



VILLAGE OF RIVERSIDE, ILLINOIS
PLANNING AND ZONING COMMISSION REGULAR MEETING
Minutes

I. Call to Order:

The Regular Meeting of the Village of Riverside Planning and Zoning Commission was held on Wednesday, September 27, 2023. Chairperson Henaghan called the Regular Meeting to order at 7:00 p.m.

II. Roll Call

Commissioner Pelletier
Commissioner Marhoul
Commissioner Miller
Commissioner Brom
Chairperson Henaghan

Absent: Commissioner Mathews
Commissioner Layng

Also Present: Village Attorney Robert Pickrell
Village Planner Cyran

III. Approval of Minutes:

A. Planning & Zoning Commission Regular Meeting minutes of August 23, 2023.

Commissioner Marhoul made a motion to approve the meeting minutes. Commissioner Miller seconded the motion.

AYES: Commissioners Pelletier, Marhoul, Miller, and Brom, and Chairperson Henaghan.

NAYS: None.

Motion passed.

B. Planning & Zoning Commission Special Meeting minutes of September 15, 2023.

Commissioner Brom made a motion to approve the meeting minutes. Commissioner Marhoul seconded the motion.

AYES: Commissioners Pelletier, Marhoul, Miller, and Brom, and Chairperson Henaghan.

NAYS: None.

Motion passed.

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IV. *Visitors, Petitions, Citizen Requests, and Communications:*

None.

V. *Liaison Report:*

A. Village Board Update

Planner Cyran stated that on September 21, the Village Board reviewed the front porch amendments for the R3 District and supported the PZC's recommendation. The public hearing to consider those amendments will be on the agenda of the October 25 Commission meeting. The Board also reviewed the Commission's comments regarding temporary signs, and requested additional consideration of the standards specifically for feather flags. That item will also be on the October 25 agenda. At the September 21 meeting, the Board approved the variation for landscape buffer in the proposed parking lot at 2710 S Harlem Avenue.

VI. *New Business:*

A. PZ23-0007, Rezoning for 28 E Burlington St

1. PUBLIC HEARING to consider an application from Lion Development II LLC to amend the Official Zoning Map of the Village of Riverside. The zoning map amendment sought would amend the Official Zoning Map of the Village to rezone Parcel 15-36-109-079-0000 from the R1-A District to the B2-RC Subdistrict.

Commissioner Marhoul made a motion to open the public hearing. Commissioner Pelletier seconded the motion.

AYES: Commissioners Pelletier, Marhoul, Miller, and Brom, and Chairperson Henaghan.

NAYS: None

Motion passed.

Chairperson Henaghan stated the notice of public hearing was published in the Landmark on September 6, 2023 and will be marked as an exhibit. The remaining application materials will be marked as a second exhibit.

Commissioner Marhoul made a motion to accept the exhibits. Commissioner Brom seconded the motion.

AYES: Commissioners Pelletier, Marhoul, Miller, and Brom, and Chairperson Henaghan.

NAYS: None

Motion passed.

Chairperson Henaghan swore in the attendees who wanted to speak during the public hearing.

Planner Cyran confirmed the notices were published and delivered in conformance with state law and the Village Code. She stated that John Madeja with Studio 222 Architects and Aaron Bruder with Cage Civil Engineering will present the application on behalf of the applicant and answer questions. She noted this was the first of two items on the agenda related to the proposed mixed-use development at 28 and 30 East Burlington Street. She summarized the information in

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the staff memo.

Commissioner Marhoul asked when the garage was built. Planner Cyran stated that she didn't know when it was built.

John Madeja reviewed the proposed development as described in the application materials. He noted two changes since the Commission last reviewed the application: a loading zone was added to the back of the property; and the surface parking lot is now entirely covered with permeable pavers. He also noted they selected a lighter color of brick based on the Commission's previous feedback.

Mr. Madeja listed the sustainable initiatives in the project:

- The site will have four EV charging stations.
- The amount of stormwater runoff will be reduced by adding permeable pavers and the green roof.
- Native perennials and the green roof will reduce the heat island effect and the need for irrigation.
- The owner may make the building all-electric.
- The bicycle parking and live/work units will reduce dependence on cars.
- There will be separate trash and recycling chutes.

Mr. Madeja said, though they are not seeking LEED certification, the development will include elements required for LEED certification, such as low flow plumbing fixtures, proximity to public transit, recycled materials, low VOC materials, energy efficient appliances, and LED lighting.

Mr. Madeja reviewed the public benefits of the project, including:

- The development will provide additional tax revenue.
- Filling the need for high-quality rental stock in the area, especially in the Central Business District.
- The building will promote new growth.
- The development will include new public infrastructure – the sidewalk in front of the building, enhanced landscaping, and a seating area.
- The live/work units will reduce commute time and provide convenience for someone who wants to work home, which also reduces dependence on cars.
- The lots have been vacant, so the development would revitalize land that would have been underutilized.
- The new residents would potentially support local businesses.
- The development would include green, sustainable infrastructure.
- The development fits with the Central Business District long-term plan and the need for more multi-family residential.

Mr. Madeja also stated they are requesting that the live/work units be allowed to be residential or commercial units if they're not leasing as live/work spaces. He said the building design would

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be modified to include a knee wall and clear glass on the ground floor to meet the requirements for a ground-floor commercial use.

Chairperson Henaghan asked for questions from the Commission.

Commissioner Brom asked for clarification on the requests to use units for residential or commercial uses if the live/work units are not leasing. Mr. Madeja clarified that it would only apply to the two ground floor units.

Commissioner Miller asked for clarification on the issue of a utility easement raised in the letter by Mr. Thomas Barr included in the packet materials. Mr. Madeja said they designed the parking around the utility poles on Parcel 079. Aaron Bruder said they had not identified a utility easement, but there is existing utility infrastructure there that would stay in place. Mr. Bruder said if there are additional underground utilities, it would be the owner's responsibility to relocate them and ensure they're maintained for the users they are serving.

Commissioner Miller asked about an easement for the adjacent property. Mr. Madeja said there was a cross easement agreement between the Lynne Pastoral Center and the subject properties, but that has been vacated.

Commissioner Brom asked what research was done to determine there were no underground utilities on Parcel 079. Mr. Bruder said they had a topographic surveyors perform utility locates and nothing was identified underground.

Commissioner Marhoul asked why the width of the parking stalls in the surface lot were increased from 8.5 feet to 9 feet and noted most of the lot would be constructed of permeable pavers. Mr. Madeja said they had the room to make the spaces wider. Mr. Bruder noted that the permeable pavers were expanded to meet the stormwater management requirements of the Metropolitan Water Reclamation District of Greater Chicago. Since a bio swale couldn't be fit on the rear of the lots due to grading and size requirements, the permeable paving was expanded to provide the required stormwater infrastructure.

Commissioner Marhoul asked why the width of the parking spaces was increased when they could reduce the stormwater management load and increase the green space instead. Mr. Madeja said the impact of increasing the width of the spaces on the stormwater management is negligible. Mr. Bruder said 9-foot-wide stalls are more standard and will prevent drivers from accidentally hitting the doors of other vehicles.

Commissioner Miller asked if they considered using diagonal parking stalls in the surface lot. Mr. Bruder said diagonal parking would reduce the number of spaces in that lot by about half and would present a challenge for drivers maneuvering into and out of spaces.

Commissioner Miller noted the Village Code states that, for lots with less than 150 feet of street frontage, curb cuts should be limited. She asked if they considered having a drive aisle from

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Longcommon Rd to the site and eliminating the second curb cut on East Burlington Street. Mr. Madeja said that would require cross-easement agreements, which would be difficult to secure from the multiple owners of the Village Center building.

Commissioner Pelletier asked if they're decreasing the amount of runoff from the site. Mr. Bruder said the stormwater runoff would be decreased by approximately 5 to 10 percent. She also asked if they considered relocating the overhead utilities that serve the neighbors to be underground. Mr. Bruder responded that they would consider it, but they would need to be mindful of the landscaping and permeable paving in that area.

Commissioner Miller asked if anyone on the project has experience with green roofs and can refer to successful installations. Mr. Madeja said they've done one building with the proposed green roof trays about 5 years ago. He said those living on the top floor will provide an incentive to maintain them due to their visibility to those tenants. Mr. Madeja noted the trays are pre-grown and don't require time to become established.

Commissioner Miller asked if the base below the permeable pavers will be the standard base. Mr. Bruder confirmed it will be the typical 3/4-inch stone at a 16-inch depth, capped with finer sand.

Commissioner Miller asked if the site is receiving stormwater from neighboring properties. Mr. Bruder stated some of the residences in the rear drain onto the subject properties, but everything else drains to East Burlington Street. She asked if that stormwater would continue to drain onto their site. He confirmed that's correct and clarified that – instead of a bio swale – the stormwater would drain over the native planting area and then and onto the permeable pavers.

Commissioner Miller asked if the 750 sf apartments were a change from their previous plans. Planner Cyran clarified the apartments were approximately the same size as before, but the size wasn't previously listed as one of the exceptions because the applicant hadn't finalized the floor plans.

Commissioner Brom asked if the fourth floor will have access to the terrace on the fifth floor. Mr. Madeja said the fourth floor would not have access to the terrace, but the single unit on the fifth floor was split into two units.

Commissioner Miller asked what the obligation of the owner to maintain the green roofs. Mr. Madeja said the management company would maintain them.

Chairperson Henaghan asked if anyone in the audience had any questions for the petitioner.

Steven Rotunno, 10 East Burlington St Unit 4D, asked how many units would be in the building, what the average square footage of each unit would be, and what the cost is per square foot for the units. Mr. Madeja provided the number of units and square footage of each, but said he doesn't know at this time. Mr. Rotunno said the building is described as being high-end and asked how anyone could make a determination if it's a high-end building if they don't know the

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cost per unit. Mr. Rotunno requested the Planning Commission find out what the price per square foot is to make sure the building is, in fact, a high-end building.

Ann Mega, 10 East Burlington St Unit 3F, asked if it's correct that the Village Center building is 20 feet from the proposed development or if that distance is larger. Mr. Madeja said they're using the property boundary so what they're showing is accurate. Ms. Mega said she has a parking space behind the building. She asked if that would be affected by the development. Mr. Madeja said the project would not impact that area. She also asked if the stormwater would affect the Village Center's basement. Mr. Bruder responded that the site's runoff would be reduced.

Amy Lester, 45 Longcommon Rd, asked how far off of the property line the fence will be. Mr. Madeja said it will be on the property line. Ms. Lester asked if a setback is required by the code. Planner Cyran stated fences must be on the property line or at least 3 feet from the property line. Ms. Lester asked if it's a fact that the permeable pavers will absorb more stormwater than the soil does. Mr. Bruder confirmed they will hold more water than the site's current surface because they are designed with open spaces in the gravel beneath the pavers to hold water.

Teri Gustafson, 10 East Burlington St Unit 2H, said the tenants of the proposed 22 residential units could conceivably have 44 vehicles. If there are 25 parking spaces proposed for the site, she asked where the other vehicles would be parked. She also asked if the building has already been approved to be 5 stories tall. Mr. Madeja noted there are 19 indoor parking spaces and 15 outdoor parking spaces, so there will be more than 1 space per unit, though the code only requires 1 space because it is considered transit-oriented development. Planner Cyran stated additional parking is available in the Village parking lots. She clarified that the height of the building is part of the application for a special use, which is currently under consideration.

Ed Swiderski, 37 Longcommon Rd, said the parking lot is about 38 feet from his bedroom window. He asked what the requirement is for the number of parking spaces. Mr. Madeja said the requirement is 1 parking space per unit, but they based the number of parking spaces on similar projects, which typically have 1.5 to 1.75 spaces per unit. Mr. Swiderski said the subject property was subdivided from his property at some point in the past, which is why it doesn't have street access. Mr. Swiderski said there are utilities that run through the subject property, so the survey must have missed them. He also said the building is distracting in terms of Riverside's character. He said the Village doesn't need a five-story building and that the building is horrible-looking.

Mike Gustafson, 10 East Burlington St Unit 2H, said the development would be great, in terms of bringing more business to the town. The downtown needs a good shot of revenue. He asked about the Village's position on short-term rentals. Planner Cyran stated the Village code allows short-term rentals in the Business Districts but there are standards, including that the owner has to reside at the property. She said she would have to consult with the Village Attorney about the legal issues related to a rental being used as a short-term rental.

Mr. Madeja answered someone's question about the number of elevators in the building by

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confirming there will be 1 elevator.

Maureen McGowan, 10 East Burlington St Unit 2F, asked how many parking spaces there will be. Mr. Madeja said there will be 34 parking spaces. She asked how many 1, 2, 3, and 4 bedroom units there will be. Mr. Madeja said there will be 2 live/work units, 6 1-bedroom units, 6 2-bedroom units, 1 3-bedroom unit, and 1 4-bedroom unit. She asked where the 3 and 4 bedroom units will be located. Mr. Madeja said they will be on the top floors. She asked if the building was approved at 5 stories tall. Planner Cyran stated the request for the fifth story is part of the second application before the Commission. The Commission's recommendation will be forwarded to the Village Board for final approval, so the fifth story has not been approved. Ms. McGowan said she is opposed to the building being five stories tall.

Sally Warshawsky, 10 East Burlington Unit 2G, asked if the owner intends to use the outdoor parking for La Barra customers. Mr. Madeja said he can't speak for the owner, but he doesn't think so. She said vehicles currently park on the owner's side of the driveway, and asked where he intends for restaurant customers to park. Mr. Madeja said he can't answer that. Ms. Warshawsky asked if the parking spaces on Parcel 079 are designated for the tenants of the proposed building, and Mr. Madeja confirmed they are.

Ms. Warshawsky asked about the width of the driveway on the subject site, which isn't as wide as the driveway on the Lynne Pastoral Center site. Mr. Madeja said the drive aisles are narrower because they are designed for one-way traffic. The back drive aisle is wider where there will be two-way traffic. Ms. Warshawsky asked about the parking in the building and Mr. Madeja clarified that the parking is on the ground floor, not below ground. Ms. Warshawsky asked what kind of basement will be in the building, and Mr. Madeja said there will not be a basement.

Chairperson Henaghan asked if anyone in the audience wanted to make any comments on the proposals.

Steven Rotunno, 10 East Burlington St Unit 4D, said the reason the building is five stories is because the developer doesn't want to put in underground parking like he did at 10 East Burlington. He said 10 East Burlington is a 4-story building with 22 units and underground parking. Mr. Rotunno said the developer should be required to put in underground parking to prevent the building from being 5 stories.

Mr. Rotunno said if the building is allowed to be 5 stories, there is a slippery slope with respect to the Village Code and what everyone else is going to do. The buildings across the street are horrible-looking and they have businesses that aren't very profitable. It would be difficult to deny another developer a 5-story building when they take down the buildings across the street. Mr. Rotunno said he objects to a Board allowing this change in the Village Code to be accomplished.

Mr. Rotunno said the Village was built on homes and that rental units were not part of the Olmsted plan or the fiber of the Village. He said the Village is built on families and ownership. The Village doesn't need any more apartment buildings, but what the Village may need is upscale

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condo units, just like they have at 10 East Burlington, and that may not be objectionable to some people. Mr. Rotunno said many of the families at 10 East Burlington like himself are long-time residents of the Village. He lived in the Village for 34 years with his family and then he downsized to a unit at 10 East Burlington to stay in the Village. To allow rental properties would change the whole face of East Burlington. He said there are no other high-rise rental buildings on East Burlington.

Mr. Rotunno said that rental buildings cause problems. Two years ago the police caught a drug dealer in one of the rental buildings on Pine Avenue. He said the police asked the drug dealer why he rented in Riverside and that the drug dealer said it's a beautiful town and that he loved the town and the people. Mr. Rotunno said you can bring a bad element when you have rentals. He said he's not suggesting that all renters provide a bad element, he's suggesting that there's no need to allow rental on East Burlington next to a unit that's a condominium. He said ownership is the way the Village creates more tax revenue. He said that clearly having 22 condominium units versus rental units will bring more revenue in real estate taxes.

Mr. Rotunno said having a five-story building with rental units will depreciate the value of his unit and everyone else's unit in 10 East Burlington. He said when he bought into that unit, there was a major fight in the town about removing Henninger's and building condominiums. He said he has lived in North Riverside and Riverside for 70 years, and he knows what it is to change the makeup of an area of the town. He said it was difficult enough to get condominiums and those proved to be unsuccessful originally because the prices were too high and because of the economy. He said when the prices came down people bought the units and there are productive units providing a lot of real estate tax revenue for the Village and you have people who want to be part of the Village.

Mr. Rotunno said he implores the Commission to think about that when they are thinking about allowing a rental building that violates the code, has to have a special use, and is merely for the convenience of the developer because he doesn't want to spend the money to dig out underground parking. He said he vehemently objects to having a rental unit at 28 and 30 East Burlington.

Peggy Carey, 10 East Burlington St Unit 4B, said she agreed with Mr. Rotunno and the fact that they don't need a 5 story building next to theirs. She said her understanding is that when the Village Center was built, the law was that nothing could be higher than the Water Tower and she thinks that would be a good standard to keep. She said 5 stories does not need to be next their building.

Diana Casteneda Torres, 41 Longcommon Rd, said she currently has access over the properties at 28 and 30 E Burlington St to get back and forth to her garage and that will be sealed off with this plan. She said she lived in Riverside when she was younger and recently moved back. The new 5 story building takes away from the reason she moved back to Riverside. This is a small village, it's beautiful, and very picturesque with beautiful architecture. She said does not keep to the same standards and she objects to it.

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Amy Lester, 45 Longcommon Rd, said she wanted to second what Ms. Casteneda Torres said. She said it took a long time for that house to sell at a time when people were snatching up houses. They bought the house with the intention of building it back up to the standards of where Riverside used to be. She said she feels they are investing and making the neighborhood better. All of the use permits that they want are small things that keep adding up to show that they're trying to get as much money out of the unit as they can – a 750 square foot apartment, making the parking lot as small as they can, running the fence directly up to the property line.

Ms. Lester said underground parking could keep the building at 4 stories. She said a lot of people have put a lot of money and effort into making things better. She asked if you start out nickel and diming something, then how good is the management company going to be over time to upkeep the units. She asked if over time there will be the same issues they've had at some of the other rental properties.

Ms. Lester said she understands that more people need to live in Riverside and to pay taxes, but they should be following the zoning that was set up with four stories. She thinks five stories is too much. She said she's not opposed to the project overall, but they're trying to jam too much onto the site. She asked if people were really going to be able to drive around the back corner of the building into the spaces under the building. She said she and Ms. Casteneda Torres share a driveway and they have trouble staying on the shared driveway. She said it looks like it can be done on paper, but it would actually be quite difficult to drive around the site.

Julie Rizzi, 63 Longcommon Rd, said she is opposed to the development. She said it will not be right for the town. She said she's lived in Riverside for 43 years and she likes it the way it is right now. She asked if the building will be mixed income or low income housing. Mr. Madeja stated that it is meant to be a luxury market rate apartment building. She reiterated that she is opposed to it in general.

Sally Warshawsky, 10 East Burlington Unit 2G, said she doesn't see how the small units could qualify as a luxury apartment building. She said 750 square feet is miniscule, that size is not a luxury square footage unit, and there are a lot of them. She asked how many 1 bedroom units the building would have, and Mr. Madeja responded that there would be 6 1-bedroom units but only 3 or 4 would be 750 square feet.

Ms. Warshawsky said this does not qualify as a luxury apartment because the building wouldn't have a basement, it has street-level parking, and the size of the units. She said zoning laws are made for the entire population of Riverside, and to change the zoning laws for this building is totally inappropriate. She said elected officials should do what the general population of the Village wants and needs. She said to approve the application when it is obviously of no benefit to anybody but the developer is ridiculous.

Chairperson Henaghan asked if the petitioner wanted to respond to any of the comments. Mr. Madeja said he did not.

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Chairperson Henaghan asked for a motion to close the public hearing. Commissioner Marhoul made a motion to close the public hearing. Commissioner Pelletier seconded the motion.

AYES: Commissioners Pelletier, Marhoul, Miller, and Brom, and Chairperson Henaghan.

NAYS: None

Motion passed.

2. DISCUSSION, MOTION, AND RECOMMENDATION by the Planning and Zoning Commission to the Village Board regarding the request for variations set forth in 6.A.1 above.

Commissioner Miller asked Mr. Madeja to further explain the ingress and egress for the parking on the first floor of the building. Mr. Madeja stated vehicles would access the parking area through an overhead door. There will be two additional two doors to access the 4 parking spaces at the back of the building.

Commissioner Miller asked how tall the building would be if it stopped at the fourth story. Mr. Madeja said the top of the roof would be approximately 55 feet tall. Planner Cyran noted the Zoning Code would limit 4 story tall building to 48 feet in height.

Commissioner Miller asked whether the windows were flush with the building. Planner Cyran stated they are recessed. Commissioner Miller asked if the windows are considered fixed picture windows, and Planner Cyran confirmed they are fixed picture windows. Commissioner Miller noted the staff memo states the windows need to be wood clad and she asked if staff discussed that with the applicant. Planner Cyran said she shared those comments with the applicant and that staff would check the building permit to ensure that design standard is met.

Commissioner Miller noted that only three exterior building materials are approved – brick, natural or cast stone, or stucco – unless the Commission approves a different material like the fibrous cement. Planner Cyran confirmed the Village Board would need to approve the fibrous cement and stated the Commission can make a recommendation to the Board regarding that material.

Commissioner Miller asked what other villages in the area require in terms of a minimum dwelling unit size. Planner Cyran said she did not know. Commissioner Miller said she wasn't on the Commission when that requirement was added to the code, so she's not sure how modern that requirement is.

Chairperson Henaghan asked if there was a motion on the rezoning application. Commissioner Marhoul made a motion to recommend the rezoning. Commissioner Brom asked whether the Commission's recommendation on the rezoning has any bearing on the application for the special use. Village Attorney Pickrell confirmed the recommendation does not have any bearing on the special use request because they are separate applications. Commissioner Miller seconded the motion.

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Chairperson Henaghan reviewed the standards for a zoning map amendment, as referenced in the attached Findings of Fact:

- (a) The existing use and zoning of nearby property.
The Commissioners agreed this standard was met.
- (b) The extent to which property values of the subject property are diminished by the existing zoning.
Commissioner Marhoul stated the request was based on the use of the property.
- (c) The extent to which the proposed amendment promotes the public health, safety, comfort, convenience and general welfare of the Village.
Commissioner Miller stated this application was neutral.
- (d) The relative gain to the public, as compared to the hardship imposed upon the applicant.
Commissioner Marhoul stated there is essentially no real change because the property was previously a parking lot and a garage that was serving the adjacent commercial properties along Burlington.
- (e) The suitability of the property for the purposes for which it is presently zoned, i.e., the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.
Commissioner Miller stated the property does not appear to be suitable zoned given its location and size. Commissioner Pelletier also noted its lack of access.
- (f) The length of time the property in question has been vacant, as presently zoned, considered in the context of development in the area where the property is located.
Commissioner Marhoul stated the property's previous use was not residential.
- (g) The evidence, or lack of evidence, of community need for the use proposed by the applicant.
Commissioner Marhoul said that was up for debate. Chairperson Henaghan noted if the property is developed as a residential use, it will need parking.
- (h) The consistency of the proposed amendment with Village plans.
Commissioner Miller stated it is consistent given the surrounding properties.
- (i) That the proposed amendment will benefit the residents of the Village as a whole, and not just the applicant, property owner(s), neighbors of any property under consideration, or other special interest groups, and the extent to which the proposed use would be in the public interest and would not serve solely the interest of the applicant.
Chairperson Henaghan stated this is related to being compatible with the Village plans for the downtown area. Commissioner Miller stated it is consistent. There is no change for

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this particular parcel; it is a parking garage now and it's going to continue to be used for parking but as a paved area.

- (j) The extent to which the proposed amendment creates nonconformities.

Chairperson Henaghan stated there will be no nonconformities in this situation.

- (k) The trend of development, if any, in the general area of the property in question.

Chairperson Henaghan stated there isn't much of a development trend. Commissioner Marhoul stated there is no development trend, and the change in the zoning remains consistent with the previous use of the property.

- (l) Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to the development of the uses, which would be permitted on the subject property if the amendment were adopted.

Commissioner Marhoul stated that is not applicable. Chairperson Henaghan agreed.

Chairperson Henaghan asked if there was any additional discussion.

Commissioner Marhoul stated the previous use of the property was a garage and parking lot. The purpose of the proposed zoning change is to continue to use it as a parking, and should the PUD be approved, the rezoning will create a continuous set of properties with no split zoning.

The Commissioners voted on the motion to recommend approval of the application.

AYES: Commissioners Pelletier, Marhoul, Miller, Brom and Chairperson Henaghan.

NAYS: None.

Motion passed.

B. PZ23-0008, PUD for 28 E Burlington St

1. PUBLIC HEARING to consider an application from Lion Development II LLC for a Special Use Permit for a planned unit development for a mixed-use building (Burlington Street Apartments) with 22 apartments, 2 of which would be live/work units, in the B2-RC Subdistrict. The requested relief from the standards in the Village's Zoning Ordinance include the maximum building height, minimum lot area per multi-family dwelling, minimum dwelling unit sizes, minimum width of the parking spaces and aisles, required landscaping, and such other and additional relief that may be required for the proposed planned unit development that is presented in the above application.

Commissioner Marhoul made a motion to open the public hearing. Commissioner Miller seconded the motion.

AYES: Commissioners Pelletier, Marhoul, Miller, and Brom, and Chairperson Henaghan.

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NAYS: None

Motion passed.

Chairperson Henaghan stated the notice of public hearing was published in the Landmark on September 6, 2023 and will be marked as an exhibit. The remaining application materials will be marked as a second exhibit.

Commissioner Marhoul made a motion to accept the exhibits. Commissioner Miller seconded the motion.

AYES: Commissioners Pelletier, Marhoul, Miller, and Brom, and Chairperson Henaghan.

NAYS: None

Motion passed.

Chairperson Henaghan swore in the attendees who wanted to speak during the public hearing.

Planner Cyran stated this application is for a special use for the Planned Unit Development. She described the purpose of a special use, reviewed the proposed development, and listed the requested exemptions from the Zoning Code.

Village Attorney Pickrell reviewed the role of public benefits in the application. He stated that every Planned Unit Development is required to have a public benefit, which has two components – that Planned Unit Developments are not solely for the benefit of the applicant and that they confer some level of benefit to the public generally, which is usually in the form of economic development. This applicant states the development will draw people to the area, stimulate business, and generate tax revenue, which is a generalized public benefit.

Village Attorney Pickrell further stated the Village Code identifies a number of specific public benefits in the form of architectural designs and features that are requested to be on the property. The code includes a non-exhaustive list that includes enhanced landscaping, assistance for senior citizens, facilities that will enhance environmental protection, and things of that nature. It is for the Planning and Zoning Commission to recommend and for the Village Board to decide if the design is such that it would benefit the public. The applicant has identified the specific benefits including enhanced landscaping, an elevator that would be helpful to the elderly and people with physical limitations, EV charging stations, and pervious pavers. The Village will determine if these provide a sufficient public benefit.

Mr. Madeja said he reviewed the project during the previous discussion and had nothing further to add, but would answer questions.

Commissioner Miller asked if the applicant did any calculations regarding having an excavated parking garage under the building and then having 4 floors of residential. Mr. Madeja said the size of the site is prohibitive to underground parking which requires certain ramp requirements. To descend 10 feet within 114 creates a steep slope and uses a lot of the

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building footprint. It's not efficient to go underground in a small site like this. Commissioner Miller asked if they had any plans, and Mr. Madeja responded they hadn't done a study, but they had discussed it and determined it would be prohibitive.

Commissioner Miller asked if they were familiar with the adjacent building that has underground parking and the size of the underground parking. Mr. Madeja said he was not familiar with the building and its layout.

Commissioner Pelletier asked Planner Cyran what the height of the water tower is. Planner Cyran responded the water tower was 108 feet tall before the fire, but she doesn't know what the current height is. Commissioner Marhoul stated the new water tank probably added 20 to 30 feet to the height of the tower.

Commissioner Henaghan asked if any members of the public had questions.

Steven Rotunno, 10 East Burlington St Unit 4D, said there are 38 parking spaces under the building at 10 E Burlington. He said this property would have 19 spaces. He said it would be problematic for the Commission to approve the application without the applicant having done an analysis of what it would cost to build parking underground because it's not unfeasible to do underground parking at this site. The 10 E Burlington property is probably one-third longer in width from east to west than this site, so building underground parking with 19 parking spaces should not be a problem.

Mr. Rotunno said the applicant can ask for a variance if there's an issue with the length of the driveway because they're very good at asking for variances for a number of other things. He said if the applicant follows the code, they could build 22 units with underground parking at 4 stories. He said they wouldn't have to change the code, and they wouldn't have to worry about any other developer requesting the same thing and ruining the picture of the downtown and what it's supposed to be.

Mr. Rotunno said the other thing that he finds troubling is regarding the height of the water tower. He said the water tower has always been taller than any building proposed. He said that issue is a red herring. He said the issue is the regulations the town has approved after careful consideration over many years and the regulations say you can only have 55 or 54 feet. He said a 4 story building here would fit within that and you would have a spot for every unit. He said this is for the convenience of the developer and there's no benefit to the town or anyone in the town to allow a 5 story building. If the Commission approves the request, they would disregard what the Village spent years doing with the planning of what the regulations should be.

Mr. Rotunno said the second thing that is problematic is allowing rentals. He said there is no evidence that the town needs more rental units. He said there is nothing in the packet and there's nothing in the proposal today. He asked why the town needs a rental. He said the building should be made a condominium and to see where it goes. He said a 4 story building

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should be condominium ownership. He said that's what the town has been built on and there's no evidence that there is any need for rental. He said that is for the convenience of the developer solely. He said the Commission is missing what people at the meeting have said. He said most of the people in attendance are from 10 E Burlington and they're all opposed to this. He said he's not their spokesman but they should all get up and tell the Board exactly how they feel so when the formal Board looks at this they can see that there are a number of people who are upset with this.

Mike Gustafson, 10 East Burlington St Unit 2H, said the building was started in 2008 and Pat Leone inherited the building through receivership. A case could be made it went bankrupt in the receivership, so we can't compare the what the market was then to now. He said maybe they could afford underground parking, but he doesn't know. The way it was before at 10 E Burlington, they bought their unit from Lion Properties and it was a rental before that, plus a lot of other places. As far as size is concerned, whatever people want to buy or rent is up to them. He said he thinks long-term, going into this market, just to get something built, as long as they can find some common ground in terms of specifications, he thinks it would be a win-win for everyone as long as it's done right.

Chairperson Henaghan asked for a motion to close the public hearing. Commissioner Marhoul made a motion to close the public hearing. Commissioner Miller seconded the motion.

AYES: Commissioners Pelletier, Marhoul, Miller, and Brom, and Chairperson Henaghan.

NAYS: None

Motion passed.

2. DISCUSSION, MOTION, AND RECOMMENDATION by the Planning and Zoning Commission to the Village Board regarding the request for a special use as set forth in 6.B.1 above.

Commissioner Marhoul stated the first thing to note is the rules being discussed were recommended by the Commission and approved by the Village Board without reference to the development that's being considered. These rules were part of the transit-oriented development zoning changes that applied to some properties along Harlem as well as portions of Burlington. The changes were specifically to increase or enhance the use of property in the vicinity of mass-transit options, i.e. to get away from car-centered property use.

Commissioner Brom noted that there are also safeguards and a procedure with regard to whether certain properties fall into that category.

Chairperson Henaghan stated it's been requested that the Commission make two separate recommendations – one regarding the exceptions being requested, that being the building height, the minimum dwelling unit size, parking aisle widths, parking space widths, and perimeter lot landscaping. She asked if anyone had specific comments on those issues.

Commissioner Miller said if the Commission is being asked to recommend a planned unit

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development, it needs to have certain public benefits and she's not sure she has a sense of what those public benefits are. She said she would like a list of what they are so they can assess them and not have them just generally discussed.

Commissioner Brom asked the other Commissioners their opinion on how to analyze the application. She asked if their analysis is first to determine whether or not this project should be approved as a planned unit development and then look at the special use permits. She asked if the Commission needs to look at the approval standards for planned unit developments and go through these questions.

Village Attorney Pickrell stated a planned unit development is just a type of special use. He said there is greater flexibility allowed with what can be done because there is a specific development. He said the Commission has been given a series of standards, and the Commission is being asked to determine whether or not the application satisfies those standards including whether there is a sufficient public benefit.

If the Commissioners are unclear as to the level of public benefit or if they would like more specificity, the public hearing can be continued to request that information. Alternatively, if the Commissioners feel they have enough information, they can go through the standards for a special use and the standards for a planned unit development. The extent to which it satisfies those standards will govern whether the Commissioners are willing to grant the relief that is being requested – the variations to height, and various other relief from the zoning code.

Commissioner Brom asked if the something could be determined to be a planned unit development without approving all of the requested exemptions, and Village Attorney Pickrell confirmed that is correct.

Chairperson Henaghan reviewed the standards for planned unit developments:

- (a) Except as modified by and approved in the final plan, the proposed planned unit development complies with the regulations of the district in which it is to be located.

Chairperson Henaghan noted they would review the requested modifications as part of the special use standards.

- (b) The principal use(s) in the planned unit development is consistent with any land use policies, plans or studies approved or adopted by the Village, the character of the Village, and the Village's historic landmark designation.

Chairperson Henaghan stated the application is very consistent with the transit-oriented development ordinance changes. Commissioner Miller stated the issue of whether this would be a condominium or rental building may enter into this standard. She said she doesn't have enough information to know how to assess that difference in character, and she is not sure the Village's Code addresses that difference in character.

Chairperson Henaghan asked Planner Cyran if forms of ownership are addressed in the Zoning Ordinance. Planner Cyran stated it is not.

Commissioner Pelletier stated she didn't see how the difference between ownership or rental impacts the nature of the Village or of the historic landmark status. Commissioner Brom stated the packet included a reference to the status of the historic landmark designation and whether 5 story buildings on Burlington would effect it.

Planner Cyran stated that the State Historic Preservation Office advised that the Village's historic landmark status was not based on one site. Unlike a historic building or a different type of designation, the configuration of the Village is the primary driver behind the designation. One site will not affect the historic landmark designation. The Office said, theoretically, if the entire downtown area was redeveloped with 5-story buildings, that could speak to a change in the character of the Village, but that still isn't determinative of a change to the designation.

Commissioner Pelletier said the Commission could consider recommending that the application be reviewed by the Preservation Commission, even though it's not required to be reviewed by the Preservation Commission. Planner Cyran confirmed that is accurate.

Commissioner Marhoul said that, regarding rental versus ownership, the Village does have a number of rental units, primarily along Forest, Harlem, and Burlington. Whether or not this is a rental building or owner-occupied, is not going to be a significant change to the overall character of the Village.

Commissioner Brom asked, if the building were limited to 4 stories, would the Commission be discussing whether this is a planned unit development. Commissioner Marhoul said he believed they would because they are considering the four properties as a whole. They're looking at more than just the height, they're also looking at minimum dwelling size, parking aisle widths, parking space widths, perimeter landscaping, lighting, etc.

Planner Cyran noted that all of those could be handled through a variation. Commissioner Marhoul noted that, as a planned unit development, they would consider them as a group. The point of the planned unit development is to assess the project as a grand scheme rather than trying to pick apart individual elements. Commissioner Miller said, practically, the fact that it's five stories is what has driven it to be a PUD application.

Commissioner Miller said she is on the fence about ownership versus rentals. She said she heard there were issues about filling the Village Center building after it was built. She said the Commissioners aren't supposed to be developers, and this may be an issue for the Board to consider. She asked how the different types of ownership might affect the occupancy of the building. She said she assumes the developer knows the best way to fill

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those spaces.

Commissioner Marhoul stated they can assume developer is proposing a certain scheme because that will sell and bring him a profit. He said the Village is not made simply of owner-occupied units. There are a substantial number of rental units of varying sizes and quality. Commissioner Miller noted the Village recently created new regulations because the large rental buildings were not always being maintained properly. She said if this building has to comply with those standards, they may not have similar issues. Commissioner Marhoul noted that is an issue with landlords, not an issue of the people who are occupying the units. Commissioner Miller agreed.

Chairperson Henaghan noted the standards for Planned Unit Developments speak to the use of the property. The Zoning Ordinance doesn't consider ownership as a different type of use. The proposed use is a multi-family property, which is what the Commission needs to consider when deciding if the application meets the standard or not.

Attorney Pickrell stated the nature of the ownership this is an active and evolving area of law. If the Commission at some point considers adding a condition about that, he would ask the ability to double-check to make sure the Village is authorized to make that sort of condition.

Planner Cyran noted the staff memo regarding the rezoning application includes notes about the Village's Central Business District plan. Goal 1.9 in the plan is to, "Continue support of multi-family buildings." The last statement in that goal is, "The Village should continue its support of new residential construction in the form of mixed-use buildings or multi-family apartments and condominiums." The plan supports the construction of condominiums and apartments which suggests either style of ownership in the Central Business District.

Commissioner Miller asked if the live/work units that were recently approved as part of the TOD-related amendments require a special use. Planner Cyran stated the live/work units do not require a special use, but a solely residential use on the ground floor requires a special use.

Chairperson Henaghan stated, given the excerpt from the Central Business District plan, the second standard for the Planned Unit Development standards is met – that the principal use is consistent with the Village's land use policies, plans, and studies. She asked if there was any objection to moving on to the next standard. Commissioner Marhoul stated he had no objection.

- (c) The proposed planned unit development is in the public interest and is consistent with the purposes and objectives of this zoning ordinance and this chapter.

Commissioner Brom said she takes exception to the word "proposed." She said she has

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no objection to the fact that there's a development there, but she doesn't necessarily want to agree with all of the requests the developer has made.

Commissioner Miller said the Commission doesn't have enough in front of them; there aren't enough commitments. The applicant said the building could be LEED certified, it could be all-electric, etc. She said she's having trouble identifying the definitive, identifiable public benefits and environmental benefits that would come with this building because it seems like it's still a work in progress. Commissioner Miller said she doesn't think she could determine whether it is or is not in the public interest as a PUD.

Commissioner Marhoul asked if Commissioner Miller would like to see more information on the specific benefits and potentially the economic benefits – for example what property taxes are assessable on a rental building. Commissioner Miller said yes. She also said it's possible some of the things the applicant is considering may go by the wayside if it's determined the rental income is not going to be sufficient. She would also be interested in the serious consideration of putting in underground parking. She asked if that's really impractical or not. She said she can't make that determination other than taking what the applicant said in good faith.

Commissioner Miller said there are a paragraph or two in the proposal that says the owner is considering all-electric and the owner is considering a highly efficient sealed envelope, but there is no commitment to doing any of that. She said because the property is small, there will not be a public park established there or other obvious public benefits. She said she would like to know whether the benefits – both to the tenants in money savings for utilities and the general societal benefit of having high efficiency appliances and methods of construction and perhaps low-carbon materials – are going to be part of the project or not or if some condition is met. Commissioner Miller said if the building was not going to be 5 stories tall, she may have less concern about those issues.

Commissioner Marhoul said Commissioner Miller's points were good. He said a number of the features are inevitable. For example, incandescent lighting is not available anymore so the lights will be LED. He said he understood Commissioner Miller's point that a number of these items were still up for question.

Commissioner Miller asked if the high efficiency heating system would really be the best of if better heating systems could be installed. She said she knows the project is at a preliminary stage but it's possible there are some suggestions of things that could happen but in the end they won't happen and the Commission would have already approved a 5-story building, the only one in the Village.

Commissioner Pelletier asked if the Commission could make those items conditions of the approval. Commissioner Miller said she's not sure the Commission can. She said she would rather the developer state what they will do.

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Commissioner Marhoul said a number of the items are included by design, like the bicycle parking, the green roofs, separate trash and recycling, so some of those are construction details. Commissioner Miller mentioned that there are different efficiencies of windows based on different materials; her understanding is that aluminum cladding is the best, the most efficient, but the proposal was for vinyl windows, which makes her wonder about the commitment to high efficiency. Those kinds of issues could be addressed by someone, perhaps in the building department or a civil engineer.

Commissioner Marhoul asked if the Commission should prepare a list of additional questions that the developer would need to be able to present to the Commission to provide assurance or confidence to the Commission that the Village is getting the best possible public benefit rather than what might be a somewhat loose commitment to some of these concepts.

Chairperson Henaghan said that would be an excellent idea. She said she has been struggling with the public benefit requirement and if that has been met in this case. She said she would like to see more detailed information on specifically what public benefits in the developer's view are being provided. She said she asked for that the first time the Commission reviewed the project preliminarily a few months ago and she didn't see a lot done to address that. She said the Commission wants to see specifics – how will the project be a benefit not only to the residents of the building and the developer, but also to residents of Riverside in general and the neighborhood in general.

John Madeja said one of the items they listed is as a public benefit is enhanced landscaping. Right now the lot is empty, and the development would enhance the landscaping. He asked what the Commission would like to see beyond that so they understand the specifics the Commission is looking for.

Chairperson Henaghan said there is a list in the Zoning Ordinance of different types of public benefits; that would be a great starting point. They could go through and state which of those they are meeting and how they are being met. Village Attorney Pickrell stated the Section 10-13-5(B) is a non-exhaustive list but it lists the types of things that are considered public benefits. He suggested the applicant use that list to guide their thinking.

Commissioner Marhoul said an example of economic benefits would be a discussion about what the potential property taxes would be, including some analysis based on existing rental units versus square footage and the quality of the building materials. In terms of parking, the applicant said typically parking for multi-family units is 1.5 to 1.75 spaces per unit. Commissioner Marhoul asked how many children the units may add to the school district, because that is a cost to the Village.

Commissioner Miller said the list of public benefits in Section 10-13-5(B) includes very few things this property could satisfy. Again, there couldn't be a public park or a dog park

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or things like that. She said she focused on numbers 3 and 4, which are reducing the impervious surfaces and particularly the use of green building and sustainable development techniques. If the property right now is not creating a problem in terms of stormwater then there may not be any benefit to putting in more permeable surfaces like porous asphalt for the drive lanes.

Commissioner Miller said If the developer is considering using low-carbon materials or there will be energy efficient appliances, she would like to see something demonstrating that they will be using very efficient or the most efficient appliances. She would like to see an assessment of that. She said appliances may last for 10 years, but they're a long-term investment.

Commissioner Marhoul said that some elements of that have been answered. The Commission has seen an increase of permeable surface over what was originally proposed. Commissioner Miller agreed and said that has been sufficiently satisfied from what she can tell. She said she thinks the Village is interested in becoming more sensitive to greenhouse gas emissions and the quality of the building – the quality of the materials and the energy efficiency – for whoever lives there.

Chairperson Henaghan asked if there is anything else the Commission would like to see from the petitioner when they return.

Commissioner Brom said she would like to explore underground parking with more exact measurements showing whether or not that could be done and, if not, why it could not be done. Commissioner Pelletier said she would like to understand the need for the variation in the size of the unit and if it's possible to eliminate that. Commissioner Marhoul said he is aware of a 600 square foot living unit that was acceptable. Commissioner Pelletier said she didn't have any personal experience of living in a smaller unit and noted it would be a variation from the Village's requirements and she would like to understand if it's necessary.

Chairperson Henaghan asked for a motion. Commissioner Marhoul made a motion to continue after the Commission receives additional details from the petitioner. Commissioner Miller seconded the motion. Village Attorney Pickrell clarified that the public hearing needs to be continued to a specific date. Chairperson Henaghan asked if October 25 would be acceptable. Commissioner Marhoul asked Mr. Madeja if a month will be sufficient to get the Commission sufficient detail. Mr. Madeja said yes.

Planner Cyran notified Mr. Madeja that she would need the materials for the October 25 meeting by October 16. Mr. Madeja asked if they could push it to the following meeting. Planner Cyran asked if he was comfortable with the November 29 meeting, and he said yes. Commissioner Marhoul asked that his motion be amended so the public hearing is continued to the November 29 Planning and Zoning Commission meeting. Commissioner Miller agreed to the amendment.

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AYES: Commissioners Pelletier, Marhoul, Miller, and Brom, and Chairperson Henaghan.

NAYS: None

Motion passed.

VIII. Information:

Planner Cyran noted there will be a meeting in October and she asked the Commissioners to let her know if they will be able to attend.

IX. Adjournment: Motion to adjourn by Commissioner Marhoul, seconded by Commissioner Pelletier.

AYES: Commissioners Pelletier, Marhoul, Miller, Layng, and Brom, and Chairperson Henaghan.

NAYS: None

Motion passed.

Meeting adjourned at 9:21 p.m.



**FINDINGS OF FACT AND RECOMMENDATION OF THE
PLANNING AND ZONING COMMISSION TO
THE PRESIDENT AND BOARD OF TRUSTEES**

September 27, 2023

APPLICATION: Case No. PZ 23-0007 – Request to amend the Official Zoning Map of the Village to rezone parcel 15-36-109-079-0000 from the R1-A District to the B2-RC (Retail Core) Subdistrict.

PETITIONER: Village of Riverside

SUMMARY OF REQUEST AND RECOMMENDATION:

Lion Development II LLC (“the Petitioner”) has proposed to amend the Official Zoning Map of the Village to rezone parcel 15-36-109-079-0000 (“the Property”) from the R1-A District to the B2-RC (Retail Core) Subdistrict. The request is related to the Petitioner’s application for a Planned Unit Development for a multi-family mixed use building on the subject property and three other properties in the B2-RC Subdistrict. The Petitioner is requesting to rezone the subject property so that all four properties will be in the B2-RC Subdistrict.

Following a public hearing on September 27, 2023, the Planning and Zoning Commission (“PZC”) recommended **APPROVAL** of the requested zoning map amendment on a vote of 5-0.

PUBLIC HEARING:

A motion was made to open the Public Hearing by Commissioner Marhoul and seconded by Commissioner Pelletier. Approved 5-0. Commissioners present included Pelletier, Marhoul, Miller, and Brom, and Chairperson Henaghan. Village Attorney Pickrell was also present. The Petitioner was represented by John Madeja with Studio 222 Architects and Aaron Bruder with Cage Civil Engineering.

A motion was made to accept the public hearing notice and other application materials as exhibits into the record by Commissioner Marhoul and seconded by Commissioner Brom. Approved 5-0.

Chairperson Henaghan swore in the attendees who wanted to speak during the public hearing.

Planner Cyran summarized the information in the staff memo.

Commissioner Marhoul asked when the garage was built. Planner Cyran stated that she didn't know when it was built.

Mr. Madeja reviewed the proposed development as described in the application materials. He noted two changes since the Commission last reviewed the application: a loading zone was added to the back of the property; and the surface parking lot is now entirely covered with permeable pavers. He also noted they selected a lighter color of brick based on the Commission's previous feedback.

Mr. Madeja listed the sustainable initiatives in the project:

- The site will have four EV charging stations.
- The amount of stormwater runoff will be reduced by adding permeable pavers and the green roof.
- Native perennials and the green roof will reduce the heat island effect and the need for irrigation.
- The owner may make the building all-electric.
- The bicycle parking and live/work units will reduce dependence on cars.
- There will be separate trash and recycling chutes.

Mr. Madeja said, though they are not seeking LEED certification, the development will include elements required for LEED certification, such as low flow plumbing fixtures, proximity to public transit, recycled materials, low VOC materials, energy efficient appliances, and LED lighting.

Mr. Madeja reviewed the public benefits of the project, including:

- The development will provide additional tax revenue.
- Filling the need for high-quality rental stock in the area, especially in the Central Business District.
- The building will promote new growth.
- The development will include new public infrastructure – the sidewalk in front of the building, enhanced landscaping, and a seating area.
- The live/work units will reduce commute time and provide convenience for someone who wants to work home, which also reduces dependence on cars.
- The lots have been vacant, so the development would revitalize land that would have been underutilized.
- The new residents would potentially support local businesses.
- The development would include green, sustainable infrastructure.
- The development fits with the Central Business District long-term plan and the need for more multi-family residential.

Mr. Madeja also stated they are requesting that the live/work units be allowed to be residential or commercial units if they're not leasing as live/work spaces. He said the building design would be modified to include a knee wall and clear glass on the ground floor to meet the requirements for a ground-floor commercial use.

Chairperson Henaghan asked for questions from the Commission.

Commissioner Brom asked for clarification on the requests to use units for residential or commercial uses if the live/work units are not leasing. Mr. Madeja clarified that it would only apply to the two ground floor units.

Commissioner Miller asked for clarification on the issue of a utility easement raised in the letter by Mr. Thomas Barr included in the packet materials. Mr. Madeja said they designed the parking around the utility poles on Parcel 079. Aaron Bruder said they had not identified a utility easement, but there is existing utility infrastructure there that would stay in place. Mr. Bruder said if there are additional underground utilities, it would be the owner's responsibility to relocate them and ensure they're maintained for the users they are serving.

Commissioner Miller asked about an easement for the adjacent property. Mr. Madeja said there was a cross easement agreement between the Lynne Pastoral Center and the subject properties, but that has been vacated.

Commissioner Brom asked what research was done to determine there were no underground utilities on Parcel 079. Mr. Bruder said they had a topographic surveyors perform utility locates and nothing was identified underground.

Commissioner Marhoul asked why the width of the parking stalls in the surface lot were increased from 8.5 feet to 9 feet and noted most of the lot would be constructed of permeable pavers. Mr. Madeja said they had the room to make the spaces wider. Mr. Bruder noted that the permeable pavers were expanded to meet the stormwater management requirements of the Metropolitan Water Reclamation District of Greater Chicago. Since a bio swale couldn't be fit on the rear of the lots due to grading and size requirements, the permeable paving was expanded to provide the required stormwater infrastructure.

Commissioner Marhoul asked why the width of the parking spaces was increased when they could reduce the stormwater management load and increase the green space instead. Mr. Madeja said the impact of increasing the width of the spaces on the stormwater management is negligible. Mr. Bruder said 9-foot-wide stalls are more standard and will prevent drivers from accidentally hitting the doors of other vehicles.

Commissioner Miller asked if they considered using diagonal parking stalls in the surface lot. Mr. Bruder said diagonal parking would reduce the number of spaces in that lot by about half and would present a challenge for drivers maneuvering into and out of spaces.

Commissioner Miller noted the Village Code states that, for lots with less than 150 feet of street frontage, curb cuts should be limited. She asked if they considered having a drive aisle from Longcommon Rd to the site and eliminating the second curb cut on East Burlington Street. Mr.

Madeja said that would require cross-easement agreements, which would be difficult to secure from the multiple owners of the Village Center building.

Commissioner Pelletier asked if they're decreasing the amount of runoff from the site. Mr. Bruder said the stormwater runoff would be decreased by approximately 5 to 10 percent. She also asked if they considered relocating the overhead utilities that serve the neighbors to be underground. Mr. Bruder responded that they would consider it, but they would need to be mindful of the landscaping and permeable paving in that area.

Commissioner Miller asked if anyone on the project has experience with green roofs and can refer to successful installations. Mr. Madeja said they've done one building with the proposed green roof trays about 5 years ago. He said those living on the top floor will provide an incentive to maintain them due to their visibility to those tenants. Mr. Madeja noted the trays are pre-grown and don't require time to become established.

Commissioner Miller asked if the base below the permeable pavers will be the standard base. Mr. Bruder confirmed it will be the typical 3/4-inch stone at a 16-inch depth, capped with finer sand.

Commissioner Miller asked if the site is receiving stormwater from neighboring properties. Mr. Bruder stated some of the residences in the rear drain onto the subject properties, but everything else drains to East Burlington Street. She asked if that stormwater would continue to drain onto their site. He confirmed that's correct and clarified that – instead of a bio swale – the stormwater would drain over the native planting area and then and onto the permeable pavers.

Commissioner Miller asked if the 750 sf apartments were a change from their previous plans. Planner Cyran clarified the apartments were approximately the same size as before, but the size wasn't previously listed as one of the exceptions because the applicant hadn't finalized the floor plans.

Commissioner Brom asked if the fourth floor will have access to the terrace on the fifth floor. Mr. Madeja said the fourth floor would not have access to the terrace, but the single unit on the fifth floor was split into two units.

Commissioner Miller asked what the obligation of the owner to maintain the green roofs. Mr. Madeja said the management company would maintain them.

Chairperson Henaghan asked if anyone in the audience had any questions for the petitioner.

Steven Rotunno, 10 East Burlington St Unit 4D, asked how many units would be in the building, what the average square footage of each unit would be, and what the cost is per square foot for the units. Mr. Madeja provided the number of units and square footage of each, but said he doesn't know at this time. Mr. Rotunno said the building is described as being high-end and asked how anyone could make a determination if it's a high-end building if they don't know the cost

per unit. Mr. Rotunno requested the Planning Commission find out what the price per square foot is to make sure the building is, in fact, a high-end building.

Ann Mega, 10 East Burlington St Unit 3F, asked if it's correct that the Village Center building is 20 feet from the proposed development or if that distance is larger. Mr. Madeja said they're using the property boundary so what they're showing is accurate. Ms. Mega said she has a parking space behind the building. She asked if that would be affected by the development. Mr. Madeja said the project would not impact that area. She also asked if the stormwater would affect the Village Center's basement. Mr. Bruder responded that the site's runoff would be reduced.

Amy Lester, 45 Longcommon Rd, asked how far off of the property line the fence will be. Mr. Madeja said it will be on the property line. Ms. Lester asked if a setback is required by the code. Planner Cyran stated fences must be on the property line or at least 3 feet from the property line. Ms. Lester asked if it's a fact that the permeable pavers will absorb more stormwater than the soil does. Mr. Bruder confirmed they will hold more water than the site's current surface because they are designed with open spaces in the gravel beneath the pavers to hold water.

Teri Gustafson, 10 East Burlington St Unit 2H, said the tenants of the proposed 22 residential units could conceivably have 44 vehicles. If there are 25 parking spaces proposed for the site, she asked where the other vehicles would be parked. She also asked if the building has already been approved to be 5 stories tall. Mr. Madeja noted there are 19 indoor parking spaces and 15 outdoor parking spaces, so there will be more than 1 space per unit, though the code only requires 1 space because it is considered transit-oriented development. Planner Cyran stated additional parking is available in the Village parking lots. She clarified that the height of the building is part of the application for a special use, which is currently under consideration.

Ed Swiderski, 37 Longcommon Rd, said the parking lot is about 38 feet from his bedroom window. He asked what the requirement is for the number of parking spaces. Mr. Madeja said the requirement is 1 parking space per unit, but they based the number of parking spaces on similar projects, which typically have 1.5 to 1.75 spaces per unit. Mr. Swiderski said the subject property was subdivided from his property at some point in the past, which is why it doesn't have street access. Mr. Swiderski said there are utilities that run through the subject property, so the survey must have missed them. He also said the building is distracting in terms of Riverside's character. He said the Village doesn't need a five-story building and that the building is horrible-looking.

Mike Gustafson, 10 East Burlington St Unit 2H, said the development would be great, in terms of bringing more business to the town. The downtown needs a good shot of revenue. He asked about the Village's position on short-term rentals. Planner Cyran stated the Village code allows short-term rentals in the Business Districts but there are standards, including that the owner has to reside at the property. She said she would have to consult with the Village Attorney about the legal issues related to a rental being used as a short-term rental.

Mr. Madeja answered someone's question about the number of elevators in the building by confirming there will be 1 elevator.

Maureen McGowan, 10 East Burlington St Unit 2F, asked how many parking spaces there will be. Mr. Madeja said there will be 34 parking spaces. She asked how many 1, 2, 3, and 4 bedroom units there will be. Mr. Madeja said there will be 2 live/work units, 6 1-bedroom units, 6 2-bedroom units, 1 3-bedroom unit, and 1 4-bedroom unit. She asked where the 3 and 4 bedroom units will be located. Mr. Madeja said they will be on the top floors. She asked if the building was approved at 5 stories tall. Planner Cyran stated the request for the fifth story is part of the second application before the Commission. The Commission's recommendation will be forwarded to the Village Board for final approval, so the fifth story has not been approved. Ms. McGowan said she is opposed to the building being five stories tall.

Sally Warshawsky, 10 East Burlington Unit 2G, asked if the owner intends to use the outdoor parking for La Barra customers. Mr. Madeja said he can't speak for the owner, but he doesn't think so. She said vehicles currently park on the owner's side of the driveway, and asked where he intends for restaurant customers to park. Mr. Madeja said he can't answer that. Ms. Warshawsky asked if the parking spaces on Parcel 079 are designated for the tenants of the proposed building, and Mr. Madeja confirmed they are.

Ms. Warshawsky asked about the width of the driveway on the subject site, which isn't as wide as the driveway on the Lynne Pastoral Center site. Mr. Madeja said the drive aisles are narrower because they are designed for one-way traffic. The back drive aisle is wider where there will be two-way traffic. Ms. Warshawsky asked about the parking in the building and Mr. Madeja clarified that the parking is on the ground floor, not below ground. Ms. Warshawsky asked what kind of basement will be in the building, and Mr. Madeja said there will not be a basement.

Chairperson Henaghan asked if anyone in the audience wanted to make any comments on the proposals.

Steven Rotunno, 10 East Burlington St Unit 4D, said the reason the building is five stories is because the developer doesn't want to put in underground parking like he did at 10 East Burlington. He said 10 East Burlington is a 4-story building with 22 units and underground parking. Mr. Rotunno said the developer should be required to put in underground parking to prevent the building from being 5 stories.

Mr. Rotunno said if the building is allowed to be 5 stories, there is a slippery slope with respect to the Village Code and what everyone else is going to do. The buildings across the street are horrible-looking and they have businesses that aren't very profitable. It would be difficult to deny another developer a 5-story building when they take down the buildings across the street. Mr. Rotunno said he objects to a Board allowing this change in the Village Code to be accomplished.

Mr. Rotunno said the Village was built on homes and that rental units were not part of the Olmsted plan or the fiber of the Village. He said the Village is built on families and ownership. The Village doesn't need any more apartment buildings, but what the Village may need is upscale condo units, just like they have at 10 East Burlington, and that may not be objectionable to some

people. Mr. Rotunno said many of the families at 10 East Burlington like himself are long-time residents of the Village. He lived in the Village for 34 years with his family and then he downsized to a unit at 10 East Burlington to stay in the Village. To allow rental properties would change the whole face of East Burlington. He said there are no other high-rise rental buildings on East Burlington.

Mr. Rotunno said that rental buildings cause problems. Two years ago the police caught a drug dealer in one of the rental buildings on Pine Avenue. He said the police asked the drug dealer why he rented in Riverside and that the drug dealer said it's a beautiful town and that he loved the town and the people. Mr. Rotunno said you can bring a bad element when you have rentals. He said he's not suggesting that all renters provide a bad element, he's suggesting that there's no need to allow rental on East Burlington next to a unit that's a condominium. He said ownership is the way the Village creates more tax revenue. He said that clearly having 22 condominium units versus rental units will bring more revenue in real estate taxes.

Mr. Rotunno said having a five-story building with rental units will depreciate the value of his unit and everyone else's unit in 10 East Burlington. He said when he bought into that unit, there was a major fight in the town about removing Henninger's and building condominiums. He said he has lived in North Riverside and Riverside for 70 years, and he knows what it is to change the makeup of an area of the town. He said it was difficult enough to get condominiums and those proved to be unsuccessful originally because the prices were too high and because of the economy. He said when the prices came down people bought the units and there are productive units providing a lot of real estate tax revenue for the Village and you have people who want to be part of the Village.

Mr. Rotunno said he implores the Commission to think about that when they are thinking about allowing a rental building that violates the code, has to have a special use, and is merely for the convenience of the developer because he doesn't want to spend the money to dig out underground parking. He said he vehemently objects to having a rental unit at 28 and 30 East Burlington.

Peggy Carey, 10 East Burlington St Unit 4B, said she agreed with Mr. Rotunno and the fact that they don't need a 5 story building next to theirs. She said her understanding is that when the Village Center was built, the law was that nothing could be higher than the Water Tower and she thinks that would be a good standard to keep. She said 5 stories does not need to be next their building.

Diana Casteneda Torres, 41 Longcommon Rd, said she currently has access over the properties at 28 and 30 E Burlington St to get back and forth to her garage and that will be sealed off with this plan. She said she lived in Riverside when she was younger and recently moved back. The new 5 story building takes away from the reason she moved back to Riverside. This is a small village, it's beautiful, and very picturesque with beautiful architecture. She said does not keep to the same standards and she objects to it.

Amy Lester, 45 Longcommon Rd, said she wanted to second what Ms. Casteneda Torres said. She said it took a long time for that house to sell at a time when people were snatching up houses. They bought the house with the intention of building it back up to the standards of where Riverside used to be. She said she feels they are investing and making the neighborhood better. All of the use permits that they want are small things that keep adding up to show that they're trying to get as much money out of the unit as they can – a 750 square foot apartment, making the parking lot as small as they can, running the fence directly up to the property line.

Ms. Lester said underground parking could keep the building at 4 stories. She said a lot of people have put a lot of money and effort into making things better. She asked if you start out nickel and diming something, then how good is the management company going to be over time to upkeep the units. She asked if over time there will be the same issues they've had at some of the other rental properties.

Ms. Lester said she understands that more people need to live in Riverside and to pay taxes, but they should be following the zoning that was set up with four stories. She thinks five stories is too much. She said she's not opposed to the project overall, but they're trying to jam too much onto the site. She asked if people were really going to be able to drive around the back corner of the building into the spaces under the building. She said she and Ms. Casteneda Torres share a driveway and they have trouble staying on the shared driveway. She said it looks like it can be done on paper, but it would actually be quite difficult to drive around the site.

Julie Rizzi, 63 Longcommon Rd, said she is opposed to the development. She said it will not be right for the town. She said she's lived in Riverside for 43 years and she likes it the way it is right now. She asked if the building will be mixed income or low income housing. Mr. Madeja stated that it is meant to be a luxury market rate apartment building. She reiterated that she is opposed to it in general.

Sally Warshawsky, 10 East Burlington Unit 2G, said she doesn't see how the small units could qualify as a luxury apartment building. She said 750 square feet is miniscule, that size is not a luxury square footage unit, and there are a lot of them. She asked how many 1 bedroom units the building would have, and Mr. Madeja responded that there would be 6 1-bedroom units but only 3 or 4 would be 750 square feet.

Ms. Warshawsky said this does not qualify as a luxury apartment because the building wouldn't have a basement, it has street-level parking, and the size of the units. She said zoning laws are made for the entire population of Riverside, and to change the zoning laws for this building is totally inappropriate. She said elected officials should do what the general population of the Village wants and needs. She said to approve the application when it is obviously of no benefit to anybody but the developer is ridiculous.

Chairperson Henaghan asked if the petitioner wanted to respond to any of the comments. Mr. Madeja said he did not.

Chairperson Henaghan asked for a motion to close the public hearing. A motion was made to close the Public Hearing by Commissioner Marhoul and seconded by Commissioner Pelletier. Approved 5-0.

COMMISSION DISCUSSION:

Commissioner Miller asked Mr. Madeja to further explain the ingress and egress for the parking on the first floor of the building. Mr. Madeja stated vehicles would access the parking area through an overhead door. There will be two additional two doors to access the 4 parking spaces at the back of the building.

Commissioner Miller asked how tall the building would be if it stopped at the fourth story. Mr. Madeja said the top of the roof would be approximately 55 feet tall. Planner Cyran noted the Zoning Code would limit 4 story tall building to 48 feet in height.

Commissioner Miller asked whether the windows were flush with the building. Planner Cyran stated they are recessed. Commissioner Miller asked if the windows are considered fixed picture windows, and Planner Cyran confirmed they are fixed picture windows. Commissioner Miller noted the staff memo states the windows need to be wood clad and she asked if staff discussed that with the applicant. Planner Cyran said she shared those comments with the applicant and that staff would check the building permit to ensure that design standard is met.

Commissioner Miller noted that only three exterior building materials are approved – brick, natural or cast stone, or stucco – unless the Commission approves a different material like the fibrous cement. Planner Cyran confirmed the Village Board would need to approve the fibrous cement and stated the Commission can make a recommendation to the Board regarding that material.

Commissioner Miller asked what other villages in the area require in terms of a minimum dwelling unit size. Planner Cyran said she did not know. Commissioner Miller said she wasn't on the Commission when that requirement was added to the code, so she's not sure how modern that requirement is.

MOTION AND FINDINGS:

Chairperson Henaghan asked if there was a motion on the rezoning application.

Commissioner Marhoul made a motion to recommend the rezoning. Commissioner Brom asked whether the Commission's recommendation on the rezoning has any bearing on the application for the special use. Village Attorney Pickrell confirmed the recommendation does not have any bearing on the special use request because they are separate applications. Commissioner Miller seconded the motion.

In recommending approval of the application, the PZC made the following findings of fact regarding each standard:

(a) The existing use and zoning of nearby property.

The Commissioners agreed this standard was met.

(b) The extent to which property values of the subject property are diminished by the existing zoning.

Commissioner Marhoul stated the request was based on the use of the property.

(c) The extent to which the proposed amendment promotes the public health, safety, comfort, convenience and general welfare of the Village.

Commissioner Miller stated this application was neutral.

(d) The relative gain to the public, as compared to the hardship imposed upon the applicant.

Commissioner Marhoul stated there is essentially no real change because the property was previously a parking lot and a garage that was serving the adjacent commercial properties along Burlington.

(e) The suitability of the property for the purposes for which it is presently zoned, i.e., the feasibility of developing the property in question for one or more of the uses permitted under the existing zoning classification.

Commissioner Miller stated the property does not appear to be suitable zoned given its location and size. Commissioner Pelletier also noted its lack of access.

(f) The length of time the property in question has been vacant, as presently zoned, considered in the context of development in the area where the property is located.

Commissioner Marhoul stated the property's previous use was not residential.

(g) The evidence, or lack of evidence, of community need for the use proposed by the applicant.

Commissioner Marhoul said that was up for debate. Chairperson Henaghan noted if the property is developed as a residential use, it will need parking.

(h) The consistency of the proposed amendment with Village plans.

Commissioner Miller stated it is consistent given the surrounding properties.

(i) That the proposed amendment will benefit the residents of the Village as a whole, and not just the applicant, property owner(s), neighbors of any property under consideration, or other special interest groups, and the extent to which the proposed use would be in the public interest and would not serve solely the interest of the applicant.

Chairperson Henaghan stated this is related to being compatible with the Village plans for the downtown area. Commissioner Miller stated it is consistent. There is no change for this particular parcel; it is a parking garage now and it's going to continue to be used for parking but as a paved area.

(j) The extent to which the proposed amendment creates nonconformities.

Chairperson Henaghan stated there will be no nonconformities in this situation.

(k) The trend of development, if any, in the general area of the property in question.

Chairperson Henaghan stated there isn't much of a development trend. Commissioner Marhoul stated there is no development trend, and the change in the zoning remains consistent with the previous use of the property.

(l) Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to the development of the uses, which would be permitted on the subject property if the amendment were adopted.

Commissioner Marhoul stated that is not applicable. Chairperson Henaghan agreed.

Chairperson Henaghan asked if there was any additional discussion.

Commissioner Marhoul stated the previous use of the property was a garage and parking lot. The purpose of the proposed zoning change is to continue to use it as parking, and should the proposed PUD be approved, the rezoning will create a continuous set of properties with no split zoning.

The Commissioners voted on the motion to recommend approval of the rezoning.

AYES: Commissioners Pelletier, Marhoul, Miller, Brom and Chairperson Henaghan.

NAYS: None.

Motion passed 5-0.

RECOMMENDATION:

Based upon the foregoing Findings, the PZC recommends by a vote of 5-0, **APPROVAL** of the request to amend the Official Zoning Map of the Village to rezone parcel 15-36-109-079-0000 from the R1-A District to the B2-RC (Retail Core) Subdistrict.

Signed:



Jennifer Henaghan, Chairperson
Planning and Zoning Commission
Village of Riverside