

Village of Riverwoods  
Plan Commission Meeting  
Meeting Minutes August 3, 2023

A meeting of the Village of Riverwoods Plan Commission was held on Thursday, August 3, 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

Absent:

None

Also Present:

Jedd Anderson, Christopher Burke Engineering Wetland Expert  
Mike Clayton, Trustee  
Kristine Ford, Mayor  
Vivian Hofeld, Village Building Coordinator  
Henry Hollander, Trustee  
Bruce Huvad, Village Attorney  
Russ Kraly, Director of Community Services

1. Approval of Minutes

Commissioner Graditor moved to approve the minutes from the July 6, 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. New Business

*A. Approval of Final Plat for Green Building Technologies Subdivision (1400 Saunders Road).*

Mr. Huvad explained the review process and subdivision project:

The review of subdivision plats is controlled by the Village's subdivision ordinance. To be subdivided, the resulting lots must comply with the underlying R-2 single family district and requirements of the subdivision ordinance. In some cases when the subdivision is simple, as in this case, the consideration of a preliminary and final plat are considered together. After an applicant submits a plat of subdivision and required

documentation, the Plan Commission's role is to conduct a public meeting and review the submission for conformance with Village requirements. If found conforming, then the plat is recommended for approval and forwarded to the Village Board.

Mr. Huvard stated that the property at 1400 Saunders Road is slightly more than 10 acres. The proposal is to subdivide it into three lots. Each lot would exceed the minimum lot area for in R-2 District. Each lot would have direct access to Saunders Road and access to Village water and sewer lines. The building envelopes on each lot will observe all required setbacks. No zoning variations are requested.

When a tract of land exceeds a certain size, the requirements of the Lake County Watershed Development Ordinance (WDO) may affect the amount of detention that must be created on a site for the impervious surface that is added. To avoid this issue, the developer can agree to limit the amount of impervious surface allowed on each lot, to keep the entire subdivision below the WDO threshold for on-site detention.

The wetlands on the property must be delineated. The amount of wetland on this site is extensive and fairly high quality. The Village has developed a set of standardized restrictive covenants that meet the requirements of the WDO. To protect the health of the wetlands, the covenants prohibit any type of improvement in wetland areas and prohibits fertilizers or chemicals from being deposited in the wetlands. A wetland buffer area is required around the wetlands.

The Village is a certified community under the WDO and is responsible for administering the WDO. The enforcement officer is the Village engineer and the certified wetland expert for the Village is Jedd Anderson from Christopher Burke Engineering. Mr. Anderson has provided a letter explaining his rationale for adjusting the wetland buffers as shown on the proposed plat.

Mr. Huvard reported that Village Ecologist Steve Zimmerman has reviewed the tree mitigation plan with respect to the proposed subdivision and has calculated the tree mitigation fees.

Mr. Huvard commented that the amount of removable protected woodland is 20% under the Village ordinance, but with a subdivision, that limit can be allocated among the three lots, provided the 20% cap is observed.

Subject to the compliance with the conditions mentioned in the consultant review letters, staff has found that the subdivision will meet the requirements of the Subdivision Control ordinance.

Commissioner Graditor stated her concern that on one of the subdivided lots the buffer has been reduced from 100 to 50 feet. Mr. Huvard explained that the Commission does not set the wetland buffer. Determination of the buffer reduction is the responsibility of the enforcement officer. After researching the WDO, Mr. Huvard concluded that the wetland buffer determinations of the enforcement officer are not subject to review by the

Village Board or the Plan Commission. As an example, the owner could apply for a reduction of the wetland buffer without a subdivision plat.

Mr. Anderson, the Village consulting Wetland Specialist, explained that this is a fairly routine review. This property was identified to be a high-quality wetland with a diverse plant community but surrounded by a dense area of buckthorn and other non-native invasive species. Buckthorn prevents other plants from growing underneath it. The reduction in the buffer width is being allowed because the developer took the initiative to remove buckthorn to improve the ability of the wetland to foster the growth of native plants.

Commissioner Graditor asked if turf grass 50 feet from the wetland is treated with pesticides and herbicides will it wash into the wetlands and become toxic to the wetland plants. Mr. Anderson responded that typically those products bind to the organic materials in the soil that they are sprayed on and do not flow into the wetlands. In order for there to be pesticide or herbicide runoff, it would have to rain almost immediately after spraying. If there were runoff, any detriment would be negligible. He added that if the residents respect the wetland buffer boundaries, very high-quality prairie and wetland areas within these properties can be established.

Ch. Breitkopf asked why Mr. Anderson granted a 50% reduction and not a 30% or 40% reduction? Mr. Anderson answered that 50 feet is the starting point in most ordinances for a buffer. The ordinance gives the flexibility for the enforcement officer and certified wetland specialist to make a professional judgment call. His decision to grant a 50 foot buffer was based on activity the developer has done to remove buckthorn and improve the area. The proposed use of the property is not a high-intensity use, in which case the buffer reduction might be lower.

Ch. Breitkopf opened the discussion up to comments from the public.

George Gill, 1500 Brae Burn Court, feels the proposed project does not reflect the standards of Riverwoods and its protection of nature.

Mr. Gill stated that two of the three adjacent homeowners, Mr. Gill and Todd Obinger, have strenuously objected to parts of this project. Dan Cross, another resident, also disagrees with what's being proposed. Mr. Obinger and Mr. Cross were unable to appear, but their concerns have been communicated in writing to Mr. Zimmerman, Mr. Anderson, Ms. Smith and Mr. Kraly.

Mr. Gill is asking the Commission to hold its approval until the following points are thoroughly investigated and resolved:

- Wetland delineation study:
  - The study was completed by a company that was hired by the landowner creating a conflict of interest. The company boasts on its website the ability to get difficult projects approved on the North Shore.

- The study was performed in November and the WDO states that the study should be performed in the growing season, May 15 to October 1. Mr. Gill stated that Mr. Anderson had explained to him that the study was refreshed during the proper time period.
- Wetland Evaluation:
  - The main section of the wetland is scored as a high-quality aquatic resource, but the small wetland area in the northeast corner missed being scored as a high-quality aquatic resource by 1/10 of one percent. Mr. Anderson's report states that no buffer is required for the small area. Mr. Gill stated that he can't find anything in the WDO that gives permission to ignore a wetland.
  - The wetland delineation study identifies the small wetland as a separate wetland referred to as Wetland A and Wetland B. Mr. Gill argues that both of these flow into the same waterway and are connected to each other by a ditch. Mr. Gill understands that the ordinance does not recognize ditches.
  - Mr. Gill asked if any other configuration was considered that would allow for three buildable lots and still protect the wetland? The WDO calls for alternative considerations.
- Buffer standards:
  - Mr. Anderson's letter incorrectly states that the applicant is providing a 100 ft buffer around the bulk of the wetland. Looking at the designs, Mr. Gill sees only 50 ft buffers applied around each of the three homes and no increase in buffer size in other areas.
  - Mr. Gill commented that the owner received high praise for buckthorn removal, which allowed him to receive credit for remediation and then for buffer reduction. Buckthorn removal is temporary. It grows back.
  - Mr. Anderson's letter also states that the ordinance provides allowances for negotiation of the final buffer based on context, quality, mitigation impact efforts and consistency with past reviews. Mr. Gill cannot find these accommodations in the ordinance.
- Trees / Consideration of the buckthorn removal:
  - Mr. Gill believes the tree survey included in the packet is very old and outdated.
  - Mr. Zimmerman's report applies to only one of three lots. If approval is being requested for the whole development, is the requirement still being met?
  - The owner is getting 100% credit for the buckthorn removal expense which is credited towards the tree mitigation expense. If the buckthorn removal expense credit is also used for justification of decreasing buffer size, it is double dipping.
- Run off / other home owners:
  - The engineering letter to Mr. Kraly from Ms. Smith states an impact that specifically affects Mr. Gill's property. Mr. Gill is concerned that water will be redirected onto his property. A drainage easement may be required on shared property lines to convey runoff for adjacent properties. Mr. Gill

strongly objects if that means he will have an easement applied to his property.

- Neighborhood congruency:
  - The northernmost subplot plan has a small home in the corner shoehorned against the neighbor's property, ignoring neighborhood congruency.

The applicant, Neal Fortunato, responded by saying he found the Village's presentation to be accurate, but he would like to address some inaccuracies from Mr. Gill's comments:

- The buckthorn removal reimbursement by the Village was only a small percentage of what was spent.
- The average buffer area exceeds 100 feet around the wetlands and only some areas were reduced to 50 feet. Houses will be built in the footprints shown on the plat, but each houses will not necessarily use its entire footprint.
- Lot 1 (the northwest lot), which was described as being shoehorned in, is a two-acre lot which will meet established front and side yard setbacks and have a significant area of wetland between the proposed house and the house to the west. He is not requesting a variance to build on the lot. Mr. Fortunato added that there will not be a drainage problem to the property on the west.

Mr. Huvad stated that he spoke with Ms. Smith, the Village engineer, and there are no easements required to channel storm water to properties to the west as the storm water naturally flows into the wetland areas.

Mr. Huvad asked Mr. Anderson if the wetland delineation was defective. Mr. Anderson stated that the wetland delineation was originally done in November. The company came back out later to reflag and reevaluate specifically the area around lot 1. Mr. Anderson double checked that it was done during the growing season and completely followed protocol. He added that the developer hires the wetland consultant in 99.9% of the projects that are built in the Chicago area. The job of the wetland expert is to check their work to verify that they have met the requirements.

Mr. Anderson stated that once the wetland is found to be high quality, no additional evaluation is needed. Regarding the small wetland area to the east of Lot 1, the ordinance states that the wetland has to be larger than a third of an acre before a wetland buffer is required. This small wetland is 3700 square feet (not even 1/10<sup>th</sup> of an acre), so no buffer is required. Roadside ditches are also specifically excluded under the ordinance as counting as wetland.

Mr. Anderson continued that all of the undeveloped areas on the lots that are not outlined are buffers. The buffer goes beyond the buffer that is drawn and is wider than 100 feet in many instances.

Mr. Fortunato added that he had a new tree inventory performed, dated July 12, 2023.

Commissioner Datt moved to approve the plat based on conditions set forth in the review letters provided to the Commission. Commissioner Blalock seconded the motion. The motion passed by the following vote:

Ayes: Blalock, Datt, Levin, Rothbardt (4)

Nays: Graditor, Breitkopf (2)

The plat will be forwarded with the recommendation to the Board of Trustees for consideration.

#### 4. Old Business

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

The Village is exploring the concern that Wolters Kluwer may not be able to find a buyer for the 200,000 square foot office building on their site, given the demand for office space. The property is being marketed and the primary interest has been expressed by residential developers.

The Village planning consultant, Teska Associates, have been working to develop concepts of residential uses that might be useful for the Wolters Kluwer site .

The Village has expressed interest in a development that adaptively reuses the office building. Wolters Kluwer officers did mention to the Village that they would consider sale to a developer that includes such use.

Teska Associates has prepared sketches of several development possibilities for the site. The designs would not disturb the 13 acres of woodlands north of the existing building.

Mr. Huvad stated that these alternatives are just a starting point for a discussion with the community about what the Village would like to see on the site. Having a recommendation for the development community of what the Village is seeking on this site would ideally result in better proposals that reflect the spirit of Riverwoods.

Mr. Huvad presented the 5 alternatives designed by Teska Associates:

- Alternate A: Includes the existing building and two areas of cluster homes with 20 two-unit duplex buildings in each area south of the building.
- Alternate B: Includes the existing building, a commercial building of medical campus services at the southwest corner of the site, and a cluster of 20 two-unit duplex buildings on the east side.
- Alternate C: This drawing assumes removal of the existing building. It includes 7 attached residential apartments of 6 units each (42 units) and 12 townhome

buildings of either 5 or 6 units each (64 units), for a total of 102 units on the site (approximately 2.4 units per acre).

- Alternate D: This drawing assumes removal of the existing building. It includes 10 attached residential apartments of 6 units each (60 units) and 8 quadplex ranch houses of 4 units each (32 units), for a total of 92 units on the site.
- Alternate E: This drawing assumes removal of the existing building. Includes 16 one-unit cottage homes (16 units), 18 two-unit duplex buildings (36 units) and 3 three-unit triplex buildings (9 units), for a total of 61 units on the site.

Mr. Huvard added that all of these plans show access only off Lake-Cook Road with a trail system through the woods on the north side to get to Village Hall.

Commissioner Datt asked if there is any resident community group involved in this process and commented that it would be helpful to hear from the community at large. He asked if Wolters Kluwer wanted to remain involved in the new project. Mr. Huvard said no. Commissioner Datt is open to the concept of a Village Center and multifamily housing, but the Lexington Homes experience showed that residents feel Riverwoods is unique and the concept of a Village center or multifamily housing might not be consistent with community values. He asked if Wolters Kluwer could be asked to perform the site demolition itself and turn the vacant area into a buildable green space, adding the demolition cost to the asking price. In that way, there would not be a vacant building on the site while it's on the market.

Commissioner Blalock supports encouraging the repurposing the Wolters Kluwer building, if possible.

Commissioner Rothbardt commented that the community might benefit from having a town center and even a library, if these could be planned for part of the Wolters Kluwer site.

Commissioner Graditor stated that she's in favor of attached ranch houses that could provide senior housing as well as housing for young families. She likes the idea of mixing seniors with young people in the same area. Commissioner Rothbardt added that Riverwoods does not have senior community. Commissioner Blalock agreed with the idea of homes targeted to seniors and referenced Villas North in Northbrook as an example. Commissioner Levin added Villas North units are desirable and sell quickly.

Mr. Huvard spoke about an amendment to the Comprehensive Plan. Currently, the Wolters Kluwer site is classified in an Office district in the Comprehensive Plan. If the cluster home / cottage home concept is of interest to the Village, then amending the Comprehensive Plan to show this as an acceptable use for the site would be an important signal to developers. Mr. Huvard added that some drawings or pictures could be added as part of the amendment to illustrate a concept that the Village favors.

Commissioner Blalock suggested applying the mixed-use overlay land use category in the Comprehensive Plan to the Wolters Kluwer site. Commission Blalock pointed out

that Alternative B showed a mixed-use plan and if the existing building is kept then it could also include mixed uses. Mr. Huvad suggested that the subject be deferred to the planners and the incoming Director of Community Services who has a planning background. Mr. Huvad also suggested finding ways to involve the larger community before amendments to the Comprehensive Plan are finalized.

Trustee Hollander explained that the idea is to provide parameters of what the Village would like to see on the site instead of reacting to what potential developers might propose. The Village can put in place desired density, height, green space, and type of housing that it wants to see at the site. The Village can be proactive and have some control over future developments including the Federal Life property and Wolters Kluwer. Trustee Hollander said that the Commission should consider access from Wolters Kluwer to Portwine Road.

Trustee Hollander added that as much as the Village would like to see the Wolters Kluwer building remain and be readapted, no one has yet been able to come up with an idea of how to renovate it or change its use. The Commission may want to give weight to the plans without the building. Ch. Breitkopf said the building might still be repurposed, and there some interesting ideas being suggested.

Mr. Huvad suggested that the Commission work on an outline for a Comprehensive Plan amendment at the next meeting, and then encourage residents to share their opinions and comments before going forward.

Mr. Huvad said he could ask Teska Associates to provide examples of elevations for the buildings they included in the alternative plans.

Ch. Breitkopf commented that she is in favor of not touching the woodlands on the Wolters Kluwer site at all. She added that building appearance review should be included as one of the parameters of a new zoning district.

Commissioner Rothbardt asked if affordable housing comes into play again with a Wolters Kluwer development. Ch. Breitkopf confirmed that every new residential development in the Village has a 15 % affordable housing goal.

#### 5. Comments by the Chairman

There were no comments from Ch. Breitkopf.

#### 6. Adjournment

There being no further business or discussion, Commissioner Rothbardt moved to adjourn the meeting. Commissioner Blalock seconded the motion. The motion passed unanimously on a voice vote. The meeting was adjourned at 9:05 pm.

The next scheduled meeting of the Plan Commission is September 7, 2023 at 7:30 pm.  
Respectfully submitted,

Dana Litwin