom. Mr. Huvard replied that renting out a shed alone would not qualify as a home stay rental, which requires occupancy of a dwelling unit for at least 4 consecutive weeks

The Plan Commission discussed how to discover whether unpermitted short term rentals are occurring.

Mr. Huvad asked Ms. Hofeld about the ease of administering home stay rentals. She stated that no one is registering rentals. Mr. Huvad said that owners must register if they rent their house under the current rental registration ordinance for any type of rental. Whether or not an owner complies with the registration requirement, the hope is that neighbors would notice if strangers were coming and going to a home more frequently than on a four-week basis and could notify the Village.

Commissioner Graditor suggested that once a month the Village could check the short-term rental sites for Riverwoods addresses.

Commissioner Levin asked if a resident could rent out the residence weekly for someone to teach a yoga class. Mr. Huvad explained that private tutoring or instruction is allowed, but only up to five people at a time.

Commissioner Graditor asked what the difference is between a public dog kennel and a private dog kennel and the same for stables. Mr. Huvad explained that the implication of the word public is that a third party pays to have their dog or horse stay there. Commissioner Graditor suggested removing the word public and to reword the ordinance to state a stable or dog kennel housing animals belonging to the primary residents. Ch. Breitkopf shared that there are stables on Riverwoods properties that the owners let nonresidents use. Mayor Ford commented that public versus private may include how many dogs, horses, etc. residents are allowed to have. Mr. Huvad suggested changing the wording to a stable or dog kennel open to the public.

Mayor Ford asked about renting out a room with a separate entrance within the home or a room above the garage. Mr. Huvad explained that this would be a violation of the zoning laws. It is not a permitted use.

Mayor Ford asked if a landscaping business is permitted. Commissioner Graditor gave an example of a home on Whigam running a landscaping business which was shut down because it parked trucks and trailers on the road interfering with the neighbors' access, as well as burning branches on the property daily. Mr. Huvad confirmed a landscape business in single family districts is not a permitted use per the zoning code.

Ch. Breitkopf asked if light should be added under Section E.4. along with the noise, electrical interference, heat, glare, odor, etc. Mr. Huvad suggested adding intensity of light. Commissioner Graditor added that the Village does have a lighting ordinance that allows only a specific number of lumens to escape from the lot line. Ch. Breitkopf suggested adding "and other interferences that are regulated under Village ordinances".

Mayor Ford stated that some Riverwoods residents live in Riverwoods part time, but Riverwoods is not their primary residence. Mr. Huvad clarified that the ordinance says “a” primary residence not “the” primary residence, to cover those who may live elsewhere for more than half of the year.

Ch. Breitkopf asked if there are any comments from the public. Hearing none, Commissioner Blalock moved to close the hearing. Commissioner Levin seconded the motion. The motion passed unanimously on a voice vote.

Commissioner Blalock moved to recommend the ordinance as corrected and amended to the Board of Trustees for approval. Commissioner Levin seconded the motion. The motion passed unanimously on a voice vote.

*B. Discussion of possible subarea plan amendment to the Comprehensive Plan for the area encompassing the Wolters Kluwer site, to consider any land uses other than office and research uses.*

Mr. Huvad explained that previously the Plan Commission considered an amendment to the Comprehensive Plan for the Federal Life site. The Comprehensive Plan includes a land use map, which is different from a zoning map. The land use map is more general and has broader categories such as residential, office, office campus, business, etc. The idea behind a Comprehensive Plan land use map is to broadly plan for future potential uses of sites. The Comprehensive Plan currently designates land use for the Federal Life, Wolters Kluwer and Discover sites as office use. When the Plan Commission reviewed the map a year and a half ago, it considered broadening the designation of the Federal Life site to mixed use. The same question may apply to the Wolters Kluwer site.

Mr. Huvad continued that the Commissioners could get input from planners and the public regarding uses for the sites. The Commission is likely to get testimony from experts and individuals that office space is not as tenable for these sites anymore. Mr. Huvad suggested that the Plan Commission examine the question of land use by reviewing the menu of land uses and deciding what broad uses might fit well in the Village.

Mr. Huvad said that Wolters Kluwer believes the majority of proposals for its property will be residential. Mr. Huvad suggested that the Village might reach consensus that some residential on that site could blend into the Village, but the question is how much residential.

Mr. Huvad stated that developers interested in the Wolters Kluwer site have been asking for details, such as what density would be allowed. The Plan Commission could draft parameters, possibly in the form of a new zoning district, to guide developers. The

Village currently has R1, R2, R3 and R4 districts. The Village might create a R5 district and attempt to define what are the buffer yards, setbacks, etc. that would create a pleasing residential development in that district.

Commissioner Graditor stated that she would not reject a plan for the Wolters Kluwer site that was primarily residential with some other use on Lake Cook Rd. She feels that single family homes on Lake Cook Rd. would be difficult to sell, but another use along Lake Cook Rd. that transitions to residential would be acceptable.

Commissioner Levin suggested that it would be worthwhile to get someone on the development side to help with this issue to avoid guesswork. Mr. Huvad countered that his suggested approach would be coming at the issue from the other direction. The development community will usually say it wants more density than the Village is willing to grant. The suggested approach would adopt a district in anticipation of applications for use.

Commissioner Blalock commented that he liked the idea of a new zoning classification. Commissioner Graditor added that the Plan Commission would have to be fairly specific about what the parameters are before the developers apply. Mr. Huvad interjected that when Discover and Wolters Kluwer were first built, the office and research zoning districts were already defined with setbacks, minimum tracks, minimum lot sizes, density, etc. The district was adopted in anticipation of a particular plan.

Mr. Huvad suggested that if the Plan Commission were to form a R5 district it would have all the formal district standards, but could also include an appearance review process. The idea is to wrestle with these issues as soon as possible by creating a draft ordinance that can be discussed at a series of public meetings and shaped with public discussion.

Mayor Ford stated that Trustee Hollander plans to bring this idea up at the July 18 Trustee's Board meeting. She hopes that the Board of Trustees agrees that the Plan Commission should move forward with this task, review the Comprehensive Plan and provide recommendations to increase the zoning alternatives. The Board may also have an outline, thoughts, direction or other issues for the Plan Commission to consider.

Ch. Breitkopf stated that guidance from the Board would be very helpful. She is skeptical at this point about the creation of a new district and will need a significant amount of supporting information. Commissioner Graditor agreed and added that she is concerned about density and does not want cookie cutter houses on the Wolters Kluwer property.

Mayor Ford suggested that the Plan Commission ask the Village Planner to make a presentation regarding the Wolters Kluwer site to help sort through the issues, give a sense of what the property is or is not, and what part of the property is actually usable.

Commissioner Levin stated that possible uses should not be limited to housing, but also should include mixed uses such as recreation.

Mr. Huvard said at staff meetings they have tried to anticipate what some of the issues might be regarding development of the Wolters Kluwer property. Is it an attractive housing development that would be a great addition to the Village? How would residents feel about having a driveway from the new community to Portwine Road in addition to the Lake Cook Road entrance? Or a walking path along Portwine Road?

Commissioner Graditor mentioned that a bike path along Portwine Road has been previously discussed and she feels this would be a terrific amenity for the residents. Mayor Ford added that in the Comprehensive Plan there are plans for bike paths including one for Portwine Road.

Commissioner Levin stated that the Village wants to have something to cheer for, but it will be up to the designers what ultimately goes into the spot. Mr. Huvard commented that the Village can set parameters that a developer must observe. Part of the skill in setting the parameters is to set them in a way that forces developers into a more naturalistic and attractive development. Ch. Breitkopf stated that an appearance review process is critical.

Ch. Breitkopf added that Teska has suggested some interesting ideas for the property and should be asked to present its ideas at a Plan Commission meeting. Mr. Huvard added that Teska has some rough conceptual plans and at least two of the plans were trying to repurpose the Wolters Kluwer building, but it is difficult to find the developer to adaptively reuse a large office building. Ch. Breitkopf asked if the Village could require a developer to produce a plan for single family homes and a repurposed building. Mayor Ford added that developers will consider what the market will bear and cost, but this could be a stretch goal to discuss with Teska. Commissioner Blalock suggested that the building could be used for something other than residential. Mr. Huvard stated that the office building is too large to repurpose without a significant residential component. Ch. Breitkopf commented that she would like to see the building used as a senior community with houses nearby.

Commissioner Levin asked what if we start negotiating and Wolters Kluwer or the developers don't like what is being said. Commissioner Graditor said the Village has a lot of control with how the property is zoned. Ch. Breitkopf added that the Board can also reject an application.

Ch. Breitkopf proposed having Teska present at the August 3 meeting.

#### 4. Comments by the Chairman

There were no comments from the Ch. Breitkopf.

5. Adjournment

There being no further business or discussion, Commissioner Graditor moved to adjourn the meeting. Commissioner Blalock seconded the motion. The motion passed unanimously on a voice vote. The meeting was adjourned at 8:42 pm.

The next scheduled meeting of the Plan Commission is August 3, 2023 at 7:30 pm.

Respectfully submitted,  
Dana Litwin